

**Toxic Prisons: An Exploration of the Connection Between
Prisons and Superfund Sites**

by

Claire Jordan McHale

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Certificate of Approval

This is to certify that the accompanying thesis by Claire Jordan McHale has been accepted in partial fulfillment of the requirements for graduation with Honors in Sociology.

Alissa Cordner

Whitman College
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ABSTRACT

When one thinks of the dangers and problems within prisons, issues of environmental justice do not typically come to mind as being a significant issue. The harsh reality is that this is a major problem in prisons, jails and detention centers across the country as individuals are currently suffering from serious health problems due to environmental hazards. This is a significant issue as the U.S. has the largest prison population in the world with around 2.3 million people currently incarcerated. Despite the severity of this problem it remains largely unacknowledged within the prison industry, though in recent years there has been growing attention brought to this issue as people are slowly making the connection between severe health problems and neighboring toxic facilities, especially Superfund sites. Currently, around one third of all federal and state prisons are located within three miles of a Superfund site. This puts a large percentage of incarcerated individuals at risk of developing severe health problems due to their prison's close proximity to a Superfund site. To explore the relationship between prisons and Superfund sites, in this thesis I conduct a comparative case study that analyzes three prisons located by Superfund sites; The Northwest Detention Center, ADX Florence and SCI Fayette. Through my analysis and comparison of these three prisons, I uncover a range of causal factors that can be attributed to the flawed siting process that led each of these prisons to the toxic locations they reside in today.

INTRODUCTION

It was only one week after Richard Mosely arrived at SCI Fayette prison in Pennsylvania in 2008 that he started getting sick (Waters 2018). It started with a stuffy nose, then weight loss, gastrointestinal problems and soon after he was relying on an asthma mask to breathe (Waters 2018). Having never encountered any serious health problems before Mosley became increasingly concerned but was consistently reassured by medical professionals within the prison that he was fine and likely overreacting. Despite what the doctors said, Mosely knew something was amiss and began writing letters to local officials describing his poor health and the multitude of health problems experienced by his fellow inmates (Waters 2018). Ultimately, it was not until Mosely was finally released in 2012 that he discovered the suspected source of his health problems: a coal-ash dump located less than a mile away from the SCI Fayette Prison.

Unlike Mosely, who didn't learn of the nearby coal ash dump until after his release, Ray Luc Levasseur had always suspected that the water at ADX Florence in Colorado was contaminated. This suspicion came after Levasseur had heard of stories of the "Alcatraz like" prison built near a toxic nuclear waste site (Waters 2018). Upon Levasseur's arrival at ADX Florence he saw the health risks related to the nuclear site firsthand, as he described a friend developing a tumor on his calf "the size of a grapefruit", another friend dying in his bunk, and a third friend developing small lumps across his body (Waters 2018).

Each of these individuals' experiences, while deeply unsettling, are unfortunately not uncommon, as currently 589 of the 1,821 federal and state prisons in the U.S. are located within three miles of a Superfund site (Waters 2018). This puts a large percentage

of incarcerated individuals at risk of developing severe health problems due to their prison's close proximity to a Superfund site (Waters 2018). Within SCI Fayette itself, a recent report found that over 80 percent of inmates including Mosely are suffering from exposure to coal ash, including respiratory, throat, and sinus conditions, gastrointestinal problems, and adverse skin conditions (Equal Justice Initiative 2017). This showcases the severity of a problem that has been largely unacknowledged and unexamined within the prison industry, though in recent years there has been growing attention brought to this issue as people are slowly making the connection between severe health problems and neighboring toxic facilities, especially Superfund sites. The lack of scholarly research and media coverage is problematic as nearly one third of all federal and state prisons are located within three miles of a Superfund site with around ten percent of these situated within just one mile. This high percentage of prisons located near Superfund sites puts a high percentage of incarcerated individuals at risk, as the U.S has the largest prison population in the world with around 2.3 million people currently incarcerated (Cherry and Kunce 2000). This problem is sociologically significant in that it examines the social structures put in place that are serving to harm a large portion of the population. It also builds upon an important sociological field of study, environmental justice, which revolves around the belief that "all people and communities are entitled to equal protection of environmental and public health laws and regulations" (Bullard 1996:495).

In order to gain a thorough understanding of this problem I explore the relationship between prisons and Superfund sites by examining potential casual factors that could be contributing to the connection between prisons and Superfund sites. To explore this question, I analyze the history and siting process for each prison to figure out

how the prison site was chosen and if the potential risks were well known prior to the prison's construction. I also explore the local communities' attitudes towards each prison's development to see if their support or opposition played a role in the siting process. Through this research I ultimately uncover a range of causal factors at play that underlie each of the three prisons I examine within this study. While these causal factors do not allow me to make generalizable claims about all prisons near Superfund sites, it does serve to expand the field of environmental justice as a whole, and additionally serve as a jumping off point for future research.

Following this introduction, I introduce my theoretical frameworks which brings together environmental justice theory and stigma theory. Together these theories serve to situate my research question and help me to gain a better understanding of the topic as a whole. In my literature review, I go on to introduce literature which examines mass incarceration, prison and Superfund siting and studies that specifically explore the connection between environmental justice and prisons. Following the theory and literature review I will explain the methodology utilized in this study in order to showcase how the methodology I chose contributed to my individualized findings. Following that I go on to my analysis section in which I explore the history of each prison and compare and contrast them in order to explore the overarching casual factors. Lastly, I move on to my conclusion where I summarize the findings and limitations of my analysis, provide suggestions for further research on this topic and highlight the positive work being done to combat and address the problem of toxic prisons.

THEORETICAL FRAMEWORKS

In examining the main causal factors related to so many prisons being located in close proximity to Superfund sites, I will be predominantly using theories related to environmental justice and stigma theory. Together these theories will provide me with the framework needed to analyze the casual factors and explore this issue from an in depth and analytical perspective. It will also allow me to gain a greater understanding of the field of environmental justice, the problems within the prison industry, and the ways that incarcerated individuals have been left out of an important narrative that discusses their health and wellbeing.

Environmental Justice

Environmental Justice can be understood as both a social movement as well as an area of academic research. Robert Bullard, one of the key early theorists on environmental justice defines it as the belief that “all people and communities are entitled to equal protection of environmental and public health laws and regulations” (Bullard 1996:495). The EPA expands upon this definition as it defines environmental justice as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies” (EPA 2019). By utilizing these definitions of environmental justice, it is clear that the connection between prisons and their close proximity to Superfund sites should be viewed and interpreted as an environmental justice issue because it involves individuals within a minority group disproportionately experiencing health issues due to environmental hazards.

While these definitions will be helpful in analyzing this issue as a form of environmental injustice and in understanding how my research question relates to past definitions, my research will hopefully serve to expand upon these definitions. The expansion and critique of environmental justice as a whole is explored by Avi Brisman, who writes with the goal of broadening the concept of environmental justice by examining the complicated relationship between crime and the environment (Brisman 2007). Here, Brisman analyzes the somewhat restrictive nature of environmental justice as a concept and the ways in which this notion can be expanded with “one that is concerned not only with the distribution of environmental hazards across diverse classes and races but with ‘social transformation’ directed toward meeting human needs and enhancing quality of life...”(Brisman 2007:727-728). By building upon the concept of environmental justice as we know it, it serves to expand my research by bringing incarcerated individuals into a narrative and scholarly field they are currently excluded from which strengthens environmental justice as a whole.

This theory is further explored by David Pellow as he discusses environmental injustice as a form of criminalization while questioning, “since environmental justice is frequently a product of state-sanctioned violence of communities of color, then what are the implications of reframing it as a practice of treating those populations as criminally suspect and deserving of state punishment (Pellow 2019:1). As highlighted here, it is well known across the field of environmental justice that “people of color, immigrants, indigenous peoples, low-income persons, women and queer folk across the US and the globe who already experience social, political, economic, and cultural marginalization are also more likely to experience disproportionate environmental and public health threats

from state and corporate institutions than other populations” (Pellow 2019: 2). This is further explained as Pellow states,

Environmental injustices occur when people are disproportionately exposed to health risks in their homes, their neighborhoods, workplaces, schools and other spaces, as a result of state policies and industrial practices that support polluting and/or extractive activities that threaten air, land, water, climate, and human and nonhuman communities. More broadly, environmental injustices reveal how deeply ingrained racism, colonialization, heteropatriarchy, and other systems of oppression are woven into the historical and contemporary structures of society (Pellow 2019:2)

It is important to keep widespread issues such as racism and colonization in mind when analyzing the connection between prisons and environmental justice because they can serve to explain a range of problems that have plagued U.S. society since its creation. Prisons and Environmental justice both have deep roots in racism and colonization that serve to promote the oppression of marginalized individuals.

Building off this Pellow goes on to explore how traditional environmental justice studies often overlook the underlying driving systems that lead certain places; such as prisons, to be at a higher risk of experiencing environmental harms. This is explained as he states,

The distributional paradigm tends to focus on the symptoms of environmental injustice while overlooking its underlying driving forces, for example, the ideological and cultural work that defines certain population and ecosystems as pollutable- or “wastelands” (Voyles 2015). Such an approach forces one to look for deeper roots and linkages to explain environmental injustices (Pellow 2019:2).

To address this lack of focuses on the underlying driving systems Pellow (2016) outlines three main contributing explanations why environmental problems primarily affect low income individuals and people of color. The first of these explanations is economic based where capital gain is prioritized over the health of individuals. The second is race based which examines the legacies of historic racism. The third and final explanation is

sociopolitical which examines the use of the “path of least resistance” which is when people chose an area based on where they think they are least likely to be challenged or receive backlash (Pellow 2016).

David Schlosberg (2009) provides an additional explanation for environmental injustice that focuses on bringing oppressed voices into a narrative they have traditionally been excluded from. Schlosberg (2009) underlies this discussion by describing two necessary forms of justice that are needed for inclusion; procedural and recognition justice. Procedural justice is the process through which someone can actively participate in activism or the decision-making process in relation to environmental problems. Specifically, this can be understood as individuals having the ability to attend public meetings or successfully communicate and voice their concerns with their elected officials. To be able to participate in any form, one must first have recognition justice. Recognition justice can be known as the “why of inequality” and is the precursor to just distribution as it deals with individuals' abilities to be recognized for their opinions, feelings and unique thought processes. Schlosberg uses these terms to examine how lower income individuals and people of color are more likely to be impacted by environmental hazards. Incarcerated individuals are some of the least respected and valued members of society due to popularized stigmas and biases towards deviance. This makes it increasingly important to acknowledge the stigma and overall lack of recognition that incarcerated individuals receive and the ways that this inhibits their ability to advocate for themselves as well as have these injustices recognized as problematic.

This lack of recognition can also be tied into the theory of ‘appropriately polluted spaces’ which highlights how environmental hazardous sites tend to affect peoples or communities that have been already deemed as socially polluted due to issues surrounding racism or classism (Higgins 1994). Higgins also states that, “Social pollution practices, in turn, facilitate the disproportionate environmental pollution of minority communities by rendering such pollution, like the communities themselves, less viable and therefore less of a threat to white centers of power” (Higgins 1994:1). It is of course no surprise that prisons would be deemed as being an “appropriately polluted space” as incarcerated individuals tend to be some of the least valued and most negatively viewed and neglected members of our society. This is due largely to society's overall views, prejudices and misconceptions on crime and punishment. This relates to my next section which examines stigma and how stigma can serve as a causal factor behind individuals experiencing environmental injustices as well as injustices within the prison industrial complex.

Stigma

Along with theories of environmental justice, stigma plays an important role in providing an explanation as to why certain individuals are more likely to face a disproportionate burden of environmental hazards. Sociologist Erving Goffman describes stigma as being a special kind of relationship between attribute and stereotype that leads one to be discredited in society (Goffman 1963:257). He goes on to state how, “By definition, of course, we believe a person with stigma is not quite human. On this assumption we exercise varieties of discrimination, through which we effectively, if often unthinkingly, reduce his life chances” (Goffman 1963:285). Expanding upon this

Goffman describes how, “We construct stigma theory, an ideology to explain his inferiority and account for the danger he represents, sometimes rationalizing an animosity based on other differences such as those of social class (Goffman 1963:285).

Stigma theory can be easily applied to incarcerated or formerly incarcerated individuals as they are often viewed as being less than human and in turn face discrimination that can dramatically reduce their life chances. This is highlighted by Panagioti Tsoalkas as he states that, “It’s hardly surprising, I think it’s the same reason why so many prisoners are not given the right to vote and held without any hope of parole because they’re viewed as a subclass of the population... deserving of less basic rights, help and protection” (Waters 2018). This can be directly attributed to the negative stigma incarcerated individuals encounter and the ways that they are often viewed as a representation of danger, which serves as a means for strangers to justify their prejudice and animosity towards these so-called “dangerous” individuals.

This connects directly to Drake’s theory of the “construction of the dangerous other” which critiques the false misconception that all or most incarcerated individuals are dangerous. This in turn leads people to the false assumption that prisons serve to provide security from these “dangerous” individuals (Drake 2012:6). This misconception of incarcerated individuals as dangerous leads people to fear, disregard and delegitimize these individuals. This in turn leads to a rationalization in which negative stigma is applied to incarcerated individuals allowing them to be written off as dangerous and therefore more deserving of harm; such as harm caused by environmental injustices. One explanation as to why there hasn't been more attention and proposed solutions in relation to the connection between prisons and Superfund sites is because these individuals have

been deemed as being less worthy of our respect and care. This can be further examined as we look back to Higgin's theory of "appropriately polluted spaces" which serves as a bridge between theories of environmental justice as well as stigma theory, as it explains how stigma can lead people to rationalize putting certain individuals at higher risk for experiencing environmental injustices. Analyzing this topic through both environmental justice and stigma theory provides specific and tangible explanations as to why so many prisons are within such close proximity to Superfund sites.

LITERATURE REVIEW

In this literature review I will be utilizing a range of different sources which will serve to ground my research and findings with relevant background information on the important topics of my thesis. To start off I first explore complex history of the prison industry and go on to examine the prison siting process, the Superfund designation process and finally the connection between prisons and environmental justice.

Mass Incarceration

In exploring the range of problems that affect the prison industry it is important to be aware of the fact that people of color tend to be incarcerated at significantly higher rates than white individuals. This is analyzed by Gramlich as he notes that,

The racial and ethnic makeup of U.S. prisons continues to look substantially different from the demographics of the country as a whole. In 2017, blacks represented 12% of the U.S. adult population but 33% of the sentenced prison population. Whites accounted for 64% of adults but 30% of prisoners. And while Hispanics represented 16% of the adult population, they accounted for 23% of inmates (Gramlich 2019).

It is also important to note that this was not always the case within the prison industry and can be directly attributed to racist and problematic changes in laws and regulations that took place in the 1970s. According to the National Research Council (NRC), while the rate of imprisonment remained relatively stagnant from around the 1920s to the early 1970s, it has more than quadrupled in the last four decades (National Research Council 2014). This leaves the current U.S prison population at around 2.3 million, which is by far the largest in the world. Supplementing this finding it has been found that the U.S. has experienced a 220 percent increase in incarceration rates since 1980 (Cherry and Kuncie 2000:3). In terms of comparing the U.S prison system to the rest of the world, “The U.S.

rate of incarceration, with nearly 1 in every 100 adults in prison or jail, is 5 to 10 times higher than rates in Western Europe and other democracies” (NRC 2014:2). In examining the explanation behind this boom in incarceration rates it is important to examine the sociopolitical context that gave rise to the increase in imprisonment rates as is highlighted by the NRC,

In the 1960s and 1970s, a changed political climate provided the context for a series of policy choices. Across all branches and levels of government, criminal processing and sentencing expanded the use of incarceration in a number of ways: prison time was increasingly required for lesser offenses; time served was significantly increased for violent crimes and for repeat offenders; and drug crimes, particularly street dealing in urban areas, became more severely policed and punished. These changes in punishment policy were the main and proximate drivers of the growth in incarceration (NRC 2014:3).

The NRC concludes that the changing social and political climate, decades of rising crime and changing race relations can be attributed to a change in punishment policies. These policy changes then gave rise to high incarceration rates and can also be credited for the substantially higher incarceration rates of people of color. In addressing how racism plays into the high incarceration rates of people of color, Alexander (2010) emphasizes that the War on Drugs can be attributed as being the predominant contributing factor to the systematic incarceration of people of color. The War on Drugs is a term that refers to the government led initiative started in the 1970s that focused on stopping illegal drug use, distribution and trade by dramatically increasing prison sentences for dealers and users (Onion, Sullivan and Mullen 2019). This initiative was implemented by president Nixon and since its creation Nixon’s motives have been largely questioned and criticized as during a 1994 interview, Nixon’s domestic policy chief John Ehrlichman, provided inside information suggesting the War on Drugs campaign had racist motives. This was highlighted in the interview as Ehrlichman was quoted as saying:

We knew we couldn't make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course, we did" (LoBianco 2016).

While this quote is quiet shocking, I think it is important to draw attention to it and highlight that the prison industry was created with racist undertones that have led to the development of racist and problematic stigmas surrounding people of color and incarcerated individuals as a whole. This stigmatization also carries into the spaces and institutions where these individuals reside which are deemed as dangerous and dirty or as Higgins would analyze "appropriately polluted".

Along with this, it is important to examine and critique the increase in the prison population as a whole which gave rise to a new highly problematic industry that allows private corporations to profit off the incarceration of other human beings. With this huge increase in prison populations came a huge increase in demand for prisons in the U.S. which led to the birth of the highly strategic and somewhat manipulative process related to the siting process for prisons.

Prison Siting

There are many goals, mechanisms, constraints and thought processes that that goes into the process of developing a new prison as is highlighted by Richards and Pena (2016) as they examine the relationship between environmental harms and the prison industrial complex. Here they focus on the fact that people of color are disproportionately represented within prison's which as is also the case for environmental injustices (Richards and Pena 2016). This study in turn provides a key link between environmental

injustice and prisons as they discuss how the development of a prison impacts the surrounding the local environment. An addition crucial component which relates to the connection between prisons and the surrounding environment is the Environmental Impact Statement (EIS).

An EIS is a government document that outlines the impact of a proposed project on its surrounding environment and in the U.S these statements are mandated by federal law for certain projects (Middleton 2018). In the U.S at a federal level an EIS is a report that was mandated by the National Environmental Policy Act of 1969 (NEPA) put in place to assess the potential impact of actions “significantly affecting the quality of the human environment” (Middleton 2018). While this requirement does not prohibit harm to the environment, it does require advanced identification and disclosure of harm (Middleton 2018). More specifically,

An EIS outlines the status of the environment in the affected area, provides a baseline for understanding the potential consequences of the proposed project, identifies positive and negative effects for the environment, and offers alternative actions, including inaction, in relation to the proposed project (Middleton 2018).

Another important component of an EIS is to serve as a tool for informing the public about the potential risks and benefits of a new development in their community as “An EIS is meant to be a comprehensive decision-making tool for federal, state, and local policy makers, and to inform the public about proposed projects that could affect the environment” (Middleton 2018). Along with this an EIS provides an important opportunity for the public to voice their opinions and influence projects that affect their environment (Middleton 2018). This attention to the local community and their opinions plays a highly important role in the siting process as:

The siting of a public facility commonly entails external impacts on the host community far beyond those generated for society. In most cases, facilities such as public parks and universities yield positive externalities to the local neighborhood. Some public operations, however, generate an adverse impact on the immediate area that may lead to negative net benefits for the host communities... The local net benefits provided by such a facility to the host neighborhood largely depends on the relative economic impact – which depends heavily on current local economic conditions and opportunities (Cherry and Kunce 2001:533).

These authors go on to discuss their study of prison siting decision at the county level for the State of California. Here they conclude that a county's likelihood of hosting a prison was significantly greater in economically depressed communities where the economic benefits of the prison had the opportunity to override the negative aspects of hosting a prison (Cherry and Kunce 2001).

Similarly, Huling analyzes the prison economy in rural America. Here Huling notes that, "Since 1980, the majority of new prisons built to accommodate the expanding U.S. prison population have been placed in non-metropolitan areas, with the result that the majority of prisoners are now housed in rural America" (Huling 2002:1). This can be largely attributed to changes in the economy and a shift in profitable industries as the economic restructuring of the 1980s led to a decline in farming, mining, timber work and manufacturing industries that in turn left many rural communities with floundering economies (Huling 2002). To combat this, "The acquisition of prisons as a conscious economic development strategy for depressed rural communities and small towns in the United States has become widespread" (Huling 2002:1). Unfortunately, this newfound industry is not a quite as beneficial as it prides itself as being as, "Increasing evidence suggests that by many measures prisons do not produce economic growth for local communities and can, over the long term, have detrimental effects on the social fabric

and environment of rural communities” (Huling 2002:1). This contradicts the stances of politicians and developers who deem prisons as being beneficial industries for depressed communities. Along with this, governmental and prison official typically go to great lengths to convince rural communities of the economic benefits of a new prison as it is common practice for local officials to sponsor town meetings where prison officials and their supporters boast about the benefits of adding a prison to the local community (Huling 2002). This is typically accompanied by a flood of articles in local newspapers and flyers around town advertising how a new prison could lead to economic salvation (Huling 2002). Overall, there is a lot that goes into the process of siting a prison in terms of getting local communities' members on board and the success of this process is largely dependent on the community at hand.

One highly significant aspect of developing prisons is related to a community’s stance on adding a prison to their town which can be examined through NIMBY and PIMBY framework. NIMBY stands for Not in My Backyard which contrasts with PIMBY which stands for Please in My Backyard. While these frameworks are typically used more broadly in traditional Environmental Justice studies these can also be easily applied to the prison siting process. This is explored by Rasmussen who examines the circumstances that may push a community towards either a PIMBY or NIMBY stance. In this study he finds that NIMBY opposition is likely to be weak if the risk of a project is low; for example, people were found to be more supportive of adding a prison to their community over landfills or incinerators (Rasmussen 1992). The study also concluded that if economic benefits were large then NIMBY opposition was likely to be weak and overall prisons tended to be more economically beneficial than waste disposal facilities

(Rasmussen 1992). Additionally, he found that if the population density of a community was low than NIMBY opposition was also weak. While these findings are relatively dated more recent findings highlight how “Environmental justice and social movement scholarship demonstrates how not-in-my-backyard activism by more privileged communities leave the disadvantaged with “locally unwanted land uses.” Yet it overlooks instances of local support for risky industries” (Jerolmack and Walker 2018:479). This in turn highlights the importance of not only examining instances of NIMBY framework but PIMBY framework as well as for my cases both frameworks will be important in determining how a community's stance effects the prison siting process.

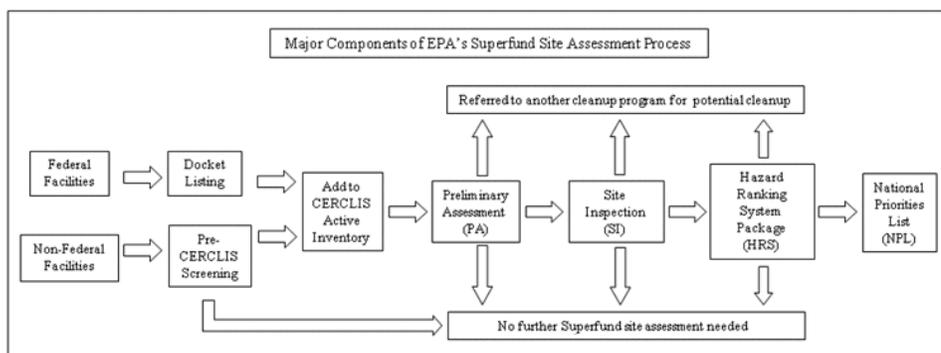
Expanding upon this risk factor is an additional determinant of a community’s support or opposition to a new prison. As examined by Sechrest who analyzes the corrections and community response to prison siting, “Some common goals for correctional facility siting include understanding the ability of the community to incorporate an additional undesirable land use, ensuring public safety, and achieving the goal of offender reintegration” (Sechrest 1991). Additionally, Sechrest describes how small-town or rural communities may be more accepting of these facilities as well as provide greater potential for successful reintegration programs (Sechrest 1991). We can go on to examine how risk levels and community support or opposition can be attributed to the designation process of Superfund sites which are often highly contested areas that can serve to cause a lot of tension within communities.

Superfund Designation Process

Along with the importance of gaining a full understanding of the prison siting process comes the importance of understanding the Superfund site designation process.

Superfund sites were created the late 1970’s after toxic waste dumps began to receive national attention as the public learned about the health and environmental risks posed by contaminated sites (EPA 2018). In response to this Congress established the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) in 1980 (EPA 2018). CERCLA is informally called Superfund and the act allows the EPA to review and clean up contaminated sites while also forcing the parties responsible for the contamination to either reimburse the government for the EPA-led cleanup work or perform their own cleanups of the site (EPA 2018). Overall, “The goals of Superfunds are to protect human health and the environment by cleaning up contaminated sites, make responsible parties pay for the cleanup work; involve communities in the Superfund process and return Superfund sites to productive use” (EPA 2018). Along with understanding how Superfund sites came to be it is important to analyze how they are designated. The Superfund site designation process is showcased in (Figure 1) which I will explain in the paragraph below.

Figure 1: Major Components of EPA’s Superfund Site Assessment Process



(EPA. 2018. “Major Components of EPA’s Superfund Site Assessment Process.”).

The Superfund assessment process begins with site discovery or the notification of a potential site that can be brought to the attention of the EPA by states, citizens, tribes

or other environmental programs (EPA 2018). Following this, non-federal sites undergo pre-screening to determine if the assessment process is necessary and appropriate. Federal facilities bypass this step and instead each facility is placed on a docket and undergoes a preliminary assessment. Sites that are identified as appropriate for the site assessment process are then added to the EPA's active CERCLIS site inventory and are given a site discovery date. Following this using HRS criteria either the EPA, the state, its tribal partners or the appropriate federal department or agency conduct a preliminary assessment and if needed a site inspection or additional assessment. These tests go on to determine if the site warrants a short- or long-term cleanup plan. Sites that are found to not need further attention receive a No Further Remedial Action Planned (NFRP) designation. Sites requiring a more in-depth study are then referred to the necessary cleanup organizations. During the conclusion of each assessment, the HRS model is applied to determine a preliminary site HRS score. Sites with preliminary scores below 28.5 generally no longer require Superfund remedial interest and are instead assigned a NFRAP decision (EPA 2020). Currently there are 1,335 sites on the National Priorities List (NPL) which is the priority list of hazardous waste sites in the U.S. Being that there are currently 1,335 sites on the National Priorities List and 589 of these Superfund sites are located in close proximity to prisons, that puts nearly half of all Superfund sites near prisons. This high percentage leads me to believe there is far more than coincidence at play which is why in this study I seek to find the causal factors at play within three of the 589 prisons affected. To help me with uncovering these causal factors I will be utilizing the work done in similar studies.

Environmental Justice and Prisons

Due to the many factors that connect prison's and environmental justice it is surprising that there is such little scholarly research that explores this connection. This is critiqued by Pellow who highlights how "This is a gap in scholarship that is in need of urgent attention because prisons and jails in the U.S constitute spaces where significant threats to human and sociological health are produced and experienced and because the vast majority of prisoners are low income and/or people of color" (2018:3). Along with Pellow, Braz and Gilmore's (2006) also draw attention to the factors that connect prison's and environmental justice as they examine the recent joining of forces between anti-prison and environmental organizations in California. Here, Braz and Gilmore predominantly focus on how anti-prison activists learned from and collaborated with environmental justice activists in an effort to prevent the construction of a new prison in the area known as prison alley that has experienced numerous environmental justice issues over the years (Braz and Gilmore 2006). Overall, this article highlights that, "Today, there is a growing awareness among anti-prison activists of the similarities between our activism and environmental justice activism" (Braz and Gilmore 2006:96). This article is important as it showcases the benefits of connecting issues of environmental injustice with problems within the prison industry.

In specifically examining prisons in relation to Superfund sites Elizabeth Bradshaw serves to fill this gap of scholarship as she focuses on the Central Michigan and St. Louis Correction facility which is located in close proximity to the former Velsicol Chemical Corporation plant site which has been found to be contaminated with toxic chemicals like DDT, PBB and pCBSA (Bradshaw 2018). In this study Bradshaw

finds that there is currently little being done to prevent water contamination at the prison despite numerous lawsuits being filed (Bradshaw 2018). Overall, she concludes that the Environmental Protection Agency's failure to consider incarcerated individuals within federal environmental justice guidelines leads to further harm for this vulnerable population (Bradshaw 2018). This can be understood as a form of procedural justice, one of Schlosberg's components of environmental justice introduced earlier in the text, as here we see how these individuals lack the ability to meaningfully participate in processes that could help their situation. In this thesis I build upon Bradshaw's work by broadening to a comparison of multiple prisons to get a better understanding of potential similarities between cases and overarching causal factors.

Despite not having a wealth of scholarly research that specifically addressed the relationship between prisons and Superfund sites, I believe that the multitudes of related studies that touch on topics such as mass incarceration, the prison siting process, the Superfund designation process and the connection between the prison industry and environmental justice will provide me with the information I need to do a thorough and comprehensive study that examines the causal factors related to the connection between prisons and Superfund sites.

METHODOLOGY

The methodology of my research consisted of a comparative case study in which I chose and examined three prisons located near Superfund sites and analyzed how each prison's siting process along with the history of the Superfund site may have contributed to their toxic location. I chose to do a comparative historical case study along with content analysis because comparative studies do the best job of showcasing similarities and differences within a small set of cases (Ragin and Amoroso 2019). To conduct this study, I examined historical documents such as public meetings and local news stories about the development of each prison as well as environmental impact statements. These sources highlight the land history of the area, local demographics, legislation related to each prison, the bonds and funding mechanisms related to the development of each prison and sources highlighting the history of the Superfund site and pollution in the area.

To begin the process of choosing these prisons I started going through various news sources and articles that talked about the connection between prisons and Superfund sites. For each source, I began jotting down the name of each prison mentioned in order to build a comprehensive list that I could examine and use to narrow down which prisons would work best in my study. After having gone through many sources I came to a list of around twenty prisons. From this list I created a spreadsheet listing the name of each prison, the location, the type of prison, inmate population number, the date the prison opened, what the main polluters were in the area and whether or not there was an available Environmental Impact Statement. I also included the population number and type of surrounding community.

The first prison I discuss in my analysis is The Northwest Detention Center (NWDC) which is a privately-run detention center in Tacoma, Washington which was built in 2004 and is located near the Commencement Bay Tidelands Superfund site. The second is Administrative Maximum Facility (ADX) Florence which is a maximum-security prison located near the Cotter Uranium Mill Superfund site located in Florence, Colorado. The third prison is State Correctional Institution (SCI) Fayette which is a maximum-security prison that opened in 2003 and is located on the edge of a coal ash dump in LaBelle, Pennsylvania. Each of these prisons are located in a different state and geographic location in the U.S which allowed me to analyze how differing state laws and regulations may have impacted the siting and development process. They are also each located in various types of communities. I decided to have some variance in my community type to analyze how the size and demographics of the surrounding community may influence the siting process of prisons. I also varied the types of prisons, including one medium security prison, one maximum security prison, and one privately owned detention center. I chose to vary the prison types to see how the type of prison may influence the regulation behind the siting and development process. I also wanted to explore how community support or opposition may vary due to the type of prison, as it has been previously found that community opposition towards the development of a new prison is likely to depend upon the risk that the facility poses on the local community (Rasmussen 1992). By choosing various types of prisons that represent varying levels of risk it allowed me to explore this theory for myself and examine how the development process may differ based on the perceived risk from the surrounding community. I also

decided to choose prisons built within the last 30 years so that I could easily access the records, reports and historical documents related to the prison's development.

In analyzing the methodology behind the selection process for the three prison's I chose, it important to acknowledge that my selection was largely dependent upon the amount of available information on each prison, as I only chose prisons which already had a sizable amount of preexisting literature. It was important for me to choose prisons that had a large selection of preexisting literature because my study was based upon examining a wealth of information in order to compare the potential causal factors across cases. I would also like to bring attention to the fact that if someone were to replicate this study, they would likely have a very different prison selection process which would likely lead them to select different prisons would in turn lead to different results. I want to make it clear that in this study I am therefore unable to make generalizable claims about the causal factors behind all other prison's located by Superfund sites. Rather than making generalizable claims I instead explore this topic on a smaller scale to gain a more thorough and in depth understanding of the main causal factors at play within the three facilities I have specifically selected for my study. Due to the widespread nature of this problem and the many causal factors this is not a problem that can be easily explained, and I am therefore only grazing the surface on a problem that stretches across the country and is related to many varying factors.

An additional important component to note are the ethical considerations that I reflected upon throughout this study. While the ethical considerations were significantly decreased due to the fact that I only examined research already out in the world and did not use any human beings in my study, there are still important considerations I explored

when conducting my research. The main component I wanted to be wary of was my positionality and presentation of material due to the fact that this is a sensitive topic that deals with a marginalized population who are largely unable to advocate and speak up for themselves. I therefore I want to make it clear that in this study I am not trying to represent or give a voice to a group of people, but rather shed some light on an injustice that remains largely ignored by the scholarly field of environmental justice.

FINDINGS AND ANALYSIS

In my analysis section I provide a comprehensive history of each prison and explain will how each of these prisons came to be located in close proximity to an environmentally hazardous site. I will also be providing information about the local community as well as information about the Superfund site and its potential health risks. After providing some background information and diving in depth into each of these prisons I will utilize the theories introduced earlier and apply them to each case to determine the predominate causal factors at play for each situation. After having determined these main causal factors I will conclude my analysis by examining and discussing the similarities and differences between these causal factors for each of these prisons.

Northwest Detention Center

“The Northwest Detention Center in Tacoma, Washington provides an instructive example of how economics, paired with contempt for the safety of incarcerated people, can lead politicians to support the construction of prisons in toxic environments”
(Waters 2018).

Background Information.

The Northwest Detention Center is an immigrant prison located in Tacoma, Washington that opened in 2004. The NWDC, which houses up to 1,575 undocumented immigrants, is privately owned and currently operated by the GEO group, on behalf of the U.S. Immigrations and Customs Enforcement. While the NWDC is currently owned by the GEO group, at the time of its development it was owned by the Correctional Services Corporation (CSC) which was bought by the GEO group in 2005 (Kamb 2012). The CSC was a national company that owned 35 adult and juvenile facilities in 15 states

throughout the U.S. at the time of the production of the Northwest Detention Center (Kamb 2012). During CDC's heyday they continuously bid for and won government corrections contracts and solidified the Northwest's federal immigration detention contract after having run operations for the INS at their main regional detention facility since 1989 (Kamb 2012). Since the NWDC's opening, the facility has been plagued with problems as poor conditions have drawn in local climate activists and allies, and detainees inside have launched multiple hunger strikes to protest the poor conditions within (Bernd 2017). The main concerns raised in recent years have called attention to abuse from guards, inedible food, inadequate access to medical care and the facility forcing immigrant detainees to work against their will (Pellow and Vazin 2019). Along with these problems the NWDC sits adjacent to the Commencement Bay Tide Flats Superfund site, "where a coal gasification plant leached toxic sludge into the soil for over 30 years" (Pellow and Vazin 2019:10).

Superfund Information.

When the Northwest Detention Center was first planned in 1999, the EPA had already designated the Commencement Bay Tidelands as a high priority toxic region (Waters 2018). The Commencement Bay Tidelands Superfund site was placed on the National Priorities List (NPL) in 1983 and consists of three separate areas: The South Tacoma Field, The Tacoma Landfill and Well 12A (EPA 2020). The South Tacoma field was continuously operated on by Tacoma City Light since 1953 which caused site-wide soil and localized groundwater contamination (EPA 2020). The Tacoma Landfill opened in 1960 accepting municipal, industrial, construction demolition, and bulk wastes, including hazardous wastes (EPA 2020). In 1983, a groundwater investigation found

elevated levels of volatile organic compounds and heavy metals in the groundwater and soil near the Site which led the landfill to be closed in 1988 (EPA 2020). Well 12A was one of the 13 wells used by the city of Tacoma to meet emergency water demands (EPA 2020). The Superfund area as a whole was found to be polluted with 27 different harmful compounds including arsenic, benzene, copper, lead and mercury (Pellow and Vazin 2019). These chemicals were found in the water, air and soil (Pellow and Vazin 2019). The health impacts caused by these chemicals can range from skin irritation to respiratory infections, developmental difficulties, cancers, organ failures and death (Pellow and Vazin 2019). Due to the high level of risk at this site the city deemed the area as being unfit for residents shortly after they were presented with the EPA's findings (Bernd 2017). Unfortunately, this precautionary stance failed to transfer over to the immigrant detainees.

Prison Siting Process.

In examining how this prison came to be located in this toxic area it is important to understand the sociopolitical climate that gave rise to the need for this Detention Center to be built in the first place. This all came at a time in which there was a significant increase in the number of immigrants in the U.S. Along with this came a dramatic shift in procedure as imprisonment became the primary method for dealing with these individuals (Kamb 2012). This was fueled by the approval of two new bills in 1996, that shaped immigration policy for years to come as they gave the federal government the authority to arrest, detain and deport noncitizens, which led to an increase in the need for detention centers (Kamb 2012). This in turn prompted the need for a new detention center to be built in Washington, as in 1999 the Seattle Detention Center had already reached

maximum capacity (Kamb 2012). To build this new facility the Immigration and Naturalization Services (INS) placed a formal bid request for a contractor to build and run a facility within 25 miles of SeaTac Airport that could hold 500 beds for detainees (Kamb 2012). The CSC was ultimately selected by the INS to build and run the NWDC as the CSC had already been running the main regional detention facility in Seattle since 1989 (Kamb 2012). While originally the CSC were interested in building elsewhere, they ended up shifting their focus to industrial-zoned sites in Tacoma as they realized these sites presented fewer obstacles (Kamb 2012). This consequentially began the start of a problematic, nearsighted and highly unusual process that led the prison to be in the hazardous location it resides in today.

An extreme lack of care and oversight went into the siting process for the NWDC. When Tacoma agreed to accept the new facility, the CSC presented two potential site options; the Taylor Way Site which is located by the city's port, and the J-Street site located on the outskirts of town next to the Superfund Site. In the initial Environmental Impact Statement for the Detention center, the Taylor Way Site was identified as the preferred alternative of the two location because the J-Street Site is located next to the Superfund Site and contained "undefined levels of hazardous waste contamination that exceed established regulatory levels for both soil and groundwater" (EIS 2001). Despite this unsettling finding, this went ignored by local politicians as they moved forward with the J-Street Site for fear that if the prison was built near the port, it would disrupt the potential for new economic opportunities for the city (Waters 2018).

The main factor behind decision factor for choosing between these sites was predominantly economic based as economics were ultimately prioritized over the general

health and wellbeing of the future detainees. This was showcased as despite having the option to build the facility by the port, this option was eliminated when local politicians voiced their concern potential for economic repercussions if it were built by the port. This concern was highlighted by the executive director of the port at the time, Andrea Riniker, who wrote to the INS “The Port strongly opposed the Taylor Way alternative because industrial land that is located in proximity to major water, rail and road transportation infrastructure is in scarce supply” (Waters 2018). Along with Riniker, Tacoma Councilman Kevin Phelps was avidly against having the Center built by the port. In opposition, Phelps sent letters to the INS, stating that, “Tacoma will make every possible effort to keep the INS from constructing a facility on this site” (Waters 2018). Along with Phelps, U.S Congressmen for Washington State Norm Dicks and Adam Smith also contacted the INS to express their “alarm” of having the prison built near the port as they argued for a delay in the issuance of the Final EIS due to community opposition of the Taylor Way site (Waters 2012). Despite the Congressmen’s claims, there were very few residents opposed to the Taylor Way site and many of the resident didn’t even know of the proposed detention center project at the time (Kamb 2012). To showcase resident’s lack of concern, in mid-2000 there was a public open house that explained the project that drew no attendees and had only one written comment (Kamb 2012). This lack of concern from city residents therefore calls into question this “community opposition” that Dick and Smith discussed and leads me to believe they over embellished this community opposition as being bigger issue than in reality in order to reassure the Taylor Way port site would not be selected. Unfortunately, their outcry succeeded which led the INS to release a revised final version of the EIS that stated that both locations were satisfactory

even though the federal law generally requires that an EIS choose a preferred location (Waters 2018).

It is important to acknowledge the abnormality of this as in hindsight three different environmental law attorneys who were independently surveyed by *The News Tribune* each stated that that the Detention Center's review process was unusual in several respects (Kamb 2012).

The first abnormality found was that the federal and state studies were not synchronized as they usually are (Kamb 2012). This was noted by David Bricklin, a prominent Seattle environmental law attorney who stated, "They normally coordinate those... because federal law requires that until a final decision on a federal environmental review has been made, no action concerning the proposal shall be taken which would... limit the choice of reasonable alternatives" (Kamb 2012). It was therefore highly unusual that the CSC sought a separate state environmental determination for only one of the site alternatives- the East J Street site and that the city issued their determination several months before the federal decision had been made (Kamb 2012).

The second abnormality relates to the fact that the final environmental impact statement failed to identify a preferred site alternative as is expected under federal law (Kamb 2012). Federal law states that a final EIS must identify the agency's preferred alternative "unless another law prohibits the expression of such a preference" (Kamb 2012). While the draft of the EIS preferences the Taylor Way site, the final report stated that federal bidding regulations "prohibit INS from identifying the preferred site prior to entering into a contract for the facility" (Kamb 2012). This is important to note when examining the siting process as it wasn't until after local politicians raised concerns about

the site that the EIS was changed to avoid designating the Taylor Way as the preferred site. Fortunately for the CSC, no one raised any such concerns about this abnormal process until after the decision came down in December 2001, which came during a surge in demand for immigration detention bed space due to increased immigration controls in relation to 9/11 (Kamb 2012).

Another important aspect to examine with respect to the siting process is the financial process that led to the NWDC's development. To finance the facility the CSC sought out the help of the Washington Economic Development Finance Authority (WEDFA) which is an unfunded state agency, created "to act as a financial conduit" for small and medium-sized businesses (Kamb 2012). Along with the WEDFA, they utilized the assistance of Councilman Kevin Phelps, who helped the prison contractor meet the state eligibility requirement needed to obtain the financing by pledging the city's "continued support" for the detention center project (Kamb 2012). Ultimately, the WEDFA issued \$57 million to finance the construction of the NWDC (Kamb 2012). Part of the reasoning behind the state financing this project was because it was estimated to create 134 new jobs although, in actuality, only 45 new jobs came out of this facility as a majority of the employees were transfers from the Seattle Detention Center (Kamb 2012).

Following the funding's additional controversy arose as in 2000, newly elected mayor Bill Baarsma, voiced his concerns about the development process of the NWDC and specifically the actions taken by Phelps. In addressing this flawed process Baarsma stated he, "vehemently opposed the detention center and didn't know Phelps had sent a letter on the city's behalf until after the News tribune recently showed him a copy of it" (Kamb 2012). When asked specifically about the actions taken by Phelps, Baarsma stated

that, “This is an example of freelancing by a city council member that would never happen today... it's unbelievable” (Kamb 2012). Phelps has since stated that he views what he wrote as accurate and reflective of the city’s position at the time, because the council had never taken any action reversing the council’s 2000 resolution. Despite Baarsma’s distaste for the project, he came into office too late to make any changes and in April 2003, the WEDFA’s board voted 8 to 1 to finance CSC’s project (Kamb 2012). An additional controversy surrounding Phelps arose later on as it was discovered that Councilman Phelps owned a convention center in town that the CSC rented a room from for several months while training the NWDC’s new officers (Kamb 2012). When asked about this potential conflict of interest Phelps stated he was only vaguely aware of this business dealing and didn’t solicit CSC’s business nor view it as a potential conflict (Kamb 2012). In continuing on with the mixed views surrounding the development of the NWDC, just prior to the NWDC’s opening in 2004, another Tacoma city councilman Bill Evans, who had initially voted for the project began having second thoughts (Kamb 2012). These second thoughts arose after Evan’s was approached by local activists who raised their concerns about the siting process; leading Evan’s to question the safety of the site location (Kamb 2012). Despite these doubts there was little to be done as the NWDC had gone through all the necessary steps and received all required approvals and on April 23rd, 2004, the Northwest Detention Center was open for business.

In examining the many factors at play that went into the development process of the Northwest Detention Center we can see a few common themes and issues at play. The first and most prominent factor is economic reasoning which we can tie into Pellow’s (2016) economic explanation for environmental injustice. In this case we can see how

economic potential was prioritized over the health of future detainees within the facility. Despite recommendations from the EPA against building the prison at the contaminated J Street site local politicians ignored this suggestion and instead pushed ahead with the project rather than putting the economic potential of the port in jeopardy. This gross oversight has in turn lead to a range of health problems experienced by the individuals within the facility

The problematic nature of the siting process can be further understood through Pellow's (2016) "path of least resistance" and Higgin's (1994) "socially polluted spaces." While detainees do not face and experience stigma in the same way that incarcerated individuals do, immigrants and immigrant detainees certainly face high levels of discrimination and stigma in their own way. This leads to no surprise that city officials would push to have these immigrants housed in a facility in an abandoned toxic, industrial site outside of town rather than at a site closer to town near the port. In analyzing this through the "path of resistance" we can also see how the CSC group were more than happy to go with the J Street site when they received some opposition from politicians against having it at the other site. Overall, it is clear through the analysis of this site that the development of this site involved gross neglect and a significant lack of regard for detainees as the potential for economic benefits were prioritized over detainee's health and safety.

Current Issues.

In examining how this negligence in siting has led to the current health problems experienced by those within the NWDC today it is first important to note that these health problems are difficult to track and identify being that usually detainees stay for a limited

amount of time before being deported. Along with this these individuals are hard to keep track of after they leave the facility which makes it difficult to determine the long-term effects that living in this facility can cause. That being said there are clear signs that the sites location has a negative impact on detainee's health as today many detainees have reported experiencing headaches and dizzy spells at night and that the air smells really bad and feels heavy and dirty (Bernd 2017). Despite these complaints there has been no environmental study on air or water quality since the facility opened which is something that local activists are currently pushing for (Bernd 2017). Along with the concerns voiced by detainees, residents living in the surrounding area near the Superfund site have voiced their concern about the potential health risks of living near this site (Bernd 2017). These concerns were made apparent in 2017 during a public comment period discussing future industrial projects at the site when residents described experiencing frequent headaches, sore throats and the inability to breathe the outdoor air without respiratory distress due to their proximity to the Superfund Site (Bernd 2017). Being that these citizens are not actually living on the premise, it is likely that the immigrant detainees are suffering to a much higher degree from health effects associated with the Superfund Site. In response to the concern for the detainee's health there have been activists working to bring attention to this issue. One activist, Wendy Pantoja Castillo, has even gone so far as to organize "toxic tours" of the Tideflats district with other local environmental activists to draw attention to the risks of exposure to the environmentally hazardous site (Bernd 2017). Additionally, within the NWDC, there have been multiple hunger strikes in recent years protesting the poor conditions within the facility (Bernd 2017).

ADX Florence

“The Florence ADX is the quintessential embodiment of oppression... It represents the denial of justice to everyone in the United States – especially people of color and the poor – through environmental destruction and negligence, obfuscation of the real socioeconomic roots of crime, and political violence against those who dare to resist”

(Perkinson 1994:129).

Background Information.

Administrative Maximum Facility (ADX Florence) is a maximum-security prison located in Fremont County near Florence Colorado. The prison opened 1994 and is informally known as the “Alcatraz of the Rockies” due to its harsh and severe nature (Mitchell 2019). The prison holds 354 individuals in solitary confinement as these individuals spend 22-23 hours alone in 7-by12-foot reinforced concrete cells with only 1-2 hours allotted for walking around in a recreation cage outside each day (Mitchell 2019). Within a few decades of the prisons opening the prison came to be known for housing some of the nation’s most notorious criminals (Waters 2018). Since its opening the prison has been largely critiqued for its severity as even the former Supermax warden Robert Hood has offered harsh criticisms of the facility and has been quoted as saying, “This is not built for humanity. I think that being there, day by day, its worse than death” (Mitchell 2019). While there has been a large amount of attention paid to the problems within the facility there is less recognition on the fact that the ADX Florence is located near the former Cotter Uranium Mill which many believe to have contaminated the land, water and air in the area surrounding the prison and nearby towns.

Superfund Site.

The Cotter Uranium Mill, a now-defunct facility located one mile south of Lincoln Park and six miles from the prison was once the hub of nuclear development from the late 1950s to late 1970s. Over the course of 21 years the mill produced and stored uranium oxide (yellowcake), vanadium and molybdenum (Cepero 2015). Overall, Cotter stored over 3.5 million tons of radioactive waste with much of that being stored in around 40 feet deep lined ponds expected to keep materials from leaking out (Waters 2018). Unsurprisingly, the materials did leak out due to flooding in the areas as “In 1965, a flood caused the unlined impoundments- where tailing and other wastes were discharged- to overflow into Sand Creek, which flows into the Arkansas River” (Cepero 2015). According to the Colorado Attorney General’s Office, there were more than 70 leaks at the Cotter uranium Mill from 1980 to 1986 (Waters 2018). This led the site to be placed on the National Priorities List of the U. S’s most contaminated sites in 1983 and in 1984 it was formally declared a Superfund site (CEML 1991). In the EPA’s initial report of the Superfund site they identified “elevated levels of molybdenum, uranium, radium, radon gas, polonium, selenium, and sulfate in the water, almost certainly as a result of Cotter’s spills (Waters 2018). Another study found that the air is also contaminated as it was estimated that over 19.9 tons of radioactive dust were emitted into the air during each year the facility was in operation (Cepero 2015). This adds to the serious health risks as ADX Florence has been found to have contaminated water and likely contaminated air as the prison lies directly downwind from Cotter, leaving inhabitants subject to gusts of radium, uranium and thorium (Cepero 2015).

While there have been substantial efforts to clean up the site since it was designated as a Superfund site, it remains contaminated as the site has been plagued with frequent leaks. Due to the slow-moving cleanup process it has been deemed as “one of the nation’s slowest Superfund cleanups” as there has been little work done to clean up the site in the past 34 years (Finley 2018). In just 2014, a broken pipe on the site leaked 20,000 gallons of uranium. This was the fourth spill in just four years that in turn led to significant setbacks in the cleanup process. Over time “Cotter’s continual negligence, even to the point of spilling tailings from railroad cars in downtown Canon City, has prompted several lawsuits on behalf of the EPA and state and local residents” (Perkinson 1994). A more recent problem arose in 2018, when residents began alerting authorities about a foul unexplained odor which residents believed to be related to the former Cotter Uranium Mill (Finely 2018). This odor was described by Fremont County Commissioner Tim Payne as he stated, “It’s a combination of sulfur, sewer, and there’s a chemical aroma. It is overpowering. It makes your eyes water” (Finely 2018). Overall, there has been a lot of concern about the potential risks of living near the Superfund site and one resident Chris Brady, even went so far as to say, “I think we are living on a ticking time bomb of contaminants” (Finely 2018).

In terms of health impacts, there are a range of very serious health problems that can be attributed to radioactive contamination. In examining exposure through ingestion of contaminated water, it has been found that when uranium is ingested a small amount is then absorbed into the bones, kidneys and soft tissue where it can remain for years (Cepero 2015). In examining uranium ingestion over a long period of time, through either water/and or air ingestion, it has been found to lead to an increase risk of cancer

(primarily bone sarcoma), liver damage, kidney disease and/or gout like symptoms such as pain, swelling, inflammation and deformities of the joints (Cepero 2015). Looking to Cotter's contamination, it is clear that the individuals both in the neighboring towns as well as the incarcerated individuals within ADX Florence are at high risk. According to a 2014 report conducted by a consultant hired by the Cotter Uranium Mill, groundwater uranium levels at Lincoln Park located next to ADX Florence "were the highest recorded for this location," and exceeded the health standard of 30 parts per billion (Cepero 2015). Another study conducted by the Agency for Toxic Substances and Disease Registry reported that "If an adult in Lincoln Park drank 2 liters (8.5) cups of uranium-contaminated water per day for 25 years or longer, the maximum daily ingestion would result in an estimated uranium concentration above the level found to cause harm in humans" (Cepero 2015). This finding is problematic as the prisoners within ADX Florence have no choice but to drink the contaminated water and many of the individuals are there for 25 years or more (Cepero 2015). It was also found in a state-commissioned investigation that Lincoln Park has radioactive levels 2,000 times higher than normal background amounts (Perkinson 1994). While it is unclear whether these levels of contamination are present around ADX Florence it is important to note that ADX Florence lies downwind from the defunct uranium facility and shares a water source with Lincoln Park.

Siting Process.

ADX Florence was planned to be built for purpose of replacing United States Penitentiary (USP) Marion in Illinois, though USP Marion opened up remaining open following the development of ADX Florence (Perkinson 1994). During the siting process

for ADX Florence several sites were considered, but similarly to NWDC, the decision ultimately came down to economic reasons (Perkinson 1994). This was explained by Robert Hood, the former warden of ADX Florence who told a local newspaper, “Florence donated the land for the prison. That is truly the reason” (Hood in Mitchell 2019). This works somewhat in contrast with Rasmussen’s (1991) findings that typically people tend to be less supportive of a facility if it poses higher risks. One would think that due to Huling’s findings people would likely be very against having the “Alcatraz of the Rockies” built in their backyard, but in this case, we see the quite the contrary as the local community advocated for the prison to be built in their backyard

In this situation local residents worked hard to have the prison built in their backyard with the hope that it would bring economic success, which Rasmussen (1991) highlights as being a predominant factor that can lead a community towards a PIMBY stance. This communal support is showcased in a poll that was conducted in a local newspaper at the time that found 97% of polled residents to be in support of the project (Parkinson 1994). Along with this *The Denver Post*, noted that local citizens held bake sales and sold T-shirts, raising \$128,000 to purchase the land for the site as a means to make their site more desirable to the Bureau of Prisons (BOP) and it worked (Parkinson 1994). While one might assume that it is not often that community asks for a prison to be built next door due to the stigma surrounding prisons, this was the case in Florence as residents were enamored with the new economic potential that the prison could bring into the area. It was estimated that the prison would generate around 1000 temporary jobs and about 750 to 900 permanent jobs (CEML 1991). This was a big deal to the residents of Florence as the town had been struggling to stay afloat since factory layoffs began in the

1980s and most local families were earning less than \$15,000 a year at the time (Perkinson 1994). Along with this draw was the fact that town residents were already accustomed to prisons as there were a few other federal and state prisons in the surrounding area (Perkinson 1994). This in turn led the town to lobby hard for the prison, and by donating the land to the BOP, it became a no brainer that this was their optimal site for the new prison.

After the site was selected an EIS was conducted but, surprisingly, within this report there no mention nuclear waste or the nearby Superfund site (Berger 1989). In this report, it failed to fully examine the effects the environment could impose on the prison and individuals within, and instead focused primarily on the effects the new prison would have on the surrounding community and environment. One important aspect that was mentioned in the EIS was that the study found the water source for the prison; the Arkansas River to be contaminated as it noted that the Arkansas River “is subject to pollution which could render its water supply unusable” (Committee to End the Marion Lockdown 1991). To remediate this problem the EIS went on to discuss how at the time the city was undergoing the process of developing an alternate supply (Berger 1989). Upon further research while there have been efforts made to prevent water contamination, today the water that flows downhill from the site is still being utilized for the water supply and tailings may still be releasing unseen contaminants into the groundwater (Jenkins 2013).

Another important component noted in the EIS was the concern over air quality as it discussed that when the yellowcake mill tailings which is a sandy waste that contains heavy metals and radium which is radioactive separates from the tailing ponds, the high

winds blow these tailings causing them to scatter over nearby towns and cities (CEML 1991). Being that an estimate found by Cotter itself found that over 19.9 tons of extremely hazardous dust were released annually from the mill, this creates a highly hazardous situation due to the arid nature of region and the fact the Florence lies just downwind from the defunct uranium facility (CEML 1991). The EIS warned that “Due to the semi-arid conditions of the region, particulate concentrations resulting from dust carried by high winds is exceptionally difficult to control (CEML 1991).

Due to these findings addressed in the EIS it is surprising that they approved this site for construction and didn't conduct further water and soil tests to determine the exact risk. This points to an oversight on the EPA's side which may have something to do with the timing as this report was conducted in 1989, and Environmental Impact Statements only started being required two years before in 1987. At this time guidelines were likely less strict and severe than today which could explain the oversight and lack of depth within the EIS. This flawed EIS in turn seems to be the most likely causal factor behind this facility being built in this risky location that many current and past prisoners attribute as causing serious health problems.

Just prior to the start of the construction of the prison in 1990, activists held rallies and distributed petitions with the goal of halting the construction of the prison due to the land being known to contain toxic nuclear waste (Waters 2018). One group known as the Committee to End the Marion Lockdown (CEML) went so far as to hold a conference in Chicago in November 1990 to serve a call to action against the construction of ADX Florence. The conference which was sponsored by the CEML and National Committee to Free Puerto Ricans of War, attracted around 100 people to their afternoon workshops and

over 150 people attended the evening rally (CEML 1991). Despite this activism and organization against the construction of this prison, in July of 1990 the ground was broken on the \$150 million complex (CEML 1991).

In analyzing the siting process as a whole, ultimately the poorly chosen location can be attributed to a lack of thought and consideration for the potential health impacts that could be caused by the nearby Superfund site. Though unlike the situation at the NWDC nobody made the conscious decision to prioritize economic benefits over future inmate's health as in this case it seems as though the potential health affects related to the prison's proximity to the former uranium mill were never even considered. This lack of consideration can be somewhat attributed to the flawed EIS as it failed to fully address the potential factors risk factors related to building near the Superfund site. Additionally, economic reasoning played an important role as without having had the support and funding contributed by the local community, this site would have likely not been chosen.

Current Problems.

Similarly, to the situation at the NWDC the health problems experienced with ADX Florence have been difficult to track, due to the fact that individuals are held within solitary confinement which in turn makes it difficult for individuals to discuss and draw comparisons between their health problem. This was noted by past inmate Ray Levasseur noted that "a prisoner could drop dead a hundred yards from me, and I wouldn't find out about it for a long time, if ever" (Waters 2018). As outlined in the introduction, despite being held in solitary confinement Levasseur was able to draw conclusions between the health problems his fellow inmates were experiencing and the neighboring Superfund site (Waters 2018). Along with Levassuer, another former inmate of ADX Florence, Oscar

Lopez Rivera drew conclusions about the prison's proximity to Superfund site as outlined in a diary entry he wrote in 1996 which stated, "I will spend the rest of my time in prison drinking the dioxin-contaminated toxic water every day- a very dangerous carcinogenic substance" (Waters 2018). Overall, while it is difficult to confirm whether the health problems listed here are directly related to the contaminated water or air surrounding the prison without further testing, the evidence points towards it being highly likely that the nearby Superfund site could be to blame for these health problems. Hopefully in future years comprehensive testing can be conducted within and surrounding the facility to confirm the legitimate level of risk with being imprisoned within ADX Florence.

SCI Fayette

"Our cancer rates are high, people are getting sick, and yet the DEP is considering allowing them to bring more of this toxic stuff into places people can't even find on a map... They choose towns like our because they think we don't matter. But let's see them put this stuff in Pittsburg or Sewickley. Let's see how that goes over" (Hopey 2016).

Background Information.

The Fayette State Correctional Institution better known as SCI Fayette is a maximum-security prison located in a rural area in Fayette County in LaBelle Pennsylvania. The prison was built in 2003 and just so happens to be located on the edge of a coal-ash dump for a nearby mine. Since the prisons opening there have been many lawsuits and complained filed against the facility as inmates have brought attention to the substantially high rates experienced by those in the facility and the insufficient medical care in treating these health problems. This has brought SCI Fayette to be at the forefront of discussions focusing on the relationship between prisons and Superfund sites, as it

serves as a strong example of the serious negative health problems that can occur when a prison is sited in such close proximity to a Superfund site.

Superfund Site.

Prior to becoming a coal ash dump the 506-acre facility owned and operated by Matt Canestrone Contracting (MCC) was one of the world's largest coal preparation plants (Reutter 2015). After operating as a coal preparation plant for many years the facility for many years the facility switched to become a coal ash and waste dump in 1997 (Tunney 2017). The site itself consists of a huge coal refuse pile made up of 40 million tons of waste, two slurry ponds and a million cubic yards of coal ash (Tunney 2017). Throughout its operation MCC has received considerable backlash as throughout the years there have been multiple lawsuits filed against the facility by local residents. One group who has challenged MCC is the Citizen Coal Council (CCC) who work to “support and strengthen the environmental movement as a whole and recognize the critical importance of promoting justice for vulnerable communities affected by the mining, processing and use of coal” (CCC 2020).

In 2013 the CCC filed a legal complaint against (MCC) over their irresponsible disposal and treatment process (EIP 2013). More specifically, the complaint alleged that MCC had violated the federal Resource Conservation and Recovery ACT (RCRA) and state laws designated to protect rivers and streams and reduce particulate matter pollution (EIP 2013). The complaint also noted how the coal ash dump has polluted local streams with extremely high levels of sulfate, iron, manganese and other salts that can damage aquatic life (EIP 2013). Along with these they noted how the coal ash dump has also been leaking aluminum, manganese, sulfates and other contaminants into the groundwater

above Pennsylvania's drinking water standards (EIP 2013). As stated by the CCC's executive director Aimee Erickson, "Our members live every day with MCC's coal ash pollution and the harm it is inflicting on the local waters (CCC 2013). In addition, local resident Gary Kuklish stated,

As a resident of La Belle, PA I have seen first-hand the problems the Canestrале dump site has caused. We have raised concerns about his site but, sadly, our concerns have gone unanswered. We don't believe the Pennsylvania Department of Environmental Protection (PA DEP) is doing enough to protect us (CCC 2013).

Overall, it seems as though many local residents have felt as though their voices have been stifled and ignored in relation to the coal ash dump, which highlights a lack of recognition justice that Schlosberg (2009) notes as being a predominate contributing factor to issues of environmental justice. In addition to Kuklish's complaints, another town resident Jeremy Ulery stated,

Our cancer rates are high, people are getting sick, and yet the DEP is considering allowing them to bring more of this toxic stuff into places people can't even find on a map... They choose towns like our because they think we don't matter. But let's see them put this stuff in Pittsburg or Sewickley. Let's see how that goes over (Hopey 2016).

Here Ulery highlights how these injustices would likely not be taking place in bigger cities such as Pittsburg. This showcases how environmental injustice issues often occur in small rural communities.

In continuing with the examination of the lawsuits filed against MCC, in 2017 a class action lawsuit was filed against MCC; this time focused specifically on the health problems this company has caused. This lawsuit was filed in federal court against two energy companies as well as MCC for allegedly causing health problems for residents by bringing dangerous pollutants into the Fayette County Community (Hofmann 2017). In this lawsuit it was reported that three years after the coal processing plant closed in 1994,

MCC was contracted to perform reclamation at the site over a 10- to 12-year period, but instead of closing down MCC turned it into waste disposal site with plans to continue on for another 10 years (Hofmann 2017).

Additionally, noted in the lawsuit was that both the health of residents and the property values in La Belle have been negatively impacted by the polluted surroundings (Hofmann 2017). These health problems have been directly attributed to the coal ash as it contains high levels of toxic heavy metals that have contaminated the ground and surface waters leading the groundwater to be unsafe to drink and pollution in local rivers and streams (Hofmann 2017). The heavy metals found in coal ash has been found to cause or contribute to health conditions such as skin, eye nose and throat irritation, asthma, emphysema, hypertension, anemia, heart problems nervous system damage, brain damage, liver damage, stomach and intestinal ulcers and many forms of cancer (Hofmann 2017). Since 2013, residents have said that many of their neighbors have died of cancer and those who are still living have discovered they have cancer or have cancerous tumors (Hofmann 2017). Some of the many complaints in the lawsuit note that there are routine violations occurring at the site including uncovered barges and trucks hauling coal ash to the site causing it to be blown and spread around in the area. As written in the complaint by Attorney Steve Berman,

The coal ash hauled and then dumped at the refuse site since 1997 is not properly contained, and the coal ash has been free to blow and disperse into the surrounding community and property, and leach into the groundwater on residential properties in and around the refuse site unencumbered (Hofmann 2017).

In response to this lawsuit, a federal judge allowed the defendants to charge the plaintiffs legal fees for non-compliance sanctions (Hofmann 2019). This led the defendants to request a total of \$1,432 in reimbursements from the plaintiffs. In June of 2017 the

counsel for the defendants filed a motion for sanctions following repeated attempts from the defense requesting signed medical authorizations so the defense could obtain and review the medical records of the plaintiffs to confirm their alleged health problems attributed to the coal ash dump (Hofmann 2019).

Overall, it is apparent that the residents of La Belle have been strongly opposed to MCC and have been frustrated with the lack of recognition and lack of change they have encountered since MCC came to town. It also remains surprising that despite obvious dangers and health risks posed by this facility, it has yet to be investigated or determined as a Superfund site. It is troubling and highly surprising that a town clearly plagued by environmental injustices could be chosen as the location for relatively large prison holding more individuals than the town itself which consists of only around 300 residents. In continuing my examination into how a town like this was chosen I will go on to explore the siting process for SCI Fayette

Siting Process.

SCI Fayette was built to replace two other Pennsylvania prisons; SCI Waynesburg in Greene County and SCI Pittsburg as it was thought that SCI Fayette would be more efficient and less costly to operate (Lash 2003). Originally the prison was planned to be built in Washington County, Pennsylvania but the DOC sought out other options after encountering significant opposition from municipal officials who were against having a prison in the proposed site in their county (Bucsko 1999). This in turn led the DOC to quickly seek out other site options which led them to three other options; one in Allegheny county and two in Fayette County (Bucsko 1999). One of the main desirable factors behind the addition of SCI Fayette to La Belle is that along with the prison came

the construction of a \$12.5 million sewer system, treatment plant and new water lines (Lash 2003). Another desirable factor was that prison emphasized they would be encouraging the state to begin work in 2005 on building a missing link of the Mon Fayette Expressway between Brownsville and Uniontown. This would serve to provide easier access to the prison as well as the town of La Belle more generally (Lash 2003).

An important thing to note with the town of La Belle and the greater Luzerne Township is that they had been suffering economically for many years prior to the introduction of having a new prison. At the time the median annual income was \$27,000 significantly lagging behind the state average of \$40,106 (Lash 2002). Along with this the unemployment rate was around 7.5% compared to around 5.6% in most towns throughout the state (Lash 2002). This in turn led the introduction of a new prison as a means to bring economic success to be enticing to local officials. While certain local officials lobbied and fought to have the prison built in Fayette County, many town residents were not in support. As documented from a local town meeting about the prison, while many of the residents at the meeting agreed that the township was economically depressed, many were not in favor of a new prison as a remedy (Bucsko 1999). One town resident, Cherly Qualters stated, “If I want to see something behind a fence, I want to see a sheep behind a fence, I want to see a cow behind a fence... I don’t want to see a man behind a fence” (Bucsko 1999). Qualters challenged the prison proposal by creating a petition with the names of 350 people opposed to the new prison. In opposition it was noted that “Many residents stated they would rather keep the area intact rather than open it to development for a new prison” (Bucsko 1999). All in all,

hundreds signed anti-prison petitions, others packed public meetings to voice their opposition to township supervisors and county commissioners.

In addition to those strongly opposed to the new prison there were also individuals in strong support of the new development. This led the prison to become a highly controversial topic in town as it was noted that “Lifelong friends and neighbors quit speaking” (Lash 2002). The reasoning behind support of the prison was predominantly economic based as Brownsville Mayor Norma Ryan explained, “Emotionally, I’m sad that we need more prisons... But people will be coming through our community and they will need restaurants, gasoline, drugstores. Some people who work there may move into the area, and all that helps our tax base” (Lash 2003). Another longtime resident Ron Desalvo, stated, “We’ve got to look at the long haul here... We’ll have this prison for years. Before, we were an island community- we had nothing. Things are going to happen now” (Lash 2003). In the end the support won out, as the potential for economic prosperity outweighed the opinions of those against the new facility.

This potential for economic growth was acknowledged by county Commissioner Sean Cavanagh who stated, “The impact of close to 1,000 people working, living and buying goods in Fayette County is going to be tremendous... We are poised for growth in Fayette County and the prison is a major part of that strategy” (Lash 2002). As the prison was said to bring 700 jobs and an annual payroll of \$10 million it is easy to see why the supporters won out, as for decades the town had been left impoverished due to scarce job opportunities after the decline of the steel and mining industries (Lash 2002). In turn, despite substantial controversy and community opposition the zoning board in Fayette County approved the construction and excavation began in March 2000 (Lash 2002). An

important component to note was that the land itself was owned by MCC who was paid \$575,000 for the land by the DOC (Lash 2002).

Overall, in analyzing SCI Fayette along with the former coal, mine we can see a wealth of injustices at play both within the prison itself and within the nearby town of LaBelle. In this analysis it is starkly apparent that the health problems experienced within SCI Fayette and La Belle can be directly attributed to the nearby coal ash dump. When siting this facility there was clearly little to no recognition or care put into analyzing the potential risks that the coal ash dump could enact upon the future prisoners. We can also see a lack of recognition at play in examining the mixed stances of the town's residents, many of whom strongly opposed the construction of the prison in their county. We can also see economic interests as being a highly influential factor related to the prison to be sited in such a toxic area as the potential for economic prosperity is what pushed the town to ultimately allow for the prison to built there. A final important factor to consider for this siting process is that as far as I can tell there was no EIS conducted during the siting process for SCI Fayette. While it is impossible to know what impact an EIS would have had on this development process it is highly likely that had one been conducted the process and outcome would have been very different and the prison would likely have been sited elsewhere.

Current Problems.

In examining the severity of the current health problems occurring within SCI Fayette it is important to acknowledge that these health problems only came to light after a Richard Mosely, a strong-willed and determined individual serving time in the facility

brought attention to his health problems knowing that there was far more going on than what met the eye.

Mosely's outreach prompted the ALC to conduct a 12-month investigation into the health impacts of exposure to toxic coal waste on the prisoner population at SCI Fayette in 2014. The findings of this report uncovered an "alarming rate of serious health problems" (ALC 2014:1). This was outlined in their findings as they found that,

More than 81% of the responding prisoners reported respiratory, throat and sinus conditions, including shortness of breath, chronic coughing, sinus infections, lung infections, chronic obstruction pulmonary disease, extreme swelling of the throat, as well as sores, cysts, and tumors in the nose, mouth and throat (ALC 2014:1).

Along with this they reported 68% of responding prisoners experienced gastrointestinal problems, 52 reported adverse skin conditions and 12% of prisoners reported either being diagnosed with a thyroid disorder at SCI Fayette, or having existing thyroid problems exacerbated after their transfer to the prison" (ALC 2014:1). As stated in the report, these results are contrasted as being "Unlike reports of health problems from prisoners at other Pennsylvania Department of Corrections (PADOC) prisons" (ALC 2014:2). This in turn led the ALC to conclude that "the declining health of prisoners at SCI Fayette is indeed caused by the toxic environment surrounding the prison..." (ALC 2014:2). Along with these findings the reported argued that SCI Fayette may be unconstitutional based on its location (ALC 2014). Under the Eighth Amendment of the U.S. Constitution it notes the prohibition against cruel and unusual punishment and that prisons are forbidden from imposing conditions of confinement that deprive prisoners of basic human needs (ALC 2014). The fact that this prison is situated next to a massive toxic coal waste dump puts prisoners at a significant risk of experiencing serious harm due to the exposure of pollutants from the nearby toxic coal dump (ALC 2014). In addition, SCI may be

violating the Eighth Amendment as the report found that prisoner's access to medical care within the prison are regularly violated. Health is a human right and the fact that prison officials are failing to give individuals the necessary care they need to have good health leads to a likely violation of the Eighth Amendment.

Analysis Discussion

In examining the similarities and differences between these three prisons we can see a range of causal factors related to each prison's close proximity to a Superfund Site. The main causal factors that I will go on to discuss are economic prioritization, flawed EIS's, the implementation of appropriately polluted spaces, the utilization of the path of least resistance, stigma and the role of community support.

Starting off with the causal factors behind the siting process of the NWDC, economic prioritization seemed to be the biggest factor that contributed to the prison being sited in the toxic location it currently resides in. This was showcased as government officials knowingly chose to jeopardize the health of detainees rather than risk the loss of a potential economic opportunity by building the prison at the alternate port site. Along with this comes the utilization of the path of least resistance which was showcased through the CSC's decision to choose the toxic site over the port site in order to avoid conflict with local government officials. This in turn highlights their lack of consideration for the health of future detainees. Additionally, appropriately polluted spaces played a role in the site selection as we can see how their lack of consideration for the health and well-being of future detainees contributed to their decision to choose a site deemed as less valuable by government officials as the site had been previously deemed as "unfit for residents" following the designation of the Commencement Bay Tidelands

Superfund site in 1983. This can also be connected back to stigma theories as immigrant detainees face many of the same stigma's that surround incarcerated individuals, as they too are often deemed as dangerous, less than human and therefore less worthy of care. These stigmas can in turn be attributed to the lack of consideration during the prison siting process as well as the continued neglect and lack of support given to those currently suffering within the NWDC.

In analyzing ADX Florence we can see similar causal factors, though presented in different ways. Here economic prosperity also seemed to play a key role as it was noted that the town's financial support for the prison was the primary reason the site was chosen in the first place. An additional factor that sets this case apart from the other two was the momentous amount of support for the prison from the local community. Unlike the other two cases here, town residents utilized a PIMBY narrative as they advocated for the prison to be built in their town in hopes that the new prison would bring economic success to the impoverished region. This fits in well with Cherry and Kunce's (2001) and Huling's (2002) findings that conclude that a community's likelihood of supporting a prison is much higher in economically depressed communities. This is more apparent in the cases of SCI Fayette and ADX Florence as we can see how these communities were led to believe that adding a prison could lead to a significant boost in economic prosperity. Along these lines we can see how the promise for economic prosperity outweighed the risk factors that could be associated with having a Supermax facility in your community as very little people seemed to be concerned of the risk factors related to this prison.

A similar situation took place for SCI Fayette though in this case the prison siting process was much more controversial as despite the prison's potential to bring economic

prosperity to the impoverished region, many individuals were against the prison's development. Ultimately though, the promise for economic prosperity overruled the opinions of those against the prison which in turn showcased a lack of procedural justice as despite hundreds of residents signing a petition against the new prison, their opinions were ignored. Another similarity between SCI Fayette and ADX Florence was that during the prison siting process for SCI Fayette there was a similar lack of consideration for the health of future inmates as despite the nearby town of Labelle having suffered from the environmental woes from the coal ash dump for many years prior, no one considered how the future inmates could be affected by these environmental effects.

This points to another main contributing factor that is showcased in each of the three cases; flawed EIS's. This was apparent within the case SCI Fayette as it failed to have an EIS. While it is impossible to know what impact an EIS would have had on the prison development it is quite likely that it would have led the prison to be built elsewhere as an EIS would have likely uncovered risks associated with the adjacent coal ash dump which had already been found to be the source of numerous health problems within LaBelle.

In the case of ADX Florence, while an EIS was conducted it ultimately failed to fully address the potential factors risk factors related to building near the former uranium mill which had already been found to have polluted the neighboring town of Canon City. While the nuclear contamination was briefly addressed in the EIS as it discussed the potential health risks associated with water and air pollution, the report ultimately failed to fully discuss and investigate the range of risks that could be associated with building

near the former uranium mill. One component that may have contributed to this flawed EIS was that the requirement for an EIS came only two years before the EIS was conducted for ADX Florence. This points to the fact that it being that they had only been required for two years prior, at this time EIS's were likely less comprehensive than those conducted today, leaving important components to be left out during the investigative process.

For the NWDC we saw a different causal factor at play in relation to flawed EIS's as in this case though the initial EIS report stated their preference for the port site due to the health risks that could come with building at the other site by the Tideflats, the final EIS report was altered to avoid preferencing the port site, in order to keep government officials happy. This points to a significant fault within the EIS process as it showcases a form of corruption that highlights an EIS can be altered to serve the best interest of government officials rather than fulfilling its purpose to protect individuals from experiencing environmental injustices. This can be directly related to Bradshaw's (2018) findings that the EPA's failure to include incarcerated individuals within federal environmental justice guidelines leads to further harm for the population. This is pretty starkly apparent within the case of the NWDC as it is clear that the EPA failed to include immigrant detainees within their traditional environmental justice guidelines. This is also apparent within the cases of ADX Florence and SCI Fayette as for both those cases there was an overarching lack of consideration as both predominantly focused on the effects the prison would have on the environment and not the effects the environment could have on the future inmates.

In conclusion of this analysis, we can see a range of similarities between the causal factors that led each of these prisons to the toxic location they reside in today. While these causal factors presented themselves somewhat differently in each case, together they clearly showcase an overall lack of consideration for the health and wellbeing of incarcerated individuals and immigrant detainees.

CONCLUSION

Through the examination of these three prisons we can see a range of causal factors that can be attributed to the flawed siting process that led each prison to be in the toxic and harmful locations they reside in today. The primary causal factors that I have outlined in this study consist of economic prioritization, flawed EIS's, the implementation of appropriately polluted spaces, the utilization of the path of least resistance, stigma and the role of community support. Together these causal factors explain how each facility came to be located in a such close proximity to Superfund sites and the ways in which the environmental injustices faced by these individuals continue to be neglected and ignored.

To summarize the findings from above, economic prioritization seemed to be one of the leading causal factors that can be attributed to the flawed siting process. Such was the case for the NWDC despite having the option to build elsewhere they chose the toxic site in order to preserve the potential for future economic success at the alternate site located by the port. For ADX Florence and SCI Fayette economic prosperity can be attributed as a predominant causal factor during the siting process as it was the promise of newfound economic prosperity that led to the community's decision to allow for a prison to be built within their community.

Closely related to economic prioritization was community support as for ADX Florence the overwhelming community support was an additional predominant factor in the siting process. Such was not the case with SCI Fayette as many members of the community were against the prison, though ultimately their opinions didn't make a difference in the siting process. Community support also played a role in the development

of the NWDC as the toxic site was chosen over the port site when government officials made it clear that they would only be supportive of the detention center if it were built at the toxic site instead of the port site being that they wanted to keep the port available for future economic opportunities. This in turn leads us to Pellow's (2016) "path of least resistance" and Higgins (1994) "appropriately polluted spaces". These theories can be directly attributed to the CSC's decision to choose a site that had been deemed as undesirable many years before and that would in turn lead them to encounter far less resistance from government officials. We can also see the path of least resistance at play with ADX Florence as there was no resistance from local residents during the prison siting process. This was slightly different in the case of SCI Fayette as here the community was split on their stance of the new prison; though despite the fact that they were met with resistance from town residents, this ultimately had no effect on the siting process. Along with these theories we can analyze the role of stigma in each of these cases as there was an overarching lack of consideration for the health and well-being of future incarcerated individuals and detainees. This can be largely attributed to the stigma that deems these individuals as being less than human and therefore unworthy of our support and care. This stigma can in turn contribute to the fact that today there remains a lack of care and consideration for those suffering from environmental injustices within prisons. This stigma can also be understood through the lack of consideration in connection to flawed EIS's as each of the cases EIS or lack thereof contributed to the flawed prison siting process that has since led to the health problems being currently experienced by the individuals within these facilities. This points to a flaw of the EIS process as a whole as these cases showcases the ways in which they can be altered to

fulfill the desires of government officials as was the case for the NWDC, fail to address the full range of potential risk factors, as was the case for ADX Florence, or be neglected all together, as was the case for SCI Fayette. Ultimately each and all of these causal factors can be attributed to each prison's close proximity to a toxic site and the health problems that continue to plague these facilities today.

In examining my conclusions, it is important to acknowledge that these findings cannot be generalized to this problem as a whole as I only studied three of the 589 prisons located in close proximity to Superfund sites. Along with this it is important to note that if someone were to replicate my study, they may not have the same process for choosing their prisons and would likely choose different prisons which might lead them to vastly different conclusions. This adds to the emphasis that this study lacks generalizability as one could only make generalizable claims if they were to analyze all of the 589 prison's located near Superfund sites. That being said I do think this study presents meaningful and interesting takeaways that can be utilized to gain a better understanding of the problem as a whole and contribute to future studies. This is important as in my research it has become starkly apparent that there is still a long way to go in understanding the severity and scale of this problem. For future research I would hope to see a more comprehensive study which addresses all prison's effected by environmental injustices in order to fully understand this problem as a whole. A study like this would allow one to see true scope of this problem which could in turn lead to more comprehensive and obtainable solutions. That being said it is important to acknowledge that there are currently multiple groups exploring this issue and working towards making meaningful change in combatting this problem.

One group who has made tremendous strides in bring attention to this issue is the Prison Ecology Project (PEP) whose mission is to “map the intersections of mass incarceration and environmental degradation and create action plans to address the multitude of problems found there” (PEP 2020). The PEP was created by the Human Rights Defense Center in order to “investigate, document and take actions to address the ways in which mass incarceration degrades the natural environment and the human health of those inside or nearby prisons and jails” (PEP 2020).

Another organization that partners with the PEP on organizing and outreach is the Campaign to Fight Toxic Prisons (FTP) which was created in collaboration with the Abolitionist Law Center. FTP’s mission is to “conduct grassroots organizing, advocacy and direct action to challenge the prison system which is putting prisoners at risk of dangerous environmental conditions, as well as impacting surrounding communities and ecosystems by their construction and operation” (FTP 2020). Much of FTP’s work revolves around generating international awareness for prisoner-led efforts to challenge the prison system. Recently, FTP has focused their attention on opposing the construction of a new federal prison in Letcher County, Kentucky.

Since working on this project, the FTP has made substantial progress in preventing the construction of this new facility. As noted in an article in *Truthout* article,

The Federal government’s plan to build a maximum-security prison on a former mountaintop-removal coal-mining site in eastern Kentucky has been one of those zombie-like bad ideas that simply refuses to die. But after years of fierce opposition by environmental, prisoner rights, and local citizen rights groups, it appears that the controversial project *might* finally be buried forever (Mitra 2019).

This analysis comes after last month the Bureau of Prisons formally withdrew their plan for the \$150 million project in Letcher County Kentucky based on claims of “new

information” pertaining to the “environmental analysis” for the project (Mitra 2019). In response to this withdrawal, opponents of the project noted that though this withdrawal was not entirely expected, it is clearly the result of their sustained campaign and activism against the project (Mitra 2019). This was noted by co-founder of the Campaign to Fight Toxic Prisons; Panagioti Tsolkas who stated, “This outcome couldn’t have happened without the courage of local residents in Letcher County and federal prisoners, all who risked significant blow back for standing up to oppose this prison” (Mitra 2019). This success highlights the importance of activism and the ways that real people can enact real change.

While there still remains much work to be done in drawing attention to the connection between prisons and environmental justice I would be remiss to not mention or expand upon this topic to address the perhaps most pressing danger currently facing prisoners throughout the country; Covid-19. In the past week or so I have come across a multitude of articles describing the significant risk that Covid-19 poses to incarcerated individuals as these individuals have been essentially left as sitting-ducks awaiting their inevitable infection and likely demise as it has been noted that the virus will likely very quickly spread and contaminate federal and state prisons and jails through the country; many of which known for their inadequate medical care. Recently, many people have argued that by keeping these people in these facilities it is essentially a death sentence as when these prisons and jails are inevitably affected by Covid-19 it will be extremely difficult to prevent, protect and treat these individuals.

In response to this there have been numerous petitions and articles urging for those who do not pose an immediate danger to society to be released from jails and

detention centers. The Northwest Detention Center is one site that has been on the forefront of this news as there is currently a hunger strike taking place to protest the living conditions and concerns over the COVID-19 virus in relation to their cramped and unhygienic living conditions (Garland 2020). According to a press release, one detainee explained their goal for release while stating, “We want to be released because in here there’s no protection from the virus... We are on a hunger strike because we know it's not true that we will receive medical care here in NWDC” (Garland 2020). The official demands of the hunger strikers are to “1) Provide humanitarian temporary visas for those inside; 2) Reunite those who have been detained with their families; 3) Stop all deportation and immigration proceedings until the pandemic has concluded” (Garland 2020). As of March 31st, 2020, over 200 people have been participating in a hunger strike taking place within this facility and additionally people outside the facility have been showing their support in any way they can (Garland 2020). On March 30th this external support was showcased as over 20 trucks and cars gathered outside the NWDC to honk their horns and wave signs in solidarity with those inside the facility” (Garland 2020).

One facility that has already been hit particularly hard with this virus is Rikers Island Jail in New York. Rikers Island Jail, one of the largest jails in the world has been known for their violence and neglect and the facility is planned to be shut down by 2026 (Bryant 2020). In response to the recent outbreak of cases within the facility which grew from 1 to 200 in just twelve days, one top doctor at Rikers Island stated that this is a “public health disaster unfolding before our eyes” as he warned of the rapidly rising number of infections (Bryant 2020). These rising infection rates have come despite the jail following the Center for Disease Control and Prevention guidelines showcasing how

even through following the necessary guidelines this virus poses a huge risk for incarcerated individuals (Bryant 2020). The chief physician Ross MacDonald has since called for the release of “as many vulnerable people as possible” in order to prevent the spread (Bryant 2020).

With 2.2 million people currently incarcerated there are growing fears that an outbreak could spread rapidly through the thousands of federal and state prisons, detention centers and jails throughout the country. Many people also fear that incarcerated individuals will be last in line for information about the risks as well as treatment due to the limited capacity nationally to test for Covid-19 (Bryant 2020). We can see this is fitting in with Higgin’s theory of “appropriately polluted spaces” as incarcerated individuals will likely be viewed as being less deserving of receiving treatments for this virus as in our society these individuals are often viewed as being less worthy of life. Along with this, as showcased specifically within the NWDC and SCI Fayette, prisons typically lack adequate medical care and facilities, which further increases the risk of death. This paints the harsh reality that it is likely that many incarcerated individuals will become infected and perish from this virus, despite this risk being somewhat preventable. Along with this there will likely be less attention and recognition of this problem as a whole as the mainstream media will likely instead fanaticize and fixate over the inevitable deaths of people whose lives are categorized as being more important such as celebrities, government officials or notable business executives.

This inequality underlying the value of life is what ultimately contributes to the multitudes of problems within the prison industry as a whole. This is largely related to the stigma surrounding incarcerated individuals which paints them as being dangerous and

therefore less deserving of life and the respect of others. This stigma is played up by the media industry which spreads these misconceptions allowing people to justify the abuse and neglect that occurs towards incarcerated or previously incarcerated individuals. In combatting this issue, it is only through a change in perception, discourse and attitudes that meaningful change can occur. While it is clear that there is still a very long time to go with preventing, analyzing and combatting the many problems that plague the prison industry, change is happening. We can see this positive change through the increased attention being drawn to the prison industry as a whole and more specifically to the connection between prisons and environmental justice.

Along with this, it is heartening to know that there are so many individuals both within prisons and jails and externally who are working towards effective and meaningful changes. It is through the work of both the individuals within these prisons, their family members and advocates, and the organizations supporting these individuals that we see the most notable changes taking place. This can be showcased in efforts working towards changing the past through the increase of successful lawsuits calling out these toxic facilities and the work being done to shut down facilities that should have never been built in the first place. We can also see how organizers are working towards building a better future through the prevention of the construction new problematic and toxic facilities such as the Letcher County Prison. While it is uplifting to see the way organizations are currently working to combat this problem, we still have a long way to go as there are a range of structural constraints within the prison and environmental industry that must be acknowledged and set right before widespread and meaningful change can happen. Despite the widespread changes that must be made I am hopeful that

the future shall bring meaningful change as we come into a world where there is increased recognition, respect and consideration given to the lives of all individuals. I hope that it is through studies like this that people can become increasingly aware of the inequality and multitude of problems within the prison industry which can in turn lead people to make meaningful change.

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