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Large Population, Many Children Suffer Lead Poisoning; El Salvador Shuts Down Major Battery Factory

by Mike Leffert

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In El Salvador, high levels of lead have sickened significant numbers of children, students at the Centro Escolar Comunidad Rural Sitio del Nino in San Juan Opico. Since May, more than 40 children from the school have left the school after tests showed blood levels of lead higher than 30 micrograms per deciliter (mcg/dl), where anything over 10 mcg/dl is considered toxic. The center is 400 meters from a battery plant, Baterias de El Salvador, lead recyclers and makers of Record Batteries. School officials have repeatedly asked that the school be moved but to no avail.

After months of dawdling, Minister of Education Darlyn Meza said in August, "The safest thing is that the school should not function another year. We have to see about putting more classrooms in other places and talk with the teachers about how to relocate." The response was clearly inadequate and prompted San Juan Opico residents to demonstrate at the city hall for cancellation of the battery company's permit to operate.

They collected signatures for compensation for the affected children. They have formed the Movimiento Sin Plomo from seven nearby communities and asked for blood testing of all residents. After some weeks without an adequate response to the protesting communities, the Fundacion de Estudios para la Aplicacion del Derecho (FESPAD) stepped in and announced in September it would launch an international lawsuit with the Inter-American Commission on Human Rights (IACHR) in Washington.

This would be a first step toward a trial before the Inter-American Court of Human Rights (IACHR) in Costa Rica. "We expect to coordinate the suit against the state with other organizations, like the Procuraduria para la Defensa de los Derechos Humanos and locally affected organizations," said FESPAD coordinator Danilo Flores. He said a decision to go to the international authorities rather than exhaust local remedies was based on the need to get some awareness of the situation. "The motive is to sound an alarm about something irreparable that is happening." The government had no immediate response to the announcement.

An officer of the battery company, Samuel Martino, was noncommittal and seemingly unconcerned. "I don't know anything about the case," he told reporters. "When we do, we will take a position."

Health Ministry reverses course

On Sept. 20, Health Minister Guillermo Maza told the media that the ministry would look with favor on a shutdown of the lead foundry at the company while further investigation to determine if this was the source of the lead poisoning was undertaken. This was a major backing away from a prior decision to allow the company to go on operating provisionally for the rest of 2007. Five days later,

the ministry actually ordered the shutdown, considering the company to be, in fact, the cause of the high levels of lead in the area.

The news was unexpected. The environmental minister had not heard about it until moments before the order was made public. It was a dramatic reversal on the part of a government that has known about the situation for years. The ministry said the order was given on the basis of blood tests on a few children, but the toxicity was so startling that action had to be taken. Of 90 tests, more than half were positive, and three had elevations so high that they were hospitalized.

President Antonio Saca was in New York at the time of the announcement, where he said, "The Ministry of Health proceeded to do what the law demands." What was expected was a long process during which a foot-dragging ministry would arrange for blood tests to be taken with equipment borrowed from Mexico.

A first round of tests was not to be done until November. The slow pace infuriated local residents who marched on the plant with shouts of "Out with Record [the name of the plant], yes to health, no to lead." The Movimiento contra la Contaminacion por Plomo en Sitio del Nino (MARN) organized the demonstration. Organizer Carlos Mejia told the media, "We demand compliance with the resolution of the human rights ombudsman, which demands a declaration of environmental emergency in the zone." MARN has information that the underground water has more than 400% of the established norm for lead contamination."

The shutdown, overdue as it was, was dramatic nonetheless. The police and human rights ombudsman Oscar Luna arrived at the plant to witness the extinguishing of the lead-melting equipment. Vice minister of health Ernesto Navarro was on hand to declare it a permanent shutdown pursuant to Part C of Article 109 of the Health Code, which permits the ministry "to authorize the installation and functioning of factories and other industrial establishments in such a way that it does not constitute a danger for the workers and general population."

The company went down fighting, calling the closure "arbitrary and surprising," and, despite the specific code citation, "totally lacking in legal bases." It even challenged the jurisdiction and competence of the involved authorities. For the company, this was just the kind of thing that discourages investment.

More than 2,500 jobs were put at risk, said a Baterias de El Salvador statement, and a US\$27 million export business was at stake. "The shutdown signals a disastrous precedent for the private industrial sectors of the country," said the statement. The company, after contaminating the environment for years with impunity, was clearly caught off guard by the action, as were environmental officials.

Just one day prior to the shutdown, Environment Minister Carlos Guerrero and Social Security director general Nelson Nolasco had both spoken at a meeting of the environmental commission, composed of their respective institutions and the Health Ministry, to study the matter, and neither appeared to know anything about what Maza had planned. Rather, they had said, it was the local residents, not the factory, who had to leave the area. Officials now say the contamination extends

beyond the immediate area of Sitio del Nino, where 7,000 people live, to a broader zone in which a population of 35,000 has been exposed.

The company has so far taken only limited responsibility for a very few of the cases of lead poisoning. It disputes the numbers the government has come up with as well as the methodology used to determine the blood levels. The company claims the photo spectrometer used is broken and gives inconsistent results. Company spokespeople say that some cases of lead poisoning in children are the result not of contamination but of indirect transport. Workers, they say, do not take proper hygienic precautions and spread lead to their children and neighbors.

The company is owned by the Lacayo family. Miguel Lacayo was economy minister under President Francisco Flores (1999-2004). The company underwent expansion in the 1990s with financing from the International Finance Corporation (IFC), the private financing arm of the World Bank (WB).

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