Drinking Water and Sanitation Justice:

Advancing the human right to water & the recognition of water injustices as manifestations of environmental racism.

I. Introduction and Issue Summary

1. The pattern of water injustices in the United States is a direct reflection of environmental racism, a legacy of slavery, the genocide of Indigenous peoples, xenophobia, and the prioritization of profit over human rights.

2. Water injustices manifest in many different ways, and the burdens of water quality, access, and affordability issues are not spread equally. Priorities of decision makers and our legal system allow companies to privatize water sources and profit from the distribution of water in bottles made from fossil fuel derivatives, privately operate water utilities for profit, and "externalize" the costs of polluting water sources - disproportionately doing so near low-income, Black, brown, and Indigenous communities.

3. The water crises in Jackson, Mississippi, Flint, Michigan, and other majority Black cities are directly tied to environmental racism and consistent disinvestment from infrastructure needs. Similarly, a lack of utility connections for rural Black communities in Brunswick County, North Carolina whilst new housing developments receive water lines repeats these same patterns of race and class-based discrimination. The federal Environmental Protection Agency (EPA) estimates the cost to fund utility needs for both clean water and drinking water projects nationwide over the next 20 years will be approximately $1.25 trillion, as reported in EPA's 2022 Clean Watersheds Needs Survey Report to Congress. Sanitation is also a critical concern. Aging infrastructure and the climate crisis combined with racial patterns of infrastructure neglect increase the frequency of sanitation system failures leading to basement backups and raw sewage flowing into streets during flooding events as experienced in Centreville, Illinois.

4. Toxic industries continue to be sited and operated in and near majority Black and Indigenous communities at rates far higher than majority white and high-income zip codes. The disproportionate overburdening of these communities with contaminated water and air demonstrates the corporate and political practice of treating these communities as disposable. This exposure to toxins makes Black and Indigenous communities from Cancer Alley, Louisiana to the Black Hills in South Dakota sicker at much higher rates than the general U.S. population.

5. The practice of charging unaffordable water rates paired with policies that hinder utility access for undocumented people, shut off water due to missed payments, and place liens on people's homes, are directly opposed to the recognition of water as a human right. The EPA's 2024 Water Affordability Needs Assessment found that between 9.2% to 14.6% of total households in the U.S. lack affordable access to water services. Further, the American Water Works Association found rates of drinking water and wastewater bills increased from $79.39 in 2017 to $95.02 in 2023 at a usage of 6,200 gallons per month (Teodoro & Thiele, 2024).

6. The United States abstained from the UN vote to recognize drinking water as a human right in 2010, yet it is certainly aware of the human need for water to live, grow and cook food, and keep clean and healthy. Lack of access to water results in higher incidences of health conditions and is a labor justice issue. Many migrant workers, like those working outdoors in California, are not provided water and shade breaks despite working in increasingly hot conditions and often inhaling smoke from wildfires that are becoming more and more common due to the climate crisis. With the climate crisis exacerbating droughts and depleting drinking water sources, a failure to affirmatively recognize tribal water rights also undermines the right to life and self-determination for Indigenous populations. This deprivation of a community's human right to water prevents thriving and thwarts self-governance.

II. Examples of Water and Sanitation Deprivation in the U.S.

a. Project South, LaGrange, Georgia

7. Beginning in 2001, the City of LaGrange alleged that the USA PATRIOT ACT required it to corroborate the Social Security Numbers (SSNs) of individuals applying for residential water service in order to identify potential terrorist "threats."

8. Undocumented households became dependent on third parties with SSNs, often landlords and acquaintances, to apply for water services on their behalf. This restriction on available dwellings fostered an effective form of redlining. U.S.-born children entering adulthood could volunteer to fill this role, but new immigrant families do not have this same option.

9. One applicant recounted his trek from Mexico to LaGrange with his wife and child. His wife needed consistent dialysis, which requires uninterrupted running water. After a harrowing search, they met a community leader who applied for water services on their behalf. After some years, the wife passed away from her condition.

10. A 2020 court settlement compelled the City to permit Individual Taxpayer Identification Numbers in place of SSNs, but reports persisted in subsequent weeks that the City failed to honor this agreement. Whether that pattern has been corrected in the years since is unknown; the application for utilities available on the city website as of March 2025 requires "[a]n unexpired picture ID" issued by the government—itself unavailable to persons living in Georgia without a SSN.

b. Project South, Russellville, Alabama

11. Russellville Utilities is the corporation that manages residential water, electricity, and gas services on behalf of the City of Russellville. Applications for water utilities services in Russellville require documentation demonstrating either U.S. citizenship or legal permanent residency.

12. Aside from the challenges directly raised by this barrier to water access, the Russellville City Schools system reportedly requires a utility bill to establish eligibility for student enrollment. Alternatively, the Russellville City Schools system reportedly instructs parents to pay a $600 out-of-city fee which does not, by itself, guarantee enrollment. This amount is refundable, but many households are not capable of producing this disposable sum in the first place. As a result, children

of undocumented households have faced enrollment denials for years and have had to instead enroll in schools within the Franklin County School District located at a substantial distance from their homes within the city.

13. The general manager of the Russellville Water Board justified the corporation's discriminatory policy as allegedly required by the federal Fair and Accurate Credit Transactions Act (FACTA). Upon being told by Project South that FACTA's plain text expressly avoids making such a requirement, he terminated communications.

c. EarthRights International, Brunswick County, North Carolina

14. Many rural communities of color in the United States are consistently denied access to municipal water and sanitation systems. For example, Black communities in unincorporated sections of Brunswick County, North Carolina overwhelmingly rely on well water because the County government has failed to extend water and sewer lines to these homes. Community members have complained of foul-smelling well water and have expressed health concerns from relying on drinking water from private wells that are contaminated with lead, rust, and PFAS. One resident informed EarthRights International that her well water is essentially "rust coming from my sink in the kitchen" and that if she washes her clothes in the washing machine, her clothes will be a "rust color." Another resident reported that her water "smells like sulfur" and that it is not drinkable.

15. To avoid using unpleasant well water, many residents rely on bottled water which is a burden for many community members who live in fixed income households. As one resident stated:

> I have to buy a lot of bottled water. I really do. And by me living on a fixed income, I still have a mortgage, I still have bills, I have to still take care of my needs. And sometimes I can't really get the bottled water like I normally get. I have to get less at a time. But really and truly, we shouldn't have to buy bottled water. We shouldn't have to do that in order to maintain a healthy life. We really shouldn't… I take medicine, you know, and I have to take one pill to take every day for the next five years due from the health issue I feel like I got from this bad water. So, you know, I choose. Is it my medicine this week or a bottle of water this week?

Even though the County has previously acknowledged the need to expand water infrastructure for rural communities, many Black residents are still waiting for their homes to be connected.

d. Black Hills Clean Water Alliance and Stephanie R. Amiotte, Oglala Lakota[1]

16. There are about 170 abandoned uranium mines and prospects in Custer and Fall River Counties in the southern Hesapa, also known as the Black Hills of South Dakota, which make up part of the unceded territories of the Oglala Sioux Tribe under the treaty of Fort Laramie.[2] There are another 100 abandoned uranium mines and prospects in Harding County in northwestern South Dakota. They are the legacy of the uranium boom that happened in the 1950's – 1970's.[3] Today, these old mines leach and emit radioactive materials into the surface water, groundwater and air near the Pine Ridge Indian Reservation.[4] Uranium levels above the federal government's "safe"

levels contaminate the waters and sediment in the Cheyenne River as far downstream as Angostura Reservoir.[5]

17. Oceti Sakowin people are this land and are Hesapa, as they do not distinguish themselves as apart from the land. The uranium mining taking place there is synonymous with the harm, degradation, subjugation, scarring, and exploitation of Indigenous Peoples.[6] The Cheyenne River runs across the northwest corner of the Pine Ridge Reservation, where uranium contamination of wells and health issues have been documented for decades.[7] These old mines are an immediate danger to public health, but only a handful have been cleaned up in the over 50 years since uranium mining and milling stopped in western South Dakota. Once uranium is dug up, it decays into different radioactive materials before eventually decaying into a non-radioactive lead. Uranium is both radioactive and toxic—leading to exposure from breathing, eating, or touching it. [8] These contaminants bioaccumulate within local food chains.[9]

18. Uranium exposure is associated with damage to the kidneys, nervous system, reproductive system, liver, and bones. It also causes cancer and birth defects. Drinking uranium-contaminated water is linked to increases in blood pressure and hypertension. Recent research shows that higher uranium exposure is linked to an increased risk of congestive heart failure.[10]

19. Cleaning up South Dakota's abandoned uranium mines, and the water that they have contaminated, should be a priority for the public health of Indigenous people on Pine Ridge and Cheyenne River Indian Reservations.[11] The Tribes should be consulted in accordance with their applicable Tribal Consultation Policies, or at a minimum, the Bureau of Indian Affairs Tribal Consultation best practices,[12] regarding a timeline and plan for the cleanup of abandoned uranium mines in Hesapa.

e. Center for Constitutional Rights, Jackson, Mississippi

20. The complex drinking water crisis in the predominantly Black city of Jackson, Mississippi, is a consequence of decades of disinvestment in the water infrastructure. In 2022, the federal Department of Justice (DOJ) took the step of initiating a lawsuit against the city and state, alleging violations of federal law relating to water quality and access. After the DOJ filed its suit against the City of Jackson, JXN Water–a private water utility company led by the court-appointed interim third-party manager Ted Henifin–was established and given authority over the city's water systems.[13] The DOJ's interim water system lacks transparency in sharing data, plans, and insight into staffing decisions. And, as many low-income residents struggle to pay their bills, JXN Water is poised, as of March 2025, to enact water service cuts and rate increases.

21. Many longtime residents of Jackson, like Nsombi Lambright from the NAACP, reported experiencing boil-water advisories decades ago while in high school; she expressed a consistent mistrust of the Jackson water supply and unpredictable water pressure that varies from day to day. Boiling water to wash dishes has become normal for many Jackson residents due to the frequency of boil-water notices from the Mississippi Department of Health. Another resident, Dominic Deleo, noted that this crisis is not new, but rather the people at the public works department were aware of the aging infrastructure or "bad pipes" causing a loss of half of the treated water a decade ago.

22. The crisis encompasses water quality and access, as well as access to sanitation. Testimony from multiple community members described the tap water variously as oily, discolored, grainy, blackish or brown, with a bad taste or smell. During the court proceeding, one member of the community testified that she and her son suffer from eczema only when bathing in Jackson's water, but not while traveling. Community member Brooke Floyd testified that lack of continuous access to safe drinking water is only half of the problem when a water line breaks. When the water service is reconnected, the pressure causes pipes to burst and force raw sewage into homes. This stress on the pipes in her own home caused by the lack of continuous water pressure led to $300,000 in repairs over the past decade of home ownership.

23. Jackson's water crisis is compounded by a lack of access to information and insufficient transparency regarding the administration of the water system. According to Brooke Floyd, JXN Water has failed to provide adequate customer service or up-to-date information confirming Boiling Water notices. Efren Nunez testified that in 2021 and 2022, many Latino members of the community never got access to the boil water notices and would get rashes and stomachaches requiring hospitalization. Many community members continue to assert that the Jackson water system should be run by Jacksonians themselves, without privatization.[14] Access to information and general transparency are central to community members' demands about how the process of fixing Jackson's broken water system will work.

f. Center for Constitutional Rights, River Parishes, Southern Louisiana

24. A persistent throughline of Black survival in Louisiana's River Parishes is the struggle against a conspiracy involving economic elites and all levels of government to profiteer from Black lives. This conspiracy is characterized by an effort, dating back at least to the 1950s, to systematically erase the descendant communities that live on 80 miles of land on either side of the Mississippi River between New Orleans and Baton Rouge, in pursuit of profit derived from toxic industrial development. The discriminatory land use policies have led to more than 200 toxic industrial and petrochemical plants being sited in this area. By no coincidence, these same areas are home to descendants of formerly enslaved people who were forced to work on cotton and other slave plantations. So notorious are the deleterious effects on local water, air, and land resources caused by these toxic heavy industries that the area has become known nationally as "Cancer Alley."

25. Now, the rapid emergence of the artificial intelligence (AI) industry suggests that local Black communities' ongoing fight for a thriving future in the face of this environmental racism is about to become even harder. AI industry leaders, eagerly supported by all levels of government, are intensely preoccupied with securing access to enormous quantities of affordable, reliable sources of energy and water to power and cool their data centers. This burgeoning government, fossil fuel, and AI sector partnership, the 'AI-fossil fuel complex,' ignites concern among local communities of a renewed economic cycle that will again see the country's economic and political elite trading Black lives in return for rapacious corporate profits.

26. In January 2025, the company of Christopher James, a high-profile energy-industry investor, announced a partnership with Chevron to build seven natural gas facilities to power AI data centers.[15] The announcement came just months after local descendant communities successfully fought off James' plans to build a highly controversial industrial facility inside the

residential community of Wallace, in Cancer Alley. The proposed site for that project threatened, among other things, the integrity of cemeteries of formerly enslaved people recently identified by archeologists. With James' recent announcement, local community members fear he will again attempt to target Wallace, this time with a natural gas-powered AI data center.

27. In 2022, the UN Committee on the Elimination of All Forms of Racial Discrimination ('CERD'), referring to "Cancer Alley" by name, called on the U.S. to "protect historical sites of cultural significance for these communities from harm by extractive and manufacturing industries,"[16] and to consider adopting the moratoriums on heavy industry facilities[17] which communities are already fighting for in court.[18]

28. The U.S. has done little to abide by these Concluding Observations. Any plans to site fossil-fuel powered AI facilities in the River Parishes threaten to compound ongoing violations of the human right to water for the people of Wallace and beyond. As witnessed by other communities living nearby AI data centers,[19] the enormous amounts of water required to cool data centers typically leads to significantly more expensive water utility bills for local people, severely undermining the availability and economic accessibility of clean water. The area is already suffering periodic phases of severe water stress:

> [I]n the summer and fall of 2023, South Louisiana faced two simultaneous crises. First, a historic drought trapped residents in crippling heat and caused up to $290 million in agricultural losses…Second, water levels of the Mississippi dropped so low that salt water began to travel up the river, threatening the water supply [for 1.3 million residents] in New Orleans and forcing the U.S. Army Corps of Engineers to take measures to block its intrusion.[20]

The disproportionate impact that additional industrial development would have on descendant communities violates the U.S. obligation to guarantee 'non-discrimination' in the realization of the right to water.

g. Centerville Citizens for Change, Cahokia Heights, Illinois, St. Louis University Human Rights at Home Litigation Clinic

29. Centreville, Illinois, now Cahokia Heights,[21] is a 95% African American rural community just across the river from St. Louis, Missouri, that is considered the poorest town in America according the U.S. Census in 2019.[22] For decades, the residents of Centreville have paid for municipal sanitation services and wastewater treatment, yet regularly experience raw sewage backup into their bathrooms, kitchen sinks, and yards.[23] The sewer backups have been increasing as flash flooding events in their community have also increased, due likely to a combination of climate change and development in nearby communities. Sewage also appears in residents' yards independently from rainwater events; for example, when residents flush their toilets, feces and toilet paper may come up out of the ground in their front yard.[24] In 2019, the drinking water in Centreville was tested and found to contain fecal matter. The residents of Centreville now exclusively drink bottled water as a result.

30. Ms. Lyles has been a resident of Centreville, for 31 years. She currently serves as the secretary for the Centreville Citizens for Change, a nonprofit organization advocating for the rights

to water and sanitation in Centreville for over a decade. Her home has been severely affected by sewage backups multiple times. One of the most disastrous events occurred in 1997 when her home was flooded by a combination of raw sewage and stormwater, leaving it filled with foul-smelling water and causing extensive damage. Ms. Lyles and her family were trapped in her home for two days, surrounded by giant bodies of brownish water. Despite her best efforts to protect her home from further damage, the sewage-filled water seeped into every room, destroying furniture, flooring, appliances, and even her HVAC system.

31. This initial flood was just the beginning for Ms. Lyles, as the area continued to suffer from frequent flooding, leading to severe financial hardship and health problems. Over the years, the flooding has caused severe damage to her foundation, broken beams, and ruined walls and floors. The persistent environmental issues, including contaminated water and unaddressed storm drains, have left her home in a constant state of despair. Despite repeated calls to the city for help, she has received no support, and her home continues to deteriorate. The flooding and poor sanitation conditions have contributed to ongoing respiratory issues and infections for her family, further complicating her life. Ms. Lyles has tried to clean up the mess herself, using protective gear to shovel out debris and disinfect the property. However, she has been diagnosed with sinus infections, bronchitis, and adult-onset asthma, which became chronic.

32. Centreville Citizens for Change is in regular discussions with the state and local government, as well as the U.S. EPA. In addition, they filed a lawsuit in Federal Court a few years ago. All of that has led to no changes to Ms. Lyles' everyday life. She still has to drink bottled water and suffers from health problems related to the regular sewage water floods.

h. Migrant workers in agriculture: heat stress, lack of adequate water and sanitation Michelle Leighton & Sarah Paoletti

33. Migrant workers are often subject to unhealthy and unsafe workplace conditions, including lack of access to water. Unsafe conditions and risk of health injury are disproportionately experienced by Latino and Hispanic migrant workers, particularly in outdoor work such as construction and agriculture. These risks are heightened by heat stress and lack of adequate water.[25] For example, the U.S. National Institute of Health, highlighting that heat exposure can lead to severe heat-related illnesses such as heat exhaustion, heat stroke, and acute kidney injury, especially without adequate water access, released a study in 2021 finding that between 2005-2014, 20% of non-citizen heat-related deaths occurred on a farm, with most concentrated in California, Texas and Arizona.[26]

34. New data indicate that the United States and state governments have failed to put into place adequate protection measures in spite of the evidence that migrant workers are at risk. Workers are forced to work during extreme heat situations, floods, or during wildfires, often not given protective clothing, adequate rest breaks, or access to a consistent, clean water supply. In California, 90 percent of farmworkers are Latino. A 2024 recent study on farmworkers' health in California led by the Labor and Community Center at the University of California Merced with the California Department of Labor found that more than 10 percent of migrants lacked consistent access to clean drinking water at work and 25 percent lacked access to clean toilets and proper sanitation which can lead to acute illness or death and long-term health consequences.[27] Nearly 17 percent of farmworkers reported that smoke (including wildfires near the worksite) made it

difficult to breathe either often or very often and over 32 percent reported not being given adequate protection such as masks or respirators.

35. The study also found that most migrant workers would not be willing to file a report against an employer, with 64 percent indicating this was due retaliation or job loss fears and two-thirds fearing family separation due to deportation. Retaliation threats are significant across the United States and are used by both the federal government and private employers as a means to justify discrimination, and foment fear and intimidation which prevent migrant workers from reporting labor violations. The U.S. Domestic Workers Alliance survey showed that 78 percent of migrants indicated employers threaten to report them for deportation if they complain.[28]

III. Recommended Questions

- 36. What steps is the U.S. government taking to ensure water access for water utilities applicants who are refused services for failure to present documentation pertaining to U.S. citizenship or legal permanent residence? How can water utilities applicants who are refused services on such grounds seek redress from the government?

- 37. What is the U.S. government doing to protect the water and sanitation rights of Indigenous peoples whose health is threatened by uranium leakage from old mines on or near tribal land?

- 38. What measures has the U.S. government taken to work with states to reduce the large disparity of workplace injuries and fatalities migrant workers suffer compared to nationals, particularly in agriculture and construction with high levels of heat stress, and to ensure they receive adequate breaks, clean water and sanitation?

- 39. What resources is the U.S. government devoting to investigating and alleviating the racially disparate impacts of state and local government decisions regarding water and sanitation infrastructure?

- 40. What measures have the U.S. government taken to ensure meaningful involvement of the communities and individuals most impacted by lack of adequate water and sanitation services?

IV. Suggested Recommendations

That the U.S.:

- 41. Requires Tribal Consultation with the Oglala Sioux Tribe and Cheyenne River Sioux Tribe for cleanup of the abandoned uranium mines in Hesapa, Black Hills, South Dakota.

- 42. Creates a mechanism to identify unlawful refusals of water utility services to undocumented households and to hold providers accountable for violations of federal law.

- 43. Publishes information clearly outlining what documents must be accepted by providers when presented by undocumented applicants seeking water utility services, including but not limited to Individual Taxpayer Identification Numbers.

- 44. Eliminates discrimination against migrant workers, including by effectively implementing occupation, health and safety laws to ensure access to healthy water and sanitation, improving and increasing labor inspection and oversight of workplace environments and conditions, and paying particular attention to migrant workers in jobs with high-level climate change risks such as in agriculture and construction.

- 45. Recognizes water and sanitation as human rights that create obligations on federal, state, and local governments.

46. See Annex 1 for all recommendations made by civil society groups regarding drinking water and environmental racism for past U.S. UPRs. See Annex 2 for a list of civil society groups who raised drinking water and discrimination for past reviews.

V. Prior UPR Recommendations

47. The United States has received multiple prior recommendations related to race-based anti-Black discrimination, failures to recognize Indigenous sovereignty and self-determination, policies dehumanizing undocumented people and migrant communities, and a lack of policies that advance and protect the human right to water and sanitation. The U.S. has generally taken the position of supporting recommendations made by member states urging the U.S. to acknowledge their obligation to uphold and comply with the human rights to water and sanitation. However, this support has not been followed by action and the organizations and individuals represented here must again raise these same concerns that continue to go unsolved. See Annex 3 for a complete list of relevant past recommendations and the U.S. position taken for each.

VI. Prior U.S. Government Response

48. President Trump vowed on the 2024 campaign trail that the U.S. would have the "cleanest air and water" under his administration. However, his policies of deregulating toxic industries, defunding environmental agencies, and increasing petrochemical extraction, make these promises of clean drinking water impossible to achieve.

49. The Supreme Court has eroded drinking water and source water protections as well as dramatically weakened the power of agencies that work to enforce environmental standards. In *Loper Bright Enterprises v. Raimondo* (2024), the Supreme Court overturned the prior approach of deference to agency experts and scientists in the interpretation of ambiguous federal statutes. The Supreme Court limited the definition of 'Waters of the United States' in *Sackett v. EPA* (2023) which removed EPA jurisdiction over non-navigable wetland water bodies. In *Arizona v. Navajo Nation* (2023) the Supreme Court refused to recognize the federal responsibility to provide drinking water infrastructure in treaties creating a 'permanent home.' Most recently, *City and County of San Francisco v. EPA* (2025) removed EPA enforcement powers over non-numeric water standards in permits regulating discharges into water that result in foul smells or an offensive appearance.

50. The rollbacks of environmental regulatory power and administrative agency authority coincide with the Supreme Court holding race-based affirmative action programs unconstitutional in *Students for Fair Admissions v. Harvard* (2023). This approach of defining race-conscious

policies designed to correct for the socioeconomic realities caused by centuries of systemic racism *as racist* presents a massive hurdle for the passage and enforcement of environmental justice (EJ) laws targeting historically overburdened and disinvested communities. This exact issue is demonstrated in the U.S. District Court for the Western District of Louisiana permanently blocking the EPA and DOJ from enforcing disparate impact regulations under Title VI of the Civil Rights Act in *Louisiana v. EPA* (2024).

51. Positive advancements under the Biden Administration indicate that there is federal power to address the current landscape of discriminatory access to clean and affordable drinking water should the political will exist. The Bipartisan Infrastructure Law and Inflation Reduction Act provided federal funding for many initiatives improving the nation's drinking water and sanitation infrastructure including $3 billion for Lead Pipe Replacement and $43 million for rural water projects. Biden's Executive Order 14008 established the Justice 40 initiative which established the goal that 40 percent of the overall benefits from initiatives flow to disadvantaged communities in areas including clean energy, remediation and reduction of pollution, and the development of water infrastructure. The Biden-Harris administration also issued the U.S.'s first enforceable drinking water standard for the 'forever chemicals' per-and polyfluoroalkyl substances (PFAS).

52. However, President Trump's Administration has quickly and systematically dismantled any federal advancements in EJ. This is especially significant as race remains the strongest indicator of whether someone lives in proximity to toxic and polluting industries. The Trump Administration rescinded EO 14008, thus terminating the Justice 40 Initiative, EJ Scorecard, and the Climate & Economic Justice Screening Tool (CEJST), among other Biden EJ initiatives. The Trump administration also abolished the Office of Environmental Justice and External Civil Rights at the U.S. EPA. This occurred amongst a broad attack on 'Diversity Equity and Inclusion' policies and federal employees generally.

53. At the state and local level, there are effective examples of water affordability policies like percentage-of-income payment plans, as implemented in Philadelphia and Baltimore, which limit each participating household's water bill to a predetermined percentage of household income deemed to be affordable. Additionally, states have begun to adopt broader cumulative impact assessment policies like New Jersey's EJ Law that considers how a proposed facility contributes to the existing landscape of environmental burdens in an area rather than permitting the facility based on the facility's emissions in isolation. Other states have codified their own EJ definitions like Massachusetts' Next Generation Climate Roadmap Act which defines "environmental justice communities" and provides for increased procedural justice and representation in project siting decisions for directly impacted and overburdened communities. Although these state laws are representative of legislation that addresses the disparate exposure to toxic industries and combats the impacts of unaffordable water rates, they are not broadly adopted and many programs administered by states depend on federal funding that has been paused or terminated.

54. Positions taken by the U.S. regarding water issues and environmental justice are in Annex 4.

VII. Other UN Human Rights Body's Recommendations

55. Treaty review bodies, special procedures, and member states have all repeatedly recognized the U.S.'s failure to uphold the Human Right to Drinking Water and Sanitation generally and the U.S.'s failure specifically to address the discriminatory pattern of water injustices which are felt most often and most acutely by Black, Indigenous, low-income, migrant worker, and undocumented communities.

56. The Compilation of UN information for the US's 3rd UPR in 2020 raised the issue of water and environmental racism through uplifting the reports of special rapporteurs on how Flint's water contamination crisis was a product of "failing to recognize that water is a human right and from failing to ensure that essential services were provided in a non-discriminatory manner." at 7.

57. The CERD Committee, in addition to the conclusions and recommendations highlighted earlier by the Center for Constitutional Rights in the Louisiana River Parishes submission, expressed continued concerns regarding the "disproportionate health, socioeconomic and cultural impact of climate change, natural disasters and pollution [...] on racial and ethnic minorities and Indigenous peoples." The committee recommended that the U.S. effectively enforce environmental pollution prohibitions, clean up radioactive and toxic waste—especially in communities made up of racial and ethnic minorities and Indigenous peoples, and promptly investigate polluting activities affecting racial and ethnic minorities and Indigenous peoples in order to hold polluters accountable and provide remedies to impacted populations. *CERD Conclusions*, (2022) at 11.

58. The Human Rights Committee's conclusions from the 2023 review of U.S.'s compliance with the Convention on Civil and Political Rights, included concerns regarding the various water crises—especially those linked to high lead levels and Legionnaires' disease which have disproportionately impacted people of African descent and Indigenous Peoples. The Committee urged the U.S. to "intensify efforts to prevent and mitigate the effects of climate change and environmental degradation," "adopt a precautionary approach to protecting persons, in particular, the most vulnerable", and "reinforce existing measures to prevent life-threatening water crises, including toxic contamination of water systems, and ensure access to safe and clean water for its population." *CCPR Conclusions*, (2023) at 10.

59. Similarly, the Special Rapporteur on Contemporary Forms of Racism's report after visiting the U.S. focused on how "the devastating effects of the climate and ecological crises are disproportionately borne by those who face conditions of systemic inequality and racism, despite having contributed the least to the ongoing crises." The report highlighted "sacrifice zones", including Cancer Alley, Louisiana, and emphasized the "direct link from historical patterns of racial subjugation extending back to chattel slavery to state policy disregarding the health and other human rights of people affected in the relevant policymaking today." The Special Rapporteur also expressed deep concerns with other forms of environmental racism including "the Flint water crisis; the water crisis in Jackson, Mississippi; and proposals to destroy large parts of the South River Forest in Atlanta to make way for a large-scale police and fire department training facility, named the Atlanta Public Safety Training Center and sometimes referred to as "Cop City.*" Special Rapporteur on Contemporary Forms of Racism,* (2024) at 78.

60. Also see the reports of the Special Rapporteurs on Extreme Poverty and the Rights of Indigenous Peoples in 2018 and 2017 respectively and the Compilation of UN Information for the U.S.'s 2nd UPR in 2015 in Annex 5.

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[1] "The colonization of the Black Hills and the attempted genocide of its peoples is inextricably tied to mining. Mining was the catalyst for the military violence and land grabs that have forced us and the land to our present condition, wherein the United States and the State of South Dakota carry out willful violations of Constitutional and Tribal treaty rights every single day." Taylor Gunhammer, *Surviving the Ecological Impacts of a Mining Industry that is Eager to Ravage Hesapa*., BLACK HILLS CLEAN WATER ALLIANCE: BLOG POSTS (Aug. 29 2023), (originally delivered at the Mni Kin Wakan Water Summit, Rapid City, SD), https://bhcleanwateralliance.org/2023/08/29/surviving-the-ecological-impacts-of-a-mining-industry-that-is-eager-to-ravage-hesapa/.

[2] *See United States v. Sioux Nation of Indians*, 601 F.2d 1157, 1161 (Ct. of Claims 1979).

[3] *Inactive Metal Mines Map*, SKYTRUTH https://skytruth-org.carto.com/viz/751b8218-5f4a-4ad9-89dd-f2b5b0f5a318/public_map (last visited March 18, 2025).

[4] Opening Written Testimony of Dr. Hannan LaGarry, UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION, *In the Matter of Powertech (USA) Inc., (Dewey-Burdock In Situ Uranium Recovery Facility*), Docket No. 40-9075-MLA, ASLBP No. 10-898-02-MLA-BD01, (Nov. 21, 2014), https://bhcleanwateralliance.org/wp-content/uploads/2017/03/lagarrysupplementaltestimonyfinal_1-2015.pdf (last visited March 18, 2025).

[5] Id.

[6] Gunhammer, supra endnote 1.

[7] Rohit K. Sharma et al., *Stream sediment geochemistry of the upper Cheyenne River watershed within the abandoned uranium mining region of the southern Black Hills, South Dakota, USA*, ENVIRONMENTAL EARTH SCIENCES 75, 9 (April, 2016), https://www.researchgate.net/publication/301720068_Stream_sediment_geochemistry_of_the_upper_Cheyenne_River_watershed_within_the_abandoned_uranium_mining_region_of_the_southern_Black_Hills_South_Dakota_USA

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[9] *Id*., *citing Human Health and Ecological Risk Assessment for the Riley Pass Uranium Mines in Harding County, South Dakota. Butte, MT for U.S. Forest Service, Department of Agriculture, Missoula, MT*, PORTAGE ENVIRONMENTAL (2004).

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