

**Flint Water Crisis: Failure to Provide Care**

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By

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On my honor as a University student, I have neither given nor received unauthorized aid on this assignment as defined by the Honor Guidelines for Thesis-Related Assignments.

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## **Introduction**

Flint, Michigan has been without clean water since 2014, when the city switched its drinking water supply from the Detroit River and Sewerage Water department to the polluted and corrosive Flint River in order to cut costs. The city failed to treat the Flint River water to drinkable quality and when this water came in contact with the lead pipes in the city, the pipes leached lead into the water supply of thousands of homes. The residents soon complained about the foul-smelling and discolored water, but the city officials maintained that the water was safe to drink, ignoring these complaints. Many believe that the Flint Michigan Water Crisis is a failure of government on all levels.

While our understanding of this as a case of government negligence is accurate, little attention has been paid to the government's actions in terms of ethics. If we continue to think that this is only a case of government negligence, without examining the specific actions, or lack thereof, and their ethical salience, we will not understand the entire situation and factors that led to it. Drawing on Carol Gilligan's theory of Care Ethics, I argue that the local, state and federal government all acted unethically as they failed to provide proper care to the people of Flint. Government officials on all levels failed to be attentive, responsible, competent and responsive towards Flint residents and the Flint Water Crisis. Care ethics will allow me to explore the actions of government officials and whether they were able to provide Flint residents with the care they deserved.

## **Background**

Flint, Michigan has been in an economic decline since the 1980's, when General Motors (GM) shed 70,000 jobs in the area due to global competition. The deindustrialization of Flint resulted in an abandonment of the town, where anyone who was able to leave left the

town, leaving Flint poorer and predominantly Black. Approximately 57% of the residents of Flint are African American and 42% of the population lives under the poverty line. In order to bring the city back into fiscal solvency, in 2014 an Emergency Fiscal Manager (EFM) was appointed. This EFM, in April 2014, decided to change Flint's water source from the Detroit River to the Flint River. This decision cost the residents of Flint greatly, as it resulted in a water crisis that is yet to be resolved. The water from the Flint River was not treated properly and was so corrosive that it resulted in the old pipe infrastructure of the city of leech lead, poisoning Flint's water supply (Pulido, 2016).

## **Literature Review**

A plethora of research surrounding the Flint Water Crisis exists. Many scholars have explored the negligence of the government in ensuring that the Flint's water was safe to consume and their disregard to the complaints of the residents regarding the water. There is a consensus amongst scholars that this was a case of environmental racism and the disregard to the health and safety of Flint residents was a direct result of their minority and socioeconomic status. Further, a lot of research has been done surrounding water quality and the arising health issues, confirming a strong causal link between the two. While both the social and health aspects of the crisis have been studied, little has been said about the ethical salience of the government's actions, especially in terms of Care Ethics.

In *Flint, Environment Racism and Racial Capitalism*, Laura Pulido argues that the Flint Water Crisis is an example of environmental racism and racial capitalism. She claims that the "people of Flint were so devalued that their lives were held subordinate to municipal fiscal solvency," examining the economic incentives that led to the decision of changing the water supply. Pulido emphasizes that the Flint officials had knowledge of the potential results of

their actions, as evidenced by the approval of General Motors' request to switch back to the Detroit River water in order to prevent rusting of engine parts. While GM's complaints were heard and action was taken to resolve the problem, the complaints from Flint residents went unheard (Pulido, 2016). While Pulido looks extensively into the capitalistic incentives of officials and the failing social and economic status of Flint, she does not concern herself with the specific laws that safety codes that were neglected at various government levels or the ethics of their actions. Pulido also does not concern herself with the ethics of the government officials' choices.

Lindsey Butler, in her paper *The Flint, Michigan Water Crisis: A Case in Regulatory Failure and Environmental Injustice*, examines the laws and codes that were both neglected and incorrectly interpreted, allowing for the corrosive water to reach residents. She discusses that Flint's pipes did not satisfy the Lead Copper Rule but due to improper testing protocol, the problem was never caught. Further, the Environmental Protection Agency (EPA) failed to intervene when Flint's water lead levels exceeded those prescribed by the Safe Drinking Water Act, which is a federal law that the EPA is required to enforce (Butler, Scammel & Bensen, 2016). She goes on to examine other cases of regulatory failure and points out the common underlier of these cases: the minority and poor status of residents. While Butler does argue that Flint residents were failed by every level of the government: local, state, and national, she does not connect this regulatory failure to incompetence and the immorality of these failures.

Another important link of scholarship is the connection between water quality and the deteriorating health of the Flint residents. Two scholars who have explored these in detail are William J Rhoades and Chinaro Kennedy. Rhoades did a comprehensive analysis of Flint water from 2010 to 2016, looking closely at composition and differences between water quality of the

Detroit River and Flint River. He found that the Flint River water was optimal for the growth of *Legionella*, linking the water to the death of a dozen people from Legionnaires' disease (Rhoades et al., 2017). Similarly, Kennedy has examined blood lead levels of children less than 6 years old, concluding that the blood lead levels rose significantly when the water source was switched from the Detroit River to Flint River (Kennedy et al., 2016).

While there is a plethora of scholarship linking the government atrocities and negligence, medical conditions faced by Flint residents, and the racial and social factors that played a role in this environmental atrocity, little has been said about the ethical implications of the choices of government officials in this case. I will use the theory of Care Ethics to examine the actions of government officials and determine whether they acted ethically and provided proper care to the residents of Flint or not.

### **Conceptual Framework**

My analysis of FWC draws on Carol Gilligan's theory of Care Ethics, which allows me to examine the government's failure to provide proper care to the residents of Flint by failing to be attentive, responsible, competent and responsive. In 1982, Gilligan proposed a normative ethics theory which puts emphasis on care as a virtue, suggesting that morality does not stem from general moral principles but by encountering concrete people with emotions (vanPoel, 2011). Care ethics emphasizes relationships and the responsibilities and vulnerabilities that stem from being in these specific relationships. According to care ethics, morality is understood foremost in terms of the responsibility that individuals owe towards each other. This duty of care differs depending on the context of the relationship, as different relationships result in varying degrees of dependence and interdependence between individuals. For example, parents have a special relationship with their children, which comes with a set of responsibilities and obligations

that parents owe towards the child, who is heavily dependent on the parent. Care arises from our involvement in each other's lives and the responsibilities they owe each other, encompassing all human activity that we carry out to maintain, continue, and repair our world so that we can live in it as best as possible (vanPoel, 2011).

According to Gilligan, care can be expressed both as an action and an attitude. Care as an attitude involves compassion, attention, and being caring. As mentioned earlier, roles determine the extent to which care can be expected in a relationship and response to other's vulnerabilities is critical. The degree to which we respond well to needs and vulnerabilities is not determined by laws but "in the context in which the need arises" (vanPoel, 2011). A criticism of Care Ethics is that it is philosophically vague, as the idea of "good care" is vague. In order to better define care, Joan Tronto defined the four elements of care: attentiveness, responsibility, competence, and responsiveness. Attentiveness is the proclivity to becoming aware of a need, responsibility is responding to and caring for the need, competence implies having the skills required to provide good and successful care, and responsiveness requires consideration of the position of the other and the role of power dynamics (Tronto, 1993). I argue that the local, state and federal government all had a responsibility towards the residents of Flint as the residents were dependent upon the government for a crucial necessity: safe water. I will use the theory of Care Ethics to show that the government failed to provide proper care to the citizens of Flint, as it failed to be attentive, responsible, competent, and responsive.

## **Analysis**

### *Attentiveness*

The local government of Flint, Michigan, failed to provide adequate attention to Flint's residents in ensuring that they had safe drinking water. As Pulido also mentions, there were

multiple red flags that should have been a clear indication to the Flint government officials that water from the Flint river was toxic and unsafe for consumption. For example, soon after switching to the Flint river water, GM complained that Flint river water lead to rusting of engine parts (Pulido, 2016). City officials granted GM the permission to return to using water from the Detroit River as a result. Had the city officials been attentive, the corrosion of engine parts would have been a clear indication that the Flint river water is not safe for consumption. The complaint from GM should have prompted them to seek further knowledge regarding the state of the city water as it was their responsibility to provide Flint residents with safe water. However, the city officials did not take any further steps to test the water quality of the water (Pulido, 2016). The city officials failed to be attentive to the needs of the residents, who are dependent upon them for their crucial need of drinking water.

### *Responsibility*

Not only did the city officials fail to take precautions after General Motors brought the corrosive nature of Flint water to their attention, they outright ignored the complaints of Flint residents about water quality. The city of Flint failed to respond to the complaints of Flint residents, maintaining that the Flint water was safe to drink for 18 months after the switch (Pulido, 2016). Further, the Environment Protection Agency (EPA) also failed to fulfill its responsibility towards Flint residents. The EPA is required to oversee and ensure that state and local governments are providing their citizens with safe drinking water, under the Safe Drinking Water Act. The EPA was made aware of the of the high levels of lead in Flint water in April 2015, but failed to act until January 2016, when negative media attention forced them to act (Butler, Scammel & Bensen, 2016).

It was not until the Flint residents teamed up with researchers from Virginia Tech, providing them with samples from 252 homes, that their complaints were heard. Virginia Tech researchers found that the water was well over the safety limits, with 10 percent of the samples contained over 25 ppb of lead, exceeding the federal action level of 15 ppb. (Palmer, 2016). This put pressure on the government officials to respond to the complaints of the residents. As this news gained nationwide attention, city officials came forward and took more responsibility for their mistake.

Some may argue that the all levels of government did, in fact, take responsibility for their actions. For example, in October 2015, Governor Snyder allowed Flint to return to the Detroit water system, later going so far as to state “I’m sorry, and I will fix it” (Bosman and Smith, 2016). Further, on July 19, 2018, the EPA released a report in response to the crisis stating that “the circumstances and response to Flint’s drinking water contamination involved implementation and oversight lapses at the EPA, the state of Michigan, the Michigan Department of Environmental Quality (MDEQ), and the city of Flint” (EPA, 2018).

While it is true that the government did eventually take responsibility for the crisis, they only did so when they could no longer deny that the Flint water was toxic and under fierce media coverage. By the time the government took responsibility, the lead levels of thousands of children under the age of 6 had surpassed the acceptable range (Kennedy et al., 2016). Due to the government’s failure at taking responsibility earlier, Flint residents were made vulnerable to health problems, such as lead poisoning and Legionnaires disease. The government on all levels failed to take responsibility when it mattered most and provide proper care to Flint residents.



### *Competence*

Perhaps the greatest failure of the government in caring for Flint residents was a failure in competence. Even when complaints from residents piled in, city officials maintained that the water was safe to drink, using water quality test results as proof. These tests failed to diagnose the problems with Flint water in part due to false testing regimes employed by the city that allowed for the toxic water to pass the standards required (Buttler, Scammel & Bensen, 2016; Palmer, 2016). First off, the Flint Water Treatment Plant (FWTP) did not test for compliance with the LCR rule in the 100 houses most likely to have lead pipes, as the testing protocol requires, getting samples not representative of the real risk associated with lead leeching. Secondly, the Michigan Department of Environmental Quality (MDEQ) incorrectly instructed all water suppliers to pre-flush their taps the night before testing, introducing another source of error in the testing procedure (Buttler, Scammel & Bensen, 2016).

According to Marc Edwards, a Virginia Tech researcher who conducted excessive water testing in Flint, "If anyone had looked at this who was reasonably competent for five minutes, they would have predicted that this would have occurred" (ACLU of Michigan, 2016). This implies a clear lack of competence in both the officials in charge of testing and those in power and charge of taking care of water quality in the state and city. This incompetence rendered the government unable to provide proper care to Flint residents.

### *Responsiveness*

The final way in which all levels of government failed to provide care to Flint residents is in their responsiveness towards residents. It is the caregiver's responsibility to consider the position of the "other" and be aware of any power dynamics that might exist in the relationship (vanPoel, 2011). The residents of Flint were dependent upon the government to provide them

with safe water, making them vulnerable to abuse. The local, state and federal government all failed to be considerate of this power dynamic and abused the power that was bestowed upon them. In a democracy, even though the power to make decisions is vested in the government, this power originally stems from the people. However, in the case of Flint, this power, and the decision to decide which water source to ultimately use, was vested in a non-elected official.

In 2011, the governor of Michigan declared Flint to be in a financial crisis and put it under emergency management, hiring an Emergency Fiscal Manager (EFM) to cut costs in the city (Pulido, 2016). An EFM's goal is to return cities to fiscal solvency, and they render the power of the city mayor and council superfluous, as they have the final say in city affairs (Pulido, 2016). The power of the EFM, an unelected official, over elected officials, as a Flint resident states, "totally decimates democracy" (ACLU of Michigan, 2016). Even though the water supply impacts residents of Flint directly, they unfortunately were not given a say in the matter of where their water comes from. The EFM decided to stop sourcing water from Detroit River, and temporarily source the water till 2018 from the Flint River while working on setting up infrastructure to get water from Lake Huron. This blatant disregard of what the residents of Flint want and of the power dynamic between the government and residents resulted in improper care and unethical treatment.

Further, many scholars agree that the Flint Water Crisis was an incident of environmental racism. The National Association for the Advancement of Colored People (NAACP) released a statement on January 17, 2016, that "even as children were showing up sick in doctor's offices with rashes and cases of hair loss, state environmental officials and elected leaders refused to see the warning signs. Would more have been done, and at a much faster pace, if nearly 40% of Flint residents were not living below the poverty line? The answer is

unequivocally yes.” This statement shows the clear lack of both attentiveness and responsibility as the environmental officials and elected leaders, who were there to serve the residents, failed to see the warning signs. Further, it illustrates the possibility that the government officials handling this case might have had some racial or socioeconomic biases that led them to value the lives of Flint residents less.

The government officials had an even greater responsibility towards Flint residents due to the minority status and prior deindustrialization of Flint. Care ethics is based off the notion that each relationship should be treated with appropriate care, which depends to a large amount on the vulnerabilities of the party receiving care. The residents of Flint were extremely vulnerable due to the deindustrialization and poor economic status of Flint. Thus, the government had an even greater duty of care towards them. Further, knowing that the city population was majority African American, the government had a duty to ensure extra care in being impartial and providing the utmost care to residents. Racial bias can exist without one being aware of it and knowing the history of prejudice and injustice towards African Americans, government officials had a responsibility to ensure that they were unbiased and provided proper care to the residents of Flint. However, government officials on all levels failed to be responsive towards the needs and vulnerabilities of Flint residents and failed to provide them with proper care.

## **Conclusion**

I have argued that the local, state and federal government failed to provide proper care to the residents of Flint, both, before and throughout the Flint Water Crisis by failing to: be attentive to the warning signs of water toxicity, take responsibility for the water until pressurized to do so, not exhibiting competence in testing the water properly, and in being responsive towards and aware of the power dynamics that existed between the government officials and

people of Flint. It is the responsibility of the local and state government to provide safe drinking water to residents, and the responsibility of the federal government to ensure that this responsibility is being fulfilled. Unfortunately, the three levels of government failed to respond to the needs of Flint residents properly, resulting in the Flint Water Crisis that remains unsolved even today. Understanding government response to the crisis in terms of care ethics allows us to better understand the Flint Water Crisis, actions that led to it and their ethical salience.

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