

Racism in Access to Adequate Sanitation in the United States
**List of Issues Submission to the U.N. Committee on the Elimination of Racial
Discrimination**

May 2022

The undersigned human rights and environmental organizations working in the United States hereby submit the following to inform the List of Issues ahead of the August 2022 review of the U.S. government's compliance with the International Convention on the Elimination of Racial Discrimination (ICERD).

Racism is one of the greatest threats to human rights of our time. As a result of race discrimination, including centuries of structural and institutional racism, Black, Indigenous, and other people of color bear the brunt of the threats from climate change and environmental degradation. Racism, including racist legal procedure and government policies, continues to exacerbate the disparate effects of climate change and environmental degradation on people of color. Moreover, the system of environmental protection in the United States perpetuates and facilitates inequalities in access to adequate sanitation. The following story highlights just one community in the United States where residents face serious violations of their rights to sanitation—but there are many others that face similar human rights violations.

Lowndes County sits in the black belt of Alabama and is a partially unincorporated, rural community with [deep ties](#) to the U.S. civil rights movement. For decades, many Lowndes County residents have lacked access to adequate sanitation and [are forced to live with pools of raw sewage](#) outside their homes or backing up into their sinks and tubs. The state health department has no current estimate or accurate accounting of how many residents lack proper sanitation. Only 20% of residents are served by a centralized municipal sewage treatment system, and even the centralized systems routinely fail, resulting in pollution of nearby waterways and overflowing of sewage lagoons into adjacent residential yards. The other [80% of residents](#) must either rely on expensive, often failing onsite wastewater systems that aren't suited for the impermeable soil in the area or resort to straight-piping contraptions that pump sewage directly from homes into yards or ditches. The sanitation crisis in Lowndes County is "[linked directly](#)" to the U.S.'s history of slavery and lack of political representation for and economic vulnerability of the county's Black residents. [Nearly 70%](#) of the county is Black, and while 22% of all Lowndes County residents live below the poverty line, that number is higher for Black residents, with 27.7% experiencing poverty. Government policies—including imposing the financial burden on residents to install and maintain onsite wastewater systems and penalizing residents who cannot afford such systems—have caused and continue to cause [disproportionate harms from lack of sanitation access to fall on Black residents](#) in the County. The health consequences of this issue—including potential [exposure to hookworm](#) and other pathogens—disproportionately impact the majority Black community in Lowndes.

As a party to ICERD, the United States is obligated to “prohibit and eliminate racial discrimination in all its forms,” including in public health and social services, and to “ensure ... equal enjoyment of human rights and fundamental freedoms.” Indeed, this Committee in its General Recommendation No. 34 urged State parties to “[t]ake steps to remove all obstacles that prevent the enjoyment of economic, social, and cultural rights by people of African descent

especially in areas of education, housing, employment and health.” Lack of access to adequate sanitation systems is an obstacle to the full enjoyment of economic, social, and cultural [rights](#). The long-standing and persistent inequitable access to adequate sanitation in the United States among Black, Indigenous, and other people of color is the result of racially discriminatory laws and other government policies and practices.

This Committee also made recommendations relevant to environmental justice to the United States in 2014, including to “ensure that federal legislation prohibiting environmental pollution is effectively enforced at state and local levels” and “undertake an independent and effective investigation into all cases of environmentally polluting activities and their impact on the rights of affected communities; bring those responsible to account; and ensure that victims have access to appropriate remedies.” The undersigned civil society organizations encourage the Committee to continue to recognize the intersectionality of racial discrimination and environmental injustice, including as it relates to inequities in sanitation access. We hope for similar recommendations by this Committee directed at law and policy changes to ensure equitable access to adequate sanitation for all in the United States.

As this Committee prepares for its upcoming review of the United States, we encourage the Committee to ask the United States the following questions:

Please provide detailed information on measures adopted by the State party to ensure equitable access to sanitation services for all Black, Indigenous, and other persons of color.

Please provide detailed information on measures adopted by the State party to ensure the right to a healthy environment for all Black, Indigenous, and other persons of color.

Please provide detailed information regarding federal, state, and local government funding given to Black, Indigenous, and other communities of color to remedy disparities in sanitation access, services, and impacts.

Please provide detailed information regarding federal, state, and local government funding given to Black, Indigenous, and other communities of color to remedy disparities in and disproportionate burdens from environmental degradation and to ensure equitable access to and distribution of environmental benefits.

We encourage this Committee to adopt the following recommendations:

Take immediate action to ensure equal access to adequate sanitation services for all, especially those living in rural areas and Black, Indigenous, and other persons of color.

Fully fund necessary repairs, upgrades, and/or modifications to all sanitation systems, and fully fund the development and construction of adequate new

sanitation infrastructure and governance structures where necessary, to prevent future human rights violations.

Fund equity-based environmental justice projects in communities of color who have experienced racial discrimination.

Sincerely,

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