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Border Plant Remains Dumping Ground

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TIJUANA, Mexico (AP) — The once-busy factory is quiet now, its roof and walls missing all but a few panels, its yard strewn with the rusting hulks of heavy machinery.

But one thing hasn't changed since 1994, when the Mexican government ordered the U.S.-based operators to shut down the lead recycling plant: An estimated 6,600 tons of ash-like residue containing lead and other hazardous compounds is still there, on the wind-swept mesa above a working-class Tijuana neighborhood.

Authorities say it is one of the worst known cases of dumping by a foreign company along Mexico's 1,200-mile northern border.

The plant, observers say, demonstrates the failure of policies implemented under the North American Free Trade Agreement to enforce environmental quality standards and punish violators.

“You have an irresponsible U.S. company taking advantage of Mexico's lax labor and environmental laws. They just made their quick money and left,” said Cesar Luna, an attorney for San Diego's Environmental Health Coalition.

The plant extracted and resold lead from old batteries from cars and planes. Lead can be absorbed through the skin, lungs and eyes, and long-term exposure can damage the central nervous system, kidneys, blood and reproductive system.

Neighborhood residents have complained of respiratory ailments and birth defects, but no scientific studies have found any connection to the lead.

The case of Metales y Derivados, as the company that ran the plant was known, is receiving renewed attention from an international panel created under NAFTA to monitor the environmental protection efforts of the three participating countries: Canada, the United States and Mexico.

The owner of the plant, a Chilean named Jose Kahn, declined requests for an interview. But his son, Reinaldo, who was plant manager, said he and his father are working with Mexican authorities and are waiting only for bank financing to pay for the cleanup, which he estimates will cost \$500,000.

“We are going to wait for the loan to come through and we'll clean it up,” he said. “It may take one week, it might take another year.”

Meanwhile, the lead-laden residue blows across the site from dozens of open, steel drums and bundles wrapped in ripped canvas.

Despite assurances of a pending cleanup, residents of the neighborhood below have their doubts after six years of delay.

``No one has done anything to clean it up," said Aurelio Sanchez, president of a neighborhood association. ``We've just been abandoned here."

Earlier this month, staff members of the NAFTA panel, the Commission for Environmental Cooperation, decided an investigation into Mexico's handling of the case is warranted. That recommendation still needs approval from at least two of the environmental ministers from the three NAFTA nations.

The panel has no power to punish a member nation. It can only publish the results of its findings as a public rebuke — a penalty environmental groups criticize as too lax.

``People are being exposed to hazardous materials and the best we can hope for is a factual record. It doesn't make any sense," said Luna, whose group requested the review of the case.

Under NAFTA, anyone can ask the commission to investigate and release a factual record, but only one such report — involving a cruise ship pier near a coral reef on the Mexican island of Cozumel — has been done so far.

Mexico's official response to the commission's report requesting an investigation is confidential. A U.S. Environmental Protection Agency said Mexican officials did as much as they could to punish the plant owners.

``They applied all the tools they have in their tool kit," said Chris Reiner, hazardous waste coordinator for the EPA's border team.

The Mexican agency that enforces the country's environmental laws, known as PROFEPA, repeatedly cited the Kahns during the 12 years of the plant's operation. It closed the plant temporarily in 1992 and shuttered it permanently in 1994 for failing to dispose of hazardous waste properly.

Authorities also obtained an arrest warrant for Jose Kahn, but made no attempt to extradite him from San Diego, where he operates a scrap-metal trading company. Reinaldo Kahn said his father plans to evade the warrant by staying out of Mexico.

A spokesman for PROFEPA, Ignacio Duran, confirmed that officials are working with the Kahns to remove the waste.

Reinaldo Kahn said the cleanup delays have been caused by difficulties obtaining financing and negotiations with the government.

Others see more sinister reasons. Sanchez, president of the neighborhood association, believes authorities have been slow to act because the people living near the plant are mostly poor assembly-line workers.

Luna agreed: ``If this had been in the United States, it would have been declared a Superfund site and people would have been moved out."

The problem, Reiner said, ``is that the border acts as a shield against environmental enforcement."

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