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State of Emergency Declared for Lead-Polluted Community

by Benjamin Witte-Lebhar

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Years after neighbors of a now-defunct battery factory first began airing concerns about toxic lead pollution, the Salvadoran government has finally declared a state of "environmental emergency." Long overdue, the declaration—the first of its kind in El Salvador's history—is "better late than never" for residents of San Juan Opico, where dangerous levels of the heavy metal have sickened more than 100 children.

El Salvador's Ministerio de Medio Ambiente y Recursos Naturales (MARN) made the announcement Aug. 19, promising a list of measures to aid residents in the affected city, which is some 45 km northeast of San Salvador. Promising specialized health services, the government also said it would pave the area immediately surrounding the shuttered battery factory, close polluted wells, provide clean drinking water, and, in certain cases, condemn individual residences.

The factory in question, owned by the company Baterías de El Salvador S.A. de C.V., produced and recycled auto batteries under the brand name Récord. Under pressure from local citizen groups such as Movimiento sin Plomo, El Salvador's Ministerio de Salud closed the facility in September 2007 (NotiCen, Sept. 27, 2007). By then, the factory's operating permits were already three years out of date, according to news reports.

The state of emergency will last six months, though MARN can renew the declaration next February if need be. The emergency measures target a specific San Juan Opico neighborhood, Sitio del Niño, which contains an estimated 700 residences that together house approximately 4,000 people.

"The initial efforts have to do with improving medial attention, including for the former Récord battery workers," MARN head Herman Rosa Chávez explained during an Aug. 20 town meeting in Sitio del Niño. "Secondly, to ensure safe water for the people, the Ministerio de Obras Públicas (MOP) will use an asphalt mixture to seal some roads around the factory. They will also close the artisanal wells that are already polluted as well as some gardens near the factory so that they won’t be used for food."

Getting the lead out

MARN reached the historic decision after tests carried out in collaboration with the US Environmental Protection Agency (EPA) and the Centers for Disease Control and Prevention (CDC) revealed the true scope of the battery factory’s toxic legacy. The EPA considers anything over 400 parts of lead per million particles to be dangerous. Some soil samples collected near the Récord factory tested as high as 100 times that amount—from 30,000 to 40,000 lead parts per million.

Researchers from MARN and the Administración Nacional de Acueductos y Alcantarillados (ANAA), El Salvador’s water department, also found dangerous lead levels in local water sources. Samples from three area wells showed 0.016, 0.018, and 0.044 milligrams of lead per liter, well above the recommended limit of 0.01 milligrams per liter.

Lead, a persistent heavy metal that can accumulate in the human body, is toxic for both organs and tissues. It is particularly dangerous for children as it can interfere with the development of the
nervous system and thus result in permanent learning and behavioral problems. Lead is considered harmful even in the tiniest doses—a fact that makes the case of Sitio del Niño, where its presence is so substantial—even more alarming.

So far Salvadoran health authorities have diagnosed 121 area children as suffering from lead poisoning, meaning their lead to blood ratio is in excess of 10 micrograms per deciliter (mcg/dl). Health experts consider a "normal" level to be 4 mcg/dl. At least one child in Sitio del Niño tested at 72 mcg/dl, the BBC Mundo recently reported. For those on the official list, help is on the way, the Ministerio de Salud announced last month.

"We’ve activated a team of 24 specialists, including neurologists, internists, and psychologists, so that the children can receive integral treatment," Violeta Menjivar, the ministry’s second in command, told area residents.

"Better Late Than Never"

Local community and environmental organizations applauded the government’s decision, albeit cautiously, welcoming the forthcoming assistance but warning that the problem may be larger than authorities realize. "While the environmental-emergency declaration is well overdue, it’s better late than never," José Araya of CESTA-Amigos de la Tierra, a San Salvador-based environmental group, explained in a recent letter to Diario Co Latino. "We recognize the effort that the new heads of the Ministerio del Medio Ambiente have made in this case. We encourage the rest of the state institutions to continue in this direction, which is the right one, since the people still need to be compensated, the ecosystem needs to be cleaned up, and the criminals who carried out this crime need to be put behind bars. Lead poisons and kills, but so does the indifference of the state."

 Movimiento sin Plomo and other resident groups promise to fully collaborate with authorities but fear that the affected zone—which the government limits to everything within a 1.5-km radius of the old battery factory—is much broader: by at least six km in all directions. Likewise, they insist far more than 121 children have been sickened by the prevalent heavy metal.

"I want them to give specialized attention to everyone," Lorena Elizabeth de González, a mother of two, said during the Aug. 20 town meeting in Sitio del Niño. Although neither of her children is on the Ministerio de Salud’s list of 121, both have symptoms of lead poisoning, she claimed.

"Eduardito has constant allergies and is now suffering from bronchitis. He has asthma and a simple cold affects him tremendously. I have to give him a ventilator as soon as he starts having cold symptoms....They left me off the list of those who are going to receive specialized attention and that’s not right," said De González.

With owners on the lam, court lags

Nor is it right that the Salvadoran courts have yet to find anyone responsible for the toxic waste, argue residents and their backers. Among those joining the affected parties in calling for swift and decisive legal action are the Catholic Church and the Procuraduría para la Defensa de los Derechos Humanos (PDDH), the national ombud institution.

"The Procuraduría insists that criminal proceedings take place, which, for there to be a prompt and just decision, respect judicial guarantees and due process and are not plagued by unnecessary delays," the PDDH recently announced.
Archbishop José Luis Escobar Alas made a similar plea last month, saying the courts need to see this case through "independently of who ends up being responsible."

Although residents had complained about the infamous factory for years, prosecutors did not file criminal charges until early 2008, five months after the Baterías de El Salvador facility was shut down. Little progress has been made since then.

The three owners implicated in the case—board members Ronald Antonio Lacayo Argüello, Sandra Cecilia Lacayo de Escapini, and José Ofilio Lacayo—are on the lam, while proceedings against the other three defendants, factory engineers, are advancing at a snail’s pace. The three company employees implicated in the case are Hugo Reynaldo Trujillo, Arturo Marenco Carballo, and José Edgardo Brito.

The case against the three men was supposed to resume Aug. 23. Instead—at the request of both the defense and prosecution—the court issued yet another delay, postponing proceedings until an unspecified date in 2011.

"Now, while the boys and girls of the community die little by little, the members of the Lacayo family that caused the pollution are somewhere out in the world enjoying their fortune," wrote CESTA’s José Araya. "The just thing would be if they were in a high-security prison."

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