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The Human Right to Water in the United States:

*A Primer for Lawyers
and Community Leaders*

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INTRODUCTION

While the United States (U.S.) possesses an abundance of freshwater resources and a significant percentage of the population takes for granted access to water of reasonable quality at an affordable price, water-related problems affect increasing numbers of people in the U.S. each year. The long-term drought in California, mass water shutoffs in Detroit, Michigan, the highly publicized contamination of the public water supply in Flint, Michigan and water and sanitation issues in the south have brought increased public attention to these issues. To date, this attention has not necessarily translated into more effective responses by public officials.

Over the past two decades, the international community has affirmed the existence of the human right to clean, affordable water and sanitation as fundamental rights to basic necessities of life. Building on this work, we believe that promotion of the human right to water can contribute to addressing the worsening water problems in the U.S. This primer suggests some of the forms such promotion might take, even in the context of the U.S. government's refusal to recognize this right.

We begin by clarifying the sources of the human right to water and touching on some of the obstacles to realizing the right in the U.S. The primer then examines several high-profile water disputes, some of which have involved the use of the human rights framework as part of an overall strategy to resolve the issue. We conclude with a reflection on possible future uses of the human right to water in legal and policy advocacy within the U.S.

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I. WHAT ARE HUMAN RIGHTS?

A. What are the sources of international human rights law?

Following the atrocities of World War II, countries around the world came together to form new international and regional legal systems, such as the United Nations (U.N.), with the purpose of achieving global cooperation to solve international economic, social, cultural or humanitarian problems.

These systems promoted respect for human rights and fundamental freedoms regardless of race, sex, religion or language.¹

Although the U.N. Charter did not provide additional detail regarding the human rights to be protected, those rights were more fully described in the American Declaration of the Rights and Duties of Man in April 1948, and enshrined a few months later in the Universal Declaration of Human Rights (UDHR).² These human rights declarations set out basic human rights principles that articulate norms that would later become the basis of the global human rights treaties that form the key building blocks of human rights law.

Those rights were placed into two principle treaties that, along with the UDHR, form the International Bill of Rights: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).³ For the countries that ratify them, these treaties create legal obligations to protect, respect and fulfill basic human rights. Subsequent treaties have been created to further explain the application of these rights to particular groups including racial minorities, women, children and persons with disabilities.

In addition to treaties and other human rights instruments that set forth a comprehensive set of rights, the international community also established human rights bodies and mechanisms for protecting and promoting these rights. For example, the Organization of American States (OAS) established the Inter-American human rights system as the regional system for North, Central and South America.

B. What is the connection between the human rights system and U.S. law?

1. Supremacy Clause

Article VI, Clause 2 of the Constitution provides that once Congress ratifies a treaty, it becomes the “supreme Law of the Land,” giving it status equivalent to a federal statute. However, enforcing human rights treaties in domestic courts is challenging because the U.S. ratified them with the understanding that they are “non-self-executing,” meaning that Congress must enact implementing legislation in order to make these treaties enforceable by domestic courts.⁴

2. U.N. Treaty Obligations

Ratifying a treaty creates international obligations for the U.S., not only to protect, respect and fulfill the rights enshrined within the treaty, but also to periodically report to the treaty body, a U.N. committee of human rights experts which evaluates the country's progress implementing those rights.⁵ Even though the recommendations of the treaty bodies are generally not binding, advocates can use them in domestic advocacy efforts. For example, advocates can offer them as persuasive authority in domestic litigation or to lobby the government for policy changes.⁶

Where the U.S. has signed, but not ratified a treaty, it is obligated under international law "to refrain from acts which would defeat the object and purpose of [the] treaty" until it makes clear its intention not to become a party to the treaty.⁷

Human rights treaties that the U.S. has ratified:

- International Covenant on Civil and Political Rights (ICCPR)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- Two Optional Protocols on the Convention on the Rights of the Child (CRC), which address the sale of children and children in armed conflict

Human rights treaties that the U.S. has signed, but not ratified:

- International Covenant on Economic, Social, and Cultural Rights (ICESCR)
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- Convention on the Rights of the Child (CRC)
- Convention on the Rights of Persons with Disabilities (CRPD)

3. Other U.N. Mechanisms

In addition to treaty obligations, additional U.N. mechanisms, such as U.N. Special Procedures and the Universal Periodic Review (UPR), offer U.S. advocates opportunities to raise human rights concerns and leverage international attention for domestic advocacy purposes.⁸ Special Procedures are independent human rights experts appointed through the

U.N. system who conduct country visits and respond to individual complaints to evaluate human rights concerns regarding particular thematic issues or in specific countries.

As a party to the U.N. Charter, the U.S. is obligated to take part in the UPR, which is a “peer review” of its progress on implementation of rights recognized in the Charter and the UDHR by other member states once every four years.⁹ However, the U.S. failed to appear for its scheduled UPR in November 2025.¹⁰ This is the first time that a U.N. member state has failed to be reviewed since the UPR’s creation in 2006.¹¹ While the U.N. Human Rights Council rescheduled the U.S. review for November 2026, future U.S. participation in the UPR is not guaranteed.¹²

4. Obligations Under the Inter-American System

Under the Inter-American regional system, the U.S. is subject to the jurisdiction of the Inter-American Commission on Human Rights (IACHR), which considers cases on human rights violations and country conditions brought by individuals and groups. Although the U.S. government asserts that IACHR decisions are non-binding, the Commission offers other benefits for advocates addressing human rights violations in the U.S. For example, thematic hearings before the Commission present opportunities to raise awareness about human rights violations on an international stage, which can support education and media outreach efforts. Engagement with the Inter-American system also provides opportunities for ongoing dialogue with the U.S. government over human rights concerns and the Commission’s findings contribute to the international record on particular issues. Additionally, for many victims of human rights violations, the Commission process may offer the only formal acknowledgment of their experience, affirming their dignitary interests. Advocates should have clear and limited expectations about what a Commission decision or hearing can accomplish, because of the U.S. government’s refusal to accept the Commission’s legal authority.¹³

5. U.S. Courts and Governments

International human rights law can be used domestically, in state and federal courts, as nonbinding persuasive authority. The U.S. Supreme Court has at times considered non-domestic law, but when asked to identify new fundamental rights in the first instance, the Court relies on American, not foreign, values.¹⁴ State courts have used international human rights law to aid in interpretation of state constitutional

provisions that do not have a counterpart in the federal constitution.¹⁵ However, some state courts have been hesitant to use international law.¹⁶ The federal government and some state and municipal governments have used human rights principles to inform specific legislation and government policies.¹⁷

6. U.S. Withdrawal from International Organizations and Agreements in 2026

In January 2026, the U.S. withdrew from 66¹⁸ international organizations, conventions and treaties.¹⁹ This includes the Intergovernmental Panel on Climate Change and the U.N. Framework Convention on Climate Change (UFCCC), the primary global treaty for coordinating international climate action.²⁰ The U.S. also officially exited the Paris Agreement, an international agreement on climate change, for the second time in January 2026.²¹ These withdrawals highlight the dynamic relationship between international systems and U.S. law. However, the U.S. continues to participate in the Inter-American regional system at the time of this writing.

II. Sources of the Human Right to Water

The human right to water is recognized in international law and some U.S. state and local laws. Although the U.S. federal government does not recognize this right, some provisions of federal law promote particular aspects of the right to water. The right to sanitation is frequently connected to the right to water because sanitation can impact water quality and some sanitation systems are water-based. However, sanitation also raises unique concerns with regard to public health and personal responsibility.²²

A. International Sources of the Right to Water

The right to water is recognized in some treaties and has been further developed in treaty bodies' General Comments explaining the provisions of those treaties. The U.N. General Assembly adopted a resolution in 2010, explicitly recognizing for the first time the human right to water and sanitation and acknowledging that clean drinking water and sanitation are essential to the realization of all human rights.²³ In December 2015, the U.N. General Assembly recognized sanitation as a separate human right.²⁴ The resolution acknowledges the right to safe drinking water and to sanitation as two distinct human rights.²⁵

1. Right to Water in Agreements Ratified by the U.S.

a. International Covenant on Civil and Political Rights (ICCPR)

Although the ICCPR does not explicitly refer to a right to water, Article 6(1) sets out the inherent right to life. General Comment No. 36 on Article 6, adopted in 2018, replaces the previous General Comments No. 6 and No. 14 on Article 6.²⁶ General Comment No. 36 addresses the relationship between Article 6 and other international laws²⁷ and also references both sanitation and water.²⁸ It calls for measures to protect the right to life, which includes access to essential goods and services, including water and sanitation.²⁹

b. International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

ICERD requires that economic, social and cultural rights be fulfilled in a non-discriminatory manner and, because the U.S. ratified that treaty, it is bound by that principle.³⁰ ICERD specifically recognizes the right to housing and public health, but the treaty does not provide an all-inclusive list of protected rights.³¹ Through the treaty, the U.S. has committed itself to address issues of discrimination in the areas of housing, medical care, social services and public health.³² The CERD Committee recognized the right to water as a component of both the right to housing and the right to health.³³

2. Right to Water in Agreements the U.S. Signed but Has Not Ratified

a. International Covenant on Economic, Social, and Cultural Rights (ICESCR)

While the human right to water is not explicitly recognized in the ICESCR, General Comment No. 15 of the Committee on Economic, Social and Cultural Rights explains that the right to water is included in Articles 11 and 12 of the Covenant and recognizes water as “indispensable for leading a life in human dignity.”³⁴ Article 11(1) recognizes the right to an adequate standard of living, which includes adequate food, clothing and housing. The list was not intended to be exhaustive and General Comment No. 15 identifies water as “one of the most fundamental conditions for survival” and essential to an adequate standard of living.³⁵ The right to water is also necessary to ensure the right to health under Article 12(1) and the rights to housing and adequate food under Article 11(1).

General Comment No. 15 explains that the right to water encompasses water that is adequate for human dignity, life and health. Adequate water includes access to sufficient water for personal use. The water must be safe for personal and domestic use, free of contaminants and must be an acceptable odor and taste. Physical access to water should be provided without discrimination and an individual's personal safety cannot be compromised in order to access water. Water should also be economically accessible, such that "direct and indirect costs and charges associated with securing water must be affordable and must not compromise or threaten the realization of other Covenant rights" such as housing, food, education and health.³⁶

General Comments No. 13 and 14 explain that the right to education and the right to health also imply a right to water. The right to education specifies that in order for education to be available, school facilities should have safe drinking water for students.³⁷ The right to health includes the right to "underlying determinants" of health, including access to safe and potable water.³⁸ Health care facilities should have safe water.³⁹ Access to safe water is also necessary for environmental and industrial hygiene.⁴⁰ States have an obligation to refrain from unlawfully polluting water supplies and to ensure equal access to an adequate supply of safe and potable drinking water.⁴¹

b. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

CEDAW was the first primary human rights instrument to explicitly reference the right to water. Article 14(2)(h) recognizes that women who live in rural areas face unique challenges and, in order to eliminate discrimination against them, states should ensure to rural women the right to enjoy adequate living conditions, which includes an adequate water supply.⁴² General Comment No. 34 on the rights of rural women does not interpret this right to require equal access to water, but does recognize a right to clean water.⁴³

c. Convention on the Rights of the Child (CRC)

The CRC expressly links safe drinking water to health and includes the right to water under the right to health. Article 24 recognizes that children have a right to the highest attainable standard of health and states parties are to take steps to combat disease and malnutrition, including through the provision of clean drinking water.⁴⁴

d. Inter-American System

The U.S. is party to the Organization of American States (OAS) Charter and the American Declaration of the Rights and Duties of Man and has signed, but not ratified, the American Convention on Human Rights. Article 1 of the American Declaration and Article 4 of the American Convention recognize the right to life but neither explicitly links that right to water.⁴⁵ Although the U.S. government under previous presidential administrations generally participated in formal cases before the Inter-American Commission on Human Rights (IACHR), no mechanism for enforcing Commission decisions exists and the U.S. regularly asserts that the decisions are non-binding.⁴⁶

In October 2015, the Coalition on the Human Rights to Water and Sanitation, supported by the U.S. Human Rights Network, successfully requested a hearing at the IACHR on alleged violations of the right to water in the U.S. During this regional hearing, which also included Latin American water activists, grassroots organizations from across the country testified about the direct effects of water violations on their communities.⁴⁷ The Commission was sufficiently convinced by the testimony that they granted a second hearing in April 2016, which focused exclusively on the situation in the U.S. The April 2016 hearing was the first time the U.S. appeared before the IACHR on the issue of access to water. While the IACHR has not held any hearings focused on water access in the U.S. since then,⁴⁸ the U.S. government has attended other IACHR sessions.⁴⁹

3. Customary International Law

In international law, well-established country practices that are followed because of a sense of legal obligation can become binding on all countries through their wide international acceptance and consistent conforming practice.⁵⁰ Although the American Declaration and the Universal Declaration of Human Rights are framed as guiding principles, they implicitly include the right to water under the right to life and the right to an adequate standard of living, and one can argue that they represent a formalization of customary international law that binds the U.S.⁵¹

4. Sustainable Development Goals

The U.N. adopted the 17 Sustainable Development Goals (SDGs) in 2015 with a target to achieve the goals by 2030. SDG 6 “ensures availability and sustainable management of water and sanitation for all.”⁵² The 2026 U.N. Water Conference to accelerate the implementation of SDG 6 is scheduled for December 2026.⁵³ The U.N. published resources to help local and regional governments around the world produce Voluntary Local Reviews (VLRs) to track and report on SDG progress.⁵⁴ To date, five U.S. cities (Los Angeles, CA; New York City, NY; Pittsburgh, PA; Orlando, FL; and Sacramento, CA) and one U.S. state (Hawaii) have published VLRs. Los Angeles was the sixth city in the world to publish a VLR, and the first to report on the SDG indicators in 2019.⁵⁵ New York City was the first local government in the world to present its VLR at the U.N.⁵⁶ In Orlando’s 2021 VLR, the city reported achieving universal and equitable access to safe and affordable drinking water under SDG 6.⁵⁷ Meanwhile, Hawaii launched the Aloha+ Challenge in 2014 that identified six priority goals and local metrics that are delivering against the U.N.’s SDGs.⁵⁸

B. Domestic Sources of the Right to Water

During the Obama Administration, the U.S. government supported the recognition of the right to water in international law but acted with ambivalence as to its relevance in U.S. domestic law. Yet while international human rights law may not provide a domestic cause of action to individuals deprived of water, human rights norms can play an important role in the U.S. as judges define baseline principles of equality and interpret constitutional and statutory laws.⁵⁹

1. Federal Framework on the Right to Water

The U.S. federal government does not recognize the human right to water, but some provisions of federal law promote particular aspects of the right.

a. Clean Water Act and Safe Drinking Water Act

The 1972 Clean Water Act and the 1974 Safe Drinking Water Act address water quality, but neither recognizes a right to safe drinking water for all citizens.⁶⁰ The reauthorization of the Safe Drinking Water Act in 1996 requires affordability studies for populations that rely on non-public water systems for residential needs but does not require remedial action.⁶¹

b. Environmental Protection Agency (EPA) Regulations

The EPA established minimum standards for regulating water quality. The states are responsible for monitoring and enforcing water quality standards at local sources, managing wastewater treatment and developing appropriate infrastructure. States may adopt their own regulations, which must meet or surpass the minimum federal standards.⁶² In January 2026, the EPA announced a proposed rule to the Clean Water Act Section 401.⁶³ The proposed rule would narrow state and tribal authority to review federally regulated projects.⁶⁴ The Southern Environmental Law Center said the proposed rule would restrict states, tribes and local communities' ability to protect drinking water.⁶⁵

The EPA also has regulatory responsibility to monitor and investigate discrimination by any agency or organization receiving federal funding from the EPA.⁶⁶ Recipients of federal assistance are required to collect data and information to show compliance with non-discrimination laws.⁶⁷ The EPA's Office of Civil Rights investigates complaints of racial discrimination by recipients of Agency funds and seeks informal resolutions when possible.⁶⁸ If attempts to seek voluntary compliance fail, the EPA refers the matter to the Department of Justice, which can begin the process of withholding federal funds from the recipient if compliance is not achieved.⁶⁹ Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from intentionally discriminating on the basis of race, color or national origin in their programs or activity.⁷⁰ Refer to the section below on Title VI of the Civil Rights Act of 1964 for additional information.

The EPA previously defined environmental justice (EJ) as, “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” To ensure environmental justice for people in the U.S., the EPA had developed EJScreen, which identified areas that had higher environmental burdens and vulnerable populations.⁷¹ The tool could be used to help users, including the general public, identify areas with potential water quality issues. However, in February 2025, the EPA removed EJScreen from its website⁷² along with several other web pages related to diversity, equity and inclusion.⁷³ A copy of EJScreen can still be accessed here: <https://screening-tools.com/epa-ejscreen>.⁷⁴

c. Low Income Household Water Assistant Program (LIHWAP)

LIHWAP was a temporary federal program that helped millions of low-income households maintain access to water.⁷⁵ From 2021 to 2023, the U.S. Department of Health and Human Services (HHS) administered LIHWAP as the nation’s first and only federal low-income water assistance program.⁷⁶ Congress authorized the first national water assistance program with a total appropriation of \$1.1 billion in response to the COVID-19 public health emergency.⁷⁷ LIHWAP ended when its funding expired and Congress did not renew or make the program permanent.⁷⁸ As a result, there is currently no ongoing federal program that guarantees affordable access to water.

However, there continue to be active lobbying efforts to pass a permanent low-income water assistance program on the federal level.⁷⁹ The Natural Resources Defense Council (NRDC) has called on Congress to both substantially increase federal funding for water infrastructure and to create a permanent low-income water assistance program.⁸⁰ The EPA’s 2024 Water Affordability Needs Assessment Report clearly identified a substantial need for such a program.⁸¹

2. Non-discrimination Laws

Although the majority of people living in the U.S. have access to safe water, inequalities exist among the poorest and most marginalized groups.⁸² These individuals can use the protections and enforcement mechanisms that are available under constitutional and statutory provisions on non-discrimination and equal protection under the law to ensure equal access to safe water. However, without an explicit right to water to ground such claims, the prospects for success of such claims remains uncertain.⁸³

Furthermore, many constitutional provisions and civil rights laws are only triggered if complainants can show intentional discrimination. The Supreme Court defines “intent” not merely as knowledge of a policy's discriminatory impacts, but as “deliberate government action or inaction motivated by or pursued ‘because of’ the discriminatory impacts on a protected class.”⁸⁴

a. Constitutional Protections

i. Equal Protection

Under the Equal Protection Clauses of the Fifth and Fourteenth Amendments, all classifications in statutes and government policies must at least be rationally related to a legitimate governmental end. Race-based classifications are subject to the highest standard of review under the strict scrutiny test and will only be upheld if they are narrowly tailored to a compelling government interest. Sex-based classifications are subject to intermediate scrutiny and must be substantially related to an important governmental end. Most other classifications fall under the rational review test.

Although water is one of the most important human needs, the Constitution does not require the government to ensure its availability to all, but simply to avoid actively discriminating in its administration.⁸⁵ The Supreme Court has primarily found that discriminatory government action is needed for a successful equal protection claim.⁸⁶ However, in extreme circumstances such as those that occurred in Flint, Michigan, a case might be made that equal protection also guarantees protection against

government inaction in the form of discriminatory underenforcement of protective laws.⁸⁷

ii. Procedural Due Process

Constitutional due process protections do not create a fundamental right to water but may help avoid water shutoffs, allowing households time to pursue alternative methods of paying bills.⁸⁸

iii. Substantive Due Process

Access to basic drinking water should be recognized as a federal constitutional right, as a component of the substantive due process protections of life and liberty.⁸⁹ Substantive due process protects fundamental rights from governmental interference.⁹⁰ Following *Washington v. Glucksberg*, the U.S. Supreme Court determined that fundamental rights protected by substantive due process are those deeply rooted in U.S. history and tradition.⁹¹ However, courts have not recognized water as a fundamental right.

b. 42 U.S.C. § 1981

Section 1981 prohibits discrimination on the basis of race in the making, performing, modification and termination of contracts. The majority of federal circuits hold that the provision is limited to private contracts.

c. 42 U.S.C. § 1983

Section 1983 protects individuals from constitutional deprivations made under color of state law. The statute could support a claim challenging discrimination by a municipal water service based on equal protection and due process violations.⁹²

d. Title VI of the Civil Rights Act of 1964

Title VI bars race discrimination by recipients of federal funds.⁹³ 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.

Individuals can bring a private cause of action in federal court for intentional discrimination under Title VI.⁹⁴ In December 2025, the Department of Justice issued a final rule updating its regulations under Title VI of the Civil Rights Act of 1964 and eliminating disparate impact liability from the regulations.⁹⁵ The rule, which was issued without the typical notice-and-comment period, requires Title VI recipients to determine if existing policies on discrimination are compliant with the statutory changes.⁹⁶ The statute only prohibits “intentionally discriminatory conduct” and does not include conduct that may have a discriminatory impact. As a result, the future of disparate impact-based environmental justice claims that relied on Title VI is in question.⁹⁷

e. Fair Housing Act

The Fair Housing Act (FHA) is broader than Title VI as it prohibits a wider range of discrimination than Title VI and is not limited to recipients of federal funding, and applies to both public and private housing.⁹⁸ Section 3604(b) has been interpreted to apply to municipal services such as water provision.⁹⁹ The FHA currently permits a private cause of action for both intentional discrimination and disparate impact claims.¹⁰⁰ However, the Department of Housing and Urban Development (HUD) issued a proposed rule in January 2026 to remove the discriminatory effects regulations under the FHA. This would leave questions related to interpretations of disparate impact liability under the FHA to the courts to determine.¹⁰¹

f. Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act

Recipients of water services who are disabled are also protected by civil rights laws designed to accommodate individuals with disabilities. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based on disability under any program or activity receiving federal financial assistance.¹⁰² Title II of the Americans with Disabilities Act (ADA) extends those provisions to all activities of state and local governments, regardless of whether they receive federal funding.¹⁰³

Under these acts, plaintiffs must show discriminatory intent, which may be established indirectly by providing evidence that government officials failed to adequately respond to disability discrimination complaints.¹⁰⁴ Plaintiffs may also bring disparate impact claims under the Rehabilitation Act or the ADA.¹⁰⁵ However, the EPA will not impose or enforce any disparate-impact or cumulative-impact analysis requirements under Title VI against any entity in the State of Louisiana pursuant to a permanent injunction issued by the U.S. District Court for the Western Distribution of Louisiana in April 2024.¹⁰⁶

3. State Laws

Although no federally recognized right to safe drinking water exists, some states have recognized this right in their state constitutions and laws. These state laws lack enforcement mechanisms, but they may influence state agencies and policy makers when revising or establishing policies and regulations that affect the use and delivery of water. For example, the constitutions of Massachusetts and Pennsylvania recognize the right to water, as does California's Human Right to Water Bill.¹⁰⁷ Most recently, in 2021, the Virginia General Assembly's House Joint Resolution 538 recognized that access to clean, potable and affordable water is a necessary human right.¹⁰⁸ However, there was no further action following the resolution.

In addition, some states have added Green Amendments, otherwise known as environmental rights amendments, to their state constitutions' bill of rights. These Green Amendments could be construed to encompass water.¹⁰⁹ Some courts have found these amendments to be enforceable, including in Montana. In 2023, 16 youth plaintiffs won a landmark climate lawsuit, *Held v. Montana*, where the court ruled that the public had a right to a clean and healthful environment under Montana's constitution.¹¹⁰ There is a movement to increase the number of state constitutions that protect the environment through Green Amendments. Green Amendments For the Generations is the leading organization working nationwide to advance the Green Amendment Movement.¹¹¹

4. Local Laws - Human Rights Cities

Human Rights Cities are a mechanism to create an infrastructure for realizing and implementing international human rights on the local level. These cities adopt human rights norms as a framework for substantive and procedural aspects of governance and develop new practices aimed at bringing about global urban justice.¹¹² Human Rights Cities uphold the

principles of democracy, nondiscrimination, and participation regardless of race, sex, cultural background or economic status.¹¹³ Washington, D.C. was the first Human Rights City in the U.S.¹¹⁴ The movement is growing and includes cities such as Boston, Massachusetts; Pittsburgh, Pennsylvania; Mountain View, California; and Eugene, Oregon.¹¹⁵

III. Obstacles to the Realization of the Human Right to Water in the U.S.

Because of the relatively plentiful water resources that exist in the U.S. and the economic resources available for developing and delivering that water to the population, the U.S faces fewer challenges to the realization of the human right to water than many countries. Nonetheless, significant obstacles to the realization of this right remain.

Some of these obstacles include:

Geographic Challenges: Fresh water sources are relatively plentiful in the U.S., but these sources are not always located in convenient proximity to the population or industrial and agricultural centers where demand for water is highest. This creates technical challenges related to water delivery and can significantly raise the cost of water, especially in urban areas.

Water-Intensive Production Models: Highly developed economies, such as that of the U.S., have developed production systems in which agricultural and industrial production use large amounts of fresh water and contaminate much of the water they use. In fact, irrigation for agriculture and the production of electricity are by far the largest uses of water in the U.S.¹¹⁶ Such models of water use limit the amount of water available for domestic use, thereby affecting the realization of the human right to water.

Artificial Intelligence (AI) is also intensifying the water crisis. Data centers consume significant energy as they generate large amounts of heat and require cooling systems.¹¹⁷ Data centers' water-intensive cooling systems consume potable water.¹¹⁸ Data centers consume water both for cooling and electricity generation, which makes up nearly 75% of data centers' water needs.¹¹⁹ Larger data centers can use up to five million gallons of water per day, which is equivalent to a town of 10,000 to 50,000 people.¹²⁰ Data centers' water usage depends on different factors, like location and climate. More water is needed to cool data centers in hotter climates.¹²¹ According to the Environmental Law Institute, some data centers are built in areas of drought with degrading infrastructure. Over the past three years, more than 160 new AI-

related data centers have been built in water-stressed regions.¹²² U.S. data center demand is expected to grow by 10 percent a year until 2030.¹²³ This will result in increased water consumption.

In response to the rapid growth of data centers across the U.S., many organizations are increasingly dedicating time and resources to opposing new developments, according to Food & Water Watch.¹²⁴ In 2025, Food & Water Watch along with more than 230 organizations called for a nationwide halt to all new data centers in the U.S. because of their threat to water supplies.¹²⁵

Lack of Government Recognition: The U.S. federal government does not recognize a human right to water under U.S. law. In this context, water “rights” are essentially a special form of property rights, accruing to property holders, municipalities, or other entities. An elaborate legal infrastructure for the adjudication of such rights exists, but there is little or no legal basis for claims based on the human right to water. Some states and municipalities have recognized residents’ human right to water (see the California Human Right to Water Bill case summary below), but in the absence of a federal recognition of the right, implementation at the state or municipal level has been challenging.

Discrimination in Service Delivery: The right to water requires that an adequate supply of clean water be delivered to everyone, free of any form of discrimination. While it is very difficult to prove discrimination in water service delivery in a legal sense, there is strong circumstantial evidence that, in some cases, water authorities deny or limit services to certain social groups on a discriminatory basis.¹²⁶ While water rates vary considerably across the country, evidence suggests that members of racial minority groups pay higher rates than white consumers with similar incomes.¹²⁷

Increasing Cost of Water Services: In the U.S., it is generally accepted that the vast majority of water consumers will pay for water services. Such payments do not, in and of themselves, constitute an automatic challenge to the human right to water. However, when the price of water increases to the point that payment for the service becomes an economic burden to an individual or a family, the human right to water is in question.¹²⁸ Local water authorities generally hold the power to withdraw individuals’ access to water for nonpayment of water bills. In cities such as Detroit and Baltimore, authorities have exercised that power on a grand scale, depriving tens of thousands of families of their right to water, and often affecting other closely connected rights, such as the right to housing.

Some economists and environmentalists note that, given aging water delivery infrastructure and the high cost of delivering water in urban environments, few urban residents are paying the full cost of delivering their water. For such analysts, artificially low water pricing discourages conservation and invites greater supply

problems in the long run.¹²⁹ Paradoxically, such concerns are leading to legal cases and policy proposals that end up raising the cost of water to those residents least able to pay the increased rates. Studies have shown that it is possible to construct water pricing mechanisms that both recognize the cost of supplying water and the human right to water of urban residents.¹³⁰

The EPA released a report in 2024 that estimated between 12.1 million and 19.2 million households (9 to 15 percent of all U.S. households) throughout the U.S. lack access to affordable water services.¹³¹ These households pay at least 3% of their income on water services.¹³² According to Bluefield Research, the combined water and sewer bill for a typical U.S. household has increased by 4.6% from 2023 to 2024.¹³³ The rising costs of water are attributed to aging infrastructure, urban growth, water quality regulations, and workforce challenges according to the U.S. Municipal Utility Water Rates Index 2024.¹³⁴ Further, an average 20% of U.S. households are in water debt.¹³⁵

Aging Infrastructure: Aging infrastructure poses a threat to clean, safe and reliable water in the U.S.¹³⁶ 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.¹³⁷ 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.¹³⁸ For example, in January 2026, a sewer pipe, the Potomac Interceptor, collapsed in Maryland causing more than 200 million gallons of wastewater to overflow into the Potomac River.¹³⁹ The aging sewer infrastructure coupled with extreme precipitation as a result of climate change are likely the cause for the collapse.¹⁴⁰ This highlights the importance of investments in water and sewer infrastructure.

Water Contamination: The highly-publicized case of lead contamination of the public water supply in Flint, Michigan highlighted the problem of water quality in the U.S. Flint is not the only area of the country where this is an issue, and government action, or inaction, is a determining factor in many of these cases.¹⁴¹ Under the Trump Administration, the EPA is moving in the direction of weakening existing regulations regarding the allowable amounts of contaminants in drinking water. However, in February 2026, the EPA said that it will defend the 10-year nationwide lead service line replacement requirement in order to comply with the Safe Drinking Water Act.¹⁴²

Lack of Access to Water: While access to drinking water in the U.S. is not as severe a problem as it is in many other countries, significant pockets exist in the U.S. where residents lack convenient access to reliable piped water.¹⁴³ Studies have found that households in U.S. counties with large non-white populations, especially those with

higher percentages of American Indian and Alaska Native residents, are significantly more likely to lack access to complete plumbing facilities. Although American Indians and Alaska Natives make up less than 2% of the U.S. population, 13 of the top 20 counties in the country in terms of population without adequate access to water have a population of more than 50% American Indian and Alaska Native households. In 18 of those twenty counties, at least 15% of the population is from those groups.¹⁴⁴ Such a lack of access to water in a country with the resources possessed by the U.S. is a human rights violation, regardless of the number of people affected or the percentage of the total population that they represent.

Water Privatization: While public or quasi-public water authorities continue to deliver water services to the majority of U.S. urban locations, private corporations also play an important role in the municipal water sector. Although the human right to water does not include a clear preference for one form of delivery of water services over another, the nature of incentives in the system matter.¹⁴⁵ Evidence shows that the introduction of commercial incentives into water delivery can negatively affect the delivery of the right, and civil society organizations around the world oppose the privatization of water services on a human rights basis.

Climate Change: Climate change is exacerbating both water scarcity and water-related hazards according to the U.N.¹⁴⁶ Water quality is impacted by climate change as it can exacerbate water pollution. The impacts of climate change are different in different places across the U.S. For instance, drought, increased temperatures, and decreased snowpack in the Rocky Mountains are impacting the Colorado River water supply that 40 million people as well as numerous agricultural communities and industries rely on.¹⁴⁷ As a result, the Colorado River Compact,¹⁴⁸ first established in 1922, had overallocated water compared to what is available today. Seven states (Colorado, Utah, Wyoming, New Mexico, California, Nevada and Arizona) are trying to reach a new agreement on how to manage the water rights and resources of the Colorado River.¹⁴⁹

IV. U.S. Water Advocacy: Case Summaries & Lessons Learned

Studies have found that communities of color suffer disproportionately from water shutoffs, water hazards, and unsafe drinking water.¹⁵⁰ Unaffordable water and shutoffs may also disproportionately impact populations with special needs such as those who are disabled; women who may have greater water needs due to pregnancy or menstruation; and children.¹⁵¹

Civil rights laws are unable to fully respond to the human rights issues raised by the denial of water to low-income individuals. Further, not all terminations of service can be attributed to prohibited discrimination even when human rights and human dignity have been violated.¹⁵² The following examples illustrate the nature of water

disputes in the U.S. and examine the efficacy of using the human rights framework as part of a strategy to address inequalities in water services in the U.S.

Affordability

California's Human Right to Water Bill

Like other states in the U.S, Californians face water-related challenges, with water that is contaminated, unaffordable, and inaccessible and water policies that are undemocratic, unsustainable or that violate the cultural heritage of California tribes.¹⁵³ In response to these conditions, in 2008, a coalition came together with the goal of passing a state law recognizing the human right to water. Highlighting the impact on low-income, homeless, and tribal communities, the coalition emphasized safety, sufficiency, affordability and accessibility as the four components of the human right to water.¹⁵⁴ In 2009, the legislature approved the first attempt to pass the new bill, but former Governor Arnold Schwarzenegger vetoed it. The coalition tried again in 2011, with a new governor and more allies.¹⁵⁵ Members of the coalition facilitated the 2011 official U.S. country visit of the U.N. Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation. The visit was an important step in passing California's new law.¹⁵⁶ Facing opposition from powerful agricultural, business and water associations, the coalition mobilized communities to show legislators the realities of scarce and contaminated water.¹⁵⁷ With public pressure, the coalition achieved the 2012 passage of California's Human Right to Water Bill.¹⁵⁸

California became the first U.S. state to adopt a law explicitly recognizing the human right to water. The law requires state agencies to consider the new state policy that every human being has the right to clean, safe, affordable and accessible water that is adequate for drinking, cooking and sanitary purposes in all policy, programming and budgetary activities affecting those uses of water.¹⁵⁹ However, the law did not create an obligation to provide water and it lacked enforcement and financing provisions.¹⁶⁰

In 2019, Governor Newsom and the state legislature instituted the Safe and Affordable Fund through SB 200, which created the authority, infrastructure, and funds to address the needs in the state.¹⁶¹ The California State Water Resources Board used this law to create the Safe and Affordable Funding for Equity and Resilience (SAFER) Program.¹⁶² SAFER is the "agency's program that works to rebuild state infrastructure with the goal of ensuring that every Californian has access to safe, affordable, resilient, and reliable drinking water."¹⁶³ The Drinking Water Needs Assessment, which also resulted from SB 200, describes the overall health of California's water systems and domestic wells as well as California's challenges and progress to achieving

the Human Right to Water.¹⁶⁴ The assessment is produced annually and resulted in the annual Fund Expenditure Plan, which prioritizes projects for funding.¹⁶⁵ Despite legislation and funding efforts, about 700,000 Californians still lack access to clean drinking water, down from 1.6 million in 2019.¹⁶⁶

At the municipal level, cities such as Los Angeles and Sacramento are connecting local water governance to global accountability frameworks through Voluntary Local Reviews (VLRs), which track and report on progress toward the U.N. Sustainable Development Goals (SDGs). Los Angeles was the sixth city in the world to publish a VLR, and the first to report on the SDG indicators in 2019.¹⁶⁷ In its most recent 2021 VLR, the city highlighted new policies, programs and initiatives across all 17 SDGs.¹⁶⁸ Sacramento's VLR is a collaboration between the City of Sacramento and University of California Davis.¹⁶⁹ The city's 2024 VLR maps Sacramento's 2040 General Plan and Climate Action & Adaption Plan to the 17 SDGs, include the SDG 6.¹⁷⁰ These efforts demonstrate how international human rights and sustainable development frameworks can shape local governance even when not directly binding under U.S. law.

Philadelphia's Water Affordability Ordinance

Low-income Philadelphians have faced growing water debts tied to their homes that date back over years or even decades and can amount to thousands of dollars that they are unable to repay.¹⁷¹ In November 2015, the Philadelphia City Council passed an ordinance to establish an income-based water rate affordability program for low-income Philadelphians, called the Tiered Assistance Program (TAP).¹⁷² While neither Community Legal Services (CLS) nor city policymakers explicitly used the human rights framework in the process of creating Philadelphia's new water affordability law, they did consult international standards in determining an appropriate percent-of-income range for the program.¹⁷³ In 2024, TAP expanded and switched to an auto-enrollment system.¹⁷⁴ The auto-enrollment system leveraged data sharing to enroll eligible customers that were already participating in other income-qualified social service programs.¹⁷⁵ People who initially enrolled on their own were those with higher monthly water bills (approximately 20,000 households), while people who were auto-enrolled (approximately 40,000 households) were those with somewhat lower water bills when enrolled.¹⁷⁶ The new process therefore had the effect of expanding the program's reach and assisting a new group of customers with water burdens. Philadelphia's use of data sharing to auto-enroll customers in its water affordability program is a model for other state and federal programs.¹⁷⁷

Since then, advocacy efforts have continued in Philadelphia. In November 2025, a package of bills called Just Water was introduced in the City Council to protect Philadelphia residents from unaffordable water bills. The package includes two bills: one to expand eligibility for TAP to 200% of the Federal Poverty Level, and another to require the City to share responsibility for long-term water meter failures that lead to runaway bills. It also includes a resolution to investigate solutions for tenants at risk of losing water access or who are ineligible for existing assistance programs.¹⁷⁸ Under existing regulations, the city typically prioritizes the rights of property owners over the rights of the tenants renting the property. As a result, tenants do not have access to affordability assistance for water bills, a problem that would be addressed by the resolution.¹⁷⁹

Only a few other cities and counties, including DeKalb County, Georgia, have a comparable income based water affordability program to Philadelphia.¹⁸⁰ DeKalb County's Water Rate Assistance Program (WRAP) was rolled out in 2025 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.¹⁸¹ The program especially protects residents that are Black, low-income, and disabled working families, who are disproportionately affected by high water bills and disconnections.¹⁸² DeKalb County is also the first jurisdiction in the south to implement such a program.¹⁸³

Detroit's Water Shutoffs

Detroit's economy was closely tied to the auto industry in Michigan. The decline of that industry initiated a decades-long process of economic decline from which the city is still recovering. Citing Detroit's dramatic financial plight, former Governor Snyder appointed an Emergency Manager to take control of the city in 2013. A few months later, Detroit filed for bankruptcy in the face of \$18 billion of debt.¹⁸⁴ Much wealth and many businesses had long since fled the city, draining its tax base and eliminating much of the revenue base of public utilities. These changes left the burden of paying for the rising costs of city services on the shoulders of the mostly Black residents who stayed in Detroit.

The press reported that, in the face of intense pressure to increase revenue, the Detroit Water and Sewerage Department began mass water shutoffs in mid-2014, cutting off water service for up to 3,000 customers per week.¹⁸⁵ Two-thirds of the water shutoffs occurred in homes with children, leading parents to fear that child-protective services would intervene, as a lack of running water is grounds for child welfare authorities to immediately remove children from their parents' care.¹⁸⁶ Even when residents made

efforts to pay a portion of their water bill, they faced unnecessary administrative barriers and financial obstacles to the restoration of water service. The City government placed liens on properties with overdue water bills, resulting in large numbers of homeowners losing their homes.¹⁸⁷ While the Detroit Water and Sewerage Department readily cut off residents' water service, large scale water consumers who owed millions of dollars in arrears did not suffer the same fate.¹⁸⁸

Facing a social crisis rooted in the withdrawal of water services, Detroiters responded with a variety of strategies, from community organizing, to unauthorized reconnection, to litigation. In August 2014, a group of Detroit citizens filed *Lyda vs. City of Detroit*, a due process class action lawsuit seeking injunctive relief to stop the water shutoffs and restore services to customers who fell behind on their bills.¹⁸⁹ The plaintiffs also pursued City acceptance of an income-based water payment plan that would provide adequate revenue for the water department while ensuring that "all Detroit residents are guaranteed their fundamental human right to water."¹⁹⁰

At the invitation of the plaintiffs' counsel, the International Network for Economic, Social and Cultural Rights submitted an amicus brief, urging the Court to consider relevant international human rights law in its application of domestic law and to ensure that the human rights obligations of the U.S., which extend to Detroit, were not outweighed by financial concerns.¹⁹¹ The judge dismissed the *Lyda* claim, making no reference to the human rights argument. Lawyers for the *Lyda* plaintiffs appealed the dismissal of the case. In November 2016, the U.S. Court of Appeals for the Sixth Circuit upheld the lower Court's decision to dismiss, ruling that because Detroit had filed for bankruptcy, the Bankruptcy Code protected the city from an injunction. The Court stated that granting the relief requested would interfere with the city's political and governmental power, its property and revenues and its right to use its income-producing property.¹⁹²

International attention intensified the situation. In October 2014, the U.N. Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation and the U.N. Special Rapporteur on Adequate Housing visited Detroit in response to civil society requests. Criticizing the shutoffs, they stated that "[i]t is contrary to human rights to disconnect water from people who simply do not have the means to pay their bills."¹⁹³

In response to public outcry and the lawsuit, Detroit implemented a temporary moratorium on water shutoffs and an assistance program for the lowest-income households, and considered an affordability plan for the city.¹⁹⁴ In 2020, Detroit issued another moratorium on water shutoffs in response to the COVID-19 pandemic. The moratorium followed findings

from We the People of Detroit’s Community Research Collective, which documented the number of households still without water service during the summer of 2020.¹⁹⁵ Following the expiration of the moratorium in December 2022, the American Civil Liberties Union (ACLU) and its partners filed a motion for a preliminary injunction against resumption of shutoffs. Despite this motion (which remains pending as of December 2025),¹⁹⁶ the City of Detroit resumed water shutoffs in 2023.¹⁹⁷

In 2022, the Detroit Water and Sewerage Department established the Lifeline Plan, an income-based water affordability plan.¹⁹⁸ However, Lifeline Plan benefits ended on September 30, 2025, for Fiscal Year 2025. The program restarted in November 2025 as Lifeline H2O, a scaled back version of the original program. Water advocates have called for a permanent funding source.¹⁹⁹ Still, Michigan has made progress at the state level to advance water affordability and access. In 2025, a bipartisan water affordability bill package (SB 248, 249, 250, 252) was reintroduced in the Michigan State Senate.²⁰⁰ The legislation would establish a Low-Income Water Residential Affordability Program and Low-Income Water Residential Affordability Fund. It would also prohibit water providers from shutting off service to critical care customers and to customers enrolled in the program until at least 120 days of delinquency and only after specified requirements were met.²⁰¹ If enacted, Michigan would become the first state to implement a permanent, income-based water-rate system.²⁰²

The Affordable Water Now legislative package (HB 4555, 5170, 5171, 5172, 5173) was also introduced in the House in 2025. The five bills would collectively provide access to safe and affordable water, use income-based rates, stop shutoffs and forgive water debt.²⁰³ The Affordable Water Now package is modeled after Philadelphia’s Tiered Assistance Program (TAP).²⁰⁴ According to We the People of Detroit, the Senate’s legislation is an assistance package tied to a funding source that may only sustain the program for the short-term. Meanwhile, the Affordable Water Now package is an affordability package that is not tied to any funding mechanism because it gives water utilities the flexibility to decide how best to generate the revenue needed to fund it.²⁰⁵ We the People along with advocates from the Water Equals Life (WEL) Coalition support the Affordable Water Now legislative package as it would create a long-term sustained programmatic shift.²⁰⁶ Nevertheless, both the House and Senate legislative packages would increase access to affordable water in the state of Michigan. Additionally, the 2026 state budget, signed in October 2025, includes new investments in water infrastructure.²⁰⁷

Detroit activists were also closely connected to Ireland’s Right2Water protests, which took place from 2014 to 2016 and ultimately led to the

suspension of domestic water charges.²⁰⁸ The Detroit Water Brigade, a volunteer group that provided bottled water and rainwater barrels to households facing shutoffs due to unpaid bills in Detroit, traveled to Ireland in support of the Right2Water campaign.²⁰⁹ Right2Water opposed the Irish government's plan to introduce water charges through a new national utility, Irish Water, now called Uisce Éireann. Organizers in both Detroit and Ireland pointed to similar dynamics, including rising water costs driven in part by aging and deteriorating infrastructure. Today, Uisce Éireann does not charge households for water supply or wastewater services, and there is no set timeline for introducing an Excess Use Charge.²¹⁰

Access

Discriminatory Water Service Delivery in Zanesville, Ohio

Along with the Fair Housing Advocates Association and the Ohio Civil Rights Commission, 68 individual plaintiffs alleged that for over 50 years, the City of Zanesville, the county and the local water authority refused to provide them public water service because they lived in the one predominantly African-American neighborhood in an almost all-white county.²¹¹ The ground water in their neighborhood was unsafe for residential use after years of contamination from nearby mines.²¹² The plaintiffs lived within one mile of public water lines, yet they were forced to buy bottled water, and collect rainwater and store it in cisterns, where it often became unsafe for drinking. White residents living on the same street, however, were provided with water.²¹³ Plaintiffs' repeated requests for access to public water service were rejected.

Plaintiffs asserted six federal and state civil rights causes of action: (1) Unlawful Discrimination under the Fair Housing Act, 42 U.S.C. § 3601; (2) Unlawful Discrimination Under 42 U.S.C. § 1981; (3) Unlawful Discrimination Under 42 U.S.C. § 1982; (4) Unlawful Discrimination Under 42 U.S.C. § 1983; (5) Unlawful Discrimination Under Title VI of the Civil Rights Act, 42 U.S.C. § 2000d; and (6) Unlawful Discrimination Under Ohio Revised Code § 4112.02(H).²¹⁴ The petitioners chose to use civil rights rather than human rights arguments. Their claims were successful, but the clear-cut data that revealed the geographic racial divide shows the high standard necessary to succeed in many civil rights nondiscrimination claims.

In July 2008, a federal court jury returned verdicts totaling nearly \$11 million against the defendants for illegally denying water service to a predominately African American community on the basis of race. The jury also awarded \$80,000 to the Fair Housing Advocates Association, which had conducted an investigation and assisted the plaintiffs with their administrative complaints

before the Ohio Civil Rights Commission.²¹⁵ The case ultimately settled for \$9.6 million.

Quality

Black Hills Clean Water Alliance

Mining activity poses significant risks of contaminating water resources in the Black Hills region of South Dakota and Wyoming. The Black Hills Clean Water Alliance is a grassroots organization that works to protect surface and groundwater in the Black Hills region. The group opposes uranium, gold and lithium mining, advocates for cleaning up abandoned mines and preventing mining waste disposal, and addresses climate change impacts on water resources. The group was initially focused on preventing uranium mining but over time expanded to include gold and lithium mining.²¹⁶ The Black Hills Clean Water Alliance centers its work in the Black Hills around environmental justice. In 2023, the organization worked with the American Civil Liberties Union to submit a report to the U.N. Human Rights Committee documenting the desecration and exploitation of the Black Hills, framing these environmental harms within a broader human rights context.²¹⁷ The executive director of the Black Hills Clean Water Alliance, Liliias Jarding, noted that public education is central to the alliance's organizing because once people learn about the issues, they are often motivated to take action.²¹⁸

Flint's Drinking Water

The economy of Flint, Michigan was closely tied to jobs in the auto industry for most of the 20th century. After the closing of factories and the departure of tens of thousands of manufacturing jobs, Flint became one of the poorest cities in the country with nearly 42% of residents living below the federal poverty line. The population of the city was 57% African American.²¹⁹ Based on state legislation legalizing the imposition of Emergency Managers in Michigan with almost complete control over local decisions, in 2011 Governor Rick Snyder appointed an Emergency Manager to take financial control of Flint. The law granted the Emergency Manager broad powers to rewrite city contracts and liquidate city assets to pay down debts, regardless of public opinion and without local accountability or control.²²⁰ In April 2014, officials turned to the Flint River as a temporary drinking water source in order to cut costs while a new water system was being completed. They took this step despite years of warnings about the dangers of using this water source.²²¹

Officials chose not to enforce rules designed to keep residents safe from toxic hazards and, to save a small amount of money, avoided corrosion control treatments despite Flint's aging water infrastructure.²²² Failure to carry out those treatments resulted in chronic toxic exposure of Flint residents who unknowingly consumed lead-contaminated water over the next 18 months.²²³ The EPA, the Michigan Department of Environmental Quality, the state Department of Health and Human Services, the Governor's office, the county health department and many others failed to uphold their responsibilities to the citizens of Flint. According to scholarly observers, "[t]he clear picture that emerges is one of systemic disregard for the city's residents – again, residents who are disproportionately poor and predominantly African American."²²⁴

Dozens of lawsuits were filed on behalf of Flint residents in both state and federal courts. Class action suits alleged violations of the Federal Torts Claims Act and the Safe Water Drinking Act by the EPA and city and state officials.²²⁵ Since 2016, "a group of law firms have worked diligently on behalf of all members of the class action to achieve justice for the harm caused by the Flint Water Crisis."²²⁶ In November 2021, the U.S. District Court for the Eastern District of Michigan granted final approval of a \$626.25 million settlement resolving lawsuits on behalf of more than 90,000 Flint residents and businesses against multiple governmental defendants for their roles in the Flint water crisis and subsequent cover-up.²²⁷ In March 2022, the U.S. District Court for the Eastern District of Michigan also granted final approval of a partial settlement for eligible adults and minors exposed to contaminated water, property owners, and business owners.²²⁸ More than 10 years after the Flint water crisis began, residents are beginning to receive settlement payments.²²⁹

Litigation surrounding the Flint water crisis did not employ the human rights framework. However, U.N. experts called on the federal and state governments to take action to address the serious human rights concerns surrounding Flint's water contamination and the devastating consequences for its residents. Three U.N. Special Rapporteurs urged government officials to use President Obama's May 2016 visit to Flint as an opportunity to map out a human rights compliant strategy to ensure that similar disasters do not occur in other parts of the country.²³⁰ At the same time, as attorney Deborah LaBelle explained in an interview with the Civil Rights Litigation Clearinghouse, litigation that followed the Flint water crisis, including *Burgess v. United States*, *Waid v. Snyder*, *Mays v. Snyder*, and *Mays v. Flint*, advanced related principles. LaBelle explained that the cases relied in part on the Due Process Clause of the Constitution, arguing that it protects a fundamental right to bodily integrity, which is also an internationally recognized human right. The legal team contended that state officials violated Flint residents' bodily integrity by depriving them of access to clean

water, which they framed as both a basic human right and essential to survival. The issue ultimately reached the Michigan Supreme Court, which, for the first time, recognized a constitutional right to bodily integrity under state law. LaBelle noted that the team intentionally framed the argument as expansive as possible so the recognition of this right could have positive consequences in other areas of law.

In 2021, Michigan officials involved in the Flint water crisis faced nine state criminal indictments. However, the Michigan Supreme Court dismissed all of the charges, ruling that the one-judge grand jury process used by the attorney general's office to bring the indictments was unconstitutional.²³¹ As the state prosecutors stated, "[t]his ruling effectively closes the door on the criminal prosecutions of the government officials the People alleged to be responsible for the Flint Water Crisis, without the People being permitted to admit a single item of evidence in open court."²³² Following the decision, the Flint Water Prosecution Team said it would release a full and thorough report, but that report has not yet been made public.²³³

Water and Sanitation in the South

LaGrange, Georgia:

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." 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. In May 2017, the National Immigration Law Center, the Southern Center for Human Rights, and Relman Colfax PLLC filed a lawsuit against the city of LaGrange, alleging that the city's discriminatory utility policies violated the Fair Housing Act and Georgia law. The lawsuit challenged two policies that unlawfully restricted access to essential utility services, including water.²³⁴ In 2020, a major victory was secured after years of advocacy led by Project South and the National Association for the Advancement of Colored People (NAACP). 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 February 2026 requires "[a]n unexpired picture ID" issued by the government – itself unavailable to persons living in Georgia without an SSN.²³⁵

Lowndes County, Alabama:

In December 2017, the Special Rapporteur on extreme poverty and human rights visited the U.S., including Lowndes County, Alabama.²³⁶ In March 2023, the Natural Resources Defense Council (NRDC) 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.²³⁷ 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.²³⁸ In 2023, the 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.²³⁹

However, in January 2025, President Trump issued Executive Order 14151 "Ending Radical and Wasteful Government DEI Programs and Preferencing."²⁴⁰ This eliminated the EPA's Environmental Justice office along with grants to hundreds of projects for infrastructure and climate adaptation in underserved communities.²⁴¹ As a result, on April 11, 2025, the U.S. Department of Justice announced that its Civil Rights Division was withdrawing the Lowndes County settlement agreement.²⁴² This effectively stopped work on the installation of septic systems in Lowndes County as the funding had expired.²⁴³ 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.

Shaw, Mississippi:

Shaw is a small town in the Mississippi Delta, located in Bolivar County, where about 63% of residents are Black.²⁴⁴ Residents of Shaw have dealt for years with failing infrastructure and poor public services.²⁴⁵ In *Hawkins v. Town of Shaw*, the NAACP Legal Defense Fund filed the first-ever lawsuit challenging a municipality's discriminatory provision of water and services under the Equal Protection Clause of the 14th Amendment.²⁴⁶ The lawsuit challenged the town's unequal provision of basic services. In 1971, Black residents won in federal court, showing that officials had failed to provide adequate sewage, drainage, and water services in predominantly Black neighborhoods, and the court ordered the town to fix those disparities.²⁴⁷

However, more than 50 years later, residents of Shaw are still dealing with water and sanitation challenges. When it rains hard, sewer systems often back up into homes.²⁴⁸ Residents regularly face sewage in their yards,

wastewater leaks, and burst sewer pipes, and since 2008 there have been at least 107 complaints about sewer overflows and exposure to raw sewage.²⁴⁹ Health concerns have followed. A study published in the *American Journal of Human Biology* found that 38% of 24 children tested in Bolivar County had intestinal parasites, including hookworm, roundworm, and tapeworm, which are infections much more common in places with poor sanitation.²⁵⁰ These issues reflect broader underinvestment in infrastructure across the state. In 2024, the American Society of Civil Engineers gave Mississippi's drinking water and wastewater systems a D- grade.²⁵¹

V. Future Directions for Work on the Human Right to Water

The realization of the human right to water in the U.S. will require a variety of advocacy approaches targeting governmental, quasi-governmental (water authorities) and non-state actors (corporations, private associations, nonprofits, etc.) at local, state, national, and international levels. In this complicated field, thoughtful selection of strategies and points of intervention will be critical, as will be the ability of advocates working at different levels and in different geographies to successfully coordinate activities. Strategies will vary over time as advocates adapt to changing conditions, but can be expected to include many of the strategies that have already been tested, such as:

- Coalition / network-building among allies;
- Community capacity-building;
- Legislative advocacy at all levels;
- Strategic litigation; and
- Social communications

1. Coalition / Network-Building

Aware of the complexity of their task and need for support from outside of their immediate communities, individuals and local groups working on water issues from a human rights perspective have put energy into networking with each other with at least three objectives in mind:

- To learn from each other's experiences;
- To provide moral, logistical, and political support for each other's efforts; and
- To begin to discuss the possibilities of coordinated advocacy agendas for implementing the human right to water, particularly at the national level.

One outgrowth of these efforts was the formation in 2015 of the National Coalition on the Human Rights to Water and Sanitation, which brought advocates together over a few years of intense activity.²⁵² Water rights advocates will continue to build formal and informal coalitions and networks as long as resources are available to make this work possible. Given the interdependence of human rights, water rights advocates work to escape the “silo” effect of working on a single issue. As they build stronger ties, these advocates also explore the connections between the right to water and other human rights and seek to realize the strength that comes from coordinating with other human rights networks. Local and regional efforts – like those in Philadelphia and Detroit – show that water rights advocacy is still very much alive and relevant to communities.

At the same time, there is a need right now for fact-finding and reporting. Even when reports do not immediately lead to enforcement, they matter. They create a public record of what happened, who was affected, and how institutions responded. That record can later serve as an important resource for investigating agencies, whether at the federal or state level, helping them understand the history of an issue and potentially take action down the line.

2. Community Capacity-Building

Inherent in a people-centered conception of human rights is the principle that concerted actions by communities most affected by the denial of the right to water are indispensable to the realization of that right. To be effective in taking such actions, affected communities must develop a set of skills and capacities, beginning with a complete knowledge of their rights. Other essential skills include power analysis, action research, community organizing, and a whole range of communications capacities. The communities themselves must take the lead in identifying and developing these collective and individual skills and in deciding how to apply them. Donors, NGO partners and civil society networks will need to prioritize support for such work.

3. Legislative / Policy Advocacy

Government actions at all levels will be required to realize the human right to water in the U.S., and effective advocacy by civil society organizations, coalitions, and networks will play an important role in motivating those actions. The leadership of affected communities will be critical to the success of such efforts. Such advocacy work can be challenging in a context where the federal government does not recognize a human right to water, or human rights in general, but some of the case summaries above provide important examples from which advocates can draw.

Like all human rights advocacy, activities designed to realize the human right to water use a wide variety of tactics. These include lobbying, community organizing, public education, media work, and the organizing of public hearings and meetings with lawmakers and other key decision-makers. All effective advocacy rests on the foundation of strong action research on the issues and rigorous analysis of power relations among the various actors and decision-makers.

About one year into the second Trump Administration, U.S. advocates are adjusting their advocacy strategies once again. While changes in federal legislation and policy remain critical to realizing the right to water, the dismissive attitude of the Trump Administration toward the entire human rights framework, and its refusal to engage with relevant international mechanisms is leading advocates to place more emphasis on work at the state and local levels. While advocates will continue to point out the deficiencies in the federal approach to human rights and advocate for national legislation and changes in national policy, real opportunities for change may present themselves more often outside of Washington, D.C.

Local Human Rights Implementation:

The policies of local governments and local water authorities have a tremendous impact on access to clean, affordable water, especially in urban areas. Local groups, in collaboration with experts with specific technical skills, can use action research methods to uncover the human rights impact of government water policies and practices.

As water rights advocates have begun to build broader coalitions, a similar process has been underway among local advocates involved in Human Rights Cities projects. These projects, in cities such as Washington, D.C.; Jackson, Mississippi; Pittsburgh, Pennsylvania; Boston, Massachusetts; and Eugene, Oregon, have built local coalitions to work with local government officials to pursue implementation of the human rights framework at the city level. These advocates have constructed the National Human Rights Cities Alliance (HRCA).²⁵³ Many founding HRCA members were part of the U.S. Human Rights Network.²⁵⁴ Only a few of these local human rights projects have integrated concerns around the human right to water into their work, and few of the local organizations working on water issues have explored the use of the Human Rights Cities model to build alliances and strengthen their work.

Changing State Law and Policy:

While many state governments are not open to engaging with the human rights framework, advocates still see advocacy at the state level as a

potentially productive arena for the next few years. The achievement of the California Human Right to Water Bill is clear example in this area. Although California faced challenges in implementing the new law, its passage undeniably changed the conversation about water in that state. Other states have taken important steps as well. In Michigan, home to both the Flint and Detroit water crises, among others, a bipartisan water affordability bill package was reintroduced in 2025. See the section on Detroit's water shutoffs for additional information on the legislation. Given the impact of state policy on local communities, state-level advocacy will continue to be an important focus for right-to-water activists.

The NRDC believes at the state level that state legislators can:

1. Protect access to water through consumer protections for water customers and create programs to address customers' water debt;
2. Ensure affordable water bills for financially vulnerable customers through state-wide water affordability programs or low-income discounts on water utilities;
3. Require water utilities to submit public reports on rate increases and shutoffs;
4. Commit state funding to local investments in water infrastructure.²⁵⁵

National Advocacy:

While federal recognition of the human right to water is a very long term goal, advocates have worked to introduce legislation in Congress and are continuing to garner co-sponsors and support for its future passage. The Water Affordability, Transparency, Equity and Reliability (WATER) Act was reintroduced in May 2025.²⁵⁶ The Act would provide a dedicated source of funding to protect and clean up water, fix outdated infrastructure, and ensure affordable water for all.²⁵⁷

Using International Human Rights Mechanisms:

One purpose of the system of international human rights mechanisms and Special Procedures is to allow, under certain conditions, non-governmental actors to gain direct access to the human rights system. The mechanisms provide the basis for international action on behalf of the human rights of such non-state actors. Right to water advocates leverage such mechanisms, and are likely to continue to do so, given the lack of responsiveness at the U.S. federal level.

Accessing such mechanisms can be particularly important for communities in which it is difficult to gain local traction on the human right to water. In both Sacramento, California and Detroit, Michigan, the intervention of U.N. Special Rapporteurs brought national and international attention to local situations and helped create space for local human rights advocacy. The attention of these international experts also emboldened local advocates and demonstrated the potential value of the human rights framework to their work. The thematic hearings on the human right to water in the U.S. at the Inter-American Commission on Human Rights (IACHR) had a similar impact by bringing together water rights activists from around the country to learn from each other's experience and by focusing the Commissioners' attention on a problem, the scope of which they had not previously been aware.

4. Strategic Litigation

Choosing and focusing energy on legal cases of strategic importance can help create a domestic legal framework for the human right to water. While there is a tremendous amount of litigation over property-related water rights in the U.S., the use of the human rights framework in litigation remains a rare phenomenon. Advocates must carefully consider how premature use of human rights arguments in water cases could lead to the establishment of negative case law that would be difficult to overcome in subsequent disputes.

None of the cases summarized above clearly establish the utility of human rights arguments in water-related disputes. By failing to address the human rights arguments in the Detroit *Lyda* case, the bankruptcy court implicitly found that they were insufficient to support the plaintiffs' claims. The Court went further to find that there is no fundamental right to water under the U.S. Constitution.²⁵⁸ In the Flint case, both the lawyers and plaintiffs felt that they had more promising claims than the human rights arguments. The Zanesville case summarized above demonstrates that civil rights law can be used to address discrimination in the delivery of water services, but only under special circumstances. Martha Davis, Professor of Law at Northeastern University School of Law, confirms this judgment in her analysis of the legal potential of water discrimination claims under civil rights law in Washington, D.C.²⁵⁹

As water advocates will continue to use the courts to press their claims, human rights lawyers will continue to seek the right opportunities to insert human rights claims into such litigation.

5. Social Communications

Whether they are referred to as frames, narratives, stories, or simply falsehoods, oft-repeated messages stand in the way of the realization of the human right to water. In Detroit, powerful narratives influenced the course of the public debate on mass water shutoffs and even impacted peoples' own perceptions of their situation. The notion that "those people" had the money but just did not want to assume responsibility for their water bills made it difficult to build public support for families denied water. This narrative also affected some media treatments of the crisis.

Activists recognized the power of these narratives and confronted them, head on. Organizations in Detroit devoted time and resources to developing strategies to counteract the pernicious effects of such media framing. They also developed capacity in social media and other communications tools to make sure their side of the story was told and heard around the world.

By the time that the U.N. Special Rapporteurs on the Human Rights to Water and Housing visited Detroit to investigate reports of mass water shutoffs, people affected by the shutoffs were able to share a compelling alternative story of what was happening in the Motor City. Publicity around these visits reached a global audience and brought negative attention to Detroit and its Emergency Manager form of local government. The publicity did not resolve the situation, but it put officials on the defensive and animated opposition to the policy of mass denial of water services.

Detroit is only one example of the sophisticated use of communications strategies to support human rights advocacy around water. An equally compelling story could be told of the effort to win a Right to Water Law in the state of California. In Flint, those suffering from the effects of lead contamination struggled, with mixed success, to control the way their story was told to the U.S. public throughout the frenzy of national publicity around the water crisis there.

Those who deny an obligation to provide universal access to safe, affordable water will invest the necessary resources to frame the issue as a problem of disadvantaged people failing to take responsibility for their own situation. In this context, part of asserting the human right to water will be embracing the possibilities of modern communications tools to shift those stories to both recognize the nature of the problem and point the way toward possible solutions.

VI. Conclusion

The U.S. has access to abundant freshwater resources. Over the past century, the country has created a water distribution network that delivers high quality water at

a subsidized price to a large part of the U.S. population. There have always been and continue to be serious inequities in that distribution, with disparities working against low-income communities and communities of color, especially Indigenous Peoples. While new legal instruments have been developed to address the challenges of delivering safe water to all, the law has had a mixed record as an instrument for addressing disparities in access to safe, affordable water.

In the past quarter century, a combination of increasing social inequality and the escalating cost of maintaining and expanding an aging water infrastructure has accentuated the disparities and created serious distributional issues for large parts of the water system. The scale and scope of these issues – as in the case of the Flint water crisis – have gained considerable public attention, to the point that analysts speak of a water crisis in the U.S.²⁶⁰ The increasing impact of climate change on the water system can only serve to heighten this sense of crisis in the future.

Throughout this same period, the international human rights system has recognized a human right to water and begun to put in place mechanisms to promote its realization. Advocates and activists across the planet have begun to frame their water-related claims in human rights terms and have achieved important successes in rights-based water advocacy.

Somewhat belatedly, the idea of a human right to water has made its way into water disputes and discourse in the U.S. Nevertheless, rights-based advocacy in the U.S. remains daunting for a variety of reasons. First, because the federal government does not recognize a human right to water, any appeal based on rights-related state obligations faces an uphill battle. Similarly, while courts in the U.S. are sometimes making use of human rights and other international law arguments, the courts have been slow to accept claims of a human right to water. Finally, many leading water advocacy organizations have yet to see the value of using the human rights framework to advance their demands for solutions to the water crisis. Despite such obstacles, many communities and organizations remain determined to claim their human right to clean, affordable water.

As a result, we expect that lawyers and community leaders across this country will continue to explore the use of the human right to water as a tool for addressing all sorts of water-related problems. We hope that this Primer will support those efforts.

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