UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONAL ADMINISTRATOR
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

Director Liesl Eichler Clark
Michigan Department of Environment, Great Lakes, and Energy
525 West Allegan Street
P.O. Box 30473
Lansing, Michigan 48909

Dear Director Clark:

EPA appreciates the ongoing efforts by the Michigan Department of Health and Human Services (DHHS) and the Michigan Department of Environment, Great Lakes, and Energy (EGLE) to support public health protection in Benton Harbor. Please note a similar letter is also being sent to Director Hertel at DHHS. We also appreciate our teams' detailed and candid discussion on October 14th, building from the science of filters to other important opportunities to respond to the short, medium, and long-term needs of the community.

The steps taken by EGLE and DHHS, and furthered by the Governor's October 14th executive directive, reflect significant and important steps to address the endangerment to public health from drinking water with high lead levels. Specifically, we understand the State has committed to provide bottled water and filters to residents until further notice. As part of our oversight responsibility, EPA will closely monitor these actions. In order to be assured that the State's actions are fully effective, we would appreciate your cooperation in providing us with more detailed information about the steps you are taking to provide alternate water and filters.

As we discussed, EPA needs additional details regarding the State's plan for alternate water and filter distribution. While our early emphasis sought information on the State's filter distribution plans, to which EGLE responded in emails dated September 16th and 21st, we have also been seeking more detailed information on the bottled water delivery plan and overall communication materials since Michigan's decision to provide this resource. From our discussions and our participation in command calls, we recognize the complex logistics involved. We also understand that within the overall framework of the State's approach, important details on supplies, delivery, and transport require frequent updates to continue adjusting to needs and conditions on the ground. As part of our oversight role, EPA will continue to engage on this aspect, offer technical assistance, and if problems arise, we will not hesitate to exercise our independent authorities to ensure that the residents of Benton Harbor are provided safe drinking water.

Acknowledging that these alternate water delivery details will continue to evolve, we would like to confirm the details we have about the framework for bottled water and filter delivery and outline additional questions to clarify our understanding of that framework.

Our current understanding of the State's framework includes the following:

- Pursuant to the executive directive, residents of Benton Harbor must continue to have access to free bottled water until further notice.

- City of Benton Harbor residents should use bottled water for cooking, drinking, brushing teeth, rinsing foods, and mixing powdered infant formula (and formulas that do not require water may be provided).[1]
- Distribution locations are being identified on a rolling basis, including new locations when they can be confirmed. Distribution times and locations are listed on the Mi Lead Safe website, including a map of locations. The site also has a link to a Water Use in Benton Harbor flyer in English and Spanish.
- Three cases of 24-pack, 16 oz bottles are available per individual at a time, though this is not a hard limit.
- A hotline, also listed on the website, is available for questions and to arrange water delivery for those who are unable to get to the distribution facilities.
- Deliveries to Benton Harbor Area schools begin the week of October 18th, and pallets of water were delivered to two apartment complexes that house a large number of people.
- Updates are being provided to community members, including Reverend Pinkney. We understand from Regina Strong, EGLE's Environmental Justice Public Advocate, that some of these community members have been provided opportunities to review communication materials and distribution plans.
- The State Department of Agriculture is engaged to help address use of water in restaurants, convenience stores, and other non-residential venues.
- Meals on Wheels of Southwest Michigan in Benton Harbor will start delivering water along with meals to their clients who live within the city.

We recognize additional planning is underway to continue to refine the State's bottled water and filter distribution framework, including on recommendations for schools. EPA asks the State to confirm the above elements are in the framework.

As Michigan's response effort continues, EPA also asks that the State provide information about the following aspects of the framework to ensure procedures the State has put in place to provide bottled water and filters are working:

- Details of the process for homebound residents obtaining water after they have contacted the hotline.
- Plans for providing access to bottled water to schools, childcare facilities, or other areas where children may congregate.
- The mechanisms and frequency for alerting the community about bottled water access, times, and locations, including for non-English speaking residents.
- Description of the types of equipment and resources available to aid volunteers and paid workers in unloading and distributing water.
- Copies of the various fact sheets, scripts, and related communication materials that accompany the pickup or delivery of bottled water.

[1] We note and have been asked that the website has an inconsistency on this point. In the infographic, the website says residents "should" use bottled water for a set of purposes. In the text of the website, residents "are encouraged to" use bottled water. We suggest using "should" in both instances to reduce the risk of confusion.

- An overview of any other important components of your framework not included here, including additional detail on avenues for engagement of local and community leaders in the iterative planning process.
- EPA recognizes the State's focus is currently on bottled water distribution. Please provide an update on the State's plans with regard to the door-to-door filter distribution campaign, including as many details as possible about approaches, community engagement, and copies of materials.

We would appreciate this information as soon as possible, and ideally prior to our meeting with the petitioners on October 21st, recognizing that some questions may require further discussion.

We also appreciate your staff's cooperation in conducting a joint inspection of the Benton Harbor Public Water System during the week of September 20th to assess the compliance status of the system. We are currently considering our enforcement options to address any violations or deficiencies that are identified. We expect to work with you and the Benton Harbor Public Water System to address any issues. We believe a joint approach will result in consistency of obligations and a better result. Towards that end, Mike Harris of my office will be meeting with your staff on Wednesday, October 20th.

Through Michigan's primary enforcement authority in the State under the Safe Drinking Water Act and EPA's independent oversight, which includes technical support and enforcement authority, we can make progress in assuring safe drinking water for this community. We believe it is critical to move forward as quickly as possible to protect public health.

Sincerely,

CHERYL NEWTON

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Date: 2021.10.19 12:42:37 -05'00'

Cheryl L. Newton
Acting Regional Administrator