**Submission to the UN Special Rapporteur**

**on Human Rights and the Environment:**

**Lessons from the Gendered Impacts of the Flint Water Crisis**

**United Nations Human Rights Practicum, University of Michigan Law School[[1]](#footnote-1), United States**

**Summary**

From 2014 to 2016, a human-made crisis in Flint, Michigan in the United States led to twelve deaths from waterborne illness and thousands of cases of lead poisoning, and had a disproportionate impact on the women of Flint. The choice by officials to switch the local water supply to the highly polluted Flint River without sufficient treatment violated the people of Flint’s right to a clean and healthy environment and the right to safe and clean water. Flint women continue to be affected due to their greater responsibilities for domestic labor and childcare, and in their roles as leading activists responding to the crisis and seeking accountability. The environmental damage and lack of safe water had a grave and disproportionate impact on women’s physical, psychological, and reproductive health. Although the water crisis harmed all Flint residents, the disparate and continuing impact on women reveals how they may be particularly vulnerable to an unsafe and unhealthy environment. This submission will provide a brief overview of the Flint water crisis, followed by more detailed analysis of its gender-specific human rights impacts.

**History of the Crisis**

Flint is a city in Genesee County, in the State of Michigan with a [population](https://www.census.gov/quickfacts/flintcitymichigan) of 102,434 in 2010.[[2]](#footnote-2) It was previously a center of the auto industry, but with the loss of factory jobs, the city experienced a [financial crisis](https://www.nrdc.org/stories/flint-water-crisis-everything-you-need-know) with 45% of residents living below the poverty line. Flint’s [population](https://www.census.gov/quickfacts/flintcitymichigan) is 38.4% White, 54% Black or African-American, and 4.6% of Latin-American background, with a median household income of $30,383 USD.

To address the financial crisis, then-Governor of Michigan Rick Snyder appointed an [emergency manager](https://codes.findlaw.com/mi/chapter-141-municipal-financing/mi-comp-laws-141-1549.html) for Flint with “broad powers” over the provision of “necessary governmental services essential to the public health, safety, and welfare.” To save money, in April 2014, the emergency manager [switched](https://www.acs.org/content/acs/en/education/resources/highschool/chemmatters/past-issues/2016-2017/december-2016/flint-water-crisis.html) the source of Flint’s water supply to the nearby Flint River, a supply which was to be processed in water treatment plants.

This decision was catastrophic. The Flint River has been [used](https://www.nrdc.org/stories/flint-water-crisis-everything-you-need-know) for over a century to dispose of waste, raw sewage, runoff, and landfill toxins. The water was highly corrosive and not adequately treated. Within weeks, residents were complaining of foul-smelling and discolored water. The water corroded pipes, causing massive amounts of lead to leach into the water. The U.S. Environmental Protection Agency [requires](https://www.acs.org/content/acs/en/education/resources/highschool/chemmatters/past-issues/2016-2017/december-2016/flint-water-crisis.html) state action when lead levels in water reach 15 parts per billion (ppb). In February 2015, the water in Flint [contained](https://www.acs.org/content/acs/en/education/resources/highschool/chemmatters/past-issues/2016-2017/december-2016/flint-water-crisis.html) 13,000 ppb of lead.

The water in Flint significantly harmed the health of Flint residents. Bacteria in the water led to 91 cases of Legionnaires’ Disease in 2014–2015, resulting in 12 [fatalities](https://www.washingtonpost.com/nation/2019/09/12/there-may-have-been-dozens-more-deaths-linked-flint-water-crisis-than-previously-disclosed/). Symptoms associated with lead poisoning and mental health conditions became [common](https://link.springer.com/article/10.1007/s11524-021-00525-2).

Ingesting lead also caused lasting physical and psychological problems in children. A recent [study](https://jneurodevdisorders.biomedcentral.com/articles/10.1186/s11689-021-09377-y) of 170 Flint children revealed that 50% showed weaknesses in neurodevelopmental functioning. Similarly, a 2022 [study](https://www.nber.org/system/files/working_papers/w29341/w29341.pdf) of Flint students revealed that the proportion of children needing special education increased by 9%.

[According](https://www.michigan.gov/-/media/Project/Websites/formergovernors/Folder6/FWATF_FINAL_REPORT_21March2016.pdf?rev=284b9e42c7c840019109eb73aaeedb68) to the Flint Water Advisory Task Force, “the Flint water crisis is a story of government failure.” State and federal officials repeatedly [ignored](https://www.michigan.gov/-/media/Project/Websites/formergovernors/Folder6/FWATF_FINAL_REPORT_21March2016.pdf?rev=284b9e42c7c840019109eb73aaeedb68) citizens’ concerns, despite evident changes in water quality and signs of lead poisoning. Officials [maintained](https://journals.lww.com/jphmp/Fulltext/2019/01001/The_Flint_Water_Crisis__A_Coordinated_Public.14.aspx) the water was safe, even while directing residents to boil water due to dangerous levels of bacteria. State officials repeatedly downplayed residents’ concerns, [stating](https://www.nytimes.com/interactive/2016/01/21/us/flint-lead-water-timeline.html) that there was no imminent “threat to public health” and [coloring](https://www.nytimes.com/interactive/2016/01/21/us/flint-lead-water-timeline.html) complaints as a “political football.” Despite repeated testing showing high levels of lead in residential drinking water, Flint residents were only told to stop drinking the water after a group of [local doctors](https://www.nytimes.com/interactive/2016/01/21/us/flint-lead-water-timeline.html) found high levels of lead in children’s blood. Government officials finally [told residents to stop](https://www.npr.org/sections/thetwo-way/2016/04/20/465545378/lead-laced-water-in-flint-a-step-by-step-look-at-the-makings-of-a-crisis) drinking the water on October 1, 2015, 1.5 years after Flint residents first complained about water quality.

**UN Response to the Flint Water Crisis**

In 2016, the UN Special Rapporteurs on Extreme Poverty, Housing, and Water and Sanitation, [addressed](https://www.ohchr.org/en/press-releases/2016/05/flint-not-just-about-water-human-rights-un-experts-remind-ahead-president) the Flint water crisis, calling on government officials to “map out a human rights compliant strategy to ensure that such events [as those in Flint] are not replicated in other parts of the country.” The Special Rapporteurs identified the Flint water crisis as a matter of human rights concern, [noting](https://news.un.org/en/story/2016/05/528272) that the water quality problems and lack of regular access to safe drinking water and sanitation, in particular, were human rights issues.

As the then-Special Rapporteur on Extreme Poverty and Human Rights [said](https://news.un.org/en/story/2016/05/528272), “decisions would never have been made in the high-handed and cavalier manner that occurred in Flint if the affected population group was well-off or overwhelmingly white.” Concerns about racial disparities were echoed by Catarina de Albuquerque, then-Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation following her 2011 visit to the United States, when she [noted](https://www2.ohchr.org/english/bodies/hrcouncil/docs/18session/A-HRC-18-33-Add4_en.pdf) that the people “who are facing obstacles in their enjoyment of the rights to water and sanitation were disproportionately Black, Latino, [and] American Indian.”

These racial disparities were mirrored in Flint. It is likely that Flint’s racial demographics contributed to the decreased protection afforded to the population. However, equal attention must be paid to the gender-specific impact of the Flint crisis.

**Disproportionate Impact of the Flint Water Crisis on Women**

[Research](https://www.water-alternatives.org/index.php/alldoc/articles/vol14/v14issue1/618-a14-1-13/file) has shown that the Flint water crisis, which violated the right to a healthy environment of many Flint residents, disproportionately infringed on the human rights of women, including many from racial and ethnic minorities who faced intersectional disparities. The crisis caused them illnesses at higher rates, undermining their reproductive rights, and increasing burdens associated with domestic labor and childcare.

Flint’s water crisis created a dependence on bottled or filtered water. This transferred the burden of clean water provision to women in many households who continue to be [responsible](https://www.water-alternatives.org/index.php/alldoc/articles/vol14/v14issue1/618-a14-1-13/file) for a disproportionate amount of childcare and household tasks. [Approximately](https://fred.stlouisfed.org/series/S1101SPHOUSE026049) 43% of households with children in Genesee County were single-parent households, [most](https://censusreporter.org/profiles/05000US26049-genesee-county-mi/) female-headed. Not only did women face [physical strain](https://www.water-alternatives.org/index.php/alldoc/articles/vol14/v14issue1/618-a14-1-13/file) associated with waiting in long lines for heavy cases of water bottles weighing 24–40 pounds each, but they often had to wake up early to obtain water before meeting other obligations. Water insecurity was a significant source of [emotional harm](https://www.water-alternatives.org/index.php/alldoc/articles/vol14/v14issue1/618-a14-1-13/file) to women, especially regarding concerns about how the water might affect the health of their children. [Uncertainty](https://www.politico.com/news/magazine/2020/12/23/flint-water-crisis-2020-post-coronavirus-america-445459) and lack of trust have continued, and many residents still refuse to drink tap water.

Women’s childcare burdens also increased due to the crisis, as a direct result of the neurological and developmental problems caused by lead exposure in young children. Generally, parents of children with disabilities have a [higher degree of difficulty](https://www.americanprogress.org/article/child-care-crisis-disproportionately-affects-children-disabilities/) finding childcare. Because caring for children with disabilities is often [associated](https://pubmed.ncbi.nlm.nih.gov/17014946/) with increased medical needs, including but not limited to doctor’s appointments, hospital stays, and medication, mothers face additional financial and time burdens.

The contamination impacted women’s right to the highest attainable standard of health, and that of their children. A [study](https://read.dukeupress.edu/demography/article/56/6/2005/168068/The-Impact-of-the-Flint-Water-Crisis-on-Fertility) on women’s fertility and childbirth before, during, and after the crisis found that fertility rates in Flint decreased by 12% and that overall health at birth decreased, with lower average birth rates and [higher incidences](https://link.springer.com/article/10.1057/s41271-017-0097-5) of low birth weight. [Researchers](https://read.dukeupress.edu/demography/article/56/6/2005/168068/The-Impact-of-the-Flint-Water-Crisis-on-Fertility) concluded that negative birth outcomes occurred because of lead contamination or acute stress caused by the crisis.

The aforementioned impacts reflect the [recognition](https://digitallibrary.un.org/record/3983329?ln=en) by the UN General Assembly that “the consequences [of environmental damage] are felt most acutely by women and girls…that are already in vulnerable situations.” Similarly, the Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation [noted](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/33/49) that “gender-based inequalities are exacerbated when they are coupled with other grounds for discrimination and disadvantages [such as] when women and girls lack adequate access to water and sanitation and at the same time suffer from poverty.” Of the approximately 40% of Flint residents who lived below the poverty line in 2010, [over half](https://data.census.gov/cedsci/table?t=Official%20Poverty%20Measure%3APoverty&g=1600000US2629000&y=2010) of those were women. Further, of the estimated 8,300 families living below the poverty level in Flint, roughly [6,500](https://data.census.gov/cedsci/table?t=Families%20and%20Household%20Characteristics%3AFamily%20Size%20and%20Type%3AHousehold%20Size%20and%20Type%3AOfficial%20Poverty%20Measure%3APoverty&g=1600000US2629000&y=2010) of those were households headed by single mothers.

**Seeking Justice and Accountability**

Diverse Flint women have been at the forefront of efforts to raise their concerns before officials and seek justice for the violation of their human rights during and following the crisis. Flint residents such as [Melissa Mays](https://wdet.org/2019/11/26/created-equal-season-2-melissa-mays-flint-mom-of-three-still-fighting-the-effects-of-poisoned-water/) and [LeeAnne Walters](http://america.aljazeera.com/watch/shows/america-tonight/2015/12/meet-the-flint-woman-who-blew-the-whistle-on-the-citys-water-crisis.html) led advocacy groups to document the effects of the contaminated water on their children and the community, conducting water quality tests and [proving](https://pubs.acs.org/doi/10.1021/acs.est.6b04034) high levels of lead contamination. Local pediatrician [Dr. Mona Hanna-Attisha](https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2015.303003) raised the alarm about the unaddressed lead after she saw a tremendous deterioration in the health of her patients. [Sasha Bell](https://womensmediacenter.com/news-features/new-study-shows-women-bore-brunt-of-flint-water-crisis-but-theyve-also-led-fight-against-it) was the first parent in Flint to file a lawsuit against Michigan on behalf of her children, with over 200 actions following. [Monica Lewis-Patrick](https://blackamericaweb.com/2017/09/22/when-access-to-clean-water-is-a-struggle-in-the-u-s/) co-founded “[We the People of Detroit](https://www.wethepeopleofdetroit.com/who-we-are),” a grassroots civil rights group which delivered 125 tons of drinkable water to Flint residents during and after the water crisis. The actions taken by these women, and countless others, confirm the view of the U.N. General Assembly when it [underscored](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/442/77/PDF/N2244277.pdf?OpenElement) “the role that women play as managers, leaders and defenders of natural resources and agents of change in safeguarding the environment.”

Despite all the actions taken by women human rights defenders in Flint, they are still struggling to access adequate remedies. In 2022, criminal charges against eight high-ranking officials in office during the crisis were dropped for [procedural reasons](https://www.usnews.com/news/us/articles/2022-10-04/judge-tosses-charges-against-7-people-in-flint-water-crisis),and a civil lawsuit against two private companies involved in the insufficient water treatment ended in a [mistrial](https://www.mlive.com/news/flint/2022/09/judge-sets-date-for-retrial-of-flint-water-crisis-case-that-ended-with-hung-jury.html). The only [civil settlement](https://casetext.com/case/in-re-flint-water-cases-72), in January 2021, resulted in the City of Flint and State of Michigan paying $626.25 million USD to those exposed to contaminated water. About 80 percent of the money was [set aside](https://casetext.com/case/in-re-flint-water-cases-72) for affected minors. The settlement is an important step; however, it is insufficient. It fails to adequately address the [extensive physical and mental injuries](https://www.nbcnews.com/news/nbcblk/62625m-settlement-may-not-enough-survivors-flint-water-crisis-rcna7942) caused to residents by exposure to contaminated water or gender specific impacts, and is inadequate in [comparison](https://www.nytimes.com/2017/04/11/opinion/inadequate-flint-settlement.html) to the significant damage caused. Flint city councilman Eric Mays has [stated](https://www.theguardian.com/us-news/2021/nov/11/flint-water-crisis-victims-626m-settlement) that the $1000 settlement cap applicable to adults significantly limits the compensation for many eligible recipients.

United Nations bodies [recognized](https://undocs.org/A/HRC/RES/48/13) that “the exercise of human rights, including the rights to seek, receive and impart information, to participate effectively… in environmental decision-making and to an effective remedy, is vital to the protection of a clean, healthy and sustainable environment.” The lack of effective remedy for the women of Flint is a continued violation of their human right to a healthy environment.

Recently, Michigan has undertaken policy changes aimed at promoting the right to a clean, healthy and sustainable environment for state residents. The Clean Water Plan was [introduced](https://www.michigan.gov/whitmer/news/press-releases/2020/10/01/announces-mi-clean-water-a-historic-500-million-investment-to) by current Michigan Governor Gretchen Whitmer in 2020 and [apportioned](https://www.michigan.gov/egle/-/media/Project/Websites/egle/Documents/Funding/WIFS/Michigan-Clean-Water-Plan-Webinar-Slides-2020-10-10.pdf?rev=1fa9ba10ce054a498ab7f2bcae767e1f&hash=7C83C9BA6AEC0A457D6EB0982DFE63F6) $102 million USD to assist in replacement of lead service lines in disadvantaged areas. However, the policy makes [no specific mention](http://www.legislature.mi.gov/documents/2019-2020/publicact/pdf/2019-PA-0057.pdf) of women.

**Conclusions and Recommendations**

A short-term cost-saving measure in Flint caused grave harm and violated women’s rights to a healthy and safe environment and to water. Lessons must be learned from the disproportionate gendered impacts of this government-created crisis so as to prevent such harms to women and girls in the future.

We recommend that:

* **Women who seek justice for violations of the human right to a healthy environment should be recognized as human rights defenders.**
* **States’ crisis management planning, crisis response, and accountability mechanisms should fully take into account specific environmental harms to women and girls, including those resulting from or exacerbated by unequal burdens in the areas of childcare and domestic labor, and intersecting forms of discrimination.**
* **The gendered impact of environmental violations on women’s rights to the highest attainable standard of health, including reproductive health, should be recognized and remedied in all planning and accountability procedures, including through compensation.**
1. The views expressed in this 14 October 2022 submission are the result of the work of Lauren Fleming, Marcie Rotblatt, Oieshi Saha,

students in the UN Human Rights Practicum at the University of Michigan Law School, supervised by Professor Karima Bennoune, and do not necessarily reflect the views of the University of Michigan. [↑](#footnote-ref-1)
2. 2010 was the last official census before the Flint water crisis; the population was 80,628 in 2020. [↑](#footnote-ref-2)