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October 21, 2015

Ms. Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, D.C. 20460

Administrator McCarthy:

As you know from our phone call last week, the Flint water crisis remains a critically important issue. It has become clear to me that unacceptable lead levels were a failure of government at every level. This includes both at the Michigan Department of Environmental Quality (MDEQ) and the U.S. Environmental Protection Agency (EPA). Despite evidence presented indicating the water quality was unsafe, repeated assurances were given by both the MDEQ and EPA that the water was safe to consume. Now we have learned that lead levels for months have been at dangerous levels that could potentially cause irreparable harm to Flint residents, particularly children, the elderly and those with weak immune systems.

In order to restore confidence, and to ensure that these failures never happen again, I believe that the EPA needs to conduct a thorough investigation into the causes of the water problems in Flint. The failure of government to provide safe drinking water to Flint is unacceptable, and there must be accountability.

Specifically, I am requesting assurances that, at a minimum, the EPA conduct a full review of its oversight of state programs, given delegated authority through the Safe Drinking Water Act and whether the MDEQ properly enforced the Lead and Copper Rule (LCR) and other safe drinking water programs. Additionally, an investigation that fully answers the following questions:

- Was the EPA aware that the MDEQ was using guidelines under the LCR that applied to cities with a population of less than 50,000 and not for the population of Flint, which is 99,000?
- Did the EPA notify MDEQ that the city of Flint should add a corrosion control treatment (CCT) to their drinking water following the switch to the Flint River?
- When did the EPA become aware that the city of Flint was using a lime softening agent as a CCT?

- What actions did the EPA take once they learned MDEQ was not requiring the city of Flint to use a proper CCT?
- Did EPA evaluate the testing guidelines that MDEQ was using in the city of Flint?
- When did the EPA first become aware of the potential elevated lead levels in Flint's water?
- After becoming aware of the potential elevated levels of lead, was the EPA required to notify anyone? If the EPA is not required to notify anyone, why not?
- Is there anything that prevents the EPA from notifying federally elected officials of potentially unsafe water in the city of Flint?
- Since switching to the Flint River, has EPA verified the city of Flint's compliance with the LCR themselves?
- Has EPA reviewed MDEQ's performance in regards to its delegated authority to enforce the LCR and other Safe Drinking Water Act regulations? If not, how come?

Unfortunately, the citizens of Flint are the victims in this situation. They deserve a thorough investigation and answers to these questions.

Due to the immediate need of the community, I am requesting a response by Tuesday, October 27, 2015. If you are unable or unwilling to conduct a thorough and independent review, I ask that you inform me by that date so I can move forward in seeking the answers my community deserves.

I look forward to hearing from you on this critical and important matter.

Sincerely,



Dan Kildee
MEMBER OF CONGRESS