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October 18, 2021

Director Liesl Eichler Clark  
Michigan Department of Environment, Great Lakes, and Energy  
Constitution Hall  
525 West Allegan Street  
P.O. Box 30473  
Lansing, MI 48909-7973

Dear Director Clark:

As chair of the Senate Committee on Oversight, I write to you today to request the Michigan Department of Environment, Great Lakes, and Energy (the "Department") produce certain documents and information<sup>1</sup> in connection with the water crisis in Benton Harbor.

While the legislature has been aware of and worked in a bipartisan manner to provide support for the concerns related to the lead levels in the water supplied to Benton Harbor, the revelations the Detroit News reported last week are quite unsettling. The report claims that the Department failed to notify the residents of Benton Harbor that, for the better part of two years, their drinking water was unsafe to consume because certain treatments failed to reduce the lead levels in the water to an acceptable amount.

The documents requested herein will help us learn and understand how the Department established, implemented, and executed policies and initiatives to address the water crisis in Benton Harbor over the past three years. One of the Department's vital responsibilities is to ensure the safety and well-being of Michigan's environment and the residents that reside in it, and a thorough review of the Department's response to this tragedy is necessary and will help strengthen and preserve the Department's effectiveness moving forward.

I make these requests in good faith and share the common goal of a cooperative and productive exchange of information. I trust there will be no issue complying with these requests and look forward to reviewing the responsive documents and information.

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<sup>1</sup> Michigan law authorizes any senate standing or select committee to subpoena or inspect the records and files of any state department, board, institution or agency. See MCL 4.541. Each state department, board, institution, or agency has a duty to produce the requested documents and information or permit the members of the requesting committee to inspect its records and files. *Id.*

Accordingly, I respectfully request the following:

1. All correspondence<sup>2</sup> to or from the following individuals relating to any implemented corrosion control or treatment, including but not limited to the use of polyphosphate, of the water for Benton Harbor between January 1, 2019 and October 15, 2021:
  - a. Liesl Clark
  - b. James Clift
  - c. Aaron Keatley
  - d. Eric Oswald
  - e. Nina Sasy
  - f. Kristina Donaldson
  - g. Kris Phillip
  - h. Brandon Onan
  - i. Michael O'Malley
  - j. Rev. Edward Pickney
  - k. Elizabeth Cisar
  - l. Regina Strong
  - m. Marcus Muhammed
  - n. Courtney Davis
  - o. Gillian Conrad
  
2. All correspondence to or from the following individuals relating to results of lead and copper water testing for Benton Harbor between January 1, 2019 and October 15, 2021:
  - a. Liesl Clark
  - b. James Clift
  - c. Aaron Keatley
  - d. Eric Oswald
  - e. Nina Sasy
  - f. Kristina Donaldson
  - g. Michael O'Malley
  - h. Rev. Edward Pickney
  - i. Elizabeth Cisar
  - j. Regina Strong
  - k. Marcus Muhammed
  - l. Courtney Davis
  - m. Gillian Conrad
  
3. All correspondence between Department staff and the Executive Office of the Governor relating to any implemented corrosion control or treatment, including but not limited to the use of polyphosphate, of the water for Benton Harbor between January 1, 2019 and October 15, 2021.
  
4. All correspondence between Department staff and the Executive Office of the Governor relating to Benton Harbor water testing between January 1, 2019 and October 15, 2021.

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<sup>2</sup> "Correspondence" means electronic or hard copy versions of e-mails, letters, voicemails, memorandums, text messages, meeting minutes, or any other method of internal communication utilized by the Department.

5. All documents<sup>3</sup> provided to Benton Harbor public officials providing guidance on how to inform residents of the elevated lead levels in the Benton Harbor water between January 1, 2019 and October 15, 2021.
6. All correspondence the Department received from public officials or members of the public regarding the elevated lead levels in the Benton Harbor water between January 1, 2019 and October 15, 2021.
7. All correspondence the Department sent to public officials or members of the public regarding the elevated lead levels in the Benton Harbor water between January 1, 2019 and October 15, 2021.

Please provide the above documents and information in a format that is reasonably usable, such as fully unitized and text-searchable PDF's or native files, and in native format for Excel/spreadsheets and database files. If the Department withholds any documents or information responsive to the above requests on the basis of any privilege or confidentiality concern, such that a legislative subpoena may be required, please produce a privilege log that sufficiently describes the documents or information withheld and identifies the particular privilege asserted.

Finally, please provide the requested documents and information within 10 days. If you are unable to produce the requested documents and information within 10 days, please contact my office immediately to arrange an alternative date by which you will produce the requested documents and information.

To the extent you have any questions or concerns about the documents and information requested, please do not hesitate to contact me. Thank you for your time—I appreciate your cooperation and careful attention to this matter.

Sincerely,



Senator Ed McBroom  
Chairman  
Senate Committee on Oversight

Cc: Senator Mike Shirkey, Senate Majority Leader

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<sup>3</sup> “Document” means any written, recorded, or graphic matter, however produced, reproduced, or modified. This includes originals and copies, whether in electronic or paper form.