Further, the U.S. end-of-pipe approach cannot control dioxins themselves, major sources of POPs. Demonstrates beyond doubt that “state of the art” incinerators are, furthermore, industrial experience in the U.S. and elsewhere demonstrates that managing dioxins after they have been created. This capital-intensive approach to chemical pollution controls, including expensive high-temperature incineration. This kind of “source elimination” would give priority to pollution prevention such as process and feedstock changes and materials substitution instead of managing dioxins after they have been formed.

POP's are chemicals which persist and bioaccumulate and therefore have the potential to harm human health and the environment. The initial twelve POP's are all chlorinated compounds. More chemicals are expected to be added to the list once the treaty is signed. POP's can be found almost everywhere on the planet, in all of our bodies and in much of our food.[3] In addition, because they spontaneously migrate towards the colder regions of the planet, POP's pose a critical threat to indigenous peoples. Their survival, health and well being depend on their traditional relationship with the ecosystem and the food it provides. Some of the most highly exposed populations are indigenous peoples living in polar regions far from major POP's sources. For example, the Inuit living on Baffin Island carry seven times as much PCB's in their bodies as people living in lower latitudes.[4]

After four POP's negotiating meetings, much of the treaty text remains under negotiation. More than anything else, this reflects the fact that the U.S. and a handful of its allies -- Canada, Australia, New Zealand, Japan and South Korea -- have used the negotiations to protect polluting industries by insisting on loopholes and exemptions that would seriously weaken the treaty.[5] As one observer noted, these countries have become a significant part of the problem, not the solution,[5] pushing for treaty language that would not create any real obligations for industrialized nations while placing serious burdens on developing countries.

The U.S. position was outlined in a U.S. State Department communique to the European Union, leaked to Greenpeace before INC-4[6]:

1. Although the U.S. approves use of the word “elimination” in the treaty’s preamble and objective, it wants such language removed from the text of the treaty, including the section addressing industrial by-products like dioxin.[7] By interpreting “elimination” to mean reduction to zero, the U.S. paints this as an unrealistic goal for dioxin. The European Union (EU) argues, in contrast, that “elimination” does not mean reduction to zero but instead means preventing dioxins from being formed in various human activities. This kind of “source elimination” would give priority to pollution prevention such as process and feedstock changes and materials substitution instead of managing dioxins after they have been created.

Clearly, the U.S. position is predicated upon an outdated faith in pollution controls, including expensive high-temperature incineration. This capital-intensive approach to chemical management is impractical for most developing countries. Furthermore, industrial experience in the U.S. and elsewhere demonstrates beyond doubt that “state of the art” incinerators are, themselves, major sources of POP's.

Further, the U.S. end-of-pipe approach cannot control dioxins produced during accidental fires and open-barrel burning of PVC plastics -- acknowledged by EPA [U.S. Environmental Protection Agency] as a major source of dioxins in the U.S. and likely an even greater source in developing nations where, for example, PVC is burned off electrical wiring to recover copper.8]

Thus, because the U.S. chemical industry doesn't want to have to comply with any new pollution prevention mandates, the Clinton/Gore administration refuses to accept “materials substitution” language proposed by other countries as a strategy for avoiding POP's.

All of this is consistent with the position of the U.S. EPA. EPA recently declared that the cancer hazard from dioxin exposure in U.S. citizens runs as high as 1 in 100.[9] Yet rather than advocating elimination of known dioxin sources, EPA points to recently-declining levels of dioxin in humans and suggests that Americans should adopt a low-fat diet to reduce their dioxin exposure.

Kip Howlett, executive director of the Chlorine Chemistry Council (CCC), recently gloated to CHEMICAL WEEK that the "EPA has told CCC that it would not impose dioxin emission regulations on the chlorine industry..."[10] In effect, EPA has portrayed an issue of political power as a lifestyle issue, transferring responsibility away from dioxin's source in the chemical industry and putting it on innocent citizens. It is a classic tactic, "blame the victim.

2. The U.S. has also proposed adding "where practical" to weaken specific parts of the treaty text, and has sponsored a whole slew of "general exemptions" -- loopholes that would undermine the goal of elimination. These exemptions would allow POP's to show up as low-level ("de minimus") contaminants in products, allow their use in "closed systems" (e.g., PCB's in electrical transformers), and as "on-site intermediates." Many people will be harmed if this U.S. language is adopted.

3. The U.S. is pushing to weaken the force of the Precautionary Principle in the POP's treaty. (See REHW #586.) According to one observer at INC-4, the U.S., Russia, Canada, Japan and Australia seem "determined to ignore the euphoria with the recent[ly] completed Biosafety Protocol...where the Precautionary Principle is in the text."[1,pg.13] The U.S. and its allies were again in the minority, advocating that the Precautionary Principle be placed only in the preamble, to diminish its legal force.

The chemical industry strongly opposes placing the Precautionary Principle in the treaty's section on new chemicals being evaluated for possible addition to the POP's list. Since scientific certainty about damage from most chemicals is, and will remain, elusive, the Precautionary Principle is key when evaluating the weight of evidence.

4. So far, the U.S. and its allies have opposed language that would impose financial obligations on rich nations to assist countries that could not otherwise afford to comply with the treaty. The leaked U.S. State Department communique suggests that the U.S. is willing to scuttle the entire treaty on this point.[6]

Many developing countries welcome a strong POP's treaty precisely because they believe it can strengthen their capacity to protect human health and their environment. It is well known, however, that many countries cannot eliminate POP's without significant external financial and/technical assistance. Wealthier countries will have to provide much-needed resources.

As United Nations Environmental Program (UNEP) Executive Director Klaus Toepfer stressed at INC-4, POP's are an example of exporting the disadvantages of economic growth to developing countries,[1,pg.2] which suffer from some of the most severe and widespread POP's contamination. The U.S. and other developed nations are obligated to provide assistance, not only because they
can afford to, but because historically they exported POPs and POPs-generating technologies to developing countries in the first place. For instance, as part of the "green revolution," chemical companies from the U.S. and Europe (with the assistance of U.S. and EU-dominated development banks and foundations) pressured developing nations to use DDT and other pesticides shortly after World War II. To this day, western-based multinational corporations continue to promote POPs-generating materials and technologies in developing nations (e.g., vinyl production facilities and chlorine-based paper production).

U.S. citizens also have a self-interest in assisting developing nations, because Americans' health and environment are injured by POPs that enter the environment in far off countries (especially the tropical regions of the world) and eventually make their way north. The pesticide circle of poison -- whereby pesticides that are banned in this country still reach us through the air or in our food -- is but one example.

Nevertheless, the U.S. government strongly opposes treaty language that would allow the treaty's Conference of the Parties to impose financial obligations on industrialized nations. Likewise the U.S. opposes any new limits on the way transnational corporations can do business. Ultimately, financial obligations should be transferred to companies that make and use POPs. The "Polluter Pays" principle, if properly applied, would generate the necessary funds to help developing countries find alternatives to POPs (e.g., finding effective substitutes for DDT in combating malaria). Taxing specific industrial processes would ensure that polluters, rather than governments or average taxpayers, would bear the financial burden.

At this point, it is unrealistic to expect the treaty to carry a "Polluter Pays" provision -- the delegates know that financial obligations have nearly scuttled previous international agreements. However, the proposed POPs treaty wouldn't stop anyone from enacting such a policy later.

The good news is that there is still potential for a strong, effective POPs treaty. Many countries in the EU, Africa and Asia are angry about the U.S.'s position on many of these issues. Yet as the World Wildlife Fund (a treaty observer) says, "time is running out. Substantial intersessional deliberations -- among governments as well as political caucus groups -- are critical to ensuring that INC-5 concludes with a productive and successful outcome. [...] Without a phase out and elimination goal for intentional and by-product POPs, the treaty threatens to misdirect our efforts and subject developing nations to the same mistakes industrialized countries have already made."

The 10-month period between now and May 2001 will be a crucial time for the POPs negotiations, in which a groundbreaking environmental and public health treaty will be either won or lost. To keep up with the latest developments of the POPs treaty and figure out what you can do to build pressure for success, contact either the International POPs Elimination Network (www.ipen.org), visit the Stop POPs web site (www.stoppops.org), and/or come to Berkeley, California on August 10-13 for the 4th People's Dioxin Action Summit (see www.chej.org).

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