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Defense Center · The Campaign to Fight Toxic Prisons · American Friends Service  
Committee Florida · Occupy Bergen County**

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SUBMITTED VIA EMAIL

***Re: Call for Investigation into the Misuse of Pesticides at the Glades County Detention Center  
and Immigrant Detention Centers Nationwide***

Dear Assistant Administrators Freedhoff and Starfield:

We – environmental, immigrants’ rights, and social justice organizations – write to call your attention to the unsafe and unlawful living conditions at the Glades County Detention Center in Florida as well as other migrant detention facilities across the country, caused by violations of the Federal Insecticide, Fungicide and Rodenticide Act (“FIFRA”).

From southern Florida to northern Washington, detention facility staff are spraying overly concentrated chemical disinfectants (regulated as pesticides under FIFRA) into poorly ventilated living and eating spaces, in violation of those products’ FIFRA labeling. In some facilities, chemical disinfectants are used at over 50 times the maximum concentration permitted by FIFRA labels. With no ability to avoid exposure and protect themselves, people in U.S. immigration custody have suffered shortness of breath, coughing, bloody noses, headaches, severe nausea, and an increased risk of reproductive harm, among other chronic illnesses. These are not isolated incidents either. They form a pattern of misconduct targeting a uniquely vulnerable population: migrants in U.S. immigration custody who have no choice as to where they reside.

We urge the Environmental Protection Agency (“EPA”) to immediately investigate FIFRA violations at migrant detention facilities nationwide – including the Glades County Detention Center – and to take all enforcement measures necessary to protect people in immigration custody and hold those facilities accountable for their environmental violations. If migrant detention facilities cannot be operated safely and in compliance with FIFRA, they should be shut down.

**A. Staff at the Glades County Detention Center routinely misuse chemical disinfectants, significantly harming the health of people detained.**

On any given day, tens of thousands of adults and children in U.S. immigration custody are held in more than 200 detention facilities nationwide. People in these facilities are subject to overcrowded and unsanitary living conditions,<sup>1</sup> racist taunts,<sup>2</sup> sexual abuse,<sup>3</sup> and other dehumanizing behavior. Over the last two years, the Covid-19 pandemic has only made living conditions worse. Unwilling to maintain social distancing among those in custody or to release people to comply with recommended public health advice, facility operators have drastically increased their reliance on chemical disinfectants. These measures have not, however, prevented Covid-19 outbreaks at detention facilities, but instead have harmed the people sprayed with or otherwise exposed to those products.<sup>4</sup> When these products are sprayed, their aerosols spread through the air of detention facilities that lack adequate ventilation, causing people to choke and cough and exacerbating the spread of Covid-19.

The Glades County Detention Center (“Glades”), in Moore Haven, Florida, is one such facility where migrants held in Immigration and Customs Enforcement (“ICE”) custody experience these egregious harms. At Glades, staff spray chemical disinfectants into poorly ventilated and crowded living areas multiple times a day.<sup>5</sup> As one person detained at Glades explained:

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<sup>1</sup> See Quinn Owen, *DHS watchdog finds ‘egregious violations’ at ICE immigrant detention facilities*, ABC NEWS (June 6, 2019), <https://abcnews.go.com/Politics/dhs-watchdog-finds-egregious-violations-ice-immigrant-detention/story?id=63534100>.

<sup>2</sup> See Immigrant Action Alliance et al., Complaint “Re: Violations of Womens’ Civil Rights, Toxic Chemical Spray, Sexual Voyeurism, and other Abuses at the Glades County Detention Center (Florida)” 6–7 (Aug. 26, 2021) (“August 2021 Immigrant Action Alliance Complaint”), [https://static1.squarespace.com/static/5a33042eb078691c386e7bce/t/6127a66552e8b52e7b718445/1629988453454/CRCL\\_Conditions+for+Women+at+Glades\\_8.26.2021-final.pdf](https://static1.squarespace.com/static/5a33042eb078691c386e7bce/t/6127a66552e8b52e7b718445/1629988453454/CRCL_Conditions+for+Women+at+Glades_8.26.2021-final.pdf); Memorandum from Shutdown Glades Coalition, to Department of Homeland Security, Re: Racism at Glades County Detention Center (Nov. 18, 2021), [https://www.aclufl.org/sites/default/files/field\\_documents/memo\\_to\\_dhs\\_re\\_racism\\_at\\_glades\\_detention\\_center\\_11.18.21.pdf](https://www.aclufl.org/sites/default/files/field_documents/memo_to_dhs_re_racism_at_glades_detention_center_11.18.21.pdf).

<sup>3</sup> See Lomi Kriel, *ICE Guards “Systematically” Sexually Assault Detainees in an El Paso Detention Center, Lawyers Say*, PROPUBLICA (Aug. 14, 2020), <https://www.propublica.org/article/ice-guards-systematically-sexually-assault-detainees-in-an-el-paso-detention-center-lawyers-say>; August 2021 Immigrant Action Alliance Complaint at 5–6.

<sup>4</sup> *Immigration Detention and Covid-19*, Brennan Center for Justice (Jan. 7, 2022), <https://www.brennancenter.org/our-work/research-reports/immigration-detention-and-covid-19>; Immigrant Action Alliance et al., Complaint “Re: Violations of Civil Rights, COVID-19 Protocols, Reckless Endangerment, and other Abuses at the Glades County Detention Center (Florida)” 12–21 (Feb. 22, 2021) (“February 2021 Immigrant Action Alliance Complaint”), [https://www.aclufl.org/sites/default/files/ffi\\_crcl\\_glades.pdf](https://www.aclufl.org/sites/default/files/ffi_crcl_glades.pdf).

<sup>5</sup> See February 2021 Immigrant Action Alliance Complaint at 15.

The facility staff continues to spray the disinfectant while we are all in the pod. The chemical that is used causes us difficulty to breathe and also burns our eyes. When the chemical is sprayed, it goes all over the whole pod. The chemical also causes us to cough, which could potentially further the spread of [Covid-19].<sup>6</sup>

The people detained are not allowed to leave the area after the chemical is sprayed, forcing them to hide under their bedsheets or a blanket until the cloud of chemicals dissipates.<sup>7</sup> Those who are detained experience difficulty breathing, eye pain, nosebleeds, severe nausea, headaches, and other harms from chemical disinfectants.<sup>8</sup> For the many people with pre-existing respiratory conditions, these conditions become even more dangerous.

People detained do not receive timely or adequate medical care to address the health impacts of these disinfectants. For example, a person detained in Glades who experienced shortness of breath and chronic pain from the chemical disinfectant reported that, “they keep telling me and other people with medical issues that there is nothing wrong with us. It’s been two weeks since I put in a medical request to see the doctor and I have not gotten a response.”<sup>9</sup> When informed of peoples’ complaints that the spraying made their eyes burn, the operator of the facility derisively replied: “If you spray it in your eye, yup, it will do that.”<sup>10</sup>

**B. The misuse of chemical disinfectants at the Glades County Detention Center violates the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).**

These practices are inhumane and unlawful. The disinfectants used at Glades, including Mint and Maximum Neutral, are FIFRA-registered antimicrobial pesticides. FIFRA section 12(a) provides that “[i]t shall be unlawful for any person . . . to use any registered pesticide in a manner inconsistent with its labeling.”<sup>11</sup> A pesticide’s “labeling” includes not only its EPA-approved label, but also “all other written, printed, or graphic matter . . . accompanying the pesticide or device at any time,” including its safety data sheets (“SDS”).<sup>12</sup>

The SDS for Maxim Neutral states that it “[c]auses burns and may result in permanent injury to eyes,” and that inhalation of “[m]ists and vapors can irritate the throat and respiratory

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<sup>6</sup> *Id.* at 16 (quoting Declaration of Petitioner Astley Thomas ¶ 12, *Gayle v. Meade*, No. 1:20-cv-21553-MGC (S.D. Fla. June 16, 2020), ECF No. 163-3).

<sup>7</sup> August 2021 Immigrant Action Alliance Complaint at 4.

<sup>8</sup> *Id.* at 15; Matthew Phelan, *Immigrants in U.S. Detention Exposed to Hazardous Disinfectants Every Day*, SCIENTIFIC AMERICAN (Sept. 17, 2021), <https://www.scientificamerican.com/article/immigrants-in-u-s-detention-exposed-to-hazardous-disinfectants-every-day/>.

<sup>9</sup> February 2021 Immigrant Action Alliance Complaint at 15.

<sup>10</sup> Hunter Walker, *Immigrant detainees say ICE is using coronavirus disinfectant sprays that cause bleeding, burns and pain*, YAHOO (May 29, 2020), <https://www.yahoo.com/now/immigrant-detainees-say-ice-is-using-coronavirus-disinfectant-sprays-that-cause-bleeding-burns-and-pain-170426900.html>.

<sup>11</sup> 7 U.S.C. § 136j(a)(2)(G).

<sup>12</sup> *Id.* § 136(p)(2)(A); see EPA, *Pesticide Registration (PR) Notice 2012-1: Material Safety Data Sheets as Pesticide Labeling 1* (Apr. 20, 2012), <https://www.epa.gov/sites/default/files/2014-04/documents/pr2012-1.pdf> (affirming that “a[] Safety Data Sheet . . . that accompanies a pesticide product is considered part of the pesticide’s labeling” for the purpose of FIFRA).

tract” and cause “headaches, dizziness, and drowsiness.”<sup>13</sup> To prevent those harms, the SDS states that the pesticide may be used only in spaces with “adequate ventilation” that are “equivalent to outdoors,”<sup>14</sup> and that people who inhale the product should be “remove[d] to fresh air and ke[pt] at rest in a position comfortable for breathing.”<sup>15</sup>

Similarly, the SDS for Mint provides that it “causes skin irritation . . . [and] serious eye damage,” and that it should be used only with “adequate ventilation” and should not be inhaled.<sup>16</sup> Not only have both of these products been used in a manner inconsistent with their labeling, but the head of the detention division at the Glades County Detention Center instructed staff to “mix one gallon of the mint [*sic*] with a half-gallon or so of water,”<sup>17</sup> a 2:1 ratio that is **64 times greater** than the maximum concentration permitted by Mint’s FIFRA labeling.<sup>18</sup>

In addition to those acute harms, the products used at Glades are also associated with other serious chronic health effects. Maximum Neutral and Mint are both made from quaternary ammonium compounds (“QACs”), a class of chemicals associated with reproductive harm and serious birth defects.<sup>19</sup> Short-term exposure to one of the active ingredients in these disinfectants – alkyl C-12-16 dimethylbenzyl ammonium chloride – can cause DNA damage.<sup>20</sup> Another active ingredient – didecyl dimethyl ammonium chloride – has been identified as a potential endocrine disruptor that can interfere with hormone functions.<sup>21</sup>

These risks are exacerbated by the other harms and injustices that those in U.S. immigration custody face, as many individuals have been separated from their families, denied adequate medical attention, and subjected to racial and sexual abuse. As EPA has acknowledged, “[t]he presence of non-chemical stressors . . . may also exacerbate the effects of . . . chemical exposures.”<sup>22</sup>

### **C. Migrant detention centers across the country routinely misuse chemical disinfectants in violation of FIFRA.**

The situation at Glades is unacceptable and would warrant immediate action even if it were an isolated incident of non-compliance. Tragically, it is not. EPA has investigated similar

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<sup>13</sup> Midlab, *Safety Data Sheet 2* (Dec. 26, 2017), <https://www.midlab.com/wp-content/uploads/SDS-040200.pdf>.

<sup>14</sup> *Id.* at 3.

<sup>15</sup> *Id.* at 2.

<sup>16</sup> Gurtler Indus., Inc., *Safety Data: Mint Disinfectant Plus 3-4* (May 6, 2015), <https://www.a-1products.com/wp-content/uploads/2016/06/Mint-Disinfectant-Plus-5.6.2015.pdf>.

<sup>17</sup> Matthew Phelan, *Immigrants in U.S. Detention Exposed to Hazardous Disinfectants Every Day*, SCIENTIFIC AMERICAN (Sept. 17, 2021), <https://www.scientificamerican.com/article/immigrants-in-u-s-detention-exposed-to-hazardous-disinfectants-every-day/> (alteration in original) (citation omitted).

<sup>18</sup> *See id.*

<sup>19</sup> Earthjustice, *Health Effects of Exposure to HDQ Neutral*, <https://earthjustice.org/sites/default/files/files/fact-sheet-health-effects-hdq-neutral.pdf>.

<sup>20</sup> *Id.* at 1.

<sup>21</sup> Midlab, *Safety Data Sheet 2* (Dec. 26, 2017), <https://earthjustice.org/sites/default/files/files/fact-sheet-health-effects-hdq-neutral.pdf>.

<sup>22</sup> EPA, *Technical Guidance for Assessing Environmental Justice in Regulatory Analysis* 18 (2016), [https://www.epa.gov/sites/default/files/2016-06/documents/ejtg\\_5\\_6\\_16\\_v5.1.pdf](https://www.epa.gov/sites/default/files/2016-06/documents/ejtg_5_6_16_v5.1.pdf).

harmful practices at the Adelanto ICE Processing Center (“Adelanto”) in California and the Northwest ICE Processing Center in Washington.

In March 2020, EPA Region IX issued a notice of warning to the GEO Group, Inc., a private operator of prisons and detention centers, after an EPA investigation revealed years of FIFRA violations at Adelanto that were strikingly similar to those described at Glades.<sup>23</sup> The GEO Group used a similar QAC chemical disinfectant (HDQ Neutral) in concentrations twice those permitted by its FIFRA label, without providing adequate protective equipment or adhering to the labeling requirements that are designed to prevent adverse reactions. People detained in Adelanto reported difficulty breathing, lung pain, eye irritation and other harms from the continuous spraying of HDQ Neutral.<sup>24</sup> One individual reported:

The guards have started spraying [HDQ Neutral] everywhere, all over everything, all the time. It causes a terrible reaction on our skin. When we ask for medical assistance, they just give us some cream to put over it. The spray also hurts our airways. When I blow my nose, blood comes out. They are treating us like animals. One person fainted and was taken out, I don't know what happened to them. There is no fresh air.<sup>25</sup>

EPA investigators issued a warning to the GEO Group for use of HDQ Neutral at concentrations twice those permitted under FIFRA. A GEO Group attorney attempted to justify that unlawful concentrations by stating they were permitted for “animal premise disinfectant or animal virucidal uses,” defending their conduct by comparing people in U.S. immigration custody to animals in slaughterhouses.<sup>26</sup> The fact that EPA saw fit to issue a warning to the GEO Group for use of a chemical disinfectant in concentrations **twice** those permitted by FIFRA demonstrates the urgent need for an investigation at Glades, where there is evidence that chemical disinfectants are being used in concentrations **64 times greater** than permitted by the FIFRA labeling.

In July 2021, EPA issued a similar warning to Northwest ICE Processing Center, another immigrant detention facility operated by the GEO Group in Tacoma, Washington. There, too, EPA found the facility had applied QAC-based disinfectants in eating and living spaces “in a manner inconsistent with [their] labeling.”<sup>27</sup> Those disinfectants were sprayed “up to 48 separate [times] . . . in each housing unit on a given day,” including on the insides of microwaves that

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<sup>23</sup> Andrea Castillo, *Prison company violated federal pesticide law in misuse of disinfectant inside immigration detention center*, LOS ANGELES TIMES (Mar. 22, 2021), <https://www.latimes.com/california/story/2021-03-22/prison-company-violated-federal-pesticide-law-in-misuse-of-disinfectant-inside-immigration-detention-center>.

<sup>24</sup> Letter from Inland Coal. for Immigrant Just. & Freedom For Immigrants, to Immigr. and Customs Enf't, Adelanto ICE Processing Ctr., and Dep't of Homeland Sec. Re: Toxic Exposure of People in ICE Detention at Adelanto to Hazardous Chemicals 1-3 (May 21, 2020), <https://static1.squarespace.com/static/5a33042eb078691c386e7bce/t/5ecd29d03bbec218edf9a67d/1590503888290/Toxic+Exposure+of+People+in+ICE+Detention+at+Adelanto+to+Hazardous+Chemicals.pdf>.

<sup>25</sup> *Id.* at 2.

<sup>26</sup> EPA Region 9 Enf't Div., *Inspection Report 7* (Dec. 4, 2020) (Attachment A).

<sup>27</sup> FIFRA Notice of Warning from Morgan Jencius, Chief, Air and Land Enf't Branch, EPA, to Bruce Scott, Assistant Facility Adm'r, GEO Gr., Inc. 1 (July 6, 2021) (Attachment B).

detained individuals used to heat their food.<sup>28</sup> Similar to Glades and Adelanto, people in the Northwest ICE Processing Center reported nosebleeds, coughing fits, and sore throats from their daily exposure to those products.<sup>29</sup>

In 2020, the United States District Court for the Central District of California found that “the use of HDQ Neutral in Adelanto’s housing units is objectively unreasonable and in callous disregard for the reasonable safety of the civil detainees who are housed there.”<sup>30</sup> The court ordered the government to “immediately stop using HDQ Neutral in all housing units and other indoor spaces at Adelanto that are occupied or used by detainees.”<sup>31</sup> Nevertheless, to the detriment of the health and safety of those detained, this dangerous and unlawful application of chemicals continues in Adelanto and other facilities such as Glades.

**D. EPA must investigate FIFRA compliance at migrant detention centers, use the full extent of its authority to end the unlawful application of toxic chemicals, and protect detained people’s health and safety.**

As the agency responsible for enforcing FIFRA and protecting the public from unsafe pesticide exposures, we demand that EPA commence an immediate investigation of FIFRA compliance at the Glades County Detention Center and other immigrant detention centers nationwide. EPA should use the full extent of its enforcement authority to end the unlawful application of chemical disinfectants in those facilities, including imposing civil penalties for each violation and seeking injunctive relief.<sup>32</sup> Finally, the government should order the immediate closure of any immigrant detention facilities that continue to violate FIFRA and place the health and safety of those in their custody at risk.

We appreciate your attention to this letter and request a meeting to discuss EPA’s next steps.

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<sup>28</sup> *Id.* at 2; Tina Vasquez, *EPA warns an immigrant detention center to stop cleaning microwaves with pesticides*, THE COUNTER (Aug. 11, 2021), <https://thecounter.org/ice-processing-detention-center-immigration-tacoma-pesticides-covid/>.

<sup>29</sup> FIFRA Notice of Warning from Morgan Jencius, Chief, Air and Land Enf’t Branch, EPA, to Bruce Scott, Assistant Facility Adm’r, GEO Group, Inc. 2 (July 6, 2021) (Attachment C); Tina Vasquez, *EPA warns an immigrant detention center to stop cleaning microwaves with pesticides*, THE COUNTER (Aug. 11, 2021), <https://thecounter.org/ice-processing-detention-center-immigration-tacoma-pesticides-covid/>.

<sup>30</sup> *Roman v. Wolf*, 2020 WL 5797918, at \*5 (C.D. Cal. Sept. 29, 2020), *aff’d in part, vacated in part*, 977 F.3d 935 (9th Cir. 2020).

<sup>31</sup> *Id.* at \*6.

<sup>32</sup> See 7 U.S.C. § 136l(a) (authorizing EPA to assess penalties for violations of FIFRA); *id.* § 136n(c) (authorizing EPA to initiate actions in federal district court seeking an injunction).

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