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July 31, 2017

Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator Pruitt:

The National Environmental Justice Advisory Council was pleased to hear President Trump's campaign promises that he will address the Flint, Michigan water crisis quickly and effectively. What happened in Flint over three years ago was a national environmental justice disaster that the residents of Flint desperately need the President to address promptly.

To assist the President and the Administration with achieving that goal, the NEJAC provides the following recommendations. We base these recommendations on testimony we heard from Michigan community representatives at the NEJAC's meeting in October 2016 and further reports we have received from community advocates in recent months. We believe what started as a water crisis has become a public health crisis and a human rights crisis. However, there are specific steps that EPA can take at the federal and regional level to help right these wrongs.

The most enduring problems resulting from the ongoing water crises are:

1. Harm to community members' health from an on-going lack of safe water to drink, to cook, to bathe in and to launder clothing,
2. Lack of trust in government at all levels;
3. Lack of affordable drinking water;
4. Inadequate government support and timelines for clean drinking water;
5. Disputed water testing process and results by residents to the Michigan Department of Environmental Quality.

Residents of Flint, Michigan, continue to face serious health challenges from nearly two years of drinking lead-contaminated water. After being told repeatedly by local and state officials that their water was safe to drink when it was not, many community members still do not believe the government now when it says that the water is safe to drink. For instance, while lead pipes are being replaced across the

City of Flint, officials instruct all residents to use kitchen faucet water filters even after the EPA's sampling tests concluded lead levels were below 15ppb.

Additionally, while drinking water is being properly treated and sourced from Detroit, residents blame high levels of chlorine, fluoride, untested water-borne bacteria and other water contaminants for new and emerging health problems. At least a dozen residents died in 2014 from an outbreak of Legionnaire's disease connected to bacteria in untreated water. Today, many residents complain of prolonged flu-like symptoms, rashes, undiagnosed ailments and odors from water used in their showers and washing machines.

Families in Flint believe it is unfair to pay for water that is unsafe to drink, plus many cannot afford to pay after the deep economic toll the Flint water crisis has placed on their families. The community is facing a new crisis where the utility is charging people for water that households neither use with confidence nor afford. Tax liens are being placed on homes whose market value has plummeted to near nothing for unpaid water bills. Finally, the slow and costly rate of pipe replacement (one pipe per day – with completion in 2020) compounds these effects.

The NEJAC strongly recommends the EPA Administrator investigate these concerns and offer immediate resolution to ensure Flint residents have safe residential water service for all their household needs. These steps would include:

1. Close monitoring by EPA Region 5 of Michigan's use of Drinking Water State Revolving Funds received in the aftermath of the Flint crisis to ensure that resources are spent effectively to eliminate lead throughout its public water system.
2. Reviewing MDEQ's tests of Flint resident water samples to determine if (non-lead and non-copper) water-borne bacterial contaminants and water treatment chemicals are contributing to new or emerging individual and public health concerns.
3. Funding by the EPA of a multi-year grant to Flint health agencies to evaluate blood-lead levels in Flint residents to assess if lead exposure from public water is decreasing at a rate consistent with required improvements in public drinking water quality.
4. Investigating how the State of Michigan and City of Flint can expedite the pace of lead pipe replacement so as to occur sooner than 2020.
5. Encouraging the State of Michigan to continue assisting Flint residents with water affordability through water bill credits and operation of water-bottle stations.

6. Assessing state water agency funding mechanisms, operations and maintenance processes, and procedures to ensure they are prepared to monitor and support large water infrastructure projects.
7. Requiring state water regulators to provide corrective action recommendations, coordinated plans, schedules, and budgets detailing how they will resolve public health and affordability concerns, including an assessment of effective and timely resolution of these concerns – all of which should be factors in EPA decisions to continue or approve future State Drinking Water Revolving Funds to the state from the federal government.
8. Convening a multi-stakeholder working group to develop water policies that ensure water affordability for every household and income group in the community, including impacted community members, local utility representatives, experts on utility law structure, state agency employees, and EPA representation from both regional offices and headquarters.

Communities like Flint, Michigan across the country grapple with a seemingly unsolvable crisis. Their water and wastewater systems desperately need upgrades in order to provide safe drinking water and sanitary conditions to residents and to protect water quality in local rivers and streams to keep them fishable and swimmable. More often than not communities do not have money set aside for necessary upgrades, so utilities seek to raise funds by raising rates and often delaying the upgrades. Rate increases to support infrastructure upgrades are often spread equally across all customers, meaning that lower income residents are asked to contribute a proportionately larger share of their income to fund the upgrades than other residents and businesses.

When residents can't pay the increased bills, they are at risk of having their water shut off, which is a public health crisis that can also lead to children being taken from their homes and separated from their parents and caregivers. To avoid these problems, utilities may seek to delay the timing of their upgrades, leaving residents with unsafe drinking water, unsanitary conditions, and sewage-laced rivers and streams. Engaging communities and customers in conversations about rates, operations and infrastructure upgrades that minimize patterns of injustice can avoid these practices.

EPA must play a role in resolving these crises. We urge the EPA to convene a multi-stakeholder working group to develop strategies to ensure families can afford to pay their water bills as water systems implement upgrades.

The people of Flint have suffered for years during this crisis because of a series of poor decisions at the state and local level, which has resulted in a lack of trust of local and state water officials. Local and state officials need EPA's help to regain

trust. To do this, EPA should not only create a report about the Flint crisis and share it with state regulators, but lead ongoing assessments of water quality so they have specific actions to take to ensure safe water for everyone in the future.

Finally, we ask the EPA to direct the Interagency Working Group on Environmental Justice, and urge its partner federal agencies, to undertake key initiatives to ensure overburdened and underserved populations are free from adverse effects of contaminated or inaccessible water. Specifically, the Interagency Working Group should:

1. Update emergency response systems during crises to ensure that:
 - a. Emergency and crisis information is provided in multiple languages reflective of the locally impacted population.
 - b. Emergency and crisis information is provided by telephone (both land lines and mobile) in multiple languages.
 - c. All residents impacted by a crisis can receive information, aid, medical care or other support, regardless of their immigration status or language spoken.
2. Revise protocols for potable water delivery beyond personal-size bottles of water, which pose major household and environmental challenges as a long-term replacement in a home setting.
3. Identify how and when the U.S. Department of Housing and Urban Development can support in-home residential water pipe replacement needs among affected households.

We stand ready to engage with you and provide you with further recommendations and advice as you confront this public health tragedy. It is our sincerest hope that by working together, we can avoid the reoccurrence of such a grave environmental injustice in any other United States of America community.

Sincerely,



Richard Moore
Chair

cc: NEJAC Members

