

**Post-1950 Policy Analysis**  
**Flint Water Advisory Task Force Final Report**

**Introduction**

On December 14, 2015, Mayor Karen Weaver declared the city of Flint, MI in a State of Emergency. An environmental and public health disaster that was traced to the city switching its water source to the Flint River in 2014, a manmade disaster. Flint, once a bustling satellite of the Motor City, Detroit, and home to Buick began a steady decline as manufacturing jobs were moved overseas, when the American auto industry was rivaled by foreign competitors, and many jobs became automated. Close to a century after the first city plan of Flint was released as covered in the previous assignment, the city went from a growing metropolis to a declining



*Source: CNN*

city facing disaster. After the city of Flint declared itself in a State of Emergency, Genesee County followed suit, as did the State of Michigan. On January 17, 2016, President Obama followed declaring Flint in a state of emergency allowing for federal

aid and FEMA to intervene.

Since the Flint Water Crisis, there has been a flood of articles, papers, journal entries etc. on the issue. The crisis in Flint was a topic of debate during the presidential election season as well. Unfortunately, to this date there is still lead in the Flint water despite efforts to fix the problem. The governor of Michigan, Rick Snyder appointed a Flint Water Advisory Task Force in

order to report<sup>1</sup> on the situation. This paper will analyze the report's findings and recommendations.

### Description

"The Flint water crisis is a story of government failure, intransigence, unpreparedness, delay, inaction, and environmental injustice."<sup>2</sup> This was the introduction to a 116-page report out by the Flint Water Advisory Task Force *The Atlantic* called "scathing"<sup>3</sup>. From the onset of the report, the authors make it very clear that the disaster the city of Flint faces is a failure of government on the state level. It goes on to name the main culprits; The Michigan Department of Environmental Quality (MDEQ) and The Michigan Department of Health and Human Services (MDHHS) for negligence more or less, the Environmental Protection Agency (EPA) for delaying the enforcement of several key laws such as the Safe Drinking Water Act and Lead and Copper rule. Finally, the Task Force directed the blame at the governor's office for slow action and the state appointed emergency managers being at the root of the cause. "While one must acknowledge that emergency management is a mechanism to address severe financial distress, it is important to emphasize that the role of the emergency manager in Flint places accountability for what happened with state government."<sup>4</sup>

The introduction ends with an ode to the people of Flint. The authors state; in a case where it seemed that everything went wrong, it was the diligence of the citizens of Flint that began the process to right all the wrongs. It applauds those that were inside and outside of

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<sup>1</sup> Davis, Matthew, Chris Kolb, Lawrence Reynolds, Eric Rothstein, and Ken Sikkema. *Flint Water Advisory Task Force - Final Report. Report*. Office of Governor Rick Snyder, State of Michigan. 2016.

<sup>2</sup> Ibid, 1

<sup>3</sup> Graham, David. "Who is to Blame for Flint's Lead Crisis?" *The Atlantic*. March 24, 2016. Accessed November 27, 2016

<sup>4</sup> Davis et al. *Flint Water Advisory Task Force - Final Report*, 2.

various government agencies that applied the pressure to those in power. Those select individuals did not take no, for an answer when the public interest was ignored. Similarly, the Task Force applauded the free press that put a spotlight on the situation from the beginning. In all, the Task force's proposed reforms and policies coalesce into 44 recommendations<sup>5</sup> that stretched across 10 different local, state, and federal institutions and agencies. I will focus on five recommendations in particular.

**Michigan Department of Health and Human Services (MDHHS):** Ensure that MDHHS is transparent and timely in reporting and analysis of aggregate data regarding children's blood lead levels. MDHHS data regarding lead levels shall be provided to individuals and organizations, based on their expertise, upon request and in cases when the interpretation of data by MDHHS is questioned.

The MDHHS recommendation stated above follows one finding by the taskforce that the department was slow to analyze the data they did have on children's blood lead levels. Furthermore, there was reluctance to share the data they did have with Dr. Mona Hanna-Attisha<sup>6</sup>, a pediatrician who was investigating the amount of cases of lead poisoning her patients had. Likewise, MDHHS did not cooperate with Professor Marc Edwards<sup>7</sup>, who was helping residents test the city's water. Based on the Task Force's introduction as well as the remainder of the executive summary, they found failure of state government at all departments and this recommendation reflects that. The MDHHS was found to be non-transparent and even defensive in its handling of the water crisis.

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<sup>5</sup> Davis et al. *Flint Water Advisory Task Force - Final Report*, 10-14.

<sup>6</sup> "Flint Doctor Mona Hanna-Attisha on How She Fought Gov't Denials to Expose Poisoning of City's Kids." Democracy Now! January 15, 2016. Accessed November 27, 2016.

<sup>7</sup> Hohn, Donovan. "Flint's Water Crisis and the 'Troublemaker' Scientist." The New York Times. August 21, 2016. Accessed November 27, 2016.

**State-Appointed Emergency Managers:** Review Michigan's Emergency Manager Law (PA 436) and its implementation, and identify measures to compensate for the loss of the checks and balances that are provided by representative government<sup>8</sup>.

On December 26<sup>th</sup> 2012 Michigan Governor Rick Snyder approved senate Bill No. 865<sup>9</sup> which was introduced by state senator Phil Pavlov. This bill was later named the Local Financial Stability and Choice Act, Act 436 of 2012. This bill in its essence installs emergency managers, EMs, in cities, municipalities, and school districts deemed in a financial crises by the state, in lieu of the elected governance, granting the EM full executive power. The topic of emergency management has been one of great tension before and after the Flint Water Crisis. Act 436, though passed in 2012 comes from a long line of similar acts dating back to 1990. This EM law passed in the Michigan state house just months after a grassroots campaign of organizers and unions rallied to strike down a version with a ballot initiative<sup>10</sup>. The Task Force found in that the state's EM law could improve to ensure protection of public health and safety not be lost in the name of financial urgency.

**United States Environmental Protection Agency:** Exercise more vigor, and act more promptly, in addressing compliance violations that endanger public health<sup>11</sup>.

In another case of an agency waiting too long to take action, the US Environmental Protection Agency (EPA) was also responsible in the Flint Water Crisis. As early as June 2015, EPA officials were relaying concerns for the drinking water in Flint but upper management was hesitant to take action.

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<sup>8</sup> Davis et al. *Flint Water Advisory Task Force - Final Report*, 10-14

<sup>9</sup> Senate Bill No. 865, Sess. of 2012 (Mic. 2012).

<sup>10</sup> Woods, Ashley. "Michigan Proposal 1 Results: State Emergency Manager Law Fails." The Huffington Post. November 07, 2012. Accessed November 28, 2016.

<sup>11</sup> Davis et al. *Flint Water Advisory Task Force - Final Report*, 10-14

**Environmental Injustice:** Issue an Executive Order mandating guidance and training on Environmental Justice across all state agencies in Michigan, highlighting the Flint water crisis as an example of environmental injustice. The state should reinvigorate and update implementation of an Environmental Justice Plan for the State of Michigan<sup>12</sup>.

Since the environmental disaster occurred, many journalists, academics, and citizens alike have equated this to an issue of environmental racism<sup>13</sup>. The city of Flint is a majority minority city with 57% of the population reported to be African American according to the 2010 census<sup>14</sup>. While there is nothing that points directly to environmental racism, there is a lack of environmental justice laws to protect citizens as noted by the Task Force. They urge the governor to make an executive order to be proactive in the face of environmental injustices and not be reactive in the event of another crisis arising.

**State-wide:** Use the occasion of the Flint water crisis to prompt local and state re-investment in critical water infrastructure, while providing mechanisms to advance affordability and universal access to water services<sup>15</sup>.



Source: CBC News

According to the Detroit news: Elevated blood-lead levels are seen in a higher percentage of children in parts of Grand Rapids, Jackson, Detroit, Saginaw, Muskegon, Holland and several

<sup>12</sup> Davis et al. *Flint Water Advisory Task Force - Final Report*, 10-14

<sup>13</sup> Eligon, John. "A Question of Environmental Racism in Flint." *The New York Times*. January 21, 2016. Accessed November 28, 2016.

<sup>14</sup> U.S. Census Bureau, "Quick Facts. Flint city, Michigan" People. Accessed November 28, 2016.

<sup>15</sup> Davis et al. *Flint Water Advisory Task Force - Final Report*, 10-14

other cities<sup>16</sup>, this plays right into the Task Force's recommendation to update all of Michigan's water infrastructure. It was not only that the city of Flint switched to a corrosive water source, but the pipes were filled with lead and city employees were not properly equipped or trained to deal with the conversion of water sources. All these factor into the inadequate water infrastructure that the Task Force described in its report.

There were other recommendations to agencies and institutions such as: the Michigan Department of Environmental Quality (MDEQ), Michigan's Governor's office, the City of Flint, Genesee County Health Department (GCHD), Flint's Recovery and Remediation. However, these five recommendations detailed above best speak to how the state and federal governments failed the city of Flint according the Task Force's report. The Task Force did a good job of putting the state and federal governments' front and center of who is to blame for this

environmental disaster. The authors showed a real investigative due diligence for the report as they interviewed 63 people from the governor, to doctors, to the ACLU, to citizens of Flint. This report's findings as well as the recommendations

are thorough and easy to read, they

address past issues, problems that can be solved in the short-term as well as those that would



*Canadian Rights Group Donates Water to Detroit Residents.  
Source: USA Today*

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<sup>16</sup> Wilkinson, Mike, Bridge Magazine. "Kids' lead levels high in many Michigan cities." The Detroit News. January 28, 2016. Accessed November 28, 2016.

be long-term solutions. Notably, they concluded in one finding that ultimate accountability for Michigan executive branch decisions rests with the Governor.

## **Relate**

The Task Force's report is one that reflects a water crisis that has affected poor people and people of color across the state in recent years. This environmental disaster is one that has gained international attention, however the issues of water and environmental justice are issues that are happening all of the country and the world. Crises such as Flint are particularly noticeable when it occurs in a developed country such as the United States. It is in the opinion of the writer that with such a big spotlight on Flint, it was imperative for the Taskforce to release a report that did not acquiesced to state and government officials but rather one that was critical and thorough.

This report was released in March; two months after the crisis had reached international coverage to put things into perspective. For this reason alone, it was nearly impossible for the Task Force to enter this report with a strictly neutral perspective as even presidential candidates were calling for justice in the state of Michigan for Flint. In similar events, months later the EPA's inspector general would agree<sup>17</sup> with the concerns the Task Force expressed with the EPA's lack of urgency in the Flint Water Crisis.

As mentioned before this is not the first case of note worth water issues in the state of Michigan. In the city of Detroit many citizens that could not pay their water bills were getting it shut off and living in homes without any water. Canadian activists in a symbolic gesture of

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<sup>17</sup> Bosman, Julie. "E.P.A. Waited Too Long to Warn of Flint Water Danger, Report Says." The New York Times. October 20, 2016. Accessed November 28, 2016.

humanity crossed the US border to deliver over 250 gallons of water to residents in the city of Detroit who had their water shut off<sup>18</sup>. They argued that water is a human right that shutting it off was inhumane. This event occurred the same year Flint was switching its water source and it is possible this influenced the Task Force's recommendations.

In regards to what the Task Force described as "environmental injustice" there are plenty of efforts being carried out around the country with state, federal, and local governments passing legislation and/or executive orders. The commonwealth of Massachusetts recently passed an executive order to protect people from environmental injustices. The executive order passed by Deval Patrick in 2014 states: Environmental justice means that all people have a right to be protected from environmental pollution and to live in and enjoy a clean and healthy environment regardless of race, income, national origin or English language proficiency<sup>19</sup>. Executive orders such as this one very well could have influenced the Task Force to recommend the governor of Michigan to carry out his own environmental justice decree.



Source: *MLive.com*

One issue that seems to be lacking in the conversation of the Flint Water Crisis is the Flint river itself. While there are many calls for environmental justice, it is the writer's opinion that there should be space for environmentalism as well.

<sup>18</sup> Helms, Matt. "Canadians Deliver Water to Protest Detroit Shutoffs." USA Today. July 24, 2014. Accessed November 28, 2016.

<sup>19</sup> Patrick, Deval. 2014. Executive Order 552. Massachusetts: Office of the Governor.



The Flint River become so corrosive that it was able to eat through pipes. As recent as April, Flint police found an abandoned car with a dead body in the river<sup>20</sup>. Jenny Price's essay<sup>21</sup> best relates the issue. Without the Flint River the city would not have boomed in the early part of the 20<sup>th</sup> century much like Los Angeles was dependent on the LA River for its success.

Unfortunately, at the current moment the Flint River is in bad shape and needs attention. Some argue<sup>22</sup> that environmentalism is a "white cause" while environmental justice is a "minority cause" so to say. This may factor into the lack of an environmentalism effort in the majority minority city of Flint.

## **Reflect**

### *Long-term Consequences*

It must be reiterated how thorough the Flint Water Advisory Task Force was with its report out. When people look up the disaster that occurred in Flint this document can serve as a source that will give an accurate depiction. Even while considering that the document was released earlier this year, the events that followed its release would suggest that it was indeed influential. In the months following the release of the report, six state employees were charged with criminal offenses from the Michigan Department of Health and Human Services and Michigan Department of Environmental Quality. The employees were originally suspended without pay during the process but a few months later the state reversed their decision and resumed pay costing taxpayers up to \$500,000<sup>23</sup> as well as granted legal defense by the state's attorney general.

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<sup>20</sup> Emery, Amanda. "Police confirm body inside vehicle submerged in Flint River." MLive Media Group. April 1, 2016. Accessed November 28, 2016.

<sup>21</sup> Price, Jenny. "Remaking American Environmentalism: On the Banks of the L.A. River." *Environmental History*, November 12, 2007, 536-55.

<sup>22</sup> Mock, Brentin. "Are There Two Different Versions of Environmentalism, One 'white,' One 'black'?" *Mother Jones*. July 31, 2014. Accessed November 28, 2016

<sup>23</sup> Fonger, Ron. "State reinstates pay for employees charged with crimes in Flint water crisis." *MLive.com*. August 18, 2016. Accessed November 28, 2016.

The Task Force's report clearly puts the blame on the state, however it is the state of Michigan in fact that is showing a favor to bureaucracy over democracy. It is truly a failure of government when officials knew about this environmental and public health disaster, the worst in recent US history. These officials should be convicted but as of a couple of months ago the chances do not look good. Coupling this issue with a trend in police brutality cases, it appears to the writer that government officials and state employees are one-step above the law and rarely if ever face prison sentences.

### *Interrelatedness of Decisions*

One glaring issue the Task Force's report fails to address is the lack of drinking water the residents of Flint endured and continue to endure. It would make sense however that a task force brought together by the office of Governor Rick Snyder would not necessarily make any recommendations that would require direct action on his part. On the other hand, in May, Flint's city council was granted governing power after a unanimous vote by the state appointed Receivership Transition Advisory Board restoring all authority to Flint officials as opposed to state appointed emergency managers<sup>24</sup>.

### *Social Justice, Governance, and Participation*

The power structure entering the Flint Water Crisis was one that granted the state of Michigan sole authority. The state appointed emergency managers in Flint removed democratically elected officials from the governance of the city. It is quite Orwellian that a republican governor would increase state government control when the respective party is one that repeatedly preaches for small government. The state of Michigan failed the city of Flint. That is as simple as can be. Even when citizens voted at the ballot box to get rid of emergency managers, the state turned around and passed the same bill through the state house. In the end it was bad policy at the hands of Michigan austerity measures that led to this disaster in Flint. Furthermore, it is documented<sup>25</sup> that the state allowed General Motors to switch back from the Flint River water

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<sup>24</sup> Johnson, Jiquanda. "State Oversight Board Restores Power to Flint City Council despite Concerns." MLive.com. May 26, 2016. Accessed November 28, 2016.

<sup>25</sup> "What Did GM & the Governor Know? GM Stopped Using Flint Water Over a Year Before Emergency Declared." Democracy Now! February 17, 2016. Accessed November 27, 2016.

a whole year before an emergency was declared. A century old trend that relates back to the Pre-1950 assignment where it was clear government was on the side of the auto industry before it was for its own constituents.

While the story of Flint is one of tragedy, there is a positive aspect and it is the citizens of Flint. The citizens took matters into their own hands when the government failed them. While children and adults alike were falling victim to lead poisoning at the hands of state sponsored austerity measures, citizens fought for justice. This was with the help of organizations like the ACLU, doctors and professors, and select state and federal employees with righteous indignation to speak up against injustice. Most recently the fight for justice continues as the groups such as Concerned Pastors for Social Change, Flint Activist Melissa Mays, the ACLU, and the Natural Resources Defense Council (NRDC) filed a lawsuit against the state of Michigan to deliver clean water to households in the city of Flint that don't have access<sup>26</sup>. Unfortunately, even after the state was found responsible for the crisis, they are fighting against the suit<sup>27</sup>.

### *Lessons Learned*

Flint, Michigan is a wakeup call for various reasons whether it be environmental justice issues, environmentalism, human rights issues, the harmful effects of austerity, and more. There are citizens in the city of Flint that are still without reliable drinking water. People will be dealing with the lead poisoning for the rest of their lives and there are more public health issues that have risen in the midst of the crisis. Flint is an example of what happens when democracy is snatched and technocrats and bureaucrats take control. Flint is an example of big business and profits over people. Flint is an example of what happens to cities that are either poor or poor and majority minority. As planners, policy makers, and change agents it is important to see what went wrong and what went right with Flint. The question that must be asked is: How can one use their position to make positive change even if a particular department or agency moves

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<sup>26</sup> Egan, Paul. "Federal Judge Orders Delivery of Bottled Water in Flint." Detroit Free Press. November 10, 2016. Accessed November 28, 2016.

<sup>27</sup> Carmody, Steve. "State of Michigan Fighting Federal Court Order to Deliver Water to Flint Homes." Michigan Radio. November 17, 2016. Accessed November 28, 2016.

in a negative direction? Flint cannot be forgotten and the citizens of Flint deserve justice because water is life.

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