



STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

RICK SNYDER
GOVERNOR

BRIAN CALLEY
LT. GOVERNOR

January 20, 2016

The Honorable Barack Obama
President of the United States
The White House
Washington, D. C.

Through: Mr. Andrew Velasquez III, Regional Administrator
FEMA Region V
536 South Clark Street, 6th Floor
Chicago, IL, 60605

Dear Mr. President:

I am submitting this letter of appeal in response to FEMA Administrator W. Craig Fugate's letter to me dated January 16, 2016. In that letter, he indicated that the State of Michigan had been denied a Major Disaster Declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act for contamination and damage to the public water system in the City of Flint. I respectfully submit this letter of appeal, in accordance with the provisions set forth in 44 CFR § 206.46, to request a reconsideration of that decision.

Respectfully, I appeal the determination that the event "does not meet the legal definition of a 'major disaster' under 42 U.S.C. § 5122." This unique disaster poses imminent and long-term threat to the citizens of Flint. Its severity warrants special consideration for all categories of the Individual and Public Assistance Programs, as well as the Hazard Mitigation program in order to facilitate recovery.

While the definition under 44 C.F.R. § 206.2(17) provides examples of what might constitute a natural disaster, I submit that this disaster is analogous to the flood category, given that qualities within the water, over a long term, flooded and damaged the city's infrastructure in ways that were not immediately or easily detectable. This disaster is a natural catastrophe in the sense that lead contamination into water is a natural process. These impacts will contribute to years and potentially decades of health problems and economic loss as well as necessary repairs to infrastructure that neither the city, county, or state have the capacity to conduct. A narrow reading of this definition, restricting the hazards to which we can provide relief, does not adequately reflect the intentions of our "all-hazards" approach to emergency management at the federal and state levels.

Given the gravity of the situation and ramifications for urban areas across the United States with pre-1987 constructed water distribution systems, I hope you will determine that providing assistance beyond "appropriate assistance for required emergency measures...to save lives and to protect property and public health and safety" is warranted. As documented in my letter to you on January 14, 2016, the city of Flint has been devastated by job losses and associated economic decline.

As additional support of this appeal, I offer the following information:

State and Local Government Capabilities

The City of Flint, County of Genesee, and State agencies have worked to provide short-term solutions to many problems related to this disaster. However, permanent solutions for much of the public water

system damages can only come about with significant federal assistance made available under a Presidential Major Disaster Declaration. While we are grateful for the limited federal assistance provided thus far by FEMA, those efforts are stop-gap measures which do not meet the long-term recovery needs of this disaster for the City of Flint.

Emergency Protective Measures

As indicated in my declaration request, the State made an emergency appropriation to return Flint to Detroit water. The appropriation included several emergency measures which included testing, case management for those affected, and short and long term health care strategies. The state's commitment to those measures was \$9.35 million. The City of Flint also committed \$2 million, and the Charles Mott Foundation committed \$4 million. The State is in the process of approving a second appropriation.

The considerable needs brought about by this disaster greatly exceed the collective funding resources of local and state government. Unless a Presidential Major Disaster Declaration is granted and the Public Assistance Grant Program (PAGP) is activated there will be significant unmet needs as identified in the following areas of impacts. The only other possible option would be a special Congressional appropriation.

Long Term Public Health Threats

Although strides have been made in addressing public health threats brought about by this disaster, there are considerable lingering issues. The ability of a community to recover with such a large percentage of its citizens living in poverty requires the ability of those citizens to acquire proper health care, case management, legal services, and assistance in repairing the plumbing infrastructure in their homes that may have been damaged. Permanent solutions for these individuals and households will not come about in a timely manner without significant federal resources to restore, repair and stabilize their lives.

Damage to Infrastructure

The affected local communities and the State do not have the funding capacity to undertake the repair of an entire public water system. FEMA's PAGP provides the best source of funding for rebuilding these critical public facilities, and that program can only be activated through the declaration of a Major Disaster by the President. Any other Federal programs of assistance would be welcome.

Mitigation

With federal disaster relief, Michigan could provide funding under the Hazard Mitigation Grant Program or PAGP to the affected utility to implement cutting edge measures to mitigate the vulnerabilities of the water system against all types of physical threats. Without such assistance, such measures will not be possible.

Economic Injury

As state Rep. Woodrow Stanley, D-Flint, said yesterday, "Flint is a city without a safety net. We had failing schools before we had a water crisis. We had high unemployment."

The economic injury to the affected communities from this disaster is significant. As I indicated in my declaration request letter, impacts including further decreases in property values, lost business activity, loss of employment and further loss in population will severely impact Flint and Genesee County.

As part of the disaster declaration request, I included assistance from the Small Business Administration (SBA) to provide financial relief to the scores of businesses impacted by this disaster. If such assistance were approved, the low-interest loans would provide much needed working capital to many businesses to allow them to continue to operate until their business picks up.

This disaster also comes on the heels of another Major Disaster (4195-DR-MI) that occurred in August of 2014. The state and those nearby counties and local municipalities are still recovering from that event and now they have another major disaster to deal with, and few available resources to address the significant impacts to the health of the citizens and damages to public facilities.

Direct Federal Assistance

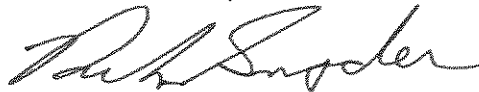
The federal government is highly engaged in event responses, such as the BP Deepwater Horizon disaster. The federal government established a National Response Team of 16 federal departments and agencies, ranging from the EPA to the SBA to the Department of Labor. Such engagement was critical to restoring public confidence to avoid further economic damage from perceived contamination. In the BP case, fisheries, tourism, and other uses were afforded the benefit of technical expertise to minimize damage. In the case of Flint, residents are afraid to use water for washing because of their fear of further contamination and damage. The residents of the city of Flint need federal expertise to rebuild confidence in the use of tap water.

Conclusion

I sincerely believe that a Presidential Major Disaster Declaration is warranted due to the extraordinary circumstances involved in this disaster – the widespread and damage to public facilities, the potential long term damages to public health, and the substantial additional economic injury upon an already affected community. Therefore, I ask that you reconsider your decision in this matter and that you grant the State of Michigan the disaster relief assistance that it needs by declaring this event a Major Disaster under the Stafford Act.

Capt. Chris A. Kelenske of the Michigan State Police, Emergency Management and Homeland Security Division, continues to be my designated State Coordinating Officer for this request. He will work with FEMA on program implementation and provide further information or justification on my behalf, as requested.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard D. Snyder".

Richard D. Snyder
Governor