

**Discrimination in Access to Water and Sanitation in the USA
[INSERT: Lack of Discrimination]**

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Executive Summary

- 1) This is submission by Stephen Gasteyer at Michigan State University to present the evidence of discrimination in access to water and sanitation in the United States and to call on the United States government to develop programs to collect sources of data that will allow for research to better identify patterns of discrimination in access to water and sanitation in the USA and to develop programs to mitigate such patterns.
- 2) We make reference to three mechanisms through which people may not have access to the most basic services of water and sanitation: 1) lack of physical access to and/or infrastructure for water and sanitation; 2) inability to afford access to water and sanitation conveyed through that infrastructure; 3) water conveyed through that infrastructure is nonpotable (e.g. water is contaminated or otherwise harmful if ingested) and/or water and sanitation services are inoperable, inadequate, or in disrepair.
- 3) Our research indicates that on the first mechanism (access to water through infrastructure) while the vast majority (over 99%) of United States' residents are estimated to have access to complete water and sanitation plumbing facilities, Alaska Natives and American Indians, Hispanic/Latinos and other minorities in the United States are disproportionately more likely to not have access to these facilities. On the second mechanism, (affordability of water and sanitation services), research in Michigan indicates that the rates for water and sanitation services are disproportionately higher in communities where there is a higher percentage of minorities in the community. While there is some evidence on the third mechanism, water contamination, it is inconclusive to date.
- 4) All of these findings are currently based on less than adequate data. Therefore, we call on the United States government to:
 - a. Create mechanisms to better track:
 - i. Water and sanitation rates and the risk of water and sanitation cutoffs and their impacts on vulnerable populations;
 - ii. Those percent and numbers of those lacking actual or functional access to water and sanitation services.
 - b. Create and enhance programs to ensure greater access to these basic services.

Introduction

- 5) The United States acknowledges the existence of numerous challenges in its domestic water and sanitation sector in the U.S. government's response to the United Nation Special Rapporteur on Water and Sanitation's 2011 report on the U.S. Despite this acknowledgement, we do not have current data on the actual number of people living without access to safe, sufficient and affordable water and sanitation services in the United States, and the day to day impact on individuals and communities who struggle to meet this basic life need is not well documented nor understood. We also do not have adequate information on the reasons for the water disparity. Why are there significant

numbers of people without access to safe, sufficient, affordable water, and why is the lack of access notable by race, age and economic status? The impact on vulnerable populations of lack of access to safe, affordable water and sanitation services – infants, children, seriously ill, elderly – are not studied nor documented. While at the same time the sector is experiencing unprecedented increases in costs related to population shifts, climate change, degraded environmental conditions, and aging infrastructure.

- 6) There are at least three drivers contributing to the current lack of access to safe drinking water and sanitation services in the United States, with differing incidence and impacts depending on race, age, and economic status:
 - a. Physical accessibility: No access to complete plumbing facilities; exclusion from services by utility service district zoning (blue lining).
 - i. Analysis based on the United States census of 2000 revealed that 1.7 million Americans in over 700,000 households had no household plumbing in 2000.¹ Although this number of households without plumbing is expected to decline as steps are taken to address the issue by rural development interventions, the absence of adequate data on access to water and sanitation services in the United States makes it quite difficult to track the actual pattern of discrimination in the water and sanitation sector broadly.
 - b. Affordability: Water and sanitation services are not economically accessible, causing consumers to make tradeoffs between necessities in order to pay utility costs; water services are shut off for lack of payment.
 - i. The amount U.S. water and sanitation consumers pay for their water and sanitation services is significantly increasing each year. A 2013 survey by Circle of Blue—a Michigan based non-profit organization—indicates a 4.6 percent average increment in water prices from that reported by the U.S. Bureau of Labor Statistics (Consumer Price index) in 2012 for 30 major U.S. cities including, New York, Boston, Austin, Seattle, and San Francisco. Water and sanitation service utility standard operational procedures such as water shut offs for non-payment have a discriminatory impact by race and poverty, for example in Boston.
 - c. Unsafe drinking water: Clean Water Act or state water permitting processes and unregulated contaminants pollute local water resources rendering them unfit for human consumption.
 - i. Reports indicate that over 11 million are drinking water violating federal and state drinking water standards in California. Cases documenting discrimination, such as Kennedy v. Zanesville, and Mossville, are seen as isolated instances but there is no adequate research to document that these

¹ Gasteyer, S. & R. Vaswani. 2004. Still Living without the Basics in the 21st Century. Washington, DC: Rural Community Assistance Partnership.
<http://www.rcap.org/stillwithoutbasics>

discriminatory impacts of pollution permitting or utility service district boundaries are indeed isolated.

- 7) In reference to physical accessibility: There is evidence that discrimination in the domestic water and sanitation sector in the U.S. is a serious problem facing utilities and consumers. Existing data sets are outdated – based on 2000 Census. Data by race, age, gender, income status on physical access, affordability, and unsafe drinking water is nonexistent. The United States has made significant progress in guaranteeing the majority of its general population access to adequate water and sanitation services. While in 1950, roughly half rural US residents lacked access to complete plumbing services (indoor piped water for cooking, bathing, drinking), the US Census in 2000 documented that access to plumbing was greater than 99 percent nationally and just under 99% in rural areas (those lacking complete plumbing equal 0.64% overall and 1.01% in rural America). Indeed, while the numbers are somewhat less reliable due to new sampling procedures, the Census' American Community Survey now estimates the overall percent lacking plumbing facilities at .57%.
- 8) However, statistical evidence on the access to complete plumbing facilities from 2000 US Census indicates that non-white populations (Native Americans 4.41%, Hispanics 3.1%, Native Hawaiian and Pacific Islanders 1.4%, and African Americans 1.1%) have higher percentages without access to these basic services than white Americans (0.41%).² Depending on the place of residence, the actual percentage living without access to basic services may be higher. These statistics generally do not capture homeless and other marginalized populations that may not have access to basic services.
- 9) In terms of affordability, there is growing statistical and anecdotal evidence that populations with higher percentage minority populations are more likely to pay higher user fees (household water rates) for water and sanitation services. Research in Michigan found that water rates were disproportionately higher in communities with greater percentages of minority residents in Michigan.³ There is evidence that this pattern exists across the Great Lakes states.⁴
- 10) In reference to unsafe drinking water, there is some evidence that contamination of drinking water from industrial and other practices has been more severe in low income communities unable to pay for the necessary treatment works.⁵ Adding to this evidence is the anecdotal of where water contamination has most recently impacted access to

² See Gasteyer and Vaswani 2004

³ See, <http://environment.yale.edu/yer/article/injustice-in-us-water-distribution> and http://www.academia.edu/2646873/More_Cost_per_Drop_Water_Rates_Structural_Inequality_and_Race_in_the_United_States-The_Case_of_Michigan

⁴ See Gasteyer, S. The Human Right to Water – with Reference to Water Cutoffs in Detroit. Presentation to the Talsky Center for Human Rights, Michigan State University College of Law, September 8, 2014.

⁵ Vanderwarker, Amy. Water and Environmental Justice. Pp. 52-89, Ch. 3 in Water Policy in the 21st Century. www.pacinst.org/wp-content/uploads/sites/21/2013/02/water_and_environmental_justice_ch33.pdf

drinking water in the Midwest, in the low and minority communities of Flint, Michigan and Toledo, Ohio.

11) Right now this issue is extremely difficult to track as there are no Federal government agencies that are currently tracking systematically those who either do not have access to water and sanitation or those whose access is denied through lack of ability to pay for services.

12) RECOMMENDATIONS: This issue is related to water rates in urbanized areas, but also to lack of access to services for important populations. We ask that the US Government consider the following:

- a. Create mechanisms to better track:
 - i. Water and sanitation rates and the risk of water and sanitation cutoffs and their impacts on vulnerable populations;
 - ii. Those percent and numbers of those lacking actual or functional access to water and sanitation services.
- b. Create and enhance programs to ensure greater access to these basic services.