The City of Philadelphia has a long history of dumping its toxic wastes on other states and nations. Now the "city of brotherly love" is spending a paltry sum ($200,000 or 0.008% of its annual budget) to clean up 8 million pounds of the city's toxic incinerator ash that was dumped on a beach in Haiti 10 years ago. Philadelphia mayor Ed Rendell says the city is too poor to take responsibility for its wastes.

Unfortunately, Philadelphia's attitude pervades U.S. environmental policy. The U.S. remains the only industrialized country that has refused to ratify the Basel Convention, which makes it illegal for industrialized countries to send their toxic wastes to the developing world. The United Nations Commission on Human Rights recently issued a report, which the NEW YORK TIMES called "a bit embarrassing," naming the United States as a major exporter of toxic waste.[1] Half of U.S. waste exports go to Latin America, the report said.

Background

Starting in the late 1970s, Philadelphia burned 40% of its municipal garbage in two large incinerators, then dumped the resulting toxic ash in the Kinsley landfill in New Jersey. (See REHW #52.) In 1984, New Jersey woke up and refused further wastes from Philadelphia. In 1986, after six states refused to accept Philadelphia's toxic ash, Mayor Wilson Goode signed a contract to ship a million tons (2 billion pounds) of the city's toxic incinerator ash to Panama in Latin America.

EPA [U.S. Environmental Protection Agency] analyzed the ash and revealed that the first year's shipment of 250,000 tons to Panama would contain 1800 pounds of arsenic, 4300 pounds of cadmium, and 435,000 pounds of lead. EPA said the toxic ash contained more dioxin than the soil at Times Beach, Missouri -- a town that had been evacuated in 1983 to protect residents from dioxin in the town's soil. An EPA report dated September 5, 1987, said, "... the presence of heavy metals and toxic chemicals, despite being generally below hazardous waste thresholds, nevertheless may cause serious damage if released into the environment."

The Panama plan was one of many cooked up by the City of Philadelphia to dump its waste elsewhere. In the summer of 1986, Mayor Goode signed a $640,000 contract with a local road-paving company, Joseph Paolino and Sons, to ship 15,000 tons of toxic incinerator ash to the Caribbean. (See REHW #55.) Paolino in turn hired Amalgamated Shipping, based in Freeport, Bahamas, and on September 5, 1986, the vessel Khian Sea left Philadelphia carrying the 15,000 tons (30 million pounds) of toxic ash.

When the Khian Sea arrived in the Bahamas, Bahamian officials turned it away. During the next 14 months, the Khian Sea was turned away by the Dominican Republic, Honduras, Bermuda, Guinea-Bissau and the Netherlands Antilles. Finally in late 1987, the Haitian government issued an import permit for "fertilizer" and the Khian Sea dumped 4000 tons (8 million pounds) of Philadelphia's toxic ash on the beach near the city of Gonaives, Haiti. As soon as the Haitians realized they weren't getting fertilizer, they canceled the import permit and ordered the waste returned to the ship, but the Khian Sea slipped away in the night, leaving 8 million pounds of Philadelphia's toxic ash on the beach. Some of that toxic ash has been moved inland, but much of it remains on the beach, blowing around and washing slowly into the sea.

This embarrassing episode did not deter Philadelphia from continuing to export its wastes to the developing world. In March, 1988, a Norwegian ship dumped 15,000 tons of Philadelphia's toxic ash -- labeled "raw material for bricks" -- in a quarry on Kassa Island off the mainland capital of Conakry, Guinea. Guinea is a small, west-African country bordered by Sierra Leone, Liberia, and Mali. (see REHW #126.)

Still it was the Khian Sea that put Philadelphia on the world's map of infamy. After it left Haiti, the Khian Sea traveled to the Mediterranean and then into the Indian Ocean, still carrying Philadelphia's ash. During the next two years, the Khian Sea changed its name twice, but it still couldn't fool anyone into taking Philadelphia's toxic cargo. It was revealed in 1992 that the crew of the Khian Sea eventually solved its problem by dumping Philadelphia's toxic ash into the Indian Ocean.

Meanwhile the world had become alerted to the problem of wealthy people -- specifically, Philadelphians -- dumping their toxic waste on poor countries like Haiti and Guinea.

Partly because of Philadelphia's infamous wandering ships, at a meeting in 1989 in Basel, Switzerland, 33 countries agreed to the "Basel Convention," which limited the freewheeling shipment of toxic waste from one country to another. The 1989 version of the treaty was weak -- it said that industrialized countries could send toxic waste to poor countries so long as there was "prior informed consent." Because the waste trade is enormously profitable, a few corrupt or desperate officials can always be found who will issue an import license for toxic waste. The Basel Convention seemed to simply legalize the wealthy's dumping on the poor. In protest, the African nations walked out of the Basel meeting, saying they would develop their own treaty, which they did. (See REHW #257.) The Bamako Convention, adopted January 29, 1991 by every African nation except South Africa and Morocco, is much stronger than the original Basel Convention. The Bamako Convention makes it illegal to export toxic waste to Africa, and it makes it a criminal act for any African nation to import wastes. The Bamako Convention was soon followed by other, similar regional agreements -- one covering the Caribbean, one covering the Mediterranean, and another covering Central America.

These regional conventions provided momentum within the Basel Convention nations. Eventually 118 countries -- not including the U.S. -- ratified the Basel Convention. In 1992, at the first meeting after ratification -- when only 65 countries were party to the Convention -- the Basel group agreed that there should be no waste exports from OECD countries to developing nations. OECD is the Organization for Economic Cooperation and Development -- a group of 29 wealthy, industrialized powers. This became known as the "Basel ban" and it was adopted formally in 1994, thus greatly strengthening the Basel Convention.

At the Basel Convention meeting in 1995, the U.S. argued that the Basel ban was really just an agreement and did not have the legal force of an amendment to the original Convention. So, to meet U.S. objections, in 1995 the Basel ban was formally proposed as an amendment to the original Convention. The amendment passed.

The latest U.S. ploy to undermine the spirit of the Basel Convention is the U.S. plan, recently announced, to ratify the Basel Convention but not ratify the Basel ban amendment.[2,3] The U.S. is hoping that, because of its economic and political power, it can create havoc within the Basel group by ratifying only those parts of the Conventions that the U.S. likes. The U.S. position is being articulated by the U.S. Chamber of Commerce. The goal is to keep the options open for countries like India and Brazil to become the ultimate landfills for U.S. toxic wastes.

Today the U.S. maintains no records of most exports of toxic waste because most of it is exported in the name of recycling. Once a waste is designated as "recyclable" it is exempt from U.S. toxic waste law and can be bought and sold as if it were ice cream. Slags, sludges, and even dusts captured on pollution control filters are being bagged up and shipped abroad. These wastes may contain significant quantities of valuable metals, such as zinc, but they also can and do contain significant quantities of toxic by-products such as cadmium, lead, and dioxins. Still, the "recycling" loophole in U.S. toxic waste law is big enough to float a barge through, and many barges are floating through it, uncounted.
The prevailing attitude seems to be, the U.S. has a right to dump on the rest of the world. This certainly seems to be the attitude in Philadelphia, which is refusing to put up $200,000 to clean up the mess its ash has created in Haiti. Here's an update on that story:

Two years ago, New York's mayor created a Trade Waste Commission to get the mob out of the trash business and open it up to competition. Now when a company applies for a license to haul waste in New York, the Trade Waste Commission does a background check on company officials. Last year the Commission began looking into Eastern Environmental Services, Inc., and found that one of its principals, Louis D. Paolino, had formerly run Joseph Paolino and Sons, the firm that hired the Khian Sea.[4] Faced with the prospect of losing a lucrative license to haul waste in New York, Eastern Environmental Services agreed to put up $100,000 in cash to help retrieve Philadelphia's toxic ash from Haiti and bury it in the company's Bender landfill near Harrisburg, Pennsylvania -- an in-kind contribution worth an estimated $250,000. Unfortunately, the $100,000 cash contribution won't be sufficient to retrieve the waste from Haiti -- another $200,000 is needed. Philadelphia has been asked to put up the $200,000, but Mayor Ed Rendell has refused.

Why should Philadelphia pay?

First, Philadelphia saved its taxpayers $640,000 on the original deal with the Paolino company back in 1986 because Paolino was never paid for hauling the waste away on the Khian Sea. Thus the city profited richly by sending the waste to Haiti.

Second, Philadelphia had a $130 million budget surplus last year, so the city is flush.

Third, the agreement between the New York Waste Trade Commission and Eastern Environmental expires May 31, 1998. After that, the company has no further obligation to help retrieve Philadelphia's waste from Haiti. Philadelphia needs to commit $200,000 soon.

Thus there is a clear window of opportunity for the people of Philadelphia to do the right thing, to expunge an act of international environmental injustice. Haiti is the poorest country in the hemisphere, with a GDP [gross domestic product] in 1990 of about $2.4 billion and average per capita income of $380. The city of Philadelphia has a budget of $2.6 billion, and per-capita income is $25,055, according to the STATISTICAL ABSTRACT OF THE U.S. In comparison to Haiti, Philadelphia is fabulously wealthy.

Philadelphia Mayor Ed Rendell simply says the city is too poor to pay $200,000 to retrieve its waste from Haiti. The PHILADELPHIA INQUIRER has editorialized, saying the city should pay the $200,000, which represents only 0.008% of the city's annual budget.[5]

To help Haiti get rid of Philadelphia's toxic ash, phone Mayor Ed Rendell: (215) 686-1776, or (215) 686-2181. Or write the mayor at City Hall, Room 215, Broad and Market Streets, Philadelphia, PA 19107. And check out the web site for Project Return To Sender: www.essential.org/action/return/ .

--Peter Montague (National Writers Union, UAW Local 1981/AFL-CIO)