



January 5, 2017

By first-class mail and email to
haynest3@michigan.gov

Timothy J. Haynes
First Assistant Attorney General
Health, Education & Family Services Division
Michigan Department of Attorney General
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Re: Status of Replacement Efforts and Water Sampling in FCS Buildings

Dear Mr. Haynes:

Thank you for your letter dated November 18, 2016 transmitting a Summary of Current Status of Replacement Efforts and Water Sampling in Flint Community Schools Buildings (“Summary”). We have had the opportunity to review the information provided in the Summary and conduct further investigation into the efforts of the Michigan Department of Environmental Quality (“DEQ”) related to lead and copper testing of building water supply lines and distribution points; remedial measures to eliminate or reduce elevated lead and copper to appropriate levels within all Flint Community Schools (“FCS”) buildings; and protocols to ensure the continued safety of water for drinking, cooking, washing or any other uses within FCS buildings.

We write to bring to your immediate attention numerous unaddressed issues and serious concerns with the information set forth in the Summary of the DEQ efforts to date. These issues and concerns continue to raise ongoing questions among FCS students, parents and staff about the safety of the water supply in FCS buildings.

We note at the outset that DEQ conducted an initial evaluation of the water conditions within FCS buildings in October 2015. The results of this evaluation were made public and confirmed that all FCS schools had elevated lead levels in the water supply.¹

Despite the initial findings, DEQ has not provided students, staff, administrators, and parents with ongoing up-to-date testing results on lead and copper levels in the water supply in all FCS buildings, especially the Central Kitchen, Northwestern, and Durant-Tuuri-Mott, where high levels of lead have been found. Public disclosure of such testing results for all FCS schools is essential to ensure that appropriate emergent and other remedial measures are taken to protect

¹ http://www.michigan.gov/flintwater/0,6092,7-345-76292_76294_76297---.00.html.

the health, safety and well-being of the students, faculty and administrators who enter these buildings every school day.

In addition, the Summary raises numerous issues concerning the efficacy and comprehensiveness of the steps taken by DEQ to remediate the elevated lead and copper levels found in the water supply in FCS buildings. These issues include:

1. Sinks in school bathrooms have not been tested, and there has been no replacement of fixtures or installation of filters in bathrooms.
2. The Flint Central Kitchen has not had filters installed as of November 18, 2016.
3. It appears that DEQ has committed to installing filters in Northwestern High School beginning November 19, 2016, but the agency has yet to publicly confirm whether the work has been undertaken or completed even though extremely high levels of these toxins were reported as recently as October 2016.
4. At Southwestern, a sample was taken on November 5, 2016 after fixtures were changed and filters installed which showed 41 ppb.
5. The DEQ has not tested the water supply in any school for water-borne bacteria.

Given these serious concerns raised by the Summary and our ongoing investigation, we request that you promptly address the following issues requiring immediate action by DEQ:

1. Regular testing: protocols must be put in place to regularly conduct lead and copper testing of the water supply and water distribution points not just in some, but in all FCS schools and to promptly make those test results available to students, staff and the Flint community at-large.
2. Filter maintenance and testing: protocols must be established for regular flushing and maintenance of all fixture filters, including testing for water-borne bacteria. Such protocols must also include training of FCS custodial staff in conducting proper filter maintenance and tracking to ensure maintenance occurs at proper intervals.
3. Bathroom sinks and kitchens: immediate testing must be undertaken in all FCS schools, with installation of filters and other appropriate remedial measures undertaken to ensure safe water levels from these fixtures and water distribution points.
4. Bottled water, hand-washing and food preparation: a comprehensive policy must be developed, disseminated and made public providing guidance on the use and availability of bottled water within all FCS schools and for the use of bathroom and kitchen sinks for washing and cooking purposes.

We are aware of several school districts across the nation, including Cleveland, where comprehensive lead testing and remediation efforts have been undertaken in schools in a manner that provides students, staff and parents with full and timely information to build trust and confidence in the safety of the water supply within their schools. We can provide you with this information and stand ready to work with you and the DEQ to address and resolve the issues outlined above in a timely fashion.

We look forward to your prompt reply.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kary Moss". The signature is fluid and cursive, with a large initial "K" and a long, sweeping underline.

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A handwritten signature in black ink, appearing to read "David G. Sciarra". The signature is cursive and somewhat stylized, with a large initial "D" and a long, sweeping underline.

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cc: Attorneys for FCS and GISD