

Flint, Michigan court hearings highlight widespread collusion in water crisis cover-up

By Matthew Brennan
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High-placed Michigan state environmental and health officials obstructed the investigation into Flint's water supply and the connection with the catastrophic outbreak of Legionnaires' disease, according to the environmental engineering expert tasked with the study.

Wayne State University professor Shawn McElmurry testified in a Flint district court last week that officials attempted to prevent him from gathering data on Legionella and other bacteria in the Flint River water supply in 2016. McElmurry was appointed by the state to lead a team of experts to determine if the Flint water switch in April 2014 had led to a regional Legionnaires' outbreak in 2014-2015. The outbreak eventually led to at least 12 deaths and more than 80 confirmed illnesses.

McElmurry has testified multiple times in the preliminary hearings for Michigan Department of Health and Human Services (DHHS) Director Nick Lyon, who has been charged with involuntary manslaughter and misconduct in office over the death of Flint-area man Robert Skidmore from Legionnaires' disease. During and after the switch of Flint's water supply from the Detroit Water and Sewer Department source to the corrosive Flint River, Lyon oversaw the state's top health agency.

The proceedings against Lyon are part of the series of slow-moving lawsuits first filed by Michigan Attorney General Bill Schuette beginning in 2016, largely to give the appearance of "providing justice for the people of Flint."

In testimony throughout the week, McElmurry claimed that Lyon, as well as officials from Republican Governor Rick Snyder's office and other state health departments, repeatedly discouraged his team from pursuing tests of the water supply.

"I've testified that the state in general did not want to find Legionella," McElmurry said Wednesday. "I said we thought it was a good opportunity to capture Legionella."

McElmurry testified that Lyon, state medical executive

Eden Wells—who has also criminally charged in relation to the Flint water crisis—and Snyder's top aide Richard Baird all opposed his plans to pursue an aggressive testing of the water supply for bacteria proposed during an August 5, 2016, meeting.

Baird openly expressed his belief that the professor's study group was seeking "an accumulation of data to just build a career on exploiting." Noting that Lyon had told him that "I can't save everyone," McElmurry told prosecutors he felt the director "did not seem to be interested in, my opinion, protecting public health."

A week later, in an August 12 meeting of the Flint Water Interagency Coordinating Committee—a body created by a Snyder executive order in early 2016 to "work on a long-term solution to the Flint water situation"—Wells warned McElmurry that "the state does not want me to sample filters. I told her this has a major impact on the science, but she indicated that this may be a red line."

McElmurry's testimony is particularly damning because he made explicit his belief that all levels of government were working together to prevent very basic and necessary scientific investigation into the water crisis.

He told prosecutors he saw "no distinction between HHS and MDEQ [Michigan Department of Environmental Quality] and the governor's office" in the obstruction of his efforts to study the contaminated Flint water supply.

"They seemed to all be working together. Maybe initially I didn't think that was the case," he said. But even very basic and low-cost testing was uniformly opposed, including McElmurry's proposal to randomly test 20 samples of home water filters, which could be collected in a day for \$2,000.

Media reports, based on documents obtained from federal Freedom of Information Act (FOIA) inquiries, have emerged in the aftermath of the Legionnaires'

disease crisis, which show that health and state officials were clearly aware of the outbreak as early as October 2014—less than six months after the switch to Flint River water—and kept the information hidden from the public in subsequent months. McElmurry’s testimony last week strongly indicates that state officials were also very aware of its connection to the poisoned water supply and worked together to suppress efforts to expose this.

On the day before McElmurry’s final testimony, reports emerged that former state-imposed Emergency Financial Manager (EFM) Gerald Ambrose appears to be in talks with prosecutors for a plea deal regarding the criminal charges he faces for his role in the water crisis.

Ambrose is presently charged with false pretenses, conspiracy to commit false pretenses, willful neglect of duty and misconduct in office. All crimes are related to his role in the Flint water crisis. Included in the charges are allegations that he was involved in a scheme to enter the city into a pipeline contract based on false pretenses and was aware that Flint’s treatment plant was not able to produce safe water.

A lifelong Democrat and chief former advisor to Lansing Mayor Virg Bernero, Ambrose aggressively pushed to maintain the Flint water switch as EFM, even after early lead testing results surfaced. In March 2015, facing enormous pressure from outraged residents of Flint, the City Council voted to switch the water source back to the Detroit pipeline. Ambrose notoriously overruled this vote the following week, calling it “incomprehensible” and declaring that the water was “safe by all standards.”

Subsequent FOIA records later showed that Ambrose made his remarks two weeks after having been informed of the outbreak of Legionnaires’ disease in the area that health officials suspected was triggered by Flint water. Now, Ambrose is preparing to make a deal with state prosecutors that will likely allow him to avoid any serious punishment for his role in the social crime against Flint.

Lyon and Ambrose are but 2 of the 15 state officials who have thus far been charged with crimes related to the water supply switch that potentially poisoned nearly 100,000 people, including many who died as a result or have become critically ill. Four years on, however, not a single official has been convicted of criminal charges nor have any of the felony charges been carried past the preliminary hearing stage.

Governor Snyder—a key figure who set the water supply switch processes in motion—still holds office and has faced no criminal charges. He even subsequently

appointed Wells as head of a new council tasked with improving Michigan’s response to emerging public health threats.

Both the Democratic and Republican parties, along with the banks and bondholders who stand to profit from the water switch, are responsible for this social crime. This past week’s testimony gives further evidence that the two capitalist parties represent the class interests of the ruling elite, in opposition to the working class.

The scale of devastation in Flint, three years and nine months since the water source was switched, is enormous. In addition to the official acknowledged deaths and illness from Legionnaires’ disease, the full impact has been much larger. The lead-leached water supply has impacted public health and living conditions in ways that will take generations to repair. In September, a report from Kansas University found fetal death rates increased by 58 percent and fertility rates decreased by 12 percent after the April 2014 change in the city’s water source.

To date, only some 5,200 of the nearly 35,000 lead-leached water pipes in the city have been replaced. For good reason, residents widely distrust claims—including those of Snyder in his State of the State address last week—that the water quality is improving and safe to use.

Perhaps most importantly, much of what has taken place in Flint is being downplayed because the lead-in-water and bacteria health crisis caused by the ravages of capitalist profit is widespread, and represents a potential powder keg should workers begin to unite in their struggle for clean water. As a recent report outlined, nearly 4,000 other communities around the country are currently testing at higher levels of lead contamination than what Flint has experienced.

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