



HANNAH COMSTOCK  
Senior Attorney

hcomstock@socialjusticelaw.org 523 West 6<sup>th</sup> Street  
D: 213.259.2503 Suite 450  
T: 213 542 5241 Los Angeles, CA 90014

## Via Online Submission

August 16, 2024

U.S. Immigration and Customs Enforcement  
Freedom of Information Act Office  
500 12th Street, S.W., Stop 5009  
Washington, D.C. 20536-5009

Re: Freedom of Information Act Request

To Whom It May Concern:

Social Justice Legal Foundation (“SJLF” or “the Requester”), pursuant to the provisions of the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 et seq., as amended, and the applicable agency regulations, request copies of the records identified in the numbered paragraphs below from the United States Immigration and Customs Enforcement (“ICE”).

## BACKGROUND

SJLF is a 501(c)(3) legal non-profit that provided pro bono representation to individuals who have suffered violations of their civil rights, civil liberties, and basic human dignity by government actors. One of SJLF’s top priorities is challenging unconstitutional and dangerous conditions of criminal and immigration confinement. In furtherance of that goal, and after learning of the United States Environmental Protection Agency’s March 2, 2021 Warning Letter, SJLF began investigating The GEO Group’s (“GEO”) use of HDQ Neutral at Adelanto ICE Processing Center (“Adelanto”). See EPA, Notice of Warning to George C. Zoley, CEO, The GEO Group (Mar. 2, 2021), available at [https://earthjustice.org/wp-content/uploads/now\\_geo\\_final\\_1.pdf](https://earthjustice.org/wp-content/uploads/now_geo_final_1.pdf) (hereinafter referred to as “Warning Letter”). Consistent with the EPA’s finding, SJLF’s investigation revealed that noncitizens were detained in Adelanto while GEO employees sprayed HDQ Neutral at dilution ratios of two ounces per one gallon of water (contrary to the chemical’s labeling instructions of one ounce per one gallon of water) every fifteen to thirty minutes (contrary to the chemical’s warning labels). SJLF also learned that GEO staff sprayed the overconcentrated HDQ Neutral directly onto detainees’ skin and food and onto porous surfaces, all of which is contrary to the chemical’s warning labels.

SJLF brought the lawsuit *Ronduen et al., v. GEO Group, et. al.*, on behalf of seven named individuals and their similarly situated class members, all of whom were exposed to dangerous levels of HDQ Neutral at Adelanto.

## DEFINITIONS

The records request below incorporates the following definitions.

The term “documents” includes all written and graphic matter, including but not limited to: letters, correspondence, papers, memoranda, statements, reports, studies, notes, audits, diagrams, calendar logs, recordings, instructions, lists, minutes of meetings, orders, visual images, facsimile transmissions, electronic mail, messages, text messages, chat messages sent via any online messaging service (including, without limitation, Microsoft Teams, WeChat, WhatsApp, Signal, Facebook Messenger, Instagram, Hangouts, Google chat, and Skype), summaries, statistical analyses, and audio or visual recordings.



HANNAH COMSTOCK  
Senior Attorney

hcomstock@socialjusticelaw.org 523 West 6<sup>th</sup> Street  
D: 213.259.2503 Suite 450  
T: 213 542 5241 Los Angeles, CA 90014

The term “Adelanto” refers to the Adelanto ICE Processing Center located in Adelanto, CA.

The term “GEO” refers to The GEO Group, Inc., headquartered at 624 NW 53rd Street, Suite 700, Boca Raton, Florida 33487.

The term “HDQ Neutral” shall mean and refer to a Quaternary Ammonium Compound disinfectant manufactured by Spartan Chemical Company, Inc. (EPA Registration Number 10324-155-5741), in any form (e.g., concentrated or diluted).

The term “ICE” refers to U.S. Immigration and Customs Enforcement.

## REQUESTS

### I. General Inquiries

1. A copy of the May 2011 contract between GEO and ICE and any related intergovernmental service agreement with the City of Adelanto.

### II. HDQ Neutral at Adelanto

1. All documents, including but not limited to communications in the possession of, sent, or received by Alexx Pons, relating to the use of HDQ Neutral in Adelanto from January 1, 2020, to December 31, 2020.
2. All documents relating to the May 21, 2020, letter sent to ICE by the Inland Coalition for Immigrant Justice and Freedom for Immigrants documenting detainee complaints about the spraying of HDQ Neutral at Adelanto. *See* Exh. A.

### III. Information from Adelanto and Other ICE Detention Facilities

1. A list of all immigration detention centers that were owned and primarily operated by ICE between March 2020 and April 2021.
2. For each facility identified in response to Request No. III(1), all documents describing the following from March 2020 to April 2021:
  - a. All cleaning, sanitizing, and disinfecting products used in the housing units (i.e., dormitories, cells, and bathrooms), cafeteria or “chow hall” areas, and dayrooms or other shared common rooms;
  - b. The frequency of use for each product; and
  - c. The dilution ratio of each product used.
3. All instructional documents provided to operators of ICE detention facilities regarding the Form G-324A, Significant Incident Summary (“SIS”), including but not limited to documents providing a definition of “sanitation” as a type of grievances reported in that form.
4. All grievance data underlying the Nakamoto Group, Inc.’s 2020 and 2021 third-party inspection reports relating to Adelanto and other immigration detention facilities, disaggregated by detention center, grievance category, and date.



**HANNAH COMSTOCK**  
Senior Attorney

hcomstock@socialjusticelaw.org 523 West 6<sup>th</sup> Street  
D: 213.259.2503 Suite 450  
T: 213 542 5241 Los Angeles, CA 90014

5. All statistical sampling of grievance data from Adelanto from 2020 to 2021, as collected per section 6.2 of the 2011 Performance-Based National Detention Standards (PBNDS 2011).
6. All documents reflecting trend analysis of the nature of grievances filed in ICE facilities in 2020 and 2021 per section 6.2 of the 2011 Performance-Based National Detention Standards (PBNDS 2011).

### **FORMAT AND PRODUCTION REQUESTS**

The Requesters request that responsive documents are produced in their entirety, including all attachments, enclosures, hyperlinks and internal links, and exhibits. If it is determined that a document contains material or information that falls within a statutory exemption to mandatory disclosure, the Requester asks that such material or information be reviewed for possible discretionary disclosure, consistent with the presumption of openness codified in the Freedom of Information Act Improvement Act of 2016, Pub. L. 114-185, 130 Stat. 538.

The burden is on the government to provide a determination within 20 working days. In the event your office is unable to meet the deadline, the Requester is willing to discuss an appropriate schedule for rolling productions. If you have any questions after reviewing our request, please do not hesitate to contact the undersigned.

### **FEE WAIVER REQUEST**

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), the Requester requests a fee waiver. SJLF is a non-profit organization with federal 501(c)(3) status, dedicated to defending and advancing the rights of persons impacted by the carceral and police state through innovative litigation aimed at dismantling racist, illegal, and harmful government systems and practices.

SJLF uses information obtained through FOIA requests to educate the public and further its organizational goals and educate the public. SJLF works closely with ideologically-aligned advocates, community based organizations, and non-profits. Using the expertise and connections of its staff, SJLF will review the information provided, prepare a digestible summary, and circulate that summary and the underlying documents to partners who are directly affected by, or represent persons affected by, the information. For example, SJLF partners with Southern California's leading immigrants' rights organizations, each of which works with or represents individuals who were impacted by GEO's use of HDQ Neutral in Adelanto. Those partners will help ensure dissemination of this information to key communities. Using its connections, SJLF will help educate the public with the information it obtains through this FOIA request.

According to the applicable agency regulations, fees shall be waived or reduced when it is determined, based upon the submission of the requester, that the information is "likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii); *see also* 6 C.F.R. § 5.11(k)(1) (permitting fee waiver when "[d]isclosure of the requested information is in the public interest" and "[d]isclosure of the information is not primarily in the commercial interest of the requester"); 28 C.F.R. § 16.10(k) ("[r]equester[] may seek a waiver of fees by . . . demonstrating how disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester").



**HANNAH COMSTOCK**  
*Senior Attorney*

hcomstock@socialjusticelaw.org 523 West 6<sup>th</sup> Street  
D: 213.259.2503 Suite 450  
T: 213 542 5241 Los Angeles, CA 90014

The Requester will make any information that they receive as a result of this FOIA request available to the public, including the press, at no cost. Information relating to GEO's use of HDQ Neutral at dangerous levels and frequencies is of significant public interest. The Requester has undertaken this work in the public interest and not for its own private commercial interest. One purpose of this FOIA request is to obtain information to further the Requester's pro bono representation of more than one thousand noncitizens who were misled to believe that GEO's frequent use of overconcentrated HDQ Neutral was safe and authorized. Another purpose of this FOIA request is to further the public's understanding of the costs and consequences of unlawful conduct that occurs in federal immigration detention centers. Thus, the Agency must waive or reduce any fees because the Requester does not have a commercial interest in the requested information and, instead, request this information to educate the public at large regarding the operations and activities within immigration detention centers. *See* 5 U.S.C. § 552(a)(4)(A)(iii).

Sincerely,

A handwritten signature in black ink, appearing to read "H.K. Comstock", written over a white background.

Hannah K. Comstock  
Senior Staff Attorney  
Social Justice Legal Foundation  
523 West 6th Street, Suite 450  
Los Angeles, CA 90014  
(213) 259-2503  
hcomstock@socialjusticelaw.org

Kayla Gardner  
Legal Fellow  
Social Justice Legal Foundation  
523 West 6th Street, Suite 450  
Los Angeles, CA 90014  
(213) 259-2505  
kgardner@socialjusticelaw.org

# **EXHIBIT A**



Inland Coalition for  
Immigrant Justice



**FREEDOM  
FOR IMMIGRANTS**

TOGETHER WE WILL END IMMIGRATION DETENTION

May 21, 2020

David Marin, Field Office Director  
David.A.Marin@ice.dhs.gov  
Gabriel Valdez, Assistant Field Office Director  
Gabriel.A.Valdez@ice.dhs.gov  
Los Angeles Field Office  
Enforcement & Removal Operations  
Immigration and Customs Enforcement

James Janecka, Warden  
JJanecka@geogroup.com  
Adelanto ICE Processing Center

Cameron Quinn  
Officer for Civil Rights & Civil Liberties  
Department of Homeland Security  
CRCLCompliance@hq.dhs.gov

RE: Toxic Exposure of People in ICE Detention at Adelanto to Hazardous Chemicals

Dear Field Office Director Marin, Assistant Field Office Director Valdez, Warden Janecka, and Officer for Civil Rights & Civil Liberties Quinn:

We write to voice our concern about the ongoing and highly toxic chemical exposure suffered by people in Immigration and Customs Enforcement (“ICE”) detention at Adelanto Detention Facility (“Adelanto”) in Adelanto, CA.

Since May 11, 2020, we have received reports multiple times per day from people in ICE detention at Adelanto regarding the negative and serious health consequences that they are suffering due to being exposed to hazardous chemicals being disseminated by the GEO Group staff. These are just a few of these first-person reports:

1. “The disinfection spray that the facility is using is hurting us. Everyone in our facility has been having bloody noses, burning eyes, headaches and our bones have been hurting. The spray that they use is called HDQ Neutral. On the bottle it says that it has ‘Irreversible eye damage and skin burns. Avoid breathing. Do not get in eyes or on

skin. Wear goggles and face shields. Wash thoroughly after using.’ The facility is not protecting us from this spray. Our beds are right next to the door handles so when they spray it on the door handles it gets into our rooms and we breath the spray in. We have asked to be seen by the doctor but they have not stopped using the spray.”

2. "I started bleeding from my nose after being in contact with a strong chemical they are using. I am still bleeding, more than five hours later. An official had entered the bathrooms in the morning and sprayed a very strong disinfectant. The spray is called HDQ Neutral. I was told about the spray's name by an employee. When I complained to [supervisory staff], she told me that it is not her problem, but that of the cleaning and safety staff and to take it up with them. The staff had placed advisories on the walls, but it did not mention any safety risks or to wait a period of time before using the bathrooms."
3. "The guards have started spraying this chemical 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."
4. "Many of us are very allergic to the substance that they have been spraying. It causes rashes and there is one man with blisters. The bottles say "HDQ." They spray it on the phones, chairs, tables, every 15-20 minutes - all day & all night long. They are keeping track on some sort of document to make sure they are continuously spraying. There is no fresh air to breathe in the room. The guards have masks & gloves so don't seem bothered by it but many of us have very red eyes, sore throats, and headaches."
5. "The toxic spray they are using is making everyone inside very sick. It's causing allergies and a lot of detainees are sneezing and coughing up blood."
6. "The toxic spray they are using every 30min is causing really bad allergies. Symptoms are red irritated eyes, coughing up blood, sneezing and nausea. The spray is also contaminating the food."

From these multiple reports, we can confirm the following:

- 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 coming into contact with individuals’ eyes, noses, mouths, skin, clothing, bedding, food and drinking water, on an ongoing basis.
- At least nine individuals housed in units across the facility have reported the following symptoms as widespread among the population of detained people inside

Adelanto, as direct results of the hazardous chemicals being sprayed on them on an ongoing basis:

- Painful, burning, red, and swollen eyes, nose, and throat.
  - Painful, red, and blistering skin; rashes.
  - Painful breathing, sneezing and coughing.
  - Nosebleeds.
  - Sneezes and coughs that produce blood.
  - Severe nausea.
  - Stomach pain.
  - Headache.
  - Fainting.
- The GEO Group staff have not verbally shared or posted any safety risks or precautions regarding the chemicals they are spraying with the individuals in detention.
  - There is no ventilation to mitigate the negative effects of these chemicals; the resulting sensation has been described by multiple individuals as “not being able to breathe.”
  - The GEO Group staff has not addressed the medical needs of people who have been exposed to the chemicals.

We are especially concerned that the misuse of and purposeful exposure to such harsh chemicals is retaliatory. In late April, we received and made public reports from people in detention in Adelanto that they were cleaning the facility “just with water” or shampoo and were not provided appropriate cleaning supplies to sanitize the facility.

On April 10, 2020, ICE issued a statement<sup>1</sup> asserting that it would follow guidance issued by the Environmental Protection Agency (EPA) regarding the usage of disinfectant products to prevent the spread of COVID-19 in detention facilities. However, it is apparent that ICE has not been following EPA guidance, which clearly state the following:

- “These products are for use on surfaces, NOT humans.”<sup>2</sup>
- “Use products that could reduce your inhalation exposure, such as wipes or dampened towels, to disinfect surfaces. These options will substantially lower inhalation exposure compared to sprays, which generate aerosols.”<sup>3</sup>
- “EPA does not recommend use of fumigation or wide-area spraying to control COVID-19... Fumigation and wide-area spraying are not appropriate.”<sup>4</sup>

---

<sup>1</sup> <https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities.pdf>

<sup>2</sup> <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>

<sup>3</sup>

<https://www.epa.gov/coronavirus/how-can-members-my-household-use-disinfectants-properly-control-covid-19-if-family>

<sup>4</sup> <https://www.epa.gov/coronavirus/can-i-use-fumigation-or-wide-area-spraying-help-control-covid-19>

- “Follow the manufacturer’s instructions for all cleaning and disinfection products for concentration, application method and contact time.”<sup>5</sup>

In regards to this last point, the Safety Data Sheet for Spartan Chemical Company’s HDQ Neutral<sup>6</sup> clearly states the following guidelines for safe application, which ICE and the GEO Group are blatantly violating:

- “Use only outdoors or in a well-ventilated area.”
- “Do not breathe mist, vapors or spray.”
- “Wear protective [e.g., rubber or other chemical-resistant] gloves. Wear eye / face protection [e.g., splash goggles]. Wear protective clothing.”
- “IF ON EYES: IMMEDIATELY CALL A POISON CENTER OR PHYSICIAN.”
- “IF ON SKIN: IMMEDIATELY CALL A POISON CENTER OR PHYSICIAN.”
- “IF INHALED: IMMEDIATELY CALL A POISON CENTER OR PHYSICIAN.”
- “IF SWALLOWED: IMMEDIATELY CALL A POISON CENTER OR PHYSICIAN.”
- “Eye contact may cause permanent damage.”

In light of the increasing numbers of people in detention testing positive for COVID-19, we are concerned that ICE and the GEO Group’s response fails to prevent the spread of COVID-19 causing serious and potentially irreversible harm to the health of those in custody. Furthermore we urge ICE to use its discretion to order the immediate release of all immigrants detained in Adelanto, starting with those most vulnerable, to their families and communities where they can have safe housing.

Sincerely,



Rebecca Merton  
Director of Visitation and Independent Monitoring  
Freedom for Immigrants  
1323 15th Street  
Santa Monica, CA 90404  
rmerton@freedomforimmigrants.org



Lizbeth Abeln  
Immigrant Detention Coordinator

---

5

[https://www.epa.gov/sites/production/files/2020-04/documents/316485-c\\_reopeningamerica\\_guidance\\_4.19\\_6pm.pdf](https://www.epa.gov/sites/production/files/2020-04/documents/316485-c_reopeningamerica_guidance_4.19_6pm.pdf)

<sup>6</sup> <https://www.spartanchemical.com/sds/downloads/AGHS/EN/1202.pdf>

Inland Coalition for Immigrant Justice  
521 N Euclid Ave.  
Ontario, CA 91762  
lizbeth@ic4ij.org