

118TH CONGRESS
2D SESSION

S. RES. 648

Proclaiming a Declaration of Environmental Rights for Incarcerated People.

IN THE SENATE OF THE UNITED STATES

APRIL 18, 2024

Mr. MARKEY submitted the following resolution; which was referred to the
Committee on the Judiciary

RESOLUTION

Proclaiming a Declaration of Environmental Rights for
Incarcerated People.

Whereas criminal legal systems in the United States are sustaining an incarceration crisis that has put millions of people behind bars, torn families apart, destabilized communities, and allowed others to profit from the mistreatment of human beings;

Whereas, in the United States, almost 2,000,000 people are incarcerated in Federal, State, local, and Tribal prisons and jails, immigration detention facilities, juvenile secure facilities, and treatment and rehabilitation facilities;

Whereas the duration of prison sentences is trending upwards and nearly 57 percent of the Federal and State prison population is now serving a sentence of 10 years or more;

Whereas every year of incarceration in a prison or jail for a person is associated with a 2-year reduction in average life expectancy;

Whereas people incarcerated in prisons and jails are more likely than the general public to have at least 1 pre-existing physical or mental health condition or disability, which makes incarcerated people more susceptible to environmental health threats;

Whereas incarceration and systemic patterns of environmental justice violations in the permitting and siting of carceral facilities has greatly increased the exposure of incarcerated people, carceral facility staff, and communities surrounding carceral facilities to toxic and dangerous conditions;

Whereas toxic environments in and around carceral facilities harm the physical, mental, and social well-being of those impacted by incarceration;

Whereas exposure to environmental hazards harms the vitality of incarcerated communities by reducing the availability of programming in carceral facilities;

Whereas the adverse environmental health impacts of incarceration disproportionately harm Black people and other minorities in the United States, including Indigenous, Latino, and LGBTQ+ people, who are more likely to be incarcerated in the United States;

Whereas pregnant, post-natal, and breastfeeding people are at higher risk of adverse health outcomes from exposure to environmental stressors in carceral facilities, yet those people often lack proper medical care or options to minimize exposure to environmental health threats;

Whereas privatized healthcare providers profit from the poisoning of incarcerated populations and often provide incarcerated people with inadequate care;

Whereas nearly 33 percent of Federal and State prisons are located within 3 miles of a federally declared toxic superfund site, which are disproportionately located in or near low-income communities and communities of color;

Whereas people incarcerated in prisons and jails often perform extremely hazardous labor, including electronic waste recycling, forest firefighting, and asbestos removal, without sufficient protection and for meager or no compensation, with the average hourly wage for incarcerated workers being as low as \$0.14 and some incarcerated workers earning no wages at all;

Whereas measurements of heat indices inside prison cells have ranged from below freezing to in excess of 150 degrees Fahrenheit;

Whereas incarcerated people often drink and bathe in water contaminated with lead, arsenic, manganese, harmful bacteria, and other hazardous substances and do not have the same access to safer alternatives as non-incarcerated people;

Whereas poor ventilation in carceral facilities contributes to hazardous air quality, which in turn leads to psychological distress, cognitive impairment, and the proliferation of infectious respiratory diseases, allergens, and other respiratory issues;

Whereas incarcerated people are commonly confined to spaces where they are exposed to mold, asbestos, and pests;

Whereas the diets of incarcerated people are regularly below standards requisite for good health;

Whereas food safety standards and preparation guidelines are not uniformly enforced and followed in carceral facilities;

Whereas the constant noise and artificial light that is common in prison environments can act as a form of torture that induces progressively severe mental stress and anxiety;

Whereas incarcerated people with little or no access to natural light are more likely to be depressed and engage in harmful behavior that can extend the duration of their incarceration;

Whereas conditions of incarceration should be conducive to rehabilitation;

Whereas the cumulative and chronic health impacts of incarceration can transform short sentences into long-term or lifelong punishment; and

Whereas many incarcerated people endure conditions that are cruel, inhumane, unsafe, and not conducive to rehabilitative justice: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) declares that incarcerated people have the
3 right to healthy and safe environments, and the
4 right to advocate for protecting and improving their
5 environmental health; and

6 (2) proclaims this Declaration of Environmental
7 Rights for Incarcerated People, founded on the prin-
8 ciples that—

9 (A) incarcerated people have inherent dig-
10 nity and personhood;

1 (B) the right to humane treatment is invi-
2 olable and without distinction of any kind, in-
3 cluding the nature of a crime committed;

4 (C) incarcerated people have the right to a
5 healthy environment;

6 (D) environmental standards in carceral
7 facilities should protect the health of the most
8 vulnerable people with an adequate margin of
9 safety;

10 (E) disregard and contempt for the envi-
11 ronmental health of incarcerated people under-
12 mines the pursuit of justice;

13 (F) the right of incarcerated people to a
14 healthy environment should be universally rec-
15 ognized and protected by law;

16 (G) legal remedies for inhumane conditions
17 should be universally available to incarcerated
18 people and their advocates, without hindrance
19 or delay, in courts of law;

20 (H) incarcerated people have the right to,
21 and should be proactively supplied with, infor-
22 mation and education regarding exposure path-
23 ways to environmental hazards in the facilities
24 in which they are incarcerated;

1 (I) incarcerated people have the right to
2 discuss the environmental health conditions of
3 carceral facilities among themselves;

4 (J) incarcerated people have the right to
5 advocate, without fear or threat of retaliation,
6 to protect and improve their environmental
7 health;

8 (K) incarcerated people have the right to
9 refuse to work or labor in unsafe or hazardous
10 conditions, and have the right to receive alter-
11 native work opportunities, without threat of re-
12 taliation or impact on release decisions; and

13 (L) decarceration should serve as a prin-
14 cipal strategy to reduce the environmental
15 health harms of criminal legal systems; and

16 (3) supports efforts to enact legislation guided
17 by the principles described in paragraph (2).

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