

Shadow Proof - April 4, 2016 by Kevin Gosztola

IMPACTED COMMUNITIES TESTIFY ON US WATER CRISES AT HUMAN RIGHTS HEARING

In a hearing hosted by the Inter-American Commission on Human Rights, representatives of indigenous, working class, and minority populations in the United States testified on water and sanitation crises.

The hearing hosted by IACHR, which is part of the Organization of American States (OAS), was scheduled in response to the water crisis in Flint, Michigan. It featured stark testimony that sharply contrasted with the bureaucratic statements of U.S. officials.

U.S. officials largely failed to address the specifics of the collective human rights violations, which were highlighted and which led activists to call for the hearing.



After all of the representatives spoke, the U.S. opened with an overview of what the U.S. has done and continues to generously do through initiatives intended to improve water and sanitation around the world. However, this tactic backfired in extraordinary fashion.



Commissioner Margarett May Macaulay of Jamaica

Commissioner Margarett May Macaulay of Jamaica asked, "If you're doing [all of] that outside your borders, can't you do that at the same time in tandem so nobody falls through the cracks?"

"I literally can't imagine the most powerful country in the world having these kind of stories," Macaulay added. "There should not be these gaps."

From the Navajo Nation in New Mexico, Terecita Kayanna of the Red Water Pond Community spoke about living near two abandoned uranium mines. Her family suffers from exposure to pollution. She mentioned how permits for a new uranium mine in Milan, New Mexico, have been considered. The mine would "destroy nearby springs and the aquifer that feeds them." The federal government has not taken action to disapprove of this mine, which would impact "sacred sites and culturally important water sources."

A farmer, grandfather, and community leader, Chili Yazzie of the Navajo Nation in Shiprock, New Mexico, highlighted the fact that a U.S. Environmental Protection Agency contractor [breached](#) the abandoned Gold King Mine, releasing over 3 million gallons of contamination into the San Juan River in August 2015. This resulted in lead, arsenic, and mercury entering the river.

"Our irrigation water was shut off halfway through our crop season, hurting over 500 farming families," Yazzie also shared. "We fell into a state of chaos, devastation, and trauma. It was hard to understand we would not have water for our crops. We felt helpless and angry. We've lost 75 percent of our crops."

"As indigenous people in the transition between our ancient ways and the modern world, our reliance on agriculture is more than subsistence and economics," Yazzie continued. "It is a foundation of our culture and our spiritualism, exemplifying our intrinsic relationship with the Earth Mother. We remain apprehensive about using the river water. We must have water to continue our time-honored tradition of farming. This is a grave violation of our human rights to water by the U.S. EPA."

Bernice Johnson of the Georgia Women's Action for New Directions (WAND) community group in Shell Bluff, Georgia, spoke about the presence of an aging nuclear weapons plant and a nuclear power plant in close proximity to the mostly-black rural community. Nuclear facility contaminants have polluted the environment.

"Radiological poisons enter our bodies through the air we must breathe, water we drink, homegrown vegetables, by fish, deer, and other animals consumed. Nuclear poisons cannot be cleaned from air, rivers, or land. Radiological poisons in our environments will stay in our environments for many thousands of years-ungodly elements that strip health and livelihoods from thousands of generations."

Johnson detailed the disparate impact on women and young girls, who are more susceptible to cancer. She listed the elements—tridium, plutonium, and iodine-129. Tridium causes miscarriage. Plutonium has a half-life of 24,000 years. Iodine-129 has a half-life of 15 million years. There are no safe doses of radiation yet the nuclear industry believes it can regulate what are acceptable levels in communities.

From the Genessee County Hispanic/Latino Collaborative in Flint, Michigan, Juani Olivares testified about the impact the water crisis has had on undocumented immigrants. Undocumented immigrants were poisoned by lead but do not qualify for health insurance because they are not citizens.

“Being in this country is not a capital punishment crime, however, without the government taking responsibility in helping these people, they are sentencing them to death,” Olivares declared. “Our community members were not asked for documentation to be poisoned but are now required to prove they are citizens to be eligible for health insurance.”

Kelly Miller, a homeless person who has lived for multiple years in Washington, DC, condemned local business owners, who lock their doors so that homeless people like her have no place to perform basic bodily functions. She described how she has had to cope with the fear of rape, physical violence, or criminal punishment because she does not have access to sanitation.

From the Alabama Center for Rural Enterprise and Equal Justice Initiative in Lowndes County, Alabama, Catherine Flowers highlighted a stark form of inequality: how poor black children currently live and play amongst raw sewage.

“It is a blatant violation of human rights,” Flowers stated. “People are being charged with being too poor to afford a septic system and are living under the constant threat of being arrested. The Alabama Department of Public Health estimates that up to 90% of households in Lowndes County have inadequate or non-existent septic systems.”

Maureen Taylor, a Detroit resident from the Michigan Welfare Rights Organization, mentioned 23,883 separate residential households suffered water shutoffs in 2015. The shutoffs affected 64,000 residents. Senior citizens, children, disabled persons, and veterans were forced to live without water because they were low-income and unable to pay for the rising costs of public water.

“The notion that elected officials believe that they have the right to block entire neighborhoods from accessing clean municipal water and sanitation is vile and repulsive,” Taylor declared. “Poverty connected to the loss of auto-related jobs is the tie that binds Detroit to these mass water shutoffs. A water affordability plan that formulates payments based on income as an alternative was offered over and over again yet mass shutoffs continue.”

Taylor suggested privatization of the public water system was the “ultimate goal.” The private sector should not be in control of public water supplies because “profit-making entities can never be the vehicle for providing a universal or a common good.”

A solution to some of the problems was proposed by Thu Tran of Philadelphia, who is a part of Community Legal Services. She shared how Philadelphia passed a city law in December 2015, which requires income-based affordable water bills. Customers now have protections to prevent the loss of homes as a result of water foreclosure. She recommended this as a model for national legislation to make access to water more of a human right for citizens.

When it was the turn of U.S. officials to speak, each official spoke about policies and laws they have at their disposal to take some action. The EPA has the authority to issue emergency orders. The Housing and Urban Development Department (HUD) has the authority to investigate allegations of water policies disproportionately impacting a racial or ethnic group. It can bring Fair Housing Act enforcement actions too.

Beyond hypotheticals about lessons that should be learned about Flint’s water crisis, there was no specific acknowledgment of what action communities deserve.



Paulo Vannuchi, an IACHR commissioner from Brazil, asked why the commission was holding yet another hearing where not a word had been said about the issue of natural gas fracking. He wondered how this could not be a problem in need of addressing when a state like New York has prohibited the practice.

Interim permanent U.S. representative to OAS, Mike Fitzpatrick

The interim permanent U.S. representative to OAS, Mike Fitzpatrick, argued the lack of attention to fracking stemmed from this being a responsibility that fell to state governments to address. However, representatives informed the commissioners that the federal Clean Water Act does prohibit the discharge of particular contaminants that are dangerous to human health. In fact, the federal government has been complicit in shielding the fracking fluid constituents from public disclosure.

An [investigation](#) recently published by USA Today found nearly 2,000 water systems in the United States had “excessive levels of lead contamination” over the past four years. At least 180 water systems did not notify citizens of high lead levels, as federal regulations require. Six hundred water systems had lead levels “topping 40 parts per billion (ppb), which is more than double the EPA’s action level limit.” The 40 ppb mark is a “threshold that the EPA once labeled on its website an ‘imminent’ health threat for pregnant women and young children.”

On March 3, United Nations experts [responded](#) to the crisis in Flint.

“We extend our deepest sympathies to the children of Flint and to the countless other victims of lead poisoning in the United States and around the world. Lead poisoning is preventable. No parent should have to endure the mental torment that will haunt parents in Flint, and no child should be denied the right to enjoy the highest attainable standard of physical and mental health,” the UN experts stated.

According to the UN experts, “Across the United States nearly twice as many African-American children (5.6 percent) have high levels of lead in their bloodstream as compared with white children (2.4 percent).”

The U.S. government has refused to sign the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights, and as a result, safe access to water and sanitation is not recognized as a legally enforceable human right.

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