
From: Wurfel, Brad (DEQ)
Sent: Monday, October 19, 2015 9:46 AM
To: Erb, Robin
Subject: FOIA
Attachments: FOIA 6526-15 Executive Division.pdf; Flint DW FOIA 6526-15_LDO.PDF

So we are clear, this was the info I shared to some media Friday. Apologies I didn't send it to you. I started getting calls within 24 hours of the department responding to this FOIA request. In the interest of full transparency, I shared our full file to make sure inquiring media had the full set of documents.

If we have been slow responding to your request, apologies (and I'm the person you should call). As you might imagine, we're getting a growing line of folks submitting FOIAs on this issue for various interests.

You have been quite fair in your reporting, and I do appreciate it. Did not mean to loop out the Freep. I was at home enjoying my Sunday when the News called to signal they intended to report Sunday evening. I came into the office to make sure we were responsive to their inquiry. Know I'd do the same for you or John.

On that ... got a weird email from Wisely late Friday afternoon. It was a Vcard with my own name and email address on it. I shot him a note back and asked if he needed something ... no reply.

Here's the essential responses we shared with the News. The announcement was intended for early this week, but their story pushed us up by a bit.

What has become clear in recent weeks is that staff believed they were handling the situation in accordance with the proper protocol for a water provider using a new source, but the federal Lead and Copper rule has a particular provision for communities over 50,000 people; that the system operator must continue treating with full corrosion control even as they test the water.

What the staff did would have been the proper protocol for a community under 50,000 people. None of the DEQ staff in this division had ever worked on a water source switch for a community over 50,000 people – it's uncommon for our big communities to switch sources.

It's increasingly clear there was confusion here, but it also is increasingly clear that DEQ staff believed they were using the proper federal protocol and they were not.

The Governor will soon announce an independent, third party, after-action review to detail what happened and why, and offer steps to make sure Michigan's drinking water program is on a better course in the future.

There is substantial controversy over the lead and copper rule – the EPA has been working for years on ways to update and strengthen it, and Michigan will be an active part of that conversation going forward. The situation in Flint is a snapshot of an issue affecting cities around the state and the nation. More than a dozen states reportedly use the sampling protocol Michigan uses – that's not a defense of the protocol, but rather an indication that even experts on the issue disagree about the most effective testing methods.

What everyone can agree on is that lead is a serious issue. And I think everyone can agree that when the state came to recognize that there could be a health threat in the city, we took appropriate action.

We are now engaged in an unprecedented effort to protect kids and families in Flint, develop more knowledge about what has happened and how people were affected, and take steps to make sure it doesn't happen again – in Michigan, or anywhere else.

All who brought this issue forward deserve credit for bringing it to us. Our actions reflected inexperience, and our public response to criticism was the wrong tone early in this conversation. But the best we can do with the situation going forward is represented in our present course – the Governor’s plan represents all the suggestions outlined in the draft EPA memo, the Virginia Tech report, and the guidance we’ve gotten from EPA.

We will learn from this. We will make necessary changes to see to it that our program becomes a national leader in protection.