**Response to the Call for Inputs**

In response to the call for inputs by Dr. David Boyd, the Special Rapporteur on human rights and the environment, in preparation for his thematic report on human rights and associated obligations related to water pollution, water scarcity and floods. Submitted by DigDeep Right to Water Project.

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1. **Please provide examples of ways in which water pollution, water scarcity and floods are having adverse impacts on human rights. Adversely affected rights could include, among others, the rights to life, health, water and sanitation, food, culture, livelihoods, non-discrimination, a safe, clean, healthy and sustainable environment, and indigenous peoples’ rights.**

DigDeep has found that the water crisis in the US, stemming from water pollution, water scarcity, and lack of access to available resources, are preventing people from anxiety-free access to water and sanitation, are discriminatory in effect, and are violating the rights most especially of indigenous peoples. This crisis is affecting the human rights of at least 2.2M people[[1]](#footnote-1) in the US who lack hot and cold running water for sinks, bathtubs, and flush toilets.

Adverse impacts on the right to water and sanitation

* On the Navajo Nation, women walk to contaminated water sources to draw a few gallons per day[[2]](#footnote-2).
* The US faces a $1 trillion water investment deficit, causing a recent 27% jump[[3]](#footnote-3) in water main breaks. Aging, leaky infrastructure results in contamination of piped water means that while much of the world is gaining access to safe drinking water, some in the US are losing it. Six states and Puerto Rico are backsliding[[4]](#footnote-4) in water access.
* Access to sanitation is the most serious water access concern in the rural South. In Lowndes County, Alabama, only 20 percent of homes are connected to sewer systems; the rest are required to install and finance septic systems[[5]](#footnote-5). A septic system that is appropriate to the soil type can cost up to $30,000[[6]](#footnote-6). in an area where the median value for a mobile home is only $23,900[[7]](#footnote-7). Instead, some residents use PVC pipes to remove wastewater away from homes, sometimes right into their back yards, a practice known as “straight-piping.” In Alabama, homeowners with septic system violations can be fined, and for many years they were subject to arrest for unpaid fines[[8]](#footnote-8). There is still anxiety among residents about fines, jail time, or eviction as a result of seeking help with wastewater issues, as well as distrust in public authorities.

Adverse impacts on the rights to non-discrimination and to indigenous peoples’ rights

* DigDeep’s analysis of the American Community Survey found that race is the variable most strongly associated with access to complete plumbing. Nationwide, 0.3 percent of white households lack complete plumbing, as compared to 0.5 percent of African-American and Latinx households, and 5.8 percent of Indigenous households. That means that African-American and Latinx households are nearly twice as likely to lack complete plumbing than white households, and Indigenous households are 19 times more likely. In fact, our analysis showed that the larger the share of Indigenous, African-American, Latinx, or Pacific Islander residents living in a census tract, the higher the percentage of homes that lack complete plumbing.
* Indigenous peoples are more likely to face water access issues than any other group in the US: 58 out of every 1,000 Indigenous households lack complete plumbing, as opposed to three out of every 1,000 white households. For Indigenous and Pacific Islander communities, race is a more significant predictor of plumbing access than any other factor. That means that these groups are equally likely to lack complete plumbing whether they are high- or low-income, and whether they live in urban or rural areas. This disparity has implications for public health: the Native American Rights Fund found that because reservations are less likely to have clean and reliable water they experience higher mortality, poverty, and unemployment rates.[[9]](#footnote-9) African-American and Latinx populations are also disproportionately affected by water access challenges. Five out of every 1,000 African-American or Latinx households lack complete plumbing. Racial disparities in water access for Black and Latinx populations are especially pronounced when analysis is conducted at the regional level. In parts of the South, African Americans are the group most likely to lack complete plumbing. In California and Texas, Latinx people are the most affected.
* Lower-income farmworkers in the Central Valley tend to use private wells and septic systems because they live in towns that were originally built as labor camps without adequate water systems[[10]](#footnote-10). Many of these towns are unincorporated, meaning that they are under the control of counties. Tulare County’s 1971 general plan stated that it was not worth investing in water and sewer infrastructure in 15 unincorporated communities because they had “little or no authentic future.”[[11]](#footnote-11) Many of these primarily low-income and minority areas still face water access challenges as a result. In towns that have water and wastewater infrastructure, systems are often managed without community involvement. Residents we spoke to worry that speaking out about water issues could lead to reprisals like service shutoffs, eviction, or immigration raids—especially with rising anti-immigrant sentiment in the Central Valley. Nevertheless, many residents that we interviewed are advocating for better services at the local and state level.

Adverse impacts on the rights to health and to a safe, clean, healthy and sustainable environment

* In West Virginia, straight-piping, or directly allowing human wastewater to flow into the environment, has caused rivers to become so polluted that they can no longer even be used for recreational use.[[12]](#footnote-12)
* In Alabama, wastewater is piped directly into a lagoon and floods cause this toxic waste to flood into the yards, and sometimes even into the piping systems inside households that border the lagoon[[13]](#footnote-13).
* In Bibb County, Alabama, a utility sprays wastewater onto a drain field which due to clay soils does not effectively filter waste. When the raw sewage pools on the land the whole town smells like sewage.”[[14]](#footnote-14) Residents report that when they alert authorities about the issues with soil infiltration, the proposed solutions do not address the issue. Many residents speak out about their wastewater issues and push for more effective solutions.
* Straight-piped systems, failing septic systems, and wastewater lagoons generate considerable public health impacts, including the resurgence of water-borne illnesses believed to have been eradicated in the United States. Researchers from Baylor College of Medicine, in partnership with the Alabama Center for Rural Enterprise, conducted a study in Lowndes County that found that 34.5 percent of participating individuals tested positive for hookworm, a parasite linked to wastewater[[15]](#footnote-15),and more than 40 percent of participants reported exposure to raw sewage within the home[[16]](#footnote-16). Health risks are exacerbated by climate change as precipitation events become more intense and cause more wastewater overflow.
1. How has climate change exacerbated water-related problems?
* Climate change is contributing to the predicted 40% shortfall[[17]](#footnote-17) in global drinking water availability by 2030; on Navajo Nation, for example, 98% of surface water resources have disappeared in the last 100 years[[18]](#footnote-18).
1. “Closing the Water Access Gap in the United States: A National Action Plan” (DigDeep and the US Water Alliance,November 2019), 12  <https://closethewatergap.org/wp-content/uploads/2020/03/Dig-Deep_Closing-the-Water-Access-Gap-in-the-United-States_DIGITAL_compressed.pdf> [↑](#footnote-ref-1)
2. Calma, Justine, “The Navajo Nation Faced Water Shortages for Generations — and Then the Pandemic Hit,” The Verge, 6 July 2020, [www.theverge.com/2020/7/6/21311211/navajo-nation-covid-19-running-water-access](http://www.theverge.com/2020/7/6/21311211/navajo-nation-covid-19-running-water-access) [↑](#footnote-ref-2)
3. “The Economic Benefits of Investing in Water Infrastructure How a Failure to Act Would Affect the US Economic Recovery”(American Society of Civil Engineers, 2020), <http://www.uswateralliance.org/sites/uswateralliance.org/files/publications/The%20Economic%20Benefits%20of%20Investing%20in%20Water%20Infrastructure_final.pdf> [↑](#footnote-ref-3)
4. Closing the Water Access Gap, 23 [↑](#footnote-ref-4)
5. Ashley Cleek, “Filthy Water and Shoddy Sewers Plague Poor Black Belt Counties,” Al Jazeera America, June 3, 2015, http://america.aljazeera.com/articles/2015/6/3/filthy-water-and-poor-sewers-plaguepoor-black-belt-counties.html. [↑](#footnote-ref-5)
6. Cleek [↑](#footnote-ref-6)
7. “Two Alabama Health Agencies Face Federal Bias Complaint Over Sewage Problems,” Earthjustice, September 28, 2018, <https://earthjustice.org/news/press/2018/two-ala-health-agencies-face-federal-biascomplaint-over-sewage-problems>. [↑](#footnote-ref-7)
8. Sabrina Tavernise, “A Toilet, but No Proper Plumbing: A Reality in 500,000 U.S. Homes,” The New York Times, September 26, 2016, <https://www.nytimes.com/2016/09/27/health/plumbing-united-states-poverty.html>. [↑](#footnote-ref-8)
9. “Water Delayed Is Water Denied: How Congress Has Blocked Access to Water for Native Families” (House Committee on Natural Resources, October 10, 2016), 6, <http://blackfeetnation.com/wp-content/uploads/2016/10/House-NRC-Water-Report-Minority-10-10-16.pdf>. [↑](#footnote-ref-9)
10. Maya Abood, “San Joaquin Valley Fair Housing and Equity Assessment” (California Partnership for the San Joaquin Valley, California Coalition for Rural Housing, Kirwan Institute for the Study of Race and Ethnicity, and San Francisco Federal Reserve, April 2014), 33, <https://www.frbsf.org/community-development/files/SJV-Fair-Housing-and-Equity-Assessment.pdf>. [↑](#footnote-ref-10)
11. Jacques Leslie, “California’s Water Crisis Is Dangerous, Just like Flint’s. Will the State Clean It up Once and for All?,” Los Angeles Times, May 4, 2017, <https://www.latimes.com/opinion/op-ed/la-oe-leslie-californias-contaminated-water-20170504-story.html>. [↑](#footnote-ref-11)
12. “Tug Fork Watershed” (West Virginia Department of Environmental Protection, 1998 and 2003), <https://dep.wv.gov/WWE/watershed/wqmonitoring/Documents/EcologicalAssessments/EcoAssess_Tug_2003.pdf> [↑](#footnote-ref-12)
13. Interview with Bernice A. (Lowndes County resident), interview by Stephen Gasteyer, May 16, 2019, Michigan State University. [↑](#footnote-ref-13)
14. Interview with Michael S. (Bibb County resident), interview by Stephen Gasteyer, May 17, 2019, Michigan State University. [↑](#footnote-ref-14)
15. Megan L. McKenna et al., “Human Intestinal Parasite Burden and Poor Sanitation in Rural Alabama,” The American Journal of Tropical Medicine and Hygiene 97, no. 5 (September 2017), <https://www.researchgate.net/publication/319560051_Human_Intestinal_Parasite_Burden_and_Poor_Sanitation_in_Rural_Alabama> . [↑](#footnote-ref-15)
16. McKenna et al. [↑](#footnote-ref-16)
17. “Water for a Sustainable World: The United Nations World Water Development Report” (UNESCO, 2015),[https://unesdoc.unesco.org/ark:/48223/pf0000231823](https://unesdoc.unesco.org/ark%3A/48223/pf0000231823) [↑](#footnote-ref-17)
18. “Navajo Women Struggle to Preserve Traditions as Climate Change Intensifies” The World from PRX*,* 2018, [www.pri.org/stories/2018-05-25/navajo-women-struggle-preserve-traditions-climate-change-intensifies](http://www.pri.org/stories/2018-05-25/navajo-women-struggle-preserve-traditions-climate-change-intensifies). [↑](#footnote-ref-18)