

From: Arthur Delaney [mailto:arthur@huffingtonpost.com]

Sent: Monday, November 16, 2015 9:15 AM

To: Wurfel, Sara (GOV) <Wurfels@michigan.gov>

Subject: Fwd: Residents of Flint, Michigan, to Sue City, State over Lead in Drinking Water

Hi, I am filing a short story on this lawsuit -- please let me know if the governor's office would care to comment.

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From: Margie Kelly <mkelly@nrdc.org>

Date: Mon, Nov 16, 2015 at 9:00 AM

Subject: Residents of Flint, Michigan, to Sue City, State over Lead in Drinking Water

To: jason.cherkis@huffingtonpost.com

FOR IMMEDIATE RELEASE

Contacts: Margie Kelly, NRDC, mkelly@nrdc.org, 312-651-7935; Darrell Dawsey, ACLU of Michigan, ddawsey@aclumich.org, 313-578-6831

Residents of Flint, Michigan, to Sue City, State over Lead in Drinking Water

Natural Resources Defense Council, ACLU of Michigan Start Legal Process to Stop Ongoing Violations of the Safe Drinking Water Act

CHICAGO (November 16, 2015) – Residents of Flint, Mich., together with the ACLU of Michigan and the Natural Resources Defense Council, today announced their intention to sue state and city officials for ongoing violations of the federal Safe Drinking Water Act amid the city's widespread lead-contamination crisis. A lawsuit would force officials to address repeated, systemic failures to follow federal rules designed to protect the public health from dangerous levels of lead exposure.

"The community of Flint is strong and united in our commitment to repair the harm lead exposure has inflicted on our children and families. We are taking a stand so that our community can heal the damage that has been done and work together so that justice can prevail," said Pastor Allen Overton, a leader of the Concerned Pastors for Social Action.

"This action is about holding the government accountable for failing to protect the public health of an entire community," said Anjali Waikar, an environmental justice staff attorney at the Natural Resources Defense Council. "This case also highlights a troubling trend in which the government is willing to cut costs at the expense of its most vulnerable citizens," Waikar said.

"In their short-sighted effort to save a buck, the leaders who were supposed to be protecting Flint's citizens instead left them exposed to dangerously high levels of lead contamination," said Michael Steinberg, legal director for the ACLU of Michigan. "Not only were the city and state's actions dangerous and misguided. They were illegal, too."

Dangerous amounts of lead leached out of the city's pipes and into the drinking water of Flint's homes and schools for more than a year following a decision by Flint officials to eschew Detroit's water supply in favor of using the Flint River as the City's primary drinking water source. Not long after the switch, residents began to complain about the smell and discoloration of the water and, later, physical ailments stemming from the tainted water.

Officials working on behalf of Flint insisted for several months that the water was safe. However, water tests conducted by experts from Virginia Tech proved those assurances to be wrong, and a study by a local pediatrician that showed that the proportion of Flint kids with elevated blood lead levels had doubled since the City switched water sources. After officials could no longer deny that the community's drinking water was contaminated, Michigan Gov. Rick Snyder finally conceded that Flint should stop using the river water and return to the Detroit water system.

Despite this move, though, city and state officials have continued to violate federal legal requirements for monitoring and sampling tap water for lead, notifying the public about water-testing results and maintaining corrosion control from Flint's lead pipes.

"So much irreparable harm has been done as a direct result of the failures and lack of oversight perpetrated by the City of Flint and Michigan officials who are the very people we relied on to keep us safe. This lawsuit gives me hope that this will stop and no other city will have to endure the physical, property, and emotional damage that Flint residents have," said Melissa Mays of Water You Fighting For, a Flint-based organization.

There is no safe level of lead exposure. The toxic effects of lead on virtually every system in the body, and particularly on the developing brains of young children, are well documented. It can also contribute to high blood pressure and other health problems in adults. Even low levels of lead in the blood have been shown to affect IQ, ability to pay attention, and academic achievement, effects that are irreversible.

The Notice of Intent to Sue was served on behalf of Concerned Pastors for Social Action, an association of religious leaders from Flint; Melissa Mays, a Flint resident; the ACLU of Michigan; and the Natural Resources Defense Council. The groups assert that since April 2014, the City of Flint and Michigan state officials have failed to monitor and control for lead in Flint's drinking water and maintain a program to assist Michigan schools with lead testing and remediation, in violation of the federal Safe Drinking Water Act. If City of Flint and Michigan state officials – including Governor Rick Snyder and Dan Wyant, Director of Michigan Department of Environmental Quality - do not remedy violations under the Safe Drinking Water Act within sixty days, the groups intend to file a lawsuit in federal court.

Flint and state officials have known since 2011 that choosing the Flint River as a drinking water source could result in lead contamination issues, due to its highly corrosive properties. Yet state and city officials insisted that the water was safe to drink - even after testing found dangerously high lead levels in some residents' tap water. Citizen concerns about high lead levels were dismissed by state and city officials as "near hysteri[cal]" and "irresponsible," despite well-established evidence that there is no safe level of lead exposure, and that even low levels of lead in the blood have been shown to affect IQ, ability to pay attention, and academic achievement, effects that are irreversible.

The Notice of Intent to Sue is required under the Safe Drinking Water Act as a prerequisite to filing suit.

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For nearly 100 years, the ACLU has been our nation's guardian of liberty, working in courts, legislatures, and communities to defend and preserve the individual rights and liberties that the Constitution and the laws of the United States guarantee everyone in this country. The ACLU of Michigan was officially established in 1959 as part of that mission.

The Natural Resources Defense Council (NRDC) is an international nonprofit environmental organization with more than 2 million members and online activists. Since 1970, our lawyers, scientists, and other environmental specialists have worked to protect the world's natural resources, public health, and the environment. NRDC has offices in New York City, Washington, D.C., Los Angeles, San Francisco, Chicago, Bozeman, MT, and Beijing. Visit us at www.nrdc.org and follow us on Twitter [@NRDC](https://twitter.com/NRDC).

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