

FACT SHEET

ENVIRONMENTAL INJUSTICE:

Communities of Color in the United States Disproportionately Lack Access to Adequate Sanitation

Every person has a human right to sanitation that ensures dignity and is safe, affordable, and hygienic. The UN General Assembly has recognized this right as a component of the right to an adequate standard of living, essential to the full enjoyment of all human rights.¹ UN Sustainable Development Goal 6 also affirms the importance of ensuring that sustainably managed water and sanitation are available for all.² But many people in America are being denied this basic human right to sanitation. This is a nationwide problem, particularly in rural areas: communities in Alabama, Alaska, Michigan, North Carolina, Puerto Rico, Texas, and elsewhere lack adequate sanitation.³ Despite previous calls from UN bodies to fully effectuate this right, the United States must do more to ensure that all residents have access to adequate sanitation that is affordable, resilient, sustainable, and effective in a changing climate.⁴

People of color disproportionately lack access to sanitation. In the United States, race is the strongest predictor of a lack of adequate water and sanitation access.⁵ A 2022 report found that Black and Latino households were twice as likely and Indigenous households were 19 times as likely as white households to lack complete plumbing.⁶ The correlations between race, poverty, and sanitation access underscore the complex interrelationships among America’s history of racial discrimination, disinvestment in communities of color, and current laws and policies that perpetuate racial disparities in sanitation access.⁷

SNAPSHOT: LOWNDES COUNTY, ALABAMA

For decades, many residents in the rural and predominantly Black community of Lowndes County, Alabama, have struggled to access adequate sanitation. Roughly four out of five residents are not connected to centralized sewer systems and must rely on on-site treatment systems that often fail due to the impermeable soil in the area.⁸ Broken or failed on-site systems result in soggy lawns and pools of raw sewage outside homes. And the cost of an effective system—up to tens of thousands of dollars—is out of reach for many in a county where 22 percent of residents, and nearly 28 percent of Black residents, live below the poverty line.⁹ Those who cannot afford on-site systems are forced to use makeshift “straight pipes” that direct raw sewage from homes to adjacent outdoor spaces, where it pollutes nearby creeks.¹⁰

Even the centralized wastewater treatment systems in the county often fail, leading to sewage backups into residents’ sinks or tubs. During heavy rains, the county’s sewage lagoons overflow onto adjacent residential yards. These problems will only worsen as climate change intensifies,



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Tarp-covered pool of sewage outside a home in Lowndes County.

leading to rising water tables and more intense rains.¹¹ Some residents forbid their children from playing in their yards or avoid their yards altogether because of the stench of human waste.¹² Lacking clean and safe ways to dispose of household waste harms both physical and mental health, including increased risk of gastrointestinal illnesses and tropical diseases, antimicrobial resistance, anemia, spontaneous abortions, and preterm births associated with helminth infections.¹³ A 2017 study in Lowndes found hookworm in over one-third of study participants.¹⁴

Laws and government policies in the United States continue to impede sanitation access in Lowndes County. Alabama law places the burden on residents not connected to centralized wastewater systems to install and maintain private infrastructure necessary to meet everyday sanitation needs.¹⁵ At the same time, state and local laws penalize residents who cannot afford on-site systems or struggle to comply with public-health rules with fines,

arrests, and potential liens on their homes.¹⁶ Despite duties under state law to manage on-site wastewater disposal, the state and local departments of health have not collected data necessary to understand the scope of insanitary conditions in the county and have failed to abate sanitation conditions that threaten public health.¹⁷

Additionally, state laws and regulations impede available public funding from flowing to support decentralized sanitation systems where they are most needed. State regulations require funds distributed through the Clean Water Act State Revolving Fund to go only to public entities, not nonprofits or individuals as allowed under federal law.¹⁸ This presents a barrier to funding decentralized wastewater systems that are often not managed by public entities. Alabama also prohibits 100-percent-subsidized loans under this program, even though such subsidization may be required for very distressed communities to meaningfully access funds.¹⁹

SUGGESTED RECOMMENDATIONS FOR THE UNITED STATES

- Take immediate action to ensure equitable access to adequate, safe, affordable, resilient, and sustainable sanitation services for all, particularly those living in rural areas and Black, Indigenous, and other people of color.
- Collect data and report publicly on the status of access to adequate sanitation services for Black, Indigenous, and other people of color, including all health impacts from lack of access.
- Take immediate action to eliminate laws, policies, and practices that criminalize or penalize residents who fail to comply with sanitation regulations due to cost or inability to install or maintain adequate wastewater systems.
- Take immediate action to ensure that public funding is made available and distributed equitably to ensure all individuals have adequate access to safe, affordable, resilient, and sustainable sanitation systems, including by equitably distributing funding for necessary repairs, upgrades, and/or modifications to sanitation systems and for the development and construction of new sanitation infrastructure and governance structures where necessary.
- Take immediate action to ensure that on-site sanitation systems are required to carry warranties against manufacturing and installation defects and mechanical failures for a period of at least 10 years.
- Ensure meaningful participation of Black, Indigenous, and other people of color in the revision, elaboration, and implementation of sanitation laws, policies, and programs.

ENDNOTES

- 1 UN General Assembly, The Human Rights to Safe Drinking Water and Sanitation, Resolution No. 70/169 (December 17, 2015), <https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F70%2F169&Language=E&DeviceType=Desktop&LangRequested=False>.
- 2 UN Department of Economic and Social Affairs, “Sustainable Development Goal 6,” United Nations, accessed July 27, 2022, <https://sdgs.un.org/goals/goal6>.
- 3 See, for example, Alabama Center for Rural Enterprise, Columbia Law School Human Rights Clinic, and Institute for the Study of Human Rights at Columbia University, *Flushed and Forgotten: Sanitation and Wastewater in Rural Communities in the United States*, May 2019, <https://www.humanrightscolumbia.org/sites/default/files/Flushed%20and%20Forgotten%20-%20FINAL%20%281%29.pdf>.
- 4 *Ibid.*, 33-34.
- 5 George McGraw and Radhika Fox, *Closing the Water Access Gap in the United States*, DigDeep and U.S. Water Alliance, 2019, http://uswateralliance.org/sites/uswateralliance.org/files/publications/Closing%20the%20Water%20Access%20Gap%20in%20the%20United%20States_DIGITAL.pdf. See, for example, Shiloh Deitz and Katie Meehan, “Plumbing Poverty: Mapping Hot Spots of Racial and Geographic Inequality in U.S. Household Water Insecurity,” *Annals of the American Association of Geographers* 109, no. 4 (2019): 1092-1109, <https://doi.org/10.1080/24694452.2018.1530587>.
- 6 George McGraw, *Draining: The Economic Impact of America's Hidden Water Crisis*, DigDeep, 2022, <https://www.digdeep.org/draining>.
- 7 See, for example, Alabama Center for Rural Enterprise et al., *Flushed and Forgotten*.
- 8 Catarina de Albuquerque, *Report of the Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation*, Mission to the United States of America, UN Human Rights Council, August 2, 2011, A/HRC/18/33/Add.4, https://www2.ohchr.org/english/bodies/hrcouncil/docs/18session/A-HRC-18-33-Add4_en.pdf.
- 9 U.S. Census Bureau, “S1701: Poverty Status in the Past 12 Months,” Lowndes County, Alabama, <https://data.census.gov/cedsci/table?t=Income%20and%20Poverty&g=0500000US01085&tid=ACST5Y2020.S1701>.
- 10 Lyndsey Gilpin, “The Rural South’s Invisible Public Health Crisis,” *Montgomery Advertiser*, July 6, 2018, <https://www.montgomeryadvertiser.com/story/news/local/alabama/2018/07/06/story-first-series-ways-communities-addressing-rise-poverty-related-tropical-diseases-poor-sewage/754311002/>; Jim Morrison, “Backed-Up Pipes, Stinky Yards: Climate Change Is Wrecking Septic Tanks,” *Washington Post*, April 12, 2022, <https://www.washingtonpost.com/climate-environment/2022/04/12/backed-up-pipes-stinky-yards-climate-change-is-wrecking-septic-tanks/?request-id=015857e5-74bf-4f43-8284-fac5c8b4d5e1&pml=1>.
- 11 Morrison, “Backed-Up Pipes, Stinky Yards.”
- 12 Yamiche Alcendor, “In Rural Alabama, Raw Sewage Spurs Investigation Into Racial Inequality,” NBC News, April 22, 2022, <https://www.nbcnews.com/politics/politics-news/rural-alabama-raw-sewage-spurs-investigation-racial-inequality-rcna25475>.
- 13 McGraw, *Draining*; Global Communities, “Closing the U.S. Sanitation Equity Gap: Exploring Opportunities to Learn From the Global Sanitation Sector Experience,” September 2021, https://globalcommunities.org/wp-content/uploads/2022/01/GC_Tech_Brief_US_Sanitation_Equity_Landscape_Analysis_Final_Sept2021.pdf; Alabama Center for Rural Enterprise et al., *Flushed and Forgotten*, 6.
- 14 Megan L. McKenna et al., “Human Intestinal Parasite Burden and Poor Sanitation in Rural Alabama,” *American Journal of Tropical Medicine & Hygiene* 97, no. 5 (September 2017): 1623-1628, <https://pubmed.ncbi.nlm.nih.gov/29016326/>.
- 15 Alabama Center for Rural Enterprise et al., *Flushed and Forgotten*.
- 16 Alabama Code §§ 22-26-1, 22-26-6, 45-43-171; Jennifer Carrera, “Sanitation and Social Power in the United States” (PhD. diss., University of Illinois, 2014), 107-108, <https://core.ac.uk/outputs/29153060>.
- 17 Alabama Center for Rural Enterprise, “Complaint Under Title VI of the Civil Rights Act of 1964,” September 28, 2018, Earthjustice, https://earthjustice.org/sites/default/files/files/ACRE%20Title%20VI%20complaint%20with%20exhibits_09-28-2018.pdf.
- 18 See Alabama Administrative Code §§ 335-11-1-.01(e), (s), (t), -.02, -.09(10); 33 U.S.C. § 1383(c)(12).
- 19 Alabama Department of Environmental Management, *CWSRF Intended Use Plan: Fiscal Year 2021*, State of Alabama, 2021, attachment 4 (attaching memo titled, “Alabama Clean Water State Revolving Fund: Additional Subsidization & Affordability Criteria,” effective September 30, 2015), <https://adem.alabama.gov/programs/water/srreports/2021CWSRFIUP.pdf>.