

Equal Justice Initiative

Criminal Justice Issues and Prisoners' Rights

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SCI Fayette in Pennsylvania was built on top of one of the largest coal preparation plants in the world, where more than 40 millions tons of coal refuse and coal ash containing high concentrations of mercury, lead, and arsenic were dumped.

A new report draws connections between mass incarceration and environmental issues, discussing often-ignored problems that arise from building prisons on or near toxic sites and from allowing prisons to pollute surrounding communities with toxic contamination. The authors write that mass incarceration in the US impacts the health of prisoners, prison-adjacent communities, and local ecosystems from coast to coast.

One legacy of Americas [history of racial inequality](#) is that, from [Alabama](#) to California, polluting facilities are more likely to be built and less likely to be regulated in low-income communities and communities of color. Earth Island Journal and Truthouts new [report](#) observes that [t]his legacy of environmental injustice extends to the siting of prisons, which are built on some of the least desirable and most contaminated land in the country, including old mining sites, Superfund cleanup sites, and landfills.

Nearly 600 federal and state prisons are located within three miles of a Superfund site on the National Priorities List, and of those, more than 100 are just one mile from the toxic site. At SCI Fayette in Pennsylvania, a recent [report](#) found more than 80 percent of inmates were suffering from exposure to coal ash, including respiratory, throat, and sinus conditions, gastrointestinal problems, and adverse skin conditions. Prison guards sued for access to bottled water and won, but prisoners there still drink contaminated tap water. More than 3500 California prisoners have been infected with valley fever (and more than 50 have died) after breathing in dust particles contaminated by a fungus found in the soil.

Water contamination and pesticide exposure also occur at prisons located on seemingly benign lands. At the Wallace Pack Unit in Texas, which incarcerates mostly elderly and disabled inmates, prisoners drank thousands of gallons of arsenic-tainted water for more than 10 years before a federal judge ordered the corrections department to truck in clean water.

Prisons are also a source of environmental hazards. In 2007, *Prison Legal News* exposed sewage and sanitation violations in dozens of prisons in 17 states. Violations of drinking water contamination, including by arsenic and lead, are present at many prisons, jails, and detention centers across the nation. The Environmental Protection Agency's enforcement database shows that federal and state agencies brought 1149 informal actions and 78 formal actions against regulated prisons, jails, and detention centers during the past five years under the Safe Drinking Water Act, and that is almost surely an undercount, because the database contains records for only about 1000 of the country's 6000 prisons and jails. The California Mens Colony state prison in San Luis Obispo has been a major water polluter for 20 years; in 2004, it was fined \$600,000 for spilling 220,000 gallons of raw sewage into a creek that flows into Morro Bay, a protected estuary, but spills continued, in 2008, 2014, 2015, and 2017.

The report reveals that prisons from Virginia to Washington State have been cited for violating point source pollution regulations under both state and federal water laws, as well as for falsifying water pollution reports. Over the past five years, federal and state agencies have brought 132 informal actions and 28 formal actions against regulated prisons and jails under the Clean Water Act, resulting in \$556,315 in fines. And industrial activities associated with prison labor programs or local power generation have also harmed local air quality. EPA data shows that 92 informal actions and 51 formal actions were brought against prisons, jails, and detention centers across the country under the Clean Air Act during the past five years.

Advocates say the EPA does not apply its environmental justice guidelines to prisoners, even though most incarcerated people in America come from low-income communities and are people of color, at least in part because the population data it uses does not include prisoners. That omission implicates how EPA conducts prison inspections, prison-related environmental reviews, and permits construction of new prisons. The Trump Administration is seeking to close the EPA's Office of Environmental Justice entirely, forcing incarcerated people to rely on slow-moving courts to protect their health and the environment from toxic prisons.

[M]ass incarceration in the US impacts the health of prisoners, prison-adjacent communities, and local ecosystems from coast to coast.

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