

Congress of the United States
Washington, DC 20515

September 08, 2020

The Honorable Chad F. Wolf
Acting Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, D.C. 20528

Cameron Quinn
Officer for Civil Rights & Civil Liberties
Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, D.C. 20528

Henry Lucero
Executive Associate Director
Immigration and Customs Enforcement
Enforcement & Removal Operations
500 12th St SW #5600,
Washington, D.C. 20536

Dear Acting Secretary Wolf, Executive Associate Director Lucero and Officer for Civil Rights & Civil Liberties Quinn:

We are writing to express our concerns over the excessive use of HDQ Neutral, a quaternary ammonium disinfectant chemical at Adelanto Detention Facility (“Adelanto”) run by the private prison company the GEO Group in Adelanto, Ca.¹ As a result of excessive use of HDQ Neutral, detainees in Adelanto have reportedly fainted, experienced nosebleeds, coughed up blood, become nauseated, developed blisters, suffered headaches, and felt pain in their bones.² There is no guarantee or indication that HDQ Neutral can be used safely in congregate settings such as detention facilities, where people are held in close proximity and are exposed involuntarily. We believe that in the absence of your agencies’ preparedness for the coronavirus, and the blatant disregard for human life at Adelanto, it is necessary to immediately release everyone being detained in Adelanto, starting with those most vulnerable, to their families and communities where they can have safe housing.

¹ Letter from Rebecca Merton, Dir. of Visitation and Independent Monitoring, Freedom for Immigrants, and Lizbeth Abeln, Immigrant Det. Coordinator, Inland Coalition for Immigrant Justice, to David Marin, Field Office Dir., Immigration and Customs Enforcement Los Angeles Field Office Enforcement & Removal Operations, Gabriel Valdez, Assistant Field Office Dir., Immigration and Customs Enforcement Los Angeles Field Office Enforcement & Removal Operations, James Janecka, Warden, Adelanto ICE Processing Center, and Cameron Quinn, Officer for Civil Rights and Civil Liberties, Dep’t of Homeland Sec. (May 21, 2020)

<https://static1.squarespace.com/static/5a33042eb078691c386e7bce/t/5ecd29d03bbee218edf9a67d/1590503888290/Toxic+Exposure+of+People+in+ICE+Detention+at+Adelanto+to+Hazardous+Chemicals.pdf> (hereinafter “Immigration Groups’ Letter”).

² *Id.* at 1-2.

As you know, HDQ Neutral’s safety data sheet (SDS) states that the product may be used only “outdoors or in a well-ventilated area,”³ that the product should not be inhaled, and that following accidental inhalation the victim should be “remove[d] ... to fresh air and [kept] at rest in a position comfortable for breathing.”⁴ According to the accounts of multiple detainees in Adelanto, the application of HDQ Neutral in Adelanto has violated those and other usage recommendations and restrictions.⁵ Testimonies from detainees being held at Adelanto confirm that the GEO Group guards are rampantly spraying chemicals, such as Spartan Chemical Company’s HDQ Neutral, every 15-30 minutes around the housing units. The sprayed chemicals are encountering individuals’ eyes, noses, mouths, skin, clothing, bedding, food and drinking water, on an ongoing basis.⁶ We find it alarming and deplorable that the U.S Immigration and Customs Enforcement (ICE) and the GEO Group continue to deny the danger and are undermining a whistleblower’s attempts to expose the danger, including through use of force, retaliatory use of solitary confinement, and deployment of pepper spray.⁷

Moreover, a 2014 study showed there is a link between exposure to the class of chemicals that includes HDQ Neutral and asthma. As you may know, having moderate-to-severe asthma may increase individuals’ risk for severe illness from COVID-19. We believe this fact coupled with recent allegations of Adelanto’s refusal to administer COVID-19 tests to detainees is medically and morally repugnant.⁸ In the midst of a global pandemic, we believe it is nonsensical that Adelanto would employ the excessive use of a chemical that could potentially make detainees more susceptible to COVID-19, increasing their vulnerability to a higher severity of symptoms.⁹

We are further concerned that reports of exposure to toxic chemical disinfectants at Adelanto are indicative of a broader national trend. People in detention have reported exposure to toxic chemical disinfectants in at least seven other ICE facilities, including the Blue Bonnet Detention Center in Anson, Texas; the Glades County Detention Center in Moore Haven, Florida; the Aurora Contract Detention Facility in Aurora, Colorado; and the Tacoma ICE Processing Center in Tacoma, Washington.¹⁰ People detained in ICE facilities throughout the country report unsanitary

³ Spartan Chemical Company, Safety Data Sheet: HDQ Neutral (“HDQ Neutral SDS”) at 1 (last updated Sept. 10, 2019), <https://www.spartanchemical.com/sds/downloads/AGHS/EN/1202.pdf>.

⁴ *Id.* at 2.

⁵ See Immigration Groups’ Letter

⁶ See Immigration Groups’ Letter at 4

⁷ Rebecca Plevin. *Palm Springs Desert Sun*. “Immigrants, advocates, members of Congress decry chemical use at ICE facility in Adelanto”. 18 June 2020. Accessed on 13 August 2020. Retrieved from: <https://www.desertsun.com/story/news/politics/immigration/2020/06/27/immigrants-members-congress-decry-chemical-use-ice-facility-adelanto/3273095001/>

⁸ City News Service. 11 August 2020. Accessed on 13 August 2020. Retrieved from: <https://www.desertsun.com/story/news/health/2020/08/11/aclu-says-ice-secretly-bans-covid-19-testing-adelanto-detainees/3348431001/>

⁹ Gonzalez et al, 2014. “Asthma among workers in healthcare settings: role of disinfection with quaternary ammonium compounds”. *Clin Exp Allergy*, 44(3): 393-406. Available at: <https://pubmed.ncbi.nlm.nih.gov/24128009/>; Paris et al.

¹⁰ Freedom for Immigrants. “COVID-19 in Immigration Detention: Monthly Analysis and Update.” July 16, 220. <https://static1.squarespace.com/static/5a33042eb078691c386e7bce/t/5f10b7ff494b3061986a59c3/1594931200021/FI+July+16+COVID-19+Update+FINAL.pdf>

conditions, failure of ICE and its contract staff to observe public health protocols, medical neglect, barriers to external communication, and retaliation tactics similar to those reported at Adelanto.

Furthermore, the most recent data from ICE illustrates that 1,147 of the 21,118 people currently in ICE custody have tested positive for COVID-19 and 4,702 people in ICE custody have tested positive for COVID-19 since the onset of the pandemic.¹¹ However, medical experts and advocates express concern that the true prevalence of COVID-19 in ICE detention is much higher, due to lack of transparency regarding how ICE prioritizes its testing, documented inconsistencies in ICE's public reporting, and the agency's continued use of dangerous practices including cohorting and inter-facility transfers.

In some instances, ICE has gone so far as to deliberately limit access to testing at facilities with known cases of COVID-19. On August 11, attorneys with the American Civil Liberties Union Foundation of Southern California alleged that, although 1,900 COVID-19 test kits were allocated for use at the Adelanto Detention Facility in Adelanto, California, ICE officials deliberately limited the number of tests that could be used. According to testing records, 305 people detained at Adelanto presented symptoms of COVID-19 between March 1st and July 15th, but only one of them was tested.¹² Emails between ICE and its third party contractors at the Mesa Verde ICE Processing Center in Bakersfield, California demonstrate that ICE deliberately chose not to administer all available COVID-19 tests out of fear that the facility was not equipped to quarantine large numbers of people who had tested positive for COVID-19.¹³ In response, U.S. District Judge Vincent Chhabria ordered ICE to test everyone at the Mesa Verde facility.¹⁴ As of August 16, nearly half of those tested – 54 out of 106 – tested positive for COVID-19.

Given the excessive use of HDQ Neutral at Adelanto and the extraordinary hardships that the coronavirus is creating for people held in ICE custody, staff, and our broader communities, we believe everyone being detained at Adelanto should be immediately released and the agency should take steps to release everyone in its custody, beginning with the immediate release of those most medically vulnerable to severe medical complications from COVID-19. We also recommend there should be an immediate cessation of any potential plans to expand the facilities at Adelanto, or any other immigration detention facilities, at least until such time as a full Environmental Impact Statement is prepared on such an expansion and DHS, together with EPA, can guarantee total legal compliance in the operation of such facilities, including compliance with laws that protect the health and safety of the people detained.

¹¹ U.S. Immigrations and Customs Enforcement. ICE Guidance on COVID-19. "Ice Detainee Statistics" <https://www.ice.gov/coronavirus>

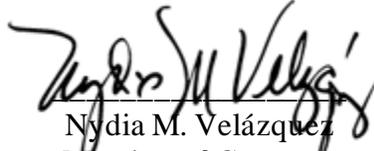
¹² "ACLU Says ICE Secretly Bans COVID-19 Testing of Adelanto Detainees." NBC Los Angeles. August 11, 2020. <https://www.nbclosangeles.com/news/local/aclu-says-ice-secretly-bans-covid-19-testing-of-adelanto-detainees/2411290>

¹³ Castillo, Andrea. "ICE deliberately limited testing at Bakersfield immigration facility with COVID-19 outbreak." Los Angeles Times. August 6, 2020. <https://www.latimes.com/california/story/2020-08-06/amid-coronavirus-outbreak-at-bakersfield-immigration-facility-emails-show-ice-deliberately-limited-testing>

¹⁴ Plevin, Rebecca. "Judge orders COVID-19 tests for all detainees at Bakersfield facility; half already positive." Desert Sun. August 16, 2020. <https://www.desertsun.com/story/news/politics/immigration/2020/08/16/judge-orders-covid-19-tests-all-detainees-bakersfield-mesa-verde-ice/5595819002/>

Thank you in advance for your consideration of this request.

Sincerely,



Nydia M. Velázquez
Member of Congress

/s/ Eleanor Holmes Norton
Member of Congress

/s/ Emanuel Cleaver, II
Member of Congress

/s/ Barbara Lee
Member of Congress

/s/ Jahana Hayes
Member of Congress

/s/ Filemon Vela
Member of Congress

/s/ Judy Chu
Member of Congress

/s/ Juan Vargas
Member of Congress

/s/ Joaquin Castro
Member of Congress

/s/ Jan Schakowsky
Member of Congress

/s/ Mark Pocan
Member of Congress

/s/ Gregory W. Meeks
Member of Congress

/s/ Mark DeSaulnier
Member of Congress

/s/ Mark Takano
Member of Congress

/s/ James P. McGovern
Member of Congress

/s/ Nanette Diaz Barragán
Member of Congress

/s/ Pete Aguilar
Member of Congress

/s/ Michael F.Q. San Nicolas
Member of Congress

/s/ Pramila Jayapal
Member of Congress

/s/ Ilhan Omar
Member of Congress

/s/ Norma J. Torres
Member of Congress

/s/ Earl Blumenauer
Member of Congress

/s/ Alan Lowenthal
Member of Congress

/s/ Grace F. Napolitano
Member of Congress

/s/ Adriano Espaillat
Member of Congress

/s/ Bill Foster
Member of Congress