

A life source and a light center



TEXAS PRISONS COMMUNITY ADVOCATES

Executive Summary

*An Investigation of Water Quality in
Texas Department of Criminal
Justice Facilities:*

2019-2023 ANALYSIS

Written by:

Sloan Rucker, MA

Amite Dominick, PhD

Emily Sharer, BS

Richard Thomas, BA, MDiv, ThM

Executive Summary

Introduction and Literature Review

Although incarcerated people have been subject to water contamination (bacterial and mineral/metallic) in prisons across the US and are protected by the **Safe Drinking Water Act (SDWA)**, their rights are **often deprioritized** compared to their free-world counterparts.

Environmental justice (EJ) principles apply to incarcerated people's water rights. EJ seeks to center those most affected by environmental issues (i.e., low-income people of color) disproportionately targeted by incarceration. Prisons' location in rural or remote areas can lead to hazards (Whitfield; Purdum et al.; Waters; Neff and Blakinger; Chu et al.) as well as their location on explicitly toxic tracts of land (Bradshaw; Equal Justice Initiative; Leon-Corwin et al.; Russell; Shen; Verniero; Wang; Waters). Metal contamination has been documented in prisons across the US, including arsenic (Abdul et al.; Banks; Cunniff et al.; Hsu et al.; Gilna; Kopinski et al.; Nigra and Navas-Acien; O'Connell; Tchounwou et al.; Tsolkas, 2015) and lead and copper (Biggers; Ehlers; Waters; Wang; Wren). Bacterial contamination in US prisons often takes the form of *H. pylori* (Cunniff; Eaton-Robb; Malfertheiner et al.; Moritz; Waters), *Legionella* (Ehlers; Maslin; Townsend-Lerdo and Claudy; Wang; Weill et al.), and coliform (Fisher; Hibrar; Haupt and Miller; Levine et al.; McDowell et al.; Nicole; Rogers; Wing et al.). This potential for contamination is exacerbated by conditions such as inadequate medical care and heightened risk of illness, failing, inadequate infrastructure, and climate change and natural disasters (e.g., extreme heat and drought, hurricanes). Although some EJ media, activist, and scholarly attention has been given to Texas, there is still a large gap in terms of water contamination in Texas. This report seeks to fill that gap by providing a comprehensive look at water contamination in a sample of Texas prisons.

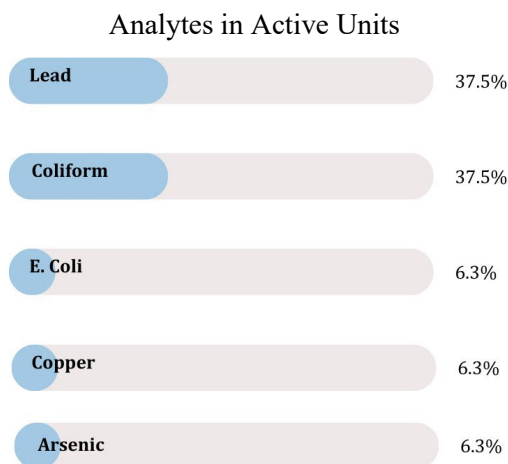
Methods

This method utilizes several types of data. Primarily, this report relies on results from the Texas Commission on Environmental Quality (TCEQ) "Water System Search" database, which allowed us to look at a subsample of TDCJ units (n=16), as well as data on water violations and notices of enforcement from the Texas Open Data Portal. No formal hypothesis testing was conducted as part of this study. We also analyzed letters sent to Texas Prison Community Advocates (TPCA) by incarcerated Texans and preliminary survey results from loved ones concerning water contamination in Texas prisons.

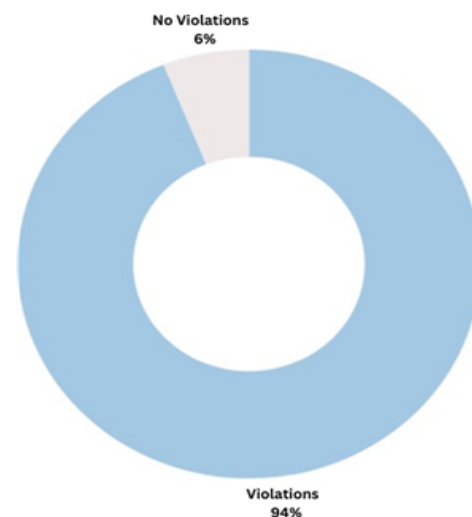
Results

Between 2019 and 2023, out of 16 active sampled locations, 6 had lead results exceeding action levels (37.50%) and 1 had copper results exceeding action levels (6.25%). Of note, the 6 units with lead present service an estimated total of 14,806 incarcerated people (TDCJ High Value Dataset), thus placing many individuals at risk of exposure. 14 had trace levels of metallic analytes (87.50%), but for 1 of these units, the level of analyte exceeded the Environmental Working Group (EWG) limit, namely, a non-mineral herbicide called atrazine. No results for arsenic were flagged for exceeding the limit in the TCEQ database; however, 4 units had trace levels of arsenic (25.00%), 1 of which, when rounded to the nearest hundredth, met the Environmental Protection Agency (EPA)'s limit and therefore has been counted.

6 units had at least 1 sample during the period with the presence of coliform (37.50%), and 1 area tested positive for *E. coli* as well (6.25%). Between 2019 and 2023, the total number of coliform samples between the 6 locations with contaminated water samples rose. Of note, all 6 units used well-ground systems and service an estimated 18,552 incarcerated people. Preliminary survey results from loved ones indicate concerns around water quality, and letters sent to Texas Prison Community Advocates (TPCA) illustrate a bevy of water-related complaints ranging from unsanitary handling of ice and water for distribution to allegations ranging from arsenic and lead to *H. pylori* in the water. In terms of notices of violation, during our given period, 15 of the 16 locations (93.75%) had violations documented by the TCEQ's Water System Search database based on local lab tests. TCEQ inspectors' data captured in the Texas Data Portal showed 5 units (31.25% of the sample) with violations ranging from **unauthorized discharge** of sewage water and maintenance violations. According to the Texas Data Portal, TCEQ issued no notices of enforcement during the period, though the majority were issued right before our period in 2018.



Percent Active Units with TCEQ Violations



Discussion and Conclusion

Based on these results, we offer several solutions:

1. **Expanded Investigation:** Implementing expanded and consistent investigation via wastewater testing and comprehensive test panel across all TDCJ units and a variety of areas within of each facilities. Handling waste and safeguarding water should involve ensuring that all stakeholders adhere to clear and transparent protocols. Furthermore, transparency should be increased by providing water test results to the public and incarcerated.
2. **Decarceration:** Reducing the size and scope of prisons through policies advocated by scholars and activists. Non-compliant and units constructed with hazardous materials such as lead pipes should be closed indefinitely or until they are compliant with TCEQ standards.
3. **Medical Solutions and Prisoner Autonomy:** Incarcerated people must be routinely tested for water-borne communicable diseases and/or related stomach infections, given access to medical testing upon request, and have access to state-wide data on water-borne illnesses. Additionally, consideration for release the medically vulnerable should be expanded within the MRIS program.
4. **Short-Term Solutions:** Providing incarcerated Texans with bottled water, filtered water, boiling techniques, and water advisories. Refine grievance procedures to investigate reports of potential contamination.
5. **Policy Change and Litigation:** Addressing the impacts of contaminated water on incarcerated persons.

We place responsibility on governing and regulatory institutions to acknowledge a crisis of contamination in Texas prisons, and to consider and enact our solutions to benefit the health of those who do not have the autonomy to dictate their environment and respond to environmental injustice.