



Equitable Access to Clean Water, Federal Remediation, & Just Treatment Under the Law

Communities and waterways across the country are threatened by water contamination events. These have reverberating impacts on vulnerable pollutants and critical ecosystems. While federal water laws are intended to protect communities and the environment from pollution and restore our waterways, we need accountability mechanisms to ensure access to clean water for everyone and reparations pathways to equitably address harm if or when it occurs.

Choices Interlinking Policy Priority

To ensure that all Americans—particularly those in low-income, rural, and communities of color historically left behind—have access to clean water, we are exploring mechanisms for accountability at the federal level and pathways for communities and federal representatives to partner to deliver on protections afforded through the Safe Drinking Water Act and Clean Water Act.

Recommendations

To deliver on this, Choices Interlinking is exploring potential solutions and recommendations:

- 1. Require and enforce data collection on EPA awards to understand any racial bias in decision-making on awards.** Data collection would close information gaps and provide key insights into grant and loan processes, ensuring the integrity and intent of those federal funding programs and laying groundwork for reparative compensation for those negatively impacted by current processes.
- 2. Identify and fund pathways for financial redress of water-related harms.** The fund would use data collection on EPA awards to determine which funding streams are eligible for redress. One potential model is the USDA's Discrimination Financial Assistance Program, authorized through Section 22007 of the Inflation Reduction Act (IRA). This program was established to address discrimination in USDA farm lending prior to 2021, including racial inequities (particularly for Black farmers and ranchers) acknowledged by USDA.
- 3. Design a community-informed process to utilize this fund for individuals and communities.** In the event that water contamination and violations do occur, a process that plugs communities directly into opportunities for remediation—both reporting the violation and seeking redress funding—would be helpful. This process should complement the fund described above and be designed in partnership with communities to ensure it is easy to access and equitable.

Background

The Safe Drinking Water Act (SDWA) and Clean Water Act (CWA) represent groundbreaking legislation to protect our waterways and ensure communities across America have clean water. Despite these, too many communities are impacted by water contamination and pollution issues. Racial disparities within these issues exist, and there is a lack of accountability and redress at the state and federal levels when contamination occurs. In fact, water pollution impacts communities of color more frequently. Studies have shown neighborhoods with a majority of people of color are more than twice as likely to live near wastewater disposal wells. Furthermore, contamination events can have reverberating impacts on communities: loss of land, life and damage to property, as well as other mental and physical impacts on community health. Fracking waste contains 200 times more radium than natural river systems, long-term exposure to which has tremendous health impacts, including increased rates of leukemia.

Community-Identified Injection Spill and Water Contamination in Texas

“When basic rights are violated, there must be an equitable channel or mechanism to redress the violation. The lack of such a mechanism presents a major barrier to environmental and civil rights advancement.” -Cozetta Butts-LaMore, CEO, Choices Interlinking

In 2015, community members identified an injection well spill in the Rusk County community outside of Kilgore, Texas. The spill impacted businesses and residences, through oily substances rising to the surfaces, flooding, water and land contamination, wildfires, and more. Homes were destroyed, lives were endangered and or terminated from various forms of cancers and other undetermined causes, sinkholes emerged, underground bubbling water rose to the surface, and more.

In the aftermath, representatives from the Center for Disease Control, the Texas Railroad Commission, and others participated in a Problem Solving Committee organized by EPA Region 6 and Choices Interlinking. The committee was established to discuss clean-up and restitutions to address the devastation caused by the spill. The committee was unable to resolve the problem.



Photo Caption: Contaminated waters in Rusk County.

About Choices Interlinking

Choices Interlinking works at the intersection of climate change, environmental justice, and social justice in Arizona and Texas to seek systemic solutions to longstanding problems of racial inequities, especially those impacting underserved marginalized youth and young adults of color. Choices Interlinking is working to establish reparations pathways and accountability mechanisms for equitable access to clean water, air, safe affordable housing, and just treatment under the law as it was intended. For more information, contact: **Cozetta Butts-LaMore**, Chief Executive Officer, peecetoday@gmail.com.

About the WECR Caucus

Choices Interlinking is a core member of the Water Equity & Climate Resilience (WECR) Caucus. Anchored by PolicyLink, the WECR Caucus is a national network of nearly 70 organizations centering frontline communities of color and low-income communities in working to achieve water equity and climate justice through federal and state policy advocacy, centering the voices and solutions of communities most affected by water challenges and the climate crisis. For more information, contact: **Yasmin Zaerpoor**, Director of Water Equity & Climate Resilience, PolicyLink, yasmin@policylink.org.