



**United States House of Representatives Committee on Homeland Security
“Critical Infrastructure Preparedness and Resilience: A Focus on Water”**

Testimony of Abre' Conner
Director, NAACP Center for Environmental and Climate Justice
September 21, 2022



Empowerment Programs

September 21, 2022

**Testimony of Abre' Conner
Director, Center for Environmental and Climate Justice**

**United States House of Representatives Committee on Homeland Security
“Critical Infrastructure Preparedness and Resilience: A Focus on Water”**

I. Introduction

Good morning Chairman Thompson and members of the Committee on Homeland Security. My name is Abre' Conner, and I am the Director for the Center for Environmental and Climate Justice at the NAACP and a faculty member of the Environmental Policy and Management Program at the University of California, Davis. Thank you for the opportunity to testify before this Committee during National Disaster Preparedness Month regarding resilience and security within Black and low-income communities across the country.

Over the last several years, we have seen that failing water systems and deficient infrastructure interfere with the fundamental operation of key community functions.¹ We meet at a historic moment as the Biden Administration has elevated environmental justice through efforts like the Justice40 Initiative.² Moreover, the Inflation Reduction Act offers the largest direct environmental justice investments to date in the United States.³ Pursuant to the Safe Drinking Water Act, the Environmental Protection Agency (“EPA”) has authority to allocate \$50 million to midsize and large drinking water systems for the specific purpose of improving resilience to hazards including attacks to cybersecurity that weaken communities.⁴ These allocations reflect the critical impact of climate issues on our

¹ News21 Staff, et al., *Crumbling pipes, tainted water plague black communities*, Center for Public Integrity, (Aug. 21, 2017), <https://publicintegrity.org/environment/crumbling-pipes-tainted-water-plague-black-communities/>; Jennifer Allen, *Report Links Racial, Environmental Justice*, Coastal Review Online (Sept. 9, 2020), <https://coastalreview.org/2020/09/report-links-racial-environmental-justice/>.

² The White House, *Justice 40 A Whole-Of-Government Initiative*, <https://www.whitehouse.gov/environmentaljustice/justice40/>. (last visited Sept. 16, 2022).

³ American Rescue Plan Act of 2021, Pub. L. No. 117-2 (2021) <https://www.congress.gov/117/plaws/publ2/PLAW-117publ2.pdf>; EPA, *The Inflation Reduction Act: A Big Deal for People and the Planet*, (Aug. 26, 2022) <https://www.epa.gov/perspectives/inflation-reduction-act-big-deal-people-and-planet>; Press Release, NAACP, NAACP President Derrick Johnson on Today's Signing of the Inflation Reduction Act, (Aug. 16, 2022), <https://naacp.org/articles/naacp-president-derrick-johnson-todays-signing-inflation-reduction-act>.

⁴ Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability Program, 42 U.S.C. § 300j-19g(f);

communities. The effect of climate change on Black people has finally come into national focus because Black people experience the most horrific impacts from historic disinvestment in communities. Communities that are years or decades behind on infrastructure maintenance and repairs are ill prepared for disasters to come. Failure to invest in Black communities and the ramifications that follow are rooted in a history of environmental racism that continues to this day. If we examine the effects on cities like Jackson, Mississippi (“Jackson”), Flint, Michigan, and Baltimore, Maryland (“Baltimore”), alone, there are likely hundreds of thousands of Black people who have had brown water or toxins like E.coli flowing through their faucets within the last several years - a source of water meant to do daily tasks such as brushing their teeth, bathing children and showering, or drinking.⁵

Moreover, schools are affected by this systematic disinvestment. In Jackson, students have been bounced from in-person to virtual learning because of poor water quality. In some cases, school teachers and administrators have been forced to build contingency plans for flushing toilets when water pressure is low instead of teaching students in the classroom. In Jackson, healthcare facilities that previously relied on local water plants have been forced to develop costly alternatives to local water systems to ensure that patients have access to hygienic care when water available through the city is not clean. Moreover, lack of transparency around water quality and other public services has engendered distrust of government services in many communities.

Lack of transparency at a resident level regarding the flow of funds from federal appropriations to states and localities as well as a lack of community input are critical issues for Black communities. State governments are typically the starting point for localities to access funding to rebuild water infrastructure. A key issue in Black communities is minimal access to financial resources without strings attached for use in repairing, replacing, and maintaining critical infrastructure. Disinvestment has also harmed efforts in communities of color to develop and support reporting systems to alert residents of critical rates of pollution.

Edward Mahaffey, JDSUPRA, Congress Provides Substantial Funding for a Variety of Water Projects in Infrastructure Law With Emphasis on Low Income Communities, (Dec. 27, 2021), <https://www.jdsupra.com/legalnews/congress-provides-substantial-funding-6794946/>.

⁵ Molly Schwartz, *The Water Crisis in Jackson, Mississippi, Is a Dire Warning Sign*, Mother Jones, (Mar. 24, 2021), <https://www.motherjones.com/politics/2021/03/water-crisis-in-jackson-mississippi-is-a-dire-warning-sign/>; Natasha Noman, People of Flint Want You to See These Images of the Water They Were Told Was Safe to Drink, Mic <https://www.mic.com/articles/132732/people-of-flint-want-you-to-see-these-images-of-the-water-they-were-told-was-safe-to-drink>; David Collins, ‘Abysmal, disappointing’: DPW’s handling of E. coli water contamination information criticized, WBALTV 11 (Sept. 15, 2022 6:09 PM), <https://www.wbalTV.com/article/baltimore-city-council-e-coli-water-contamination-first-hearing/41232055#>; United States Census Bureau, QuickFacts Jackson city, Mississippi, <https://www.census.gov/quickfacts/fact/table/jacksoncitymississippi/BZA115220> (last visited Sept. 16, 2022); United States Census Bureau, QuickFacts Flint, Michigan, <https://www.census.gov/quickfacts/flintcitymichigan> (last visited Sept. 18, 2022); United States Census Bureau, QuickFacts Baltimore, Maryland, <https://www.census.gov/quickfacts/baltimorecitymaryland> (last visited Sept. 18, 2022); Telephone conversation with NAACP Maryland State and Baltimore city leadership (September 7, 2022) (notes on file, NAACP headquarters); Roundtable Conversation with Jackson Residents (September 7, 2022) (notes on file, NAACP Headquarters); Zoom conversation with NAACP unit leaders across country (September 1, 2022) (notes on file, NAACP headquarters).

Since 1996, Mississippi has received federal funding for drinking water systems. However, Jackson has received allocations of federal funding in just three of the last 25 years.⁶ When federal funding became available as a part of the bipartisan infrastructure law, Jackson received only a small sum of funds with limitations on its use, despite the city's crumbling infrastructure. The situation in Jackson is just one example of how majority Black cities and towns around the country have been treated in our nation's history, continuing to the present day.

The issue of water infrastructure ownership and nonresponsive state elected officials during disasters affecting Black populations runs deep in American history.⁷ As outlined below, over a century ago, Black communities experienced intentional deprivation of the city's water infrastructure that debilitated progress.⁸ This historic pattern must be changed through intentional action.

Today, I hope to make clear through my testimony the depth and breadth of water and infrastructure issues that have affected Black communities for years, why something must be done now, and how Congress plays a critical role in next steps.

II. Water needs and racist roots of diminishing Black community progress

Black people have always cared about environmental and climate issues but have often been left out of meaningful engagement with policymakers and advocates to assist our communities. Unfortunately, the tradition of tearing down and purposefully thwarting Black efforts at sustainability and stability of infrastructure is nothing new.⁹ Injustices in Rosewood, Florida and Allensworth, California resemble the intentional dispossession of resources we continue to witness in Black communities today.¹⁰ In 1923, Rosewood was a small but prosperous Black town. Because a white woman accused a Black man of beating her, white mobs completely burned the community. Florida's governor offered no assistance to the town despite knowing about the tragedy. Currently, there are many Black communities across the country that have been categorically excluded from state resources.¹¹ We have seen this disinvestment because often, state agencies and state legislatures control what funding reaches Black communities.

⁶ EPA, DWSRF Cumulative NIMS Report for the State of Mississippi, 13–15 (Feb. 2022), <https://www.epa.gov/sites/default/files/2020-11/documents/mississippi2020.pdf>.

⁷ Chihiro Tamefusa, *Environmental Justice in Remediation: Tools for Community Empowerment* (2016). (B.A. thesis, Pomona College) http://scholarship.claremont.edu/pomona_theses/144.

⁸ *Infra Part II.*

⁹ Jennifer Allen, *Report Links Racial, Environmental Justice*, Coastal Review Online, (Sept. 9, 2020), <https://coastalreview.org/2020/09/report-links-racial-environmental-justice/>.

¹⁰ R. Thomas Dye, *Rosewood, Florida: The Destruction Of An African American Community*, *The Historian* 605–622, [http://users.clas.ufl.edu/davidson/arch%20of%20aa%20life%20and%20culture/Week%2011-14/Dye.%20Historian%20Vol%2058\(3\)%20Spring%201996.pdf](http://users.clas.ufl.edu/davidson/arch%20of%20aa%20life%20and%20culture/Week%2011-14/Dye.%20Historian%20Vol%2058(3)%20Spring%201996.pdf) (last visited Sep. 16, 2022); Bilal G. Morris, *The Downfall of Allensworth: How Racism And Lies Destroyed A Black Town In California*, *Newsone* (May 16, 2022), <https://newsone.com/4337335/allensworth-california-black-town-destroyed-by-racism/>; Erica Rose Thomson, *Allensworth: Preserving the Cemetery of “The Town That Refused To Die”* (Nov. 29, 2017) (Master of Arts Thesis, Sonoma State University) <https://scholarworks.calstate.edu/downloads/ng451j09p?locale=en>.

¹¹ R. Thomas Dye, *Rosewood, Florida: The Destruction Of An African American Community*, *The Historian* 605–622, [http://users.clas.ufl.edu/davidson/arch%20of%20aa%20life%20and%20culture/Week%2011-14/Dye.%20Historian%20Vol%2058\(3\)%20Spring%201996.pdf](http://users.clas.ufl.edu/davidson/arch%20of%20aa%20life%20and%20culture/Week%2011-14/Dye.%20Historian%20Vol%2058(3)%20Spring%201996.pdf).

Water issues have persisted in Black communities for centuries as well. Around the time of the Rosewood fires, Allensworth, California also experienced destruction motivated by racism. Allensworth was the only California town to be founded, financed, and governed by Black people. Allensworth's economy failed due to resource scarcity, including water resources under the control of town officials.¹² Agriculture was a key component of Allensworth's financial sustainability. A company that owned and exercised control in agriculture acted to prevent the town from accessing water sources. Subsequently, the community crumbled.¹³ A century later, we continue to see how Black communities are deprived of access to clean and drinkable water without methods to localize ownership and management within their own communities.

Decades after the Rosewood Massacre and Allensworth tragedy, studies demonstrated the link between the disregard for Black people's health and environmental issues based on where Black people lived. In 1987, the United Church of Christ published "Toxic Waste and Race" that demonstrated Black people and other people of color were more likely to live near toxic waste incinerators.¹⁴ Twenty years later, the United Church of Christ refreshed the study, concluding that communities of color still disproportionately lived near environmentally hazardous areas.¹⁵ We continue to see these trends in the placement of incinerators in Black neighborhoods.¹⁶

Notably, even as Black people face these harms, Black stories of environmental issues have long been underpromoted, along with challenges in engaging decision-makers to drive toward solutions. Historically, Black and other communities of color united to advance their stories as a matter of survival because Black people were not welcomed in many traditional environmental spaces.

III. Water Crisis in Jackson: A Present Catastrophe

a. Jackson's crisis is rooted in historical disinvestment

History is indeed repeating itself. Over the past several weeks, I have spent time in Jackson, Mississippi talking with individuals whose stories feel eerily similar to the intentional deprivation and racial inequities that have harmed Black localities for centuries. Jackson is nearly 83% Black, and the student population is also predominately Black.¹⁷ Residents have told me that water issues have now become critical for Black children and their education, as staff of the local school district have spent

¹² Erica Rose Thomson, Allensworth: Preserving the Cemetery of "The Town That Refused To Die" (Nov. 29, 2017) (Master of Arts Thesis, Sonoma State University) <https://scholarworks.calstate.edu/downloads/ng451j09p?locale=en>.

¹³ *Id.*

¹⁴ Commission for Racial Justice United Church of Christ, Toxic Wastes And Race In The United States: A National Report on the Racial and Socio-Economic Characteristics of Communities with Hazardous Waste Sites (1987) <http://uccfiles.com/pdf/ToxicWastes&Race.pdf>.

¹⁵ United Church of Christ, Toxic Wastes And Race at Twenty 1987–2007 (Mar. 2007), <https://www.ucc.org/wp-content/uploads/2021/03/toxic-wastes-and-race-at-twenty-1987-2007.pdf>.

¹⁶ Letter from Lilian S. Dorka, Director External Civil Rights Compliance Office, Office of General Counsel EPA to Keith Harley & Nancy C. Loeb (Jan. 25, 2021) <https://s3.documentcloud.org/documents/20463603/2021-1-25-final-complainant-acceptance-letter-01mo-21-r5.pdf>.

¹⁷ United States Census Bureau, QuickFacts Jackson city, Mississippi, <https://www.census.gov/quickfacts/fact/table/jacksoncitymississippi/BZA115220> (last visited Sept. 16, 2022).

much of their day flushing toilets instead of teaching. Black health is at risk because dentists and doctors in Jackson must daily contemplate whether they will be able to perform emergency health procedures that utilize water as the foundation of medical care. And Jackson residents have used bottled water for years because it has been normalized as simply what people do. Issues regarding water quality, water pressure, and infrastructure are significantly impacting the lives of Jackson residents.¹⁸

The NAACP heard directly from several community members that they do not believe Jackson receives its fair share when money is allocated for different needs across the state. They also believe this occurs because Jackson is predominately Black. Jackson's residents have seen first-hand that neighboring communities do not have similar issues affecting water quality. Additionally, the state has continuously tried to take power away from Jackson's elected Black leadership within its own city. This strategic effort to disempower Jackson residents is nothing new. For example, for almost a decade, in certain city projects, Jackson has sought approvals from a commission that controls projects funded by a one percent sales tax.¹⁹ The 10-person oversight commission has only three seats appointed by its own mayor to advocate Jackson's projects.²⁰ No other city within the state has had this process imposed to approve infrastructure projects. And, although Jackson has shared with the Governor detailed plans that outline the urgency of its water infrastructure issues for years,²¹ the Governor rarely, if ever, responds.²² Jackson feels like a modern-day Rosewood because the Governor has the ability to help, but has refused.²³

In Rosewood, the Governor knew that, without help, Rosewood would surely burn. And in Jackson, the Governor knows that without funding, Jackson will continue to crumble. Jackson mirrors aspects of Allensworth because water, a critical component of city operations, was intentionally neglected by the state. In Jackson, similar to Allensworth, the state understands the power of water ownership, and thus purposefully has withheld its support from Black residents. A century later, Jackson faces the state's purposeful withholding of funding to improve the quality of water, a valued resource and most important asset of the city.

¹⁸ Chi Chi Izundu, et al., *Jackson water crisis: A legacy of environmental racism*, BBC News (Sept. 4, 2022), <https://www.bbc.com/news/world-us-canada-62783900>; Press Release, NAACP, NAACP President Derrick Johnson's Statement on Jackson, MS Water Crisis, (Sept. 1, 2022), <https://naacp.org/articles/naacp-statement-jackson-ms-water-crisis>.

¹⁹ MS Code § 27-65-241 (2019); Dustin Barnes, *Mayor names picks for 1% sales tax commission*, Clarion Ledger, (July 2, 2014), <https://www.clarionledger.com/story/news/local/2014/07/02/tax-commission/12072235/>.

²⁰ *Id.*

²¹ Letter from Mayor Lumumba to Governor Reeves regarding need for emergency funding for Jackson's water (Mar. 3, 2021) (on file at NAACP office, Washington, DC); City of Jackson Department of Public Works Engineering Division Memo re: 2022 Infrastructure Legislative Funding Requests (Water/Wastewater) (on file at NAACP office, Washington, DC).

²² Sharie Nicole and Quentin Smith, *Lumumba defends city against Reeves' comments about Jackson's failure to produce a water system improvement plan*, WLOX, (Sept. 6, 2022), <https://www.wlox.com/2022/09/06/lumumba-fires-back-against-reeves-comments-about-citys-failure-produce-real-water-system-improvement-plan/>.

²³ Chi Chi Izundu, et al., *Jackson water crisis: A legacy of environmental racism*, BBC News (Sept. 4, 2022) <https://www.bbc.com/news/world-us-canada-62783900>; Democracy Now, *Jackson's Water Crisis Comes After \$90M Contract with Siemens to Overhaul System "Ended up a Disaster"*, Democracy Now (Sept. 12, 2022), https://www.democracynow.org/2022/9/12/jackson_mississippi_water_crisis_flood_treatment.

Currently, the State holds several different federal allocations of funds and has made it nearly impossible for Jackson, its state capital, to receive funding. Mississippi received almost \$75 million from the State Revolving Fund which is only the first allotment that will be provided over a five-year period under the Bipartisan Infrastructure Law.²⁴ And in the midst of the Jackson water crisis, Mississippi built a funding structure that would cap loans for public water systems in the state at \$5 million and loan forgiveness at \$500,000, knowing that it would take billions to fix Jackson's water system.²⁵ Indeed, for cities like Jackson, this will not make a dent for the projects needed to fix its water. And, there is interest on the loans, putting a city like Jackson even further in debt within this funding structure. The EPA released statements that outlined “[a] fundamental principle of the [state revolving funds] is the flexibility provided to states” and stated that “disadvantaged communities can include ...communities of color.”²⁶ But, contrary to building power for Jackson, the Governor used this opportunity to hint at taking even more control away from Jackson, knowing he is building a system where Jackson cannot win.²⁷

The city loan forgiveness maximum and limitations on Jackson funding within the state revolving fund are criteria that Mississippi decided to implement on its own. And to make matters worse, the state submitted this plan during the midst of a water crisis in Jackson. Further, to receive American Rescue Plan funding, each city has to obtain approval from a state department of environmental quality. However, the state passed a law to require only Jackson to obtain a second set of approvals from the Department of Finance and Administration. Rosewood, Allensworth, and other Black cities faced blatant burning and manipulation of resources. Now Jackson is a prime example of depriving Black communities of resources in 2022, this time through direct actions of the state.

b. Black people continue to bear the brunt of lack of disaster preparedness

Unfortunately, the situation in Jackson is not the first time we have seen Black cities struggle due to lack of support and infrastructure. In Flint, Michigan, the NAACP filed suit because of the gross negligence of officials that failed to detect a water problem. Then when the water crisis was known to harm Black people, the public was told to continue drinking the water, despite knowing it was

²⁴ Letter from Michael S. Regan United States Environmental Protection Agency to Governors (Dec. 2, 2021) <https://www.epa.gov/system/files/documents/2021-12/governors-bil-letter-final-508.pdf>.

²⁵ State of Miss. Loc. Gov'ts & Rural Water Sys. Improvements Board, Drinking Water Systems Improvements Revolving Loan Fund, Title 33, Part 13 (FY 2022), https://msdh.ms.gov/msdhsite/_static/resources/17153.pdf; Bracey Harris & Daniella Silva, *Jackson's water system may need billions in repairs. Federal infrastructure funds aren't a quick fix*, NBC News (Sept. 2, 2022 4:55 PM) <https://www.nbcnews.com/news/us-news/jackson-mississippi-water-crisis-infrastructure-funding-rcna45444>.

²⁶ Memorandum from EPA on Bipartisan Infrastructure Law: State Revolving Funds Implementation Memorandum (March 2022), <https://www.epa.gov/system/files/documents/2022-03/bil-srf-memo-fact-sheet-final.pdf>.

²⁷ Governor Reeves Announces Jackson Boil Water Notice Ending, <https://m.facebook.com/tatereeves/videos/2899272590376134/>.

contaminated.²⁸ In Baltimore, another predominately Black city, E.coli was found in the water as recently as a few weeks ago.²⁹

In my time in Jackson and in talking with individuals who live in predominately Black communities in other parts of the country, one thing is common -- lack of preparation before disaster hits communities. And, because the issues are systemic, there is a long history of incrementally poor decisions that leave Black cities debilitated. Residents in Jackson, for example, have continuously said that the state has deprioritized them when it comes to ensuring they can withstand disasters. So it is hard to feel that progress is made when the response from a state governor in 2022 mirrors the response of the Governor of Florida in Rosewood nearly a century ago.

Despite the promises of the National Environmental Protection Act, the Safe Drinking Water Act, the Clean Water Act, and Title VI of the Civil Rights Act, racial discrimination impacts Black communities.³⁰ The need for the NAACP and other civil rights and environmental and climate justice organizations engaging with communities has only increased. As part of our Environmental and Climate Justice work, the NAACP has built advocacy campaigns, offered technical assistance, and led legal efforts to ensure our communities have representation and tools when disasters happened.

Indeed, Black people have continued to persevere despite seemingly insurmountable barriers. In addition to Jackson residents who live with regular boil water alerts and bottled water within homes, other Black communities across the country are disregarded in similar ways. In 2021, in Lowndes County, Alabama, the Department of Justice investigated whether the Alabama Department of Health and Lowndes County Health Department operated their wastewater disposal program in a way that discriminated against Black people.³¹ Similarly, the U.S. Department of Housing and Urban Development launched an investigation in Chicago this year in response to the placement of a toxic waste incinerator in a predominately Black and Latino neighborhood.³² These investigations demonstrate that the concerns raised in the *Toxic Waste and Race* reports regarding environmental hazard placements in Black communities persist to this day.

²⁸ Natasha Noman, People of Flint Want You to See These Images of the Water They Were Told Was Safe to Drink, Mic <https://www.mic.com/articles/132732/people-of-flint-want-you-to-see-these-images-of-the-water-they-were-told-was-safe-to-drink>.

²⁹ David Collins, 'Abysmal, disappointing': DPW's handling of E. coli water contamination information criticized, WBALTV 11 (Sept. 15, 2022 6:09 PM), <https://www.wbalTV.com/article/baltimore-city-council-e-coli-water-contamination-first-hearing/41232055#>.

³⁰ Albert Huang, *Environmental justice and Title VI of the Civil Rights Act: A critical crossroads*, American Bar Association (Mar. 1, 2012), https://www.americanbar.org/groups/environment_energy_resources/publications/trends/2011_12/march_april/environmental_justice_title_vi_civil_rights_act/.

³¹ Press Release, Dep't of Just., Justice Department Announces Environmental Justice Investigation into Alabama Department of Public Health and Lowndes County Health Department (Nov. 9, 2021), <https://www.justice.gov/opa/pr/justice-department-announces-environmental-justice-investigation-alabama-department-public>.

³² Brett Chase, *Feds investigating city after civil rights complaint filed by environmental groups*, Chi. Sun Times, (October 20, 2020, 3:53 PM), <https://chicago.suntimes.com/city-hall/2020/10/20/21524989/general-iron-chicago-civil-rights-complaint-environmental-racism-hud-federal-fair-housing>; Brett Chase, *HUD accuses city of Chicago of environmental racism by moving polluters to Black, Latino neighborhoods*, Chi. Sun Times (July 19, 2022 4:28 PM), <https://chicago.suntimes.com/2022/7/19/23270084/hud-civil-rights-general-iron-polluters-black-latino-neighborhoods-lightfoot>.

IV. Call to Action for Congress

Congress has the ability to create change. Resiliency is about building power within the residents to sustain themselves.

First, I encourage Congress to pass the Environmental Justice for All Act as an important step to advance community-based solutions to infrastructure and resiliency needs. The Environmental Justice for All Act requires agencies to study and address whether people of color are harmed with new structures and construction, which could prevent future crises impacting communities of color. The law would also expand agencies' ability to address historical racism and disinvestment in Black and other historically excluded communities, among other solutions.

Next, this Committee has a unique role in oversight. I encourage this committee to exercise its authority to assess the effectiveness of state oversight in historically disadvantaged communities when there is an immediate need in to obtain resources for disaster preparedness or response.

Third, there must be better information-gathering to allow for accountability. Some environmental justice datasets contain only high-level data regarding pollution in communities of color. The data contains incomplete information regarding water pollution and safe drinking water. These datasets could be improved by offering more granular and disaggregated data to allow communities to better understand pollution impacts and populations that are affected. To be effective, data must be disaggregated to allow for assessment of the influence of race, age, disability, and neighborhood information.

Fourth, many of the resources that exist for disaster preparedness come in the form of loans, but for individuals and communities already fighting centuries of infrastructural racism, like Black communities, these funds do not promote equity. To achieve the goal of widespread community resiliency, we should diversify the way that we allocate funds for critical infrastructure and disaster planning. This diversification must also include more direct funding to cities and towns, prior to a disaster.

Next, there are constraints on the private right of action to enforce Title VI of the Civil Rights Act of 1964.³³ It remains a challenge for individuals within communities impacted by discriminatory government actions to hold their governments to account. Lowering these barriers will only strengthen the ability of communities to ensure they can hold culpable entities responsible.

Additionally, there must be more information and opportunities for technical assistance to communities that need it the most. We applaud the EPA for recently opening grant applications for technical assistance centers within communities. However, communities like Jackson and other historically disadvantaged communities should be prioritized to account for historic neglect. And we encourage agencies who are offering technical assistance to ensure the assistance is the right match for

³³ See *Alexander v. Sandoval*, 532 U.S. 275 (2001); Amna Nawaz, *How Jackson, Mississippi's water crisis is a sign of larger racial inequities*, PBS News Hour (Sept. 12, 2022 6:30 PM), <https://www.pbs.org/newshour/show/how-jackson-mississippi-water-crisis-is-a-sign-of-larger-racial-inequities>.

the community. For example, a community may be at the implementation phase. The technical assistance needs to reflect their needs at the moment.

Next, there must be more interagency collaboration on the federal level when it comes to disaster preparedness. Currently, communities like Jackson are left trying to figure out which agency addresses parts of their crisis. It is nearly impossible to understand the information, which delays disaster planning efforts. Developing a single website to convey disaster preparedness resources and immediate response platforms would help cities to obtain the assistance they need when building their plans. Indeed, many cities would more easily be able to outline specific needs with this level of collaboration and coordination.

The NAACP has advocated on behalf of Jackson with the Environmental Protection Agency. We have highlighted discriminatory conduct by the state of Mississippi under Title VI of the Civil Rights Act. We have documented the egregious condition of Jackson's water system and we have urged the EPA to investigate how the actions of state actors have caused discriminatory impacts and harm. We encourage the EPA to bring justice to the people of Jackson, but action from Congress and the entire federal government is needed to avoid similar crises in other communities.

We have made strides in the environmental and climate justice space. However, history will continue to repeat itself if we do not learn from our past. It is disheartening that the crisis in Jackson resembles historic injustices in Rosewood, Florida and Allensworth, California as well as the recent water crisis in Flint, Michigan. We need urgent action to ensure that this Congress is remembered as the body that helped break the cycle.