

Drinking Water and Sanitation Justice: Advancing the human right to water & the recognition of water injustices as manifestations of environmental racism:

April 2026 Addendum to Original Submission

Submitted By:¹

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I. Introduction and Issue Summary

a. Aging infrastructure

Water and sanitation infrastructure in the United States continued to deteriorate over the past year. Aging infrastructure poses a threat to clean, safe and reliable water.² The American Society of Civil Engineers' (ASCE) 2025 Report Card for America's Infrastructure gave the U.S.'s drinking water infrastructure a "C-" grade. According to the ASCE, the nation's water infrastructure is aging and underfunded.³ In addition, the ASCE gave Mississippi's drinking water and wastewater systems a D- grade in its 2024 Report Card for Mississippi's Infrastructure.⁴ The EPA's Drinking Water Infrastructure Needs Survey and Assessment determined that the nation's water infrastructure, including pipe replacement, treatment plant upgrades and storage tanks, needs an investment of \$625 billion over the next 20 years.⁵

b. Developments at the local level over the past year

Over the past year, there have been some positive developments at the local level to address water affordability. In addition to affordability programs in Philadelphia and Baltimore (described in our initial submission), DeKalb County, Georgia introduced an income based water affordability program in 2025 comparable to Philadelphia's program.⁶ DeKalb County's Water Rate Assistance Program (WRAP) was designed to help eligible low-income households manage their water and sewer bills amid a new

10% rate increase scheduled each January for the next decade.⁷ The program especially protects residents that are Black, low-income, and disabled working families, who are disproportionately affected by high water bills and disconnections.⁸ DeKalb County is the first jurisdiction in the southern region of the U.S. to implement such a program.⁹

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

a. **Lowndes County, Alabama**

Both national and local developments highlight the widening gap between water and sanitation infrastructure needs and effective solutions, particularly in underserved communities. Lowndes County, Alabama, facing egregious violations of the right to sanitation, is an example. In the spring of 2025, the U.S. Department of Justice withdrew from a previously-reached settlement agreement to build out Lowndes County's water infrastructure, including the installation of septic systems. The withdrawal from this long-awaited settlement followed an Executive Order issued by President Trump in January 2025.

For years, residents of Lowndes County suffered from the state and local government's discriminatory failures to address their lack of sanitation services. In March 2023, the Natural Resources Defense Council and the Center for Rural Enterprise and Environmental Justice filed a complaint against the Alabama Department of Environmental Management (ADEM) and the State of Alabama for violating Title VI of the Civil Rights Act of 1964 and the EPA's implementing regulations, 40 C.F.R.¹⁰ The subsequent investigation conducted by the U.S. Department of Justice found that low-income residents in Lowndes County, Alabama, most of whom were Black, lacked basic sanitation services. More than 70% of low-income homeowners in Lowndes County have failing or nonexistent septic systems due to high poverty, poor housing conditions and bad soil.¹¹ Open sewage in yards and residential areas creates serious health hazards for residents. In 2023, the federal Biden Administration reached an environmental justice agreement with the Alabama Department of Public Health and allocated \$26 million to rebuild Lowndes County's water infrastructure.¹²

However, in January 2025, President Trump issued Executive Order 14151 "Ending Radical and Wasteful Government DEI Programs and Preferencing."¹³ This eliminated the EPA's Environmental Justice office along with grants to hundreds of projects for infrastructure and climate adaptation in underserved communities.¹⁴ As a result, on April 11, 2025, the U.S. Department of Justice announced its withdrawal of the settlement agreement that stemmed from the investigation in Lowndes County,

Alabama.¹⁵ This effectively stopped work on the installation of septic systems in Lowndes County as funding had expired.¹⁶ After the federal government's callous about-face, Lowndes County residents are left to continue their years-long struggle to secure basic sanitation services for their families.

b. Cahokia Heights, Illinois

Centreville, Illinois, a small city of about 5,000 people, across the river from St. Louis, continues to experience severe violations of the human right to sanitation despite decades of fighting. On May 6, 2021, Centreville ceased to exist as an independent city and was incorporated into the new city of Cahokia Heights.¹⁷ The population of Cahokia Heights is predominantly African American, with Black residents making up 75% of the community, and a poverty rate nearing 42%. Whenever it rains, the streets of Cahokia Heights are flooded, not only with water but with a brown tide of raw sewage that infiltrates homes, backyards and even drinking water.¹⁸ For decades, the pump stations designed to pump sewage away from homes and the poorly maintained aging infrastructure have caused raw sewage to flood streets and homes when it rains.¹⁹ Climate change and development in neighboring areas has only made the sewage and flooding situation worse. The flooding situation is so severe that people have resorted to using boats for emergency evacuation when it rains.²⁰ The smell of raw sewage fills the air, and bits of soggy toilet paper and slicks of human waste cling to the grass in neighborhoods. A large portion of the community has not drunk the water from their taps for many years due to poor water quality and becoming ill from the water. In 2026, Cahokia Heights residents found E. coli in their drinking water through community-organized testing of samples from kitchen taps.²¹ Those findings contradict test results from the official water providers according to public records from the past 15 years.²² Living in close contact with raw sewage has led to ongoing health problems, including gastrointestinal illnesses and rashes.²³ Residents are forced to rely solely on bottled water as a result.²⁴ At least 80 households in the former Centreville are signed up to receive donated bottled water through ongoing community water drives.²⁵

For the last decade, and even longer for some, the residents have urged their local government officials, state and federal government officials, the United States Environmental Protection Agency, and St. Clair County, to repair Cahokia Heights' failing sewage system.²⁶ Despite decades of complaints, government officials have failed to take meaningful actions to address these inhumane conditions.²⁷

Ms. Lyles has been a resident of Centreville, now Cahokia Heights, for 32 years.²⁸ She currently serves as the secretary for 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.

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, adult-onset asthma, and with a bacterial infection from *Helicobacter pylori* as many as five times in the 32 years she has lived in her Cahokia Heights home. An ongoing health study, separate from the community water testing, is tracking *H. pylori* infections and intestinal inflammation among Cahokia Heights residents.²⁹ Researchers found about 30 active *H. pylori* infections in 2022 and 2023, with sample sizes between 42 and 52 adults, and some overlap in participants each year.³⁰

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. None of these efforts have led to changes in Ms. Lyles' everyday life. She still has to drink bottled water and suffers from health problems related to the regular sewage water floods on a regular basis.

III. Legal Backsliding and Abandoning Environmental Justice: Title VI

The dire situations in Lowndes County and Cahokia Heights highlight the serious consequences of violating the human rights to water and sanitation. In 2025, there were also dramatic changes to the legal landscape that negatively impacted individuals' access to safe and affordable water in the United States, and put these rights even further out of reach for many low income, Black and brown communities.

Title VI bars race discrimination by recipients of federal funds.³¹ The anti-discrimination provisions apply to a fund recipient's entire operation, not solely to the

funded program or activity. Thus, water service providers that receive federal funds, even if those funds are used for non-water related activities, may be held accountable for race discrimination under Title VI.

However, in December 2025, the Department of Justice issued a final rule altering its regulations under Title VI of the Civil Rights Act of 1964. The revised rule, issued without any opportunity for public notice and comment, eliminated disparate impact liability from the Title VI regulations.³² This rule change means recipients of federal funding are no longer liable for unintentional, facially neutral policies that create a disproportionate, adverse effect on a protected group based on race, color, or national origin. As a result, the future of disparate impact-based claims relying on Title VI, including claims resting on environmental justice concerns like those described above in Lowndes County and Cahokia Heights, are in question.³³

IV. Conclusion

While the past year has brought a few positive developments on the local level—such as greater attention to water affordability—local and state governments need the partnership of the U.S. federal government to address the significant and growing deficiencies in water and sanitation infrastructure. Unfortunately, the federal government has abandoned its obligations to provide leadership in addressing these issues, despite their discriminatory impacts on health and well-being of predominantly Black and brown communities. This troubling trend has only accelerated in the past year.

¹ Original Submission was submitted by the following groups: Center for Global Law & Justice, Northeastern University School of Law; Project South; Center for Constitutional Rights; EarthRights International; Black Hills Clean Water Alliance; Centreville Citizens for Change; St. Louis University School of Law Human Rights at Home Litigation Clinic; and The Descendants Project.

² National Association of Water Companies (NAWC), *Water Infrastructure in the United States - NAWC*, NATIONAL ASSOCIATION OF WATER COMPANIES (NAWC), <https://nawc.org/water-industry/infrastructure-investment/>.

³ *Drinking Water*, ASCE'S 2025 INFRASTRUCTURE REPORT CARD | (Jan. 17, 2017), <https://infrastructurereportcard.org/cat-item/drinking-water-infrastructure/>.

⁴ *Mississippi Infrastructure Report Card* | ASCE, ASCE'S 2025 INFRASTRUCTURE REPORT CARD | (Nov. 14, 2024), <https://infrastructurereportcard.org/state-item/mississippi/>.

⁵ U.S. EPA, *EPA's 7th Drinking Water Infrastructure Needs Survey and Assessment*, (Aug. 9, 2023), <https://www.epa.gov/dwsrf/epas-7th-drinking-water-infrastructure-needs-survey-and-assessment>.

⁶ *Dekalb County, Georgia Water Crisis*, LEGAL DEFENSE FUND, <https://www.naacpldf.org/case-issue/dekalb-county-georgia-water-crisis/>.

⁷ NAT'L URBAN LEAGUE, *DeKalb County and Urban League Launch Water Rate Assistance Program (WRAP)* (Mar. 8, 2026), <https://nul.org/news/dekalb-county-and-urban-league-launch-water-rate-assistance-program-wrap>.

⁸ Dekalb County, Georgia Water Crisis, *supra* note 6.

⁹ *Id.*

¹⁰ CTR. FOR RACE, ENERGY & ENV'T JUST. & NAT. RES. DEF. COUNCIL, Complaint Under Title VI of the Civil Rights Act of 1964 and the Environmental Protection Agency's Implementing Regulations Regarding Discrimination by the

State of Alabama and the Alabama Department of Environmental Management in Their Administration of the Clean Water State Revolving Fund (Mar. 6, 2023), <https://www.nrdc.org/sites/default/files/2023-10/creej-nrdc-title-vi-complaint-20230306.pdf>.

¹¹ *Lowndes County Unincorporated Wastewater Program – Lowndes County Alabama Wastewater*, <https://lcuwp.net/>.

¹² REUTERS, *U.S. Settles Landmark Alabama Environmental Justice Case* (May 4, 2023), <https://www.reuters.com/legal/us-settles-landmark-alabama-environmental-justice-case-2023-05-04/>.

¹³ Exec. Order No. 14,151, *Ending Radical and Wasteful Government DEI Programs and Preferencing* (Jan. 20, 2025), <https://public-inspection.federalregister.gov/2025-01953.pdf>.

¹⁴ *EPA Eliminated Office of Environmental Justice and External Civil Rights (OEJECR) and EJ Regional Divisions – Environmental and Energy Law Program*, <https://eelp.law.harvard.edu/tracker/epa-launched-new-office-of-environmental-justice-and-external-civil-rights-oejecr/>.

¹⁵ *Office of Public Affairs | Department of Justice Terminates Environmental Justice Settlement Agreement, Advancing President Trump’s Mandate to End Illegal DEI and Environmental Justice Policies | United States Department of Justice*, (Apr. 11, 2025), <https://www.justice.gov/opa/pr/departments-justice-terminates-environmental-justice-settlement-agreement-advancing-president>.

¹⁶ WSFA 12 News Staff, *ADPH Reacts to Trump DOJ Termination of Settlement on Lowndes County Sewage Issues* (Apr. 11, 2025), <https://www.wsfa.com/2025/04/11/adph-reacts-trump-doj-termination-settlement-lowndes-county-sewage-issues/>.

¹⁷ *History of Cahokia, Centreville & Alorton, Cahokia Heights*, <https://cahokiaheightsil.us/cahokia-heights-history/>.

¹⁸ Adam Mahoney, *The Sewage Crisis Drowning America’s Poorest Town*, Capital B (Dec. 12, 2024), <https://capitalbnews.org/cahokia-heights-illinois-sewage-americas-poorest-town/>.

¹⁹ *Id.*

²⁰ *Id.*

²¹ Lexi Cortes, Loretta Wimbley, Janelle O’Dea, *Residents find E. coli in drinking water of Illinois city that floods with sewage*, St. Louis Public Radio (Mar. 9, 2026), <https://www.stlpr.org/health-science-environment/2026-03-09/e-coli-drinking-water-cahokia-heights-illinois-floods-sewage>.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ Bala Sivaraman, *In the Heartland, Human Waste Floods Homes*, Earthjustice, (July, 17, 2020), <https://earthjustice.org/article/sewage-flooding-centreville-illinois-environmental-justice>.

²⁷ *Id.*

²⁸ All new information regarding Ms. Yvette Lyles provided here is from this published news article: Lexi Cortes, Loretta Wimbley, Janelle O’Dea, *Residents find E. coli in drinking water of Illinois city that floods with sewage*, St. Louis Public Radio (Mar. 9, 2026), <https://www.stlpr.org/health-science-environment/2026-03-09/e-coli-drinking-water-cahokia-heights-illinois-floods-sewage>. Ms. Lyles has formerly given her consent to providing her name and story to the U.N. Human Rights Council, as submitted with the original submission of Centreville Citizens for Change in 2025.

²⁹ Rural Embodiment and Community Health (REACH) Study, <https://www.reachresearch.org/>.

³⁰ Lexi Cortes, *Ongoing independent health study in Cahokia Heights finds more ‘concerning’ results*, Belleville News-Democrat (Jul. 21, 2024), <https://www.bnd.com/news/local/article290271074.html>.

³¹ 42 U.S.C. § 2000d (2012).

³² *Office of Public Affairs | Department of Justice Rule Restores Equal Protection for All in Civil Rights Enforcement | United States Department of Justice*, (Dec. 9, 2025), <https://www.justice.gov/opa/pr/departments-justice-rule-restores-equal-protection-all-civil-rights-enforcement>.

³³ Deborah A. Sivas, *The Future of Environmental Justice Claims Under Title VI: Can the “Sleeping Giant” Finally Be Awakened?*, 21 STAN. J. C.R. & C.L. 105 (2025), <https://law.stanford.edu/wp-content/uploads/2025/05/Sivas-FINAL.pdf>.