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**From:** Peeler, Nancy (DCH)  
**Sent:** Friday, September 25, 2015 10:37 AM  
**To:** Scott, Robert L. (DCH)  
**Subject:** Re: question on email response regarding Flint blood lead data

I'm sitting in Zoe's quantum mechanics class, no clue what these differential equations are telling me, but I am stewing a bit about this situation. I want to say that you always do a great job, and are responsive to all data requests, and advocate to help researchers get whatever paperwork completed and turned in. That's why this feels so inappropriate to me - this isn't your fault, thus my earlier comment about apologizing less. And having said that, it probably wasn't a really helpful comment toward revising the response.

The email you received could be read as an intent to escalate and spin things, and I don't think you need to get caught up in that. A calm, fact-based response is very appropriate.

I think your first paragraph is good, but I would remove the last sentence, as I'm not sure what policies you are referencing beyond state and federal law -- and, I think the state and federal law carry enough weight that our departmental policies probably don't change much of anything about the process.

For paragraphs 2 and 3 I think I would just say state the facts, which is that both requests are in process in accordance with departmental policies - because they are. You really don't need to apologize for taking vacation, and I consider anybody's vacation time to be a normal part of doing business - none of us are expected to be at our desks every day, and there is no way to predict what might come up when we are planning to be away.

In your 4th paragraph, it looks like he is changing his data request? I appreciate your generosity in taking on responsibility to do his work for him (editing his paperwork) - your option, whether you want to do that, or request that he re-do it. I would outline the steps, clarify that you have confirmed the process which revealed the extra step, and let him know you'll watch for his response.

Finally, I might close with the piece about a small program, responsible for processing a high number of results every day or week (you sent me a number last week) in order to get them out to the professionals working directly with children and families, which IS the purpose and highest priority of our program.

I hope some of this is helpful and not too late - hope the rest of the day goes better. Thank you for all you do!

Sent from my iPad

On Sep 25, 2015, at 9:34 AM, Scott, Robert L. (DCH) <[ScottR9@michigan.gov](mailto:ScottR9@michigan.gov)> wrote:

Angela or Jennifer,

Please see Dr. Edwards email below, and my draft response to him. I'm not very happy with him right now, but tried to respond appropriately. Given the sensitive nature of the situation, I'm checking with you first. Nancy is on annual leave, but I've CC'd her here.

Is it OK to send this? Please feel free to make changes as appropriate. I'm also asking if it's OK now to share the attached PDF with Dr. Edwards and Dr. Hanna-Attisha.

Thanks,  
Bob

Marc,

As you well know, the data you and Dr. Hanna-

Attisha are requesting are derived from personal health data, which of course is confidential. There are state and federal laws governing what can be shared, and how, with researchers or the public. In addition, my Department has policies on how to determine what can be shared.

I worked with you earlier this month to get data to you relatively quickly, but did not manage to complete the process before I went on annual leave for several days. I neglected to inform you that I'd be away, and I apologize for not informing you. Unfortunately we are a very small program, and there's no one else here to process your request—or Dr. Hanna-Attisha's.

Since I returned on Wednesday, my time has been largely taken up with my Department's response to the current situation in Flint. I did manage to correspond to Dr. Hanna-Attisha, and provided her with the forms she'll need for her request. I hope to submit her request to our Legal office and to our IRB contact today.

Sorry I haven't responded to your email from Monday—as I mentioned above, I was away, and then have been juggling many tasks since I returned. I think you'll be able to get approval for data with zip code identified. I'll edit your data use agreement accordingly, and will adjust it to say "limited data set" instead of "de-identified." I'll re-submit your DUA to Legal today. You will need to submit an MDHHS IRB review application (attached) because this is considered research. You should also submit a "HIPAA Waiver Request" (attached). (I wasn't aware of that when we talked earlier this month.) I don't know whether you'll need to go through an IRB review with your institution.

I've also attached a PDF that includes the numbers behind the graphs you referred to, and I'm CC'ing Dr. Hanna-Attisha so that she has it as well.

Bob

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**From:** Marc Edwards [<mailto:edwardsm@vt.edu>]  
**Sent:** Thursday, September 24, 2015 8:14 PM  
**To:** Scott, Robert L. (DCH) <[ScottR9@michigan.gov](mailto:ScottR9@michigan.gov)>  
**Subject:** RE: Automatic reply: New DCH-1294, time-sensitive

Dear Robert,

I just spoke to this young researcher at Hurley, and apparently, she has been unable to get access to the state blood lead records.

I have to say, it is very disturbing that the state keeps issuing these blood lead reports and statements in their press releases, and refuses to share the data backing them up with outside researchers.

Even worse, state reps are running around claiming that these reports are proof that Flint water is safe to drink.

Can you tell me why it is so difficult to get this data, and why your agency is raising so many obstacles to sharing it with everyone who asks? I note that I have been asking to see your data since MDEQ first sent it to reporters back in August, and I count 10 e-mails that I sent responding to all your questions. As of yet, you have given me nothing in response. Yet you have been sending reporters one report after another. It seems your agency is more interested in public relations than sound science.

In the meantime, can I at least be given the numbers of EBL cases and number of tests each month, that are the basis for the latest graph your agency is sending to the press...or is that top secret as well?

Marc

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**From:** Scott, Robert L. (DCH) [<mailto:ScottR9@michigan.gov>]

**Sent:** Monday, September 21, 2015 1:21 PM

**To:** Marc Edwards

**Subject:** Automatic reply: New DCH-1294, time-sensitive

I'll be out of the office until Wednesday, Sept 23. I'll respond to your message when I return.

<Flint Testing and EBLs\_updated 092315\_with notes.pdf>

<HIPAA Waiver Request Template.doc>

<DCH-1277 IRB Initial Review Application.doc>