November 2022

CRIME VICTIMS' INSTITUTE

COLLEGE OF CRIMINAL JUSTICE
SAM HOUSTON STATE UNIVERSITY

Executive Director: Mary M. Breaux, Ph.D.

Environmental Victimization: The Expansion of Prisons and the Land of Choice

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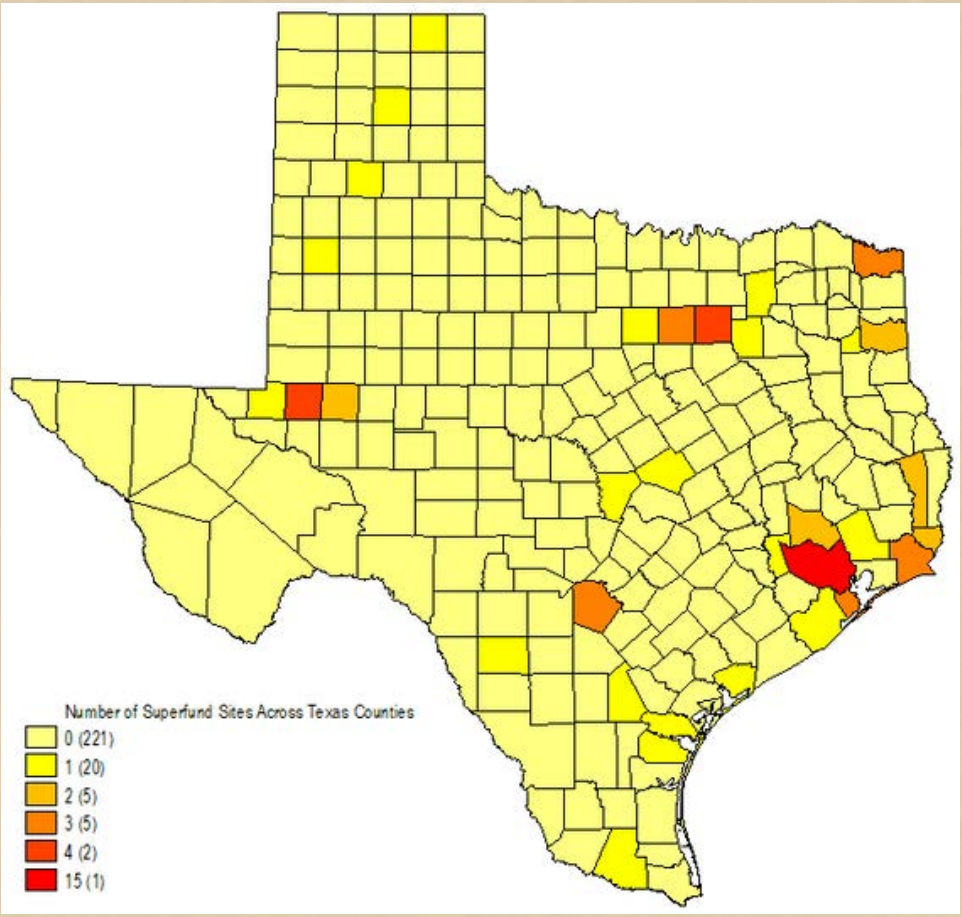
Texas is home to approximately 100 confinement-based facilities, including state prisons, federal correctional institutions, and state-run jails (Bureau of Justice Statistics, 2019). The majority of facilities – about 85% – were built after 1970. This mirrors national trends and logically follows the explosion of the size of the incarcerated population. That is, the number of incarcerated persons in the state of Texas increased 7-fold between 1979 and 2000, while the number of prisons increased from 16 to 99 (Lawrence & Travis, 2004). Where to house the incarcerated population and whether to build new prisons or increase the capacity of existing prisons has been hotly debated (Guetzkow & Schoon, 2015; Sadbury, 2005). In addition, the study of prison building examines siting characteristics such a metro vs. non-metro areas (Lawrence & Travis, 2004) and economic growth among surrounding communities (Hooks et al., 2004; Hooks et al., 2010).

One pattern that is quite clear is that the siting of prisons in communities can be controversial. Community members worry about decreasing property values, quality of life, and rising crime (Shichor, 1992). In short, the public worries that residing in proximity to prison is associated with a decrease in the desirability of land. Yet, a growing body of work shows that prisons are often built on land already deemed undesirable, at least in the environmental way. For example, prisons in Pennsylvania and Kentucky were built on top of, or near, old coal mining sites (Schept, 2022). And a recent study by Ashby et al. (2020), finds that juvenile detention facilities tend to be sited in proximity to designated Superfund sites in the American West. Residing in close proximity to this environmental hazard can lead to long term negative health effects, including an increased rate of lung and heart disease (Hendryx, 2013). This can affect both non-incarcerated and incarcerated persons in the area. It appears to be a pattern that prisons are built near (or directly on) land that is toxic (Bradshaw, 2018).

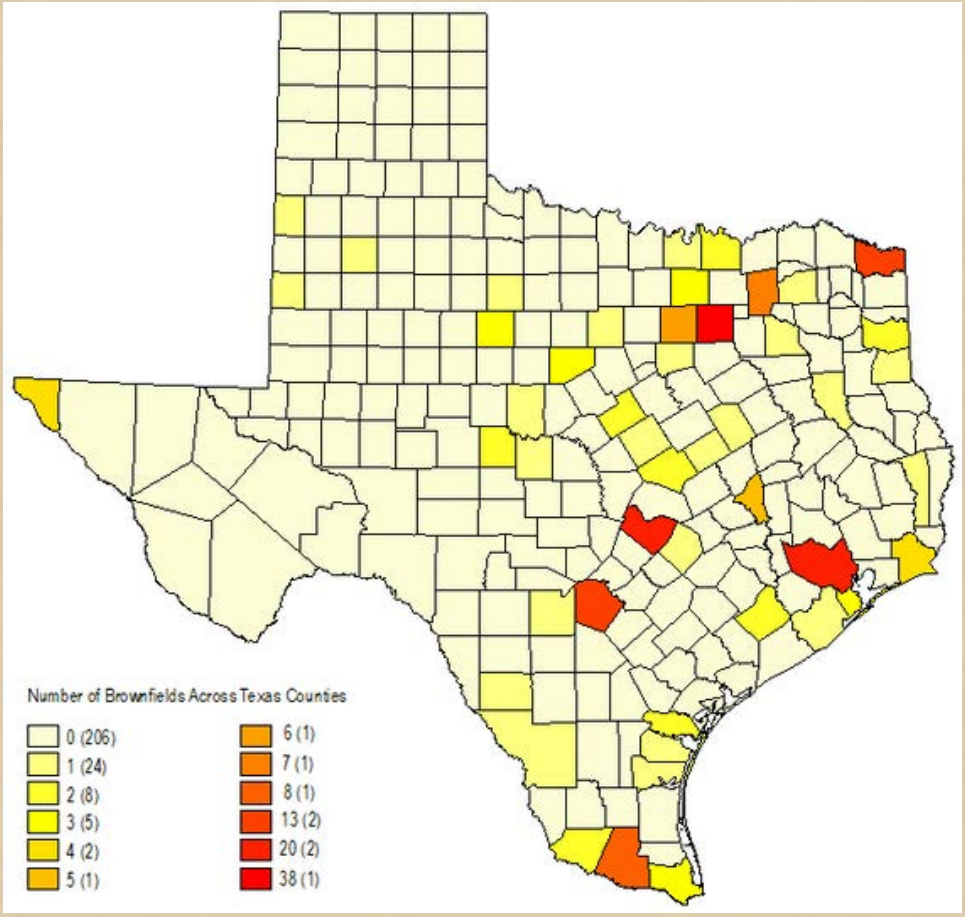
Some of the most toxic lands across the U.S. are designated as Superfund sites by the Environmental Protection Agency (EPA). This designation was first introduced in 1980 via the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Superfund sites include locations where hazardous waste was improperly handled and consequently poisoned nearby soil and/or water (EPA, 2021). For example, the Superfund site "North Cavalcade Street" in Harris County was the former site for the Houston Creosoting Company, which mishandled hazardous materials and caused groundwater and soil contamination. Brownfields are similar in that state aid (instead of federal aid) is requested with remediation efforts of land affected by hazardous materials. While we know that the prison building boom of the 1980s and 1990s resulted in prisons being built in areas that are (at the least) environmentally questionable (Bradshaw, 2019; Schept, 2022), a more detailed analysis of desirability of land and prison siting is necessary. Building prisons can come with more industry and agriculture, the results of which can emit more toxins into the air, land, and waterways. Residents in areas with prisons (and those within them), may be inundated with more toxic pollution. This may be an additional burden that is shouldered by communities that already live in proximity to Superfund sites and Brownfields.

In Texas there are over 60 active Superfund sites spanning approximately 30 counties. There are an additional 199 Brownfields across 48 counties. Figure 1 shows the distribution of these sites: panel A shows Superfund sites, while panel B depicts Brownfields. The yellow colors represent lower amounts of EPA sites per county, while the orange and red shading represents higher concentration of EPA sites. For example, 221 counties have 0 Superfund sites, while one county has 15, and about 206 counties have no Brownfields, and one county has 38. These visuals show that both Superfund sites and Brownfields tend to cluster in three areas. Superfund sites are quite common in Harris (15 sites), Dallas (4 sites), and Ector County (4 sites). Brownfields are common in Dallas (38 sites), Harris (20 sites), and Travis County (20 sites).

Figure 1. Distribution of Hazardous Land Across Texas



Panel A. Distribution of Superfund Sites



Panel B. Distribution of Brownfields

Living in close proximity to these hazardous lands can expose residents to high lead levels, asbestos, dioxin, diminished soil bioavailability, and even radiation. Such exposure can have significant and long-lasting negative effects on a person's health. Environmental justice and victimization research indicates too that communities surrounding hazardous lands tend to be minoritized and of low socioeconomic status (Banzhaf et al., 2019; Lynch & Barrett, 2015; Lynch & Stretesky, 2012). For example, the community surrounding the "Many Diversified Interests Inc." Superfund site in Harris County is composed of fewer White residents (3% vs. 29%), and more Black (23% vs. 18%) and Latinx (73% vs. 43%) residents than Harris county as a whole (American Community Survey, 2020). The per capita income in the community surrounding this site is nearly 50% less than that of Harris County as a whole ($17,000 vs. $33,000). In short, communities around hazardous lands tend to have low political, economic, and social capital.

Scholars that examine prison siting find that communities with low political capital will be seen as more attractive to states intending to expand their correctional system. These communities are enticed with expanded economic and employment opportunities (which rarely becomes the case) in order to discourage worries about property values and other noxious effects (Banzhaf, et al., 2019). The purpose of this report then is to examine if in the state of Texas, there exists an overlap between hazardous lands and prison siting. Accordingly, the goal of this report is two-fold. First, this study aims to descriptively examine the distribution of Superfund sites and Brownfields across Texas counties. This will include a descriptive look at counties' demographic and socioeconomic breakdown. Second, the distribution of incarcerated persons in Texas counties is examined to see if counties with environmental hazards overlap with counties that have a large proportion of incarcerated persons. Third, a descriptive summary of the year Superfund sites actively contaminated the area and the year prisons in these areas were built is presented. This contributes to literature that has to date, limited their analysis to when the EPA officially designated these sites as hazardous. This in some cases is years after hazardous waste and toxic chemicals have already affected the soil and water. Towards this goal, this report utilizes data from the EPA, the Texas Commission on Environmental Quality (TCEQ), the Census of State and Federal Adult Correctional Facilities, 2019 (CCF), and the American Communities Survey 5-Year estimates (ACS).

Results

To examine if prisons are built on undesirable land, this report utilizes descriptive statistics and visual aids. TCEQ data is utilized to map Brownfields across Texas counties, and data from the EPA is used for mapping Texas Superfund sites. Next, and to map prisons, all Texas facilities which are classified as confinement (vs. community-based) and which do not allow incarcerated persons to exit, the CCF is used. The share of incarcerated persons per total population for each county in Texas was calculated. As seen in Table 1, this ranges from 0 to 34.66. The average mean share is 1.84. In other words, approximately 2% of any given Texas county is incarcerated. To get county-level demographic characteristics the most recent ACS estimates were used.

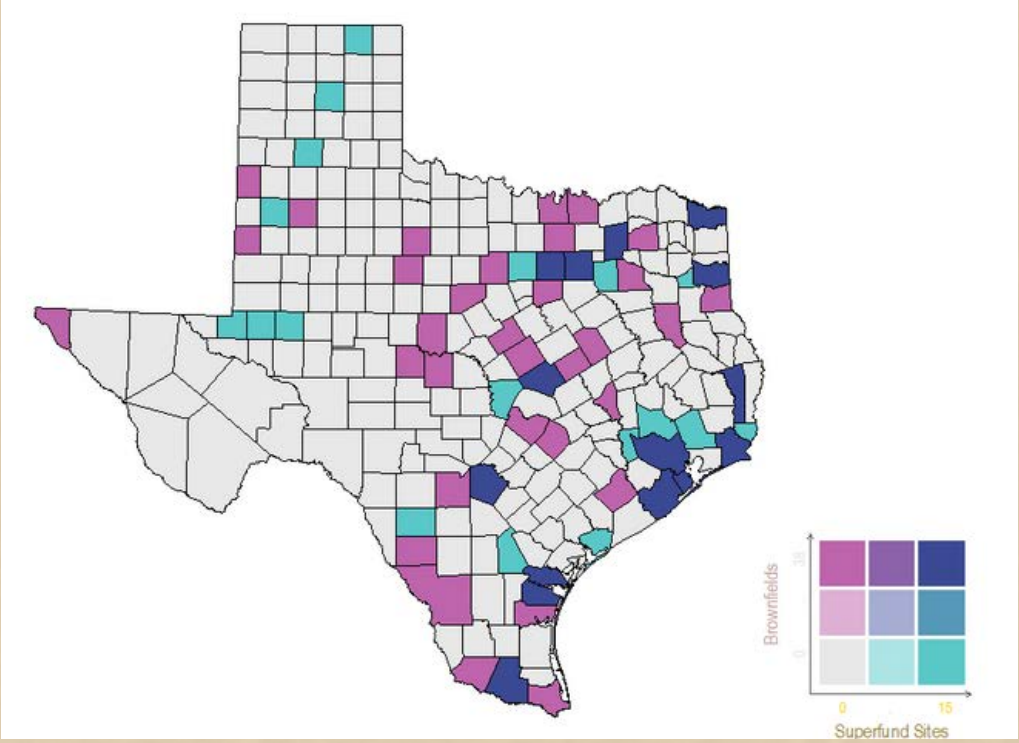
Table 1. Descriptive Statistics

	Mean	S.D.	Min.	Max.
All Counties (n = 254)				
Share of Incarcerated Pop.	1.84	5.01	0.00	34.66
Number of Brownfields	0.76	3.29	0.00	38.00
Number of Superfund Sites	0.27	1.13	0.00	15.00
Percent Black	6.03	6.52	0.00	33.39
Percent Native American	0.30	0.39	0.00	2.70
Percent Latino/a	35.29	23.40	0.00	98.90
Per Capita Income	27087.89	5846.54	13267.00	47724.00
Above Avg. Inc. Pop. (n = 43)				
Number of Brownfields	1.56	6.10	0.00	38.00
Number Superfund Sites	0.33	0.89	0.00	4.00
Percent Black	10.32	7.60	0.72	33.39
Percent Native American	0.30	0.30	0.00	1.42
Percent Latino/a	35.06	20.39	7.74	88.18
Per Capita Income	23866.86	4066.30	17177.00	35437.00
Below Avg. Inc. Pop. (n = 211)				
Number of Brownfields	0.60	2.34	0.00	20.00
Number of Superfund Sites	0.26	1.18	0.00	15.00
Percent Black	5.15	5.93	0.00	24.22
Percent Native American	0.30	0.40	0.00	2.70
Percent Latino/a	35.34	24.01	0.00	98.9
Per Capita Income	27744.30	5942..00	13267.00	47724.00
Counties Highest Inc. Pop. (n = 13)				
Number of Brownfields	1.23	3.63	0.00	13.00
Number of Superfund Sites	0.23	0.83	0.00	3.00
Percent Black	11.68	6.92	3.44	24.73
Percent Native American	0.36	0.25	0.03	0.81
Percent Latino/a	37.55	19.17	7.74	69.03
Per Capita Income	21532.85	3132.74	17642.00	27572.00
Counties Lowest Inc. Pop. (n = 197)				
Number of Brownfields	0.28	0.86	0.00	7.00
Number of Superfund Sites	0.15	0.51	0.00	4.00
Percent Black	4.91	5.82	0.00	24.22
Percent Native American	0.31	0.41	0.00	2.7
Percent Latino/a	35.11	23.93	0.00	98.9
Per Capita Income	27614.47	5798.80	13267.00	47742.00

Table 1 sheds some insight on the siting of prisons on undesirable land. There are two separate ways these numbers are examined. First, counties with an above average (>=1.84) share of incarcerated persons are compared to a below average (<1.84) share. Second, counties that fall in the highest 95th percentile in terms of share of incarcerated persons are compared to those that fall in the lowest 5th percentile. As seen in table 1, counties that have an above average share of incarcerated persons tend to have more Brownfields and more Superfund sites than those that hold a below average share. They also have a larger percent of Black residents and a lower per capita income. This pattern also emerges when we examine the top vs. bottom percentiles. Counties with a population share score that is greater than 12 (top percentile) have more Brownfields and Superfund sites than counties with a population share score that is 0 (bottom percentile). Again, demographic differences emerge. The top 5% have more Black, Native American, and Latinx residents and a lower average per capita income.

Next, a bivariate map is shown in figure 2. This figure scores each county on the combined share of Brownfields and Superfund sites. If counties fall in the lowest tercile on both number of Brownfields and number of Superfund sites, then the county is shaded in light gray. If counties fall in the highest tercile for number of Brownfields but in the lowest tercile for number of Superfund Sites they are shaded in magenta, while counties with a high number of Superfund sites but no Brownfields are turquoise. Finally, counties that fall in the highest tercile for both number of Brownfields and Superfund sites are dark blue.

Figure 2. Bivariate Map of Brownfields and Superfund Sites (Share of County Incarcerated in Green Proportional Dots)



Several patterns emerge if we examine this shading of counties. First, we see that there are more counties with just Brownfields than there are with just Superfund sites. We also can observe that counties with both high numbers of Brownfields and Superfund Sites are somewhat common, especially when examining East and Southeast Texas counties.

Figure 2 also shows the share of each county that is made up of incarcerated persons in proportional green dots. Here, the larger the dot, the higher the share of incarcerated persons in that county. Only a handful of counties that do not have any undesirable land hold incarcerated persons. Those with large shares of incarcerated persons tend to cluster in and around counties that have many Brownfields. In addition, 9 of the 15 counties that score in the highest tercile for Brownfields and Superfund sites have a share of incarcerated persons that is greater than 0.

The final step for this study includes a closer look at counties that have both prison facilities and Superfund sites, which are listed in table 2. Thirteen Texas counties fall into this category and include 24 prisons. The data were then further examined to see if the prison facility was in the same zip code as the Superfund site. Four prison facilities share zip codes with Superfund sites: Texarkana FCI is in the same zip code as Texarkana Wood Preserving and Koppers Co., Inc., Halbert Unit shares a zip code with Main Street Ground Water Plume, Hutchins Unit and Lane Plating Works Inc. are in the same zip code, and Goodman Unit shares a zip code with Hart Creosoting Company and Jasper Creosoting Company. The last column in table 2 indicates whether the prison was built after the EPA identified that contamination of water or soil occurred. This was collected via examination of qualitative EPA reports that listed the history of the site. Out of the 24 prison facilities that are in close proximity to Superfund sites, the majority (16) were built after the land had already been contaminated.

Table 2. Counties with Prisons and Superfund Sites

County	Facility Name	Superfund Site	Same Zip	Prison After
1. Bexar	1. Dominguez	Bandera Road Ground Water Plume	No	Yes
1. Bexar	1. Dominguez	River City Metal Finishing	No	Yes
1. Bexar	1. Dominguez	R&H Oil	No	Yes
2. Bowie	2. Telford	Lone Star Army Ammunition Plant	No	Yes
2. Bowie	3. Texarkana FCI	Texarkana Wood Preserving	***Yes***	Yes
2. Bowie	3. Texarkana FCI	Koppers Co., Inc.	***Yes***	***No***
3. Brazoria	4. Ramsey	Gulfo Marine Maintenance	No	Yes
3. Brazoria	5. Darrington	Gulfo Marine Maintenance	No	***No***
3. Brazoria	6. Clemens	Gulfo Marine Maintenance	No	***No***
3. Brazoria	7. Terrell	Gulfo Marine Maintenance	No	***No***
3. Brazoria	8. Stringfellow	Gulfo Marine Maintenance	No	***No***
4. Burnet	9. Halbert	Main Street Ground Water Plume	***Yes***	***No***
5. Dallas	10. Hutchins	Delfasco Forge	No	Yes
5. Dallas	10. Hutchins	Bio-Ecology Systems, Inc.	No	***No***
5. Dallas	10. Hutchins	Lane Plating Works, Inc.	***Yes***	Yes
5. Dallas	10. Hutchins	RSR Corporation	No	Yes
5. Dallas	11. Seagoville FCI	Delfasco Forge	No	***No***
5. Dallas	11. Seagoville FCI	Bio-Ecology Systems, Inc.	No	***No***
5. Dallas	11. Seagoville FCI	Lane Plating Works, Inc.	No	Yes
5. Dallas	11. Seagoville FCI	RSR Corporation	No	Yes
6. Galveston	12. Carole Young	Malone Service Co.	No	Yes
6. Galveston	12. Carole Young	Tex-Tin Corp.	No	Yes
6. Galveston	12. Carole Young	Motco, Inc.	No	Yes
7. Harris	13. Lychner	Highland Acid Pit	No	Yes
7. Harris	13. Lychner	Many Diversified Interests, Inc.	No	Yes
7. Harris	13. Lychner	Patrick Bayou	No	Yes
7. Harris	13. Lychner	Crystal Chemical Co.	No	Yes
7. Harris	13. Lychner	Jones Road Ground Water Plume	No	Yes
7. Harris	13. Lychner	North Cavalcade Street	No	Yes
7. Harris	13. Lychner	Dixie Oil Processors, Inc.	No	Yes
7. Harris	13. Lychner	Brio Refining Inc.	No	Yes
7. Harris	13. Lychner	US Oil Recovery	No	Yes
7. Harris	13. Lychner	French, Ltd.	No	Yes
7. Harris	13. Lychner	Sol Lynn/Industrial Transformers	No	Yes
7. Harris	13. Lychner	Geneva Industries/Fuhrmann	No	Yes
7. Harris	13. Lychner	South Cavalcade Street	No	Yes
7. Harris	13. Lychner	Sike Disposal Pits	No	Yes
8. Hidalgo	14. Lopez	Donna Reservoir and Canal System	No	Yes
9. Jasper	15. Goodman	Hart Creosoting Company	***Yes***	Yes
9. Jasper	15. Goodman	Jasper Creosoting Company	***Yes***	Yes
10. Jefferson	16. Beaumont FCI	Palmer Barge Line	No	Yes
10. Jefferson	16. Beaumont FCI	Star Lake Canal	No	Yes
10. Jefferson	16. Beaumont FCI	State Marine of Port Author	No	Yes
10. Jefferson	17. LeBlanc	Palmer Barge Line	No	Yes
10. Jefferson	17. LeBlanc	Star Lake Canal	No	Yes
10. Jefferson	17. LeBlanc	State Marine of Port Author	No	Yes
10. Jefferson	18. Gist	Palmer Barge Line	No	Yes
10. Jefferson	18. Gist	Star Lake Canal	No	Yes
10. Jefferson	18. Gist	State Marine of Port Author	No	Yes
10. Jefferson	19. Stiles	Palmer Barge Line	No	Yes
10. Jefferson	19. Stiles	Star Lake Canal	No	Yes
10. Jefferson	19. Stiles	State Marine of Port Author	No	Yes
11. Liberty	20. Henley	Petro-Chemical Systems, Inc.	No	Yes
11. Liberty	21. Plane	Petro-Chemical Systems, Inc.	No	Yes
11. Liberty	22. Hightower	Petro-Chemical Systems, Inc.	No	Yes
12. Live Oak	23. Three Rivers FCI	Eldorado Chemical Co.	No	Yes
13. Swisher	24. Tulia	North East 2nd Street Site	No	Yes

[1] The needed data was only available for Superfund sites. This portion of the study does not focus on Brownfields.

Discussion

Prisons are often sited in communities that have little capital. This coincides with communities whose land has a higher probability of having existing undesirable conditions, such as old coal mining sites, Superfund sites, and factories that emit toxic chemicals (Ashby et al., 2020; Bradshaw, 2018; Schept, 2022; Toman, 2022). Existing studies that examine sites deemed hazardous by the EPA have provided some insight that helped guide this study. Specifically, this study sought to include the state of Texas in the discourse, as Texas incarcerates a large share of the nation's confined population and has a high number of Superfund sites and Brownfields. In addition, this study reconceptualized the overlap of hazardous land and prison siting, by looking at the year when contamination was first identified by the EPA instead of when the site gained an official EPA designation. This is an important contribution to the literature, as CERCLA was not passed until 1980. However, detailed EPA documents show that contamination occurred in many years prior to the passage of this act. Thus, if official EPA designations are used, the data become left-censored and limit the ability to construct a whole picture.

This study identified several themes. First, descriptive analyses found that in Texas, counties with undesirable land also hold a larger proportion of incarcerated persons, have a greater Black and Native American population, and lower per capita income. This is in line with prior research. Many of Texas' counties that have both Brownfields and Superfund sites also contain a substantial incarcerated population. Taking the findings of Toman (2022) into consideration, which found that zip codes with high toxic emissions also tend to contain prison facilities, this means that many incarcerated persons and residents of these communities are experiencing multiple forms of environmental victimization. Second, this study found that prison siting occurs frequently on land that has been contaminated. About a quarter of Texas prisons are located in counties with at least one Superfund site, and the majority of these prisons were built after the land had already been contaminated. This indicates that the desirability (or rather, undesirability) of land may factor into prison siting decision-making. This also shows that communities (incarcerated or not) with low political, economic, and social capital may be taken advantage of. Prisons decrease the already low value of land in such areas and can exacerbate an already burdened environment.

This study is only the first step in further exploring the environmental victimization of incarcerated persons and those that are in communities proximate to prisons. Nation-wide examinations of this pattern are critical – especially in areas that are characterized by toxic land and economic disadvantage. For example, Louisiana has one fifth of the nation's oil refineries and the highest incarceration rate in the country (The Sentencing Project, 2019; U.S. Energy Information Administration, 2022). Examinations of "Cancer Alley" in Louisiana have found that illnesses typically considered rare are quite common among residents there, likely due to the oil production in this area (Keehan, 2018). The correlation between the incarceration rate, illness rate, and number of oil refineries in Louisiana requires more attention. There is also a dire need to retrieve historical health data, which will allow for longitudinal assessments of how siting prisons on land with environmental harm can impact the incarcerated population. It is already known that persons in prison come in with high rates of chronic illnesses and we know too that the prison health care system is minimal at best (Maruschak et al., 2021; Potter & Rosky, 2014). Important too in this area is an understanding of community-level health. Health data collected by the Center for Disease Control and Prevention (CDC) are useful here, however historical data spanning the last century is difficult to access and is primarily at the census-level. Because communities surrounding prisons tend to be economically disadvantaged, health care among this population is likely only a step above that which incarcerated persons receive. Siting of prisons on environmentally undesirable land harms populations in- and outside of prisons. This makes for a worrisome pattern given the state of the health care system in the U.S.

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