

We are not disposable:

The Toxic Impacts of Prisons and Jails



A REPORT BY CALIFORNIANS UNITED FOR A RESPONSIBLE BUDGET



We are not disposable: The Toxic Impacts of Prisons and Jails

A Report By

Californians United for a Responsible Budget (CURB)



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PROTESTING THE EXPANSION
OF THE SAN MATEO JAIL, 2013

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RAPHEL SPERRY (ARCHITECTS, DESIGNERS, AND PLANNERS FOR SOCIAL RESPONSIBILITY) SPEAKING OUT AGAINST THE EXPANSION OF THE SAN MATEO JAIL IN 2013.

I. INTRODUCTION

Prisons and jails are environmental health disasters -- they are unhealthy for those locked inside them, for those who work there, for those living in the neighborhoods where the facility is located, and, as they produce toxins that spread into the wider environment, they ultimately harm us all. Unfortunately, 40 of California's 58 counties are planning to expand their existing jail systems, and the state is taking its first step toward renovating or replacing the state's twelve oldest prisons.

The new prison and jail building projects will not only cause significant environmental damage, they are also completely unnecessary and perpetuate the epidemic of mass incarceration in California. The failures of mass incarceration are well-documented, and governments at all levels are scaling back on the numbers of people locked away in jails and prisons. It would be disastrous to make the environmental sacrifices demanded by these projects for the sake of an outdated and destructive policy that ultimately harms our communities.

In Los Angeles, there are plans to build a women's jail at the former Mira Loma Detention Center. Construction of the new jail is projected to cost more than \$120 million, of which \$100 million has been awarded by the state through a high interest lease revenue bond (AB900), while \$20 million is coming out of the county's general fund. The jail

is slated to have 1,616 beds and will be 75 miles away from Los Angeles City in the city of Lancaster, where there are already two other correctional facilities and several environmental concerns. In looking at the environmental record of prisons and jails in California, and the final Environmental Impact Report for the proposed facility, it is clear the proposed jail will cause significant environmental harms, including impacts on water resources, air quality, and public health. These environmental impacts are in addition to the well-documented negative social impacts of jails and prisons, including economic divestment, unemployment, political disenfranchisement, trauma, and social instability, that are outlined in several reports such as *Breaking the Silence*.¹ For these reasons, we urge the Los Angeles Board of Supervisors to cancel the building of the proposed women's jail in Mira Loma and reject the AB900 funding. We urge the board to use the \$20 million of county funds to implement community-based resources and diversion programs.

This year's proposed California budget includes \$5.4 million to evaluate the state's 12 oldest prisons and develop plans to "either renovate or replace" the facilities, leading to the creation of a "prioritized facility reinvestment plan." The proposal reveals the state's plan to embark on a long-term expansion and fortification its prison system, enabling

California to maintain or increase its shameful rates of imprisonment for at least another 50 years. Our research uncovered the severe health concerns that exist in several California prisons due to historical negligence around water access. Examples of poor water access and contamination found through court and government documents show that four out of the twelve prisons being slated for possible renovation have been cited for water and waste management issues. For these reasons, we urge the California legislature focus on prison closure and a strong decarceration plan for the state.

II. HISTORY OF INCARCERATION AND THE ENVIRONMENT IN CALIFORNIA

In California, environmental benefits and burdens have been unequally distributed along lines of race and class. It has been well documented that polluting facilities are more likely to be built in low-income communities and communities of color, leading to a disproportionate burden of pollution. These same communities have often been excluded from environmental protections or benefits, ranging from basic necessities such as clean drinking water and access to healthy food, to amenities like parks and open space. These injustices have long been documented by the environmental justice movement in California. The siting of prisons follows the same logic: these toxic facilities are built in predominately low-income communities and communities of color.

In the United States, the number of people incarcerated has increased exponentially since 1980, and there are now over 2 million people behind bars out of a population of 325 million. In California, there are 35 prisons, 23 of which were constructed in the past 30 years. With the implementation of public safety realignment in 2011, California began shifting most people with non-violent, non-serious, non-sexual convictions from state to county control. The state also began providing funding to counties to expand the capacity of county jails to imprison this new population; over the last 8 years, a total of \$2.57 billion in high-interest loans have been authorized by the state for jail construction in most counties in California.

When prisons were being built and filled in the 1980's and 90's, there was no formal organizing infrastructure to support environmental work around prisons. Mothers of East LA inspired organizers in the Central Valley to form the Joining Forces Conference at Fresno State in 2001, kicking off environmental justice and anti-prison work. The group began to focus on environmental work around prisons in order to impact the construction

of the Delano II prison. For almost two decades the California Prison Moratorium Project, Central California Environmental Justice Network, and other organizations have been fighting prisons and the environmental destruction impacting low-income and disenfranchised people unleashed by mass incarceration.

The California Department of Corrections and Rehabilitations (CDCR) has a environmentally disastrous record of damaging the health of incarcerated people and of environmental destruction, especially in the cases of water poisoning, pollution, and Valley Fever. With each of these issues, many different state departments and federal agencies have been forced to intervene in response to CDCR's exceedingly poor treatment of incarcerated populations, the communities surrounding incarceration sites, and California ecological systems.

The destructive environmental impact of prison expansion is not a new issue, and there is a history of resistance from advocates, organizers, and community members throughout California. What is new is that today 40 out of 58 California counties have proposed jail expansion plans, and it is likely that the harmful environmental consequences of prison expansion will be recreated in the process of building and filling new jails across the state. Specifically, with the proposal of a new women's jail in Lancaster to serve Los Angeles county, it is difficult not to imagine that the project will lead to further harm to water, air, and soil quality, and to human and ecological life. On top of the 40 jails, the state is also in the process of analyzing the state of the 12 oldest prisons in California with a possibility of refurbishment or expansion. The human population and the natural ecosystems of California cannot sustain these needless and destructive projects.

III. WATER AND WASTE MANAGEMENT

With the impacts of climate change already being felt globally, California has been hit with the lowest rainfall over a three-year period (2012-15) in at least 700 years.² California has also been experiencing record high temperatures which are evaporating water reserves at an increasing rate. In addition, California has been in a severe drought, and there is no predicting the end of it, and droughts will only become more common with climate change. In rural and desert areas like places that are the vast majority of where state's prisons are constructed, the impacts of drought have been seen in the rapid depletion of groundwater, which is the main source of drinking water for many people, including those incarcerated. These water sources have also been severely

contaminated by years of industrial agriculture, and contamination gets worse with drought. Another consequence of these environmental conditions is subsidence or the gradual sinking of an area of land. Out of the 34 California state prisons not including the privately contracted facilities, about 25 of them are inland, at the socio-economic margins of California where the brunt of the drought is already being felt.

A. Prisons use large amounts of water yet institute inhumane policies to reduce water usage

Prisons and jails use high volumes of water, largely because of the density of people held in tight spaces. High water usage is an unavoidable aspect of incarceration and does not correlate with incarcerated individuals' use of water. Within a statewide context of general water usage, the CDCR uses 73% of all the water consumed by state facilities as seen in Figure 1.³ The department does not release a breakdown of water usage within each of their facilities, but in comparison with residential breakdowns (where most water usage comes from showering and washing dishes), it seems likely that most water is used for the frequent cleaning of the facilities and washing of incarcerated people's clothes to prevent the spread of disease.⁴

While the number of gallons being used per capita for the incarceration facility is only slightly higher than the number of gallons used for people who are not incarcerated (about 113 versus 100

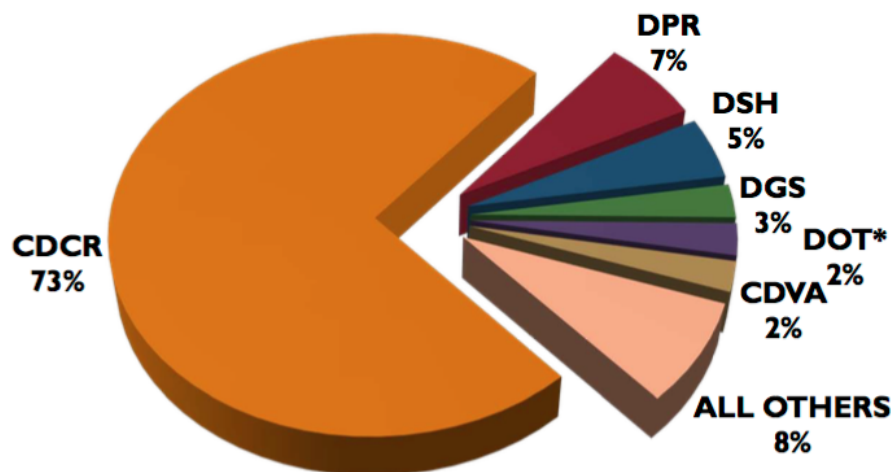
gallons per person per day), the water in the incarceration facilities is mainly being used to clean and maintain, not for the health and daily needs of the incarcerated population.⁵ People outside incarceration facilities are using the same amount of water to take long showers, participate in recreation, and garden.⁶ They do not face the avoidable risks of contagious disease created by CDCR's prison management techniques.

It's often difficult to understand the simultaneous high water usage and harsh restrictions on incarcerated people's water. CDCR has been cited for inordinately high water usage, and because of this, the department has undergone a number of water-saving initiatives, which have further exacerbated harsh conditions inside of prisons and jails.⁷ Last summer, in the height of the drought, officials at many prisons shut off the outdoor showers that incarcerated people normally used after exercising. This reduction in water access came after a general policy of only three showers under five minutes per week for most incarcerated populations.⁸ Listed among a host of inhumane and degrading conditions that people held at San Quentin State Prison faced in 2015, plaintiffs in *Lopez v. Brown*, filed that "For [one plaintiff], showering every day is one of the few humanizing things over which he has control. The recent denial of shower on the yard means that he and the other plaintiffs in the class action lawsuit are relegated to three showers a week and are denied the hygienic practice of washing off sweat after a work-out."⁹

Statewide Water Use Breakdown



State facilities, *not including CalTrans Highway Irrigation



WATER

1.9% Reduction 2010*-2013

FIGURE 1: A SLIDE FROM A PRESENTATION BY THE CALIFORNIA DEPARTMENT OF CORRECTIONS IN 2014 ENTITLED "CDCR & UTILITY PARTNERSHIPS: WHERE WE ARE, WHERE WE'RE GOING"

Additionally, in the dire conditions of the drought last summer, CDCR placed restrictions on the number of times that incarcerated people could flush their toilets. Incarcerated people have very few options for bodily routines and live in close quarters with toilets and many other people. The recent limitations on showering and flushing toilets are a denial of the basic human rights to water, hygiene and health practices that amounts to abuse through dehumanizing water reduction policies.

B. Incarceration forces populations to drink contaminated water

Across the nation human rights violations connected to issues of contaminated are being felt by communities of color. One example of widespread human rights violations has been publicly covered in Flint, Michigan where there was a contaminated water crisis. Within a prison or jail setting incarcerated people are often faced with no other option than to drink contaminated water with the understanding of this type of violation seldom acknowledged. The degree of contamination varies, meaning that the effects of the toxins are usually not detected until significantly after people are exposed. Additionally, because the poisoning happens to neglected and discriminated-against incarcerated populations, these serious health situations are rarely treated as the crises or emergencies that they are. In a select number of cases, however, the water poisoning has been so blatant that state and federal agencies have been forced to closely monitor and regulate the water being provided for incarcerated people in California.

One example of CDCR's deplorable treatment of people occurred at Kern Valley State Prison when prison officials forced thousands of people over many years to drink water that had unsafe levels of arsenic.¹⁰ Originally, the prison was supposed to include a filtration system that the state granted prison officials \$2.5 million to create. But instead of building the proposed system, prison officials used the money for an expansion and renovation project, and arsenic water levels were not addressed. In July 2013, Kern Valley State Prison was issued a citation of noncompliance by the state health department for the levels of arsenic in the drinking water, as well as for not having a contract with a laboratory that was supposed to be testing the water samples they were taking weekly.¹¹ This meant that not only did Kern Valley State Prison officials fail to use the funding they secured to enact a solution to the issue with drinking water, they also knowingly failed to test the clearly contaminated water samples.

While these issues with arsenic-contaminated water were happening within the prison, the community surrounding the prison was also drinking arsenic-contaminated water. In 2008, the US Environmental Protection Agency (EPA) ordered the Arvin Community Services District (ACSD), which serves Kern Valley State Prison, to reduce its arsenic levels.¹² The EPA explained that exposure to arsenic-poisoned water is known to cause cancer and several other adverse physiological effects, and that in order to provide a state service to the people of Kern County, ACSD had to install a filtration system for all the water in the district. When the water district failed to do so by the deadline in 2010, the EPA issued a fine of approximately \$15,000 and set a new deadline in 2014. The water district failed to reduce arsenic levels yet again in 2014, as the levels were still three times higher than the limit. Since being found in violation of the EPA's orders in 2014, ACSD has installed several water tanks of clean water for city residents to use. This supposed "solution" is not only inadequate to address the problem for all people who deserve to have clean water running in their homes in ACSD's service area, but it also leaves incarcerated people inside Kern Valley State Prison vulnerable to aggravated health problems.

Water contamination also frequently occurs when fertilizer from nearby agricultural areas pollutes the wells used by incarceration facilities. The Deuel Vocational Institute in Tracy is located near several dairy and cattle farms, many of which are on the land above the water table that the prison uses for drinking and showering water. In 2006, 379 incarcerated people and 8 staff members were treated for a water-related sickness after the water started running "black and thick as paint."¹³ In the same month as this outbreak, about 150 people were severely affected by a similar illness at Mule Creek State Prison and Valley State Prison for Women.¹⁴ There are countless other stories of incarcerated populations being forced to drink clearly contaminated water, but with the CDCR failing to report incidents within its facilities and the limited capacity or interest of other agencies, most incidents of water contaminated go undocumented. These instances of neglect of the health of people in Kern Valley State Prison are no more acceptable than CDCR's continuing medical neglect, which has been found unconstitutionally "cruel and unusual" by the US Supreme Court.

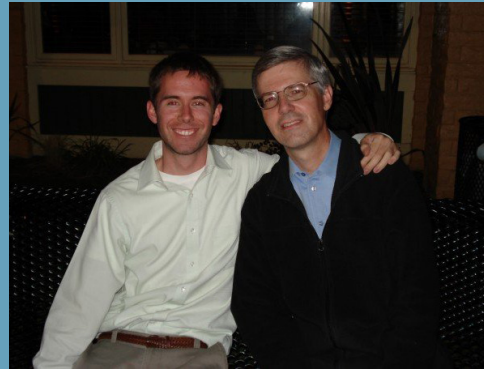
PERSONAL STORY: DANIEL JAMES HEALY

In 2011, while my father (Daniel James Healy) was incarcerated at Taft Correctional Institution, near Bakersfield in the San Joaquin Valley, he acquired Valley Fever. When I would visit him, I observed that his mental state was declining; he was having difficulty speaking and remembering things. This was unusual for him because he has a very sharp and intelligent mind. His condition continued to worsen, and after collapsing one day, he was sent to a local hospital. While at the hospital, he presented with signs of heart failure and severe sepsis. After undergoing a spinal tap, he was diagnosed with meningitis and hydrocephalus, caused by the Valley Fever fungus, *Coccidioides*. After that episode, he was sent to the hospital on multiple occasions and needed a wheelchair to get around. He was later transferred to Federal Correctional Institution, Terminal Island in San Pedro for the remainder of his sentence.



While at Terminal Island, his condition continued to deteriorate. He was vomiting frequently and became very weak. He became very ill and was transported to the hospital for an emergency procedure to implant a shunt in his brain to drain excess fluid that was building up inside his skull. He returned to the hospital on several other occasions for surgeries and treatments. He was eventually released from prison in August of 2012.

His return to life post-incarceration has been plagued by multiple long-term hospital stays. He has been unable to work or complete his community service hours. His weight dropped to as low as 100 lbs from his normal weight of 180 lbs. He started to experience paralysis on his right arm, then his full right side, then his left arm and then his full left side. He then had difficulty breathing and so he underwent a



tracheostomy and was put on a ventilator. He was also put on a feeding tube, which became his only source of nutrition for the following year and a half, as he was unable to eat any food. He continues to be confined to a bed at home, on a ventilator and feeding tube, and receives 24/7 care primarily from his caretaker and also from a team of home health providers. Due to expensive medications, multiple surgeries and long hospital stays, his medical bills are now well over \$5 million and continue to rise.

In spite of all that he has been through, I have hope that he will recover. Recently, he was able to slightly move his fingers on his right hand. He hopes to be able to use a wheelchair in the near future after undergoing physical therapy. I am thankful to still have him around, as I know others have lost their lives to Valley Fever, and my father came very close to losing his. I'm also thankful for his caretaker, who has shown selfless love and care for him over the years.



C. Prisons pollute outside water sources

Wastewater pollution can have a severe impact on the ecosystems of rivers, lakes, and oceans, especially when sewage is dumped in large quantities, as is done frequently by prisons. Sewage material encourages the overgrowth of oxygen-depleting plankton and algae, limiting the growth and lifespan of most other fish and plant populations. Especially when mixed with forms of chlorine or other cleaning agents, as wastewater often is, polluted wastewater can be deeply harmful to the ecological balance of river ecosystems.¹⁵

Although there isn't any consolidated data about the frequency of pollution caused by incarceration facilities in California, California prisons have been cited and fined for sewage pollution on numerous occasions. One such instance occurred when Folsom State Prison leaked 700,000 gallons of raw sewage into the American River in 2000, and to correct this engineering flaw, the whole city's wastewater system had to be redesigned.¹⁶ The prison was fined \$700,000 but as of 2012, many Folsom residents testified that the changes were only temporary fixes and there was still a large amount of sewage flowing constantly into 3 major points of the river.¹⁷

The Folsom pollution issue is only one in a string of CDCR's problems with pollution-related negligence, which required intervention from the governor before it was adequately addressed. Governor Schwarzenegger declared a state of emergency about prison overcrowding in October of 2006, and cited wastewater pollution as one of the worst effects of overcrowding on the public.¹⁸ He explained that overcrowding has caused huge spills because of the high volume of sewage created by these facilities, and that local water treatment plants are not equipped to serve the number of people held in many incarceration facilities. He added that the CDCR has been fined by many different state agencies but has failed to appropriately address the pollution that its facilities are creating across the state.

Governor Schwarzenegger was correct in pointing out the enormous health risks that exist when raw sewage is spilled and contaminates public water supplies, but he overlooked the fact that even when incarceration facilities hold only the number of people that they are designed to, leaks and pollution still occur. The California Men's Colony ("CMC") in San Luis Obispo had a history of sewage contamination dating back to the early 2000's, leading to a city fine of \$40,000 in 2008 covering repeated spills. To prevent future leaks from occurring, the county undertook a \$30 million sewage treatment plant project in 2012.¹⁹ The prison followed the guidelines set out by the governor and reduced its incarcerated population to about 4,000 (which still exceeded

its design capacity of 3,800). But even with these adjustments, in December of 2015, CMC spilled 72,000 gallons of wastewater, 10,000 of which were leaked into Chorro Creek, an ecologically sensitive area. A similar pattern of repeated sewage spills is happening between the City of Soledad and the Correctional Training Facility, which is polluting the Salinas River.²⁰

All people in California, free or incarcerated, deserve safe, clean drinking water, and federal laws (among others) demand action on clean water. Decades of history and recent events have demonstrated that California state prisons not only fail to provide clean water inside their walls, but degrade drinking water outside and endanger the health of nearby communities. Yet CDCR fails to monitor these issues or collect data on its impacts, and has repeatedly failed to clean up its act even when confronted with incontrovertible evidence of its harmful impacts. This is not a system that can be allowed to expand and put even more people at risk.

IV. VALLEY FEVER AND AIR QUALITY

Valley Fever, an incurable disease that infects about 150,000 people annually throughout the United States, is caused by an airborne fungal spore called *coccidioides* which infects the lungs when inhaled.²¹ For about 5% of those affected by the disease, the infection spreads from the lungs to debilitate many other parts of the body, including the skin, lymph nodes, bones, and brain. Historically, this disease was thought to only exist in the San Joaquin Valley, but has been reported throughout the U.S. Southwest in the past 20 years. Kern County, which is directly north of Antelope Valley, has consistently had a high number of cases, and so the larger region including both of these counties is understood to be a "coccidioidomycosis-endemic" area.²²



PROTESTING THE EXPANSION OF THE SAN MATEO JAIL, 2013



STATEWIDE MOBILIZATION AGAINST JAIL EXPANSION IN SACRAMENTO, 2015.

CDCR operates a number of prisons in the areas at greatest risk of Valley Fever, and has done nothing to protect the people in its custody from this potentially lethal disease unless directly ordered by outside forces. As with water quality, CDCR's pattern of complete neglect for the health of incarcerated people, even in the face of clear evidence, demands a reconsideration of any plans to expand the department or jails that operate on a similar footing to it.

A. Increased vulnerability of incarcerated persons to Valley Fever

As a baseline indicator, the Center for Disease Control conducted a screening process in 2015 and found that eight percent of California's incarcerated population had contracted Valley Fever.²³ In comparison, only about one percent of California's general population contracts the disease, which means that incarcerated populations are contracting Valley Fever eight times more frequently than average population in California.²⁴ This phenomenon has been attributed to a few different causes, one of which is that many prisons and incarceration facilities are located in areas with endemic Valley Fever. Another possible cause is that many incarceration facilities are proximate to largely unregulated construction projects and farmland that create airborne dust that can transmit *coccidioides* spores.

Consistent with the negligence of the California Department of Corrections and Rehabilitation with regard to water quality and waste pollution, federal agencies also had to get involved with CDCR's negligent treatment of Valley Fever outbreaks throughout the state. A federal court mandate was issued in 2013 that forbade CDCR from keeping people with weak immune systems in areas that are high risk for Valley Fever. At the time, thousands of people with weak immune systems, one of the conditions that makes

people most susceptible to Valley Fever, were still being held at Avenal and Pleasant Valley State Prisons. These two facilities have had a consistently high Valley Fever contraction rate, with at least 36 incarcerated people dying at these two facilities from Valley Fever between 2006 and 2014.²⁵ Given that this severe disease is endemic in many areas where prisons are built, the situation should be regarded as a statewide public health emergency. Instead, CDCR demonstrates once again that it will not protect the health of incarcerated people until ordered by federal courts. Is this an agency that should be expanded?

B. Construction exacerbates conditions for Valley Fever and other health concerns

In a study of Valley Fever in Los Angeles County, researchers found that large scale construction of new residential buildings was the factor that had the highest correlation with the levels of Valley Fever contraction.²⁶ They also found that the effects of construction on Valley Fever in Antelope Valley continued to exist long after construction stops, undermining the effectiveness of short term measures often proposed as sufficient mitigation in environmental impact reports.²⁷ The approach to decrease the likelihood of Valley Fever is usually through spraying roads and disrupted soil. This method of control during construction is inadequate due to the increase of dust in the air in areas with mostly dry soil and sporadic periods of water are conditions that support fungal growth.²⁸

Additionally, the Antelope Valley has many existing air quality issues. The Antelope Valley Air Quality Management District has noted that, "The county's sunny climate, pollution-trapping mountains, transport pollution from the Los Angeles basin and a growing population, all contribute to the problem. Ozone is an invisible pollutant formed by chemical reactions involving nitrogen oxides, reactive hydrocarbons, and sunlight. It is a powerful respiratory irritant that can cause coughing, shortness of breath, headaches, fatigue, and lung damage. It is especially harmful among children, the elderly, the ill, and people who exercise outdoors. Ozone also damages plants, including agricultural crops, and degrades manufactured materials such as rubber and paint."²⁹ The Antelope Valley, where Lancaster is located, does not meet the state and federal standards for ozone resulting in the community breathing unhealthy air on any given day. The Antelope Valley has also been deemed the area of LA County with highest rate of asthma, especially in children.^{30,31}

If the site at Mira Loma is built and 1,600 more people are forced into this area with the accompanying transportation pollution, food importation, and energy

that will substantially increase the industrial and vehicular emissions, which will contribute to destabilizing the ozone levels in Antelope Valley. It will increase the likelihood that people will contract Valley Fever or other respiratory health issues.

V. LIKELY ENVIRONMENTAL ISSUES AT MIRA LOMA

For the past four years, Los Angeles has been proposing to construct a \$200 million women's jail with a holding capacity of 1,600 for people. The proposed women's jail would likely cycle over 5,000 people annually—most of them from low-income and working class communities of color.³² This estimated population is based on the LA Sheriff's Department's quarterly reports on the number of women incarcerated in the LA jail system. The amount of time served from sentencing to release ranges from 423 days for the realigned population and 107 days non-realigned population, based on the recently released Final Environmental Impact Report. Many of the people inside have not even been sentenced.

From the history of prison issues and the information provided in the Final Environmental Impact Report, we can predict that the Mira Loma jail will cause environmental harm in regards to waste pollution and lack of access to water. There will also be severe impacts to public health due to valley fever and toxic waste management.

A. Mira Loma jail has not planned for wastewater treatment

The Mira Loma jail expansion proposal does not include a comprehensive plan for ensuring the safety of the waste system, which raises serious concerns in the context of numerous spills caused by prisons and jails in California. The Draft Environmental Impact Report mentions that the only substantial change in the sewer system, which was built in the 1940's and renovated to different degrees throughout the second half of the 1900's, will be the replacement of the lateral piping.³³ Lateral pipes are those that connect the jail's sewage and the larger waste system, but the possibility for leaking and breaking pipes could occur at any of the points of the sewer infrastructure. Based on the number of prison facilities that have been fined (at least eight since 2000) and the facilities that have forced the cities around them to upgrade their wastewater treatment plants to deal with massive amounts of raw sewage and wastewater (Folsom and San Luis Obispo), and the governor citing these incidents as a primary reason for his state of emergency on prison overcrowding, it is clear that

the CDCR is poorly equipped to deal with waste management and that there is a high risk that this pattern of raw sewage pollution will continue with a new jail in LA County.³⁴

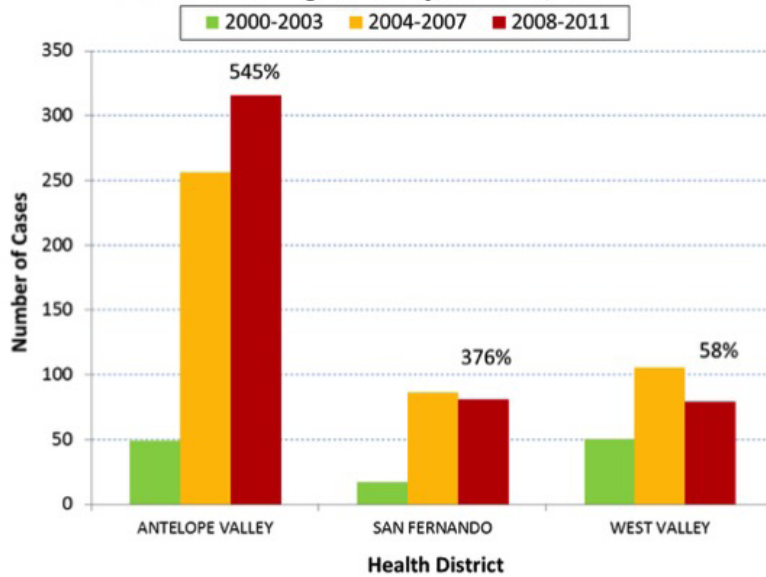
B. Access to water at Mira Loma raises ecological and human health concern

The water necessary to build and maintain the proposed women's jail will come at a high cost to the Antelope Valley and California's ecological health because of the historical drought we are in. For decades, Southern California has had difficulties in obtaining water and maintaining reasonable water infrastructure systems. Lancaster is a desert, and there are simply not the existing natural resources to support the high rates of water consumption the proposed jail. In Lancaster and surrounding areas, the city has enacted voluntary measures to reduce water usage in their service areas by 20 percent. More developments and facilities in the area rely on recycled water for construction and imported or extracted water for domestic use.³⁵ The Final Environmental Impact Report for the women's jail does not distinguish the specific methods that will be used to obtain water for the facility and relies on various potential solutions that rely on a pending water adjudication appeal and commingled importation water systems.

Any of the potential solutions proposed in the final EIR relies on an unjustified sacrifice of ecological health and human health through water extraction in the Antelope Valley or elsewhere. The problem of underground water extraction leading to



STATEWIDE MOBILIZATION AGAINST JAIL EXPANSION IN SACRAMENTO IN 2015.

Fig 6. Coccidioidomycosis 4-year incidence (N = 1040) comparisons by endemic health districts of Los Angeles County, California, 2000–2011.

Guevara RE, Motala T, Terashita D (2015) The Changing Epidemiology of Coccidioidomycosis in Los Angeles (LA) County, California, 1973–2011. *PLoS ONE* 10(8): e0136753. doi:10.1371/journal.pone.0136753
<http://journals.plos.org/plosone/article?id=info:doi/10.1371/journal.pone.0136753>



Figure 2: Coccidioidomycosis 4-year incidence comparisons by endemic health districts of Los Angeles County, California, 2000–2011, in “The Changing Epidemiology of Coccidioidomycosis in Los Angeles.”

subsidence, or ground sinking, is an issue throughout California and has had various impacts on ecological health. Subsidence is particularly relevant in the Antelope Valley, where 292 square miles of land have sunk more than one foot.³⁶ Based on the fact that Antelope Valley infrastructure and houses have been endangered by negligent water extraction to meet increasing demand, constructing a facility that will force more people into a drought stricken area to use large amounts of water and proposing the solution of drilling to extract water is a short sighted and likely disastrous decision.³⁷

Without a sustainable, comprehensive plan to address California’s extreme drought, and the prediction that the drought is likely to worsen in coming years, public projects in Antelope Valley need to be extremely careful about long term water usage and demand.

C. Mira Loma jail construction will endanger current and future populations in Antelope Valley

The proposed women’s jail in Antelope Valley is located in the area of LA County most prone to Valley Fever (Coccidioidomycosis) contraction. If the jail is built, over 5,000 additional people will be exposed to an incurable illness every year that the jail is in operation. The final Environmental Impact Report for the women’s jail is inadequate as it fails to consider the potential long-term impacts of Valley Fever on prisoners.

Antelope Valley has recently been identified as one of three health districts in Los Angeles County where Valley Fever is endemic.³⁸ In addition to West Valley and San Fernando as seen in Figure 2, the Antelope Valley district is considered endemic for coccidioidomycosis based on environmental conditions (very strong winds

and dust storms) and history of high case numbers and incidence rates.³⁹ The coccidioides fungus usually grows on open land after a rainy year, making the open farmland and loose soil areas in Antelope Valley ideal conditions for coccidioides spore growth.⁴⁰ Combined with the incredibly high wind speeds in Antelope Valley that can move dust particles long distances, it is clear that the terrain of Antelope Valley enables the spread of Valley Fever spores. Figure 3 shows that Antelope Valley (located in the concentrated purple and red area north of LA) is in one of the areas of inland California with the highest wind speeds.

Dr. Antje Lauer, an environmental microbiologist who teaches at California State University-Bakersfield, has been testing samples of soil to decipher the prevalence of Valley Fever in the Antelope Valley.⁴¹ She is in the process of releasing her own report, but share that “Environmental Impact Reports (EIRs) have been particularly criticized for not describing how dust mitigation measures are implemented and supervised, and no long-term dust control mitigation measures are included in the reports. We recommend that EIRs include soil analyses for *Coccidioides* spp. on land destined for construction of any type in endemic areas.”

The process of constructing a new facility, which includes activities such as demolition and vegetation removal, will exacerbate health risks for not only the incarcerated population, but also those employed at the jail and the neighboring community. The final Environmental Impact Report for this project states that about 50 trees at the site will be removed, and according to experts, vegetation removal is one of the highest risk construction activities that will dislodge soil and create more risk for Valley Fever contraction.^{42,43} Demolition is another high risk activity, as noted by

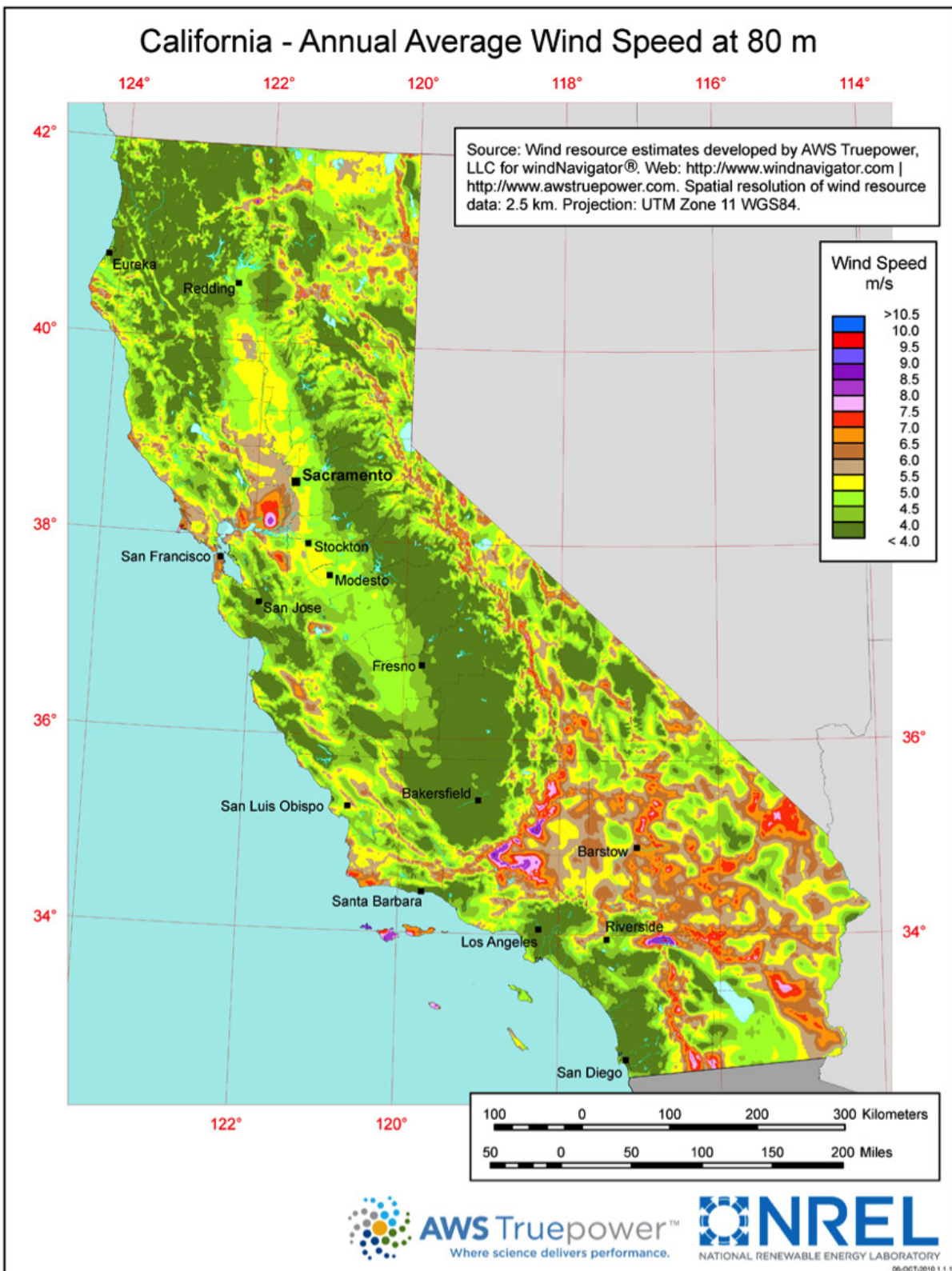


FIGURE 3
IS FROM THE NATURAL RENEWABLE ENERGY LABORATORY AND SHOWS CALIFORNIA'S ANNUAL AVERAGE WIND SPEED HIGHLIGHTING HIGH WIND SPEEDS IN THE ANTELOPE

Guevara, Motala, and Terashita in their research about Valley Fever in LA County. The demolition and vegetation removal will contribute to creating high risk conditions for all residents of Lancaster living in vicinity and downwind of the Mira Loma project site including the two correctional facilities that already exist in the region, Lancaster State Prison and Challenger Juvenile Detention Center.

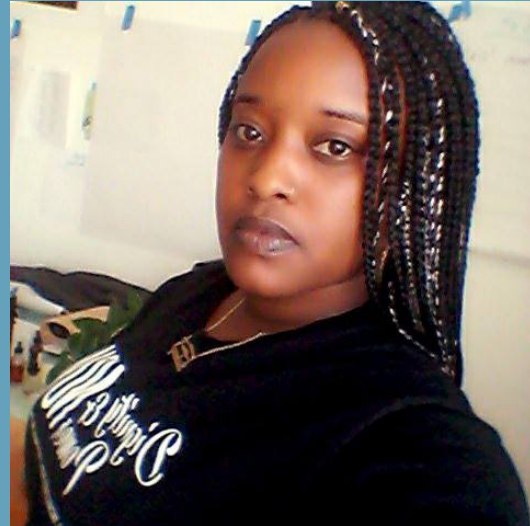
The primary risk factors for having serious health problems associated with Valley Fever are having preexisting autoimmune deficiencies and a yearly income under \$15,000,⁴⁴ which matches the demographics of people who are most often incarcerated in LA County. For example, a recent

PERSONAL STORY: JAYDA RASBERRY

Hello, my name is Jayda Rasberry and I did 6 years in Valley State Prison for women before it was converted into a men's facility. While inside I noticed that there was a whole list of issues stemming from human and reproduction rights violations to drinking water that was very cloudy and sizzled like soda. I recall at one point prison officials drafted up a letter that assured us that the arsenic levels in the water were not detrimental to our health. The prison officials said that they had to share there was arsenic in the water we were drinking and bathing with, but that those particular levels would not harm our bodies.

Then in June of 2011 I became very ill with abdominal pain, back pain, throwing up, etc. After numerous medical emergency calls and several doctor's appointments along with five dollar co-pays for each visit the medical explanation given to me by the nurse was that I was at child bearing age and my body wanted to be pregnant. I was so surprised at that response and still in a lot of pain that went on for 2 months. I remember during those numerous doctor's visits I was asked to urinate in a cup. While I did that I noticed that urine looked like soda and fizzling like soda in the cup. All the medical staff told me was to drink more water and that I was fine.

In August of 2011 my roommate called medical emergency yet again, this time i had a fever of 104 degrees and my heart rate kept accelerating. Once medical staff realized my condition was



bad and I hadn't been lying about being sick I was rushed to the infirmary where they then discovered my urine was full of white blood cells and I had an infection attacking my heart caused by an untreated kidney infection. The Nurse Practitioner that was on call just so happened to be the person who told me I was fine and my body wanted to be pregnant. Once they discovered my kidney infection I was given antibiotics and tylenol w/codein. I almost died in Valley State Prison due to negligence at the hands of the state. It's unclear what caused this infection and the numerous health issues that I and others experienced, but I constantly remember the contamination of water in the facility and the manner in which health staff did not trust us when we were in pain. I am here today because God has a bigger plan for me and as long as I have breath in my body I will continue to heal and be the voice for our loves ones inside and my community.

Prison Policy Initiative study stated that average median income for incarcerated women prior to incarceration was \$13,890.⁴⁵ These primary risk factors are most prevalent in Black, Filipino and women populations in LA and can be seen through the average income presented for some ethnic groups in the Prison Policy Initiative's study. Siting a new jail in Antelope Valley would expose a disproportionate number of women and people of color in the LA jail system to the risk of contracting potentially fatal Valley Fever. If LA County moves forward with this plan, it is knowingly endangering the health of countless people in and outside of the jail, and saddling anyone who contracts the disease with thousands of dollars in medical costs.

D. Mira Loma's history of toxic land uses is unsuitable for a residential facility

Land slated for prison construction is usually not desirable and is often contaminated, and the case is no different for the proposed Mira Loma Jail. Like the original site of Deuel Vocational Institute and the Victorville Federal Correctional Complex, the proposed site for Mira Loma is a former military base, land that has been determined by the county itself as violating hazardous waste standards in regards to soil and toxic waste disposal.^{46,47} These findings were only revealed when the LA County Sheriff and Fire Department conducted inspections and found multiple code violations.

In the 1980's and 1990's, the Mira Loma Detention Center was listed in government databases as a "hazardous waste generator" (one the EPA's categorizations of toxic sites) because of contamination from when the site was used as a military airfield in the 1940's. In January of 1999, the site was found to be contaminated with high diesel concentrations in the soil, so six underground diesel storage tanks were removed and new tanks were installed. However, in 2013, both the LA County Sheriff and the LA County Fire Department conducted tests that showed shortcomings in the new storage tanks. The LA County Sheriff reported that the tanks failed several tests concerning the security of piping and the emergency draining pumps. Later the same year, the LA County Fire Department found that the Mira Loma site had not updated its permits and that the storage tanks were violating the LA County policy for underground storage tanks.⁴⁸

These underground storage tanks have held diesel fuel at this site for at least the past 50 years and have leaked at various points in time, threatening the health of people incarcerated and forced to live and work on the contaminated soil. Soil test conducted in 2014 found levels of total petroleum hydrocarbons (TPHs) above the residential allowable limit.⁴⁹ The Center for Disease Control says that TPHs in most forms over long periods of exposure have effects on the central nervous system and can affect the lungs and other major organs.⁵⁰ The CDC mentions specifically that fatigue, headache, nausea, and drowsiness occur when people breathe in types of TPH for multiple hours, and that over a long period of time this can cause damage to the central nervous system. The Draft Environmental Impact report justifies the use of this site despite high levels of TPHs by saying that the levels are within normal industrial use levels, and that most areas with soil will be covered by cement so there will be no soil exposure. This explanation does not adequately address the fact that the Mira Loma jail is not an industrial facility, but will be a residential facility and should be using residential standards for assessing the risk of toxic exposure. Failing to use residential standards for assessing the risks of constructing a new jail that will house people constitutes negligence on behalf of the county and violates people's fundamental right to health.

VI. CONCLUSION AND RECOMMENDATIONS

This report traces the harmful impacts of prison and jail construction to document how jails and prisons leave incarcerated people, and especially people of color and Black women, vulnerable to detrimental health problems and systemic abuse. Through institutional negligence and the dehumanizing effects of inhumane water restrictions, incarcerated people are denied their fundamental rights to health, water, hygiene, sanitation and clean air. incarcerated people are denied their fundamental rights to health, water, hygiene, sanitation and clean

air. This report demonstrates that the pollution and environmental degradation created by prisons and jails exacerbate public health risks for not only incarcerated people but also for the local communities where detention facilities are sited. The intersections of environmental justice and anti-prison and jail activism are recognized and illustrated in this report; state-sanctioned imposition of toxic threats (i.e., pollution, police and prisons), disproportionately target poor people of color and immigrants both in and out of the carceral system. Since prisons and jails function similarly, the environmental and health issues researched at the state prison level are bound to be recreated in new jails and need to be considered in the proposed women's jail. The proposed Mira Loma women's jail will be severely detrimental to the health and wellbeing of LA County residents as well as destructive to the local environment. The proposed women's jail will violate the fundamental rights of incarcerated people, increase public health risks, deplete local resources and cause irreversible environmental degradation. The Final Environmental Impact Report fails to adequately address many serious issues, including Valley Fever, contaminated soil, hazardous waste management, and adequate water resources in the context of a worsening drought. It is the responsibility of the county to ensure the safe and humane care of incarcerated people, and to protect the ecological health and sustainability of Los Angeles. Failure to recognize the harmful impacts of jail expansion and to move forward with this dangerous plan constitutes state-sanctioned violence.

By exposing rights violations against incarcerated people and the routine environmental degradation caused by prisons and jails, Californians United for a Responsible Budget seeks to dismantle the toxic environments that imprisonment produces for both the incarcerated and the surrounding communities.

This report seeks to rectify and strengthen public understanding of incarceration in California that has been significantly hindered by the routine failure of the California Department of Corrections to take the concerns of people inside their facilities seriously or to actively document the environmental harms and human rights violations that prisons create. Results of data analyzed show the pollution and environmental degradation created by prisons and jails exacerbate public health risks for not only incarcerated people but also for the local communities where detention facilities are sited. It is the responsibility of the Governor of California and State Legislature to take into account the environmental and human rights issues that have been documented regarding the state of prisons in California and the environmental hazards these facilities create.

A. Recommendations:

Recommendations for the Los Angeles County Board of Supervisors discussed include:

- Cancel the proposed construction of a new women's jail and reject state funding via AB 900.
- Prioritize the health of people incarcerated in women's jails by using \$20 million of County C cash, previously allocated to the women's jail, to fund community-based and community-operated diversion programs and alternatives to incarceration.
- Invest county funds in researching the long-term impacts of Valley Fever on incarcerated people in Lancaster State Prison and Challenger Memorial Youth Center as well as residents in the Antelope Valley and greater Los Angeles area.
- Take immediate action to rectify and prevent any further leaking of hazardous underground storage tanks at the Mira Loma facility.

Recommendations for the Governor of California and State Legislature discussed include:

- Protect the dignity and restore the power of incarcerated individuals, their families, and their communities by systematically phasing out incarceration and re-directing funds toward effective jail and prison diversion programs.
- End prison and jail construction because it exacerbates unsustainable water extraction and increases public health risks in regards to Valley Fever exposure.
- Focus on the closure of prisons in California instead of the refurbishment of the twelve oldest prisons, at least four of which continue to have dangerous environmental impacts on those incarcerated and the communities around them (San Quentin, Deuel Vocational Institute, CA Men's Colony and Correctional Training Facility).

B. Data Collection

Despite CDCR's destructive impacts on human and ecosystem health, CDCR does not make public any of the data that reveal the poor treatment of people inside and outside CDCR facilities. Instead, most of the data used for this report comes from other state agencies (like the CA Department of Health, CA Water Board, etc.) documenting egregious instances of neglect. In addition, community organizers have collected narratives of incarcerated people to create the missing history of largely unaddressed environmental issues relating to prisons. Advocacy work and public understanding of incarceration in California have been significantly hindered by the routine failure of CDCR to take the concerns of people inside their facilities seriously or to actively document most of the problems that prisons create.

The documents used for this report were found in the archives of separate state agencies, and were not compiled or particularly easily accessible. We would not have known where to look except for the memory and stories that community organizers shared with the research team. The documents that we recovered start to show the detrimental impacts that prisons have on the environment during construction and decades after operation.

This report reviews the Draft Environmental Impact Report for the proposed Women's Jail in Lancaster to present the gaps in the mitigation measures proposed to offset the impacts identified for this construction project. This report also projects the negative impacts this construction project will likely have on the Antelope Valley based on case studies from numerous prison sites throughout California.

STORIES GATHERED BY CRITICAL RESISTANCE LOS ANGELES FROM PEOPLE IMPRISONED IN THE LANCASTER AREA:

Critical Resistance Los Angeles (CRLA): Have you or other contacts of yours imprisoned at California State Prison Lancaster (CSP-LAC) contracted Valley Fever while at the Prison?

Samuel: I have been here at CSP-LAC for the past 9 years and have seen a few cases of Valley Fever, although I do not know how many cases have been “diagnosed” here. It does seem that there are an unusually high number of breathing related health issues among the prison population here. Including myself, sinus infections occur regularly. This is a wind prone area, whenever the winds blow excessively or change directions from the mean path (opposite direction) an increased number of inmates “get sick” with flu like symptoms and/or sinus infections. The dust raised by these winds is thick and causes skin irritation if not washed off.

CRLA: How has Valley Fever impacted your health, wellbeing, and survival (or that of your contact) either inside or outside of the prison?

Robert: All three of the people I know were severely impacted by Valley Fever and had to take the full course of medication for an extended time. Each person’s physical health deteriorated to the point of being life-threatening before the recovery finally set in. One guy was outfitted with a shunt to his head in order to drain our swelled excess; another guy was hospitalized; and the third guy was placed on the harshest medication available as a last-ditch effort because all the other medications previously tried on him had failed.

CRLA: Do you believe you (or your contact) would have contracted Valley Fever if not imprisoned? Do you believe you (or your contact) would have been able to better heal outside of the conditions of imprisonment? Why?

Robert: I don’t believe the people I know would’ve contracted Valley Fever if not imprisoned, because they wouldn’t have been subjected to continual exposure to a documented high-risk area. It’s no coincidence that all three contracted Valley Fever within three months of each other, most likely due to the same rash of spores that burst through at

the time. I do believe that the three would’ve healed much better if not imprisoned, because they would’ve had access to better medical care. All three were initially misdiagnosed by incompetent medical staff who wrongly argued that their symptoms belonged to supposed maladies ranging from HIV to substance abuse. By the time someone in medical got it right, the condition of all three had substantially worsened. Had the three been on the outside, they most likely would’ve been properly diagnosed sooner, as they wouldn’t have been subjected to the pervasive apathy and constant suspicions of malingering that too often characterize doctors here.

CRLA: Why are you opposed to construction of a new women’s jail?

Samuel: There is already a facility in place at Mira Loma that has been closed since I have been at CSP-LAC (9 years) or longer. My question would be: why was the facility at Mira Loma closed? And why are they talking about building a “new” jail there? (It is a) Hazardous materials site – the soil is dead! Nothing lives in the soil, no worms, insects, or other living creatures like that. When it rains a film covers the puddles, when the puddles dry a alkali like crust is left behind to blow in the winds. Broken bits of glass and other debris come to the surface. Nothing much beyond grass and weeds will grow in the dirt with a great deal of added help. To dig a garden plot is to discover and uncover trash and debris left behind from previous construction and who knows what?

CRLA: Based on your experience and knowledge, do you think that building a new jail in the Lancaster area will be detrimental to the health of imprisoned people and people in the community surrounding the proposed jail site?

Ruben: Based on my experience and knowledge I believe that building a new jail in the Lancaster area will be detrimental to the health of imprisoned people and people in the community surrounding the proposed jail site because Valley Fever which is well known to be in this area will gravely affect those who come in contact with it. Rain stimulates the growth of fungus in the soil and when things dry out there is more spores in the air which increases the infection rate. More people will be susceptible to Valley Fever especially if a new jail is built in the Lancaster area.

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