

BUILT ENVIRONMENTS, COVID-19, AND ENVIRONMENTAL INJUSTICE:
EXAMINING THE ROLE OF SETTLER COLONIALISM AND RACIAL CAPITALISM IN
SHAPING AND TRANSFORMING ECO-SOCIAL RELATIONS IN CANADA

by

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Abstract

This paper builds on the work of critical environmental justice scholars. I argue that the understanding of environmental injustice requires an expansion beyond conceptualizing environmental injustice as toxic pollutants and external environmental harms being inflicted on marginalized and/or racialized peoples by the settler-colonial state and corporations. Built environments include structures that people work, live, and seek protection from harm and must be included as sites of environmental injustice. The state and corporations that operate under the logics of settler colonialism and racial capitalism, transformed and shape eco-social relations that produce racialized physical, spiritual, and mental health outcomes.

Focusing on the COVID-19 pandemic since early 2020, I explore three cases to examine how the built environments interact with the virus to amplify historical and structural inequalities and to demonstrate how virus transmission moves through eco-social relations. I chose these cases as they reflect systemic inequalities that have been present since Canada's inception. These cases include the hunger strikes led by Indigenous inmates in Saskatchewan prisons, racialized migrant farmworkers in Ontario, and the removal of environmental monitoring requirements by the Alberta Energy Regulator.

I trace the major shifts in the environmental justice literature and explore the settler colonialism and racial capitalism literature to support my arguments. I find that the environmental justice literature first viewed the state as an ally rather than a key actor in producing environmental harm through violence. However, viewing injustice as toxic pollutants rather than within built environments remains consistent. Further, settler colonialism and racial capitalism through the dispossession of racialized bodies and land, have significantly restructured eco-social relations, from mutually beneficial connections to one based on hierarchy

and exploitation for profit. Moreover, through the construction of civility and differentiated value, property was given to settlers which resulted in them creating built environments that foster healthy lives. Racial capitalism and settler colonialism also created institutionalized/structural racial hierarchies that render racialized people expendable, controllable, and disposable, which has led to exploitation for cheap labour, wagelessness, and mass incarceration. Examining these cases demonstrate how environmental injustice is present within the built environments (living spaces, workspaces, prisons, and reserves).

Lay Summary

Evidence of environmental injustice is seen as toxic pollutants from industry projects and ecological degradation that disproportionately harm vulnerable populations because of their race and economic status. I argue that this notion of environmental harm is too narrow as environments are also built environments that people live, work, and play in. Built environments are shaped by eco-social relations and ideas that originate from the devaluing of racialized people for cheap labour, as well as the removal of Indigenous peoples from their land for the replacement of settlers to inhabit. I explore the cases of migrant farm workers in Ontario, hunger strikes in Saskatchewan prisons, and the removal of environmental monitoring requirements by the Alberta Energy Regulator in the context of COVID-19. Each case demonstrates how environmental injustice must go beyond toxic harm, as injustice is also present within the built environments of prisons, migrant farm work, and reserves.

Preface

This thesis is original, unpublished, independent work by the author, Aatika Moollabhai.

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Dedication

To Daniyal, Adam, Yasmeen, Akeela, and my mom Aaliyah. I love you all.

1. Introduction

Following practices from Indigenous and non-Indigenous scholars, I would like to situate myself to the territories I am writing on and the questions I intend to address in this paper.¹ I am currently working on the unceded territory of the Musqueam people. I am a settler who was born on the traditional territories of the Huron-Wendat, the Seneca, and the Mississaugas of the Credit River. I am Gujarati and I am also a descendent of indentured labourers from India who settled on the traditional territories of the Arawak and Carib people. As a racialized settler, my family and ancestors have experienced the harms of colonialism and anti-Muslim hate. However, I benefit from stolen land in a settler state, where my identity is integrated, accepted more than Black and Indigenous peoples, and celebrated under the neoliberal capitalist logic of multiculturalism.²

I recognize that land acknowledgements have become increasingly performative; however, it is difficult to write and act towards achieving environmental justice by maintaining neutrality and distancing oneself from a truly global struggle. Indeed, global struggle like the COVID-19 pandemic beginning in March 2020, has in varying degrees, altered our lives, and presented immense challenges. However, while some of us have had the privilege of being able

¹ Note that while I use Indigenous peoples as a general term, First Nations, Inuit, Metis, and Indigenous peoples who are not connected to a reserve, are not homogenous and have different cultures, practices, and challenges. My specific case study in Alberta will examine settler colonial trauma impacting First Nations. I use the term Indigenous peoples more broadly when discussing the case study of the hunger strikes in Saskatchewan prisons and when discussing settler colonialism, racial capitalism, environmental justice concepts and theories.

² I situate my positionality first as a small tool of disruption to common practices in academia. For example, the placement of the argument, research questions, and methodology over more personal reflections is usually seen as more important and tends to be the standard when writing in international relations/ global environmental politics. However, following the practices of some Indigenous and non-Indigenous scholars, the placement of my subjective experiences as the first statements in my introduction allows the reader to also think about their positionality in relation to the stolen land they live on as well as their own status in academia.

to work from home, others deemed essential, have been on the frontlines working to ensure our survival and health needs are met. Given the immense disparities in how racialized and other marginalized populations have experienced and lost their lives to the pandemic, I am interested in linking COVID-19 to environmental justice and the pre-existing structural, historical, and current-day inequalities that have been amplified by the pandemic.

This paper explores how environmental injustice is thought about within critical environmental justice studies literature. Scholars within the field have done excellent work on linking environmental injustice to settler colonialism and racial capitalism. By connecting environmental injustice to settler colonialism and racial capitalism, some critical environmental justice scholars have brought attention to the role of violence, eco-social relations, and the idea of expendability. Traditional and critical notions of environmental injustice are typically conceived as corporations, industry, and the settler-colonial state inflicting violence and harm through the placement of toxic waste facilities in/near racialized communities, polluting water, air, and food systems. These pollutants cause physical, mental, environmental, and spiritual harm to racialized and/or marginalized people. In this paper, I introduce the concept of the built environment. The built environment within the context of critical environmental justice includes, the structures, sites, and buildings that people socialize in for purposes such as, work, play, and seeking shelter. The built environment is also a place where people can seek protection from harm, whether it be environmental, physical, psychological, and spiritual etc.

To further explore these concepts, I ask the following questions, first, how has settler colonialism and racial capitalism transformed eco-social relations? Second, how do the settler-colonial state and corporations work under these logics, and how does this result in the infliction of environmental injustice on marginalized and/or racialized people within their built

environment? Third, is the way environmental injustice is conceptualized within most of the literature “too narrow” and does it require an expansion to capture the built environment? Fourth, how does COVID-19 move through eco-social relations within people’s built environments and does COVID-19 act as an amplifier for the environmental injustices experiences inflicted upon those living in a settler-colonial and racial capitalist state? I argue that settler colonialism and racial capitalism have transformed the eco-social relations that people previously had with the land. This previous bond was based on interconnection and mutually beneficial relationality. Under the settler colonial and racial capitalist state, there was a transformation of eco-social relations in the form of alienation from the land, hierarchy where humans are above the land, and viewing the earth as a commodity/natural resource for profit. This transformation of relations occurred through the continued expropriation of Indigenous land, dispossession of Indigenous and Black bodies, and labour, and through the exploitation of racialized and marginalized people for profit. Settler colonialism and racial capitalism structure the eco-social relations people have within their built environment (i.e., the sites, structures and buildings people socialize in for living, working, and leisure).

Due to these logics, the settler-colonial state works under and shapes societal relations and this has caused Black, Indigenous, and other people of colour to have experienced environmental injustice in the form of toxic pollutants and hazardous waste. However, because of the transformation of people’s eco-social relations, most of the time people spend is within built environments and sites that are also organized by historical and systemic inequalities that produce physical, mental, emotional, and spiritual harm. These built environments are not separate from the land, animals, living, and non-living beings and should be considered sites where environmental injustice can occur. Regarding COVID-19, virus transmission occurs

through the socio-natural relations that are shaped by the settler-colonial state's policy making. The logics of settler colonialism and racial capitalism structure the settler-colonial state's response to COVID-19, which results in disproportionate rates of positive cases within racialized and marginalized communities being contracted through their built environments. The interests of capital accumulation take precedent over the lives of Black, Indigenous, and other people of colour, because they are treated as expendable.

I explore the following three cases to support my argument. First, Indigenous inmates led hunger strikes in Saskatchewan prisons to protest the lack of COVID-19 measures and the rapid spread among inmates. The rapid spread of COVID-19 is a result of the settler-colonial state treating Indigenous people as expendable and therefore, policies centring their protection are not prioritized. The land was stolen from Indigenous peoples and through acts of genocide (both physical and cultural) that enabled land grabbing for settlers and the creation of residential schools. Residential schools are built environments that were constructed for the purposes of elimination and assimilation of Indigenous children. The Royal Canadian Mounted Police, as an agent of the state, facilitated the stealing of Indigenous children from their families. Prisons and the current foster care system are built on top of stolen land and are now the new form of residential schools. Prisons are also built environments in Canada that are disproportionately populated by Indigenous and Black people. Prisons are sites that are isolated from society, produce and amplify existing mental and physical health problems, and lead to a loss of culture and connection with the land. Second, farm workers in Ontario have contracted COVID-19 at a high rate and little protection has been offered to them by the government and the employers. Environmental injustice manifests here as a built environment in the form of cramped living spaces, unsafe work, and exclusion from society. Canada's use of cheap labour from the global

South has been a constant pattern that started with Chinese labourers for the construction of the railway. Present-day temporary foreign labour for migrant farming fulfills the role of cheap and disposable work. Third, this case examines the removal of monitoring environmental requirements by the Alberta Energy Regulator (AER) without consulting the First Nations whose territories they are exploiting. While the AER reversed their decisions, questions of consent, alternatives, reconciliation, and resurgence arise as oil and gas projects continue to be approved and supported by Canada despite some Indigenous peoples' objections to these projects. The built environment includes the reserve and all infrastructure that makes up the reserve (including homes, schools, and offices etc.) because these are the sites that indigenous people are living in and interacting with. First Nations in Alberta have been placed on reserves that have been purposely neglected and lack funding for a healthy society. Moreover, very few alternatives for Indigenous self-determination beyond capitalism exist outside of working with the oil and gas industry, as well as the settler-colonial state.

Each of these cases demonstrates the environmental injustices present within the built environments of prisons, migrant farming work (including the workspace and living spaces), and reserves. The settler-colonial capitalist state works under these logics and has transformed the eco-social relations that the built environment has been shaped by, which results in the violence against Black, Indigenous, and other people of colour. COVID-19 is transmitted through socio-natural relations where capital accumulation and the expendability of racialized people, shape the policy responses of government (both provincial and federal). COVID-19 also acts as an amplifier of these deeply rooted inequalities.

Regarding methodology, I base my analysis by building on Indigenous theory, racial capitalism theory, and critical environmental justice studies to provide the context, build on

concepts, and help explain the current phenomenon that is present today. I also draw on newspapers and government websites to provide information on my cases. My cases were selected because they have the potential to reflect the structural and historical patterns that have been present from the beginnings of the settler-colonial state. While my analysis predominately focuses on Canada, I do draw on some information within the United States and the patterns and tendencies are generally applicable to the entire continent. Not only do I extend the notion of environmental justice to include built environments, but I also build on core concepts in critical environmental justice like eco-social relations, expendability, and violence from the settler colonial state and provide insights into the intersections between COVID-19 and environmental injustice within Canada. Canada tends to be less studied in the global environmental politics and critical environmental justice studies literature.

Moreover, it is important to note that while disability is integral to understanding the logic of racial capitalism and settler colonialism, I do not touch on disability in this paper. Disability is important because our societies value and are built for able-bodied people and this profoundly impacts the way people with disabilities navigate the world and experience environmental injustice as these environments inherently exclude them from full participation within society. Ableism also intersects with race, class, gender, sexuality, and age, which are all elements of settler colonialism and racial capitalism (Arneil & Hirschmann, 2016). People with disabilities are less valued because racial capitalism cannot extract labour and profit from them in the same way they can with able-bodied people. I also do not claim to speak on behalf of Indigenous or Black people and my intention with this thesis is to better understand the struggles of other racialized groups, so I become a better and more informed ally.

Wolfe (2006) describes settler colonialism as a structure operating through a logic of elimination. Indigenous societies are eliminated through the expropriation of land for settlers to build a new colonial society (Wolfe, 2006). Racial capitalism is a term Cedric Robinson developed in his book “Black Marxism” based on the idea that one cannot detach racism and race from capitalism’s beginnings, evolution, and present dynamics (Robinson, 1983). In this paper, I first discuss the evolution of environmental justice studies and explain the concept of the built environment. Second, I outline the role of the state, settler colonialism and racial capitalism in relation to the changing relationship with the land and the making of property in connection to environmental justice. Third, I explain the connections between settler colonialism and racial capitalism in connection to racial ordering, labour, the state, expendability, and environmental justice. Fourth, I present three case studies that examine COVID-19 in relation to incarceration in Saskatchewan, migrant farm work in Ontario, and the suspension of environmental monitoring requirements for the oil and gas industry in Alberta. Fifth, I provide a discussion of the cases. Sixth, I offer a conclusion.

2. The Evolution of Environmental Justice

Environmental justice studies have evolved since the 80s from a tradition that was mostly centred on documenting occurrences of injustice on racialized and/or marginalized people, to a tradition that embraces critical theory. Critical environmental justice studies seek to explain how deeply entrenched racism and injustice are embedded in the workings of the state. Robert Bullard (1983) a prominent scholar in the field of environmental racism, brought attention to the ways environmental policies and practices disproportionately affect racialized communities.³ The modern-day environmental racism movement can be traced back to 1982 in Warren County North Carolina, where a mostly low-income Black community protested a proposal to build a highly toxic landfill site in their neighbourhood (Gilio-Whitaker, 2019). However, Indigenous peoples and other racialized people have been drawing attention and fighting environmental injustice struggles for centuries (Gilio-Whitaker, 2019; Whyte, 2018). For example, in 1826, a Potawatomi leader addressed US settlers in a speech and said,

You said we could not stay here. We would perish. But what will perish, But what will destroy us, It is yourselves destroying us. . . You trampled on our soil, and drove it away. Before you came, the game was plenty, but you drove it away. . . You point to a country for us in the west, where there is game . . . but the Great Spirit has made and put men there who have a right to that game and it is not ours” (Miller, 2016).

While Indigenous peoples have been drawing attention to the ways settler colonialism has destroyed their lands, modern universities are typically viewed as the one legitimate source of knowledge production and consequently whose knowledge counts as “real” knowledge, hence the environmental racism/justice movement is typically noted as emerging from the 80s. The

³ Note that there is a difference between environmental racism and environmental justice, environmental racism focuses on race as the primary reason for policy discrimination, while environmental justice is a more encompassing term that includes environmental injustice experienced by other marginalized people for example, poor white people (Holifield, 2001).

mainstream environmental movement is not immune to eurocentrism and many of the actions and traditions have been focused on conservation and protecting wilderness through the creation of national parks that displaced Indigenous people (Bacon, 2019). The mainstream movement is based on Western science and seldomly includes Indigenous people's knowledge and lived experiences (Bacon, 2019).

Earlier debates in the environmental justice literature were centred on establishing which factors were critical for understanding environmental injustices and conceptualized justice as distributional through environmental policy making. For example, much of the scholarship was centred on whether class or race was the primary factor behind patterns of environmental policy harm (R. D. Bullard, 2000; Taylor, 2014). These debates helped scholars understand the interconnections between environmental harm and social inequality (Kojola & Pellow, 2020). Furthermore, early environmental justice scholars focused on a distributional conception of justice, where the state was a key actor in providing an equitable distribution of environmental harms. Citizen accountability entails that resolutions of environmental harms occur from within the government institutions. As a result, environmental justice activism was centred on the promotion of equitable environmental policy to mediate the harms of unfair policy making (Mahoney, 1999). The efforts include legislative and litigation actions at multiple levels of government, grassroots activism and political approaches, "such as reliance on executive branch directives" (Mahoney, 1999, p. 364). Furthermore, Schlosberg (2009) claims that justice is about distribution, participation in decision making, individual and community recognition, capacities, and functioning. While his notions of justice expand beyond distribution, the state is supposed to have a significant role in achieving these elements.

Despite activists' efforts over the years to change policy, evidence demonstrates that over 35 years in the US, toxic waste sites are more often located in proximity to where low-income racialized people live rather than where white people live and inequality may have widened (Bullard et al., 2008). Regarding procedural environmental justice in the US, there has been little success as, "...eight environmental justice lawsuits have been filed based on the Equal Protection Clause of the 14th amendment to the US Constitution. All have failed. The primary problem is the inability to prove discriminatory intent..." (Pulido, 2017, p. 526). Across Canada, Black and Indigenous communities have been facing environmental justice struggles for centuries. Yet these problems have only persisted despite resistance and a dearth of court challenges which have been largely unsuccessful (Waldron, 2018). Thus, there have been minimal advances in realizing environmental justice and methods of working with the state through procedural justice have been unsuccessful.

While critical environmental justice scholars have done great research on connecting environmental justice to settler colonialism and racial capitalism, the understanding of environmental injustice as toxic harm and pollutants experienced at higher rates by racialized and marginalized people, has remained relatively consistent with earlier works in this field. For instance, Pellow (2017) states that environmental injustice is also about demanding and creating access to green spaces, parks, safe neighbourhoods, healthy and affordable food, and climate-related practices and policies that are ecologically sustainable and socially just. Further, he argues that in spaces of collaboration and conflict, these spaces are not viewed as "environmental" for example, the role of air, land, and water in connection to Black Lives Matter, the US prison industrial complex, and Israel's settler-colonial actions in Palestine (Pellow, 2017). While Pellow (2017) encourages an expansion of environmental justice, he

still gives an example of a prison being placed beside a coal ash dump, rather than viewing the prison as an environment that produces many forms of harm. Earlier in this paper, I introduced the concept of the built environment. The built environment within critical environmental justice is the structures, sites, buildings, and places that people seek protection from harm in, live, work, and play. Built environments are part of the societies people live in. For example, while racialized people may experience harm in the prison because of the toxic pollutants from the coal ash mine, I argue that the prison is a site of environmental injustice because people are placed in an environment that negatively impacts their physical and mental health, given food that has poor nutritional value, forced into tiny cells with no access to the outside world, and denied access to green space. While these are not toxic pollutants, they are still injustices experienced as a result of the physical space they have been placed in.

Given the lack of progress in achieving justice through the state, current critical environmental justice scholars have questioned the role of the state. Using theories of settler colonialism and racial capitalism, scholars have argued the state is a site of sanctioned institutional violence and contestation, rather than a neutral force or an ally (Bacon, 2019; Kojola & Pellow, 2020; Kurtz, 2009; Pulido, 2017). In the following section, I will build on the works of critical environmental justice scholars to further advance key linkages between environmental injustice, settler colonialism, and racial capitalism. I will connect the themes within critical environmental justice to the role of the settler-colonial state in structuring and shaping eco-social relations, violence, disruption, devaluing of racialized and marginalized peoples, and expendability in relation to COVID-19 in Canada and the concept of the built environment.

3. Land and the Making of Property

The connection with the land and the eco-social relations were significantly restructured and transformed, from once based on mutual beneficial connection, to an exploitative relationship based on hierarchy and ownership. The transition from feudalism to capitalism involved breaking the relationship and connection with the land and other humans (C. Chen, 2013; Marx, 1977; Melamed, 2015). Melamed (2015) writes,

During this period of transition from feudalism to capitalism, an emerging capitalist class of aristocrats and bankers deployed every kind of force available (burning villages, imposing taxes) to drive the agricultural population off the land and to usurp the commons. This dispossessed agricultural population—the majority of people—through the breaking up of the bonds that connected them to their lands, each other, and structures of governance (now in transition), were “dragged from their accustomed way of life” and forcibly made to occupy the role of a protoproletariat, which “could not possibly be absorbed into the nascent manufactures as fast as it was thrown upon the world.” (p.80-81; Marx, 1977, p. 896).

This severing of the connection and relationality with the land and each other makes it so that other forms of subsistence living are not possible because the only way to survive is through making a wage. Capitalism has created a tremendously deep alienation from having a bond with the land because, under capitalism, the earth is made to be a natural resource/commodity. The separation between humans and land becomes normalized and it allows for people to live and work in sites for long periods without having access to green space or not seeing the importance of connecting with the earth. The land’s value is derived solely from how much profit one can gain, rather than viewing the land and people as part of complex interdependent ecosystems. Under settler colonialism, the eco-social relations took on a new form where settler-colonial states restructured eco-social relations for the benefit of settlers (Bacon, 2019). In connection to environmental justice, Bacon (2019) discusses how eco-social structure is dependent on cultivation (settler expansion, programs) and discipline (organizations that create and enforce

limits on land use). This change in eco-social relations has profound impacts on the loss of culture for Indigenous peoples, for example, the creation of large dams on Indigenous land (Bacon, 2019). However, what is missed in Bacon (2019)'s analysis is how injustice is also present through the creation of built environments that Indigenous peoples are forced to live in (i.e., the reserve itself through treaties that left Indigenous people with few choices).⁴

Additionally, how the transformation of eco-social relations naturalizes this disconnection for both settlers and Indigenous people because the state builds on top of stolen land to establish the dominance over the land.

Moreover, the expansion of capitalism and its inherent need for constant accumulation required the stealing of land from beyond the metropole. Settler colonialism is a form of ecological domination which involves the violent disruption of human relationships with the land, spirits, animals, and collectives (Whyte, 2018). Kyle Whyte (2018), a Potawatomi scholar, uses Anishinaabe theoretical teachings to discuss how settler colonialism disrupts collective continuance (the disruption of interconnection and reciprocity), creates insidious loops (the pattern of historical settler industries inflicting violence on Indigenous peoples and further environmental injustices) and vicious sedimentation (settler ignorance against indigenous peoples which arises from the reinforcement of repeated ascriptions of settler ecologies onto Indigenous ecologies). While capitalism also disrupted the relations with the land for white people, the interconnected systems of settler colonialism, slavery, and imperialism resulted in more profound and ongoing impacts such as genocide and continuing environmental injustice for

⁴ I do not mean all Indigenous peoples live on reserves, but those who do were made to by treaty making or agreements with the settler colonial state. It is also important to consider how some Indigenous people live in cities and towns that are disconnected from their communities or have had to create community with other Indigenous and non-Indigenous people.

Indigenous and Black people (Coulthard, 2014). Violence is a key theme in the environmental justice literature whereby, the state and its agents use force on Indigenous and Black people to take land for accumulation but also use their bodies and labour for this accumulation. Lennon (2017) discusses how slavery was a large, “energy generation regime providing colonial societies with a mechanized infrastructure that enabled them to efficiently produce commodities and consolidate wealth” (p. 24). While slavery produced environmental degradation that inevitably impacted future generations, the structures (plantation, homes enslaved people worked in) were also sites of environmental injustice because of the abuse and violence enslaved people endured. Not only was the land stolen from Indigenous people and Black people were taken from their homelands but those connections to the land were integral to their cultures and ways of knowing and being. I will discuss later, how capitalism created a deeply entrenched social ordering and hierarchy that continues to impact Black, Indigenous, and other racialized peoples today.

So far, I have discussed that capitalism disrupts relationality between humans, other living and non-living beings which results in a hierarchal relationship where people are placed in sites that separate them from the land but how does disruption occur? Scholars have built on Marxism as a foundation to further understanding the relations between race and class, as well as how present-day capitalist accumulation requires ongoing dispossession, expropriation, and appropriation (Byrd et al., 2018; Coulthard, 2014; Dawson, 2016; Melamed, 2015). These logics mark the labour, land, and collective existence of Black, Indigenous, and other people of colour as expendable and disposable. Capital cannot accumulate without moving through these exploitative eco-social relations where connection between land and people is disrupted and takes on a violent new form where racialized people are exploited.

While the concept of property in relation to land is mentioned in the literature, the tracing of how property was established under these logics has not been fully discussed in environmental justice studies (Engels & Dietz, 2017; Pulido, 2017). The concept of economies of dispossession describes how tracing the interconnections between subjection, how the ownership and making of property are racialized, and expropriation through which colonialism and capitalism take form historically and evolve (Byrd et al., 2018). When ownership of the land in the form of property is racialized, white people (particularly white men) are given privileged access to land and the ability to profit from it. The land was given to settlers to establish domination on Indigenous land for the purposes of nation-building. This means white settlers have had access to creating the built environments that they financially and health-wise benefit from but also create structures like workplaces that harm racialized people (i.e., through poor work conditions). They are able to cultivate the land either through farming, building a home, or establishing businesses that give them access to live healthy lives at the expense of racialized people whose land the state stole.

In addition, dispossession is an incomplete project that configures possession, conforms and confirms the terms of belonging and value (Byrd et al., 2018). In tandem with liberal capitalism which historically shapes personhood in relation to property, dispossession is “an ontological proposition” with indigeneity, racialization, chattel slavery, colonization (and its current forms), as well as the heteropatriarchal household economy, form the conditions of dispossession (Byrd et al., 2018, p. 3). While the environmental justice literature rightfully links dispossession to the differentiated value of humans, the linking of property and what it means to live in and benefit from that built environment as a form of environment injustice has been understudied. If historically and currently Black, Indigenous, and other racialized people have been excluded from owning property and the subsequential advantages of ownership and they

have been subjected to crushing debt and other forms of austerity, then those same people are rendered disposable and do not have the same advantages of white settlers. These advantages as mentioned earlier include the ability to establish a built environment that is conducive to a healthy life. If racialized people are placed in sites that include slavery, residential schools, impoverished communities, then the physical spaces they are forcefully placed into are unjust and lead to negative health consequences.

Differentiated value is related to economies of dispossession as they shape propriety and properness, aka markings of civility and therefore those who are deserving of property and vice versa (Byrd et al., 2018). The social construction of civility, and value has served as a justification for the dispossession and exploitation of racialized bodies and it allows for the disposability of racialized people and the subsequential placement of their bodies in sites that produce harm. While environmental justice studies discuss the implications for differentiated value, understanding civility and the connection to property and land has not been well established. Under racial capitalism, the state is a key actor in shaping the eco-social relations where white settlers have the right to cultivate and purchase land at the cost of the active dispossession of Indigenous and Black bodies and labour. The accumulation of capital relies on the state to create the laws, regulations, and policies that have allowed for the dispossession of land, labour, and collective continuance from Indigenous peoples and also the laws surrounding property, debt, and austerity. Canada's constant need for accumulation in profit from the oil and gas industry has resulted in the continual dispossession of Indigenous land and it has resulted in environmental injustices that continue to impact Indigenous peoples today. Their built environments and communities are shaped by the structural conditions created by the settler state.

In summary, racial capitalism and colonialism have transformed the collective relationship with the land and each other to one of property. Through state-sanctioned and colonial violence through genocide, laws, and removal, accumulation has required expropriation and dispossession of Indigenous, Black, and other racialized people's land and labour. Dispossession has shaped the relations between value, possession, civility, and property which have rendered Black, Indigenous, and other racialized people expendable and disposable. This has resulted in various forms of environmental injustices throughout time. These environmental injustices have allowed white settlers to have access to land in the form of property which allows them to establish healthy lives, whereas Black and Indigenous people have been denied access to their land and have been placed in built environments that produce profound spiritual, health, environmental, and mental consequences. In the following section, I discuss the making of race in relation to social order, hierarchy, labour, the state, and environmental justice.

4. Labour and Social Hierarchy

Understanding the role of the state operating under racial capitalism, settler colonialism, and environmental justice requires examining these concepts in relation to race and social hierarchy. What is race? Race is typically conceived as personal bias in the forms of diversity, culture, identity, stereotypes, inclusion, and multiculturalism rather than ascriptive institutionalized identities. Race this way is seen as difference “rather than as a set of ascriptive processes which impose fictive identities and subordinate raciali[z]ed populations” (C. Chen, 2013, p. 204). Viewing race as structural requires an examination of the processes through which people become racialized and how new forms of racialization emerge, as these imposed identities have been created and have evolved under capitalism and colonialism. In this section, I supplement the environmental justice literature by detailing the processes of racialization. While scholars like Pulido (2017) and Jojola & Pellow (2020) have written and drawn connections to environmental justice by tracing the major concepts of racial capitalism like expendability and disposability, I demonstrate how some processes of racialization has occurred in Canada. Examining racialization provides insights into how racialized and marginalized people are placed by the settler-colonial state in built environments that are detrimental to their health.

At the birth of capitalism in England, as the factory system had not yet been created, the peasants and vagabonds who were stripped of land were admitted into imperial enterprises (merchant, navy, marines) or they were sent to the colonies (C. Chen, 2013). Simultaneously, the expansion of capitalism and the colonial empire begins with militarization and “primitive accumulation”, where Indigenous lands were stolen, chattel slavery occurs, and there is indentured labour (C. Chen, 2013; Dawson, 2016). The social status of those who were lower class in the core changed because white supremacy gives power over racialized peoples both in

the metropole and in the settler colonies. The dichotomies of civilized versus savages/ barbarian are integral here, as they create social hierarchy and racial ordering that evolves and is reproduced over time to serve the needs of capitalism. Within these social hierarchies, Black, Indigenous, and other racialized people are not fully human, uncivilized, seen as being unable to “govern” themselves, inferior to white people, less intelligent, and worthless (Andreotti, 2011; Dawson, 2016). These social hierarchies also dictate whose lives matter and the quality of life they are entitled to. Under racial capitalism, Black people and Indigenous people who were enslaved along with their children become an expendable supply of labour. In Canada, slavery existed for 200 years. While slavery did not take the same form as other colonies (due to climate and other factors), white settlers profited from the unpaid non-consensual labour of Black and Indigenous peoples (Maynard, 2017). The racial order in Canada is different compared to other colonies because settler-colonists in Canada preferred enslaved Indigenous peoples as “spoils of war” and they were easier to acquire over Black people (Cooper, 2007; Maynard, 2017). The environmental, social, spiritual, and physical conditions of enslaved peoples in Canada were so poor that many died before the age of twenty and they were made to work in built environments that were detrimental to their lives because they are seen as worthless and not fully human (Maynard, 2017).

Under racial capitalism, “inferior” races are expendable and expropriated for the colonies to make a profit. As the needs of capitalism shift, wage differentials change over time. The racialization of Asians during the nineteenth century denigrated them as cheap labour for the construction of the railway (Day, 2016). Day (2016) views abstraction of the socially necessary labour time, where Asian subjects are vilified and scapegoated as cheap and efficient labour. Day (2016) argues that capitalism has profited from Asian labour in the form of abstraction rather

than the production of racial difference. A commodity consists of exchange and use value. Exchange value is abstract, meaning people do not see the time, labour, skill, and intensity that is behind the production of the commodity (Day, 2016). What is visible is the cost and use value of the commodity. Socially necessary labour time is the average time a commodity would take to be produced in each society factoring in skill, intensity, and labour etc. (Day, 2016). Concrete labour is the physical and visible labour like mining, cooking, sewing etc. While abstract and concrete labour are inseparable because the commodity is embedded within multiple social relations, the two are presented as dualistic due to commodity fetishism. Abstract labour is connected with finance and becomes unnatural, for example, Jewish people were seen during WWII in Germany as the masterminds behind the economy “pulling the strings” and profiting off hard-working Germans who were doing “honest” concrete labour (Day, 2016). The processes through which Day (2016) views capitalism profiting off racialized peoples, particularly Asians as different from other racial capitalism scholars. However, the central argument of capitalism using racialized bodies to extract as much surplus value as possible or producing wagelessness as a condition that faces racialized people is a constant within the literature. The social construction of racialized people as cheap labour from the global South renders their bodies disposable and therefore, the conditions that they are made to work are allowed to be dangerous with no consequences for corporations from the state. The state viewed Asian people as an expendable source of labour for the purposes of profit and to build infrastructure for white settlers and therefore, their exploitation is necessary for capital accumulation.

Racial capitalism has produced wagelessness, wage differentials, and a global surplus population. As the settler state wanted more white European migrants to establish domination on stolen land, policies and legislation were created to exclude racialized people from the wage,

farming, migration, and led to mass incarceration. For example, after the abolition of slavery across the British empire in 1834, Black people were marked as criminals, dangerous, less intelligent as this justified segregation (Henry, 2019; Maynard, 2017). Residential schools, “lunatic asylums” and the taking of territory in the form of treaties and the creation of reserves, all led to violence inflicted on Indigenous and Black peoples (Oikawa, 2012; Wolfe, 2006). Moreover, wagelessness is created through the incarceration of Black and Indigenous peoples. Canada has a history of surveilling Indigenous peoples as Indigenous bodies require confinement, previously through residential schools and currently through prison (Rai, 2020). Similarly, since the beginning of slavery in Canada, the state has linked Blackness and crime together, which has led to disproportionate violence, sex work, and drug arrests in the early nineteenth and twentieth century (Maynard, 2017). Incarceration creates new eco-social relations due to further marginalization and the disruption of collective life and Indigenous teachings as inmates are separated from the land and their people. Later in this paper, I discuss the physical conditions of these prisons that form a built environment that is harmful to inmates. The separation of prisons from society allows settlers to not have to think about our justice systems and the marking of people as criminals create the social belief and justification that inmates “deserve” to be in prison. In addition, the creation of ghettos, slums, and “undesirable” neighbourhoods hold a huge surplus population where these communities are socially constructed for failure and are over-policed (C. Chen, 2013; Rai, 2020). These racialized and marginalized societies are made vulnerable by the state and corporations and create spaces where the quality of life for people is poor.

Furthermore, capitalism has racialized people in a way that has excluded people from labour and consequently a wage. For example, Asian people had to pay a head tax to enter

Canada after the creation of the railway (Day, 2016). Marking people as inferior allowed the creation of acts and laws that excluded Black people to migrate and work as they were deemed “unsuitable” to handle the climate (Kelly & Cui, 2012). While Coulthard (2014) notes that extraction from Indigenous peoples was mainly land, the surplus value from Indigenous peoples’ labour did occur too, especially as the needs of the settler state shifted. Indigenous peoples were seen as only being able to work certain jobs because they “required” supervision to work effectively (Kelly & Cui, 2012). The state and institutions and prominent interest groups also argued against the immigration of racialized people and supported lesser wages of racialized people in the interests of white settlers (Kelly & Cui, 2012). White supremacy is maintained by the ideas and beliefs white settlers hold because of conditioning from institutions that have taught them to believe they are inherently superior and therefore more deserving of belonging and social benefits than racialized people. Interest groups can influence the state, can help circulate hegemonic ideas, and shape public opinion on political, social, economic, and environmental issues. Furthermore, labour from the global South is sought out as it is cheaper and therefore more surplus value can be extracted but this has the effect of settlers scapegoating racialized peoples as “stealing” jobs from “deserving” white settlers (C. Chen, 2013). Only when there were labour shortages or a need for cheap, efficient, and temporary labour were racialized people welcomed (Kelly & Cui, 2012). These labour shortages exist because the work conditions and wages of these jobs are unappealing to settlers. When the labour of racialized people is no longer needed, access to migration was made difficult.

Additionally, recall the term economies of dispossession and how dispossession is a relation of taking, violence, and it works to deprive people of property and value. Economies of dispossession are organized around the concept of appropriation which is,

conception and practice of the proper, propriety, proprietorship, and proprietary claims that instantiates property as a relation to private and public. Propriation suggests a double movement of making one's own and making one proper to or properly oneself (Byrd et al., 2018, p. 3).

The ownership of property was constitutive for personhood and privacy and liberalism connects property to freedom (Byrd et al., 2018). Propriation is mutually constructed through dispossession and through the production of racial, colonial, sexual, and gendered categories which change over time (Byrd et al., 2018). Those who have historically been excluded from property ownership or the means for ownership (wealth) have been subjected to the impact of austerity measures that have led to further neglect of Indigenous, Black, and other racialized peoples. For example, the 2016 Canadian census indicates that the rate of capital gains for racialized peoples (not including Indigenous) was eight percent compared to twelve percent for white settlers and the amount was twenty-nine percent below the average for white Canadians (Smith, 2019). Moreover, seventy-four percent of homeowners in higher-income neighbourhoods are white while sixty-nine percent of renters in lower-income neighbourhoods are racialized peoples (Olowolafe & Underwood, 2020). Black households have had a near to zero income growth in the same period and “have a higher income deficit from white incomes than any other racialized group, making financial progress between generations next to impossible” (Olowolafe & Underwood, 2020). Racial order and income also reflect how homeownership and consequently access to property and land are also racialized.

Moreover, austerity policies throughout Canada have disproportionately impacted women, racialized groups, refugees, and immigrants as there has been an increase in precarious work with none or little job security and dangerous working conditions (NARCC, 2007). Increased austerity and the need for the growth of capital accumulation have led to an even greater dependence on oil in Canada and consequently, the taking of Indigenous lands (McCormack &

Gordon, 2020). Tracing the development of racial capitalism and settler colonialism in Canada and the connection with labour demonstrates that the social construction of inferiority and the dehumanization of racialized peoples particularly for Indigenous and Black people has rendered them expendable. Racial hierarchies are also structural as the state has constructed acts and laws based on white supremacy that function to create a settler state and accumulate capital. Racial capitalism, the logic the state functions under has established a racial order that has adapted and changed over time. The accumulation of capital has systematized this racial order that is reflected in the deep inequality that Indigenous, Black, and other racialized people face. It has also allowed for the control of their bodies that replicate previous forms of surveillance, from slavery or residential schools to mass imprisonment and exclusion from society and green space. As well as temporary migration for the purpose of cheap labour only when needed to present-day low-skilled temporary labour. As demonstrated, the ways in which social hierarchy has been structured have allowed for the continued placement of Black, Indigenous, and other people of colour to be confined to built environments that are physically, spiritually, environmentally and mentally not conducive to a good life. The settler state and corporations working under the logic of racial capitalism and settler colonialism have privileged the lives and the quality of space white settlers have access to, for the purposes of nation-state building and capital accumulation.

5. Case Studies

In this section, I outline three cases that provide insights into the connections between settler colonialism, racial capitalism, and environmental justice. I narrow my scope to the beginning of COVID-19 up until May 2021. I recognize that COVID-19 is ongoing, and therefore policies and government responses are still occurring. However, in all three cases the dynamics of racial capitalism, settler colonialism, and environmental injustice were already present. I selected these cases because they resemble the structural conditions that have been present from Canada's inception. Using COVID-19 allows for the study of how times of crisis further amplifies underlying conditions. While COVID-19 can amplify conditions, it presents the opportunity for settler states to make drastic policy changes because times of crises are policy windows that can justify a major change. I mostly draw on newspapers and government websites for information on the cases as COVID-19 is a relatively new topic and a scarce amount of literature on COVID-19 and my cases exists in the critical environmental justice field. In all three cases, I show how provincial and federal governments (which make up the settler-colonial state) have neglected populations who were made vulnerable throughout time and how this produces environmental injustice that goes beyond the typical understanding of environmental harm. Further, I demonstrate how COVID-19 moves through socio-natural relations that are connected to racial capitalism and settler colonialism. For example, as of November 2020 in Toronto, there was a higher rate of COVID among low-wage and racialized people where racialized people only make up 52% of the population, yet account for almost 80% of the positive COVID-19 cases (Wilson, 2021). I examine the underlying environmental and social conditions that have resulted in the case of the hunger strike in Saskatchewan prisons as a response to the COVID-19 crisis facing prisoners and staff, the high cases of COVID-19 within

the population temporary foreign migrant farmer workers in Ontario, and lastly, the repealing of environmental regulations for gas and oil industries in Alberta.

5.1 Hunger Strike throughout Prisons in Saskatchewan

Around December 25th, 2020, 21 inmates at the Saskatoon Provincial Correctional Centre went on a hunger strike to protest the lack of COVID-19 measures (James, 2020). On December 21st, 2020, inmates at the federal Saskatchewan Penitentiary began a hunger strike to also protest the conditions and lack of COVID-19 measures (Kerslake, 2020). 250 positive cases were contracted by inmates between the end of November 2020 to January 2021 (Ling, 2021). According to the Criminalization and Punishment Education Project (CPEP), as of March 31st, 2021, 454 prisoners and 136 staff in Prisons across Saskatchewan (not including federal stats) have tested positive for COVID-19 (CPEP, 2021). Inmates were protesting conditions such as a shortage of personal protective equipment (PPE), plastic sheets as a barrier around the prison to contain the spread of COVID-19, and used solitary confinement cells as a failed way to keep the cases low (Ling, 2021). PPE was not used properly, inmates used the same mask for a month, and the nurses did not change their PPE when moving from the areas where inmates who tested positive were kept (Bramadat-Willcock, 2021). Cory Cardinal, a late incarcerated prisoner justice advocate at the Saskatoon Provincial Correctional Centre, stated thirty inmates would share two sinks and three toilets and that cleaning products were distributed at the guards' discretion (Cardinal, 2021). Inmates were scared to report any symptoms of COVID-19 as they feared the stigma, quarantine, and a loss of their programming (Cardinal, 2021).

As a response to the outbreak, the inmates took action through a hunger strike that lasted nearly a week (Cardinal, 2021). Women who are incarcerated at Pine Grove started a hunger strike in solidarity with Cardinal's hunger strike (Larson, 2021). According to a Correctional

Service employee, the provincial health authority called to ask if the prison had a medical care contingency plan “in the event that they cannot accept our inmates” (Ling, 2021). Moreover, a transfer of prisoners across Quebec, Ontario, the Prairies, and British Columbia contained four inmates who tested positive for COVID-19 once they arrived at their destination (Ling, 2021). At first, there was a plan to keep inmates with positive cases in a contained wing but later there was a proposal to use poly curtains (which are highly flammable) and stick them onto cell doors to prevent “shared air from mixing” (Ling, 2021). Chastin Hall, a former inmate reported that inmates are kept longer than their original sentence which has contributed to overcrowding (Bramadat-Willcock, 2021). Moreover, around 65-75% of the prison’s residents are Indigenous peoples and the rate of Indigenous incarceration within Saskatchewan’s provincial jails is approximately 76% (Bramadat-Willcock, 2021; Ling, 2021). In the Office of the Correctional Investigator (2018-2019) report, it was found that “Indigenous offenders are overrepresented in the number of incidents of attempted suicide, accounting for 39 percent of all such incidents in the last 10 years” (Zinger, 2019).

Furthermore, the pre-existing conditions such as a lack of nutritious foods, poor health care, high rates of HIV and other health conditions, use of force against mentally ill inmates, use of segregation/ solitary confinement, poor mental health support, dirty cells, and lack of contact with family (Bramadat-Willcock, 2020; Zinger, 2019). These pre-existing conditions act as an amplifier and they are amplified by COVID-19. Inmates who tested positive for COVID-19 were not quarantined and these conditions led to one in three inmates getting COVID-19 (Bramadat-Willcock, 2021; Ling, 2021). As a response to the hunger strike and a threatened suicide pact, inmates received pencil crayons and a five-dollar phone credit (Ling, 2021). When the hunger

strike was over, the guards gave the inmates masks, increased canteen, and cleaning supplies (Cardinal, 2021).

5.2 Migrants in Ontario and COVID-19

Temporary foreign workers (TFWs) arriving under the Seasonal Agricultural Worker Program (SAWP) is both a federal and provincial issue. While migration is a policy area under federal jurisdiction, labour and housing laws fall under the jurisdiction of provinces. Ontario and the Progressive Conservative party have been under fire for their handling of the pandemic. In 2020, 8.7% of migrants in Ontario tested positive for COVID-19 and three migrants died because of the virus (Paperny, 2021). As of April 14th, 2021, around 760 migrant farmers in Ontario have tested positive for COVID-19 (Paperny, 2021). Migrant farmworkers are a particularly vulnerable group because of the very cramped and shared living areas, the isolation they experience from society, fear of retaliation in the form of losing their job and consequently their migration status if they speak against their employers, poorer English skills, impacts on their mental and physical health, and dangerous working conditions (Allahdua, 2021). For example, the conditions during COVID-19 were incredibly challenging. A Mexican migrant worker named Pedro, left the Cannabis farm that he was employed at because his employer was housing workers who tested positive for COVID-19 alongside those who tested negative in a 16 person bunkhouse (Paperny, 2021). These migrants who mainly come from the Caribbean and Central America are deemed essential because of how dependent Canada is on the food supply and are made to withstand environmental conditions that settlers are not willing to work in (Allahdua, 2021). This is demonstrated by the large percentage of migrant workers who according to the Canadian Federation of Agriculture, make up a third of Ontario's agricultural workforce ("Impact of Access to Foreign Workers on the Agriculture Industry April 2020", 2020).

Upon arrival to Canada, like all international travellers, migrant farmers must present a negative COVID-19 test (COVID-19: Farmer toolkit, 2021). However, unlike other international travellers, migrant farmworkers with a work offer and “suitable quarantine plans” do not have to isolate in a hotel. Instead, they can go to their place of work and quarantine with other newly arrived workers while they are expected to stay two meters apart while living together and sharing the same facilities (COVID-19: Farmer toolkit, 2021; “For the Second Time Ontario Is Failing Farm Workers on COVID Protections,” 2021). As a response to the high rates of COVID-19 amongst migrant farmers, the government of Ontario has stated that they will increase inspections however, these measures have changed marginally from 2020 and outbreaks are still occurring (A. Paperny, 2021). At the end of April 2021, the Federal government announced an increase in the number of immigrants that can apply for permanent residency however, the program’s design results in the exclusion of many low-skilled TFWs as the language requirements are extremely difficult to obtain (Allahdua, 2021). By the time low-skilled migrants can take the test, it puts them at a disadvantage as several months have passed the initial date in which one can apply for permanent residency (Allahdua, 2021).

5.3 Repealing of environmental protections for the oil and gas industry in Alberta

As a response to the 1969 White Paper that proposed to eliminate treaty rights as a way to create equality between settlers and Indigenous peoples, Indigenous peoples had strengthened their community organizing and engaged in a range of actions including making legal challenges to Canada’s taking of Indigenous land for development purposes (Longley, 2019). The duty of consultation was established under reconciliation attempts as a response to Indigenous organizing through the creation of Section 35(1) of the Constitution Act of 1982, where existing treaty rights and Aboriginal rights were affirmed and recognized (Inman et al., 2013). Prior to the

Constitution Act, Indigenous rights could be unilaterally dissolved or changed by the federal government (Inman et al., 2013). A series of Supreme Court of Canada cases (Sparrow, Badger, Delgamuukw, Haida) established the finer details and framework of the duty of consultation (Inman et al., 2013). Through the Natural Resources Transfer Acts, Alberta, Manitoba, and Saskatchewan were transferred the control of natural resources and Crown Lands to the corresponding provinces (Alberta Natural Resources Act, 1930). Thus, the details of the consultation are outlined by the government of Alberta where consultation becomes necessary when, "...Crown decisions may adversely impact their continued exercise of constitutionally protected Treaty rights and traditional uses. Traditional First Nation uses of land include burial grounds, gathering sites, and historical or ceremonial locations and do not refer to proprietary interests in the land" (Indigenous Consultations in Alberta, 2021).

While the Crown has the duty to consult, it does not give First Nations and Metis a right to say no to projects. The duty to consult simply requires proponents to consider and understand, "the potential adverse impacts of the anticipated Crown decision on First Nations and Metis settlements, with a view to substantially address them" (Indigenous Consultations in Alberta, 2021). In practice, if First Nations refuses to participate in the consultation process, the company would still likely receive approval and the concerns of First Nations are not considered or recorded (Baker & Westman, 2018). If First Nations do participate in the consultation process, the company essentially interprets participation as consent, particularly when the First Nations receives funds or contracts from the proponent to do the traditional land use assessments (Baker & Westman, 2018). For example, in an interview conducted in 2015 regarding the consultation process for Woodland Cree First Nations, an employee involved in monitoring discussed that the

changes industries have had on her water, land, and animals sicken her and that she felt powerless but grateful to be employed, she stated that,

It affects me negatively right. Obviously I want the land to stay as it is ... I've learned that it's going to happen anyways so we've got to try as a nation to work with them. But I think that in the end we are all going to be paying a hard price for it because we won't be able to hunt, fish, and trap anymore. We are doomed (Gerbrandt, 2015, p. 92).

The employee's statement reflects how the process of consultation is essentially a green light for industry projects on Indigenous land. The statement exposes the paradox of being dependent on the industry but also recognizing how the destruction of her land has significant environmental, cultural, spiritual, and health impacts. Moreover, these environmental injustices have resulted in devastating impacts to the wildlife in the form of decreasing animals and abnormalities that make them inedible, undrinkable water that has been poisoned by toxins from the tar sands, extremely poor air quality, and the presence of increased and disproportionate levels of rare forms of cancer in First Nations communities (Jacobs, 2010; Rolbin-Ghanie, 2007; Simpson et al., 2013).

However, despite the high rates of cancer, the government of Alberta released a study that countered the doctor who was an advocate for the community's methods, data, and arguments.

While the specific kinds of cancer that were present within the First Nations' community were not found in the study, the government study had also revealed that "overall cancer rates are 30% higher than expected, including [a] threefold increase in leukemia and lymphomas, [a] seven-fold increase in bile duct cancer, and other elevated cancers" (Y. Chen, 2009; Droitsch & Simieritsch, 2010, p. 2). Thus, the contradictory findings of the government study and the potential conflict of interest given the involvement of industry regarding funding and influences raise concerns for reliability (Droitsch & Simieritsch, 2010). What matters more is the lived experience of the First Nations who are experiencing illness especially within a context where health care is systemically racist.

Given this background, during the early months of the pandemic, the Alberta Energy Regulator (AER) unilaterally suspended dozens of requirements for gas and oil companies to monitor water, wildlife, and the air around industrial projects (De Souza & Yourex-West, 2020). The suspension started with 16 companies and was later expanded for almost all companies operating within the oil and gas industry (De Souza & Vernon, 2020). The AER claimed that due to COVID-19, monitoring the environmental impacts was no longer safe (De Souza & Vernon, 2020). Moreover, according to the regulator, information and concerns were demonstrating that certain monitoring requirements would not be able to be fulfilled (Weber, 2020). Some of the suspended requirements involved, “no longer...monitor[ing] fumes released by burning or conduct programs to detect and repair leaks of methane, a potent greenhouse gas” and surface waters that only are accidentally released into the environment (Weber, 2020). The AER along with Alberta’s chief scientist claimed that the environmental risks would be low (De Souza & Yourex-West, 2020).

As a response to the suspension of regulations, Fort McKay First Nation, Mikisew Cree First Nation, and Athabasca Chipewyan First Nation made a formal appeal as the AER made a private decision and failed to invite and consult them (De Souza & Yourex-West, 2020). The three First Nations stated that there would be significant environmental and health impacts (De Souza & Yourex-West, 2020). The First Nations had no knowledge of the environmental monitoring suspensions and they were made aware because of the press (De Souza & Yourex-West, 2020). Shaun Fluker, a resource law professor noted that the exemptions were similar to ones that the Canadian Association of Petroleum Producers had been wanting to remove and that COVID-19 was used as a reason for removing the requirements (Weber, 2020). After receiving pushback from First Nations and other concerned groups, the AER decided to roll back the

suspension of monitoring requirements on June 23 with suspension ending on July 15th. In summary, while the duty of consultation was not invoked during COVID-19, in the spirit of reconciliation, First Nations should have been consulted.

6. Discussion

Environmental justice is typically conceptualized as injustices brought about by the disproportionate health impact and burden of environmental pollutants present in racialized and/or marginalized communities. I argue that this conception of the environment is too narrow, and it needs to be expanded to consider the built environment as these places are structured by the logics of settler colonialism and racial capitalism that have shaped how racialized and marginalized people interact with their environments. In the case of the hunger strike in prisons, inmates are placed in conditions where they are excluded from what environmental justice scholars consider the environment (i.e., nature) and are placed in a structure that is meant to be a place of punishment. If the notion of the environment is expanded to include Indigenous worldviews that include living and non-living beings, then the concept of the environment and space expands (Whyte, 2018). The use of solitary confinement is a form of punishment that places an inmate in an environment where there is no access to green space, no socialization with people and only guards, and the physical makeup of the room is unsanitary and dehumanizing. These conditions can have a strong impact on the inmate physically, emotionally, and spiritually.

In relation to settler colonialism, Indigenous peoples do make up a significantly disproportionate percentage of the prison population in Saskatchewan and Black people are disproportionately incarcerated across Canada. Eco-social relations have been disrupted where Indigenous peoples' relations with their territories are severed and they are placed on reserves or other communities. These built environments (i.e. the communities where Black and Indigenous people live) are heavily policed by the state that is largely low-income when they are outside of prison, and because their bodies are deemed in need of confinement and control, mass incarceration fills this role and replaces residential schools (Maynard, 2017). Their communities

suffer environmental injustice due to austerity policies, wagelessness as they are viewed as a surplus population, and are socially constructed as undesirable. Racialization creates the idea that Indigenous and Black people are criminals and need confinement and control. Being in prison is especially harmful to Indigenous peoples as being disconnected from the environment creates mental, spiritual, and physical harm. It is also a form of genocide, especially when Indigenous peoples are dispossessed from their land and their connection with other living and non-living beings. Environmental injustice is brought about because of the state's policies that result in Indigenous and Black people being in prison. Concerning racial capitalism and labour, while inmates may be employed by the prison for extremely low wages (a couple of dollars a day), they are made wageless when they do not have access to jobs because of their criminal record, having costs of communication with their families, and other expenses (Fraser, 2017). This creates a cycle where when inmates are released from prison, they cannot function in society and will re-offend to get back into an environment in which they feel familiar but produces incredible harm to themselves but for others in their community (Larson, 2021). Settler states create prisons and conditions where people are exploited, dispossessed of their land and as result, become alienated from life outside of prison and society.

COVID-19 added another element of injustice where inmates did not have access to PPE, were made to share a space with positive testing inmates, had little access to cleaning supplies to keep themselves safe, have underlying health conditions that increase their risk of catching and dying from COVID-19, and are provided food with little nutrition. Virus transmission moves through the social relations where the built environment (i.e. the prison) is designed in a way where people who are "undesirable" in society are treated as disposable. The state did not intervene in a timely matter and allowed the positive cases to continue to grow

despite workers at the prison seeking assistance. The lack of intervention by the state (provincial and federal) demonstrates how this population is expendable. Not only were the environmental conditions of the prison poor but COVID-19 amplified the injustices that were already present. The lack of intervention by the state (provincial and federal) demonstrate how this population is expendable. The hunger strike was a form of resistance to a settler-colonial power that currently and historically dispossessed and eliminated Indigenous and Black people (Larson, 2021). The hunger strike did work but it improved the conditions marginally and the justice provided by the prison and state was one where the harmful conditions were made slightly better.

Regarding migrant farmworkers in Ontario, the underlying environmental conditions that are faced by migrant workers were extremely poor. Settler colonialism has been dependent on racial capitalism and therefore on the labour of temporary low-skilled work since Asian labourers were brought to Canada for the construction of the railway. Since then, racialization plays a key role in how migrants have been included and excluded in labour and access to citizenship depending on the settler colony's market needs and the "worthiness" of who is granted citizenship versus those who are not worthy of status. Migrant labour is racialized, not homogenous and is evolving therefore, different classes of people are given access to residency depending on their desirability and the classification of worthy/unworthy. Workers of the SAWP are there to fulfill the need for cheap, efficient, and disposable labour and do jobs that settlers do not want because the pay and work conditions are incredibly poor. Further, politicians and settlers have scapegoated low-skilled racialized migrants as "stealing their jobs". The global South is typically marked as "undeveloped", and it has a surplus population that supplies cheap labour that the global North can have access to. The global South becomes dependent on the remittances that are sent from the workers to their families. The workers may also be

experiencing environmental injustices back home due to the number of greenhouse gases that are emitted by the global North. Canada's permanent residency plan during COVID-19 that emerged to fulfill labour shortages is created in a way that gives access to permanent residency status for more desirable high-skilled workers but excludes access for low-skilled temporary workers.

Moreover, the built environment that migrant farmworkers live and work under produces physical, mental, and spiritual impacts that are created by the state and industry actors because these workers are expendable. For instance, living in a cramped space with others, the pressure to be extremely productive with no overtime pay or the risk of being fired and deported, dangerous work conditions that have led to the death of migrant workers, and the loss of having to be away from one's family because there are little choices of unemployment back home, all contribute to an environment that produces injustice. The eco-social relations are shaped by the state for capital accumulation where expendable people are made to engage with farming that is exploitative for the workers but also mass agriculture produces profound environmental impacts to soil and water etc. The dependency on these jobs for many of the workers that are typically from Central America and the Caribbean are also places where colonial and imperial legacies still impact the countries and people today. Because the accumulation of capital is inherently destructive on land, the farming work that temporary labourers do out of necessity, is ecologically damaging. The link between temporary labourers and Indigenous peoples is also important to consider. Migrant farmers are made to work on land that has been dispossessed from Indigenous people by the state. While low-skilled labourers need permanent residency status for security and to avoid exploitation by the state and those who profit from their work, gaining status is also occurring on stolen land. What does solidarity look like when two groups who are made vulnerable are being pitted against each other by no control of their own?

Regarding COVID-19, virus transmission amongst these farmers occurs through social relations and is a result of the conditions of the built environment like cramped space which increases spread, lack of protection for workers, and the requirement to work because of the designation by the state of an essential worker. Essential workers were recently given access to three paid emergency leave days. However, this program has been heavily criticized by public health officials and the opposition party for not paying enough and not providing enough time for one to get tested, receive results, and potentially isolate (D'Mello, 2021). Essential workers are celebrated as heroes yet their treatment by the state and the employers has been dismal and has led to increased cases amongst racialized and low-income workers that have had no choice but to work. The environmental injustices experienced by migrant farmer workers of being at higher risk for COVID due to lack of measures and poor living environments are created by the state and industry actors because racialized workers are exploited and expendable.

Lastly, in the case of the duty of consultation in Alberta, dispossession of Indigenous land has occurred despite the duty of consultation and efforts of reconciliation. The duty of consultation does not grant First Nations and Metis the right to consent. There is an illusion of justice where the state and the project proponents are consulting First Nations and making changes to the projects based on their concerns but in practice, consultation allows for the continued dispossession of Indigenous land and capital accumulation while making the state and proponents look good to settlers. While some First Nations are supportive of the oil and gas industry projects, what alternatives exist outside of participation that allows for Indigenous peoples to have meaningful connections with their land and be able to survive outside of a settler-colonial state that continuously eliminates and assimilates them? Through economies of dispossession, Indigenous peoples do not own or control these projects and the financial gains

they receive are very small compared to the companies. Propriation has made it so that Indigenous people have historically have not had access to property and their communities face large debts because of the expropriation and dispossession by the state (Byrd et al., 2018; Coulthard, 2014). Environmental injustice here takes on a more traditional form where First Nations are facing negative physical, mental, environmental, and spiritual impacts through the pollution of the tar sands.

Built environments include the reserve where Indigenous people live in homes that are close to the oil and gas projects but also some Indigenous people work in consultation offices that offer employment but are not ideal places to work. Eco-social relations here involve a disruption of connection with the land but also Indigenous people are made to be actors that are also involved in the destruction of their land for profit mostly benefiting the settler state and corporations. The state (provincially and federally) has researched health impacts that have revealed findings of higher rates of cancer, but independent scientists have questioned the reliability of these studies as there are conflicts of interest with the oil and gas industry. Under racial capitalism and settler colonialism, Indigenous peoples are expendable, and their culture and knowledge are not valued. This was made visible during the beginning of the pandemic where environmental monitoring requirements were suspended without consulting the three First Nations that these measures would impact. While the AER reversed their decision, there were still many months where monitoring was suspended, and the pushback resulted in reverting to requirements that were minimal to start and still allow for dispossession to continue.

7. Conclusion

In conclusion, the way environmental injustice has been typically viewed in critical environmental justice studies has seldom considered the ways environment is not just limited to nature and external toxic pollutants. However, as I argue, environmental injustice needs to consider the built environment that can produce positive or negative physical, mental, spiritual, and environmental outcomes. Racial ordering and hierarchy are shaped by values and beliefs that dehumanize racialized people. This has created conditions where expendable racialized bodies are made to live and work in social spaces with living conditions that lead to negative consequences such as health effects (spiritual, mental, and physical) or even death.

The three cases demonstrate how the virus moves through socio-natural relations and how COVID-19 worsens the pre-existing conditions of settler colonialism and racial capitalism. The hunger strikes led by Indigenous people to fight against the dismal COVID-19 protective measures demonstrate how the over-policing, control, and neglect of Indigenous peoples in their communities has led to a disproportionate rate of Indigenous imprisonment within Saskatchewan prisons and prisons across Canada. The conditions of these prisons that are meant to punish “criminals” produce mental and physical harm and allow for the continued genocide of Indigenous peoples (both culturally and physically). Black and Indigenous people's bodies have been marked as dangerous and criminal by the settler state. Moreover, migrant farmworkers are expendable under the temporary foreign worker program. Migrant farmworkers do labour that settlers find undesirable due to the harsh working conditions, a lack of COVID-19 protection measures in their built environments, and they face exclusion from the broader society. Lastly, despite the era of reconciliation, government actions (both provincial and federal) continue to violate the self-determination of Indigenous peoples. The duty of consultation in practice is a

green light for government and corporations to undergo resource extraction not only on/ affecting First Nations reserves and Metis Nations but also considering how these projects are occurring on stolen land in general. During COVID-19, it is not surprising that the AER used the pandemic as an opportunity to remove environmental monitoring requirements without consulting the three First Nations who this would affect. It was suggested that the removal of these requirements was a wish list of a powerful interest group and it is important to consider the oil and gas industry as an interest group themselves. Environmental injustice occurs through the toxic harms from the industry, but I note that injustice is also the lack of choice for prosperity outside the economy of a settler-colonial state. The settler-colonial state through assimilation eliminates Indigenous ways of being by offering few choices for survival outside of the resource extraction. While I did not cover vaccines in this paper, it is important to consider how the virus moves through social-eco relations by jumping through human populations. However, “natural mutations” could be prevented if everyone was given access to vaccinations. Instead, large pharmaceutical companies are profiting off a pandemic where countries in the global South have little access to vaccines and continue to be devastated by the virus, while the global North discusses reopening, travel and booster shots.

While the settler-colonial state and corporations create these conditions, complicity by settlers (white, non-Black, and non-Indigenous) uphold these systems through their beliefs and values. Not challenging the legitimacy of the settler state by defending rather than questioning corporate and state power is one of the ways the logic of settler colonialism and racial capitalism stays intact. While this paper does not cover resistance and resurgence by Black, Indigenous, and other people of colour, everyday racialized people fight against the power of the settler-colonial. Lightfoot (2020) has critiqued the resurgence school’s idea that Indigenous people who work

with state are co-opted and that any engagement with the state is futile. Lightfoot (2020) argues that this idea creates division and does not allow for co-existence with the state. With any justice movement, working with the state and against the state are not mutually exclusive. The system will continue to inflict injustice on marginalized people even if they are actively fighting against the state. Having a handful of individuals who are working to produce change within the system minimizes harm as much as possible within the given constraints of acceptable change. If these people working with the state did not exist, harm could continue with no checks on power. Even those working within the system can still actively work against the state outside of their professional or organizational role.

This paper does not also cover the dynamics of gender and sexuality which also produces further marginalization in relation to place and environmental injustice. It is not surprising that the idea of environmental injustice is mostly limited to natural systems. Global solidarity is also needed and occurs as many people are fighting against settler-colonial injustice every day and the injustices that people face is connected. As many Black Women scholars/activists have stated, centring compassion, understanding, joy, and shared liberation is integral to community building and fighting against injustice, as movements are sustained when people focus on joy and pleasure rather than always centring pain and suffering (bell, 2018; Brown, 2019; Lorde, 2020).

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