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Cleanup of toxic waste site in Tijuana urged by commission

By Joe Cantlupe
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WASHINGTON — After four years of reviewing the circumstances surrounding a toxic waste site in Tijuana, an advisory commission has reached what border environmentalists say is a not-too-surprising conclusion:

Tons of debris from the former Metales y Derivados lead smelting plant should be cleaned up.

The North American Commission for Environmental Cooperation this week recommended cleaning up battery acids and other wastes left in abandoned drums only a few hundred yards from Tijuana's Colonia Chilpancingo, home to 10,000 people.

Despite the commission's findings, however, no immediate efforts are being made by Mexico to clean up the Metales site, disappointing environmental activists and residents.

The advisory panel, created under the North American Free Trade Agreement in 1995, voted this week to make a public record of the case, noting that pollution at the Metales site poses potential "grave harm to human health."

The commission's governing council is comprised of top environmental officials from the United States, Canada and Mexico.

Its report offered no timetable or recommendations for cleanup, however.

"This is the first, indepen-

dent international report that supports what members of Colonia Chilpancingo have been saying all along," said Cesar Luna, policy consultant for the San Diego Environmental Health Coalition, which brought the complaint about Metales in 1998.

"We have experts calling for an urgent response to an extreme and serious problem," Luna said. "The report falls far short of providing a remedy. Sadly, we continue to be in the same position as before."

Residents of Tijuana also criticized the report.

"It is as if someone tells you that you have a malignant tumor but does not provide any treatment," said Lourdes Lujan, a resident of Colonia Chilpancingo, located in a ravine about 600 yards from the former Metales site.

For a dozen years, the Metales y Derivados plant recycled lead from car batteries. But Mexican officials closed it in 1994, citing pollution violations.

The parent company, New Frontier Trading, left behind more than 6,000 tons of debris, including lead slag piles and toxic waste kept in sacks and drums. The company's top official, Jose Kahn, has resided in San Diego since moving from Mexico in 1995 when a Mexican warrant was issued against him, officials said.

The Metales case reflects what U.S. environmental officials describe as a growing problem along the border: defunct or abandoned maquiladoras using each country as a shield to thwart enforcement.

As in the Metales case, "companies responsible take advantage of the fact that the border prevents the Mexican authorities from taking action to enforce Mexican law in the United States, while the U.S. authorities are not empowered to take action to enforce Mexican law," according to a U.S. Environmental Protection Agency report filed with the NAFTA commission.

The San Diego Environmental Health Coalition repeatedly has charged that Mexican officials failed to adequately enforce environmental laws and clean up the site.

But the NAFTA commission's report portrays Mexico's environmental inspection system as overwhelmed and lacking the financial resources to carry out the job.

Between 1996 and 2000, when 210 maquiladoras were built in Tijuana — an average of one a week — the number of inspectors in Mexico's Profepa environmental control office remained at the 1996 level, documents show.

Mexican officials said their country is working toward possible civil action against the prior owners, but they said they lack an adequate legal tool — such as the U.S. Superfund law — to prompt action.

Luna of the San Diego environmental group disputes Mexico's claim.

He cited Mexico's decision last October to pay \$16 million to a U.S.-owned company, Metalclad, to settle a six-year-old claim that a town in San Luis Potosi unlawfully prevented the waste-disposal company from opening a facility there.

"While individual corporations can sue NAFTA countries and are able to obtain millions of dollars from them, communities get only a toothless report," Luna said.