

# **EXHIBIT C**

## **DECLARATION OF BROOKE FLOYD**

in Support of  
Mississippi Poor People's Campaign's and People's  
Advocacy Unopposed Motion for Leave to Intervene

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
(Northern Division)

UNITED STATES OF AMERICA, )  
and the STATE OF MISSISSIPPI, )

Plaintiffs, )

v. )

THE CITY OF JACKSON, MISSISSIPPI, )

Defendant. )

Case No. 3:12-cv-790-HTW-  
LGI  
(Clean Water Act Case)

---

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

THE CITY OF JACKSON, MISSISSIPPI, )

Defendant. )

Case No. 3:22-cv-00686-  
HTW-LGI  
(Safe Drinking Water Act  
Case)

---

DECLARATION OF BROOKE FLOYD IN SUPPORT OF MISSISSIPPI POOR  
PEOPLE’S CAMPAIGN’S AND THE PEOPLE’S ADVOCACY INSTITUTE’S  
UNOPPOSED MOTION FOR LEAVE TO INTERVENE IN  
SAFE DRINKING WATER ACT CASE

I, Brooke Floyd, under penalty of perjury, declare as follows:

**A. Introduction**

1. My name is Brooke Floyd. I am over 18 years of age and have personal knowledge of the facts set forth in this Declaration. I am the Co-Director of the People's Advocacy Institute's ("PAI") Jackson People's Assembly. I make this Declaration based upon my personal knowledge and in support of MS-PPC's and PAI's (the "Jackson Community Groups") Unopposed Motion for Leave to Intervene.

2. I graduated from Tougaloo College in 2004 with a B.A. in English. I also hold a Master of Science in Education from Jackson State University and a Master of Arts in Teaching from Belhaven University.

3. I have lived in Jackson on and off since 1988. I moved here with my parents as a child and lived in Jackson until 1999. In my late teens and twenties, I spent time living in Chicago and in Starkville, Mississippi. In 2009, I bought a house in Jackson with my sister and have lived in the LeFleur East area of Jackson ever since.

4. I live with my husband, son, and daughter. My children are seven-year-old twins. My sister also lives with us part-time.

5. Since October 2021, I have worked for PAI as the Director of the JXN People's Assembly. The Jackson People's Assembly is a project that informs all of PAI's work. In my role, I am a community organizer who engages with Jacksonians by helping to marshal community meetings, getting people involved in local government, educating the public, helping people get out to vote, and other efforts.

6. PAI has over 20 staff members across our projects. We also have a network of dozens of volunteers who carry out PAI's programs and live and/or work in Jackson, and a Board of Directors which currently has five members.

7. Prior to my work with PAI and the Jackson People's Assembly, I worked with children. I spent four years directing the children's program at Stewpot Community Services, a non-profit organization here in Jackson which, among other programs, provides care for low-income children in Jackson. I have worked at Stewpot as a children's director, staff, and/or volunteer for over 24 years. Prior to my work at Stewpot, I taught for several years in the Jackson public school system and in Hinds County Headstart. I have dedicated my life to uplifting the lives of people in Jackson, especially Jackson's children.

8. In my role at PAI, I have helped to lead the Mississippi Rapid Response Coalition (MRRC or Coalition), a coalition of thirty partner organizations that provide immediate resources to Mississippians during times of crisis caused by infrastructure failures or natural disasters. PAI co-founded MRRC in 2020 in response to the COVID-19 pandemic, and since then, has responded to environmental crises, including the 2021 winter storm in Jackson, Hurricane Ida, the 2021 tropical storm, the 2022 Delta tornadoes, the 2022 Jackson water crisis, and the 2023 Hinds County power outage.

9. I serve on the steering committee of the MRRC, alongside the Mississippi Poor People's Campaign (MS-PPC) and other organizations.

10. Starting on August 29, 2022, I met seven days a week with other MRRC members for a month to help manage water distribution to over 100,000 community members. For the first month after August 2022, I continued to meet with other MRRC members one to five times per week.

11. Along with MS-PPC, I, on behalf of PAI and the MRRC, also helped to organize rallies and protests for clean water; organize community meetings about the crisis; and

distribute about two million bottles of water to Jackson residents, as well as filters and water testing kits certified by the EPA.

**B. PAI's Mission**

12. PAI is a non-profit community resource, training and capacity-building incubator for transformation justice in the South. PAI serves as a vehicle for true democracy, harnessing the collective wisdom of southern communities impacted by mass criminalization, incarceration, and economic inequality, with an emphasis on Mississippi. By engaging communities in electoral justice efforts, People's Assemblies, Alternatives to Incarceration Initiatives, and an intentional grassroots process for cultivating ideas and developing solutions PAI, builds community capacity, inspires self-determination and community-driven solutions to violence, punitive legal systems and social injustice facing far too many communities. We believe that community agency is what is needed to create system change and to build new institutional power that paves the way for a more just system rooted in restoration, resilience and self-determination.

13. One of the ways that PAI builds community capacity is by organizing Jackson People's Assemblies. I am the Director of that effort. In Assemblies, people engage in an intentional process for cultivating ideas to address community needs and developing solutions to the problems they face. PAI then builds other programs from those ideas.

14. Most of PAI's programs began as ideas in People's Assemblies. Our programs engage directly with community members to provide access to government, political processes, and information. Current programs include: our Strong Arms Credible Messenger Transformative Mentoring program for youth engaged in the youth courts of Hinds and Rankin counties; the Operation Good Cure Violence program which works in to prevent gun deaths in the 45-block radius of the Oak Forest Community of South Jackson; the Mississippi Bail Fund Collective

which works to improve bail policy and return to court outcomes; the Community Love Fund that provides financial aid for people in need of temporary assistance for costs such as mortgage, rent, tuition, books, funerals and other unexpected life occurrences or hardships; the Mississippi Prison Reform Coalition for the advancement of criminal justice reform and improvement in conditions of confinement; and a small Participatory Defense Clinic, which provides free legal support for primarily post conviction assistance; and the Mississippi Rapid Response Coalition, of which PAI—as the founding organization and host—is one of the leading organizations.

15. Through the People’s Assemblies, I have engaged with countless Jacksonians and helped them through a process to articulate their dreams for the future, including their dreams for a more efficient, sustainable, and safe water system.

16. In addition to its staff, PAI’s volunteers execute the mission and work of PAI. The majority of our volunteers live and/or work in or near Jackson and are affected by the water crisis. Our small staff and volunteers facilitate opportunities and a physical space where residents can work to develop solutions to the issues our communities are facing.

**C. PAI’s Work to respond to the Water Crisis.**

17. Before August 2022, my time as a staffer at PAI was not focused on Jackson’s water issues. Instead, PAI was primarily engaged in our programs that address healing our community from systemic violence and criminal and juvenile punishment systems, such as our Credible Messenger program. Had the water crisis not come to its head in August 2022, I would have spent my time organizing People’s Assemblies and on other PAI programs unrelated to the crisis.

18. The recent events surrounding the water crisis acutely redirected my and other staff’s time, and PAI resources, away from my designated violence intervention design work and

other aspects of our organization's mission, and instead towards bottled water distribution and otherwise providing for the basic water needs of Jackson residents.

19. After the acute water crisis began on August 29, 2022, PAI, with MRRC and other coalition organizations such as MS-PPC, went door-to-door in Jackson neighborhoods passing out truckload after truckload of bottled water and information cards describing how to safely utilize the water.

20. PAI, along with the MRRC, has been a lead rapid response provider throughout the Jackson water crisis, providing weekly water distribution sites across Jackson's seven wards; distributing water tests and water filters; and establishing a resource call center to respond to resident water distribution needs.

21. PAI and our volunteers have also been involved in other rapid-response efforts following other community catastrophes in Jackson and elsewhere in Mississippi. For example, when tornados hit Rolling Fork in June 2023, PAI, its volunteers, and MRRC grounds team helped residents along the path of the tornados by providing food, water, and financial assistance. We've also responded to hurricanes, ice storms, and other disasters like building fires. Any disaster that strikes the community, environmental or not, we are there.

22. MRRC, with PAI's leadership, has continued to be a rapid response provider during the ongoing water crisis affecting the Capitol City, by providing drinking water, water filters, and testing kits across Jackson's seven wards. As a part of MRRC, PAI has consistently stepped up to support Jackson residents when government entities have abdicated their responsibility to provide safe drinking water.

23. As a part of the MRRC, PAI has also ensured that community members are aware of boil water notices and do not consume or use the water without following proper safety

measures, and has notified residents of boil water notices by notifying local media outlets, using word of mouth, and going door-to-door in the neighborhoods impacted by the boil water notice.

24. As a lead organizational representative of PAI in MRRC, I have personally worked hard to respond to the water crisis. Responding to the water crisis was basically my full-time job from August 2022 through February 2023. I helped to organize sites for water distribution, including making sure we had enough volunteers for all of our sites, and led a water distribution site myself. I also helped to coordinate AmeriCorps volunteers who came to help with water distribution. I made sure all the people coming to help knew where to go.

25. MRRC's work to distribute water—of which PAI has been a core part—has been necessary because state and local government entities fell short during times of need. The City of Jackson government did not have capacity to distribute water so we partnered with city officials to establish water distribution sites. We also distributed water at more sites than offered by the Mississippi Emergency Management Agency, and continued offering water after the agency ended its distribution services.

26. As one of several organizations working daily directly with Jackson residents to ensure that their immediate and long-term needs are met, PAI has valuable information about the pressing economic, health, and safety needs of their community and about what will work best to meet those needs.

27. We continue to have to divert time and financial resources away from other PAI programs because we are spending staff and volunteer time on responding to the water crisis through the MRRC and other ad hoc activities. Because of this re-routing of resources, PAI has had to spread limited financial resources and staff time towards water relief and education. We had to extend staffing hours during the most recent water crisis and have had to temporarily delay

projects such as our Common Justice Jackson Restorative Justice Alternative to Incarceration Program. We have had to transition from scheduled People's Assemblies on Participatory Budgeting and Priorities to canvassing, phone banking and water delivery. We also have had to hire additional hourly staff to help with water distribution and create a new department. Our budget has had to increase by approximately \$500,000 in order to manage the water relief work.

**D. Impact of Jackson's Water Crisis on My Family**

28. As a long-time Jackson resident, I have long been deeply concerned about the quality of Jackson's water—both on behalf of our community and my own family.

29. I have not drunk tap water in Jackson since I became pregnant with my twin children in 2015. I remember that during an early sonogram appointment, one of the nurses asked me where I lived. When I said I lived in Jackson, she told me to avoid drinking the water while I was pregnant.

30. Before my pregnancy, while I wouldn't get a glass of Jackson tap water for drinking, I would still drink it incidentally because I would make ice with it. I would also brush my teeth with tap water. After my conversation with the nurse, I started using bottled water even for making ice and tooth-brushing.

31. After I delivered my twins, nurses told me not to use tap water to make their infant formula.

32. I got a letter in the mail about a month after I delivered the twins saying pregnant people and young children should not drink Jackson water. I remember being in shock that I hadn't received this letter earlier, while I was still pregnant.

33. My twins have never, ever, drank Jackson tap water. As a parent, I feel like if I can avoid having harm come to my kids, I have to protect them. I just don't want to risk any harm coming to them from the water.

34. When my twins go to school, I send them in with two water bottles so they don't have to drink any tap water at school.

35. I took my kids to Starkville, Mississippi, in fall 2022 to visit family. When I took them to the bathroom to brush their teeth, I turned on the faucet. They just stared at me because they didn't know what to do. In that moment I realized that they had never brushed their teeth like regular people. So, I had to show them how to wet their toothbrush under the faucet and told them that was okay to do here. It made me sad to think that my children are different in this way.

36. My children have never known a life when they could use water coming out of our faucets. When we visit family outside of Jackson, my children are shocked to learn that they can use tap water elsewhere. I feel terrible that my children think that our use of bottled water is normal.

37. In July 2022, I used tap water to fill up our family's fish tank. All the fish died. This made me fear that there was something seriously wrong with our tap water. Since that time, I have even started giving my dog bottled water to drink.

38. Around Labor Day 2022, I heard a rumor that one of Jackson's water plants might go offline soon. To have water on hand to flush toilets, I filled up our bathtub with water. The water was dark brown and had things floating in it.

39. From 2022 through summer 2023, my water service had been intermittent. It often came with a yellow or brown color. At minimum, it always had a little bit of a tinge of yellow.

40. Between June and July 2023, I have multiple days of low water pressure and sometimes no water pressure.

41. Because my children have severe allergies, I don't allow them to bathe in the water. I worry that bathing them in the water could expose them to lead or bacteria. Even if I wanted to bathe them, I'm unable to create bubbles with soap in our tap water, which makes me even more concerned that there is something deeply wrong with the water.

42. I also worry about my sister who has an autoimmune disease that would put her at risk if she drank contaminated water.

43. Beyond my concerns for my family's health, issues with the water system have also caused damage to my home. When the broader water system has a line break or loses pressure and the water is turned back on, water rushes back into my home and sometimes causes damage.

44. For example, around Thanksgiving of 2021, the whole city lost water pressure. When water pressure came back, a pipe burst in my kitchen and sent water everywhere. It was absolutely horrible. We had had multiple prior pipe breaks in our home, but that was the worst one. We had to dig up our whole kitchen floor to lay new pipe. We still have a board over the kitchen floor because it has been too expensive to fully fix. The repairs from that incident alone cost around \$10,000.

45. After I spoke in court in this case in July 2023 to describe my issues with my water (as described in this Declaration), a crew from JXN Water came to my home to do some repair work. I understand that JXN Water had fixed a big main break on our street, and after they turned the water back on it flushed dirt and gunk into my connection, which then had to be flushed out. The crew flushed my water line for a couple of hours and installed a new water meter and other new material.

46. I believe that my water issues received attention because I spoke in court. It makes me think that it isn't fair for all the people who have issues with their water but didn't have the chance to speak in court, and so they won't get the same attention.

**E. PAI's and its volunteers' interests in ensuring community access to information about water quality, safe drinking water, and community engagement.**

47. As a resident of Jackson and representative of PAI, I am concerned that Jackson residents do not have a meaningful way to find out about issues with current water quality.

48. I no longer know whether my water and the water of other residents (many of whom are PAI volunteers) is safe enough even to use for showering and other non-drinking purposes. In the past, when we lost pressure or something else went wrong with the water system, we would see a boil water notice. Even if the City didn't tell us immediately, within 24 hours it was on the Mississippi Department of Health website. It worries me that I have lost pressure multiple times without a boil water notice.

49. For example, in June and July 2023, I lost water pressure three times with no notice. I have called JXN Water to report the issue each time. On one call I received good customer service and was told that the water would be restored (which it was, that evening). The two other times I have called to ask about the status of my water or whether we had a BWN and I was put on hold or no one answered.

50. On July 12, 2023, I lost water in the middle of my shower. I called JXN Water to see what was going on, but after someone at JXN Water answered and put me on hold, the phone was disconnected. I was never able to find out what went wrong with my water service that day.

51. The fact that I have been unable to get in touch with JXN Water staff two out of three times I have called to report water quality issues makes me concerned, because it leaves me with no other way to get information about what might be happening with my water.

52. I have heard all of my concerns—about the struggle to get in touch with JXN Water, the lack of boil water notices, and lack of transparency in general—shared by Jackson residents (many of whom are PAI volunteers) I have spoken with through my role at PAI.

53. When JXN Water contacted community representatives in Jackson about the water crisis around January 2023, as a leader of PAI, I was one of the community leaders who helped with community outreach.

54. I developed a flyer for the community Promise Program, which was a program JXN Water proposed to help forgive debt for people in the community who owed water bills. I also went out to community events to tell people about the program. I was excited about the program because people needed that bill relief.

55. When JXN Water canceled that program and sent mixed messages about whether there was money available for that program, I was confused. It made me distrust JXN Water. I also felt like my work was thrown under the bus.

56. I also felt mistrust based on JXN Water's hiring, firing, and contracting decisions. I, along with many other PAI volunteers (many of whom are Jackson residents), want to see Jackson's water under community control, with its functions (like the call center) in Jackson. There are federal dollars coming to Jackson to fix the system and Jacksonians could benefit from that money. It upsets me that so much of our community's control over the water system has been outsourced, and I know, via my work at PAI, that this upsets other Jackson residents, too.

57. Beyond my concerns as a member of the public, as a community organizer with PAI, I am also troubled by the very limited ways that the City of Jackson, the EPA, and JXN Water have allowed community members to express their concerns and their ideas for fixing the water system and how the City, the EPA, and JXN Water have failed to address any of their concerns or implement any of their ideas.

58. Part of my role as co-director of the Jackson People's Assembly is to work to ensure that the community's voice is heard and that I uplift community voices and ideas to solve the drinking water crisis. To do that, I, along with other PAI staff, PAI volunteers, and other members of the MRRC, have engaged with the EPA, the City, and the Interim Third-Party Water Manager (ITPM) at every available opportunity over the course of the water crisis and subsequent litigation.

59. Over the last nine months, with other MRRC members, in my role with PAI, I have attended more than ten public meetings with government officials regarding the Jackson water crisis. In addition, PAI and the MRRC leadership, including myself, have hosted over ten People's Assemblies and have attended town halls to learn about Jackson resident's perspectives on the water crisis and bring those perspectives to public meetings with government officials. We hosted these meetings to ensure that the voices of those most impacted by the crisis—Jackson residents—have their voices heard and interests represented in these meetings.

60. I participated in community meetings and listening sessions that the EPA and DOJ started doing in the fall of 2022 and January through April of 2023. I spoke when I was allowed to share my concerns and my perspective as a community leader and member, a mother, and an educator. At these meetings, I noticed that there was no back-and-forth dialogue with government officials; officials simply just took notes on our comments.

61. For example, on March 22, 2023, in my role with PAI, I participated in a meeting hosted by the U.S. EPA for leaders of community groups in Jackson. Meeting participants included an Assistant U.S. Attorney of the Southern District of Mississippi, EPA staff, and community leaders. In that meeting, Jackson community members, including myself, described their concerns about their water quality, issues in the water system, and their desire to have a publicly controlled water system. EPA explained that it would collect comments from the community and talked about EPA/DOJ's ongoing Safe Drinking Water lawsuit with the city. However, I have no idea how or whether those comments are being addressed or incorporated into the lawsuit, which makes it impossible for me to believe that EPA is adequately representing the community's interests in this lawsuit.

62. In meetings I attended, I shared that Jackson's water system has been in crisis for a long time. I shared that I have been angry that Jackson's water was just now receiving attention from the EPA, when we had been through longer and worse water crises in the past (such as the water shutoff that kept children out of school from Winter Break 2018 to almost Valentine's Day that same year). I expressed anger that multiple mayors going back to the 1980s have warned about the water crisis but the federal and state government did not help.

63. I also said that I was one of the lucky Jackson residents who has the means and family to help deal with the crisis. For example, when water is shutoff and I really need a shower, I can drive to friends who live outside of Jackson. Not everyone has these resources. I also said that there are many communities in Mississippi who need help fixing their water systems, not just Jackson, and that I hoped the federal government would help them, too.

64. I have also attended meetings outside of Jackson to discuss the water crisis. I attended a clean water conference in Milwaukee, Wisconsin, in October 2022 at which Vice

President Kamala Harris promised that Jackson would get clean water. I want to make sure that all levels of government are held to that promise and do their jobs to make sure that all people in Jackson get clean water.

65. On July 12 and 13, 2023, on behalf of PAI as a resident of Jackson, I attended the status conference in this lawsuit to express my views on the water crisis. On July 12, in open court, I raised my concerns as a resident of Jackson, as a director of PAI, and on behalf of PAI and its volunteers, regarding the community's desire for transparency about JXN Water's work and the city's ongoing water quality issues, as described in this Declaration.

**F. PAI's and its volunteers' concerns about community exclusion from this lawsuit.**

66. As a leader of PAI, I am concerned that Jackson residents, which includes volunteers of PAI, do not have a meaningful way to influence the decisions being made about the water they drink from Jackson's public water system or to find out about issues with the system's current water quality.

67. When I found out about the confidentiality order in this lawsuit, that really rubbed me and other staff and PAI volunteers who are Jackson residents the wrong way. I heard several city council members express concerns about the confidentiality order—they said that if the City didn't agree with the order, the City wouldn't receive money to fix the water system. I am troubled that the City may have been forced into the confidential agreement just to receive funding to fix the water system. Through my role at PAI, I have heard Jackson residents express the same concern.

68. I am a Black woman and a Mississippian. My lived personal and professional experiences tell me that any time people are making decisions behind closed doors, it does not benefit me and probably won't work in the best interests of the larger society. This is especially

true when the people negotiating the outcome of this lawsuit and more broadly, the resolution of the water crisis aren't from Jackson, don't live in Jackson, and most importantly don't drink Jackson water.

69. Unless it is for a surprise birthday party, secrets are almost never good. I am concerned about the secretive nature of these negotiations and I know, via my role at PAI, that a lot of other Jacksonians are, too. If these negotiations are just about our water system, I see no reason why they should be confidential or at least why the community cannot receive meaningful updates about their progress.

**G. PAI's and its volunteers' interests in ensuring an institutionalized role for community and data sharing concerning Jackson's water quality to establish long-term sustainability and equity in the public water system.**

70. As a Jackson resident and community organizer with PAI, I am overwhelmed by my emotions about the water crisis, and I have repeatedly heard the same frustrations shared by other PAI staff and PAI volunteers. I am full of fear, worry, anger, and frustration, especially when I think about my kids and other children in Jackson. I am also hopeful that one day, our water system will be fixed. It reminds me of the fear and overwhelming feelings of the early days of the COVID-19 pandemic—a constant worry about when we would be able to give our kids some normalcy.

71. From my work with PAI, I know that Jacksonians care about their water, but don't always have time to voice their concerns. When you are struggling to get baby formula, you work a twelve-hour day, you are just bogged down by life, you don't necessarily have time to come to community meetings. Life is hard! But that's where my job with PAI—and the work of other PAI staff and volunteers comes in: to help residents who don't have time to engage on community issues to do so and to raise their voices. I know that PAI can help Jacksonians make their voices

heard in the context of these negotiations, and that if Jacksonians are heard we can help make the water system better serve Jackson in the long-term.

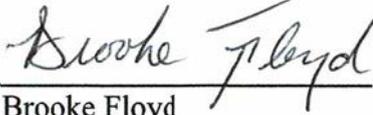
72. I do believe that the EPA is trying to fix our water. I know and have seen that the ITPM has made progress fixing our water system. But I remain concerned that JXN Water is not making progress on billing issues and community outreach and information sharing about the status of the water system, and that it is struggling to address public works and distribution system issues.

73. I, on behalf of PAI and its volunteers, want to make sure that Jackson residents' concerns about the water system are heard and that their water needs are taken care of as the water system is fixed. The outcome of this litigation will set the parameters for Jackson's drinking water for decades.

74. PAI could not have greater interest in the Jackson water crisis in the EPA's involvement in the process to fix it. The crisis has touched everyone PAI interacts with and serves—most profoundly, the City's residents, which includes many of our volunteers at PAI. Responding to the water crisis has consumed PAI's operations for the better part of a year. Jacksonians—who will, ultimately, experience the results of this litigation via the water coming out of their taps—must have a seat at the negotiating table to help decide the fate of our water system.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed at Jackson, Mississippi, on 9/18/23.

  
Brooke Floyd