

Business as Usual, Great Unraveling or Great Turning ? Where is MCWC in these stories after 20 years?

Which story are we living with in 2020? Joanna Macy described all three at the annual Bioneers conference in 2009. That was ten years ago and those stories have continued to take humanity to some pretty scary places since then. The last twenty years have also led us to see some future promise and appreciate the value of our work in support of what Macy and others call the Great Turning.

Climate chaos, species extinction, run-away pollution, growing threats of war over land and resources, the death of the oceans, drought, floods, fires and famine - all are part of the unraveling of living systems which is resulting from continuing business as usual. As "leaders" continue to promote the industrial growth economy, they have allowed the rapid growth of the great unraveling of living systems and doomed our grandchildren in the process. Those children are speaking out to us now, demanding that we stop the destruction and grab the possibilities of a great turning to a life-sustaining world they can inhabit. Are we listening?

The Great Turning has been underway for decades, under the radar, invisible to governments, corporate powers, those few who thrive at the expense of the whole and would destroy all life to feed their greed. We are a part of this turning as we radically change the ways we choose to live, as we work to bring humanity back in harmony with the natural systems that sustain us all. We are part of the future of our grandchildren when we seek to grow justice for all, healthy food for our bodies, and a return to a right or sacred relationship with the waters that are our life.

MCWC is a part of this turning toward life and has been for 20 years. We have focused on our relationship to water as fundamental to all life. Over the years we have grown in understanding of the many dimensions of this relationship. We have taken on a wider range of challenges to protect the waters of our region. We have built alliances on a global scale with others of our kind. We have become conscious of our growing role as leaders within the water justice movement. We have at times burned ourselves out pursuing the world our children deserve to inherit. But we persist.

We have made a difference and we have had a few victories along the way. These twenty years have meant the appearance of many gray hairs and lots of frustration at the snails pace of change for the better. But we have also born witness to the emergence of indigenous leadership, the leadership of youth, the leadership of women - all essential to achieving an end to the business as usual that brought us to the mess we are in now.

We are only beginning to imagine the possibilities for regeneration and rescue for our living world. As tired as we may feel sometimes, we assure all who have contributed to these victories that we will keep going in the direction of a turning to life and health for our children and our planet. The set backs are to be expected and we will step over them and move on. The universe is organized in circles, not straight lines. As we enter the next twenty years we expect to bring even more strength and dedication to growing the circle of life and protecting the systems that sustain it.

Follow the latest victories and set backs and let us know where you might want to increase your active participation in the work of MCWC and its allies. If you can't help with the work, please help with a generous donation so we can continue the fight against Nestle's water grab in the courts.

Peggy Case

The Good News Coming from the Courts

MCWC has, from its beginning in 2000, realized that we had to go to the courts to enforce the rule of law and seek justice. The other two branches of government have simply failed us over and over. The Water Wonderland of the past is becoming the Toxic Waste Dump of the future. Only in the courts do we seem to be making progress. We don't always win there either, but the scales are tipping in our favor and we can claim some important victories for justice and water conservation.

The Michigan Court of Appeals overturned a terrible Circuit Court ruling that would have allowed Nestle to build a booster station to increase its destructive water grab in Osceola County. They ruled the Township in fact did have the right to deny Nestle a permit under their ordinance and went on to expand on the legal correctness of the township's well crafted ruling. The Appeals Court ruling itself was a beautiful piece of clarity and promise. It will be posted on our website for all to see. Every argument Nestle made, and EGLE defended, was shot down by the Court of Appeals.

We have been allowed to submit this ruling to the Contested Case Tribunal reviewing the permit Nestle was given for the PW-101 increase to 400 gallons per minute in Osceola Township. Nestle and EGLE have to respond to our arguments that this ruling requires the withdrawal of the permit for the well. Our hearing was last June and there has not been a ruling yet. The Judge is taking his time, as he should.

The US Supreme Court returned a decision by the Sixth Circuit Court and let it stand rather than hear the case, in a victory for the people of Flint seeking justice over the Water Crisis. The Sixth Court had ruled that in fact the people could file a class action lawsuit against the officials who had harmed them and those officials did not have "qualified immunity" from prosecution as they claimed. The lawsuit can now go forward and the people can finally seek compensation for all the damage done to them. After six years of suffering, Flint residents finally got a day in court that mattered.



It is also hoped that some of the 15 state and city officials originally charged with crimes will in fact be prosecuted. Deals were cut with seven of them and last year the new Attorney General's office dropped charges against the rest. Though a new investigation was promised there has been no action and time is running out. Hopefully this Supreme court decision to let the lower court ruling hold will bring justice instead of immunity and embolden the Attorney General to act.

Privatizing Municipal Water - for the record

In 2004, the City of Hamilton-Wentworth ended a water and wastewater P3 (Public/Private Partnership) after ten years of environmental problems and mismanagement by several private water corporations. Despite the promises of local economic development, new jobs and cost savings, the workforce had been cut in half. Millions of litres of raw sewage had spilled in to Hamilton Harbour and flooded homes, and major additional costs were incurred. In 2008, when the city brought the services back in-house, cost savings were estimated at \$575,000 for that year alone.

- Council of Canadians

Toxic Waste Expansion in Detroit Approved by State

After five years of valiant struggle by the community in Detroit/ Hamtramck and the Coalition to Oppose the Expansion of US Ecology, we are sorry to report this injustice at the hands of the new administration in Lansing. MCWC has been supporting the work of this remarkable coalition under the leadership of co-chairs Sharon Buttry, Mark Covington and Diane Weckerle, along with Sam Alsari of the Yemeni American Political Action Committee (YAPAC), State Rep. Isaac Robinson and the Great Lakes Environmental Law Center This is a loss for all those appalled by the environmental racism we fought to avoid in Southeast Michigan. We hope our members will continue to speak out in defense of the people of Detroit who remain committed to rebuilding their communities rather than turn them over to the toxic waste industry to pollute their air, land and water.

Press Release February 4, 2020 - Coalition to Oppose the Expansion of US Ecology Coalition Condemns Environmental Racism in Hazardous Waste Expansion Permit Approval

On Thursday, January 30, 2020, Michigan Department of Environment, Great Lakes and Energy gave their stamp of approval for the massive expansion of US Ecology, a toxic waste facility in the middle of Detroit. The Coalition to Oppose the Expansion of US Ecology had hoped the new administration in Lansing would enforce policy protecting public health over industry profit. But they chose to ignore the demands of the community, elected officials and local government. This environmental racism must stop.

The Community spoke out loud and clear for five years against more toxins in the Detroit & Hamtramck community: Protests, marches, soil tests, petitions to the Governor, demanding public hearings, demanding translators to include the immigrant communities in the discussion and 800 comments sent in from community residents, scientists, environmental lawyers, professors and researchers.

The Coalition against the Expansion of US Ecology, along with the Yemeni American Public Affairs Council, the Hamtramck Community Initiative, the Georgia Street Community Collective and others led the fight against the expansion and the dumping of toxins into public sewers. The community rallied to protect public health and the water supply. But the State chose to allow two additional buildings at the site and an array of more dangerous chemicals processed and stored at the plant. Some 45 trucks a day will be able transport poisons to the plant, endangering the health of the community and putting it at risk of industrial spills. Clearly we must continue our fight against pollution and environmental racism.



Despite the permit, one of the positive outcomes of our protracted battle is that the diverse community of Afro-Americans, Arabic and Bengali immigrants, residents of every color, religion and language and the poorest community in the state, came together to fight to protect public health against environmental racism. The community must build on this strength.

Also, after two years of protests and a tumultuous meeting with the Coalition, Wayne County Commissioners and representatives from the company, **the community was able to stop radioactive waste from being processed or stored at US Ecology North.** The company cleaned out their facility of all radioactive waste and gave up their permit to process TENORM, according to the company and EGLE's, R. Conforti. The Coalition also fought for and was successful in creating a ban on the processing of radioactive waste written into the Host Community Agreement with the City of Detroit, to hold the company accountable.

But once again, as in Flint, the attempts of the democratically elected representatives to protect their community were ignored. State Rep. Isaac Robinson, US Rep. Rashida Tlaib, Warren Evans, Wayne County Executive, Hamtramck Mayor, Karen Majewski and many others spoke out against a massive increase in toxic waste, along with the Detroit and Hamtramck City Councils and Wayne County Commissioners, who passed formal resolutions. The right of residents and democratically elected representatives to protect the health of their communities and their water must continue.

Diane Weckerle MCWC Board Member

MCWC responds to Michigan Potash PR Campaign in Media

The following was submitted as an Opinion piece to the Detroit Free Press in response to a news article appearing in the paper in January. Our opinion was never printed so we offer it here for the record.

Detroit Free Press - Op-Ed contribution
Dear Editors,

We were pleased to see some eyes from other parts of the state focused on the potash drama unfolding in Hersey in the form of a lengthy article by Keith Matheny in the Detroit Free Press. It has not been easy to get the attention of state agencies and the public to the mess being created in the middle of pristine wetlands by a company from Colorado with no experience in mining potash.

Unfortunately Mr. Pagano of Michigan Potash Operating LLC was quoted expressing a number of so-called facts which are simply not true. We hope to correct some of these statements and encourage the public to do some investigating as well to protect Michigan waters and land from the careless actions of the former DEQ and the EPA in granting permits for this operation. There is extensive information on this venture on our website, saveMlwater.org.

A few highlights: Mr. Pagano claims the potash under this site is worth \$65 billion to Michigan's economy, and that potash is an essential fertilizer. He failed to mention that there is a worldwide glut of potash, most coming from Canada and Russia and much cheaper than anything that could be mined from the Michigan site. In fact several companies have already attempted to extract potash from nearby better locations and abandoned the operations. There is also the fact that agricultural practices are by necessity shifting worldwide away from the use of such fertilizers whose extraction requires extensive green house gas emissions, and turning to organic and regenerative agricultural practices which store carbon instead.



Pagano calls potash a "tightly controlled commodity," and yet there is a glut of it now and it is easy to get from our friendly neighbor Canada. He claims this particular formation "sits in a location better than anybody else's in the world." Where could such a statement come from? The site is surrounded by wetlands, creeks and marshes. It is not near any transportation infrastructure, and would require the use of more groundwater than has been proven to exist there. With Nestle Corporation already being challenged for trying to use even less water only 8 miles away, there is no evidence that Michigan Potash can extract 2 million gallons per day without sucking the surrounding drinking water wells totally dry. Our members live there. Of course they will do everything they can to protect the water they rely on.

When the Judge ruled MCWC didn't have jurisdiction to challenge because we didn't seek a hearing with the supervisor of wells first, we had to show that we in fact had sought such a hearing and were ignored.

Thus we end up being the second group to test the process of the Review Panel set up by Governor Snyder. The request by the panel for briefs on the issues is in fact the first time anyone at the state level has been interested in looking at the actual facts and issues involved. We welcome the opportunity to provide this information finally, as we had hoped to do with the challenge.

The only data the State was given in the form of an environmental impact statement or site review was data collected by another company 30 years ago on a different and much better site nearby which has since been abandoned. The granting of these permits involved a careless or non-existent review by Snyder's administration that seldom said no to any extractive industry. Times are changing and citizens are expecting that the State will soon live up to its responsibility to protect waters in the public trust, protect our lands from careless exploitation and destruction, foster regenerative practices rather than profits for outside companies.

Mr. Pagano has not been able to start mining the site because Michigan Citizens for Water Conservation challenged the permits issued by the DEQ for injection and production wells which were issued without environmental review, without site visits, without any of the analysis required by Michigan law for such an operation during the Snyder administration. He has also not gotten the rest of the permits needed, nor has he secured the investment money needed for the operation.

Michigan Citizens for Water Conservation (MCWC) welcomes continued exposure of this boondoggle and so do the trumpeter swans and other endangered species that live nearby.

Concerning the increase in Class I--“Non Hazardous” injection permit renewals

This is concerning! There have been 11 renewal permit applications of existing Class I Disposal operations within the past year. All but three of these are strategically located within SE Michigan, being Wayne and St. Clair Counties, and would seem to be likely targeted sites for fracking waste from Ohio, Pennsylvania, and West Virginia--if such an activity were to be allowed... One of the eleven is an existing facility in West Michigan in downtown Holland of all places. Another is in a remote location of Northern Clare County in the greater Muskegon River watershed. And Another is in downtown Pinconning of northern Bay County. It currently takes cheese waste primarily from a nearby commercial production for which Pinconning is noted.

This latest misadventure, Deep Blu Logistics, currently accepts some pretty serious contaminants from 13 different sources mostly from metropolitan Detroit. Check it out from the current Draft Permit (58 pages “short”); it is clearly listed starting with Attachment “F” on page 28. This is the Pinconning facility and could be the means to “relay “ or “leap frog” possible fracking waste from down state. The idea, one might suppose, is to eventually inject it into the geological arc that spans northern lower Michigan that comprises the depleted production of the Niagaran Reef formation @ about 5000 feet below grade. Discovered in 1969, this is the production that “boomed” Michigan into the major market for natural gas and combination oil wells from Manistee County on the West side to Presque Isle County on the east side. From Lake Michigan to Lake Huron--and if one is actually paying attention it is fairly easy to speculate on the next “dropping off point”... From sea to shining sea, in other words... Something needs to be done! And it may end up in your backyard NEXT. We don’t know exactly what it is and where it will end up. One should be “enjoying” an uneasy feeling about Class I right about... now.

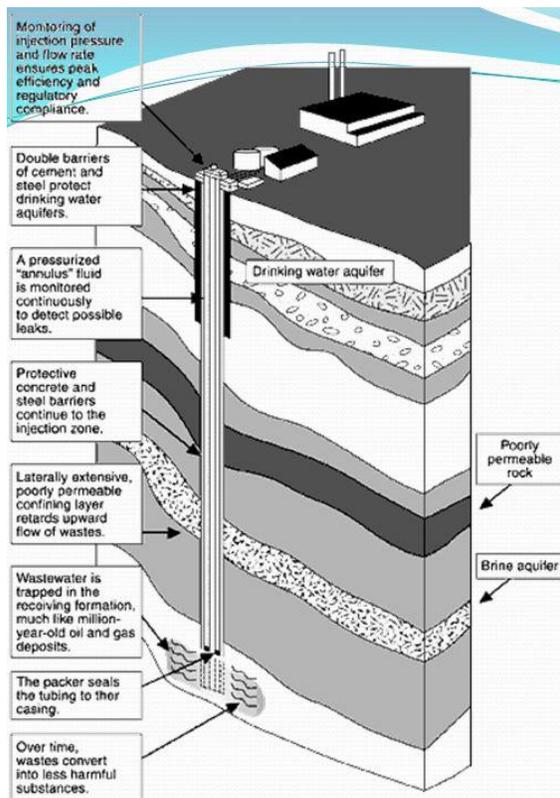


The sun should be setting on this relic from the hydrocarbon industry

What little I know about Class II injection which has been about 90% of our oil/gas concern ---I know LESS about Class I! That is largely because I have no chemical background in my understanding so it is a matter of what is actually contained in the “secret sauce.” If there is someone out there with a chemical savvy who loves the environment, and is concerned about clean water, come join our effort to find out what is in the secret sauce! And there is more to do.

This is not to say “testing” is NOT done ... but I am confused. It is testing strictly in the generic sense which one can not readily relate to such as nasty things like the BTEX

chemicals and others nearly as deadly to the environment and all life. Enough said, I hope.



- Michigan currently has 7 active hazardous Class I wells
- 20 Class I non-hazardous wells
- More than 1,500 Class II brine licensed deep injection wells.

So ...out there...if there is a concern for these things environmentally, come help us out

John McLane, MCWC board member

Committee to Ban Fracking finally gets its Day in Court

As we reported in the last newsletter, the committee tried to turn in 270,962 signatures for the ballot initiative to ban fracking and frack waste to the Director of Elections and the Secretary of State and they were denied. The signatures have not gotten to the Board of Canvassers for a count and therefore the legislature does not have the initiative to consider for the mandated 40 days. The statutory initiative process mandated by the Constitution was stopped and therefore the Committee was forced to legally challenge that decision. **The case will finally be heard before the Michigan Court of Appeals on March 3 in Lansing.** See letsbanfracking.org for more details and show up to support all those who signed these petitions and worked so hard to get this initiative on the ballot. Many of you were among these volunteers.



RADIOACTIVE
Oil and Gas WASTE

Justin Nobel
Rolling Stone Magazine
Science journalist's investigative report *America's Radioactive Secret* reveals how the oil and gas industry has deceived its workers, contaminated communities and left a shocking trail of radioactive waste that continues to grow.

Tuesday, March 31, 2020
Kalamazoo Public Library
315 S Rose St, Kalamazoo, MI 49007
Van Deusen Room
6:30 pm
free admission
Co-sponsored by



Whose voices are being heard in Lansing?

As I write this article, there are several things to remember. During my 32 years of service with Michigan's government I met many very dedicated and amazing employees of both the MDNR and the MDEQ, now EGLE. Our natural resource problems begin with flawed decisions by top management, and the legislature, not with these employees. Also remember that the Great Lakes, our inland lakes, wetlands and full, fast-running streams were created by the glaciers during the ice age. They deserve protection.

In 2017 Nestle was once again on the verge of receiving a permit to pump 400 gallons per minute from a well similar to the one in Mecosta County that had been the center of our lawsuit in 2000. In that previous case, after environmental damage had been proved, Nestle was forced to reduce pumping to half that amount. From Osceola County in 2017 we sent the DEQ the results of our surveys of declining streams, springs and ponds. They were drying up and personal water wells were being affected in the area. A request to have the DEQ conduct an on the ground investigation of these locations as well as the declining aquifer in the nearby city of Evart were ignored. The DEQ/EGLE allowed the increase, so our organization was forced to go to court once again.

If someone in authority would have met with us perhaps court action would not have been necessary. We are after all the group representing the people impacted by Nestle's behavior. When our current governor was elected we thought the new administration would be approachable. On May 3, I had the opportunity to see the new EGLE director face to face. I reminded her that we had been promised a meeting with her in March and asked if she would give us an hour of her time. She turned and walked away. Yet we keep getting invited to attend so-called stakeholder meetings where EGLE tells us all the wonderful ways they are involving us and the citizens of the state.

Nestle's pumping is blocking the flow of ground water to White Pine Spring and the head water springs from which both Twin and Chippewa Creeks begin. Those former full, fast flowing, bubbling trout streams are a sick form of their traditional past. As an elder fisherman, I know first hand. The MDEQ decision was based on a flawed computer model and a follow up site specific review, all done from the office with no contact with the site.

In a further attempt to create a meeting several calls were placed to an official at EGLE Water Resources Division. One gets a message advising you to leave name, phone and brief message and they will return the call. These promised return calls are NEVER received. Perhaps the message is not welcome?

During the summer of 2019, with record high water levels throughout the state, the pond fed by Chippewa Creek dried up. We thought if EGLE would not listen to us perhaps our environmentally friendly Governor would. On July 18, I called the Governor's office to see if she would have a few minutes when traveling in northern Michigan to view Nestle's impacts. I was promised a call back. None came. On July 31 I called again and did talk to an aide for about half an hour. Nothing came of it. After making an official request to have the Governor meet with our organization, I was informed a few days later that she was not going to meet with us.

I called her office again to see if a representative from the office might meet us in Osceola Township. No response. I received a suggestion to contact an aide that handles environmental issues. I made the call on February 3. It was answered by the same person I talked to before who ran my name through his computer and informed me I had already called three times and therefore he would not connect me to anyone. The fact that I was representing a respectable grassroots organization meant nothing.

The Governor has created the Office of Environmental Justice. In early December, on behalf of MCWC, I filed a five page formal complaint with Regina Strong at that office. Five weeks later I had received no reply from the Advocate. I left word with her secretary to call me. No call back. Three more calls were made to her answering machine with no return calls. On January 9, I was finally able to reach her on a different system. She did not acknowledge our complaint but did advise me that she would call me back the next week. Not only did I not get that call, but three more calls to her office did not result in any either, not from the Advocate and not from an aide.

I always thought that our government was founded on the principle of By the People, For the People. In Michigan it is By the people (we fund the government and vote) but as it turns out it is not For the People. The concerns of a retired State Trooper and the organization he now serves as a volunteer mean nothing. I wonder if these people with their answering machines that are programmed to lie would change if, in the middle of the night, someone was breaking into their home and they called the police department only to hear a recording telling them to leave their name and phone number and a brief message, and we will get back to you (maybe)?

We encourage our members to try for a response. Let us know if you figure out a way into the door.

Jim Maturen, MCWC board member

More for the record

In 2003 the City of Atlanta, Georgia ended a 20 year contract with Suez subsidiary United Water. Under privatization, the private company and the city were inundated with complaints of poor and unresponsive service. The system was plagued with breakdowns, wqter main breaks and "boil only" alerts.

- Council of Canadians

Local Control on the Chopping Block

The newly formed Friends of the Platte River Watershed in Benzie County has been fighting an attempt to put a totally un-needed gravel mine in a rural residential area at the headwaters of the pristine Platte River. The well-organized group has been attending planning commission and zoning meetings, researching the hydrogeology of the affected area and engaging attorneys to mount a legal battle that may be pending. In the process, they have encountered the **threat of Senate Bill 431** which has been referred to the Senate Committee on Natural Resources in Lansing. Though the bill is intended to augment gravel mining regulations within the Zoning Enabling Act, it effectively would set a dangerous precedent for the loss of local control in communities. It would preempt or eliminate the ability of local zoning and planning commissions to set ordinances.

Imagine if a bill like this gets through the current legislature. It could have prevented Osceola Township from saying no to Nestle's booster station. It could deny Inland Township in Benzie County the right to oppose the gravel mine that could pollute the Platte River and damage the health of surrounding neighbors. It could mean the end of local control over the decisions made in communities all over the state about quality of life and the health of citizens. This is a dangerous bill. **Please write to oppose it.**

Water Protection Package Introduced in State Legislature

A three-bill package, House bills 5290, 5291, and 5292, has been introduced by state representatives Yousef Rabhi (D-Ann Arbor), Rachel Hood (D-Grand Rapids) and Laurie Pohutsky (D-Livonia). The bills would clarify the fact that the water in the state, including ground water is held in the public trust as a public good and cannot be commodified. They ban bottled water from being shipped out of the Great Lakes watershed and close the loophole left in the Great Lakes Compact more than a decade ago.

Though we applaud these bills, we have little hope that they will ever get to the House floor in the current legislature. Many good water protection bills have languished in committee as corporations like Nestle have controlled the political agenda. Let us hope that citizens demand something different from their legislature in the coming election cycle. Time is running out for the water wonderland we call Michigan.



Wetland in Hersey threatened by the Potash mine.

Nestle Challenge Balance Sheet - Update

Legal actions are always expensive. The original lawsuit we filed against Nestle in 2000 cost us a million dollars and it took 9 years to resolve with a partial victory. It took us another 8 years to pay off the debt, but we did it, thanks to our dedicated members and volunteers. Since we take no government or corporate money, it takes us a bit longer to pay our bills, but we always do.

Because the State of Michigan has not seen fit to protect our waters and monitor environmental impact as it should, we are forced to once again use the public's money to pay twice for the jobs the public officials we pay have not done. Had the Department of Environmental Quality cared enough about the environment, we wouldn't have had to do their job. But here we are near the end of the legal challenge we were forced to file on behalf of our members and our watersheds. This time it isn't yet as expensive as a lawsuit, but grassroots groups operate on a tight shoestring, so any cost is a challenge. As new elements are added to the challenge, new expenses occur too.

We have been paying for the work of our attorneys who are the best in their field, for expert witnesses in hydrology and aquatic biology, for copies of the court transcripts and countless documents filed with the Judge. There has been pro-bono work contributed by Jim Olson and we are grateful that he continues to oversee the legal challenge.

To date we have paid out about \$74,000 for the Nestle Challenge. This is quite an accomplishment for an all-volunteer group with no paid staff and no office. Our dedicated Board should get lots of credit for this progress. Our members are the backbone and we look forward to your help in getting us past this debt so we can devote more time to our other work on behalf of water.

We still owe about \$81,000 to attorneys and \$10,000 to experts. We are looking for more fundraising opportunities. We know that there will be more bills before this is over. Nestle is not likely to give up if the ruling is not in their favor and we are not likely either to accept anything other than a withdrawal of the permit for 400 gallons per minute.

Detroit Water Shut-offs a public health emergency Governor asked to declare a Moratorium

City officials are working on a resolution asking Governor Whitmer to declare a moratorium on further water shut-offs in Detroit for poor people unable to pay exorbitant water bills. This has been a crisis for years with numerous bills to get water affordability legislation still languishing in committees in Lansing. Advocates say a resolution is in order calling upon the new Governor to address this crisis.

Last year water was shut off to 23,000 residential accounts. Although the Detroit Water Department claims it has a Water Residential Assistance Program that has helped some get their water back on, this has not worked for too many residents. They seek a water affordability plan instead that takes into account what people can actually pay. Detroit pays some of the highest rates in the country.

Sylvia Orduno of Michigan Welfare Rights reminds us that advocates have spent 15 years trying to get a decent affordability plan. She says the need is even more acute now amid a recent Hepatitis A outbreak in the region, as well as the possible threat of the coronavirus. Sanitation is hard without clean running water.

In spite of warnings from public health experts, the State has not seen fit to declare a public health emergency yet. Local officials hope the Governor can act where the legislature has not.

Michigan Citizens for Water Conservation

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Mecosta, MI 49332

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Help preserve natural resources – recycle this newsletter by sharing it with a friend!

We are Water Protectors and invite you to join us

Your Donation and Membership is how we fund our organization.

MCWC is A 501c3 grassroots group organized in December 2000. Our mission is to protect our surface and ground waters from pollution, plunder and privatization through education, advocacy and actions. We work to protect and promote human and ecosystem rights to water and defend the public trust doctrine. All staff are volunteer. Your donation is tax-deductible.

Please send your check to P.O. Box 1, Mecosta, MI 49332

Or pay via our Website: www.saveMIwater.org

We promise to apply your donation to the work of saving our waters into the 7th Generation.

Please help support MCWC as we continue to support communities through research, information distribution, and coalition building. Together, we can help to stop the privatization and commodification of our natural water resources.

Water is Life.

HELP BY DONATING TODAY

