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## NEWS

# DOJ finds evidence of discrimination in Lowndes County environmental justice investigation

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Montgomery Advertiser

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The United States Department of Justice announced Thursday that it found evidence that the public health departments of Alabama and Lowndes County discriminated against Black residents in their policies and practices around sanitation, violating Title VI of the Civil Rights Act of 1964.

The Alabama Department of Public Health engaged in “a consistent pattern of inaction and/or neglect concerning the health risks associated with raw sewage,” according to the DOJ and the Department of Health and Human services. Now, ADPH is entering into an agreement with the federal agencies to implement substantial changes and improve the sewage crisis in Lowndes County.

The DOJ officially began looking into Lowndes County in November 2021, and this was the first time the DOJ opened a Title IV environmental justice investigation into a recipient of department funding.

18 months later, the investigation concluded that the impact of ADPH's neglect disproportionately fell on Black residents, many of whom cannot remember a time when they had adequate sewage disposal methods available to them. Previous reporting from the Montgomery Advertiser revealed that 80% of homes lack reliable sewage systems in Lowndes County.

## Results of the investigation

“For generations, Black, rural residents of Lowndes County have lacked access to basic sanitation services, and as a result, these residents have been exposed to raw sewage in their neighborhoods, their yards, their playgrounds, their schools and even inside their own homes,” said Assistant Attorney General Kristen Clarke of the Justice Department’s Civil Rights Division “They’ve had to deal with sickness, disease and public health risks that result from their reliance on straight piping.”

Because of the hard soil in Lowndes County and other areas in the Black Belt, traditional septic systems regularly fail and are expensive to replace. Straight piping is a cheap but illegal method of sewage disposal that utilizes PVC pipes and ditches to direct sewage out of a home. Often, this results in puddles of waste a short distance away from homes.

“The health department’s implementation of its infectious disease and outbreaks policies and procedures in Lowndes County may have deviated from standard protocols employed elsewhere in Alabama,” Clarke said. “We also uncovered concerns about the health department’s role in the enforcement of laws that criminalize and threaten liens against residents who can’t afford functioning septic systems.”

Lowndes County residents and water experts previously told the Montgomery Advertiser that the enforcement of these sanitation laws are sporadic, and people who find themselves on the receiving end of a fine rarely have the money to pay it.

After decades of this problem continuing, even as it received national attention, residents worried about the efficacy of government agencies’ attempts to solve the sewage crisis.

“To have this moment where you have two federal agencies take this on, have staff on the ground and work with this state to have this agreement, I think it’s significant,” Director Melanie Fontes Rainer of HHS’s Office for Civil Rights said. “We’re hoping that there’s a ripple effect in terms of the transparency, the information to county residents and how that empowers them.”

U.S. Rep. Terri Sewell, Lowndes County’s congressional representative, said in a statement that she hopes the state will fully comply with the DOJ and HHS agreement.

“The disproportionate impact that this crisis has on the Black residents of Lowndes County is completely unacceptable,” she said. “This agreement represents a step forward in our continued fight for equitable and safe wastewater systems in the Black Belt, but our work is

far from over. I will continue working to pass legislation and secure more funding at the federal level to address this crisis. Access to adequate wastewater infrastructure is a basic human right.”

## **Consequences and potential solutions for parties involved**

In a Thursday news conference at the Lowndes Interpretive Center, DOJ and HHS representatives revealed that the Alabama Department of Public Health and the Lowndes County Health Department have entered into an “interim resolution agreement.”

In exchange for the DOJ suspending the federal investigation, the public health departments will implement immediate policy enforcement changes and establish a plan for a long-term solution by May 2024.

Here is what the agreement requires from ADPH:

Stop imposing fines, fees and penalties on residents who cannot afford functioning septic systems. The department will also stop threatening liens on people’s homes because of sewage issues.

Increase data collection about onsite wastewater management systems in Lowndes County to better examine the public health risks within the county by working collaboratively with the Centers for Disease Control and Prevention

Increase public health awareness of health and safety information related to raw sewage exposure through radio, print ads, flyers, mailers and door-to-door outreach.

Conduct a comprehensive assessment to determine the appropriate septic and wastewater management systems for homes within Lowndes County.

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