

Update: Interim Agreement Reached in Landmark Environmental Justice Case in Lowndes County, Alabama

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In the heart of Lowndes County, Alabama, residents of a predominantly Black and low-income community embarked on a journey toward environmental justice. On September 28, 2018, they filed a civil rights complaint under Title VI of the Civil Rights Act of 1964, alleging claims of unequal access to basic sanitation services.¹ The complaint implicated the Alabama Department of Public Health (ADPH) and the Lowndes County Health Department (LCDH) for inadequately addressing the county's sanitation crisis and misleading the public about the health risks associated with exposure to raw sewage.

Lowndes County has been suffering from inadequate sanitation due to the absence of functional septic systems, a problem compounded by the impermeable soils prevalent in the area. Conventional septic systems, the most common option, proved incompatible with these soils. The specially engineered systems needed for these soil conditions, however, cost nearly ten thousand dollars. Sadly, many Lowndes County residents cannot afford these systems for their households, leading to reliance on straight piping, a makeshift solution involving ditches or crudely built piping systems to divert untreated wastewater (i.e., raw sewage) away from their homes.

According to Lowndes County residents, ADPH did not warn them about the health hazards of exposure to raw sewage, and enacted a law that criminalized individuals for lacking proper sanitation conditions. Particularly concerning was a 2017 study completed in Lowndes County that revealed a hookworm outbreak, which is often associated with poor sanitation conditions. Alarming, ADPH disputed these findings, announcing there was no evidence of a hookworm outbreak in Lowndes County. Furthermore, ADPH employed the criminal justice system to enforce sanitation laws, resulting in criminal fines or jail time for those with inadequate sanitation systems, effectively criminalizing poverty.²

On November 9, 2021, the U.S. Department of Justice and Department of Health and Human Services (collectively, the United States) conducted an 18-month investigation, the first cooperative effort by the United States to investigate an environmental justice issue under federal law. The United States found that ADPH had consistently neglected its duties concerning the health risks linked to raw sewage exposure and that ADPH had failed to rectify the situation. May 3, 2023, marked the end of the investigation as the United States and ADPH entered an Interim Resolution Agreement, which seeks to ensure ADPH's compliance with federal laws and their commitment to Lowndes County residents.³

Under this agreement, ADPH has pledged to cease the criminal enforcement of sanitation laws that lead to penalties or jail time for residents unable to afford septic systems and to actively inform residents of this change in the law. Additionally, they will develop educational materials for healthcare providers regarding the risks of raw sewage exposure and conduct a thorough assessment of appropriate septic and wastewater management solutions for homes in Lowndes County. This assessment will include demographic information of households, risk of exposure to raw sewage, and other relevant data to prioritize installing sanitation systems throughout the county. Notably, in the event of non-compliance by ADPH, the United States asserts it will reopen the investigation a necessary step towards ensuring that justice prevails for the residents of Lowndes County.

Both challenges and triumphs have marked the journey towards environmental justice in Lowndes County, Alabama. In 2018, when residents filed a civil rights complaint, it shed light on the inequalities in access to basic sanitation services, exposing the inadequacies of state health departments in addressing the county's sanitation crisis.



Credit: Sherry Bradley | Alabama Bureau of Environmental Services

Three years later, federal authorities investigated, and the resulting interim agreement represented a powerful victory for the community. The story of Lowndes County is a statement of the power of community activism, federal intervention, and the pursuit of environmental justice. While significant steps have been made, there is still work to be done. Straight piping is still utilized throughout the county as the only affordable answer to household wastewater, and residents will need technical and financial assistance to install specialized treatment systems to ensure adequate treatment of household wastewater. Moving forward, the hope is that this agreement will serve as a symbol of progress and push toward greater achievements in the future. 🐾

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Endnotes

1. 42 U.S.C. § 2000(d).
2. Ala. Code § 22-26-1.
3. Interim Resol. Agreement Between United States Department of Justice and the United States Department of Health and Human Services and the Alabama Department of Public Health, Dep't. of Just. No. 171-3-14, Dep't of Health and Hum. Servs. Off. for Civ. Rts. Transaction No. 22-451932 (2023).