



Protecting the Common Waters of the Great Lakes Basin
Through Public Trust Solutions

FOR IMMEDIATE RELEASE:

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September 19, 2018

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“Public Water, Public Justice”

FLOW Releases Model Legislation to Protect Michigan’s Public Waters and the Rights of the People Who Depend on Them from Unauthorized Privatization

Traverse City, Michigan – Drawing upon decades of experience and after a year of research, conversation, and analysis in collaboration with many people and organizations, FLOW today released **“Public Water, Public Justice,”** model legislation designed to protect Michigan’s public waters, and the rights of the people who depend on them, from unauthorized privatization.

The release by FLOW, the Great Lakes law and policy center, aims to focus the public debate and prime the legislative process, while also offering a blueprint for crafting similar legislation across the Great Lakes Basin.

“Public Water, Public Justice,” is available to the public on [FLOW’s website](http://FLOW's website) and, in addition to the model legislation, includes a two-page bill summary, legal primer, and full report presenting the legal and socio-economic context of water rights and water crises in Michigan.

The release also marks the official launch of FLOW’s **“The Campaign for Fresh Water,”** a three-part initiative to be unveiled through the fall to engage the public in protecting and ensuring public access to the Great Lakes and groundwater in Michigan and throughout the Great Lakes watershed. The campaign’s overarching goal is to safeguard the health and availability of the public’s waters for generations to come.

The model legislation, developed by FLOW with key input from many partners and stakeholders, aims to bring Michigan’s colliding water crises under a comprehensive legal framework and rebalance Michigan’s priorities in protecting its water and its people.

At the same time that water-bottling giant Nestlé takes public water at virtually no cost and reaps windfall profits, thousands of Michigan citizens – both city dwellers and rural residents – lack access to clean, safe and affordable water. Over 100,000 Detroit households have suffered water shutoffs, and thousands of Flint children and residents have suffered lead poisoning in the fourth year of an ongoing water and public health emergency.

“For over two decades, citizens have witnessed government leaders and elected officials retreat from their paramount constitutional and common law duty to protect public water, health, and the common good above all else,” said **Jim Olson, FLOW’s founder and president, water rights attorney, and a principal author of the model legislation.** “This has resulted in a culture of indifference in which water, people, and health are last, and political agendas and economic interests are first, an indifference that led to the water shutoffs in Detroit, the Flint water crisis, and free sovereign water for a highly profitable bottled water industry, with nothing in return for the needs of the people of Michigan. It is time to right the ship, and restore the public trust and paramount common good on which water governance are founded.”

FLOW is calling on Michigan and the seven other Great Lakes states to pass this model legislation in order to:

- Affirm public ownership over water.
- Protect sensitive water resources.
- Prohibit the sale of water except for authorized bottled water by a licensing and royalty system.
- Recoup for public purposes royalties derived from these bottled water sales. This model law places royalties into a public water, health and justice trust fund to serve people and communities for specific dedicated public purposes, such as replacing lead service lines or creating water affordability plans for disadvantaged people in cities and rural communities.

“The seed for this project was sown in April 2017 during the hearing at Ferris State University in Big Rapids on Nestlé’s permit for its 210 million gallon-a-year bottled water well, and germinated during the Flint ‘Water Is Life’ conference held at Woodside Church in the fall of 2017,” said **Dave Dempsey, FLOW’s Senior Advisor, and architect of The Campaign for Fresh Water**. “That’s where large, organized groups of people from Detroit and Flint joined environmental and water advocates from across Michigan to decry the State’s collapse of water protection, and water service shutoffs, and ignoring its duty to protect these commons under the public trust doctrine and constitution.”

“My mother, Edna Leak, who passed away just shy of celebrating her 101st birthday was a compassionate water protector,” said **Lila Cabbil from the People’s Water Board**. “She used to say, ‘You know you can be fined for not giving a dog water, there should be a fine for not giving humans water. It’s not right!’ As her daughter, I too have seen firsthand in Detroit countless times how losing access to water takes a dreadful toll on health and human dignity. This model legislation – Public Water, Public Justice – counters water privatization, protects our water as a commons and human right, and works for water equity and justice. Let the tragedies of Flint and Detroit shape our future so that the people of Michigan never have to worry about access to safe, clean, affordable drinking water.”

FLOW sees this model legislation as a key effort to address the great inequity between bottled water companies like Nestlé and the great suffering of residents in Detroit, Flint, and increasingly beyond as the PFAS-contaminated groundwater crisis threatens drinking water supplies across Michigan.

“At FLOW we have faith that now is the time to shift our whole way of seeing and protecting water as public above all. It is time that we reject a governance culture that puts these interests last, and instead provide one that restores these shared common and paramount interests that respect water, health, and human dignity,” said **FLOW Executive Director Liz Kirkwood**. “It is our hope that this proposed law and report will inspire a groundswell of people from all walks of life to forge a new, water-first framework that prioritizes protection and public trust access to the Great Lakes and groundwater as a commons and human right.”

“This legislation affirms Michigan’s duty as steward of the Great Lakes for the public trust and its commitment to the people of the state that water is a human right. It is based on the historic principle that water is for the public and cannot be owned or sold. The legislation in this way codifies century-old Supreme Court rulings,” said **Noah Hall, Professor of Law, Wayne State University Law School, Founder and Scholarship Director, Great Lakes Environmental Law Center**. “And it advances human rights, recognizing that water is our most basic physical need. In this regard the legislation is a step forward where American law has been falling behind, as the human right to water has already been recognized by over 100 other countries. The Great Lakes and the people of Michigan deserve this legislation.”

For more information, visit FLOW’s website at www.FLOWforWater.org.

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