

A10M

Congress of the United States
Washington, DC 20515

October 17, 2022

The Honorable Tate Reeves
Governor of Mississippi
Office of the Governor
550 High Street
Sillers Building, 19th Floor
Jackson, MS 39201

Dear Governor Reeves:

We are writing to express our continued concern about the recent water crisis in Jackson. Mississippi has received more than \$10 billion in federal funding from the American Rescue Plan Act and the Bipartisan Infrastructure Law, including \$429 million that was specifically allotted to enhance the state's water infrastructure.¹ We urge you to devote adequate funding to Jackson to ensure residents have access to safe and healthy drinking water and to avert a future water crisis.

On August 29, 2022, torrential rain in the Jackson area caused floodwater to seep into the O.B. Curtis Water Treatment Plant, leading to the failure of the backup pumps upon which the plant relied.² The resulting system-wide loss of water pressure left Jackson residents without reliable access to safe drinking water for more than two weeks. Approximately 180,000 people living in the affected area were forced to rely on bottled water, costing some residents as much as \$200 per month.³ Others, unable to reach water distribution sites or boil tap water, were left with no choice but to drink untreated water.⁴ This water was not only unsafe to drink but may have

¹ *Mississippi Will Get \$4.4 Billion from Federal Infrastructure Package. Here's How It Can Be Spent*, Mississippi Today (Nov. 8, 2021) (online at <https://mississippitoday.org/2021/11/08/mississippi-federal-infrastructure-package-spending>); *Billions Will Flow to Mississippi from Rescue Act. Where Will it Go?*, Mississippi Today (Mar. 25, 2021) (online at <https://mississippitoday.org/2021/03/25/billions-will-flow-to-mississippi-from-rescue-act-where-will-it-go/>).

² *Jackson Water Crisis Will Cost Billions to Fix, Mayor Says*, Engineering News-Record (Aug. 31, 2022) (online at www.enr.com/articles/54735-jackson-water-crisis-will-cost-billions-to-fix-mayor-says).

³ *"Do Not Drink the Water": Jackson Water System Failing For 180,000 People*, Mississippi Free Press (Aug. 29, 2022) (online at www.mississippifreepress.org/26768/do-not-drink-the-water-jackson-water-system-failing-for-180000-people); *Living in a City with No Water: "This Is Unbearable"*, Washington Post (Sept. 3, 2022) (online at www.washingtonpost.com/nation/2022/09/03/jackson-mississippi-water-crisis/).

⁴ *Jackson Water Crisis: A Legacy Of Environmental Racism?*, BBC (Sept. 4, 2022) (online at www.bbc.com/news/world-us-canada-62783900).

been dangerous even for bathing, with some residents reporting that they experienced allergic reactions after bathing in untreated water.⁵

On August 30, 2022, President Biden declared the Jackson water crisis a federal emergency and ordered federal assistance to supplement Mississippi's response.⁶ Full water service was not restored until September 15. Today, water plant infrastructure in the city remains precarious, and risks to Jackson's residents persist.⁷

Even as the residents in Jackson suffered, a neighboring suburb's water service continued to flow.⁸ One resident described the difference between Jackson and the neighboring community of Florence—where residents enjoy dependable sewage and water service—as “night and day.”⁹ During a recent address in Hattiesburg, you noted flippantly that it was “as always, a great day to not be in Jackson.”¹⁰

Scientists have concluded that the rise in coastal sea-levels and frequent flooding in Mississippi—which contributed to the water crisis in Jackson—are a direct result of climate change.¹¹ The city, the majority of whose residents are Black, has also suffered decades of disinvestment, and residents report they have not gone more than a month for over two years without a “boil water” notice in effect.¹² The Jackson water crisis was a disaster waiting to happen, and it will not be resolved unless we address generational disinvestment in majority-Black cities.

Although Jackson is the state capital and the most populous city in Mississippi, its high percentage of residents with low incomes means the city is financially strained, limiting its

⁵ *Living in a City with No Water: “This Is Unbearable”*, Washington Post (Sept. 3, 2022) (online at www.washingtonpost.com/nation/2022/09/03/jackson-mississippi-water-crisis/).

⁶ *Biden Declares Emergency over Mississippi Water Crisis*, Reuters (Aug. 30, 2022) (online at www.reuters.com/world/us/thousands-mississippi-capital-without-water-after-treatment-plant-fails-2022-08-30/).

⁷ *Boil-water Notice Lifted for Jackson, Mississippi, After More than 40 Days*, CNN (Sept. 16, 2022) (online at www.cnn.com/2022/09/15/us/jackson-mississippi-boil-water-lifted/index.html); *Mississippi Lifts Boil Advisory in Jackson, but Its Water System Remains Troubled*, New York Times (Sept. 16, 2022) (online at www.nytimes.com/2022/09/16/us/mississippi-boil-water-advisory.html).

⁸ *Living in a City with No Water: “This Is Unbearable”*, Washington Post (Sept. 3, 2022) (online at www.washingtonpost.com/nation/2022/09/03/jackson-mississippi-water-crisis/).

⁹ *Id.*

¹⁰ *Gov. Reeves Tells Hattiesburg Audience It's “Great Day to Not Be in Jackson”*, WLBT News (Sept. 16, 2022) (online at www.wlbt.com/2022/09/16/always-gov-reeves-takes-swipe-jackson-after-declaring-victory-water-crisis/).

¹¹ *Climate Change Impact on Mississippi: What Mississippians Can Expect?*, Clarion Ledger (Sept. 17, 2022) (online at www.clarionledger.com/story/news/2022/09/18/climate-change-what-mississippians-can-expect/69487206007/); The Climate Reality Project, *How Does the Climate Crisis Impact Alabama and Mississippi* (Apr. 5, 2021) (online at www.climateRealityProject.org/blog/how-does-climate-crisis-impact-alabama-and-mississippi).

¹² *Jackson Water Crisis: A Legacy of Environmental Racism?*, BBC (Sept. 4, 2022) (online at www.bbc.com/news/world-us-canada-62783900).

ability to allocate resources to public services—including water services.¹³ Due to a steady exodus of white and affluent residents, the city has a reduced tax base to repair aging infrastructure. State-related roadblocks—which continue to this day—have left Jackson without critical federal funding. Many neighboring communities have installed new water systems, but pipes under Jackson have not been properly maintained since the 1950s.¹⁴

Jackson continues to be susceptible to the growing threats of climate change. The Environmental Protection Agency (EPA) issued several warnings as early as the 1970s and as recently as 2020 to urge the city to update its water infrastructure and improve water quality.¹⁵ In 2021, multiple winter storms hit Jackson and left the water system out of commission for a month.¹⁶ These issues are certain to worsen with harsher winters, hotter summers, and expected future extreme weather events.¹⁷

The American Rescue Plan Act and the Bipartisan Infrastructure Law made billions of dollars available to Mississippi to address a variety of problems, including local water infrastructure issues in areas the State describes as “disadvantaged and overburdened communities.”¹⁸ However, criteria used by the Mississippi Municipality and County Water Infrastructure Act to allocate funding—such as median household income, possible population decline, and unemployment rate—may limit the funding Jackson receives compared to other

¹³ *In Jackson, Miss., a Water Crisis Has Revealed the Racial Costs of Legacy Infrastructure*, Brookings (Mar. 29, 2021) (online at www.brookings.edu/blog/the-avenue/2021/03/26/in-jackson-miss-a-water-crisis-has-revealed-the-racial-costs-of-legacy-infrastructure/).

¹⁴ *White Then Black Residents Abandoned Jackson, Propelling Its Water Crisis*, Washington Post (Sept. 4, 2022) (online at www.washingtonpost.com/nation/2022/09/04/jackson-water-crisis/); *Jackson's Water Emergency Exposes a Dilemma for Biden*, Politico (Sept. 3, 2022) (online at www.politico.com/news/2022/09/03/biden-jackson-federal-cash-00054562); Mississippi Center For Investigative Reporting, *Fixing Jackson's Infrastructure a Matter of Politics, Access to Resources for Beleaguered City* (Jan. 14, 2022) (online at www.mississippicir.org/news/fixing-jacksons-infrastructure-a-matter-of-politics-access-to-resources-for-beleaguered-city).

¹⁵ *Jackson, Mississippi Has No Safe Tap Water for the Foreseeable Future. It's a Crisis Decades in the Making*, Time (Aug. 30, 2022) (online at <https://time.com/6209710/jackson-mississippi-water-crisis/>).

¹⁶ *Living in a City with No Water: "This Is Unbearable"*, Washington Post (Sept. 3, 2022) (online at www.washingtonpost.com/nation/2022/09/03/jackson-mississippi-water-crisis/); *Jackson's Water Crisis – A Stark Warning About Extreme Weather, Infrastructure, And Justice*, Forbes (Sept. 2, 2022) (online at www.forbes.com/sites/marshallshepherd/2022/09/02/jacksons-water-crisisa-stark-warning-about-extreme-weather-infrastructure-and-justice/?sh=15882d846c09).

¹⁷ *Id.*

¹⁸ Mississippi Department of Environmental Quality, *MCWI Grant Program Scoring System* (Aug. 17, 2022) (online at <https://mswaterinfrastructure.com/wp-content/uploads/2022/08/Revised-Scoring-August-16-Final.pdf>); see also *Billions Will Flow to Mississippi from Rescue Plan. Where Will It Go?*, Mississippi Today (Mar. 25, 2022) (online at <https://mississippitoday.org/2021/03/25/billions-will-flow-to-mississippi-from-rescue-act-where-will-it-go/>); *New Federal Investments Alone Won't Fix Mississippi's Aging Sewer Systems*, Mississippi Today (Mar. 17, 2022) (online at <https://mississippitoday.org/2022/03/17/new-federal-investments-alone-wont-fix-mississippis-aging-sewer-systems/>).

locales, despite Jackson's much greater need.¹⁹ We are also troubled by the Mississippi legislature's decision to allocate federal funding from the State and Local Fiscal Recovery Funds program on a matching basis with municipalities, which risks further perpetuating underinvestment in Jackson.²⁰ The cost of necessary maintenance to Jackson's water distribution systems is forecasted to be as high as \$1 billion.²¹ Under the matching formula Mississippi adopted for American Rescue Plan Act funds, Jackson would directly receive, at most, \$84 million for water projects—assuming the city is able to use its entire allocation for these projects.²²

Although the legislature established a dedicated fund for capital area water and sewage projects, it chose to impose special burdens on Jackson's ability to obtain funding for projects not shared by other municipalities. Further, as part of this formula, any funds left unused on January 1, 2027, revert to the State's general fund, stripping Jackson of those funds.²³

As representative of Mississippi's Second Congressional District, which includes most of Jackson, Rep. Bennie Thompson has long expressed concern about Mississippi's failure to allocate to Jackson its fair share of federal funding, including infrastructure funds. Moreover, in a briefing with Jackson officials, Oversight Committee staff learned of the State's repeated attempts to limit funding to Jackson to address its unsafe water systems. For example, we understand that Mississippi initially planned to bar communities of more than 4,000 people from competing for additional funding from the Bipartisan Infrastructure Law.²⁴ After officials from Jackson and other impacted communities raised concerns, the revised funding formula "set a

¹⁹ Mississippi Department of Environmental Quality, *MCWI Grant Program Scoring System* (Aug. 17, 2022) (online at <https://mswaterinfrastructure.com/wp-content/uploads/2022/08/Revised-Scoring-August-16-Final.pdf>); Mississippi Department of Environmental Quality, *MCWI Frequently Asked Questions* (Sept. 6, 2022) (online at <https://mswaterinfrastructure.com/wp-content/uploads/2022/08/2022-09-6-Update-MDEQ-FAQs-REV-1.2.pdf>); United States Census Bureau, *Jackson City, Mississippi* (online at https://data.census.gov/cedsci/profile/Jackson_city,_Mississippi?g=1600000US2836000) (accessed Sept. 20, 2022). Mississippi's scoring process, which primarily relies upon median household income, possible population decline, and the unemployment rate in the project area to determine if a community is "disadvantaged and overburdened," may result in Jackson receiving less urgently needed funding to repair its water infrastructure than other locales. For example, MCWI's scoring system may award projects in other parts of the state twice as many points under the "disadvantaged and overburdened communities" category if the area median income is slightly lower than that of Jackson's, even if these other areas already have access to clean and reliable drinking water.

²⁰ *Lawmakers Near Finish Line on Spending Unprecedented State and Federal Funds*, Mississippi Today (Sept. 4, 2022) (online at <https://mississippitoday.org/2022/04/04/mississippi-budget-work-arpa-spending/>); *State Singles Out Jackson for Extra Oversight of Its COVID Relief Funds*, Clarion Ledger (Apr. 8, 2022) (online at www.clarionledger.com/story/news/2022/04/08/jackson-misses-out-water-and-sewer-funding/9514663002/).

²¹ *Water Crisis Will Cost Billions to Fix, Mayor Says*, Engineering News-Record (Aug. 31, 2022) (online at www.enr.com/articles/54735-jackson-water-crisis-will-cost-billions-to-fix-mayor-says).

²² *Jackson City Council Agrees to Use Remaining ARPA Funds on Water Crisis*, SuperTalk Mississippi (Sept. 9, 2022) (online at www.supertalk.fm/jackson-city-council-agrees-to-use-remaining-arpa-funds-on-water-crisis/).

²³ *State Singles Out Jackson for Extra Oversight of Its COVID Relief Funds*, Clarion Ledger (Apr. 8, 2022) (online at www.clarionledger.com/story/news/2022/04/08/jackson-misses-out-water-and-sewer-funding/9514663002/).

²⁴ Briefing by City of Jackson Officials to Staff, Committee on Oversight and Reform (Sept. 28, 2022).

limit (\$500,000) which a loan recipient may receive in subsidy for one loan.”²⁵ This arbitrary cap makes it much harder for Jackson to obtain the funding of up to \$1 billion needed to address its water system.

According to press reporting, your personal efforts to “block money to fund water system repairs in the capital city” span at least over a decade.²⁶ On September 27, 2022, the NAACP filed a complaint with the EPA requesting a civil rights investigation into Mississippi’s alleged violations of Title VI of the Civil Rights Act. The NAACP asserts that the state has blocked Jackson’s ability to “secure tax revenue,” “funding from the legislature,” and has consistently diverted federal funding away from Jackson.²⁷

Frontline communities often suffer disproportionate harm because of climate change, systemic discrimination, and inequality. At a recent hearing, one expert testified that:

The same people—the same frontline communities—that are suffering the most health and other negative impacts from fossil fuels, are also the same ones who are facing extraordinarily high energy burdens, and of course struggling with the cost of basic food and utilities....²⁸

We have long been concerned about water safety issues in frontline and low-income communities. In 2016, the Oversight Committee launched an investigation into the water crisis in Flint, Michigan, urging the State of Michigan to invest in its water infrastructure and provide health services to children exposed to lead.²⁹ The Committee on Homeland Security has held hearings examining equity in emergency preparedness and response and the disproportionate effect disasters like floods have on low-income communities such as Jackson. It has also held hearings on critical infrastructure, including water infrastructure, and the importance of

²⁵ Mississippi State Department of Health, *State of Mississippi Drinking Water Systems Improvements Revolving Loan Fund Program: FFY-2022 Intended Plan* (Aug. 26, 2022) (online at https://msdh.ms.gov/msdhsite/_static/resources/17153.pdf).

²⁶ *Funds to Aid Jackson’s Water System Held Up as Mississippi Governor Tate Reeves Rose*, Clarion Ledger (Sept. 28, 2022) (online at www.clarionledger.com/story/news/2022/09/27/jackson-water-system-mississippi-gov-tate-reeves-held-up-funding/69523295007/).

²⁷ *NAACP Requests Civil Rights Probe into Jackson Water Crisis, Saying Mississippi Has Long Discriminated Against Majority-Black Capital*, CNN (Sept. 27, 2022) (online at www.cnn.com/2022/09/27/us/jackson-water-crisis-naacp-justice-department-reaj/).

²⁸ Committee on Oversight and Reform, *Hearing on Examining Federal Administration of the Safe Drinking Water Act in Flint, Michigan*, 114th Cong. (Mar. 15, 2016) (online at www.govinfo.gov/content/pkg/CHRG-114hhrg25928/html/CHRG-114hhrg25928.htm); Committee on Oversight and Reform, *Press Release: Cummings Commends State Funding for Flint Water Bills, But Calls for More Action* (Feb. 24, 2016) (online at <https://oversight.house.gov/news/press-releases/cummings-commends-state-funding-for-flint-water-bills-but-calls-for-more-action>).

²⁹ *Id.*

addressing longstanding needs in this sector, particularly in communities of color and underserved communities.³⁰

We urge you to take action to protect the health and safety of Jackson residents and direct funding to Jackson immediately to fix this life and death issue. This funding must be sustained to ensure that a safe and dependable drinking water system endures, especially in the face of climate change that will put even more stress on the city's water infrastructure.

For all these reasons, we request that you provide the Committees with the following information related to the State of Mississippi's efforts to address the water crisis in Jackson and improve drinking water infrastructure, including but not limited to the distribution of federal funds, by October 31, 2022:

1. A breakdown of the localities, utilities, and other entities that have received, or will receive, state funds allocated from American Rescue Plan Act funds and Bipartisan Infrastructure Law funds to repair, harden, or otherwise invest in drinking water systems. The breakdown should include the amount and the date of the investment and the racial demographics and population sizes of each locality or community served by the infrastructure investment;
2. A detailed description of the "additional layer of review for applications from the City of Jackson" and the basis for it, including a description of the localities and communities affected by additional review and their racial demographics and population sizes.³¹ Reports indicate that the State of Mississippi added burdensome hurdles for Jackson to receive the approximately half a billion dollars made available through the American Rescue Plan Act for local investment that is distributed by the State; and
3. An update on the State of Mississippi's Intended Use Plan (IUP) for its Drinking Water Systems Improvements Revolving Loan Fund Program. At present, the State does not direct safe drinking water funds to the O.B. Curtis Water Treatment Plant, and the IUP limits "principal forgiveness" to \$500,000 despite Jackson's \$1 billion emergency need for safe drinking water infrastructure.
 - a. Will the \$500,000 cap be lifted, and how much in Bipartisan Infrastructure Law funding will be directed to the O.B. Curtis Water Treatment Plant and the Jackson water system in federal fiscal year 2022?

³⁰ Committee on Homeland Security, *Hearing on Ensuring Equity in Disaster Preparedness, Response, and Recovery* (Oct. 27, 2021) (online at <https://homeland.house.gov/activities/hearings/ensuring-equity-in-disaster-preparedness-response-and-recovery>); Committee on Homeland Security, *Hearing on Critical Infrastructure Preparedness and Resilience: A Focus on Water* (Sept. 21, 2022) (online at <https://homeland.house.gov/activities/hearings/critical-infrastructure-preparedness-and-resilience-a-focus-on-water>).

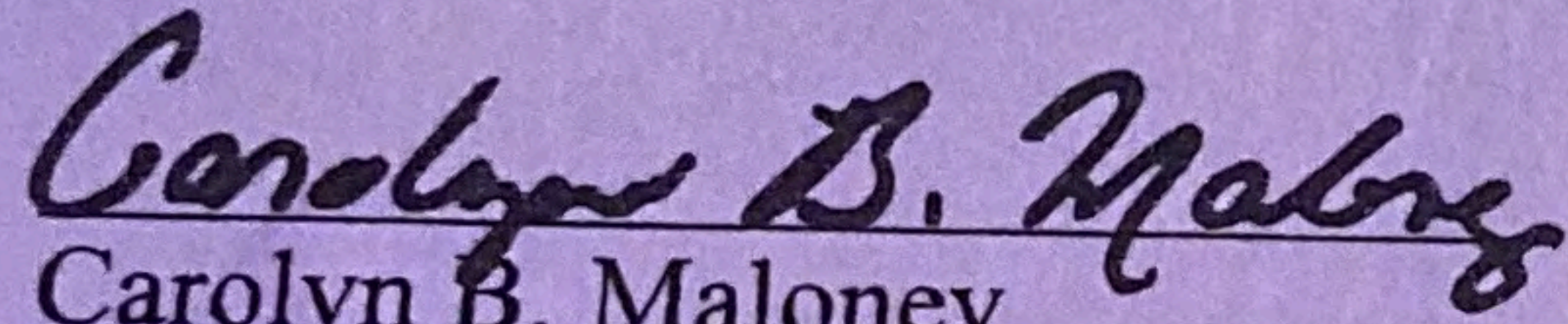
³¹ *Jackson Water Crisis Spurs Calls to Bring the Federal Hammer Down on Mississippi*, Politico (Sept. 20, 2022) (online at www.politico.com/news/2022/09/20/jackson-water-crisis-spurs-calls-to-bring-the-federal-hammer-down-on-mississippi-00057577).

- b. Will provisions that limit funding to communities like Jackson, such as the cap, be addressed in the IUP for federal fiscal year 2023, and how much do you project will be distributed to the Jackson water system in the fiscal outyears funded by the Bipartisan Infrastructure Law?³²
- c. Please explain the State of Mississippi's plan to ensure the City of Jackson can quickly avail itself of federal resources to come into compliance with the Safe Drinking Water Act under the City's 2021 agreement with the EPA; and
- d. Please provide a breakdown of the racial demographics and population size of the localities and communities served by projects listed in the IUP for federal fiscal year 2022.

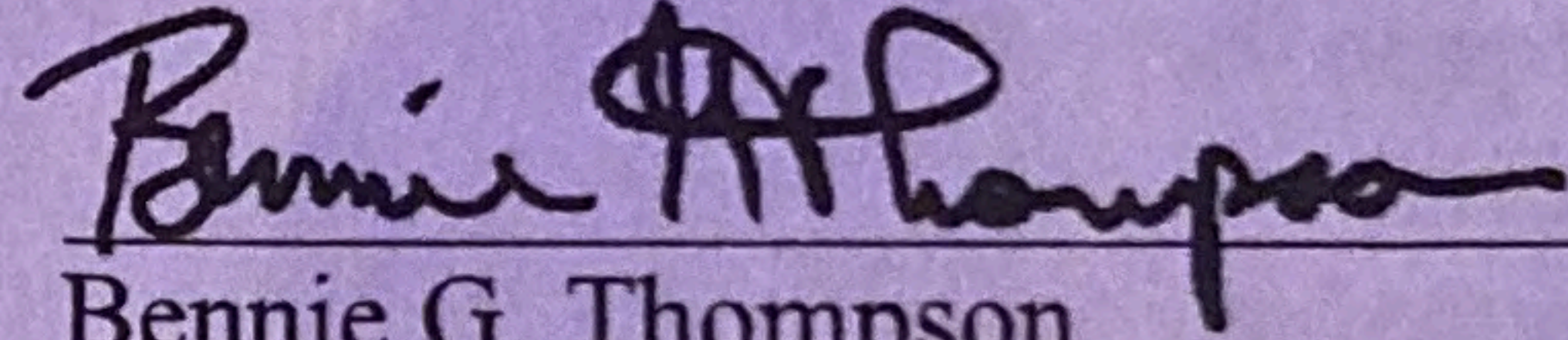
The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X.³³ The Committee on Homeland Security has jurisdiction of "[o]verall homeland security policy" and the "[o]rganization, administration, and general management of the Department of Homeland Security" under House Rule X.³⁴

If you have any questions regarding this letter, please contact Oversight Committee staff at (202) 225-5051 or Homeland Security Committee staff at (202) 226-2616.

Sincerely,



Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform



Bennie G. Thompson
Chairman
Committee on Homeland Security

cc: The Honorable James Comer, Ranking Member
Committee on Oversight and Reform

The Honorable John Katko, Ranking Member
Committee on Homeland Security

³² Mississippi State Department of Health, *State of Mississippi Drinking Water Systems Improvements Revolving Loan Fund Program: FFY-2022 Intended Plan* (Aug. 26, 2022) (online at https://msdh.ms.gov/msdhsite/_static/resources/17153.pdf); Briefing by City of Jackson Officials to Staff, Committee on Oversight and Reform (Sept. 28, 2022).

³³ House rule X, clause 4(c)(2).

³⁴ House rule X, clause 1(j)(1-2).