

the reservoir is badly polluted, it took something more than the normal toxins to trigger the catastrophe.

Birds that drank the yellowish water from the reservoir or ate plants and fish that grow in it became sick within two or three days. All evidence points to an extraordinary pollutant discharge, but of what and

Who is responsible for wildlife that migrates from one country to another?

from where? At first the Mexican National Water Commission, which controls the reservoir, believed it was chromium from a nearby chemical plant.

Later the commission changed its finding to endosulfan, a strong pesticide. Officials claim that sometime at the beginning of December, a blue Chevrolet truck was seen near the edge of the dam and that four people were seen dumping a vat of liquid into the water that turned red on contact.

Environmental groups in Mexico

and later in the United States had trouble accepting the conclusion for several reasons. Autopsies on the birds last winter showed no evidence of endosulfan poisoning. Endosulfan is more toxic to fish than to birds, but fish in the reservoir were unaffected. And endosulfan is practically insoluble in water, so if someone dumped the pesticide into the reservoir, the poison would not have spread.

The environmentalists have also rejected a study by the National Autonomous University of Mexico, which identified a red dye as the probable culprit.

The environmental groups think it far more likely that the kill was caused by a combination of events that turned normal discharges into the Silva watershed into a fatal cocktail. They suspect local factories, most probably a chemical plant that produces huge amounts, or the local tanneries, which have powerful political connections to hide behind. The family of the former Governor of the state, Carlos Medina Plascencia, owns one of the largest tanneries in the state.

In all, about 40,000 dead birds from 20 migratory and local species were buried near the reservoir.

Dissatisfied with the Mexican Government's investigation, Mexican environmentalists joined forces with the National Audubon Society to

make the Silva reservoir the first case brought before the Nafta environmental commission.

"We knew we had to intervene in this or the killing would just continue," said Homero Aridjis, president of the Group of 100. "The birds will come back in November even if the water is deadly."

The environmental groups did not take the most confrontational route, in which they would have had to charge the Government of Mexico with failing to uphold its own environmental laws. Instead they filed their petition under article 13 of the commission's rules, which empowers the commission to study an issue in any of the three countries, come up with its own conclusions and offer a remedy that can prevent another kill in the next migratory season.

At a public meeting in León last month, Julia Carabias, Mexico's Environmental Minister, welcomed the intervention.

"It's going to help," she said in an interview after the meeting. "It's demonstrating that the commission will have a good role in helping the three countries cooperate so they can really advance in their internal environmental programs as well as in the ones we all share."

As part of their response, the Mexicans also plan to relocate the tanneries to a new industrial park with better sewerage, and to upgrade municipal waste treatment plants. However, similar plans made in the past failed and the businessmen have said they cannot afford to pay for the projects, which would cost an estimated \$280 million.

The head of the Nafta commission, Victor Lichtinger, said that the cooperative attitude of the Mexicans had persuaded him that the commission could play a useful role in the Silva case. It may recommend a monitoring plan and specific waste treatment upgrades. Mr. Lichtinger said the commission may also be able to provide money for initial studies.

"We are not as a commission setting the environmental agenda for the three countries," Mr. Lichtinger said in an interview, "but we certainly are setting a regional agenda." That agenda will focus on the importance of shared resources and coordinated efforts, although the responsibility for acting will in the end remain with Mexico, with the support and cooperation of Canada and the United States.

"Either we do it all together," he said, "or we don't do it at all."

Treaty Partners Study Fate of Birds at Polluted Mexican Lake

A first case for a commission set up by the trade pact.

By ANTHONY DePALMA

THEY cross the border in countless numbers, unprotected and at the mercy of their new host country. A few prosper. Most survive. Some die. That is the normal cycle of life for the 250 species of North American birds that migrate from the United States and Canada, where they and their habitats are protected, to Mexico where they generally are not. But that cycle was brutally interrupted last December when some 40,000 birds died on the fetid water of an agricultural reservoir near this central Mexican city, causing what wildlife experts say was one of the worst bird kills in North American history.

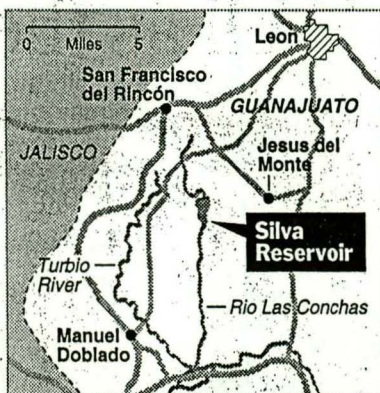
The incident at the Silva Reservoir, and the mystery surrounding its cause, were recently taken up as a test case by the Commission for Environmental Cooperation, created almost two years ago when the United States, Canada and Mexico signed an environmental side accord to the North American Free Trade Agreement.

Besides attempting to find out what caused so many birds to die, the commission will examine to what extent migratory species in North America can be protected by international law. By the time the commission issues its report, which is expected in September, it will also have tried to define who is responsible for shared animal resources — like black-necked stilts from the United States and lesser scaups of Canada — that leave one country and die in another.

So far Mexico has confounded expectations by welcoming rather than resisting the independent commission. In the past, Mexico has rejected actions that might be seen as infringing on its sovereignty. Mexico also has a poor environmental record, and its leaders are just beginning to acknowledge that they have a responsibility to help protect wildlife.

If successful, however, the environmental commission has the chance to create a model for international cooperation that can go far toward protecting migratory wildlife and the habitats on which those species depend.

"Audubon's long-range goal is not



The New York Times

just to bring this case before the Nafta commission but to sit down with groups from all three countries to figure out how to prevent this from happening again," said Kathleen Rogers, wildlife counsel for the National Audubon Society. The society, along with two Mexican environmental organizations, the Group of 100 and the Mexican Center for Environmental Law, jointly filed a petition with the Nafta commission concerning the ecological disaster at the Silva Reservoir.

Ms. Rogers said the representatives of all three nations have indicated a willingness to develop a comprehensive management plan for nongame species of North American migratory and local songbirds, shorebirds and sea birds. The plan would complement an existing agreement among the three nations that governs the 60 million to 100 million ducks and other game birds that can legally be hunted.

The commission has assembled a team made up of scientists from all three nations to determine what killed the birds at the reservoir. The researchers are in a race against time: The next migratory season begins in late October or early November.

The scientists have limited clues to help them piece together what happened last winter. There are no preserved samples of the dead birds, the reservoir itself has been emptied and earlier investigations produced competing explanations of what went wrong.

What the scientists will have to work with are the basic facts of the case.

The Silva reservoir was created at the turn of the century to help irrigate agricultural land in the central state of Guanajuato, about 150 miles north of Mexico City. As in most of Mexico, it rains here only from June through September. The rest of the year hardly a drop falls.

Compared with the industrial mess in Mexico City, the area around León, in the state of Guanajuato, is an airy paradise. But in this century León has become the shoe-making capital of Mexico, home to about 800 tanneries that discharge their wastes directly into the Turbio River and small streams that feed the Silva reservoir. Sewage wastes from León and other cities also end up in the Silva.

Despite that degradation, the 300-acre reservoir has become a major stopover for migratory birds on the Pacific flyway from central and western sections of the United States and Canada. Bird-watchers in the area have documented more than 50 kinds of birds at the reservoir, including the white-faced ibis, green and blue-winged teals, baldpates, northern shovelers and least sandpipers.

All of the scientists who investigated the kill concluded that although

no deer

BIG LAKE

Continued from B1

Tottrup maintains the deaths of the ducks and geese were documented at the time by television news crews. A spokesperson for Alberta Environmental Protection says outbreaks of avian botulism occur from time to time at Alberta lakes and is more related to hot, dry weather than pollution.

She also said department personnel had checked claims of pollution-related flood damage to Tottrup's land in 1994 and did not find any damage.

Bob Lane of the Big Lake Environmental Support Society is aware of Tottrup's concerns and has some sympathy for them. But he's not sure if water quality is all that bad.

The society is only a small group of volunteers, he said, and is focused right now on fighting a proposed road that would cross the Sturgeon River just below Big Lake.

Tottrup is convinced pollution is a major problem at Big Lake but says he can't even get the environment department to do an assessment.

He bought his land on Big Lake more than 25 years ago and says he began to notice within a few years that the land was increasingly being flooded by water that smelled of sewage. It was easy to trace the sewage back along Atim Creek to the Spruce Grove and Stony Plain area, he says.

Since then, as more industrial areas, trailer courts and acreages were developed, more run-off into Atim Creek occurred and the seasonal flooding got worse. Environmental regulations require any new development to put in enough runoff storage capacity to hold peak runoff at pre-development levels, says Tottrup. But the regulations are rarely enforced, he says.

A study of the Atim Creek basin done for Alberta Environment in 1978, showed water quality in the creek was poor and acknowledged flooding and fluctuating water levels largely due to urban development were a problem. But effluent from sewage treatment lagoons at Stony Plain and Spruce Grove that used to drain into Atim Creek is now piped to the capital region sewage treatment plant in Fort Saskatchewan. Tottrup says he had chemical analyses of water in Big Lake, Atim Creek and its feeder streams done in 1994. They all showed evidence of aged sewage.

Robert Colon, who built a house at the west end of the lake about three years ago, says that over the years, the lake seems to be slowly choking. The water level has gone down in the past few years, he says.

"I'm not a biologist, so I can't tell you how polluted it is, but I do know if you go walking out there it does stink."

An official in the Environment Department's water quality monitoring branch says the department hasn't done any water quality tests at Big Lake recently. But she said she suspects the lake is loaded with nutrients because it's fed by the nutrient-rich Sturgeon River, as well as Atim Creek.

Tottrup is no stranger to the provincial Environment Department. He has been battling the department for five years to get the go-ahead for a limestone quarry and cement plant west of Rocky Mountain House.

In the 1970s, the department took him to court over dikes he built on his land to hold back floodwaters from Big Lake. Tottrup won that battle which went all the way to the Supreme Court of Canada.



A local landowner says Big Lake, northeast of Edmonton, is polluted and he wants to use the North American Free Trade Agreement to make the Alberta government clean it up

Trade pact new tool in Big Lake fight

ANDY OGLE
Journal Staff Writer

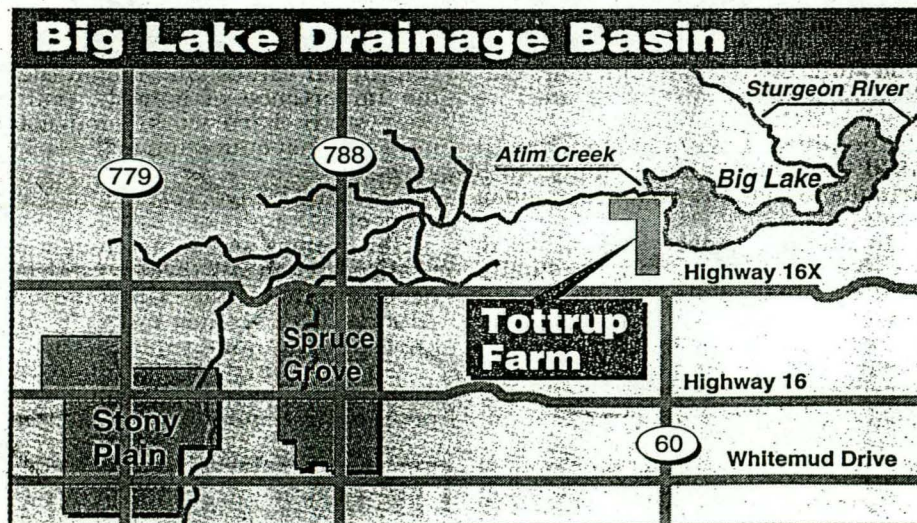
St. Albert

A frustrated Big Lake landowner wants the NAFTA environmental secretariat to make Alberta enforce its own anti-pollution laws.

Aage Tottrup, who owns about 700 acres at the west end of Big Lake near St. Albert, says pollution is turning the lake and surrounding wetlands into a killing field for waterfowl and other wildlife.

Tottrup says he has tried for years to get the provincial Environment Department to do something about sewage runoff from urban development in the 500-square-km Atim Creek drainage basin that feeds into the west end of Big Lake.

The 72-year-old Danish-born engineer claims it's so bad that over the past five years, the number of dead waterfowl and mammals in and around Big Lake exceeds the number killed in the aftermath of Alaska's Exxon Valdez oil spill.



His petition, which also cites the federal government for failure to protect the habitat of fish and migratory birds, is the first against Canada, a spokesperson for the Secretariat of the Commission for Environmental Co-operation con-

firms.

Two have been filed against the United States and one against Mexico since the Montreal-based secretariat began operation in November 1994, says Rachel Vincent. The commission was established as part

of the North American Free Trade Agreement signed by Canada, the U.S. and Mexico.

Under the North American Agreement on Environmental Co-operation, anyone may file a petition with the secretariat alleging that a NAFTA country is failing to effectively enforce its environmental laws.

It's a federal agreement but in Canada, the provinces can also sign on, Vincent says. So far, Alberta is the only province to do so.

The secretariat will review Tottrup's petition to determine if it meets criteria under the agreement including whether it is aimed at enforcement of environmental laws rather than just harassing industry, she says.

It also looks at whether the petitioner has exhausted local remedies, whether the complaint is based on more than media reports and whether it advances the goals of the NAFTA agreement.

If it meets the criteria, the gov-

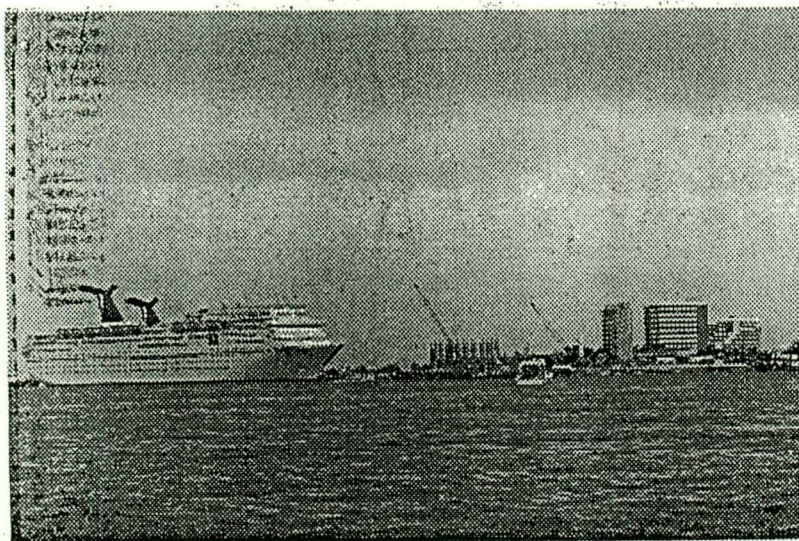
ernment involved is asked for a response and given 30 days to make that response.

Neither Alberta Environment Minister Ty Lund nor his assistant could be reached for comment Friday or Saturday.

Tottrup says up to 15,000 ducks and geese died of avian botulism after flooding in 1991. The next year, when the lake level was lower than normal, no vegetation grew in the area contaminated by the pollution-laden floodwaters. That led to the death of 10,000 to 15,000 muskrats and countless frogs and fish, Tottrup says.

But Ducks Unlimited says it has no record of that many birds dying of the disease that year or other years at Big Lake. The shallow lake is a major migratory stopover for waterfowl in both the spring and the fall. It is one of the 20 most important wetlands in Alberta, says Brett Calverley of Ducks Unlimited.

Please see BIG LAKE/B3



BY MOLLY MOORE—THE WASHINGTON POST

A cruise ship anchors hard by the construction site of disputed new pier.

Reef Divers Vs. Cruise Ships In Mexican Undersea Warfare

COZUMEL, From A1

luxury hotels to lure high-spending tourists into jewelry shops and fancy restaurants.

To bulk up Cozumel's share of the tourist dollars, Mexican authorities decided to draw the cruise ship business to the island. The massive floating hotels send ashore their well-heeled guests, who spend an average of \$100 per day-long stop.

The cruise line business became so successful—with 674 ships anchoring off Cozumel last year—that it quickly outgrew the island's small downtown pier and the cruise line wharf just outside San Miguel de Cozumel, the only town. In 1993, amid a growing national movement toward privatization of public facilities, the Mexican government awarded a private developer the contract to build a new 1,820-foot dock with the capacity for much larger cruise liners—along with permits allowing the company to build a \$230 million restaurant, shopping mall, hotel complex and golf course in the grasslands that fronted the pier. Developers said they have completed about 70 percent of the dock, but work has not begun on the remainder of the development.

Outraged environmentalists and divers took underwater film footage to show the damage they say is already being done by the five to six ships that now anchor offshore each day.

"Why are they building it over the reef when the reef is our number one tourist draw?" asked Isaac Uribe, 46, who operates a small hotel and bicycle and dive shop.

The Mexican government's analysis of the reef concluded that the portion of the reef directly beneath the pier had been destroyed by a hurricane in the late 1980s and the construction of the new wharf would damage only 2.9 percent of the existing reef. Consortium H, the developer—under pressure to appear environmentally friendly—hired biologists to remove an estimated 23,000 sponges, coral and other organisms in the path of the pier and transplant them to man-made concrete reefs several hundred feet from the wharf. Environmentalists say such a massive transplanting of undersea species has never proven successful.

Dora Uribe, 39, an attorney and sister of Isaac, is leading the environmental effort on the island to fight the government and the developer. In petitions to the NAFTA Commission for Environmental Cooperation, she has argued that the government circumvented its own environmental laws in allowing the construction in the ecologically sen-



BY BRAD WYE—THE WASHINGTON POST

sitive area. But the commission, which is scheduled to decide June 10 whether to launch a full tri-country inquiry, is only advisory.

"We don't expect the NAFTA commission to stop the construction," said Dora Uribe. "We want to put the government against the wall and say, 'The law has been broken and we caught you this time.' We want the commission to say, 'Next time you can't do this.'"

Other warriors in the battle over Paradise Reef, however, have other agendas. What's really at stake is which interest group will profit the most from the changes that are inevitable for one of Mexico's few cash cows during its most severe economic crisis in modern times.

Will it be the government?

"This will be good for Cozumel," said Victor Manuel Vivas Gonzalez, the island's municipal president. "Our principal economy here is tourism. We have no industry. The pier will increase tourism by 20 percent."

Will it be the developer, Consortium H, which some islanders allege persuaded the government to bend its environmental laws to allow the pier and accompanying development in an environmentally sensitive area?

"It's total lies, absolutely lies," said company president Joaquin Haces Calvo, in response to the allegations of possible wrong-doing. "This will increase the quality of the tourists coming to Cozumel. But now it's become like a soap opera. This has become the most difficult project I've had in all my years in the construction business."

Or will it be the divers, who have raised the loudest protests?

"I'm a dive operator; I live off the reef," said Bill Horn, owner of Acqua Safari. "It's gotta look pretty."

Divers, Cruise Ships Battle Over Cozumel's Coral Reefs

Mexico Wants New Pier to Draw Tourists

3321

By Molly Moore
Washington Post Foreign Service

SAN MIGUEL DE COZUMEL, Mexico—To hear the scuba divers tell it, a massacre is raging beneath the placid azure waters that lap the beaches of this popular resort island. Cruise ship anchors are beheading brain coral, the backwash of giant propellers is choking delicate fan coral, and thousands of sea creatures are being evicted from their underwater habitat.

Ashore, the political carnage is just as bruising: cruise liners and big money vs. divers and environmentalists. At issue is a giant pier now being built near an undersea ridge of rainbow-colored corals and neon-brilliant fish made world famous more than two decades ago by the television documentaries of underwater explorer Jacques Cousteau.

The Frenchman's son is among celebrities who have traveled here to wage verbal combat on behalf of Paradise Reef. This ecological skirmish is the first test of a three-nation commission set up to referee international environmental feuds in the aftermath of the North Ameri-

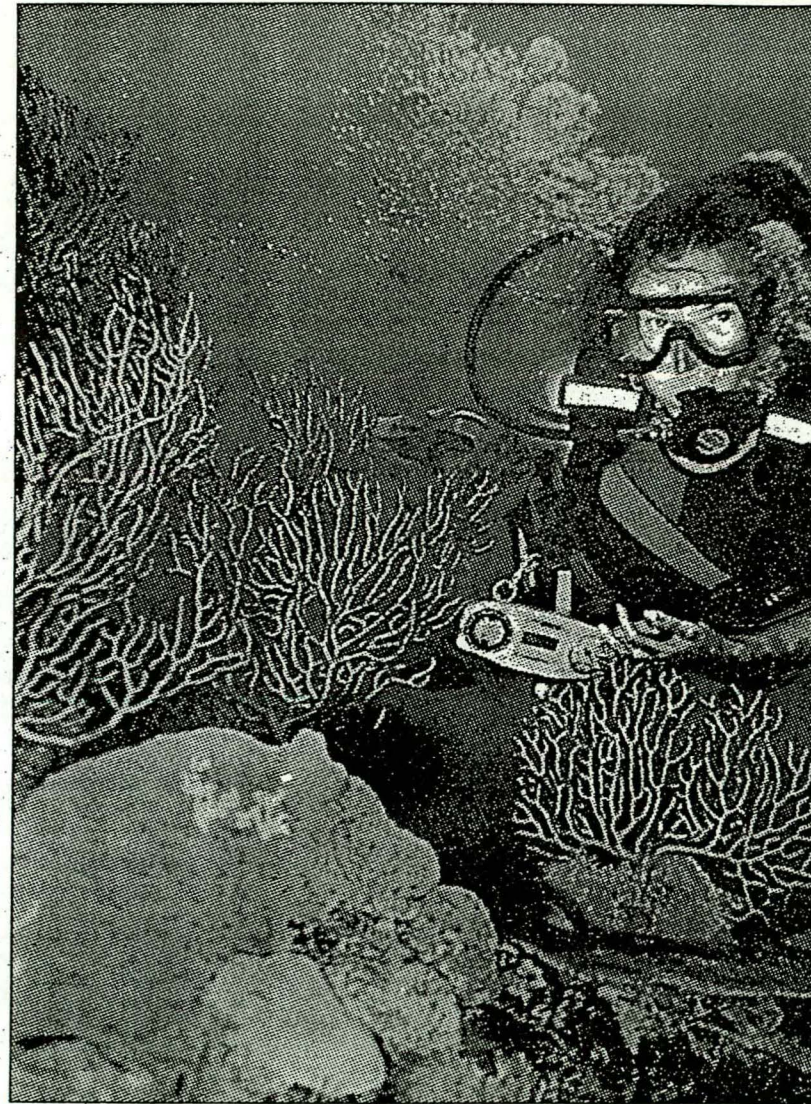
can Free Trade Agreement (NAFTA)—which some critics argued would push countries to circumvent environmental laws to attract new development.

Perhaps because the debate has become a hemispheric test case, it has focused less on brain coral and electric-blue fish than on power and politics, corruption and self-interests—and, above all, money.

The story of Paradise Reef is far muddier than any of the waters stirred by the propellers of the mammoth white vessels that churn the coastal waters of this island just off the east coast of the Yucatan Peninsula. In the wake of Cousteau's undersea adventure documentaries, the reefs off the western beaches of Cozumel became one of the hottest diving and snorkeling sites on the globe. Some diving magazines rate Paradise Reef second in popularity only to the Great Barrier Reef off Australia.

While Cozumel was attracting the frugal, outdoorsy diver types who frequented the island's pizza joints and margarita bars, its big sister on the mainland, Cancun, was building

See COZUMEL, A19, Col. 1



CLASOS PRESS AGENCY

Cozumel's top draw, a glorious reef, is threatened by pier, divers say.

NAFTA commission a disaster, critics say

Environment set
as focus of meeting

BY SEAN SILCOFF
The Globe and Mail

TORONTO — When environment ministers from Canada, the United States and Mexico meet in Toronto this week, it will be amid criticism that the state of the continent's environment has worsened since the North American free-trade agreement went into effect 2½ years ago.

"What I'm afraid this meeting will be about is political butt covering, because NAFTA's been an environmental disaster," said Lori Wallach, of the Washington-based Public Citizen's Global Trade Watch.

"We're going to get a lot of green-wash, as if things have improved, when in fact they've gotten worse. What they ought to do is fess up to their failures, and make a dramatic plan to change in the future."

Canada's Environment Minister, Sergio Marchi, is host to his U.S. and Mexican counterparts, Carol Browner and Julia Carabias, on Thursday and Friday at the third annual meeting of the Commission for Environmental Co-operation.

The commission, governed by the three ministers, was established to monitor protection of the environment under a side deal appended to the original NAFTA.

Critics dismiss the commission as a toothless agency because it can only hold governments to existing standards. It doesn't take issue with governments lowering standards through legislation, a bone of contention among environmentalists.

The problem, according to Michelle Swenarchuk, executive director of the Canadian Environmental Law Association, is that the commission was "oversold" by politicians in Canada and the United States.

"Right away, you have not a legal process, but a political process," Ms. Swenarchuk said.

The commission is headed by political appointees — the environment ministers — not an independent panel.

"If the critics expect this to be an enforcement agency, they are right to be disappointed," said Janine Ferretti, the commission's Canadian director. "... As a supernational agency, we're not it."

As a result, Ms. Wallach said, the problems NAFTA was supposed to solve, have worsened.

Chief among these is the growth of *maquiladoras* — assembly plants for foreign manufacturers, located just south of the U.S.-Mexican border — which have been blamed for causing pollution and health problems.

NAFTA was supposed to dilute the concentration of *maquiladoras*; instead, the number of workers has grown to 670,000 as of last September, a 21-per-cent increase from January of 1993. And Mexico continues to approve more of the plants.

"There's very little political will to highlight the problem ... [because Mexicans are] very much depending on these *maquiladoras* to help get out of their recession," said Jamie Wimberly, legislative assistant to U.S. Congresswoman Marcy Kaptur. Ms. Kaptur, a Democrat, opposes NAFTA.

But despite questions about its limited ability to hold governments accountable, the commission has ruffled some feathers in the past year.

For example, the commission recommended a probe of the impact of a port construction project on Cozumel island in Mexico. The probe, which requires the consent of at least two of the ministers, has raised the ire of Ms. Carabias, who said last month that Mexico feels the commission has no business involving itself in the country's domestic affairs.

"There's a lot of sensitivity in each of the three countries [regarding] how far an international agency can go in pointing out an environmental problem," Ms. Ferretti said.

The commission also gained some credibility at the annual meeting last October with the release of a report concluding that tens of thousands of birds were killed at a Mexican reservoir by botulism thought to be caused by raw sewage from nearby factories.

But "whether anything will be done to [follow the commission's recommendation to] clean it up is another matter," Ms. Swenarchuk said.

She added that she would like to see the commission take a public stand on NAFTA-related issues, emulating bodies such as the International Joint Commission, which has criticized the United States and Canada for failing to live up to the Great Lakes water-quality pact.

Ms. Ferretti said her commission is preparing a "state of the environment" report for next spring that "will certainly not shy away from the tough issues. It will say it like it is."

The commission is also developing a continent-wide inventory to track releases into the environment by companies. And the countries are expected to expand a list of substances, such as mercury, slated to be phased out or reduced.

Ms. Ferretti also said the ministers may announce plans to improve air quality and to protect birds and butterflies that migrate over national borders.

EXCELSIOR

EL PERIODICO DE LA VIDA NACIONAL

SEGUNDA PARTE DE LA SECCION A

AÑO LXXX—TOMO III

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MEXICO, D.F.—DOMINGO 9 DE JUNIO DE 1996

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NUMERO 28,813

Se Violan las Leyes Ambientales Mexicanas: Organismos Ecologistas

Recomienda la Comisión Ambiental del TNLC un "Expediente de Hechos"

ELIZABETH VELASCO C.

El Secretariado de la Comisión Ambiental del Tratado de Libre Comercio de Norteamérica (TLCN) decidió ayer recomendar a los ministros del Medio Ambiente de México, Estados Unidos y Canadá, se prepare un "expediente de hechos" en respuesta a una petición de organismos ecologistas mexicanos que alegan la omisión en la aplicación efectiva de la legislación ambiental en el caso de la construcción de un muelle y una terminal

portuaria en Cozumel, Q.R., informó ese organismo trinacional.

Tras resaltar que ésta es la primera vez que una petición ciudadana obliga a la comisión ambiental del TLC a preparar un "expediente de hechos" sobre un asunto ambiental en América del Norte, precisó que el documento se integrará con información proveniente del gobierno, peticionarios y sociedad en general de la República Mexicana.

SIGUE EN LA PAGINA VEINTIUNO

Se Violan las Leyes Ambientales Mexicanas: Organismos Ecologistas

Sigue de la página diecisiete

Conforme a los artículos 14 y 15 del Acuerdo de Cooperación Ambiental de América del Norte (ACAAN), la solicitud hecha por los organismos ecologistas mexicanos procede cuando cualquier ciudadano u organismo no gubernamental considere que uno de los países integrantes del TLCN está incurriendo en omisiones en la aplicación efectiva de su legislación ambiental.

La también denominada Comisión para la Cooperación Ambiental (CCA), informó mediante su secretariado, que preside el mexicano Víctor Lightinger, que la petición a ese organismo fue presentada por el Centro Mexicano de Derecho Ambiental, El Grupo de los Cien y el Co-

mité de Protección de los Recursos Naturales, preocupados por el posible daño que las obras causarían al arrecife Paraíso en Cozumel.

Estos grupos aseveran que el gobierno de México otorgó los permisos de construcción y operación de un muelle en la isla de Cozumel sin haber evaluado el impacto ambiental de la construcción y la operación de la totalidad de las obras que conforman la terminal portuaria.

Por su parte, el gobierno mexicano ha aceptado la decisión del secretariado de la CCA, pero refuta los argumentos de los grupos ecologistas afirmando que el proyecto cumple con todas las leyes ambientales aplicables.

Ante la duda, el secretariado presentará la recomendación al Consejo de Ministros de la CCA, integrado por el ministro de Medio Ambiente de Canadá, Sergio Marchi; la administradora de la Agencia de Protección Ambiental de Estados Unidos, Carol Browner, y la secretaria del Medio Ambiente, Recursos Naturales y Pesca de México, Julia Carabias.

El Consejo, al considerar la recomendación del secretariado, puede aprobar la preparación de un expediente de hechos mediante el voto de las dos terceras partes de sus miembros. Si se prepara un expediente de hechos, el Consejo podría hacerlo público 60 días después de que el secretariado lo haya presentado al primero.

Feature Articles

After the Storm

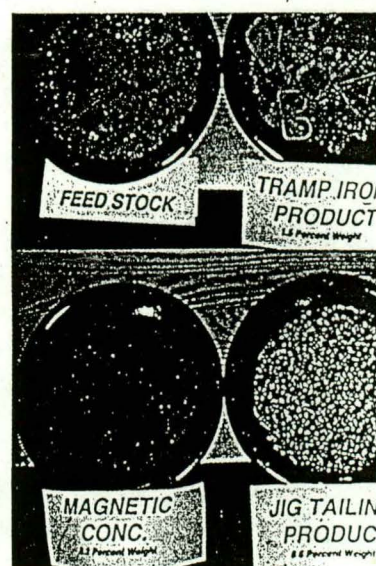
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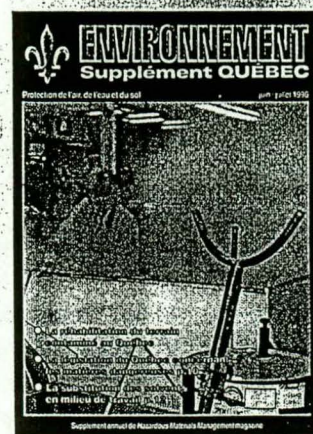
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Environnement Supplément Québec

CHMM Inc., publishers of *Hazardous Materials Management* and *Solid Waste Management* (see page 33) has produced a regional, french-language supplement and specially mailed it to 5,000 qualified recipients in the provinces of Quebec and New Brunswick along with the June/July 1996 issue of HMM. Published annually, and specific to the environmental information needs of readers, "au français", this publication is also available to readers outside those provinces. If you are interested in receiving a copy, please call Karen Bell in our circulation department (905-305-6155, ext. 27). Limited copies are available.

In this year's supplement, readers are updated on the big policy issues affecting that province: cleanup of contaminated sites, the handling and disposal of hazardous materials and the substitution of dangerous solvents in the workplace with safer chemicals. Region-specific advertisements and services are also featured. Visit www.hazmatmag.com.



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Volume 8, Number 3

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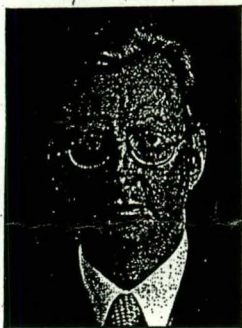
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COVER PHOTO: Sergio Marchi on the Don River

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NAFTA Commission at the Trough

Think globally, act unaccountably. The NAFTA environment commission has investigated only four complaints since its formation in 1994. What a joke! This taxpayer-funded agency, formally named the Commission for

Environmental Cooperation (CEC), was supposed to play watchdog over Canada, the United States and Mexico and make sure that each country enforces its own environmental laws (and so prevent indirect trade subsidies). It was hoped that companies would be discouraged from moving to Mexico to escape strict pollution laws. A similar agency was created for employment issues.

Everyone remembers presidential candidate Ross Perot's comment that the "giant sucking sound" you hear is NAFTA jobs going south to Mexico. But there's another sucking sound that's audible these days: policy wonk mouths at the government teat. The NAFTA environment commission has degenerated into a spendthrift "feel good" agency with no teeth; a sort of mini-United Nations (and everything dreadful that implies).

The CEC vacuums up \$12-million a year from the three NAFTA countries and employs 30 people.

Yet, it's handled only one complaint against Mexico, two against the United States, and one against Canada. Some were dismissed because they didn't fit the CEC mandate; others were simply refuted by the country in question. The only Canadian complaint came from a fellow in Alberta concerned about pollution of a wetland. Turns out Alberta is the only province which has ratified the agency, meaning that it's powerless in all the other provinces, including Quebec where the CEC is based (in Montreal) because Sheila Copps moved it there for political reasons (despite a study which showed that Toronto was the most logical location of the 25 cities which bid).

Victor Lichtinger, executive director of the rudderless CEC, has admitted in the press that "If we get a complaint, we are not able to ask the provincial governments to respond because [they] have not signed on." Sounding a bit like the Maytag repairman, he insists that "a lot of energies" from the 30 employees is devoted to doing studies such as air monitoring in the three countries. And a lot of energy that must be.

In any event, the CEC is only empowered to order an investigation of transgressions (called a "factual record"). Its doubtful that environment administrators are shivering in their boots at this prospect, given the "wiggle room" afforded by complex environmental issues. Also, like the fox guarding the henhouse, the CEC Council itself is comprised of the very same environment department bosses from the three member countries who would endure the Council's wrath! Aware that the "emperor has no clothes" at home, does anyone imagine Sergio Marchi will pressure Mexican environment minister Julia Carabias or EPA administrator Carol Browner to clean up their mess? Unlikely.

The wording of the CEC's mandate itself is an exercise in prevarication. The agency will "strive to ensure" that "efforts to encourage" free trade are "enriched by sound and viable environmental practices". It will "work towards coopera-

tion" on environment matters and "promote public participation". Such fuzzy language leads to the sort of troughing we've seen so far.

And the trough is getting deeper. The CEC Council members (Marchi, Browner and Carabias) voted to create a \$2-million fund for "community-based projects". Since when was the CEC supposed to be in the business of hand-outs? Apparently, ever since the Council members realized that doling out agency cash allows them to stage glitzy international press conferences. The slush fund, one press release states, will "engage the energy and imagination of the people in North America". Wrong. It will take their money.

In the grand tradition of bureaucratic sprawl, the CEC is busying itself with the creation of its own Resource and Public Information Center which will "smooth the flow of information across borders". Apparently no one's told these characters that the information highway (their words) already flows very smoothly across the Internet without traffic controls from civil servants in search of new programs to administer.

It seems there's no trend too shallow for CEC officials to jump into. Most embarrassing is their commitment to "boost investment in green technology" and export markets. At an environment industry association breakfast in Toronto last year, execu-

tive director Lichtinger was asked what specific actions the agency has taken against the NAFTA countries who are flagrantly ignoring some of their environmental laws. Eyes rolled when he quickly changed the topic to the CEC's plan to assemble consortiums of environmental companies to bid on overseas projects. Isn't this the same dream merchandizing we've heard from every other government environment department in recent years? Faced with deep budget cuts to domestic programs, Environment Canada and Industry Canada officials have attempted to justify their existence by organizing international "Team Canada" junkets to promote Canadian companies overseas which are floundering at home. (Note the humiliating demise of government darling Halozone Technologies, shut down by the banks in May despite years of Ottawa funding and publicity.)

The CEC is jumping on the ISO 14000 bandwagon, signing flaccid Memorandums of Understanding (MOUs) with industry, and issuing press releases about its plans to target "a list of specific pollutants for joint action". All stuff that duplicates the ineffectual gestures of other government-sponsored groups. Sounding like a cross between an NGO spokesperson and a management consultant, the CEC talks about biodiversity, "linkages" and the "precautionary approach". (How much longer before they say they will "walk the talk"?) The CEC even funded the production of a variety TV program for World Environment Day which featured celebrities and musicians including Grandma Twyla of the Seneca Nation telling stories of "how we are all interconnected".

The CEC must stop pretending to be "all things to all people" and focus on its watchdog function. How many more empty multistakeholder, multilateral, multibamboozling committee meetings, photo ops, song bird studies, community grants, ribbon cutting ceremonies and TV shows will the public tolerate before it pulls the plug on this expensive debating society? Hopefully, not a lot. ♦

"There's another sucking sound that's audible these days: policy wonk mouths at the government teat."

■ Julia Carabias: somos socios desiguales y no es algo fácil

México no es hermano menor de EU y Canadá

■ Acuerdan los tres países mantener normas ecológicas ■ Concluyó reunión de la CCA

Angélica Enciso, enviada, Toronto, 2 de agosto □ México no se siente como el "hermano menor" de Estados Unidos y Canadá, somos socios desiguales y no es algo fácil, respondió aquí Julia Carabias, titular de la Secretaría de Medio Ambiente, Recursos Naturales y Pesca, a pregunta expresa mientras el ministro de Medio Ambiente de Canadá, Sergio Marchi, simulaba golpearla con el brazo.

Interrogada por un reportero canadiense respecto a si México era el "hermano menor" en la región, la funcionaria dijo: "no sentimos que seamos hermanos, y mucho menos menores". Sin embargo, siempre reconoció la relación desigual que existe

con nuestros socios comerciales.

Al dar a conocer los acuerdos finales de la tercera reunión ordinaria de la Comisión de Cooperación Ambiental (CCA), los ministros ambientales de América del norte acordaron, entre otros aspectos, mantener las normas ecológicas y no permitir que éstas sean más laxas así como sostener la relación entre sociedad y autoridades con mecanismos novedosos.

Durante los dos días que duró la reunión siempre estuvo presente la resolución de la CCA anunciada ayer de que México será el primer país al que se le integrará un expediente de hechos sobre una denuncia presentada por grupos ecologistas ante el

presunto incumplimiento de la legislación ambiental por parte de las autoridades.

Carabias agregó que se discutieron los mecanismos para lograr una mejor calidad ambiental en México, ya que este país es el de mayor biodiversidad en la región, y la protección ambiental se debe hacer entre las tres naciones.

Asimismo, anunciaron que a fin de año habrá una reunión entre los tres ministros de medio ambiente y los de comercio de estos países, para analizar la experiencia de la integración de las políticas comerciales y ambientales.

En el marco del programa de eliminación de sustancias tóxicas, México se

comprometió a dejar de importar en un lapso de seis meses el clordano, el cual es utilizado como pesticida.

Además de la resolución de que se elabora un expediente de hechos sobre el proyecto Puerta Maya de Cozumel y de que el consejo consultivo de la CCA llevó a cabo la revisión de los artículos 14 y 15 del Acuerdo de Cooperación Ambiental del TLC, los ministros acordaron fortalecer la protección del medio ambiente y la salud pública con el fin de mejorar las prácticas del sector público y del privado, "más allá de la legislación interna" en la materia.

En el aspecto de legislación de los tres países, la CCA determinó constituir un grupo permanente de trabajo para la aplicación y cumplimiento de la ley; entre los objetivos está rastrear el movimiento ilegal transfronterizo de sustancias y desechos tóxicos, mejorar la aplicación de la ley para identificar el contrabando de clorofluorocarbonos y la cooperación en el cumplimiento de las disposiciones de la convención sobre el comercio internacional de especies en peligro de extinción.

El consejo signó un memorándum de entendimiento con tres organismos para la elaboración de un servicio de información sobre tecnología ambiental, el cual difundirá información sobre el rubro para que tanto el sector público como el privado tengan opciones rentables y adecuadas para el medio ambiente.

La CCA establecerá programas de cooperación en monitoreo y en proyectos piloto en la región con el fin de reducir la emisión de contaminantes; con relación al inventario de emisiones contaminantes en la zona, el consejo anunció que el inventario se dará a conocer en febrero de 1997.

Sobre la protección de las especies migratorias la CCA anunció que en breve se establecerá una red de Áreas Importantes para la Conservación de las Aves, la cual considerará el bosque de Pinos El Carrizito del Huichol en Jalisco; Long Point en Ontario, y el área de conservación San Pedro en Arizona.

Environmentalists pit NAFTA against Canada

BY ALANNA MITCHELL
Alberta Bureau

CALGARY — An Alberta environmental group has launched a complaint with a seldom-used body created by the North American free-trade agreement, accusing the federal government of failing to comply with its own environmental laws.

The complaint to the Commission for Environmental Co-operation, which was formed more than a year ago to deal with citizens' concerns, is the first to challenge the Canadian government on the enforcement of its own environmental laws.

The 500-member group Friends of the Oldman Dam filed the complaint yesterday, accusing the federal government of ignoring and bypassing provisions of the Fisheries Act and the Canadian Environmental Assessment Act.

"We're seeing the environment

damaged because the federal government is not doing its job," said Martha Kostuch of the Friends of the Oldman Dam.

She said her group's main contention is that in 1995 the federal government effectively amended the Fisheries Act to prevent construction projects that affect waterways from triggering the Canadian Environmental Assessment Act. This took the form of a directive launching what is known as the "letter-of-advice program."

The result is that construction or development projects that once would have been subject to a rigorous, far-ranging environmental assessment now simply receive a letter of advice on how to diminish waterways damage, her group contends. Environmentalists say that such letters of advice are sometimes written without the government's inspecting the site of the project and simply rely on secondhand information.

As evidence to bolster its case, the Friends of the Oldman Dam gathered information about a proposal by Sunpine Forest Products to build a logging road west of Rocky Mountain House, Alta., that will cross 21 streams. The group asked the province of Alberta to assess environmental impacts of the road if it were to be built.

Ms. Kostuch says some of the province's own fisheries and wildlife biologists determined that the road would have a negative effect on the fishery (which she says she found out through the provincial Access to Information Act), but the province approved the road anyway.

Since the biologists believed the project would affect fish, the Friends of the Oldman Dam then wrote to the federal government, which has responsibility for the fishery, and asked it to examine the project and to invoke the provisions of the Fisheries Act.

The federal government agreed to look at two stream crossings, but not the 19 others. It still has not ruled on whether the project ought to trigger a full environmental assessment. In the meantime, Ms. Kostuch said, the road has been largely completed.

The complaint to the Commission for Environmental Co-operation is considered significant in environmental circles for two reasons. First, if it succeeds in launching a NAFTA investigation, it may focus Canadian and international attention on the importance of the Fisheries Act as a piece of environmental-protection legislation and highlight what environmentalists see as the problems with the letter-of-advice program.

Second, it may alert Canadians to the fact that the federal government is on the verge of transferring responsibility for enforcing the Fisheries Act to the provinces

as part of a trend toward devolution of federal powers.

Environmentalists are concerned that this will result in national standards being enforced unevenly across Canada.

If the complaint does launch a full NAFTA investigation, and if Canada is found not to be enforcing its own laws, it does not mean that Canada will face any overt sanction. The force of any citizen complaint to the commission rests in its ability to embarrass a government and build interest in an issue among voters.

The commission said yesterday that it had received a faxed copy of the complaint but that it won't be officially registered until the original arrives by mail. Roger White, a spokesman for federal Environment Minister Sergio Marchi, was reluctant to comment on the complaint yesterday because his department had not received the complaint.

■ Comisión ambiental

Se protegerán áreas naturales en América del Norte

Angélica Enciso, enviada, Toronto, 2 de agosto □ Los tres países de América del Norte se comprometieron a llevar a cabo iniciativas conjuntas para establecer áreas naturales protegidas y proyectos de turismo ecológico para la protección de los hábitats de la mariposa monarca.

En el marco de la tercera reunión ordinaria de la Comisión de Cooperación Ambiental (CCA) del TLC, los países miembros determinaron estudiar la ruta migratoria que realiza la mariposa con el fin de protegerla no sólo en Canadá, donde pasa el verano, y en México, en el periodo invernal, sino durante toda la trayectoria que realiza.

En la ruta de la mariposa se ha encontrado que a su paso por Estados Unidos se ve afectada debido a que se alimenta de hierbas que están contaminadas con plaguicidas por lo que se requiere analizar toda su trayectoria y no sólo las zonas donde reside, indicó Iván Restrepo, quien forma parte del Comité Consultivo Público Conjunto de la CCA.

Esto también fue confirmado por el secretario de la CCA, Víctor Lichitnger, quien además consideró que el trabajo de protección de la especie no sólo es responsabilidad de México y Canadá, sino también de Estados Unidos.

Los acuerdos que se signaron aquí para la protección de la especie, por primera vez consideran las necesidades de la mariposa en su ruta migratoria, los sitios de nacimiento y los refugios de hibernación, por lo que los tres países comenzarán un proceso de monitoreo.

Sin embargo estos acuerdos no consideran la posición de los residentes de la Reserva Especial de la Biosfera Mariposa Monarca de Michoacán y estado de México, cuyos representantes no estuvieron presentes aquí.

El Centro de Ecología y Desarrollo trajo una propuesta en la que señala la necesidad de la creación de un santuario controlado para la mariposa monarca, en terrenos de propiedad privada.

Esa reserva se ubicaría cerca de los campos geotérmicos de Los Azufres, a dos horas y media de las ciudades de México y Guadalajara, se ubica en la ruta de vuelo de las mariposas y ahí se constituyen pequeñas colonias.

El documentado elaborado por el investigador David Barkin considera propuestas de inversión como campamentos ecoturistas y naturales, hoteles turísticos, un centro ejecutivo de convenciones "verde" y un área geotérmica-agroindustrial con más de 25 diferentes unidades de procesamiento de productos locales.

Big ships draw fast-food chains

COZUMEL continued from 6D

wood will open by the end of the year along Avenida Rafael Melgar, the waterfront's main drag. It will join such mass-market icons as Domino's Pizza, KFC and Dairy Queen, and their presence leaves longtime visitors like Craig Munschey of Fresno, Calif., debating whether to come back.

"I'm disenchanted," complains Munschey, who has visited Cozumel every year since 1988. "Whenever there are at least two ships in at the same time, it's very crowded in San Miguel ... the cruise passengers really take over the town."

Munschey, like more than half of Cozumel's 100,000 yearly overnight visitors, is a scuba diver attracted by the island's underwater geography. The coral reefs along the southwestern shoreline, lauded by explorer Jacques Cousteau for their unusual visibility and prolific sea life, have helped make Cozumel North America's most popular dive destination, says *Skin Diver* magazine.

But dive shop operators and environmentalists such as

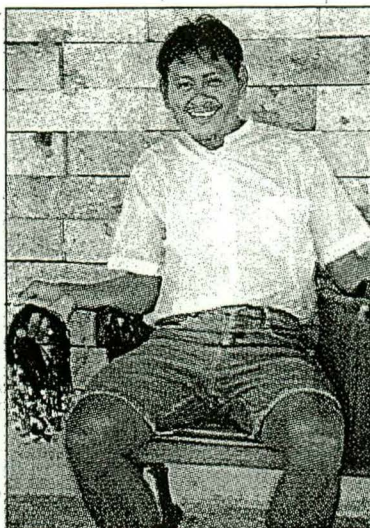
Dora Uribe, a Cozumel lawyer who helped lead the fight against construction of the second cruise pier, fear one of the best-known of those below-the-surface attractions is under siege.

"We don't object to a new pier. We just wanted it to be built somewhere else, away from Paradise Reef," Uribe says. "We need to keep a balance on this island. ... The pier is killing the goose that laid the golden egg."

Cozumel tourism officials, meanwhile, argue that the portion of the reef directly under the new pier had already been damaged by Hurricane Gilbert in 1989.

They say a recent decision to ban daytime parking along the most congested portion of San Miguel's waterfront has eased crowding during cruise ship calls. Outside of town, the flat, jungle-covered island remains so undeveloped that lizards can outnumber cars on the road.

And Cozumel's tourism promoters, like their counterparts elsewhere in the region, point to surveys that show an esti-



Photos by Laura Bly, USA TODAY

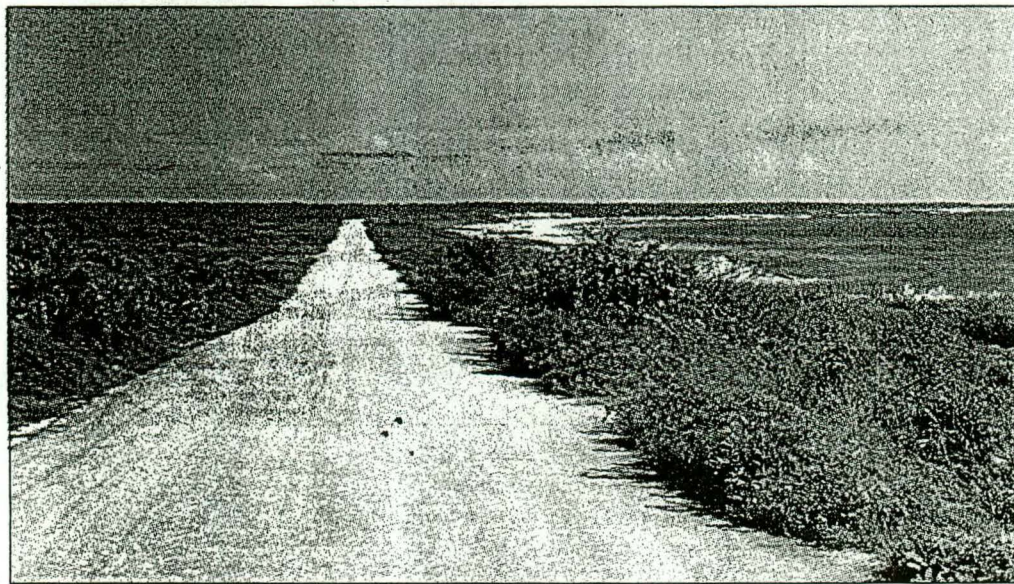
Hawking his wares: Street vendor Renan Canul sells dolphin necklaces.

mated 50% of first-time Caribbean cruise passengers intend to return for a longer, land-based visit.

Jim Nueslein, of Bel Air, Md., is one of them.

Nueslein visited Cozumel on a cruise ship more than a decade ago. He returned this fall to scuba dive the reefs he hadn't had time to explore the first trip — and to sample the simple pleasures of San Miguel's Sunday night fiesta.

"This is the kind of thing that makes Cozumel unique," says Nueslein, trying out a magic trick before a wide-eyed audience of two preschoolers. "I just hope it doesn't change."



Far from the crowds: The rise in the number and size of cruise ships may have Cozumel's San Miguel hopping, but the vast majority of the Mexican island remains undeveloped by the tourist industry.



By Steven M. Byrnes

Underwater mecca: Cozumel's Paradise Reef, one of the island's best-known underwater attractions, is threatened by the construction of a second cruise ship pier, divers and environmentalists say.

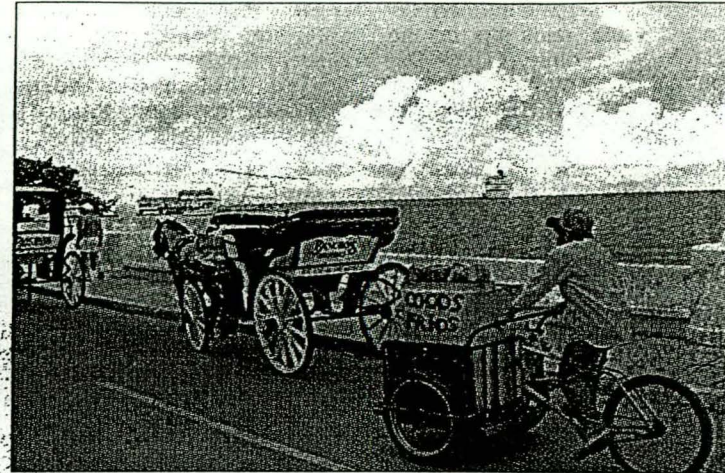
2.5 million this year) is having a dramatic impact," says Joy Douglas, coordinator of the 3-year-old Caribbean Ecotourism Support Network, an offshoot of the Caribbean

Tourism Organization in Barbados.

"These islands are put under a lot of pressure when ships come into port."

With the notable exceptions

of Bermuda and the Cayman Islands, both of which restrict the number of ships, "very few of these islands have done any long-term planning" to deal with the influx, Douglas adds.



By Laura Bly, USA TODAY

On the waterfront: Horse-drawn carriages and a bicycle vendor selling cold coconut milk cater to tourists in bustling San Miguel.

A case in point: the 600-foot climb up Dunn's River Falls near the port of Ocho Rios, Jamaica. What has long been considered the country's premier destination has been spoiled, Douglas says, by a crush of at least 300,000 cruise ship passengers a year — and the paved walkways and souvenir shops that cater to them.

A contributing factor is the industry's new breed of behemoths, such as Carnival Cruise Line's just-launched Destiny, which starts biweekly calls at Cozumel, Grand Cayman and Jamaica in December. Billed

as the world's largest cruise ship, the 100,000-ton Destiny carries up to 4,400 passengers and crew.

"When you bring in a mega-ship, you need a 'megaexperience' to go along with it," notes Bruce Nierenberg, executive vice president of Norwegian Cruise Line. "You can't take 3,000 people (to an island) and put them into a little bistro. ... You need something like a Planet Hollywood."

Cozumel's own Planet Holly-

Please see COZUMEL
next page ►

Cozumel's ships are coming in

But is paradise lost with cruise traffic?

By Laura Bly
USA TODAY

SAN MIGUEL DE COZUMEL, Mexico — Every Sunday evening, in a central square graced by shade trees, this Caribbean outpost reveals its small-town Mexican heart.

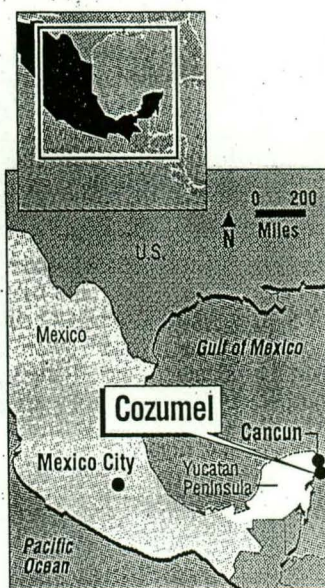
As a band strikes up *La Bamba* from a wrought iron gazebo, San Miguel's Plaza Juarez swells with exuberant local dancers — from a Mayan grandmother, resplendent in a traditional embroidered dress, to a small boy clutching a wad of cotton candy in one hand and a dribbling ice cream cone in the other.

The next morning, a different kind of exuberance takes hold. The dancers are replaced by throngs of cruise ship passengers slurping frozen margaritas at Fat Tuesday's, buying T-shirts at the Hard Rock Cafe and ogling rings at Diamond Creations — all of which have opened within the past two years.

"It's harder to make money," says San Miguel street vendor Renan Canul, who sells plastic dolphin necklaces from a waterfront post near the pier for the ferry to Playa del Carmen on the Mexican mainland. "Now, there are too many shops."

That transformation is making big waves on this 32-mile-long island of 50,000 residents, off the Yucatan peninsula.

Once the nearly exclusive province of scuba divers drawn by its transparent waters, vibrant coral reefs and small, budget-priced hotels, Cozumel will host an estimated 1.25 million cruise passengers this year, up from about



USA TODAY

430,000 just six years ago.

Those numbers will increase next spring, when a second cruise ship pier opens on a portion of Paradise Reef, one of Cozumel's most popular diving and snorkeling destinations.

Construction of the pier, which is about 70% complete, is the focus of a first-ever North American Free Trade Agreement environmental probe, which is investigating whether Mexico failed to enforce its environmental laws. And it symbolizes a growing controversy over the physical and social effects of "floating cities" on Caribbean islands desperate for the cash infusions their passengers represent — an average of \$124 per person per call, according to a 1995 survey by the Florida-Caribbean Cruise Association.

"There's no doubt that the rise in cruise ship tourism (from about 300,000 Caribbean passengers in 1970 to almost

Nafta working group closer to halting use of 4 chemicals

BY KEVIN G. HALL
JOURNAL OF COMMERCE STAFF

MEXICO CITY — A special North American Free Trade Agreement environmental working group expects to finalize within weeks action plans for elimination of mercury, PCBs, DDT and chlordane from the North American environment.

The North American Working Group on Sound Management of Chemicals held hearings last week in Mexico City to take public comment on action plans for reducing the presence of the four environmentally harmful substances. The group was formed by the Commission on Environmental Cooperation (CEC), the Montreal-based environmental watchdog agency of the Nafta.

The head of the CEC's science division was optimistic that final action plans would be sent to U.S., Mexican and Canadian environmental secretaries by Nov. 15.

"I think people will feel that they have been taken into account," said Andrew Hamilton, who noted the CEC expected to work in some concerns raised.

Nafta environmental ministers called for action plans last year. The effort began in earnest this year, and many of the comments at the Mexico City meetings concerned insufficient time for public participation.

"It's not an inappropriate criticism," said Mr. Hamilton, noting that such comments will probably mean more public input in selection and action on two additional substances next year. "While I'm not apologizing, I am acknowledging they have a good point."

Environmental chiefs had set a short time frame to get quick action on reduction of the pesticides DDT and chlordane. While those two issues were less complicated, polychlorinated biphenyl and mercury are more difficult. Mercury is a naturally occurring element in the environment but is also a by-product of human activity such as fuel combustion, waste incineration and metal smelting. Non-governmental groups wanted more time for public input given the complex issues involving mercury and PCBs.

Under the draft action plans, DDT and chlordane are mostly of concern to Mexico. DDT is not used in the United States or Canada, but is used in Mexi-

co for malaria control. The draft action plan said Mexico last year also exported 21 tons of DDT. The pesticide is controlled and registered and has been shipped to Colombia, Panama and Guatemala.

The action plan commits the Mexican government to reduce DDT use in anti-malaria efforts by 80% in five years and eliminate it in 10 years.

Chlordane use will also be phased out in Mexico. The pesticide is used in five Mexican states to treat wood products against termites.

Under the action plan, the U.S. government would encourage industry to phase out production of chlordane and encourage a halt to those exports.

THE JOURNAL OF COMMERCE

WORLD TRADE

Nafta officials, regulators discuss environmental reform

• *The trend to decentralization poses questions about ability to enforce regulations uniformly.*

JOURNAL OF COMMERCE STAFF

U.S., Mexican and Canadian environmental officials and advocates, working with the North American Free Trade Agreement's environmental watchdog group, have begun discussing common principles for anti-pollution and contamination regulations.

The gathering in Texas identified trends in environmental regulation in the three countries, among them greater decentralization of enforcement powers to the states or provinces.

The Montreal-based Commission for Environmental Cooperation held meetings Wednesday and Thursday in the Texas capital city of Austin, bringing together state, federal and local government regulators from across the Americas.

The event, coordinated with the University of Texas, was ti-

tled "New Directions in North American Environmental Reform." The meeting is significant because environmental ministers have ordered underlings to begin discussions on more uniform regulatory regimes in three countries — with enormous potential effects on international business and local communities.

"If decentralization is pursued as state policy, what mechanisms for accountability are in place to ensure that high levels of protection are guaranteed?" asked Greg Block, the CEC's director. "If the trend of decentralization continues over the next several years and a lot of power is devolved to the state, local or provincial governments, what indicators will be developed to ensure that this new level of government is maintaining high levels of protection?"

The question becomes more pointed in an era of declining budgets for federal environmental enforcement in all three countries, he said.

While U.S. enforcement of clean air, clean water and other

environmental laws has been a state responsibility for some time, Mexico is beginning to give states limited enforcement responsibility under a newly passed law.

In Canada, environmentalists fear turning enforcement over to provinces whose economy is dominated by a few key industries is asking for poor enforcement.

Also discussed last week is the trend in all three countries toward greater voluntary compliance measures.

Mexico has recently moved to giving business more leeway to voluntarily comply with environmental rules, accompanying such flexibility with auditing and steep penalties for non-compliance. Environmentalists have been wary of such trust-me approaches in all three countries.

The discussions last week in Austin are expected to set the tone for talks most of next year over the definition by the three countries of "sound principles" for environmental regulatory reform, Mr. Block said.

SIERRA VISTA HERALD

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San Pedro focus of NAFTA inquiry

BILL HESS 3321
Herald/Review

The San Pedro River and its water supply are the focus of a three-nation environmental commission created by the North Atlantic Free Trade Agreement.

For the first time, the commission is asking to U.S. government to explain how it is following its own laws. A November complaint by the Southwest Center for Biological Diversity claims the U.S. Army is ignoring its impact on the San Pedro water supply and failing to heed

federal procedures.

Wednesday, the Montreal-based Secretariat for the Commission for Environmental Cooperation asked the United States government, through the Environmental Protection Agency, to respond in 30 days to the petition.

Two earlier environmental complaints against America filed with NAFTA, which is made up of the United States, Mexico and Canada, were dismissed, commission spokesperson Rachel Vincent said.

See NAFTA..Page 3A

NAFTA ...Continued from Page 1A

"It does not mean we are validating the complaint," Vincent explained; but rather the commission found enough merit in the request to ask for more information.

Obtaining information is just another step in a long process to see if the laws of the United States are being duly complied with, she said.

Denver attorney Mark Hughes who filed the complaint for the Tucson-based environmental group said the post's impact on the San Pedro River,

when taken in combination with the growth of the Sierra Vista area because of the installation, has created concerns the military are not complying with the National Environmental Policy Act.

Hughes, who is the executive director of Earthlaw, called the NAFTA commission's action, a key indication that "the plight of the San Pedro River has been moved to the international stage."

In 1995 a lawsuit filed by the diversity center was tossed out

of federal court. While the judge agreed the Army was incomplete in its approach to the law he ruled the environmentalists had sought a court remedy too late.

While Hughes applauds the post for saving water he said the activities on the fort are too large and some of them could be moved elsewhere to help protect the pumping from the aquifer.

He called for the boosters of the fort to stop trying to bring new organizations to the post.

Additionally, he said to help control growth off the post, the

state government needs to step in and establish a Groundwater Management Area.

Such an area will limit the uncontrolled growth being allowed because some local governments apparently lack the will to stop developments that will have impact on the river and its riparian area, Hughes said.

Post spokesman Frank Shirar said the fort is complying with NEPA and will continue to do so.

Shirar noted there have been reductions of water pumped during the last few years and proce-

dures established to continue to reduce the amount of water used and there are plans to develop a project to use mountain front recharge of rainwater to be put back into the aquifer.

The post also is looking at projects to put treated wastewater back into the aquifer, he said.

However, fort officials cannot control development and water use off the post, Shirar said.

To which Hughes responds the post can control off post development, "because they are the economic engine that drives Sierra Vista."

Shirar said fort officials are working with the Department of the Army, the U.S. Justice Department and the Environmental Protection Agency to respond to the NAFTA commission.

Hughes said another petition concerning the San Pedro River has been filed with the Montreal-based environmental commission seeking help to ensure actions taken in Mexico, where the river starts, and in the United States where it flows through will mean the river is protected from drying up.