

Thirst for Justice: America's Struggle for Clean Water

Pollution, poisoning and the loss of human life due to unsafe water are the accepted costs of doing business in America.

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Somehow I'd ended up on a plastic mattress in a tiny prison cell wearing the infamous orange jump suit. I'd been arrested once before in Egypt during the revolution as a journalist, but now I was in Wisconsin, America, where freedom of speech is enshrined in the constitution. I'd considered myself safe there.

I had been arrested whilst filming a small, peaceful protest by mainly Indigenous Ojibwe people against the construction of a new oil pipeline. I was working on a documentary film on America's struggle for clean water.

Controversial pipelines

Enbridge's Line 3 will carry 760,000 barrels per day of tar sands oil from Canada, across the American border to a refinery on Lake Superior, Wisconsin. Almost as much oil as the controversial Keystone XL.

The oil will then flow through the ageing Line 5 pipeline that sits on the bottom of the Straits of Mackinac – a volatile water way connecting two of America's Great Lakes – Lake Michigan and Lake Huron, a fifth of the world's fresh surface water. Line 5 was built to last fifty years. It is now sixty-six years old.

Experts say that if the pipeline ruptures, spewing oil into the fresh waters of the Great Lakes, the results will be catastrophic. Worst-case-scenario modelling undertaken by the Graham Sustainability Institute at the University of Michigan predicts an oil spill could impact over one-thousand kilometres of shoreline and create an oil patch on the lake two hundred kilometres squared in just five days. If it happens in winter when the lake is frozen over, little is known how that would affect a spill nor how a clean-up operation would or even could take place. Enbridge state this is purely hypothetical since it's so unlikely. But with statistics like these it's no wonder that Enbridge wanted to stamp out any opposition to their new pipeline.

The protest came on the heels of the movement for clean water against the Dakota Access Pipeline, in which Enbridge are investors. At the height of that movement ten thousand people had camped out in the proposed oil pipeline pathway in Standing Rock for almost a year.

So, despite the fact that on that chilly morning in Wisconsin there were only fifteen peaceful

protestors holding placards and one man chained to a digger machine, six were arrested and charged. Five protesters and myself, a journalist filming the protest. I had become one of a growing number of journalists to be arrested and harassed in America, which has slumped to 48th in the Press Freedom Index, below Botswana and Romania.

Disease and genocide

My journey here began on the Navajo Native American reservation, which spans the states of Arizona, New Mexico and Utah.

I had heard that this First Nations' community were also dealing with water contamination. Almost 40 percent of people here live below the poverty line and have no running water.

Nothing prepared me for what I saw. Whole communities were living amidst piles of radioactive waste from the historic uranium mining that fuelled the Cold War arms race from the 1940s to the 1980s.

When the bottom fell out of the uranium market, the mining companies declared bankruptcy and left behind open pit mines, which filled with rainwater. Children swam in them and the sheep – the food staple of the Navajo – drank the water. So did the people.

The first signs were in the livestock. Helen Nez, now an elderly lady, told me that her sheep were born with deformities, some without eyes. Not knowing the reason, she continued to water her flock at the open pit.

Tragically Nez drank there herself while she was pregnant and two of her children were born with a DNA depleting disease. "I told the doctors over and over again that we live in the midst of a uranium mine, but nobody listened to me" says Nez wiping tears from her eyes.

Instead the white doctors at the local clinic told her it was because Indians practice inbreeding and chased her and her sick child out of the hospital. The disease – labelled Navajo Neuropathy – has since been shown to be the result of exposure to uranium. Nez's daughter Euphemia was later taken to the University of New Mexico Hospital where Dr Russell Snyder confirmed the illness was related to exposure to uranium, but that she had no chance of survival. Her two children died painful deaths prematurely.

Nez believes this is part of the genocide the Navajo and other Indigenous Americans have been subjected to by the US government. "My vision is that one day someone will be held responsible", says Nez.

Uranium exposure

There has been some clean up on the Navajo Nation. Most recently the Tronox Inc. bankruptcy settlement has provided almost \$1 billion to clean up about 50 abandoned uranium mines in and around the Navajo Nation.

But the Environmental Protection Agency (EPA) say there's 523 abandoned mine sites and with more than one mine at each site, perhaps over 1000 abandoned mines and additional piles of waste, left blowing in the wind. For the wells and springs contaminated with uranium, there's no cleanup.

Armed with a geiger counter to measure radiation, and some training in using it from

Nuclear Engineering Professor Kim Kearfott, I set out to take my own readings in and around the reservation.

At a number of sites I detected extremely high levels. But it was at one of the main entrances to the Grand Canyon National Park, at an abandoned uranium mill in Cameron Arizona, where I shocked Professor Kearfott – maxing out her geiger counter at over 5000 mR/hr – levels she said are much higher than those recorded in evacuated areas around Chernobyl.

Back at her Michigan lab Professor Kearfott explained:

“When uranium is mined it is brought up to the surface and poses a cancer risk. At the levels we’re talking about here you’ll start to see kidney disease before you would likely see the effects of radiation. Also lung cancer, bone cancers and leukemias. If you ingest uranium you have internal exposure. We become more radioactive when we inhale it, eat it or drink it in water.”

Abandoned mines

Professor Kearfott explained that, in 24 hours spent at that one site, I had been exposed to the equivalent of a year’s maximum dose of radiation for a nuclear worker.

But when I met Jon Indall from the Uranium Producers of America, he told me the mine waste left on the reservation wasn’t very radioactive. In fact, he went further and told me, with a chuckle, that even with enriched uranium “you could eat it, we wouldn’t really advise you to do that, but it’s not terribly dangerous.”

As a uranium industry spokesman, he must have known what he was saying was nonsense but perhaps, if I were an ordinary citizen or legislator ruling on allowing more uranium mining, I might not know any better.

There is an estimated ten to fifteen thousand abandoned uranium mines across the Western United States and no one knows what condition they are in. Professor Kearfott spoke of one such abandoned mine that she had located in a school yard on the Lakota reservation in South Dakota. It has dangerously high radiation levels. She tells me that it’s situations like that that keep her up at night.

There’s been no comprehensive investigation or health assessment on the Navajo reservation. “We don’t even have cancer screening”, declares Janene Yazzie, a young Navajo woman from the town of Sanders. It took a Tommy Rock, a Navajo PhD student who undertook his own water tests in 2015 as part of his final paper, to prove what Sanders’ residents had long suspected – their water was contaminated with uranium at twice the Environmental Protection Agency (EPA) standards.

Janene helped Tommy mobilise the community for water testing, but she is no bystander. Janene and her family live in Sanders. Her little boy, Solaris, has drunk contaminated water from the school fountains.

Janene attended that same school and is left wondering whether the ovarian cancer she had in her early twenties was caused by the water. Tests undertaken by Dr Cheryl Dyer, an

expert in reproductive physiology, found that uranium contaminated water, at levels similar to that found on the Navajo reservation, acted like estrogen.

Reading my blank face Dyer explained:

“What that means is it gave the rats gynecological cancers, like uterine and ovarian cancer. Given some of the health problems that are well-known on the reservation – young high school age girls having hysterectomies and so forth – it makes you think is there a link between this exposure to uranium in your drinking water to health problems that result maybe decades later”.

Contaminated water

In that spring of 2015, around the same time residents in Sanders, Arizona proved that their water was contaminated, so did residents in Flint, Michigan, on the other side of the country.

In her little office in a church basement, Flint community organiser Nayyirah Sharraf told me:

“Immediately after the switch the water changed. It would come out looking like chicken broth or dark liquor. Sometimes it would smell like poop.”

It's a cold snowy day in 2016, but the church is busy and a line of people are waiting outside. This is not a scene of the faithful, but rather of the desperate. The church gives out free bottled water, which is precious because residents' tap water is contaminated with lead and bacteria.

The City of Flint had been put under a financial manager by Michigan's State Governor Rick Snyder, who decided to take Flint off the Detroit water system, which draws water from Lake Huron, and instead hook them up to the Flint river.

Water was now treated at the local Flint plant, despite independent engineering reports saying the plant would not be able to adequately treat the water without a multi-million-dollar upgrade.

Elin Betanzo, a former EPA water quality expert instrumental in uncovering the Flint water crisis, said:

“The last time the Flint water treatment plant was operated for providing the community with drinking water on a full time basis was either in the late 50s or early 60s. The Safe Drinking Water Act came after that in 1991. So the Flint water treatment plant was never operated up to today's standards.”

Socioeconomic status

The foreman at the water plant warned that people would die if the switch in water systems went ahead. But in April 2014 they did it anyway.

The river water was corrosive and began to dissolve the lead in the water pipes, contaminating the water with lead. Lead stunts children's brain development, leading to lower IQs.

Flint doctor Laura Carravallah tells me:

“I’m encouraged that all of the kids have Medicaid, but it only lasts for five years. This is not a five-year problem. People who have brain damage due to lead are going to have ongoing challenges.”

As a doctor, she says she feels ashamed of what happened on her watch, and her powerlessness to stop it.

Carravallah continued:

“We know that socioeconomic status is the most important indicator of health, with education coming right along behind, and yet we don’t attend to those things in this country. This is a big problem and I think that the Flint water crisis has highlighted for people just a flavour of the result of that might be if we let this inequality continue”.

Unchecked power

The effects of chronic low level lead exposure on adults are less well studied. Numerous Flint residents complained to me about seizures, black outs, foggy thinking, joint ache and lethargy since the water switch. The fertility rate dropped in Flint and there was an increase in foetal deaths and miscarriages, over the same period. Deadly bacteria called legionella is known to have killed twelve people, but doctors think the actual numbers could be closer to one hundred and ninety – numbers of pneumonia deaths doubled during the water switch and some of these victims may have had legionella.

Diane Young and her family are holding a birthday celebration at the grave of her daughter, who would have been thirty today. In between hushing her two grandchildren, whom she now cares for, she tells me how her daughter, Shyonda Robertson, was at first misdiagnosed with pneumonia: “By the time doctors realised she had Legionnaires she was in a coma. She was having 150 seizures a day.” Diane’s daughter died shortly after contracting the disease, when the doctors could not revive her and turned the ventilators off.

How could this have happened in one of the richest democracies in the world?

Curt Guyette, an investigative journalist who broke the story of the water contamination, said:

“Michigan’s emergency manager is what’s technically known as a receivership law and it is the most extreme law of its type in the United States. This law allows the state to take over financially struggling cities, stripping all the authority of duly elected local officials.

“They have ultimate unchecked power. One thing that the law specifies that they cannot do is miss a bond payment, which I think is crucial to the real purpose of the law. So, they can take away healthcare from retirees and whatever is necessary to balance the books.”

Racist policy

In the midst of the crisis, the General Motors plant complained to the state that the river water was corroding their car parts. They were switched back onto the Detroit water system – no more corrosion.

But when people marched down to city hall with jugs of brown water and bags filled with their hair that was falling out they were ignored. Guyette said: “If anyone wants to know what running government like a business looks like, I tell them to come to Flint.”

The emergency manager law has only ever been enacted in majority black cities. For Nayyirah Sharif, this is a clear indication that the law is a racist policy tool:

“There hasn’t been in a poor white city that’s received an emergency manager yet. And we have a bunch of them. That’s very disheartening and it just feels like some areas aren’t deserving of full democracy. Now we pay the highest rates in the country for water, that now we can’t use and it’s poisoned people and it’s killed people”.

Flint residents would often angrily question why no officials had been jailed for the Flint water crisis. So I went to meet water lawyer Noah Hall, an expert adviser to Michigan’s now former Attorney General, Bill Schuette, on the state’s criminal investigation.

Wasn’t it is a crime to have known the water was contaminated and was harming people?

“That’s not necessarily a crime, no. The environmental laws in the United States do not prohibit pollution, poisoning, and the loss of human life due to unsafe water. Quite the opposite. It’s an accepted cost of doing business.”

Hall went on to explain how the law works:

“The amount of pollution that is allowed under the environmental laws is determined through a methodology that begins fundamentally with valuing a human life in dollars. And if in doing that math the result is that the cost of preventing the pollution is more than the system values the human life, then the pollution is permitted”.

Naively I thought that children must be highly valued in this equation. I was wrong.

“Children are undervalued. It works in reverse, so that the child’s life that’s going to be lost in 20 years is worth far less than a life that day, according to the system”.

Profits over people

What ties these stories together is poverty, environmental racism and a system that prioritises profits over people.

Academic studies have shown that African Americans are more likely to live near landfills and industrial plants. More than half of the nine million people living near hazardous waste sites are people of colour and a quarter of the most toxic waste dumps are on Native land.

But what also unites the Flint and Navajo stories is how the communities organised, worked with independent scientists to conduct their own water tests and prove the authorities wrong.

Overuse, contamination and climate change are posing an existential threat to clean water across the world. According to the United Nations, by 2030 demand for clean water will outstrip supply by 40 percent. As Maud Barlow of Food and Water Watch states: “There simply will not be enough drinking water for everyone and it will be segregated to those who can afford it.”

Chemicals

It’s not only heavy metals that pose a danger to water quality.

Former EPA water quality expert Elin Betanzo explained: “Lead and copper are the only regulated contaminants that we sample for in customers’ homes. And it’s actually more straightforward because you know it’s in the pipe, compared to a whole variety of contaminants that might be in the source water.

“Any chemical that is produced anywhere either goes into our air emissions and deposits in our surface water bodies or it runs off the pavement or land, such as fertiliser run off. So literally any chemical in the world could be in our source water.”

What might be the impact of this exposure to our health and that of future generations? Dana Dolinoy, the NSF International Chair of Environmental Sciences at the Michigan School of Public Health, answered:

“When you’re exposed to chemicals via what we eat or the air we breathe or the water that we drink then they can affect our biology. But if you go on to become pregnant or a male who goes on to become a dad later in life, those cells can be transmitted to the next generation our children and potentially to the following generations. And there’s various different molecular ways that these exposures can be inherited across generations.”

This is why I was far from my home in London making a film about water contamination and the fight for water rights in America, because, like climate change, it matters to all of us.

Social responsibility?

So what happened to my charges? The oil pipeline company demanded \$85,000 in compensation from a protest of fifteen people.

Enbridge are the biggest oil pipeline company in North America and bring a lot of money into the state of Wisconsin. They say they’ve paid \$42.8 million in 2018 in tax revenues and employed 279 Wisconsin-based workers.

The company also take on responsibilities of cash strapped states, providing equipment and vehicles to the emergency services in the states where they operate. Whilst this could be seen as corporate social responsibility, does it also give them undue influence?

Eventually I was fortunate enough that a high profile First Amendment lawyer, Henry Kaufman, was willing to take on my case. As soon as he got involved, the Wisconsin District Attorney, who, until then, wouldn't return any of my previous lawyer's phone calls, was promising to sort out my case.

The criminal charges were dropped and I accepted a civil trespass charge, so my nightmare went away. But journalists are facing an unprecedented crackdown, especially when covering civil dissent of state or corporate policies.

My documentary '[Thirst For Justice](#)' is an exploration of the fight for safe drinking water for everyone, is nominated for Best Feature Documentary and Best UK Feature at London's Raindance Film Festival. If you would like to organise a screening in your community [please get in touch](#) or [keep in touch via facebook](#).

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