

Noah D. Hall

Wayne State University Law School

Former Special Assistant Attorney General with the
Office of Special Counsel for the Flint water crisis

Flint's Fight for Environmental Rights

Educational lecture based on public materials all referenced in
“Flint's Fight for Environmental Rights,”

Northwestern University Law Review,

117 Nw. U. L. Rev. 123 (2022)

See also www.greatlakeslaw.org



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Noah D. Hall

Professor of Law

Biography

Noah Hall's expertise is in environmental and water law, and his research focuses on issues of environmental governance, federalism, and transboundary pollution and resource management.

He joined the Wayne Law faculty in 2005. For the 2014-15 academic year, he served as the Law School's associate dean for student affairs. Previously, he taught at the University of Michigan Law School and was an attorney with the National Wildlife Federation, where he managed the Great Lakes Water Resources Program for the nation's largest conservation organization. Hall also worked in private practice for several years, representing a variety of business and public-interest clients in litigated and regulatory matters. He has extensive litigation experience and numerous published decisions in state and federal courts. He continues to represent a variety of clients in significant environmental policy disputes. From 2016-2019, Hall served as special assistant attorney general for Michigan for the Flint water investigation.

Hall is founder of the Great Lakes Environmental Law Center, a nonprofit environmental organization that provides legal assistance to community organizations, environmental non-governmental organizations, and local, state and regional governments. He continues to serve as the Great Lakes Environmental Law Center's scholarship director.

He graduated from the University of Michigan Law School and University of Michigan School of Natural Resources and Environment, concentrating in environmental policy. After law school, he clerked for the Hon. Kathleen A. Blatz, chief justice of the Minnesota Supreme Court.

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[Curriculum Vitae \(pdf\)](#)

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Flint water crisis litigation – resources and pleadings

A listing of key resources and pleadings from Flint water crisis litigation (updated and current).

1. Background – what happened in Flint, how, and why:

US EPA, Emergency Administrative Order re City of Flint, Michigan Department of Environmental Quality, and the State of Michigan (January 2016)

http://www.greatlakeslaw.org/Flint/EPA_Emergency_Administrative_Order.pdf

US EPA, Office of Inspector General, Management Alert: Drinking Water Contamination in Flint, Michigan, Demonstrates a Need to Clarify EPA Authority to Issue Emergency Orders to Protect the Public (October 2016)

http://www.greatlakeslaw.org/Flint/EPA_OIG_Flint.pdf

US EPA, Office of Inspector General, Management Weaknesses Delayed Response to Flint Water Crisis (July 2018)

http://www.greatlakeslaw.org/Flint/EPA_OIG_Flint_2018.pdf

Flint Water Advisory Task Force, Final Report (March 2016)

http://www.greatlakeslaw.org/Flint/FWATF_FINAL_REPORT_March_2016.pdf

Peter Hammer, The Flint Water Crisis, KWA and Strategic-Structural Racism, Written Testimony Submitted to the Michigan Civil Rights Commission (July 2016)

http://www.greatlakeslaw.org/Flint/Hammer_Flint_MCRC_Testimony.pdf

Michigan Civil Rights Commission, The Flint Water Crisis: Systemic Racism Through the Lens of Flint (February 2017)

http://www.greatlakeslaw.org/Flint/MCRC_Flint_Water_Crisis_Report.pdf

Michigan Attorney General and Office of Special Counsel, Flint Water Crisis Investigation Interim Report (June 2017)

http://www.greatlakeslaw.org/Flint/Flint_Water_Crisis_Investigation_Interim_Report.pdf



Lake Superior

Ontario

Lake Michigan

Michigan

Lake Huron

Toronto

Lake Ontario

Milwaukee

Flint

Buffalo

Detroit

Lake Erie

Chicago

Cleveland

Penn

nois

UNITED STATES

Ohio

Pittsburgh



Flint's Plan for a New Water Pipeline

The city of Flint and three counties have proceeded with a plan to build their own water pipeline from Lake Huron. They hope to end their dependency on Detroit's waterworks.



CITY OF FLINT
MUNICIPAL CENTER



Repeal

Emergency

Dictator Law



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WELCOME TO THE



FLINT

WATER PLANT & FACILITIES





NEW AT 5:00

**CITY OF FLINT OFFICIALLY BECOMES
RELIANT ON FLINT RIVER WATER**

LOCALIZED DRINKING WATER WARNING

A localized area of the City of Flint water is contaminated with fecal coliform BOIL YOUR WATER BEFORE USING

Fecal coliform bacteria were found in the water supply on August 14, 2014. These bacteria can make you sick, and are a particular concern for people with weakened immune systems.

What should I do? What does this mean?

DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST. Bring all water to a boil, let it boil for one minute, and let it cool before using, or use bottled water. Boiled or bottled water should be used for drinking, making ice, brushing teeth, washing dishes, and preparing food. Boiling kills bacteria and other organisms in the water. Continue using boiled or bottled water until further notice. This boil notice is limited to the area bordered by Mann Hall Ave. (North), Mann Ave. (East), Whitney Ave. (South) and the City limits (West).

This boil water notice is only for the affected area. The Water Treatment Plant tests verify that the overall system is operating within DEQ drinking water standards.

Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.

The symptoms above are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice. People at increased risk should seek advice about drinking water from their health care providers.

What happened? What is being done?

3 routine samples tested total coliform positive, repeat samples were also total coliform positive as well as 1 fecal coliform positive. We are increasing our chlorine levels and flushing the system. We will inform you when tests show no bacteria and you no longer need to boil your water. We anticipate resolving the problem within a few days.

For more information, please contact Mr. Brent Wright of the City of Flint at 810-787-6537, bwright@cityofflint.com, 4500 North Dort Highway, Flint MI 48505 or Daugherty Johnson Utilities Administrator (810) 766-7135 ext 2802. General guidelines on ways to lessen the risk of infection by microbes are available from the EPA Safe Drinking Water Hotline at 1(800) 426-4791.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

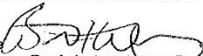
This notice is being sent to you as a precautionary measure by the City of Flint.

CERTIFICATION:

WSSN: 02310

I certify that this water supply has fully complied with the public notification requirements in the Michigan Safe Drinking Water Act, 1976 PA 399, as amended, and the administrative rules.

Signature



Title PLANT SUPERVISOR

Date Distributed

8/15/2014

Reminder to water supplier. This notice / certification must be sent to the DNRE.



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING DISTRICT OFFICE



DAN WYANT
DIRECTOR

September 10, 2014

Mr. Brent Wright
City of Flint Water Treatment Plant
4500 North Dort Highway
Flint, Michigan 48605

SUBJECT: Compliance Communication
Total Trihalomethane Operational Evaluation Requested

Under the Stage 2 Disinfectants and Disinfection Byproduct Rule, the City of Flint has been required to collect samples for the analysis of Total Trihalomethane (TTHM) and Haloacetic Acids (HAA5) at eight sites within the City's water distribution system. The City has completed two quarterly monitoring periods since changing its source water to the Flint River effective April 25, 2014.

Normally an Operational Evaluation Level (OEL) would be calculated in accordance with the Michigan Safe Drinking Water Act, Public Act 399, 1976, as amended, Administrative Rule 7196 (R 325.107196), each quarter once three quarters of results have been obtained and compared with the respective maximum contaminant level (MCL) for TTHM. Normally the calculation would be made as follows:

$$(2 \times \text{current quarter} + \text{sum of 2 previous quarters}) \text{ divided by } 4$$

As the City of Flint currently has only two quarters of data, the calculation has been modified as follows:

$$(2 \times \text{current quarter} + \text{previous quarter}) \text{ divided by } 4$$

The resulting OEL for each site is listed in the table below. All results are in parts per billion (ppb):

	TTHM			HAA5		
	5/21/14	8/21/14	Mod. OEL	5/21/14	8/21/14	Mod. OEL
DBP1 McDonalds 3719 Davison	162.4	145.3	113	64	43	38
DBP2 Liquor Palace 822 S. Dort Highway	111.6	112	84	52	40	33
DBP3 North Flint Auto 3302 S. Dort Highway	96.5	127.2	88	48	31	28
DBP4 University Market 3606 Corunna	106.4	181.3	117	55	24	26
DBP5 B&P Gas Station 2501 Flushing	75.1	196.2	117	38	17	18
DBP6 Salem Housing 3216 MLK Boulevard	82.2	112.4	77	41	25	23
DBP7 Kroger 5018 Clio Road	88.2	144.4	84	49	30	27
DBP8 Taco Bell 6204 N. Saginaw	79.2	118.3	79	50	37	31

General Motors shutting off Flint River water at engine plant over corrosion worries



By **Ron Fonger** | rfonger1@mlive.com

on October 13, 2014 at 6:00 PM, updated January 17, 2015 at 10:48 AM

FLINT, MI -- Chloride levels in treated Flint River water are so high that General Motors will no longer use it at its engine plant here because of fears it will cause corrosion.

GM spokesman Tom Wickham said Monday, Oct. 13, that the company has reached a temporary agreement to buy Lake Huron water from Flint Township for Flint Engine Operations on West Bristol Road.

Under the agreement, the plant will return as a Flint water customer after the city switches back to using Lake Huron water -- after the Karegnondi Water Authority pipeline is completed -- something that's not expected to happen until the end of 2016.

"Because of all the metal ... you don't want the higher chloride water (to result in) corrosion," Wickham said. "We noticed it some time ago (and) the discussions have been going on for some time."

FLINT WATER

['Beginning of the end' for Flint water crisis health disaster, Edwards says](#)

[Watch live as new Flint water test results are announced by Virginia Tech](#)

[Water resources sites up and running in all nine Flint wards](#)

[W.K. Kellogg Foundation awards \\$7.1 million to help Flint families](#)

University of Michigan-Flint reveals water quality test results to campus



By **Sarah Schuch** | sschuch@mlive.com

on February 09, 2015 at 5:02 PM







Consumer Notice of Lead & Copper Results in Drinking Water

Water Supply Name: City of Flint
 County: Genesee WSSN: 2310
 Sample Location: 212 Browning Date Sampled: 2/18/2015

Thank you for participating in the lead and copper monitoring of drinking water. The levels of lead and copper found at your location are in the table below.

Key to Table	Contaminant	AL	MCLG	Your Result
Action Level (AL): The concentration of a contaminant which, if exceeded, triggers treatment or other requirements that a water system must follow. Maximum Contaminant Level Goal (MCLG): The level of a contaminant in drinking water which there is no known or expected risk to health. MCLG's allow for a margin of safety. ppb: parts per billion or micrograms per liter.	Lead (ppb)	15	0	104
	Copper (ppb)	1300	1300	Not Detected

Lead can cause serious health problem if too much enters your body from drinking water or other sources. It can cause damage to the brain and kidneys, and it can interfere with the production of red blood cells that carry oxygen to all parts of your body. The greatest risk of lead exposure is to infants, young children, and pregnant women. Scientists have linked the effects on the brain with lower IQ in children. Adults with kidney problems and high blood pressure can be affected by low levels of lead more than healthy adults. Lead is stored in the bones, and can be released later in life. During pregnancy, the child receives lead from the mother's bones, which may affect brain development.

To reduce exposure to lead in drinking water:

- *Run your water to flush out lead.* Run the water until it becomes cold.
- *Use cold water for cooking and preparing baby formula.* Do not cook with or drink water from the hot tap; lead dissolves more easily in hot water.
- *Do not boil water to remove lead.* Boiling water will not reduce lead levels.
- *Look for an alternative sources or treatment of water.* If your lead result is above 15 ppb, you may want to consider purchasing bottled water or a water filter. Read the package to be sure the filter is approved to reduce lead or contact NSF International at 800-NSF-8010, or www.nsf.org for information on performance standards for water filters.
- *Identify if your plumbing fixtures contain lead.* New faucets, fittings, and valves, may contain up to 8 percent lead including those advertised as lead-free" and may contribute lead to drinking water. Consumers should be aware of this when choosing fixtures and take appropriate precautions.

Although the primary sources of lead exposure for most children are deteriorating lead-based paint, lead-contaminated dust, and lead contaminated soil, the U.S. EPA estimates that 10 to 20 percent of human exposure to lead may come from drinking water.

For more information, contact us at: *City of Flint Water Plant (810) 787-6537.*

For more information on reducing lead exposure around your home and the health effects of lead, visit the U.S. EPA's Web site at www.epa.gov/lead, call the National Lead Information Center at 800-424-LEAD, or contact your health care provider.



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

FEB 20 2015

REPLY TO THE ATTENTION OF:

WG-15J

Mrs. Stephanie Pumfrey
4071 Mitchell Drive
Flint, Michigan 48506

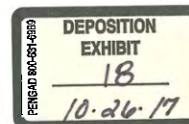
Dear Mrs. Pumfrey:

Thank you for your January 9, 2015 email to President Obama concerning the quality of the drinking water in the City of Flint, Michigan. Your email was forwarded to me for a response, since the City of Flint's municipal water supply is located within the geographical boundaries of the Region 5 office of the U.S. Environmental Protection Agency.

To summarize the background of your concerns with the City of Flint's drinking water, the source of drinking water for the City of Flint was changed from Detroit (which comes from Lake Huron) to the Flint River at the end of April 2014. The quality of the water in the Flint River is different than that from Lake Huron; and requires additional treatment to ensure an acceptable quality drinking water. The Michigan Department of Environmental Quality (MDEQ) has been working closely with the Operator-in-Charge at the City of Flint's Water Treatment plant to ensure that the citizens of Flint are provided drinking water that meets health standards. As you stated in your letter, the use of Flint River water as a source for your drinking water is an interim source. The City of Flint plans to connect to the Karegnondi pipeline, which will draw water from Lake Huron, in 2016.

My staff contacted the MDEQ District Supervisor for the Lansing District, Steve Busch, to discuss the City of Flint's drinking water issues. Mr. Busch is aware of the multiple complaints from citizens. He and his staff are working closely with the City of Flint's Water Department to ensure the distribution system and the water treatment processes work more efficiently and effectively. The most recent laboratory analyses obtained from MDEQ of the City of Flint's drinking water indicate that almost all regulated contaminants meet State and Federal health standards, as required under the Federal and Michigan Safe Drinking Water Acts. It is true that the City of Flint exceeded the maximum contaminant levels (MCL) for *E. coli* in August 2014, for total coliform bacteria in September 2014, and total trihalomethanes (TTHM) in the fourth quarter of 2014. The City of Flint conducted the proper follow-up to these violations as required by Federal and State regulations. The City of Flint has returned to compliance the two bacteria MCL violations that occurred in August and September 2014.

The TTHM violation is based upon the average of data from four quarters for each sampling location. The initial monitoring in early summer reported significantly elevated levels of TTHM compounds throughout the City's distribution system. The MDEQ's Lansing District office advised the City that it needed to immediately implement operational techniques at the drinking



water treatment plant and in the distribution system to reduce the formation of TTHM compounds. The City of Flint's actions have reduced TTHM concentrations to the point where the most recent results at seven of the eight sample locations are below the drinking water TTHM health standard. At this time, the City must continue to provide quarterly public notification, as it continues to work with the MDEQ engineers to reduce the TTHM levels within the distribution system.

For further information regarding MDEQ's oversight and assistance to the City of Flint regarding its drinking water quality, you can contact Mr. Busch at:

Steve Busch, District Supervisor
Lansing District Office
Office of Drinking Water and Municipal Assistance
Michigan Department of Environmental Quality
P.O. Box 30242
Lansing, Michigan 48909-7742
(517) 643-2314
buschs@michigan.gov

In your email, you suggested that the source of drinking water should be switched back to Detroit drinking water which comes from Lake Huron. Unfortunately, EPA does not have the authority to require the City to change its source of drinking water back to Detroit drinking water. The decision to change the source of the City of Flint's drinking water was a local decision, and continues to be a local decision only.

Your email also stated that you are paying high monthly bills for drinking water. A part of the water rate is based upon the amount of water the resident is using; however, the base rate/service charge includes debt service charges and operation and maintenance costs of the water supply. The Michigan Department of Treasury conducts annual financial audits of local units of government in accordance with U.S. government auditing standards and Michigan Public Act 34 of 2001, the Municipal Finance Act. This includes the City of Flint and its proprietary utility funds. While these audits do not set the rate structure, they do ensure that funds generated through water rates are accounted and directed in accordance with applicable laws.

Copies of these audits can be obtained online at the following location:

<https://treas-secure.state.mi.us/LAFDocSearch/>

There is currently no Federal regulatory oversight of water utility rates in Michigan.

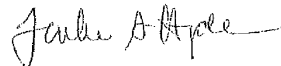
Telephone numbers for you to call if you have further concerns about your drinking water quality:

Flint Water Service Center deals with problems in the distribution system: (810) 766-7202

Water Treatment Plant deals with the actual treatment of the water prior to its pumping into the distribution system: (810) 787-6537

We appreciate your interest in this matter. If you have additional questions, please contact Jennifer Crooks of my staff at (312) 886-0244 or crooks.jennifer@epa.gov.

Sincerely,



Tinka G. Hyde
Director, Water Division

cc: Mike Prysby, MDEQ
Steve Busch, MDEQ
Richard Benzie, MDEQ

TIME

The Poisoning Of An American City



Toxic water. Sick kids.
And the incompetent
leaders who betrayed Flint

By Josh Sanburn

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE
WASHINGTON, D.C.



IN THE MATTER OF: : Proceedings Pursuant To
: Section 1431 of the Safe Drinking
City of Flint, Michigan; Michigan : Water Act, 42 U.S.C. § 300i
Department of Environmental :
Quality; and the State of Michigan, : EMERGENCY **SDWA-05-2016-0001**
: ADMINISTRATIVE ORDER
Respondents. :

I. INTRODUCTION

1. The Safe Drinking Water Act (“SDWA” or “Act”) provides the U.S. Environmental Protection Agency (“EPA” or “Agency”) with the authority to order actions when an imminent and substantial endangerment exists and the actions taken by the state and/or local authorities are inadequate to protect public health. EPA has determined that the City of Flint’s and the State of Michigan’s responses to the drinking water crisis in Flint have been inadequate to protect public health and that these failures continue. As a result, EPA is issuing this SDWA Emergency Order (“Order”) to make sure that the necessary actions to protect public health happen immediately. The Order requires that necessary information be provided promptly to the public in a clear and transparent way to assure that accurate, reliable, and trustworthy information is available to inform the public and decisions about next steps. In addition to the issuance of this Order, EPA will promptly begin sampling and analysis of lead levels in tap water in the City of Flint’s public water system (“PWS”). EPA will publish these sampling results on its website to provide the public with transparency into the process to abate the public health emergency in the City of

March | 2016

Flint Water Advisory Task Force

FINAL REPORT

Commissioned by the Office of Governor Rick Snyder
State of Michigan

Executive Summary

Summary Statement

The Flint water crisis is a story of government failure, intransigence, unpreparedness, delay, inaction, and environmental injustice. The Michigan Department of Environmental Quality (MDEQ) failed in its fundamental responsibility to effectively enforce drinking water regulations. The Michigan Department of Health and Human Services (MDHHS) failed to adequately and promptly act to protect public health. Both agencies, but principally the MDEQ, stubbornly worked to discredit and dismiss others' attempts to bring the issues of unsafe water, lead contamination, and increased cases of Legionellosis (Legionnaires' disease) to light. With the City of Flint under emergency management, the Flint Water Department rushed unprepared into full-time operation of the Flint Water Treatment Plant, drawing water from a highly corrosive source without the use of corrosion control. Though MDEQ was delegated primacy (authority to enforce federal law), the United States Environmental Protection Agency (EPA) delayed enforcement of the Safe Drinking Water Act (SDWA) and Lead and Copper Rule (LCR), thereby prolonging the calamity. Neither the Governor nor the Governor's office took steps to reverse poor decisions by MDEQ and state-appointed emergency managers until October 2015, in spite of mounting problems and suggestions to do so by senior staff members in the Governor's office, in part because of continued reassurances from MDEQ that the water was safe. The significant consequences of these failures for Flint will be long-lasting. They have deeply affected Flint's public health, its economic future,¹ and residents' trust in government.

The Flint water crisis occurred when state-appointed emergency managers replaced local representative decision-making in Flint, removing the checks and balances and public accountability that come with public decision-making. Emergency managers made key decisions that contributed to the crisis, from the use of the Flint River to delays in reconnecting to DWSD once water quality problems were encountered. Given the demographics of Flint, the implications for environmental injustice cannot be ignored or dismissed.

The Flint water crisis is also a story, however, of something that *did* work: the critical role played by engaged Flint citizens, by individuals both inside and outside of government who had the expertise and willingness to question and challenge government leadership, and by members of a free press who used the tools that enable investigative journalism. Without their courage and persistence, this crisis likely never would have been brought to light and mitigation efforts never begun.

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Federal appeals court opens the door to Constitutional claims against state officials for dangerous and inaccessible drinking water in Flint

A federal appeals court has allowed two lawsuits by Flint residents against state officials for Constitutional violations arising from the Flint water crisis to go forward, giving victims a big legal win with even bigger implications. In *Boler v. Earley and Mays v. Snyder*, 865 F.3d 391 (6th Cir. 2017), cert. denied, 583 U.S. __ (2018), the court held that alleged violations of substantive due process and equal protection could be brought in federal court against the state-appointed emergency manager (defendant Darnell Earley), the governor (defendant Rick Snyder), and over a dozen other public officials. The district court below had dismissed the Constitutional claims on various jurisdictional and legal grounds, ruling that plaintiffs were limited to remedies under the federal Safe Drinking Water Act. But a unanimous panel of the Sixth Circuit Court of Appeals reversed the lower court and rejected most of the state defendants' arguments, most importantly holding that the federal Safe Drinking Water Act does not preempt Constitutional claims.

The court then held that the federal Safe Drinking Water Act was not a substitute for protecting Constitutional rights that may have been violated in Flint. The SDWA directs the EPA to establish standards and compliance procedures and allows citizens to seek injunctions against violations. But the SDWA does not guard against unequal protection under those standards or deprivations of rights regardless of whether a system is deemed to be in compliance. The court first explained how an equal protection violation could arise under the SDWA:

“A government entity could provide some customers with water that meets the requirements of SDWA standards, but that is nonetheless dirtier, smellier, or of demonstrably poorer quality than water provided to other customers.... Even though not violating the SDWA, these situations could create an equal protection issue, particularly if such distinction were based on intentional discrimination or lacked a rational basis.”

The court then similarly laid out the basis for a substantive due process violation under the SDWA:

“Likewise, a state actor’s deliberately indifferent action concerning contaminants in public water systems, which created a special danger to a plaintiff that the state knew or should have known about, could violate the Due Process Clause without also violating the SDWA, if the hypothetical contaminants did not exceed the statutory maximums or were not regulated by it.”

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Federal appeals court allows Flint residents' claims against state officials for violation of the constitutional right to bodily integrity

In a win for Flint residents and environmental justice, the federal Court of Appeals for the Sixth Circuit has ruled that the actions of government – notably MDEQ officials and state-appointed emergency managers – “shocked the conscience” and may violate citizens’ right to bodily integrity as guaranteed by the Due Process Clause of the Constitution’s Fourteenth Amendment. The court’s decision - *Guertin v. Michigan*, 912 F. 3d 907 (6th Cir. 2019) - reasons that water is not only a necessity for life but a public good, and citizens rely on their government to provide water in good faith. Government officials knowingly delivered unsafe water to residents in Flint for over a year, denying mounting evidence of the danger, and misleading the public and federal officials. While the court cautioned that it was not creating a new constitutional right to water service or a completely pollution-free environment, it establishes a precedent to hold government officials accountable for subjecting citizens to unwarranted dangerous pollution based on violating their right to bodily integrity. The court concluded:

In providing a tainted life-necessity and falsely assuring the public about its potability, government officials stripped the very essence of personhood from those who consumed the water. They also caused parents to strip their children of their own personhood. If ever there was an egregious violation of the right to bodily integrity, this is the case; the affront to human dignity in this case is compelling, and defendants’ conduct is so contrary to fundamental notions of liberty and so lacking of any redeeming social value, that no rational individual could believe their conduct is constitutionally permissible under the Due Process Clause. We therefore agree with the district court that plaintiffs have properly pled a violation of the right to bodily integrity against Howard Croft, Darnell Earley, Gerald Ambrose, Liane Shekter-Smith, Stephen Busch, Michael Prysby, and Bradley Wurfel, and that the right was clearly established at the time of their conduct.