

Rachel's Environment & Health News

#253 - International Waste Trade -- Part 1; A Flaw In The Grass-Roots Strategy

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For nearly a decade the grass-roots movement against toxics has tried to stop all new waste disposal projects. The strategy is a simple one, based on sound science and good public policy:

- (1) All waste disposal (landfill, incineration and deep-well injection) ultimately contaminates the environment. There is no such thing as "safe" disposal.
- (2) So long as cheap disposal remains available, the creators of toxic wastes (including municipal garbage) have little incentive to create less.
- (3) By stopping new disposal projects, the price of disposal can be driven up, giving waste creators a real incentive to produce less.

No doubt about it, this strategy is working. The cost of disposal is now anywhere from \$500 to \$1000 for a ton of hazardous waste, and anywhere from \$30 to \$120 per ton for municipal solid waste.

Evidence of success is the national focus on recycling. Everywhere, local and state governments are scrambling for ways to increase recycling. This has occurred partly because people want to save the planet but much more importantly because waste disposal is no longer cheap.

More evidence of success can be found in a piece of legislation now working its way through Congress sponsored by Representative Peter Kostmayer (D-PA), called H.R. 3253, The Pollution Prevention, Community Recycling, and Incinerator Control Act. This legislation would ban both hazardous and solid waste incineration for the remainder of this decade, and then would allow new incinerators to be built only under rigid control. It is conceivable that this legislation could pass in its present form; it has more than 30 sponsors today. Or it could be worked into a new version of the Resource Conservation and Recovery Act (RCRA), the nation's basic law controlling waste disposal, which is up for reauthorization by Congress and will be debated during the next year or to (see RHWN #241). In either case, all national environmental groups have signed onto the Kostmayer bill (with the exception of National Wildlife Federation and Audubon, which, perhaps coincidentally, both have representatives of the incinerator industry on their boards of directors). This consensus among environmental groups represents an affirmation of the grass-roots strategy to discourage wastes by cutting off disposal, essentially stopping up the toilet.

Despite its success, the grass-roots strategy contains one major flaw, which is available to be exploited by producers of toxic waste: our failure to control the international trade in wastes. The failure of U.S. law to close our borders to waste traders is a loophole you could drive a garbage truck through, and many are.

RCRA is the U.S. law controlling wastes, including both hazardous waste and municipal solid waste. RCRA is entirely silent on the shipment of municipal solid waste (and incinerator ash from municipal solid waste) to foreign countries; such shipments are perfectly legal. The famous garbage barge (called the MOBRO) and the ship KHIAN SEA, which carried Philadelphia incinerator ash from country to country for 18 months trying unsuccessfully to dump its load, were entirely legal, though the U.S. Justice Department is investigating whether the KHIAN SEA may have finally dumped its load of toxic ash illegally in the Indian Ocean.

Even wastes that are legally defined as hazardous under RCRA can be shipped to foreign soil. Under RCRA, if a U.S. company can find someone in another country willing to accept its waste, it notifies EPA (U.S. Environmental Protection Agency), which notifies the U.S. State Department, which asks the receiving country if it really wants the stuff. If the answer is yes, the waste can be shipped. That's all there is to it. In the case of U.S. companies shipping hazardous waste to Canada, the process is even easier; under a 1986 agreement, when the State Department asks

Canada if it will accept the waste, no answer received within 30 days becomes an automatic yes and the waste can cross the border. Canada's laws on landfilling are more lax than ours, so U.S. companies sent 157,000 tons of toxic waste to Canada in 1990. U.S. laws on incineration are more lax than Canada's, so Canada sent us 150,000 tons of toxic waste in 1990.

No one knows how much municipal waste travels between the U.S., Canada and Mexico because such commerce is entirely legal and thus unregulated and unmonitored.

An even larger loophole is the shipment of wastes to developing countries for "recycling." The book GLOBAL DUMPING GROUND, co-authored by the Center for Investigative Reporting and Bill Moyers, offers several case studies of typical recycling schemes.[1] Each year the U.S. discards about 70 million automobile batteries containing roughly a billion pounds of toxic lead. Automobile batteries can legally be sent abroad for "recycling." There they are heated to destroy the plastic battery case and to free the metallic lead, a potent toxin. GLOBAL DUMPING GROUND describes workers at a recycling plant in Brazil where the employer forces them to take EDTA pills, a chelating agent (a drug that removes toxic metals from the body but also has powerful side effects). EDTA therapy was formerly used in this country for children poisoned by lead, but only under close medical supervision. Despite the forced administration of EDTA, 25 of 29 workers at the plant in Brazil had lead levels exceeding U.S. safety standards. In a field near the recycling plant, five cows died and authorities measured high lead content in the farm's spring, pond, and pasture.

Increasingly strict regulation of battery recycling plants shut half of U.S. battery recyclers between 1980 and 1986. But the international waste trade loophole prevents real control of this problem and others like it. U.S. companies export used batteries to Brazil, Mexico, Japan, Canada, India, Venezuela, China, South Korea, South Africa, and Taiwan. EPA knows these shipments are toxic but has no authority to intervene unless a battery is cracked and leaking acid, in which case it can be defined as a hazardous waste and controlled.

Children in Taiwan living near a lead smelter have elevated lead levels in blood and teeth. "These children can be expected to have impaired intelligence, slower physical growth, and some behavioral disorders-- trouble paying attention, hyperactivity," says Michael Rabinowitz, a Harvard-trained geochemist studying lead contamination for the Taiwan government.

U.S. scrap metal exported to Taiwan, to mainland China, and to numerous other countries, includes transformers filled with PCBs, lead, cadmium, nickel, mercury, a spectrum of toxic chlorinated hydrocarbons, waste oil, plastic wastes, and so on. Although they are not legally defined as hazardous under RCRA, our EPA knows these wastes are plenty dangerous. GLOBAL DUMPING GROUND quotes an EPA official saying such wastes are exempt from environmental controls at the request of the President's Office of Management and Budget (OMB), the Commerce Department, the U.S. Trade Representative's Office, and the Council of Economic Advisors. The U.S.'s balance-of-payments problem provides strong incentive to keep shipping dangerous wastes to Taiwan and elsewhere.

The head of Taiwan's EPA, Eugene Chien, believes the burden of a solution should fall on the source of the waste. "The problem actually relies on the United States because if they cannot export hazardous waste to the underdeveloped countries, then this problem is all solved," says Chien. Jim Vallette of Greenpeace agrees: "You don't poison your neighbor. You don't dump garbage on your neighbor's lawn for moral reasons. It's that simple," Vallette says.

So long as the loophole exists in U.S. law, grass-roots action to curb production of toxics may not actually cause a reduction--it may just

squeeze wastes across the border, where they contaminate air, water and soil. Sooner or later, on a finite planet, such problems must come home to roost.

The only environmental organization systematically tracking the international waste trade is Greenpeace.[2] The Greenpeace waste trade campaign keeps its ears open for rumors of "recycling" scams, plans to ship toxic incinerator ash abroad, or other schemes to ship wastes across borders. By alerting government officials, news reporters, and environmental groups in the receiving countries, Greenpeace has derailed hundreds of international waste trade schemes. But such an informal network can only catch a small fraction of the total traffic. Ultimately, only new laws can close these gaping loopholes.

--Peter Montague

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[1] Center for Investigative Reporting and Bill Moyers, GLOBAL DUMPING GROUND (Washington, DC: Seven Locks Press, 1990). Also available as a hard-hitting 58-minute VHS Video from Center for Investigative Reporting (CIR), 530 Howard St., 2nd floor, San Francisco, CA 94105; phone (800) 733-0015. From CIR, the book costs \$11.95, the video costs \$29.95; the video plus the book costs \$37.50.

[2] To keep abreast of what's going on, you can subscribe to the GREENPEACE WASTE TRADE UPDATE, published periodically in English, French and Spanish; annual subscription \$10.00. Make check payable to "Greenpeace Waste Trade Project," 1436 U St., N.W., Washington, DC 20009. To report waste trading schemes, phone Greenpeace at (202) 462-1177.

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