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Community Comments - EPA Online Comments

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Jackson residents have weathered many storms, literally and figuratively, over the last several years. As residents of Jackson, we believe we are the experts of our lived experience, and we have a right and responsibility to be fully engaged in the redevelopment of our water and sewer system.

In this spirit, several Jackson communities have come together to offer the following comments in response to the Environmental Protection Agency's and Department of Justice's [Request for Community Statements](#).

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 crisis hurting our communities. We hope that they will more than consider these comments but that these comments, and the recommendations outlined below, be used to make urgent changes now.

Recommendations for Long-Term Solutions to the Water Crisis

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")/JXN Water complete the last water project.

To reach this level of success, the following elements must be present in any remedial work to end this crisis, each of which we explain in further detail below:

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

a. **Full Transparency:**

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

- † 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.
- † Second, the current and any subsequent stipulated orders should remove provisions that exempt the ITPM/JXN Water from public records laws, and should require the ITPM to include:
 - ⌘ (1) comply with Miss. Code Ann. § 31-7-13 regarding procurement;
 - ⌘ (2) establish a Community Review Board to meet regularly with the ITPM/JXN Water;
 - ⌘ (3) hold regular public forums where he is in attendance;
 - ⌘ (4) provide the public with written notice¹ about proposed rate adjustments and local community consultation before an adjustment occurs;
 - ⌘ (5) increase the frequency with which the ITPM/JXN Water must file status reports;
 - ⌘ (6) require the ITPM/JXN Water to post water quality monitoring data on the ITPM website and send water quality data directly to consumers.

The people have a right to know about how their water system is being run, and to request data directly from the entity running the water system. Finally, and perhaps most importantly, there needs to be a clear understanding and commitment to a timeline detailing how and when Jackson’s water system will transition back into the hands of the people.

b. Community involvement, input, and accountability:

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.

- † Hire a trusted salaried community ombudsperson who is required to put forth the community’s interests and demands.
- † Establish a program per the Independent Third Party Water Manager’s promise to Jackson residents (made to the Jackson People’s Assembly on December 13, 2022) that supports the consideration, hiring, and proper training of Jackson residents for jobs to fix the system.
- † Ensure that the residents of Jackson take part in the consent decree process prior to its completion and implementation as they are the individuals who will be most affected by the outcome.
- † Provide Jackson’s residents with regular updates on the negotiation process and there should be a process (prior to the completion of the long-term agreement about how the

¹

water system will be managed) where the residents get to have their voices heard on the record.

- † Finally, community input is also needed in the creation of an emergency assistance program. Thus far, the current process failed to engage Jackson residents in the development of a new billing and water system. Furthermore, there has been no consideration in providing immediate financial assistance to community members who are struggling to pay their water bills.

c. Keeping the System Public:

The ITPM/JXN Water currently has unilateral decision-making power on awarding new contracts. Recently, ITPM/JXN Water outsourced the call center, water maintenance, water meter reading and meter maintenance, and billing and collections.

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

The water system serving the residents of the city of Jackson should be maintained and controlled by the city of Jackson and the ITPM's/JXN Water's interim actions should be monitored with concrete milestones to meet this goal.

- † There must be an intentional effort to give Jackson residents the opportunity to take part in fixing the water system. Such efforts to hire Jackson residents must go beyond scholarships. In fact, we believe that at least 80 percent of the hiring should consist of Jackson's residents.
- † To promote local hiring, there must be continued community outreach when soliciting bids. According to the recent report filed by the ITPM/JXN Water, only one business open house was held in January of 2023. Although 100 small minority businesses were in attendance at that event, the ITPM/JXN Water only selected three for bids. Moving forward, the ITPM must notify and allow for comments from the Jackson residents prior to outsourcing jobs. Additionally, all water offices must remain in or return to the city.
- † The requirement to hire and train Jackson residents should be extended to outside contractors 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.
- † Jackson residents need a clear transition plan. To obtain this, all participants in the pending case must agree that the Federal government will return the water system back to the people of Jackson and set a clear timeline for that return.

d. Educational Resources and Informational Notices:

The ITPM/JXN Water has indicated the desire to reduce Boil Water Notices (BWN). However, this reduction in informational notices regarding the safety of the water only further deteriorates the trust between the ITPM/JXN Water and the community because there are continued reports of discolored and/or foul-tasting water in people's homes.

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

- † Educational resources must go beyond mere statements from the ITPM/JXN Water telling the public that the water is safe. Jackson residents need to receive data from testing performed at the water treatment plants 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.
- † 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," there is no information on the website or elsewhere about how to access potable water.

In order to address ongoing community need for immediate access to clean water, a potable water distribution "Alternative Water Source Plan" must be adopted with community input.

What additional needs should be addressed during boil notice periods

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 an already under-resourced city.

The Mississippi Department of Health (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. However, residents are not receiving boil water notices; there are no social media updates; and no boil water notices are posted on the JXN Water website.

To remedy this problem:

- † Notification of potential hazards and the need to boil water is the first step in addressing the problems surrounding boil water notices. These BWN notifications should be adequate. Adequate notification consists of:
 - ‡ A press release;
 - ‡ A telephonic alert system that immediately calls and text residents in the affected areas;
 - ‡ Posting of BWNs on all social media platforms;
 - ‡ Circulation of email correspondences; and
 - ‡ Collaboration with Rapid Response Coalition and other grassroots community organizations on the ground to ensure effective grassroots communication from trusted messengers.
- † 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. Residents should be able to call in to report a main leak posted on the JXN website and social media, using a dial-in number, there should be automation to help raise awareness.
- † JXN Water should hire a community liaison who will inform community leaders of the communities that need to boil water or take other actions.
- † Sending bottled water and other resources to the affected area is needed during the boil water periods. 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 is needed during the boil water periods.

To read the full Community Statement please visit <https://mailchi.mp/forwardjustice/clean-water-for-jackson-mississippi>.