
Environmental Justice, Health, and Carceral Facilities

Report on policy action to
address environmental justice
and health issues in carceral
facilities for New York State.

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Table of Contents

Executive Summary	4
Introduction	6
Identified Environmental Issues	7
Framework Shifts	9
Policy Action Roadmap	11

Executive Summary

There are many environmental health and justice issues within and having to do with carceral facilities, and it is important for environmental groups to join criminal justice advocates in addressing concerns within and around prisons and jails, to build power to make change. Incarceration is an environmental justice issue and must be treated as such. Convened by WE ACT for Environmental Justice and Clean and Health New York, co-chairs of the New York State JustGreen Partnership, several organizations came together to discuss environmental justice and health concerns for carceral facilities across New York State. The roundtables discussed systemic shifts necessary to achieve true environmental health for people and discussed a range of policy targets to protect people in the short, medium, and long term. What results from the roundtable is this policy agenda.

Environmental Justice Issues

The roundtable identified environmental justice issues for carceral facilities, including the lack of clean water and sanitation, healthy food, energy insecurity, environmental results of climate change such as extreme heat and cold, climate crisis events, unhealthy housing, siting of facilities near toxic sites, and exposure to chemicals while doing labor. All of these issues compound cumulative burdens that come from environmental hazards in which those incarcerated lived previously and to which people go back upon release.

Four Frameworks for Policy and Advocacy

While establishing policy targets is important for addressing environmental health concerns in incarcerated facilities, to achieve lasting change it is vital to create systemic shifts in how we address harm. Therefore, our roundtable began the conversation by discussing systemic shifts that must be achieved through movement work, and then discussed the policy targets to achieve along the way. The roundtable identified four framework shifts necessary to remedy the current state of carceral facilities: First, despite commitment to the prison abolition movement, policy actions need to work to **improve current conditions**, while still working towards long term societal shift. Second, it is vital to **apply an intersectional analysis** to understand the landscape of hardship and impact. Third, **reparative justice interventions** must not only address issues within the criminal justice system, but also environmental racism that has disproportionately harmed communities of color. Finally, there needs to be a **commitment to divest from incarceration** and policing and invest in community through social support and environmental justice.

Policy Action Roadmap

After identifying framework shifts, the roundtable identified many policy targets, then underwent a prioritizing process to create a targeted set of recommendations.

Short Term Goals (3-5 years)

- (1) Create green jobs training programs as part of offerings in carceral settings and as part of re-entry processes.
- (2) Increase prison job wages to minimum wage.

Medium-Term Goals (5-7 years)

- (3) Turn Rikers Island into a renewable infrastructure hub for communities.
- (4) Establish a process for regular inspection of existing carceral facilities for environmentally hazardous conditions.
- (5) Create an oversight committee of community members and formerly incarcerated people.

Long-Term Goals (Greater than 7 years)

- (6) Amend the 13th Amendment.
- (7) Abolish carceral facilities, replace and invest with restorative justice interventions and facilities that operate on restorative justice principles.

Introduction

At present, there are about 50,000 people in 52 prisons, and about 40,000 more people in other carceral facilities across New York Stateⁱ. While the rate of incarceration has declined significantly since 2000, the rates are still 400% higher than in 1973ⁱⁱ. According research published in 2016, each year of incarceration cuts an individual's life expectancy by 2 years.ⁱⁱⁱ Additionally, the institutional and systematic racism of the criminal justice system lead to a significant disparity in race/ethnicity of people who are incarcerated, in which Black/African American and then Latinx people have the highest rates. Black/African American and then Latinx populations who are over-incarcerated are the same populations who bear the brunt of environmental racism in their communities. Communities of color have worse air quality, fewer parks, toxic chemicals in their homes and products, and are hit the hardest by extreme weather events made worse due to climate change. Because it is the same communities that are impacted first and worst by the criminal justice system and environmental injustices, it is vital to consider how these two systems overlap to create cumulative burden. Specifically, there is a need to understand environmental justice issues that exist for people in carceral facilities, and how these issues can be addressed through policy advocacy and activism in New York State.

Carceral facilities are host to many environmental hazards that diminish the health and wellbeing of people who are incarcerated. Clean water and food concerns, energy insecurity, climate change impacts, exposure to toxic chemicals housing and in jobs areas of the prison. This points to the desperate need for healthy housing, and the creation of remedies that address all environmental justice concerns that exist within the carceral system in New York State.

The Human Rights Defense Center (HRDC) started the “prison ecology project,” which documented environmental health issues in carceral facilities via primary sources: people who are incarcerated across the country. The prison ecology project revealed that prisoners were experiencing conditions that posed significant threats to their health: labor far below minimum wage without safety gear and making products exposing them to harmful chemicals; black mold infestations, contaminated water, hazardous waste and sewage overflows; deadly risks of floods or extreme heat; and a whole host of illnesses related to living in overcrowded, toxic facilities, bundled hardships; and more recently, COVID-19. This project was vital for pushing the conversation about environmental health concerns from carceral facilities into the center of conversation around the flawed criminal justice system.

These concerns are only the tip of the iceberg. Not are these environmentally hazardous conditions very complex, but they all overlap with one another to create cumulative burden. It is vital for the health and wellbeing of populations hit first and worst by environmental justice and the criminal justice system that these overlapping concerns are addressed.

In response to these known and well-documented environmental health and justice issues in carceral facilities, WE ACT for Environmental Justice (WE ACT) and Clean and Healthy New York (CHNY), co-leaders of the JustGreen Partnership, convened a round table of organizations and experts to discuss how environmental justice and health advocates can

contribute to current work on environmental issues for carceral facilities. The roundtable discussed frameworks to address these issues and systematic shifts needed to create long-term change. It also identified priority policy actions to pursue in New York State.

Identified Environmental Issues

As a first step for the roundtable, we discussed and documented environmental health and justice issues that exist for people who are incarcerated. It is vital to understand the scope of the problem before discussing potential solutions.

Clean Water

Access to safe drinking water is a consistent issue within carceral facilities. Poorly maintained and broken pipes, contaminated wells, unresolved sewage and plumbing issues, and a lack of enforcement and oversight for clean water has led people who are incarcerated to drink water contaminated with arsenic, lead, and other hazardous chemicals^{iv}. Reports of legionnaires disease is a common results of unsafe drinking water in carceral facilities^v. In addition to the unsafe drinking water, the poor water quality and unmaintained swage and plumbing system results in dirty water for cleaning, drinking, and sanitation needs.

Healthy Food

Food injustice is a major issue in carceral facilities^{vi}. Lack of nutritious meals provided leads to increased risk of short-term and chronic illness. Serving contaminated and perished foods to people also causes food-borne illness. Lastly, heavy reliance on highly processed and packaged foods exposes people to chemicals that cause cancer, are hormone disruptors, which contribute to infertility, diabetes, and obesity.

Energy Insecurity

Chronic lack of adequate heating and cooling and poor ventilation has lasting health impacts, and can lead to premature mortality. Overheating is a major and common issue, since facilities do not provide adequate cooling. Lack of ventilation leads to mold growth, causing respiratory and cardiovascular illness^{vii}. Additionally, the lack of proper ventilation combined with crowded living facilities and a lack of adequate care, led COVID-19 virus to spread quickly in carceral facilities^{viii}.

Climate Crisis

The increase in extreme weather events due to climate change can have a variety of impacts. Longer, more frequent, and more severe heatwaves lead to heat stress, heat stroke, and death^{ix}. Facilities are flooded by more frequent hurricanes and heavy rainstorms, which bring in water contaminated by nearby hazardous chemicals either stored or present in soil, and then leave behind mold which causes serious respiratory illness. Fires due to drought create hazardous air quality. In some states, like California, incarcerated people are sent to fight

wildfires, often with inadequate training or gear to protect them from the toxic smoke and chemical fire suppressants^x.

There is a lack of preparedness by facilities for extreme weather events that have worsened due to climate change. Furthermore, people who are incarcerated are exploited for their labor and exposed to health hazards. For example, when New York State used prison labor to bottle hand sanitizer to combat the COVID-19 pandemic, the people doing this work were then exposed to, and contracted COVID-19.^{xi}

Siting of Facilities

Often, facilities are sited next to toxic sites, such as wastewater treatment plants, power plants, former Superfund and Brownfield sites and more^{xii}. As incarcerated people must remain in place, they are exposed to contamination or pollution from those toxic sites 24 hours a day for years on end.

Chemicals

People who are incarcerated are working in little-to-no wage jobs creating products that contain hazardous chemicals. For example, Corcraft^{xiii} employs thousands of people in carceral facilities to make products such as furniture that contains formaldehyde and flame retardants, janitorial products that can contain bleach, urea, and other harmful chemicals, and may contain hormone disrupting chemicals in the fragrance, offers abatement services for mold, lead, and asbestos.

(Un)Healthy Housing

Facilities are poorly maintained and lack adequate energy and ventilation. Many facilities are very old, and therefore have issues of decay. These issues go unchecked and ignored, leading to growing concerns over healthy housing. People are exposed to lead in peeling paint, pests, asbestos, mold, and more^{xiv}.

Cumulative Burden

In addition to the above identified environmental issues that immediately impact people who are incarcerated, it is important to factor in the environment in which people grow up before exposure to hazards in a carceral facility. It is Black/African American and Latinx communities across New York State that are exposed to disproportionately more environmental hazards across the lifespan. For example, Buffalo, New York, has high rates of childhood lead poisoning due to its old housing stock and lack of adequate remediations given for lower-income renters who are predominately people of color. As a result, children living in neighborhoods of color are twelve times more likely to have elevated blood lead levels than children in white neighborhoods in Buffalo, New York^{xv}. Furthermore, in a neighborhood such as East Harlem, New York City, residents are exposed to higher levels of air pollution and have high heat vulnerability. As a result, there are higher levels of asthma and cardiovascular illness. People living in these communities are the ones disproportionately targeted by the criminal justice system. They are then exposed to environmental hazard in carceral facilities that exacerbate existing health issues that derived from environmental hazards in the neighborhoods in which they grew up. Because many detainees come from environmental

justice communities, many have pre-existing conditions such as asthma. When they are exposed to the poor air quality in confinement and are subsequently deprived necessary medical care including inhalers, these conditions can become life threatening.

It is not only important to consider where people have grown up, but the community they go back to when released. Often upon release, they go back to neighborhoods with environmental and social justice concerns, further exacerbating health impacts of exposure to hazard before and during confinement.

Framework Shifts

With these complex issues laid bare, the roundtable engaged in a discussion about the framework for working in the intersection of environmental health and justice and criminal justice. While there are short and medium-term policy interventions to resolve some of the environmental health and justice issues that exist for people who are incarcerated, it is vital to view the issue as a complex one that need systems-level shifts to make a lasting impact. In order to achieve lasting impacts, we are committed to four framework shifts when it comes to the current state of carceral facilities:

(1) Conditions of confinement matter and is of utmost importance until abolition is achieved.

The prison abolition movement calls for not a reformation of the criminal justice system, but a complete dismantling of the system we have today and a restructuring of how as a society thinks about crime^{xvi}. The movement is envisioning a complete shift in a prominent aspect of society and will take time to achieve. Many cities and towns across the United States have started taking steps towards this monumental shift; however, while this movement pushes on, it is vital that people who are incarcerated are not left in hazardous conditions in the meantime. Daily, people who are incarcerated are exposed to a multitude of environmental hazards that lead to illness and even premature mortality. Therefore, it is important that there are policy actions that will improve current conditions, while still working towards long term societal shifts.

(2) Ensure intersectionality is at the core of the issue.

Intersectionality, a term coined by Kimberlé Crenshaw, refers to the hierarchy of power depending on how gender, race, and class characteristics overlap^{xvii}. A framework of intersectionality helps parse out the difference in lived experiences and discrimination. When addressing environmental health and justice issues in carceral facilities, having an intersectional analysis is important for understanding the landscape of hardship and impact. For example, Black/African American women have higher rates of health issues than White women in the United States due to exposure to hazard across the lifespan, and these health issues can become significantly worse when incarcerated due to inadequate medical care and continued exposure to hazard^{xviii}.

(3) Reparative justice solutions incorporate and address both environmental racism and the racism in criminal legal justice system.

Reparative justice seeks to repair harm done to a group of people^{xix}. In this context, reparative justice refers to a need to create interventions that in some way help repair the harm done to communities of color who have been violently impacted by the racism of the criminal justice system. As we form points of policy action, it is important to advocate for interventions that not only address issues within the criminal justice system, but also ones that address environmental racism that has disproportionately exposed communities of color to harm.

(4) Divest from incarceration and policing and invest in community through social support and environmental justice.

Lasting positive change lies in the way community is made healthier. It is vital to address root causes of crime and hardship in community. Building strong social cohesion and support is known to reduce crime. Addressing endemic environmental racism in communities of color will lead to healthier communities. Environmental justice interventions can reduce financial, housing, medical, food, and energy insecurity in communities of color. While addressing these insecurities, it will also address the heightened exposure to hazards that are then worsened in confinement. Policing and incarceration are not solutions to crime and hardship, social and environmental justice are solutions.

Policy Action Roadmap

With these four important frameworks within which to develop a policy action plan, the roundtable discussed then prioritized short, medium, and long-term policy goals for addressing environmental health and justice issues in carceral facilities. The timeframes set are estimations and can shift depending on the political and social climate, and funding. Short-term is a period of around three to five years, medium is around five to seven, and long-term is longer than seven years.

Short Term Goals

(1) Create green jobs training programs as part of offerings in carceral settings and as part of re-entry processes.

There needs to be a shift from rural prison-based job economy to non-carceral State jobs. With the State's goal of reducing greenhouse gas emissions 85% by 2050 as mandated by the Climate Leadership and Communities Protection Act (CLCPA), there is a need for swift interventions in all sections of New York State's economy. People who are incarcerated can be trained in good jobs such as solar installation and maintenance, building energy efficiency, and more. The solar industry is underrepresented by people of color, where Black/African American people make up only about 7.6% of the solar industry jobs.^{xx} Programs can offer training in carceral settings and offer fellowship programs for on-the-job training when released^{xxi}. Further, ensuring that all jobs performed under Corcraft are fairly compensated and aligned with the Green Procurement specifications issued by OGS^{xxii}

(2) Increase prison job wages to minimum wage.

Prison job pay rates have not increased in New York State in decades. The laborers who worked for Corcraft bottling hand sanitizer during the COVID-19 pandemic make on average 65 cents per hour. In New York State, the current minimum wage varies between 10 and 15 dollars per hour. Legislation in New York State has been introduced multiple times to increase pay rates, but it has been unsuccessful.

Medium-Term Goals

(3) Turn Rikers Island into a renewable infrastructure hub for communities.

The Renewable Rikers Act fully became law in 2021 for New York City. This act mandates that Rikers Penal Colony, a carceral facility notorious for human rights violations including chronic environmental hazard exposures, will be turned over to the Department of Environmental Protection once closed, and used as a place for renewable energy generation. The energy generated on Rikers island can be used to power communities most impacted by the penal colony, such as the South Bronx. This law has many interim goals to reach and must be monitored for correct implementation.

(4) Establish a process for regular inspection of existing carceral facilities for environmentally hazardous conditions.

The New York State Department of Corrections and Community Supervision, with partnership from agencies such as the Department of Health, must regularly inspect carceral facilities for hazards. If hazards are found, there must be funds available for remediation to take place quickly. Additionally, a guideline must be created for when prisons must be closed due to environmental conditions.

(5) Create an oversight committee of community members and formerly incarcerated people.

This oversight committee will be tasked with ensuring policies for treatment are implemented and enforced, and that environmental hazards are properly remediated. It is vital to create a committee of people who have been impacted by incarceration, because they best understand what must be done to improve conditions in carceral facilities. Their voices must be centered and given power.

Long-Term Goals

(6) Amend the 13th Amendment.

The 13th Amendment of the United State of America states, "neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." This piece of the 13th Amendment essentially permits forced prison labor, and for little to no pay. This phrase in the Amendment must be removed in order to prevent the practice of forced prison labor that is rampant today. It is a violation of human rights. U.S. Senator Jeff Merkley and Congresswoman Nikema Williams have introduced the "Abolition Amendment", to amend the 13th Amendment. This legislation would remove the clause in the 13th Amendment that allows for slavery "as a punishment for crime."^{xxiii} This legislation must be passed into law immediately.

(7) Abolish carceral facilities, replace and invest with restorative justice interventions and facilities that operate on restorative justice principles.

As stated in framework shifts, the practice of the criminal justice legal system in New York and the United States must be abolished. To build health and safe communities, we must invest in social, economic, and environmental justice for communities of color. The Vera Institute defines restorative justice as "a framework that views crime, conflict, and wrongdoing as harm to relationships and not merely violation of the law by focusing on people who have been harmed and their needs, while also holding people who have caused harm directly accountable for those needs."^{xxiv} When harm is done, restorative justice principles must be used to address that harm. Restorative justice programs exist across New York State not only in the criminal justice system, but in places such as schools. These programs must be expanded, and ultimately must overtake the current system of addressing harm with punishment.

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- ⁱⁱⁱ <https://onlinelibrary.wiley.com/doi/full/10.1111/1745-9125.12107> or as described by the Prison Policy Project: https://www.prisonpolicy.org/blog/2017/06/26/life_expectancy/
- ^{iv} The Worst Offenders Report: The Most Problematic Local Correctional Facilities Of New York State (2018). Retrieve at: <https://scoc.ny.gov/pdfdocs/Problematic-Jails-Report-2-2018.pdf>
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