



COALICION de SALUD AMBIENTAL

401 Mile of Cars Way, Suite 310 ♦ National City, CA 91950 ♦ (619) 474-0220 ♦ FAX: (619) 474-1210
ehc@environmentalhealth.org ♦ www.environmentalhealth.org

Metales y Derivados Makes the Case for a New NAFTA Community Celebrates Tijuana Toxic Cleanup

After over a decade, Environmental Health Coalition (EHC) and residents of Tijuana's Colonia Chilpancingo could finally put a toxic legacy to rest as the long-awaited cleanup of the Metales y Derivados battery recycling plant was completed in December 2008. Seen by many as the Love Canal of the border region, Metales became famous for exposing how NAFTA failed to hold polluters responsible for their toxic messes and from their cleanup responsibilities.

EHC and EHC's Community Action Team in Tijuana, the Colectivo Chilpancingo Pro Justicia Ambiental (Colectivo), mobilized to clean up the site, expressing concerns including an extremely high rate of birth defects in the neighborhood nearest to the site. They took to the streets to protest, conducted petition drives and letter-writing campaigns, met with government officials, and organized tours of Metales and the community. Finally, U.S. and Mexican authorities acknowledged the problem. In 2004, the Mexican government agreed to clean up the mess with a groundbreaking environmental settlement.

While EHC and the Colectivo take heart in the fact that the neighborhood of Colonia Chilpancingo will now be safer, it never should have taken nearly 15 years and such extraordinary efforts to fix this problem. **In the case of Metales, NAFTA did nothing to address a serious and avoidable public health problem. With a new American President-Elect who campaigned on the need to update NAFTA, there is an opportunity to rewrite the rules to protect rather than harm communities.**

- Between 1972 and 1994, the U.S.-owned Metales y Derivados recycled thousands of car and boat batteries from the U.S., extracting lead for profit. But they dumped over 23,000 tons of toxic waste from the recycling process at the site. Battery parts and heavy metals were illegally buried or dumped in open piles and rusted barrels around the three-acres.
- In 1994, the Mexican government shut the plant down, and its owner, José Kahn, fled across the border to San Diego. Mexico issued arrest warrants and charged Kahn with environmental crimes, but he was not extradited and was able to evade any prosecution.
- In 1998, EHC and the Colectivo filed a complaint about the Metales site with the Commission for Environmental Cooperation, NAFTA's environmental watchdog agency. **Four years later**, the Commission issued a report that said exposure to heavy metals could "severely harm human health" and called the cleanup "urgent." **But the report exposed a major flaw in NAFTA.** Even though the Commission concluded that Metales represented a clear danger to the people of Tijuana and called for an immediate clean up, it had no enforcement power to compel the Mexican government or anyone else to clean up the toxic waste. It was like a court that could convict someone of murder but not issue a sentence.
- Over the next few years, Environmental Health Coalition and the Colectivo continued tirelessly to pressure the U.S. and Mexican governments to address the problem. In 2004, those efforts resulted in a landmark agreement between the Mexican government and the community that had been poisoned for so many years. In a legally binding agreement, the



Mexican government would spend \$1.5 million to clean up the site over the next five years.

- The agreement represents the first time a structure was created for cross-border and community-government collaboration on toxic site cleanups. It is also the first time the Mexican government has entered a binding agreement with a community to clean up a toxic site, and included community oversight in the cleanup process.
- The cleanup is officially completed today, roughly six months ahead of schedule.

NAFTA was a high profile campaign issue and the nation joined President-Elect Barack Obama in rejecting NAFTA as unfair. Metales makes the case that public health and the environment are in jeopardy in Mexico, in the U.S., and around the world as long as NAFTA is the model for global trade.