The charges filed by Michigan prosecutors against state public health officials related to the Legionnaires’ disease outbreak in Flint raise difficult questions about accountability and responsibility for public health officials. Judging by the facts as alleged in the criminal charges, the circumstances in this case appear to be extreme and not representative of the usual ways that public health officials make difficult decisions in the public's interest.

Accountability is vital, but those concerned with good public health leadership must distinguish between reasonable decisions made in good faith that nevertheless turn out to be incorrect and unreasonable actions that harm public health and deserve accountability. This discussion will address the challenges inherent in holding public officials accountable when they make decisions that lead to harm, and examine several options that may be used to achieve accountability.

Lance Gable is an Associate Professor of Law at Wayne State University Law School. Gable, an internationally known expert on public health law and bioethics, served as interim dean of Wayne Law from September 2016 to August 2017. His research addresses the overlap among law, policy, ethics, health and science.