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Focusing the Lens: Recognizing U.S. Prisons as Fortresses of Environmental Injustice

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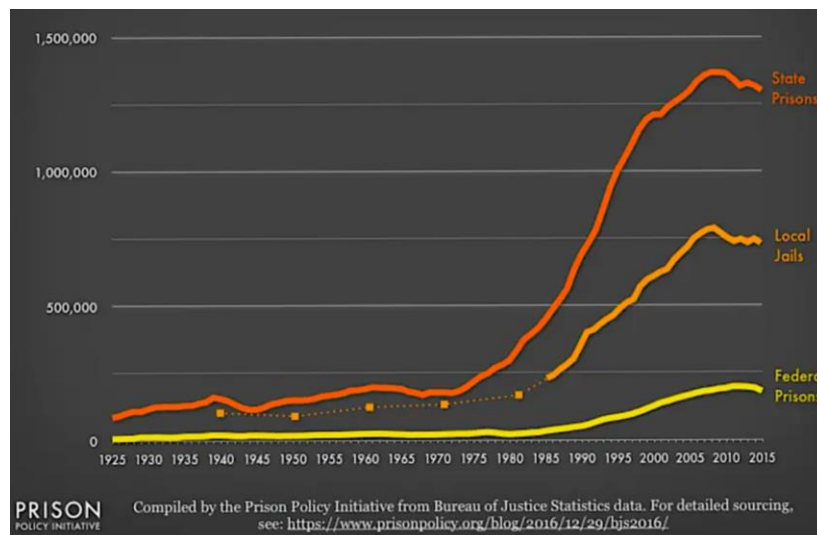
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Focusing the Lens: Recognizing U.S. Prisons as Fortresses of Environmental Injustice

Mass Incarceration and Environmental Justice

Approximately two million Americans are incarcerated on any given day, with over ten million being released from prison or jail each year. Incarceration rates have climbed dramatically since the 1970s, with racial minorities experiencing disproportionate increases[[1-3](#)]. Compared to the general population, currently and formerly incarcerated people have higher risks of chronic health disorders, such as cardiovascular disease and cancer [[4](#), [5](#)]. Multiple studies have documented links between imprisonment and increased mortality risk [[4-6](#)]. Imprisonment has profoundly harmful effects on physical and mental health. Mass incarceration—enabled by social and criminal justice policies that oppress historically marginalized and discriminated against communities—is widening health inequality in the U.S.[[7](#)].

Graph showing the number of people incarcerated by federal, state, or local governments (1925 – 2015) [[1](#)].



While the impact of mass incarceration on morbidity and mortality in the U.S. is well documented, only recently have the connections between mass incarceration and environmental justice issues begun to come to light. In the U.S., people of color, immigrants, Indigenous peoples, low-income individuals, women, and queer folks face inordinate environmental and public health hazards from state and corporate institutions [8]. Environmental injustices occur when people disproportionately exposed to health risks due to state policies and industrial practices which pollute and/or exploit air, land, water, climate, and human and non-human communities. For too long, environmentalist movements have disregarded the relationship between social inequities and environmental degradation, failing to understand the destruction of the environment in the context of the communities it affects most, particularly Black, Brown, and poor communities. People of color are overrepresented in prisons and jails in the U.S. [1], and these institutions are frequently:

1. constructed adjacent to or on top of toxic waste sites,
2. inundated with air and/or water contamination,
3. sources of pollution.

Therefore, recognizing prisons as "fortresses of environmental injustice" and working to dismantle them must become a mainstream public health effort as the environmental justice movement continues to advance. By examining prisons in the U.S. through an environmental justice lens and providing an overview of the ways by which prisons impact human health, this paper aims to advocate for policy change that will improve the lives of prisoners and communities around prisons. Through case studies of the experiences of prisoners across the nation, the paper will present the location of prisons, exposure to environmental hazards in prisons, and pollution from prisons as key pathways by which prisons' harm health.

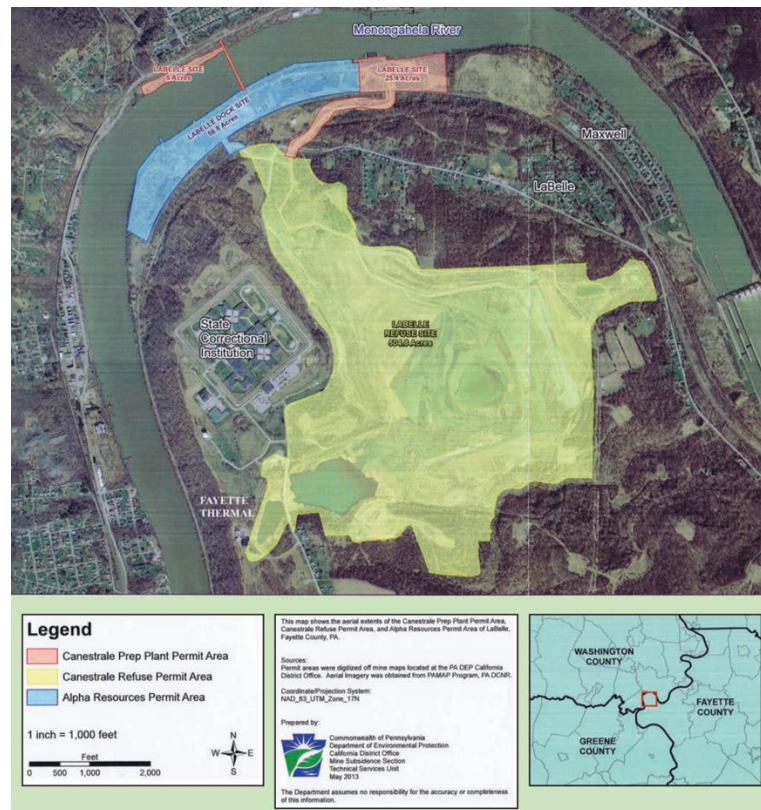
If Nothing Else Grows, Build a Prison

Low-income communities and communities of color are disproportionately impacted by environmental degradation. For example, polluting facilities are more likely to be established in these communities, and environmental rules are frequently less strictly enforced [9]. The zoning of prisons upholds this legacy of racism and neglect. Prisons are often located in or near low-income communities and they are often built on some of the least desirable and contaminated lands, such as old mining sites, Superfund cleanup sites and landfills. At least 589 federal and state prisons are located within three miles of a Superfund cleanup site on the EPA's National Priorities List, with 134 of those prisons located within just one mile [9].

Consider the rural town of LaBelle in the Luzerne Township of Fayette County, Pennsylvania. Two industries characterize the small community: a 506-acre coal ash dump operated by Matt Canestrone Contracting (MCC) and a maximum-security state prison known as State Correctional Institution Lafayette or SCI Lafayette. Matt Canestrone Contracting (MCC) has been operating the dumpsite since 1997. The dump accepts coal ash waste from coal-fired power plants throughout the region [10].

Before MCC began dumping ash waste on the site in the late-90s and before the SCI Lafayette was built in 2003, LaBelle was home to a massive coal preparation plant, where coal from nearby mines was washed, graded, and shipped worldwide. The leftover coal refuse was dumped on or around a 1,357-acre property. By the mid-1990s, an estimated 40 million tons of coal refuse had been deposited on the site, covering hundreds of acres and "at depths approaching 150 feet in some places" and leaving a legacy of waste issues across the land [10].

Aerial view of surface permits in LaBelle, Pennsylvania, May 2013 [10].



In 1996, MCC purchased the property. Shortly after, it reached an agreement with the Pennsylvania Department of Environmental Protection to manage coal refuse disposal for site reclamation. The dumpsite was later rezoned to its current 506-acre domain, and 237 acres of the original property were transferred to the Commonwealth of Pennsylvania to construct SCI Fayette [10].

MCC's reclamation strategy is to "cap" the coal refuse dump by spreading flue gas desulfurization sludge, a liquid form of coal ash, over the entire area to create a barrier preventing rainwater from leaching chemicals into soil, surface water, and groundwater. The sludge is then covered with a mixture of dry coal ash and topsoil. The mixture of coal ash and topsoil is also used to stabilize a dam holding back a large pond of coal slurry. The dam is

categorized as a “high” hazard, meaning that its failure is "likely to cause loss of human life” [\[10\]](#).

Since it took ownership of the dump and began the reclamation project, MCC has perpetually violated the Air Pollution Control Act [\[10\]](#), which prohibits allowing particulate matter to leave the boundaries of the dumpsite. Ash is regularly seen blowing off the site or out of haul trucks and collecting on the houses of local residents as well as the prison grounds at SCI Fayette [\[10\]](#). Residents of LaBelle have filed numerous complaints with the Pennsylvania Department of Environmental Protection in recent years. However, these complaints have resulted in little more than notices of violation and, in rare instances, fines against MCC [\[10\]](#).

What is shocking about this story of land use around LaBelle is not the coal industry's pollution but rather that the local government built a 2,000-bed prison on a toxic waste site. The building of prisons in the proximity of hazardous environmental features is not an anomaly but a pattern across the U.S. The zoning of SCI Lafayette illustrates how prisons are used to boost the economy in areas where industrial practices have devastated the land. Prisons are built without regard for hazardous environmental exposures, and this negligence has disastrous consequences on the health of the incarcerated.

Locked Up Without Clean Air or Water

There are numerous examples of prisoners being exposed to contaminated air or water while in prison. In 2014, a study at SCI Fayette found that 80% of survey responding inmates (61/75) were suffering from exposure to coal ash, including respiratory, throat, and sinus conditions, gastrointestinal problems, and adverse skin conditions [\[10\]](#). Residents of the neighboring suburban area La Belle filed a lawsuit stating that the dump site creates fugitive dust

that pollutes air and water, contributing to sickness in the community. This lawsuit notably left out concerns about the health of prisoners. Samples taken from the According to the EPA's enforcement database, federal and state agencies brought 1,149 informal actions and 78 formal actions against regulated prisons, jails, and detention centers during the past five years under the Safe Drinking Water Act[9]. Yet another example is arsenic exposure at Wallace Pack Unit, a Type I geriatric prison in Texas incarcerating predominantly elderly and disabled prisoners. The water at the Unit contained between 2.5 to 4.5 times the level of arsenic permitted by the EPA for 10 years before a federal judge ordered the Texas Department of Criminal Justice to treat the water for the prisoners.

Prisoners are locked up, with no escape, and forced to spend years, sometimes decades, in institutions that are frequently inundated with air and water contamination. Chronic exposure to environmental hazards is an inescapable part of life for many prisoners. Criminalized and ostracized, prisoners are forced to live in conditions that damage their physical and mental health and undermine their ability to reintegrate into society.

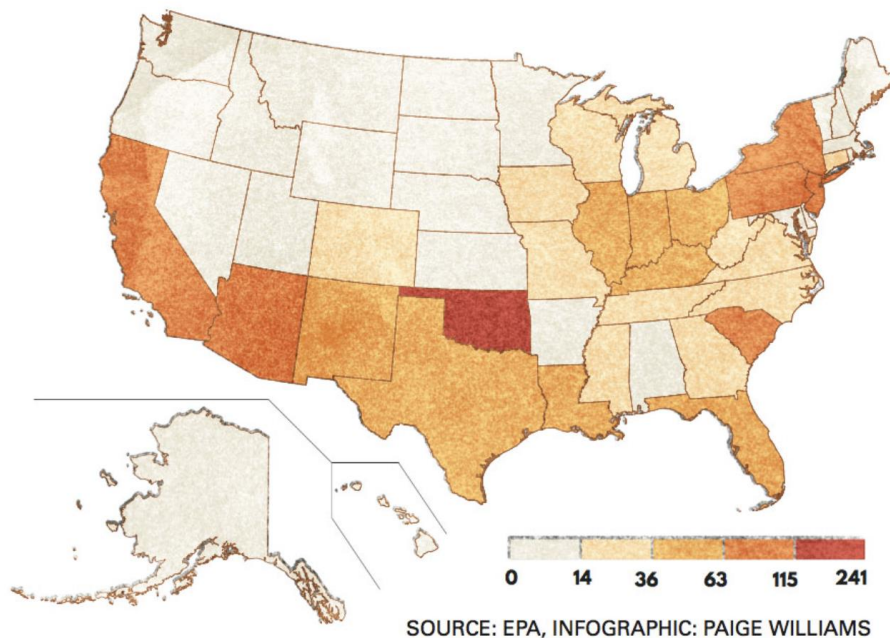
Toxic Prisons: Oozing into Communities

The environmental threat that the prisons pose to human health does stop with inmates; it seeps beyond the walls of the institutions and into the neighboring communities. Prisons are built on contaminated lands, sources of hazardous environmental exposure for inmates, and in many cases, the institutions themselves are also sources of pollution. An egregious example of a prison contributing to environmental degradation is the California Men's Colony state prison (CMC). Located about 10 miles from the Pacific Ocean coastline in San Luis Obispo; the prison has a legacy of water pollution. In 2004, CMC was fined \$600,000 by the regional California water

quality control board for spilling 220,000 gallons of raw sewage into nearby Chorro Creek. The creek flows into Morro Bay, a state-designated marine protected estuary [9].

CMC may be one of the worst examples of prisons polluting the environment, but it is certainly not the only example. Prisons across the nation have been cited for violating point source pollution regulations under state and federal water laws and falsifying water pollution reports [9]. Beyond exposing prisoners to environmental toxicants, prisons can be a source of pollution for nearby non-incarcerated residents.

Map showing violations of federal environmental laws in prisons by state in the U.S. (2012-2017) [9].



Advancing Environmental Justice — Recognizing Prisoners' Rights to Health

Black, Brown, and low-income communities are overrepresented in U.S. prisons [1-3]. These communities also face disproportionate environmental and public health hazards [8]. Mass incarceration and America's punitive approach to criminal justice have enabled prisons to become fortresses of environmental injustice.

*"The problem is the intersection of environmental justice, and mass incarceration runs right into the teeth of prisoners not being considered worthy of justice. If we [prisoners] complain about dirty water, poor ventilation systems, or inadequate medical care, there is a collective societal shrug: **You should have thought about that before you committed crime.**"*

- Kenneth Hartman [9]

The EPA is the only agency with nationwide jurisdiction over prisons in the U.S. While the EPA recently developed the 2020 Environmental Justice Action Agenda Framework, the agency has failed to recognize that environmental justice efforts *cannot* stop at the prison gates [9]. Future efforts to advance environmental justice must acknowledge the role of prisons in the disproportionate exposure of Black, Brown, and low-income communities to environmental and public-health challenges. For this to happen, communities across the U.S. have to recognize that prisoners have a right to health and wellbeing. Ask yourself, "Does someone who has been convicted of a crime deserve the same rights to health as me?" and contact your local EPA agency and let them know if you find yourself agreeing. Only by changing the narrative and making rehabilitation rather than punishment the goal of our criminal justice system, can the U.S. begin to address environmental justice inequities in prisons.

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