

**INTERIM REPORT
OF THE
FLINT WATER CRISIS
INVESTIGATION**



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I. EXECUTIVE SUMMARY

The Interim Report of the Flint Water Crisis Investigation is an effort to summarize the status of the criminal and civil investigations concerning the tragic health and safety crisis which has gripped the families of Flint, Michigan for more than three years. The Flint Water Crisis caused children to be exposed to lead poisoning, witnessed an outbreak of Legionnaires' disease resulting in multiple deaths and created a lack of trust and confidence in the effectiveness of government to solve problems. Many families still drink, cook and bathe only with bottled water.

Most Comprehensive Investigation in Michigan History

This Interim Report represents a milestone in Michigan's most comprehensive criminal investigation in modern history, marking the completion of this phase of the criminal investigation of the Flint Water Crisis.

This investigation will continue and the attorneys, investigators and staff of the Flint Water Crisis investigative team will go wherever the evidence leads. Like any federal or state investigation, we will respond to and review any new evidence, leads, tips and information that may be presented and will consider it thoughtfully.

While continuing to pursue and gather new and compelling evidence, a significant focus of the Flint Water Crisis investigation will turn to the prosecution of those individuals we have charged with crimes. We are confident that the courts will uphold the charges we have filed. The trial phase will proceed as will the need for the legislature and the governor's office to provide the proper level of funding for justice in Flint.

One System of Justice

This phase of the criminal investigation of the Flint Water Crisis has been both thorough and exhaustive. Accountability and responsibility have been and will continue to be the cornerstone of the investigation. The charge of this independent review has been to determine what laws may have been violated in the course of the failure to deliver safe water to citizens of Flint. And where laws have been broken, to hold individuals responsible.

We have approached this criminal and civil review with an independent lens, without fear or favor, adopting the attitude that in Michigan there must be one system of justice. The rules apply to all, no matter who you are, no matter where you live.

Acknowledgments

The Flint legal team has been led by Special Counsel Todd Flood, former Wayne County Assistant Prosecutor, and Chief Investigator Andrew Arena, formerly Special Agent in Charge of the Detroit Office of the F.B.I. Todd Flood's legal skill and prosecutorial talent is unmatched. Andrew Arena's experience, reputation and sense of ethics is of the highest order.

In addition, we have been fortunate to receive the counsel and active participation of Genesee County Prosecutor David Leyton throughout this investigation. Prosecutor Leyton's work on this investigation has been invaluable.

Prosecutor Leyton and retired Circuit Court Judge David Hoort, have "peer reviewed" the various charging documents and other relevant materials throughout this investigation.

Retired Chief Judge of the Michigan Court of Appeals William C. Whitbeck has also brought his considerable skills to the investigation. He has been a powerful presence. Judge Whitbeck, who has experience in many senior roles in Michigan government, has provided a keen and sharp perspective.

Scope of Investigation

The Flint legal team has conducted interviews with more than 180 witnesses. The Flint legal team has poured over hundreds of thousands of emails and assorted legal documents. We have filed 51 criminal charges against 15 current and former state and local officials.

A Failure of Leadership

The Flint Water Crisis was and is a failure of leadership. Flint residents deserve to have trust in their government and hope for the future. We need to raise the future expectations for families of Flint, not lower expectations about what tomorrow may bring if you are from Flint.

Data, Finances and Costs over Health, Safety and Welfare

A cause of the breakdown in state governmental management was a fixation, a preoccupation, with data, finances and costs, instead of placing the health, safety and welfare of citizens first. For \$200 per day, an anti-corrosive treatment added to the water at the Flint Water Treatment Plant would have effectively coated the water pipes and prevented the leaching of lead into the water.

A brief comparison of Flint, Michigan with other cities in Michigan and America is appropriate. Certainly, other older cities and towns in the nation may have lead pipes and lead fixtures as part of their water system. But the difference in Flint is that decisions were made to NOT add an anti-corrosive treatment to prevent leaching of lead from the pipes into the water system. Here in Flint, allegations are that people altered lead level figures and falsified reports.

Three Illustrations

Flint, most importantly, is a story about people, men and women who are forced to live differently than everyone else because events outside their control have irrevocably changed their lives. Three brief stories put a human face on the Flint Water crisis and illustrate the far-reaching effects created by a failure to deliver properly-treated water.

On one occasion, the Attorney General visited three women at their home in Flint. Three generations – a mother, a daughter and a grandmother sat down and talked about their lives. They explained that even something as simple as showering was an ordeal. They were unable to find a filter that would properly fit their showerhead. And so in order for family members to bathe, they needed to boil water to fill a tub – something straight out of frontier days from one hundred years ago.

Daily tasks that are taken for granted – washing fruits and vegetables before eating, or washing hands after using the lavatory – now require the use of bottled water, time after time.

No one in Michigan or America should live that way in the 21st Century. But these generations of women, and so many more like them, do not trust the water coming

out of their pipes. More than that, they have lost faith and trust in their government, whose job it is to serve and protect them from harm.

The Attorney General also met with a pastor whose church was located just outside of downtown Flint. He expected stacks of bottled water, and his expectation was not disappointed. Even so, the sight was staggering: stacks in the hallways, outside the sanctuary, in the pastor's office, and in multiple locations in the pantry – virtually every room in the church building save for the worship space itself.

What was unexpected were the stacks of wet wipes, also located in rooms throughout the church building, so that parishioners and congregants could take them home to wash their faces and wipe their hands without having to use water from the tap – the sort of convenience taken for granted in modern-day America.

The third story actually took place in Lansing. For more than two decades, the Attorney General and his wife have been involved with the Michigan Harvest Gathering, to raise food and funds for the hungry in Michigan. This past fall, at the luncheon to celebrate the completion of that year's effort, Attorney General Schuette was approached by a woman – not to talk about hunger, but to tell the heart-wrenching story of her beloved father. He had been ill, but by all accounts would soon be back on his feet. Instead, this woman received the news no one wants to hear – her Dad had died. The cause, she explained, was Legionnaires' Disease.

Ever since then, Attorney General Schuette has kept her nametag on his desk in the office at his home in Midland, as a daily reminder of what the Flint Water crisis is all about.

II. FLINT WATER CRISIS TIMETABLE OF CRITICAL EVENTS

2011

November, 2011: Governor Snyder declares the City of Flint to be a “local government financial emergency.”

November 29, 2011: Governor Snyder appoints Emergency Manager for City of Flint.

2013

March 25, 2013: Flint City Council votes to join Karegnondi Water Authority (KWA).

2013: Lockwood, Andrews & Newman (LAN) begins working with the City of Flint to prepare the city water plant to switch water sources.

June 2013: MDEQ officials notify Flint Water Treatment Plant (FWTP)/Genesee County that no corrosion control would be required.

2014

March 14, 2014: Weekly update for Governor's Office Staff stating that:

“The expedited timeframe (for the KWA) is less than ideal and could lead to some big disasters down the road.”

April 17, 2014: The FWTP's Michael Glasgow sends an e-mail stating:

“If the water is distributed from this plant in the next several weeks it will be against my direction.”

April 25, 2014: The date the switch occurs. Flint switches its water supply from Detroit's system to the Flint River without using corrosion control. A news release from the City of Flint states:

“Flint water is safe to drink.”

Summer, 2014: Complaints begin about illnesses and drinking water quality.

Summer/Fall, 2014: First outbreak of Legionnaires' disease.

July 28, 2014: Suzzane Kolch dies of Legionnaires' disease. She is the first victim to die from Legionnaires' disease.

October 14, 2014: Valerie Brader of the Governor's office recommends a return to the DWSD as an interim solution. Governor's Legal Counsel Mike Gadola says that:

“The notion that I would be getting my drinking water from the Flint River is downright scary.” Flint “should try to get back on the Detroit system as a

stopgap ASAP before this thing gets too far out of control ... My Mom is a City resident. Nice to know she's drinking water with elevated chlorine levels and fecal coliform."

October 2014: GM plant in Flint stops using Flint River water, stating that it corrodes auto parts.

2015

January 7, 2015: A state building in Flint begins bringing in water coolers, according to e-mails. One e-mail from DTMB states:

"DTMB is in the process of providing a water cooler on each occupied floor, positioned near the water fountain, so you can choose which water to drink."

January 12, 2015: Detroit offers to reconnect Flint to Detroit's water system, at no cost. EM Darnell Earley rejects offer.

January 28, 2015: Corinne Miller of the MDHHS meets with Nick Lyon, MDHHS Director, and gives him materials that outline an outbreak of Legionnaires' disease in Genesee County in 2014.

February, 2015: Global giant water services engineering firm Veolia contracts with the City of Flint to address the quality of its drinking water. Veolia produced at least one report and one public presentation stating that Flint's drinking water was

"in compliance with State and Federal regulations, and based on those standards, the water is considered to meet drinking water requirements."

February 20, 2015: Tests of drinking water at Lee Anne Walters' home in Flint.

March 13, 2015: MDEQ's Brad Wurfel e-mails Snyder administration officials and says:

"Political flank cover out of the City of Flint today regarding the spike in Legionnaire cases. See enclosed. Also, area ministers put a shot over the bow last night ... with a call for Snyder to declare a state of emergency there and somehow 'fix' the water situation ..."

April 24, 2015: MDEQ notifies EPA that no corrosion control is in place.

June 24, 2015: EPA's Miguel Del Toral drafts a memo recommending that the EPA determine if the state has:

“abused its discretion.”

Summer, 2015: Chief of Staff Dennis Muchmore and Harvey Hollins of the Governor's office meet with Flint-area pastors and citizens who raise major lead issues.

Summer/Fall, 2015: Second outbreak of Legionnaires' disease.

July 22, 2015: Chief of Staff Dennis Muchmore writes e-mail to MDHHS Director Nick Lyon and MDEQ Director Dan Wyant stating:

“I am frustrated by the water issue in Flint.”

July 28, 2015: The MDHHS's Cristin Larder analyses blood lead levels in Flint and says they warrant further investigation. Director Nick Lyon forwards a memo to the Governor's office saying that the water is not a major factor.

September 6, 2015: Virginia Tech's Dr. Marc Edwards publishes the results of his study showing that Flint has:

“a very serious water problem ...”

September 24, 2015: Hurley Hospital's Dr. Mona Hanna-Attisha releases study results showing elevated blood lead levels in Flint children.

September 28, 2015: MDHHS Director Nick Lyon writes in an e-mail that:

“I need an analysis of the Virginia Tech/Hurley data and their conclusions. I would like to make a strong statement with a demonstration of proof that the lead blood levels seen are not out of the ordinary and are attributable to seasonal fluctuations.”

October 1, 2015: In testimony to the U.S. Congress (which was delivered on March 17, 2016), Governor Snyder states he first learned that Flint water had dangerous levels of lead on October 1, 2015.

October 16, 2015: Flint re-connects to Detroit water system.

December 14, 2015: Flint Mayor Karen Weaver declares a State of Emergency.

December 29, 2015: The Governor's Flint Water Advisory Task Force issues its preliminary conclusions.

December 30, 2015: MDEQ Director Dan Wyant and MDEQ PIO Brad Wurfel resign.

2016

January 5, 2016: Governor Snyder declares a State of Emergency for Genesee County.

January 13, 2016: Governor Snyder announces 87 cases of Legionnaires' disease in Genesee County, including nine deaths, since the spring of 2014.

January 15, 2016: Attorney General Schuette announces an investigation of the Flint Water crisis.

January 25, 2016: Attorney General Schuette announces that Todd Flood and Andrew Arena will head the Flint Water crisis investigation.

March 17, 2016: Governor Snyder testifies before Congress. The Governor states:

“It was on October 1, 2015 that we learned our state experts were wrong. Flint's water had dangerous levels of lead.”

March 24, 2016: Governor Snyder's Flint Water Advisory Task Force issues its final report.

April 20, 2016: Attorney General Schuette announces criminal charges against FWTP's Michael Glasgow and the MDEQ's Stephen Busch and Michael Prysby.

April 25, 2016: MDEQ's Director Keith Creagh and MDHHS's Director Nick Lyon testify before the Legislative Joint Select Committee. Lyon says he first became aware of potentially significant health-related issues through Dennis Muchmore's e-mail of July 22, 2015.

June 22, 2016: Attorney General Schuette announces the filing of a civil lawsuit against LAN and Veolia.

July 29, 2016: Attorney General Schuette announces criminal charges against the MDHHS's Robert Scott, Nancy Peeler and Corinne Miller as well as against the MDEQ's Adam Rosenthal, Liane Shekter-Smith and Patrick Cook. Miller later pleads no contest to a misdemeanor.

December 20, 2016: Attorney General Schuette announces criminal charges against former Emergency Managers Darnell Earley and Gerald Ambrose as well as Flint's Howard Croft and Daugherty Johnson.

2017

June 14, 2017: Attorney General Bill Schuette announces criminal charges against MDHHS Director Nick Lyon, MDHHS Chief Medical Executive Eden Wells and additional charges against former Emergency Manager Darnell Earley, the MDEQ's Stephen Busch and Liane Shekter-Smith and the City of Flint's Director of the Department of Public Works Howard Croft.

III. CITY OF FLINT: CRIMINAL CHARGES

Michael Glasgow – City of Flint Laboratory and Water Quality Supervisor (1 felony, 1 misdemeanor) pleaded no contest to a misdemeanor count of willful neglect of duty at his arraignment on May 4, 2016 and the felony charge against him, tampering with evidence, was dismissed. He agreed to cooperate with the ongoing investigation as part of the agreement.

Howard Croft – City of Flint Director of the Department of Public Works (3 felonies)

- Involuntary Manslaughter, Felony
- False Pretenses, Felony
- Conspiracy to Commit False Pretenses, Felony

Daugherty Johnson – City of Flint Utilities Director for the Department of Public Works (2 felonies)

- False Pretenses, Felony
- Conspiracy to Commit False Pretenses, Felony

IV. MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY: CRIMINAL CHARGES

Stephen Busch – MDEQ District 8 Water Supervisor (4 felonies, 2 misdemeanors)

- Involuntary Manslaughter, Felony
- Misconduct in Office, Felony
- Conspiracy, Tampering with Evidence, Felony
- Tampering with Evidence, Felony
- Treatment Violation, Michigan Safe Drinking Water Act, Misdemeanor
- Monitoring Violation, Michigan Safe Drinking Water Act, Misdemeanor

Michael Prysby – MDEQ District 8 Water Engineer (4 felonies, 2 misdemeanors)

- Misconduct in Office, Felony
- Conspiracy, Tampering with Evidence, Felony
- Tampering with Evidence, Felony
- Treatment violation, Michigan Safe Drinking Water Act, Misdemeanor
- Monitoring Violation, Michigan Safe Drinking Water Act, Misdemeanor
- Misconduct in Office, Felony

Liane Shekter-Smith – MDEQ former Chief of Drinking Water and Municipal Assistance (2 felonies, 1 misdemeanor)

- Involuntary Manslaughter, Felony
- Misconduct in Office, Felony
- Willful Neglect of Duty, Misdemeanor

Adam Rosenthal – MDEQ Water Quality Analyst (3 felonies, 1 misdemeanor)

- Misconduct in Office, Felony
- Willful Neglect of Duty, Misdemeanor
- Tampering with Evidence, Felony
- Conspiracy – Tampering with Evidence, Felony

Patrick Cook – MDEQ Specialist for Community Drinking Water Unit (2 felonies, 1 misdemeanor)

- Willful Neglect of Duty, Misdemeanor
- Misconduct in Office, Felony
- Conspiracy, Felony

V. MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES: CRIMINAL CHARGES

Nick Lyon – MDHHS Director (2 felonies)

- Involuntary Manslaughter, Felony
- Misconduct in Office, Felony

Eden Wells – MDHHS Chief Medical Executive (1 felony, 1 misdemeanor)

- Obstruction of Justice, Felony
- Lying to a Peace Officer, Misdemeanor

Nancy Peeler – MDHHS Director, Program for Maternal, Infant and Early Childhood Home Visiting (2 felonies, 1 misdemeanor)

- Misconduct in Office, Felony
- Conspiracy, Felony
- Willful Neglect of Duty, Misdemeanor

Robert Scott – MDHHS Data Manager for the Healthy Homes and Lead Prevention program (2 felonies, 1 misdemeanor)

- Misconduct in Office, Felony
- Conspiracy, Felony
- Willful Neglect of Duty, Misdemeanor

Corinne Miller – MDHHS Former Director of the Bureau of Epidemiology and State Epidemiologist (2 felonies, 1 misdemeanor) pleaded no contest to willful

neglect of duty. As part of the agreement, Miller, who retired from the department in 2016, must cooperate with the Michigan Department of Attorney General's investigation into the water crisis and provide truthful testimony.

VI. EMERGENCY MANAGERS: CRIMINAL CHARGES

Darnell Earley – Emergency Manager (4 felonies, 1 misdemeanor)

- Involuntary Manslaughter, Felony
- False Pretenses, Felony
- Conspiracy to Commit False Pretenses, Felony
- Misconduct in Office, Felony
- Willful Neglect of Duty in Office, Misdemeanor

Gerald Ambrose – Emergency Manager (3 felonies, 1 misdemeanor)

- False Pretenses, Felony
- Conspiracy to Commit False Pretenses, Felony
- Misconduct in Office, Felony
- Willful Neglect of Duty, Misdemeanor

VII. OFFICE OF THE GOVERNOR OF THE STATE OF MICHIGAN

Governor Snyder has stated that it was not until October 1, 2015 that he learned that Flint's water had dangerous levels of lead. The following is a sample of publicly available documents on this subject:

- In March of 2014, a weekly update was apparently circulated in the Governor's office that stated:
 - “The expedited timeframe (for the KWA) is less than ideal and could lead to some big disasters down the road.”
- **Valerie Brader**, an environmental specialist in the Governor's office, on October 14, 2014 sent an e-mail in which she advocated a return to the Detroit Water & Sewer Department water as an:
 - “interim solution to both the quality, and now the financial, problems the current solution is causing.”

- **Michael Gadola**, Governor Snyder’s then-legal counsel, responded to Valerie Brader’s e-mail by writing that:

“The notion that I would be getting my drinking water from the Flint River is downright scary.” Flint “should try to get back on the Detroit system as a stopgap ASAP before this thing gets too far out of control ... My Mom is a City resident. Nice to know she’s drinking water with elevated chlorine levels and fecal coliform.”

- **Richard Baird**, Governor Snyder’s “Transformation Manager” and close confidant, apparently received a copy of the Brader e-mail of October 14, 2014 and then apparently was at least present for a conference call with Darnell Earley, Flint’s Emergency Manager, who apparently rejected the concept of a return to the Detroit Water & Sewer Department.
- **Nick Lyon**, the director of the MDHHS, received materials on or about January 28, 2015 from a departmental epidemiologist showing an outbreak of Legionnaires’ disease in Genesee County in 2014.
- **David Murray**, Governor Snyder’s deputy press secretary, who in January of 2015 apparently saw an e-mail from the MDEQ’s Brad Wurfel stating that,
 - “[T]he reason is that I don’t want my director to say publicly that the water in Flint is safe until we get back the results of some county health department of epidemiological trace-back work on 41 cases of Legionnaires’ disease in Genesee County since last May.”
- **Jarrold Agen**, Governor Snyder’s Director of Communications and later Chief of Staff, apparently participated in conference calls in March of 2015 with Harvey Hollins, an aide to the Governor, and others in which Hollins apparently stated that he was hearing from Flint-area pastors that people were complaining about the odor and the look of the water and that they really wanted filters.

- **Dennis Muchmore**, Governor Snyder’s Chief of Staff, who met over the summer of 2015 with Flint-area pastors and citizens concerning that quality of the Flint drinking water. Muchmore authored an e-mail of July 22, 2015 stating that:
 - “Now they are concerned and rightfully so about the lead level studies they are receiving from DEQ samples” and “These folks are scared and worried about health impacts and they are basically getting blown off by us (as a state we’re just not sympathizing with their plight)”.

VIII. CIVIL LAWSUITS: LAN AND VEOLIA

Two water engineering services corporations were hired by the City of Flint to solve a problem, but we have alleged and will prove in court that they made the problem worse.

Multinational water engineering services corporation Veolia is alleged to have committed or caused professional negligence and fraud, which caused Flint’s lead poisoning problem to continue and worsen, and created an ongoing public nuisance.

The civil suit also includes the water engineering services corporation known as Lockwood, Andrews & Newman (LAN). LAN is also charged with professional negligence that caused Flint’s lead poisoning crisis to continue and worsen, contributing to an ongoing public nuisance.

On June 22, 2016, the Flint investigation filed civil suits against both Veolia and LAN for the harm they caused to the health and well-being of the citizens of Flint as well as the taxpayers of the State of Michigan.

IX. CONCLUSION

The Flint water crisis is a man-made disaster of significant proportions. The precipitating event for the crisis occurred on April 25, 2014, when the City of Flint made the switch from the Detroit Water & Sewer Department to the Flint River, without applying corrosion control. That process set off a chain of continuing and catastrophic events that continues to unfold to this very day.

The charges that have been brought should in no way discredit the work of the vast majority of civil servants and those who work on behalf of the public. The overwhelming majority of women and men who work as government employees contribute their talents and abilities for the benefit of the citizens they serve. By no means did everyone fail the families of Flint. For example:

- **Michael Glasgow** of the Flint Water Treatment Plant stated that the Flint Water Treatment Plant was not ready for the switch to the Flint River water but his warning went unheeded and the switch went forward.
- **Valerie Brader** alerted high level members of Governor Snyder's Administration of the emerging Flint Water crisis, but her recommendations were ignored.
- The EPA's **Miguel Del Toral** repeatedly raised his concerns about the lack of corrosion control at the Flint Water Treatment Plant, but EPA and MDEQ officials downplayed his analysis and the EPA Region 5 administrator even apologized for its release.
- **Cristin Larder** of the MDHHS analyzed data relating to 2014 lead levels in the blood of Flint children, but her analysis was disregarded.

The response to the Flint Water crisis was characterized by a failure of certain individual public officials at the state and local levels to protect the public health, safety and welfare. These are duties and responsibilities that the Michigan Constitution and the laws of the State of Michigan clearly impose. They are fundamental to good government.

Moreover, these public officials, by their actions and also by their failure to act, have significantly eroded our citizens' belief that their government is trustworthy and capable of acting in an efficient, effective and straightforward manner. This loss of trust is an ugly and enduring stain that will take years to eradicate. Just as the citizens and families of Flint who have borne this burden will continue to suffer the effects of the Flint Water crisis for years – indeed, generations – to come.

NOTE: This Interim Report complies with Rule 3.6 of the Michigan Rules of Professional Conduct regarding trial publicity. The Comment to that Rule notes that:

[T]here are vital social interests served by a free dissemination of information about events having legal consequences and about legal proceedings themselves. The public has a right to know about threats to its safety and measures aimed at assuring its security. It also has a legitimate interest in the conduct of judicial proceedings, particularly in matters of general public concern. Furthermore, the subject matter of legal proceedings is often of direct significance in debate and deliberations over matters of public policy.

A charge is merely an accusation, and the defendants are presumed innocent until and unless proven guilty beyond a reasonable doubt.