

July 11, 2023

United States Environmental Protection Agency
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Via Electronic Mail

Re: Request for Community Input on the Jackson Water Crisis

To Whom It May Concern:

Jackson residents have weathered many storms, literally and figuratively, over the last several years. As residents of Jackson, we are the experts of our lived experience. We have a right and responsibility to be fully engaged in the redevelopment of our water and sewer system. Indeed, as the national spotlight turns once again to Mississippi, we must continue to hold central that the people of Jackson are the real heroes of this story and this work.

In this spirit, the undersigned members of the Jackson community are offering the following comments in response to the Environmental Protection Agency's and Department of Justice's [Request for Community Statements](#). The comments below have been organized to respond to the questions set forth in the March 30, 2023 request:

- 1) Recommendations for Long-Term Solutions
 - a) What would success look like for solving the water crisis? What are your long-term goals for solutions? In your opinion what actions would help to address the problems?
 - b) Are there any groups or community leaders that are particularly knowledgeable about the water problem in Jackson?
 - c) What additional needs should be addressed during boil water notice periods?
- 2) Sewer System Overflow Issues
 - a) Have sewage overflows harmed your home, neighborhood, and/or place of business?

We understand that the federal government, the City of Jackson, and the state of Mississippi will consider these comments as they are developing long-term solutions to the persistent water crises hurting our communities but, as outlined below, we are demanding that these comments be used to make urgent changes now.¹

The signing individuals and organizations request that all comments submitted in response to the Request for Community Statements be made publicly available. We also welcome further

¹ This community statement may not reflect all remedies that we believe are necessary to abate the imminent threats to public health from drinking water contamination or all remedies that are necessary to fully resolve the issues raised in the EPA's Complaint against the City of Jackson.

discussions with the governing entities about how all parties can best address the current water crisis in Jackson.

Recommendations for Long-Term Solutions

1. What would success look like for solving the water crisis? What are your long-term goals for solutions? In your opinion what actions would help to address the problems?

The ultimate goal for the undersigned parties is unquestionably safe, clean drinking water that can be sustained by the city of Jackson (“City”) long after the Environmental Protection Agency (“EPA”) and the appointed interim third party manager (“ITPM”) complete the last water project as set forth in the “Priority Project List” outlined in the Interim Stipulated Order.²

To reach this level of success and to fully respond to the questions presented, the following elements must be present in any remedial work to end this crisis:

We explain each element below, detailing both the current problem and proposed solutions?

- Full transparency;
- Processes for collaborative input and accountability to Jackson Residents;
- Maintaining public control of the water system;
- Educational resources; and
- Immediate access to clean water.

a. Full Transparency:

“Jackson’s water crisis has been a ‘slow-moving disaster,’ a result of decades of anti-Blackness, environmental racism, and historical inaction.”³ When Jackson’s racial demographic shifted from a majority white city to a majority Black city in the 1970s and 1980s, well-documented infrastructure divestment followed, depriving Jackson residents of equal protection under the law.⁴

Now that the federal government has publicly committed to investing in Jackson’s water system,⁵ the process of rebuilding Jackson’s water infrastructure should be fully transparent to the people most directly impacted by the problem. However, after the Department of Justice filed its lawsuit against the City of Jackson last November in *U.S. v. City of Jackson* (S.D. Miss.), there is

² *U.S. v. Jackson*, No. 3:22-cv-00686 (S.D. Miss.), ECF No. 6, Nov. 29, 2022 (“Interim Stipulated Order”), Appendix A-Project Priority List. *See also*, <https://jxnwtr.com/wp-content/uploads/2022/12/Jackson-Appendix-A-Priority-Project-List-FINAL.pdf>

³ Richard Mizzelle Jr., Ph.D., “A Slow-Moving Disaster — The Jackson Water Crisis and the Health Effects of Racism,” *The New England Journal of Medicine*, June 15, 2023, <https://www.nejm.org/doi/full/10.1056/NEJMp2212978>.

⁴ *Id.*

⁵ Nikki Carvahal, “Biden announces initial \$115 million investment in Jackson, Mississippi water infrastructure,” CNN, June 6, 2023, <https://www.cnn.com/2023/06/06/politics/jackson-mississippi-white-house-funding/index.html>.

negligible transparency, and the current remedial process is shrouded in secrecy pursuant to a Confidentiality Order.

While we are encouraged by the steps that the City of Jackson has taken to keep residents informed of progress, the City does not currently maintain control of the water system. The water system is operated and controlled by the appointed ITPM, and recent actions by the ITPM have given us grave concerns and damaged trust with the community. For example, as further detailed below, the ITPM's actions have caused low wage workers to lose their jobs, failed to providing adequate immediate financial assistance to community members who are struggling to pay their water bills, and engaged in high profile public conflicts with the City that raise questions from community about accountability to elected officials representing the voters of Jackson.

Under the Interim Stipulated Order (“ISO”), the ITPM holds most of the decision-making power over Jackson’s water,⁶ and he determines who can take part in fixing the water infrastructure with few limitations and little oversight. In fact, the ITPM has admitted during a public town hall, that his authority under the ISO is much broader than what he would have given himself.⁷ There is very little community oversight of the ITPM’s power and severely limited transparency into the ITPM’s decision-making process. Although the ITPM has indicated that he wants to build trust amongst the Jackson community, that cannot be achieved without providing information about the decisions currently being made behind closed doors.

In the Spring of 2023, the ITPM stated at a town hall that the community can stay informed by going to the JXN Water website.⁸ However, not all Jackson residents have access to the internet; and for those who do, the JXN Water website does not provide detailed information about upcoming events or water quality reports. Furthermore, details about upcoming events are not regularly posted on JXN Water’s social media platforms.⁹ The JXN Water website is wholly inadequate to meet the transparency that Jackson residents deserve after decades of being shut out from the decision-making process that directly impacts their water quality and thus, their health.

Jackson residents are also locked out of the legal process that will decide the future of Jackson’s water system. Pursuant to the Confidentiality Order, all settlement discussions are confidentially held between the United States, the City of Jackson, and the state of Mississippi, by and through the Mississippi State Department of Health (“MSDH”) and the Mississippi Commission of Environmental Quality, acting through the Mississippi Department of Environmental Quality (“MDEQ”); and the Interim Third-Party Manager.¹⁰

There are several actions that would help to immediately address the current lack of transparency.

⁶ Interim Stipulated Order, at 8.

⁷ JXN Water, *JXN Water Town Hall*, Facebook (Mar. 7, 2023), <https://www.facebook.com/jxnwater/videos/198220299562056/>.

⁸ *Id.*

⁹ See JXN Water, <https://jxnwater.com/> (last visited June 29, 2023); JXN Water (@JXNWater), TWITTER, <https://twitter.com/JXNWater> (last visited June 29, 2023).

¹⁰ *U.S. v. City of Jackson*, No. 3:22-cv-00686 (S.D. Miss.), Order for Confidentiality of Settlement Discussions (Feb. 17, 2023).

First, the parties should move to ask the Court to either vacate the current Confidentiality Order, or allow trusted community leaders to attend specific meetings during the ongoing legal process as well as report back to their communities the information gleaned in the meetings.

Second, the current ISO and any subsequent stipulated orders should remove provisions that exempt the ITPM from public records laws, and require the ITPM to formally engage with the community. The people have a right to know about how their water system is being run, what contracts are being entered into and with whom, and to request data directly from the entity running the water system.

In addition, any amended or new stipulated order should require the ITPM to: (1) comply with Miss. Code Ann. § 31-7-13 regarding procurement; (2) establish a mechanism for the community to meet regularly with and provide feedback to the ITPM; (3) hold regular public forums where the ITPM is in attendance; (4) provide the public with written notice on the JXN Water website and social media platforms and to local press about proposed rate adjustments and local community consultation before an adjustment occurs;¹¹ (5) increase the frequency with which the ITPM must file status reports from quarterly to monthly; and (6) require the ITPM to post water quality monitoring data on the JXN Water website and send water quality data directly to consumers through text alerts, consumer emails, local press and radio, and more frequently than the Annual Consumer Confidence Report.

Third, and perhaps most important, there needs to be a clear understanding and commitment to a timeline detailing how and when Jackson's water system will transition away from the control of the ITPM and back into the hands of the people. The undersigned strongly oppose privatization of the water system in any and all forms, as set forth below in more detail.

b. Processes for Collaborative Input and Accountability to Jackson Residents:

Jackson's history demonstrates that far too often those most disconnected from the City's problems, like state actors, are brought in as experts over Jackson residents. Meanwhile, local Black and Brown communities, as well as low-income communities, are ignored, belittled, and their leadership is considered an afterthought, if at all.

For far too long, the people of Jackson have been locked out of key discussions regarding the resources in our City, how those resources are used, and what projects should be prioritized. Community involvement, input and accountability is critical to the success of resolving the water crisis and is necessary for long-term stability.

Thus far, the remedial process has not meaningfully brought the local community to the table to co-create solutions to the water crises. Jackson residents have repeatedly raised their concerns directly with the EPA and the ITPM, yet our voices are silenced. For example, when the ITPM fired Tariq Abdul-Tawwab, one of the only trusted community liaisons in the JXN Water Department, the community was outraged and demanded answers. Despite this, there was no

¹¹ The current ISO only requires that, if the ITPM deems a rate change necessary, the Mayor shall place it on the agenda for the next City Council meeting. Interim Stipulated Order, at 11.

explanation for his termination and nobody from the community has been selected to replace him.¹² This decision by the ITPM indicates a lack of prioritizing community engagement in any significant way.¹³

Under the current ISO, the ITPM is not required to engage with or explain his decisions to the community.¹⁴ This raises significant concerns for impacted community members and the coalition of advocacy organizations submitting this commentary. Jackson residents have valuable information about the pressing needs of their community and about what will work best to meet those needs – information that does not always align with the assumptions of outsiders like the ITPM.

To truly solve the water crisis, the community needs a structurally secured seat at the table to take part in creating short-term and long-term solutions that will be sustainable for generations of Jacksonians to come.

Having a structurally secured seat at the table means immediately hiring a trusted salaried community ombudsperson who is required to put forth and advocate for the community’s interests and demands. This community ombudsperson should be included in all closed-door meetings about the water and sewage system, and they should have access to all necessary information to advance the voice of the people. Furthermore, this ombudsperson must submit easy-to-read reports to the community and hold community meetings to keep the people informed.

In addition to hiring a community ombudsperson, there are at least three immediate ways that community involvement could be facilitated. **First**, the people of Jackson should be considered, hired, and properly trained for jobs to fix and maintain the water and sewer system. The median household income in Jackson is \$39,000 with nearly 30 percent of the population living in poverty.¹⁵ Hiring from the Jackson community and paying fair wages is not only a necessary step for sustainably maintaining the water system, but it also brings needed economic development to the city – economic development that has been intentionally and historically withheld from the City by state actors.

Second, the residents of Jackson need to take part in the consent decree process prior to its completion and implementation because they are the individuals who will be most affected by the outcome. Meaning, Jackson residents should get regular updates on the negotiation process and there should be a process (prior to the completion of the consent decree) where the residents get to have their voices heard on the record and a requirement that the EPA, City of Jackson, and ITPM respond to each comment and question.

¹² See “About JXN Water,” <https://jxnwtr.com/about/> (last visited June 29, 2023).

¹³ In addition to the termination of the former community liaison of JXN Water, the community has concerns about equitable pay rates for public work employees as compared to JXN Water employees and their Directors, an apparent failure to hire a trusted independent accounting firm to provide transparent and trustworthy accounting of federal funds, an apparent failure to hire minority contractors and to diversify the JXN Water director leadership team, and inequitable pay rates for local contracts compared to non-local contracts.

¹⁴ Interim Stipulated Order, at 13-14.

¹⁵ United States Census Bureau, *Quick Facts: Jackson, Mississippi*, <https://www.census.gov/quickfacts/jacksoncitymississippi> (last visited June 29, 2023).

Finally, community input is also needed in the creation of an emergency assistance program. Thus far, the current process to develop a new water billing system has failed to engage Jackson residents; and there has not been enough attention paid to providing immediate financial assistance to community members who are struggling to pay their water bills.¹⁶ The lack of community outreach in this area is unacceptable, especially considering the high poverty rate in Jackson.

c. Keeping the System Public:

The ISO gives the ITPM unilateral decision-making power on awarding new contracts.¹⁷ Recently, the ITPM outsourced the call center, water maintenance, water meter reading and meter maintenance, and billing and collections.¹⁸ This includes a contract with Jacobs Solutions that threatens to essentially privatize the operation and maintenance of Jackson’s water treatment plants for years.¹⁹ These actions have caused many low-wage city workers to lose their jobs, and indicate to the community that the ITPM is setting up Jackson’s water system to be privatized by outside contractors.

The community's position on this is clear, and always has been—privatization will not fix the water crisis, nor will it create equitable long-term solutions for those most impacted by it. It will exploit community members living in poverty and cause more damage.²⁰

¹⁶ At the recent community meeting on July 6, 2023, many residents expressed dissatisfaction with the current debt relief assistance provided through the People’s Relief Campaign. Some residents expressed they were ineligible, because their bill was received after Dec. 1, 2022, while many others said they had been denied relief or still had not received a response to their request. See “Community Update: Volume 1,” <https://jxnwater.com/community-update-vol-1/>. For many people, these bills have been irregularly high lately. See Julia Jacobo, “Skyrocketing bills the latest concern in Jackson water crisis,” ABC News, March 7, 2023, <https://abcnews.go.com/US/skyrocketing-bills-latest-concern-jackson-water-crisis/story?id=97679053>.

¹⁷ Interim Stipulated Order, at 9.

¹⁸ “JXN Water Statement Regarding Water Utility System Staffing,” <https://jxnwtr.com/jxn-water-statement-regarding-water-utility-system-staffing/> (last visited June 29, 2023).

¹⁹ In February 2023, Jacobs Solutions entered into a temporary six-month long contract for the maintenance and operations of Jackson’s O.B. Curtis and J.H. Fewell Water Treatment plants, but with an expectation that the parties will soon enter into a longer-term contract, for perhaps as long as ten years. See Anthony Warren, “Here to stay: Jacobs begins operations at Jackson’s water treatment plants,” WLBT, Feb. 24, 2023, <https://www.mpbonline.org/blogs/news/a-new-contractor-has-been-hired-to-help-jacksons-longtroubled-water-system/>; Lacey Alexander, “A new contractor has been hired to help Jackson’s long-troubled water system,” Mississippi Public Broadcasting, Feb. 27, 2023, <https://www.mpbonline.org/blogs/news/a-new-contractor-has-been-hired-to-help-jacksons-longtroubled-water-system/>.

²⁰ See, e.g., “Public Water Works: How public utilities are advancing solutions to today’s water challenges,” https://corporateaccountability.org/wp-content/uploads/2020/01/CA_PublicWaterSolutions-report.pdf; *The Risks Posed by Water Privatization* (July 2020), https://inthepublicinterest.org/wp-content/uploads/ITPI_WaterPrivatization_July2020_final.pdf; “Double trouble: Veiola, Suez, and the risks of water privatization,” https://corporateaccountability.org/wp-content/uploads/2018/06/USCM2019_DoubleTrouble_onepager.pdf, https://inthepublicinterest.org/wp-content/uploads/ITPI_WaterPrivatization_July2020_final.pdf; “Double trouble: Veiola, Suez, and the risks of water privatization,” https://corporateaccountability.org/wp-content/uploads/2018/06/USCM2019_DoubleTrouble_onepager.pdf.

The water system used by the residents of the City of Jackson should be maintained and controlled by the City of Jackson and the ITPM's interim actions should be monitored with concrete milestones to meet this goal.

First, to obtain this goal, there must be an intentional effort to give Jackson residents the opportunity to take part in fixing the water system, as referenced above. Such efforts to train and hire Jackson residents must go beyond scholarships.²¹ In fact, we believe that at least 80 percent of the hiring should consist of Jackson residents. To promote local hiring, there must be continued community outreach when soliciting bids. According to the recent report filed by the ITPM, he only held one business open house in January of 2023. Although 100 small minority businesses attended that event, the ITPM²² selected three for bids. Moving forward, the ITPM must provide an explanation whenever a position or contract cannot be filled by a local resident or business, as well as provide notice when terminating any existing City contracts.☐ Additionally, all water offices must remain in or return to the city.

Second, the requirement to hire and train Jackson residents should be extended to outside contractors that the ITPM engages, such as Jacobs. In addition, when contractors are considered for bids to fix the water system, they must be required to engage with the community and -- to the extent possible -- be willing to enter into a Community Benefits Agreement. These standards offer protection for the community and guard against privatization.

Finally, Jackson residents need a clear transition plan. To obtain this, all participants in the pending case must agree that the Jackson water system will be returned back to the people of Jackson and set a clear timeline for that return.

d. Educational Resources and Informational Notices:

The ITPM has indicated that he wants to reduce Boil Water Notices (BWNs), presumably to support the notion that Jackson's water is safe to drink. However, this reduction in informational notices regarding the safety of the water only further deteriorates the trust between the ITPM and the community because there are continued reports of discolored and/or foul-tasting water in people's homes.

Further, there is a dearth of information on how residents can protect themselves while the water system is being fixed and the pipes are replaced. The current JXN Water website's FAQ section only has eight questions, seven of which are related to the role and responsibilities of the ITPM with only one question that addresses the current state of the water. Not only is the information on the FAQ page limited, there are also only six "Newsroom" postings available to the public.²³ Information about the contaminants in the water and their effects on the human body is not easily accessible to the public, which perpetuates fear around drinking the water. Put simply, Jackson residents do not trust the water and they have good reason not to trust the water because no information about its quality is being shared on a regular basis. It is unreasonable for the federal

²¹ See Edward "Ted" Henefin, P.E., The Consol. Report of Activities for the Quarter Ended March 31, 2023, p. 8, April 28, 2023, <https://jxnwater.com/wp-content/uploads/2023/05/Quarterly-Report-Jan-Mar-2023.pdf>.

²² *Id.* at 9.

²³ JXN Water, *FAQs*, <https://jxnwater.com/about-jxn-water/faqs/> (last visited June 29, 2023).

and state government to expect Jackson residents, after suffering the health effects from decades of state neglect, to negate what they are seeing in the water that flows into their homes and trust the words of the ITPM as to the quality of their water, without ample evidence.

In order to address ongoing and well-founded concerns about water quality, the people of Jackson need educational resources on the status of water quality, resources on how to test their own water, and they need proof that the water in their homes is safe for drinking, bathing and cooking.

Educational resources must go beyond mere blanket statements from the ITPM telling the public that the water is safe. Jackson residents need to receive data from testing performed at the water treatment plants, that the ITPM claims occurs regularly, and the testing that has been performed at randomized homes. This data should be released to the public and following the data release, JXN Water should hold informational sessions with the community regarding the testing results so residents can ask questions and receive answers in real-time. Finally, the people of Jackson should have access to home testing kits where they can see for themselves that the water is safe to drink.

e. Immediate Access to Clean Water:

Despite priority No. 4 in the ISO's Project Priority List being to "[d]evelop a plan for emergency supply and distribution of potable and non-potable water if needed to meet water demand beyond the capability of the Jackson drinking water facilities," an alternative water source has yet to be secured.

Although the ITPM blanketly asserts, without substantiating data, that the water in Jackson is safe to drink, the fact remains that water coming into residents' homes is cloudy and in some cases, brown, odorous, and therefore not trusted by residents to drink. Residents have had to bear the brunt of purchasing bottled water for years in addition to paying water bills for water that is not drinkable. Residents also have had to purchase filters for their homes. However, filters are not a one-size-fits-all solution. The effectiveness of filters depends on the contaminants that are present in the water.

In order to address the ongoing community need for *immediate* access to potable water in times of emergency, an "Alternative Water Source Plan" must be *immediately* adopted along with an opportunity for community input.

2. Are there any community leaders that are knowledgeable about the water problems in Jackson?

Yes, leaders of the Mississippi Rapid Response Coalition (The Coalition) - including signatories Mississippi Poor People's Campaign and People's Advocacy Institute - have extensive knowledge of the historic and present-day water problems in Jackson, Mississippi. The Coalition is led by the People's Advocacy Institute, the Mississippi Poor People's Campaign, One Voice MS, Jackson People's Assembly, Immigrant Alliance for Justice and Equity (IAJE), Alternate ROOTS, Mississippi Moves, Operation Good, Strong Arms of Mississippi, Mississippi Black Women's Roundtable, Southern Poverty Law Center, and over thirty partner organizations.

The organizations that make up the Coalition were first responders during COVID and after the winter storm of 2021,²⁴ providing emergency resources to Mississippians in need.²⁵ The coalition formed a rapid response team to supply water to residents” and ”provided cash assistance to locals who had missed work because of the storm or struggled to replace groceries that spoiled when the electricity went out.”²⁶ The Coalition has continued to be a rapid response provider during the ongoing water crisis²⁷ affecting the Capital City, by providing drinking water across Jackson’s seven wards and assisting those in need with whatever they may require. The Coalition has continuously stepped up to support Jackson residents when government entities have abdicated their responsibility in providing safe drinking water.

The Coalition continues to work diligently to meet the clean water needs of the communities directly impacted by the deteriorating infrastructure in Jackson, and elsewhere across the state of Mississippi, and are ideal and necessary members of the community to participate in, as well as co-lead, and co-design, future conversations with state and federal authorities regarding the needs of Jackson residents. The Coalition, as well as any of its members, welcomes a meeting as soon as practicable.

3. What additional needs should be addressed during boil notice periods?²⁸

According to the Complaint filed by the Department of Justice, approximately 320 boil water notices were circulated to residents by the City of Jackson between May 2021 and the filing of the lawsuit in November of 2022.²⁹ In 2023, boil water requirements continue to plague an already resource-constrained population. These water woes not only impact the quality of life for Jackson’s residents, but they also impact Jackson’s economy (schools, businesses, etc.), further strangling a severely under-resourced city.³⁰

Under guidance provided on the Mississippi Department of Health’s website, if water systems lose pressure, a boil water notice will be issued.³¹ Since the filing of the EPA lawsuit, the City has continued to experience water pressure issues and residents continue to observe water main breaks. However, residents are not receiving boil water notices; there are no social media updates; and no boil water notices are posted on the JXN website. This is so despite the fact that

²⁴ Bracey Harris, ”A month without water: In Jackson, Mississippi, struggling residents fear next outage.” March 13, 2021, <https://www.nbcnews.com/news/us-news/month-without-water-jackson-mississippi-struggling-residents-fear-next-outage-n1261016>.

²⁵ *Id.*

²⁶ *Id.*

²⁷ Sara Luterman & Jessica Kutz, ’You need water for everything’: Pregnant People and Parents struggle to find safe water in Jackson (March 13, 2023), <https://19thnews.org/2023/03/jackson-water-crisis-pregnant-people-parents-children-struggle/>.

²⁸ The comments below respond only to EPA’s question about needs during boil notice periods, and do not address other actions that may be required to secure safe drinking water outside of boil notice periods.

²⁹ *U.S. v. City of Jackson*, No. 3:22-cv-00686 (S.D. Miss.) (Compl. ¶ 42) (2022).

³⁰ Mississippi Rapid Response Coalition, *Statement on the Jackson Water Crisis of 2022* (2022). http://msrrc.org/wp-content/uploads/2022/10/MRRC_STATEMENT.pdf.

³¹ ”Boil Water Notices: Precautions to Take,”

<https://msdh.ms.gov/msdhsite/handlers/printcontent.cfm?ContentID=14162&ThisPageURL=http%3A%2F%2Fmsdh.ms.gov%2Fmsdhsite%2Findex.cfm%2Findex.cfm&EntryCode=14162&GroupID=23>

some boil water notices continue to be issued.³² Most recently in June of 2023, about 40,000 residents were without power statewide, with Holmes County being among the hardest hit. Due to these electrical outages, thousands were again left without water because of lost water pressure.³³ Importantly, no mention of this vital information or what actions to take was made on the JXN Water website, or otherwise disseminated to Jacksonians.

The lack of notice is particularly problematic because the Mississippi Department of Health indicates that if an individual experiences a loss of water pressure, they should boil their drinking water until they have been notified that the water is safe.³⁴ “When a water system loses pressure or is compromised, there is a significant probability that contamination can or will enter the system...”³⁵

The MSDH acknowledges that bacteria, such as *E. coli* and *Shigella*, can be present in untreated water and these pathogens can be present in water that loses water pressure.³⁶ If Jackson residents continue to experience water pressure issues and are not told whether or not the water is safe for drinking, they are put at an increased risk of developing sickness. Jacksonians health should be prioritized and not disregarded in favor of optics regarding the progress of the water system.

According to an article published in April 2023 by the Good Men Project, a group of researchers from Brown University, University of Mississippi, Massachusetts Institute of Technology, Boston University and Salem State University, teamed up to study water contamination in Jackson. The researchers concluded “that their analysis highlights the urgency to address the root causes of the poor water quality in Jackson.”³⁷ The researchers also provide suggestions for spreading the word about contaminated water in light of the specific needs of the Jackson community. These recommendations include: social media posts, voicemails, and conducting door-to-door outreach.³⁸

Prior to the federal lawsuit, the City of Jackson held open and continuous communication with the community regarding boil water notices. Specifically, city officials would contact the Mississippi Rapid Response team and inform the team of the areas where residents needed to boil water. Rapid Response members went directly to the people and the Coalition provided additional

³² See, e.g., Miss. State Dep’t of Health, City of Jackson (Lake Dockery Subdivision) (noting release of boil water notice on May 30, 2023), <http://www.msdh.state.ms.us/msdhsite/static/23.25551.148.html>; Bianca Ball, *Boil water notice issued for 175 Jackson customers* (Mar. 20, 2023), <https://www.wjtv.com/news/local-news/boil-water-notice-issued-for-175-jackson-customers/>.

³³ Ross Adams, “Thousands of Mississippians left in the dark after strong storms rip down trees, power lines” (June 15, 2023), <https://www.wapt.com/article/mississippi-power-outage-strong-storms-moved-through/44213581>

³⁴ “Boil-Water Notices: Precautions to Take,” <https://msdh.ms.gov/msdhsite/handlers/printcontent.cfm?ContentID=14162&ThisPageURL=http%3A%2F%2Fmsdh.ms.gov%2Fmsdhsite%2Findex.cfm%2Findex.cfm&EntryCode=14162&GroupID=23>.

³⁵ *U.S. v. City of Jackson*, No. 3:22-cv-00686 (S.D. Miss.) (Compl. ¶ 45) (2022).

³⁶ “Boil-Water Notices: Precautions to Take,” <https://msdh.ms.gov/msdhsite/handlers/printcontent.cfm?ContentID=14162&ThisPageURL=http%3A%2F%2Fmsdh.ms.gov%2Fmsdhsite%2Findex.cfm%2Findex.cfm&EntryCode=14162&GroupID=23>.

³⁷ “Jackson’s Water Crisis Spiked School Absence Rates,” April 28, 2023, <https://goodmenproject.com/featured-content/jacksons-water-crisis-spiked-school-absence-rates/>.

³⁸ *Id.*

notice and brought resources such as clean bottled water. This level of transparency and community collaboration stopped under the current ITPM without explanation.

Notification of potential hazards and the need to boil water is the first step in addressing the problems surrounding boil water notices. When there is loss in water pressure, boil water notices must be issued to the affected communities. Furthermore, these boil water notifications should be adequate to meet the needs of the community. Adequate notification consists of:

- A press release circulated to local media outlets;
- A telephonic alert system that immediately calls and text residents in the affected areas;
- Calls to neighborhood associations in affected areas
- Posting of BWNs on all social media platforms and in print and digital media;
- Circulation of email correspondences; and
- Collaboration with the Coalition and other grassroots community organizations on the ground to ensure effective grassroots communication from trusted messengers.

Not only should residents receive notifications of water issues, but there should also be mechanisms in place for Jacksonians to be able to call in and notify the City of water leaks and other problems that arise. Finally, JXN Water should hire a community liaison who will inform community leaders of the communities that need to boil water or take other actions.

Moreover, sending bottled water and other resources to the affected area is needed during the boil water periods. Thus, ensuring immediate finalization and implementation of an Alternative Water Source Plan following triggering events, including sending at least one gallon of potable bottled water per day per person and other resources to the affected area during the boil water periods. Currently the Alternative Water Source Plan is triggered by coliform, turbidity, and low pressure events as described in Paragraph 39(c) of the Emergency Administrative Order (SDWA-04-2020-2300, as amended), and requires alternative water from the time a turbidity or low pressure event described in Paragraphs 37 or 38 occur until the required samples triggered by those events come back negative for coliform.

We request that the Alternative Water Source Plan is triggered upon the issuance of any boil water notice until the notice is lifted. The ITPM's April 28, 2023 status report states only that he expects that a "draft plan" will be submitted to parties for review and comment as of June 30.³⁹ It remains unclear when or if the ITPM will have a full, compliant plan that is ready to be implemented during times of emergency. Immediate implementation of an Alternative Water Source Plan is essential and should be prioritized to abate the harm that residents suffer during emergencies when a BWN is issued.

³⁹ See Consol. Report of Activities for Quarter ended Mar. 31, 2023, p. 26, <https://jxnwater.com/wp-content/uploads/2023/05/Quarterly-Report-Jan-Mar-2023.pdf>.

Sewer System Overflow Issues

1. Have sewage overflows harmed your home/neighborhood and/or place?

The Mississippi Rapid Response Coalition has communicated with countless Jackson residents this year, including over 35 residents who specifically reported that the sewage overflows have harmed their neighborhood. We received complaints regarding, among other things, “the odor of the sewers,” “water overflowing,” sewage “coming up out my street,” “leaking in my pipes,” and “roots in the pipes.” In fact, one respondent stated that she had been calling the city about overflowing sewage for nine months but had not received any assistance as of the time that she spoke to the MRRC about this problem.

Conclusion

In conclusion, we demand that the voices of Jackson residents - **our** voices - be heard throughout every step of this process. We are the experts of our own lived experiences, and we deserve to have meaningful opportunities to provide input about changes to the water system that will affect our city for generations to come.

We hope that this letter is the beginning of a continued relationship, and we would welcome further discussions with the governing entities about how all parties can work together to best address the current water crisis in Jackson.

Sincerely,

Mississippi Poor People’s Campaign and People’s Advocacy Institute