TOXICS DISPATCH

A newsletter from Toxics Link

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Toxics Link
for a toxics-free world

FOR PRIVATE CIRCULATION ONLY

Food Safety Network launched

Food safety is not an abstract policy issue. Rather, it is a matter of utmost importance in the kitchens across the country, both in urban and rural India. The quality of every meal of every Indian is at stake.

Food safety is an essential public health function, but inadequate institutional arrangements and limited financial resources prevent the government from fulfilling its watchdog role. The government has a large, and rapidly expanding, food industry and consequently a growing component of health care expenditure. Consumption of street foods as well as processed foods is also on the rise. Food safety is a matter of consumer protection, particularly the poor.

The concept of food safety means that food does not harm consumers when it is produced or consumed. Primary production of food is through farming. Food processing and value addition are in the hands of traders and food manufacturing enterprises. It would seem that it is beyond the capacity of a limited number of officers and inspectors to enforce quality standards with respect to food.

In August 2003, civil society groups and representatives of organic farmers from across the country assembled in New Delhi to work and campaign for food safety against the backdrop of the civil writ admitted in the Supreme Court on April 22, 2003. The petition filed by Srishti, an environmental group, brings to the fore the trends and statistics emerging over the past two decades which show increasing contamination of everyday food items. The contaminated food includes farm gate vegetables, milk, grains, water, etc. Much of the contamination is through chemicals such as pesticides and insecticides, besides heavy metals and other toxins. Currently no recourse is available for a consumer of such food to protect

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IN THIS ISSUE

Time to come together

With Pepsi, Coke and pesticides dominating the public space in terms of environmental coverage, it seems clear that big targets get public attention. Not farmer deaths from pesticides; not contaminated groundwater; not illegal mining, but big brands. Surely this is an indicator of where the nerve points are if important issues such as pesticide contamination are to be brought into the public consciousness.

While one can argue as to the legitimacy of following this particular line of action, as against carrying on long-term campaigns which emerge and reach out of the grassroots, there is no denying that the middle class, the markets it commands and the media it reads has now established its power in the Indian scenario. The question is can this be an opportunity to address deeply complex issues.

Take the area of food production. Pesticide misuse, environmental contamination and farmer deaths have all been known and highlighted in the past. Will now examining the issue from a food safety perspective, help bring together its various dimensions into a middle class consumer's consciousness? It seems possible. On the other hand there is also need for great caution, lest the important linkages to on-the-ground practices are lost. Probably the most effective way of ensuring this so that the key issues are not submerged in this new framework is to ensure that there is broad civil society participation when such issues are voiced. Hence, if organic farmers, environmentalists, consumer activists and public minded scientists come together on a platform, then they can jointly attempt to avail the new opportunity in dealing with complex issues from a new perspective, without the key perspectives and nuances being lost.

Clearly there is a crying need, more than ever before, for various civil society actors to come together to deal with complex issues and not remain fragmented in different sectors.

Ravi Agarwal

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herself/himself from such contamination. The next date of hearing on the writ is October 17, 2003.

The food safety activists have proposed specific strategies to solicit specific interventions from the court. The Supreme Court of India has made the Pesticides Association of India (PAI) and the Pesticides Manufacturers and Formulators Association of India (PMFAI) parties in the Food Safety Petition along with the Ministry of Agriculture, Ministry of Chemicals, Fertilisers & Petrochemicals, Ministry of Health and Family Welfare, Ministry of Environment and Forests, and Ministry of Food and Consumer Affairs. The PAI and PMFAI had together filed an affidavit to intervene in the pesticides petition. Their contention is that the information provided by Srishti is incorrect and that it has exaggerated the ill effects of pesticides.

The petition seeks a ban on the use of those pesticides and insecticides which have already been banned in other countries. It seeks a prescription of maximum residue levels of the registered pesticides according to international standards. It also suggests the setting up of an expert body for prevention, control and monitoring in the area of toxics and their effect on environment and human health.

The activists were concerned about the upsurge in numerous pesticides-related cancers and spontaneous abortions, and on the adverse effect of chemicals on reproductive health. They aver that the case cannot be restricted to food since water and air contamination is also a critical issue. The main focus of the case is ultimately to seek the right to safe food, sustainable agricultural practices and corporate responsibility.

It was felt that this case should begin from the conclusions of a previous case, which the Supreme Court took up after turning a letter, by one Dr Ashok, into a Public Interest Litigation (writ petition (c) no. 697 of 1989). The earlier case had also included pending writ petitions of the Allahabad and Madras High Courts. The apex court had observed that there is no coordinated effort among concerned ministries. It also observed that there is a lack of information about the adverse effects of pesticides and chemicals.

The apex court's directions had led to the setting up of a Committee of Four comprising senior officers from the four different ministries by the Cabinet Secretary. The committee was to deliberate on the use of 40 pesticides and chemicals once in three months and take suitable measures in future regarding any other pesticides and chemicals which are found to be hazardous to health.

One of the most significant observations of the concluding order in the above case of the Supreme Court bench with regard to Insecticide Act, 1968 is that "…once a substance is specified in the Schedule as contemplated under Section 3 (e) (i) then there is no power for cancelling the Registration Certificate issued in respect of the same substance even if on scientific study it appears that the substance in question is grossly detrimental to the human health. This is a lacuna in the legislation itself, and therefore steps should be taken for appropriate amendment to the legislation."

The activists sought to know the status of the Committee of Four and felt that there was a need for a new structure. They sought

one single body to deal with food issues, rather than five ministries. The existing structure has failed because it does not have civil society representation. Therefore, there is a need to stress on the precautionary principle and ask for a review of the system to ensure public participation.

There is also a need for intervention in the marketing of pesticides in India. The existing 'code of conduct' on the marketing of pesticides in India is voluntary in nature. It needs to be reviewed and made mandatory. What is sought from the petition is 'corporate accountability'. The demand for a scientific risk assessment is a regressive one, because this is what the industry wants. Indian policy-makers should be asked to replicate or take lessons from the European law which mixes both the precautionary principle and scientific risk assessment.

If certain pesticides are banned in other countries, the precautionary principle implies that these be banned in India as well. The need for phasing out of pesticides and bringing about a change in the chemical registration process is imperative.

According to organic farmers, the fundamental of organic farming is to grow the plant healthy. The rule of thumb is that any plant that is not eaten by cattle can be used as a pest repellent. In reality, organic farms are very easy to set up.

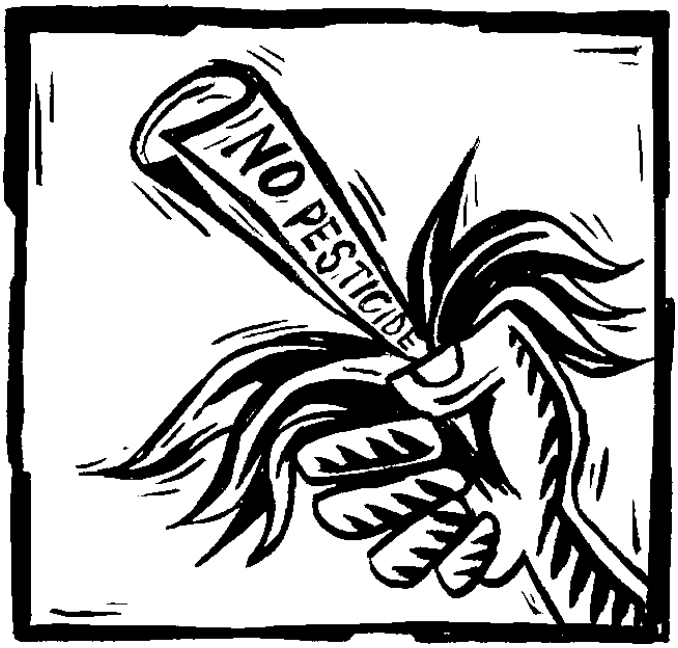
When it comes to producing and feeding the population, why is it that most of the fertile land is allocated to tobacco farming and cash crop farming. Why aren't the same fields being used for food crops? This question was asked by the delegates at the meeting of the Food Safety Network. The food safety experts and activists accused the government of callousness, as its aim is to earn foreign exchange by strengthening the exports of cash crops instead of feeding its own citizens with safe food.

The activists made a strong case for chemical-free farming and sought incentives for farmers who stop using pesticides. Interestingly, L.V. Saptharishi, additional secretary, Ministry of Commerce in his paper titled 'Policies and Progress on Promotion of Organic Farming', says, "In the present scenario, organic farming is being recognised as a solution to many of the problems of agriculture. The world market for organic products is anticipated to have touched US$ 26 billion last year and the growth has been exceptionally high during the last decade. The consumers are willing to pay a premium for environment-friendly products."

The Ministry of Commerce has initiated the development of a National Organic Programme since 1996. The national standards for organic production were framed and the procedures for export for certified organic products were laid down in line with the Exim Policy 1997-2000. These have been implemented in October 2001.

The domestic market for organic food is also growing. But the government's emphasis on exporting non-toxic organic food while allowing domestic consumption of toxic, chemical-exposed food smacks of double standards. The Ministry of Agriculture should learn from the Ministry of Commerce and desist from its step-motherly approach towards its own citizens.

There are successful organic farming practices in action in parts of the states of Gujarat, Maharashtra, Bihar, Rajasthan, Orissa, Delhi, Assam, Madhya Pradesh, Kerala, Karnataka, Tamil Nadu, Punjab, West Bengal, Uttar Pradesh, Goa and Andhra Pradesh. The petition can help expose the double standards involved.



Food Safety Network

The groups present agreed to work as a Food Safety Network in different parts of the country to campaign for food chain integrity. The network is working on a 'Civil Society Resolution' for the 'Right to Safe Food' and on a nation-wide campaign demanding safe food.

It was unanimously agreed that no chemical pesticides are required for good yields, which can be achieved even through organic farming. Ironically, farmers are not entitled to any loans except to buy chemicals, fertilisers and pesticides. Food safety begins at the farm, and the best models for reducing or eliminating food-safety hazards have to be located there.

Research studies worldwide demonstrate that food safety is improved only by upgrading conditions on farms through the adoption of new cultivation practices and technologies. The issue ranges from farm to food chain safety.

The meeting concluded by rejecting the use of chemical pesticides. Outreach and a massive awareness campaign for all the states, union territories, districts, panchayats and educational institutions has also been included in the agenda of the campaign for right to safe food.

The participants included Colin Gonsalves, Supreme Court lawyer, Dr Devindar Sharma, Dr Kabra, Sasanka of Disha, Bharat of Citizen Consumer Action Group, Arjun Sengupta of CUTS, Kavitha of Greenpeace, Claude Alvares of Goa Foundation, P. Damoder of CERC, Umendra Dutt of Kheti Virasat, R. Selvam and Daniel of Organic Farming Association India, Vasant Phutane and Nidhi Jamwal of Centre for Science and Environment, Ravi Agarwal, Gopal Krishna, Sanjay Gupta, Aurelie de Lalande, Papiya Sarkar, Kishore Wankhade, Ruchita Khurana and Rajesh Rangarajan of Toxics Link and Sunita Dubey of Environment Justice Initiative.

Gopal Krishna

Other contributors include Kishore Wankhade, Papiya Sarkar, Aurelie de Lalande and Ruchita Khurana

Occupational and environmental health hazards in Lalkuan

PHOTOS: S A. AZAD

Narayani, Chanda and Ghashi are battling for their lives. One of them is about to die. All of them are in a serious condition, suffering from silicosis. In time, they will have complete respiratory failure leading to death. These villagers of Lalkuan, near the Badarpur-Mehrauli Road in Delhi, require urgent medical attention. People's Rights and Social Research (PRASAR) has taken up this issue.

Silicosis is one of the oldest known occupational diseases caused by the inhalation of particles of silica, mostly from quartz in rocks, sand and similar substances. It is a progressive disease that belongs to a group of lung disorders called pneumoconiosis. It is identified by the formation of lumps (nodules) and fibrous scar tissues in the lungs.

Narayani, Chanda and Ghashi got affected by this deadly disease due to exposure while stone-cutting. There have been others who have already succumbed to this disease. Since these workers were contract workers, they were not covered under the Employees State Insurance (ESI) scheme and have been denied compensation under the Workmen's Compensation Act, 1923.

Above: Combined meeting organised by Centre Board for Workers Education to educate people on occupational health issues.
Left: Silicosis patients of Lalkuan.

The National Human Rights Commission (NHRC) has taken cognisance of the complaint lodged by PRASAR on June 13, 2003, which was placed before the NHRC on August 14, 2003. The NHRC has directed that a copy of the complaint be sent to the Secretaries of the Union Health, Labour and Industry Ministries, the Labour Commissioner, the Government of the National Capital Region of Delhi and the Director, Pollution Control Department, Delhi. These agencies have been asked to look into the allegations contained in the complaint, and to submit their comments and an Action Taken Report within four weeks of receipt of NHRC's letter dated August 19, 2003. None of the departments mentioned had responded till the time time of going to press on December 29, 2003.

Stone-cutting had gone on in Lalkuan for more than 35 years till the Supreme Court of India ordered for the removal or dislocation of the crushers in early 1990s. "Hundreds of stone-crushers were causing serious cough and respiratory diseases including tuberculosis among several thousands of people in the Tughlakabad area of New Delhi," says Professor T. Shivaji Rao, Director, Centre for Environmental Studies, Gitam Engineering College, Visakhapatnam. "I visited the site along with M.C. Mehta and prepared a technical report on the problem and the same was presented to the Supreme Court through a public interest litigation filed by Mehta. As a result, several hundred stone quarries were ordered to be shifted to other safer places outside New Delhi by the Supreme Court." It defies understanding how a shift of stone-crushers to 'safer places' makes it safe. These crushers have been shifted to Haryana, where a similar situation is bound to occur sooner or later.

A meeting on Occupational and Environmental Health was held at the Toxics Link office on August 6, 2003, during which S.A. Azad of PRASAR made a presentation on the plight of the victims of the stone-crushing industry. He sought the support of the civil society groups present to launch a campaign to seek remedy for the silicosis victims. Toxics Link has been working on the environmental and occupational hazards resulting from toxics such as asbestos.

Hundreds of stone-cutters in Lalkuan, who were involved in stone-cutting to cater

The Supreme Court on occupational safety

In the case of M.C. Mehta vs Union of India, the Supreme Court bench has said, "We are of the view that an enterprise which is engaged in a hazardous or inherently dangerous industry that poses a potential threat to the health and safety of the persons working in the factory, and residing in the surrounding areas, owes an absolute and non-delegable duty to the community to ensure that no harm results to anyone on account of hazardous or inherently dangerous nature of the activity which it has undertaken."

The bench adds that the enterprise must be held to be under an obligation to provide that the hazardous or inherently dangerous activity in which it is engaged is conducted with the highest standards of safety. If any harm results on account of such activity, the enterprise must be absolutely liable to compensate for such harm. Since the persons harmed on account of the hazardous or inherently dangerous activity carried on by the enterprise would not be in a position to isolate the process of operation from the hazardous preparation of substance or any other related element that caused the harm, the enterprise must be held strictly liable for causing such harm as a part of the social cost for carrying on the hazardous or inherently dangerous activity, the bench observes.

If the enterprise is permitted to carry on a hazardous or inherently dangerous activity for its profit, the law must presume that such permission is conditional on the enterprise absorbing the cost of any accident arising on account of such activity as an appropriate item of its overheads.

Such hazardous or inherently dangerous activity for private profit can be tolerated only on condition that the enterprise engaged in activity indemnifies all those who suffer on account of it regardless of whether it is carried on carefully or not. This principle is also sustainable on the ground that the enterprise alone has the resource to discover and guard against hazards or dangers and to provide warning against potential hazards.

"We would therefore hold that where an enterprise is engaged in a hazardous or inherently dangerous activity and harm results to anyone on account of an accident in the operation of such activity resulting, for example, in escape of toxic gas, the enterprise is strictly and absolutely liable to compensate all those who are affected by the accident and such liability is not subject to any of the exceptions which operate vis-a-vis the tortuous principle of strict liability…," the bench concludes.

to the needs of infrastructure development of the city in the early 1990s, suffer from silicosis. Participatory Research in Asia (PRIA) and PRASAR had done a study in 2001 to gauge the extent of affected workers, based on interviews of 155 respondents and 58 oral autopsies.

Prior to that, according to a paper by S.K. Sharma, J.N. Pande and K. Verma, Assistant Professors in the Department of Medicine at the All India Institute of Medical Sciences, published in the *Indian Journal of Chest Diseases and Allied Sciences*, October-December 1988, broncho-alveolar lavage fluid (BALF) analysis found the presence of silicosis in six patients.

Participants at the August meeting included Dr T.K. Joshi, Dr Sanjay Chaturvedi, A.T. Dudani, Ravi Agarwal, Nasir Atiq, Sunita Dubey, Ravinder Roy, Praveen Mote, Alpana, S.A. Azad and Gopal Krishna.

People of Lalkuan have lost all hope of receiving any compensation for being affected by such a deadly disease. The need for public hearing on the issue is being stressed to highlight the issue.

Gopal Krishna

Corporate responsibility abysmally low in India

Corporate responsibility entails, (among other things) knowing that just as going to the land of an individual without permission is trespassing, allowing toxic chemicals to enter someone's body is criminal neglect. And acknowledging that the responsibility for the environmental impact of chemicals lies with the industries that produce them.

As far as corporates are concerned, the two key players that govern their behaviour are shareholders and stakeholders. Shareholders are driven mostly by the profit motive. Stakeholders, on the other hand, comprehend ecology as the substratum of life's existence, and therefore, seek its conservation at all costs. In India, the latter are routinely ignored. Both Indian and foreign companies find it easier to address the concerns of shareholders. They abhor the far more value-driven and complex world of corporate responsibility where they would be accountable to multiple stakeholders.

The government seems to be hand-in-glove with industry when it comes to establishing greater corporate accountability. If that were not so, why would the government's charter on corporate responsibility for environmental protection be advocating voluntary compliance and self-regulation for pollution norms. Nowhere in the world are rules made in consultation with the culprits. The Indian environment ministry has undertaken the unthinkable step to outline norms and action points with the consent of the heavily polluting and defaulting industries, making a mockery of the very notion of norms.

Take the case of the pesticide industry. With 150 pesticide manufacturing units, the industry has agreed to take up segregation of waste streams for appropriate treatment by June 2003, and detoxification and treatment of highly toxic waste streams will be taken up by June 2004, as suggested by the industry itself. If the industry knows that segregation of waste stream and its appropriate treatment is desirable, why have they been waiting for the charter to be prepared? There is a proposal to upgrade hazardous waste incinerators, especially for halogenated compounds and Persistent Organic Pollutants (POPs) and install incinerators,

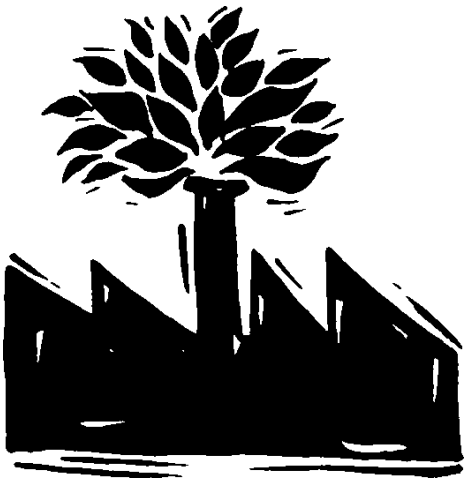
where necessary, by 2004.

Strangely, corporate responsibility for environment protection for 17 heavily polluting industries by the Ministry of Environment and Forests involves promotion of toxic technologies like incinerators to deal with hazardous waste of all kinds. There are 64 industries in the red category of heavily polluting industries. The selection of only these 17 industries defies any logic because it ignores the toll that polluting industries (such as the white asbestos industry) is taking on the lives of workers and citizens.

In the case of asbestos, the ministries and companies are blatantly violating the six directions of the Supreme Court in the asbestos case of 1996. None of the six directions (maintaining health records of all the workers for 40 years, membrane filter test at the work place at all stages, health coverage insurance, review of permissible exposure limit, monitoring health hazards of small-scale factories and Rs 1 lakh compensation to the affected) are being followed.

The Charter on Corporate Responsibility for Environmental Protection released in March 2003 is applicable to 2,098 units in 17 categories of major polluting industries. These include the sugar industry (525 units), pharmaceuticals (397 units), distilleries (232 units), leather (150 units), pesticides (150 units), cement (126 units), fertilisers (111 units), dyes and dye intermediates (100 units), pulp and paper (96 units), thermal power plants (83 units), petrochemicals (51 units), caustic soda (35 units), oil refineries (17 units), iron and steel (8 units), aluminium (14 units), copper (6 units) and zinc (4 units).

D.K. Biswas, Chairman (now retired), Central Pollution Control Board (CPCB) has said, "CPCB does not need a rod to stop industries from spoiling the environment", expecting the media and the civil society to believe that these heavily polluting industries are now mature enough and they do not need punishment to mend their polluting practices. Ironically, there was a shocking proposal to make the import of incinerators duty-free.



Lok Sabha Speaker Manohar Joshi has said that "the edifice of economic growth cannot stand for long on a weak foundation of degraded environment" and has called for a balance between the demands of economic development and environmental concerns. Economic development which destroys the environment will result in more poverty, unemployment and disease. He further said that in the context of globalisation, the country should learn from the experience of other countries and avoid tampering with the environment. But instead of learning from the European Union and other countries where environmental norms have been strengthened to save depleting ecological spaces, our government is doing the contrary.

It is well known that these industries have undermined both the central and state Pollution Control Boards, because these 17 industries are notorious for violating all existing environmental norms. Expecting these environmental criminals to abide by a mutually agreed charter without any penal provision is nothing short of wishful thinking.

In a global-local context where countries such as the US do not like either the Basel Convention, Kyoto Protocol or the International Criminal Court, a debate on ethical, environmental and social transparency has begun against the most recent backdrop of pesticides in bottled water and soft drinks, with scenarios which stretch back to the Bhopal disaster.

Double standards in the products of multinational corporations are starkly manifest. Their food items in US and Europe are toxics free but in India they contain toxins.

A re-examination of company law, international trade laws and the global financial system is urgently needed so that there are inbuilt punitive measures to ensure sustainable development. It does not make sound business sense to earn profits on depleting non-renewable resources.

Gopal Krishna

Uranium mining sets its sights on Nalgonda

Since the discovery of nuclear fission in 1938, the international nuclear industry has produced more than 1.7 million metric tonnes of uranium in about 30 countries[1]. The IAEA estimates that about 360,000 metric tonnes of natural uranium – about 20 per cent of the world's production – has been used for military purposes[2].

India plans to put up a total installed nuclear power capacity of 20,000 MWe[3] by the year 2020. Currently, India has 14 reactors in operation and has an installed nuclear capacity of 2,720 MWe. Eight reactors are under construction and, when completed, will add 3,960 MWe to the installed capacity[4].

With such ambitious plans and the thrust on nuclear power as a future source of sustainable 'green' energy, the government owned Uranium Corporation of India Limited (UCIL) is all set to dig up new areas for uranium ore. Currently, UCIL is engaged in mining and milling of uranium ore at Jadugoda, Bhatin and Narwapahar in the Singbhumi district of Jharkand.

Nalgonda, the next target

After facing stiff opposition from people at Domiasiat, the UCIL has turned its attention once again on Lambapur and Peddagattu reserves, a project which was rejected five years ago on environmental grounds. This time UCIL has not left any stone unturned to get the clearance. They have not only forged the data provided in the documents, but have also influenced locals in favour of uranium mines.

The Lambapur deposit is spread over 468 acres over a hill top, which is proposed to be mined by a conventional open-cast method. In Peddagattu, underground mining methods will be employed. These two mines are right above the Nagarjuna Sagar reservoir, which is hardly 2 km from the site. The general drainage of the area is towards the Nagarjuna Sagar. A study done by US Environmental Protection Agency in 1982 on 22 uranium tailings piles showed that half of them were near rivers or streams and had elevated levels of radium-226 and chemical contaminants[5]. In November 1989, at Comeco's uranium mine in

Canada, 2 million litres of radioactive liquid containing significant concentrations of arsenic and radium spilled into Wollaston Lake[6]. This massive spill went undetected for more than 16 hours[7]. This was despite the fact that instrumentation and visits every two hours were in place to detect spills[8]. These examples show that despite all precautions, spills cannot be ruled out. Moreover, the Nagarjuna Sagar reservoir is the drinking water source for six districts of Andhra Pradesh and any such spill would be catastrophic.

Environmental clearance: According to the Atomic Energy Act, 1948, no such public involvement or clearance is required. Section 18 of the Act puts restrictions on disclosure of information. The Environmental Impact Assessment (EIA) notification of 1994 mandates environmental clearance for a mining project covering a leasehold area of 25 hectares or more. This requires preparing an EIA document and organising a public hearing by a project proponent, which gives an opportunity to people to get information on the project and raise their concerns. To comply with this notification, UCIL prepared an EIA document and called for a public hearing on August 19, 2003. Though it is mandatory to give full EIA documents 30 days prior to the public hearing[9], only the executive summary was provided by UCIL. In Peddagattu and Lambapur the document was given only after various groups wrote to the authorities asking for a copy.

Public hearing: To keep the majority of people who were opposed to uranium mining out of the public hearing, UCIL strategically chose a venue which was 14 kilometres away from the other affected villages. This, despite a judgement by the Gujarat High Court (*Centre for Social Justice vs Government of Gujarat*) which specifies that the venue for a public hearing should be as close as possible to most affected villages. Based on this judgement, a local group approached the Andhra Pradesh High Court, whereby the court directed to have another public hearing at a venue which was easily accessible.

Therefore, on August 19 two public hearings were organised. One at Peddagattu, and another at PA Palli where the processing plant is proposed. The gathering at the first hearing in Peddagattu consisted of a pro-mining group that had been taken to Jadugoda by UCIL *(see box on Jadugoda below)*. People from other villages who wanted to participate in the public hearing were chased away by the police who reasoned that they were miscreants wanting to disrupt the proceedings.

PHOTO: SUNITA DUBEY

Proposed site for uranium mining in Nalgonda.

The second public hearing was attended by almost 1,000 people from neighbouring villages and witnessed a strong opposition to the proposed uranium mining. UCIL's presentation focussed only on the issues of infrastructure development in the area and the benefits that would accrue to the local people. Incredibly, one of the arguments put forward by UCIL claimed that there are already high levels of radioactivity in nature and there would be no increase in radioactivity because of uranium mining. This argument was rejected by the community on the grounds that they were happy earning their livelihoods through agriculture and did not want mining in their area.

The question now is whether the Ministry of Environment and Forests will clear the project. This project has become an acid test for the government and will highlight the validity of the EIA and the public hearing process.

***Sunita Dubey** (EJI)*

Jadugoda: UCIL's burning example

A selected group of people from the proposed mining area in Nalgonda district were taken to Jadugoda (where a similar plant has been in operation for many years) by UCIL prior to the public hearing. They were taken not to the mining zone or affected areas, but only to sanitised areas such as the school, colony, hospital and other facilities to showcase the kind of development UCIL would bring to their area as well.

But the situation in Jadugoda is contrary to what is projected by UCIL and shown to those poor villagers. A study done by Gujarat-based Sampoorna Kranti Vidyalaya Vedchhi (SKVV) in two villages in the vicinity of Jadugoda and two other villages at a place distant from the plant found that the number of infants born with genetic disorders was six times higher than normal in the plant's vicinity, attributable to the harmful radiation emitted by UCIL's operations for more than two decades. Of the 70 cases reported of children born with congenital deformities, 60 were from villages close to the uranium plant, whereas 10 were from the remote areas. Moreover, 16 out of the 60 were mentally retarded compared to just one such case in other areas. Cases of infants born with polydactyl (extra fingers or toes) and syndactyl (fused or missing fingers and toes) limbs is also very common in the affected areas.

References

1 Quantities of uranium are in metric tonnes of uranium oxide, following the industry convention
2 Underhill and Muler-Kahle, 1993
3 MWe: Megawatts of electrical output.
4 www.dae.nic, Department of Atomic Energy website
5 Wilson 1985, US Congress 1971
6 Canada, National Film Board 1991, p 17, Novakowski
7 Nuclear fuel, February 5, 1990, p 15, Dirschl, Novakowski and Burgess, 1992
8 Canada, National Film Board 1991, p 17
9 Notification dated June 13 to EIA Notification, 1994

UPDATES

ASBESTOS UPDATE

Debunking the myths of Canadian white asbestos

The conference titled 'Canadian Asbestos: A Global Concern', was held in Ottawa from September 12-14, 2003. It was addressed by international experts and culminated in the passing of a resolution seeking the ban on all forms of asbestos and the formation of Ban Asbestos Canada.

The conference was organised by the Canadian Union of Public Employees OHCOW Clinic, the Sierra Club of Canada, Mining Watch Canada, the New Democratic Party, the White Lung Association, USA, the Society of Occupational and Environmental Health, USA, the International Ban Asbestos Secretariat and the Global Ban Asbestos Movement.

The white asbestos mafia rules the roost in Canada. The Canadian government has always been subservient to Quebec mining interests. The Canadian media's boycott of the conference exemplifies how the corporations control the dissemination of information. Also, the fact that most Canadian Prime Ministers have been from Quebec means that the governments have had their hands tied behind their backs. The Canadian trade unions have also endorsed the call for banning white asbestos.

The Montreal-based Asbestos Institute (now renamed The Chrysotile Institute) received a total of $54 million from the Federal Government, the Quebec Government and the asbestos industry to promote the safe use of chrysotile asbestos in Canada and throughout the world between 1984-2001. The conference called on the Canadian government to withdraw its funding to this institute. Ban Asbestos Network of India (BANI) endorsed this call. This institute has been supporting the Asbestos Information Centre in India and has been very active in promoting asbestos in India. BANI appealed to the Canadian House of Commons to eliminate the burden of disease and death and save India from yet another disaster.

After the conference, BANI submitted a petition to Joe Comartin, member, Parliamentary Committee on Environment and Sustainable Development, expressing its appreciation of the conference on Canadian Asbestos with him as the President. The petition sought an immediate ban on white asbestos. The conference culminated in the passing of a resolution that sought a ban on all forms of asbestos. The formation of Ban Asbestos Canada on September 14, 2003 shows that the conference achieved a long delayed movement to achieve a ban on the use and export of white asbestos from Canada. Trade unionists who attended the conference endorsed the call for a ban on white asbestos.

The myth of so-called 'safe use' has been shattered by Martin Barratt, Second Secretary (Commercial), Canadian High Commission in India when he admitted that even the Asbestos Information Centre agrees that there are problems with the 'safe use' of asbestos in the unorganised sector. Barratt is concerned that if a ruling is passed which states that subjecting a worker to asbestos is a violation of human rights, it could have far-reaching consequences whether or not it is binding.

In India, workers slice open the bags of Canadian asbestos with knives, then shake the bags into troughs and mix it with cement to make piping. The unprotected workers are completely covered in asbestos dust, and there are absolutely no precautions in place.

Most of the Canadian asbestos is used in rural India where there is no health infrastructure in place. Each passing day takes hundreds of thousands of workers towards death. Human biology is the same everywhere. If asbestos of all kinds, including white asbestos, is cancer-causing in more than 30 countries, how can it be non-hazardous and safe in India? How can asbestos be allowed to cause havoc while waiting for another 30-40 years for more studies to conclude that white asbestos is a carcinogen? asks Dr T.K. Joshi, a fellow of the Collegium Ramazzini, an international body of occupational health experts.

Gopal Krishna

E-WASTE UPDATE

E-waste in South India

After the success of Toxics Link's pioneering study on the status of e-waste dumping and recycling in Delhi and its suburbs, a similar study has been initiated in South India by its Chennai node.

Given that the core of the rapidly expanding Information Technology industry lies in cities like Bangalore, Hyderabad and Chennai, it was felt that a study covering the southern region was urgently needed.

Initial interviews and exploratory surveys targetted at key players have thrown light on the prevailing scenario. Some interesting findings have emerged:

- 70-75 per cent of the e-waste is recovered and reused (a small portion of the components are picked up by engineering students for testing and research for academic purposes)
- Cathode Ray Tubes (CRTs) from monitors are reused in portable TVs
- Probable imports from countries like Singapore, Malaysia and the USA are used as second-hand components
- A minor portion of the total e-waste generated ends up in the municipal waste stream.

K.S. Sudhakar

PLASTICS UPDATE

JNU bans plastic bags

Over the past few years, the Jawahar Lal Nehru University (JNU) in Delhi has witnessed an increased use of plastic and styrofoam cups for serving food items and beverages. The littering of plastics and styrofoam cups had begun to give the university campus an ugly look.

All the food joints and tea stalls were using plastic and styrofoam cups which were then strewn around the campus. Sanjay from Toxics Link, a former JNU student, approached the Campus Development Committee and its Chairman, Professor Sudhir Kaicker. Sustained dialogue and several meetings with concerned authorities led to an awareness campaign about plastic within the university. Recently, the university banned the use of plastics and styrofoam products to serve food items.

JNU is one of the first Delhi universi-

Paper bags in use in a JNU canteen.

ties to ban plastics and styrofoam items. Introduction of alternatives, such as a vegetable shop that supplies jute bags costing Rs 10-15, have bolstered the campaign. The same amount of money can be encashed on return of these bags by the customers, encouraging people to re-use bags brought from their homes.

Sanjay K. Gupta

WTE UPDATE

Report on Lucknow Waste-to-Energy project

Lucknow, the capital city of Uttar Pradesh, India's most populous state, produces around 1,500 tonnes of solid waste every day. The municipal workers manage to collect around 1,100 tonnes. The Municipal Solid Waste (MSW) is disposed of in open dumpsites and the city is now under pressure to locate new disposal sites. This has pressurised the city corporation to enter into a contract with a company to process MSW generated in the city and to generate power and organic manure from it.

This is a biomethanation-cum-power generation project being undertaken by Asia Bio-energy Private Limited. The city corporation has partnered with Enkem India Ltd, a promoter, through a Special Purpose Vehicle called Asia Bio-energy (India) Ltd (ABIL), to build a power generation-cum-bio-fertiliser plant on a Build-Own-Operate (BOO) basis. The project is expected to generate 5.1 MW of electricity per day (after captive consumption of 0.5 MW), and about 75 tonnes of organic manure per day by treating 300 tonnes of waste per day. The power generated by the company would be transmitted into the grid of the Uttar Pradesh State Electricity Board (UPSEB).

According to a report entitled 'Financial Resources and Private Sector Participation in Solid Waste Management in India', prepared for the Technology Advisory Group on Solid Waste Management set up by the Ministry of Urban Development and Poverty Alleviation, Government of India, in early 2001, Enkem arranged for ENTEC (an Australian firm) to provide the designated technology, the digester to produce methane, and a performance guarantee for it.

Jurong Engineers (a Singapore-based consortium) will execute the engineering and procurement contract and CGEA Asia Holding Pte Ltd (a wholly-owned subsidiary of Vivendi) will be responsible for operations and maintenance of the new facility. The Ministry of Non-conventional Energy Sources (MNES) approved the project as a demonstration project under the National Programme on Energy Recovery from Urban, Municipal and Industrial Waste.

The corporation has agreed to supply a minimum 300 TPD of MSW. The power output would be sold to UPSEB under a 30-year power purchase agreement, extendable for an additional 30 years. The payments from UPSEB are guaranteed by the state of Uttar Pradesh. The corporation has also agreed to provide land for the plant and waste at a concessional rate.

There are seven partner organisations: Enkem India Ltd, ABIL, Lucknow Nagar Nigam, Infrastructure Development Finance Corporation (IDFC), MNES, Government of Uttar Pradesh and UPSEB.

ABIL is responsible for putting together the financial package. The total project cost is estimated to be approximately Rs 760 million. In early 2001, the following sources of financing were being lined up:

1. Promoter equity: Rs 200 million, from Asia Bio Energy
2. Government subsidy: Rs 150 million, from the Ministry of Non-conventional Energy Sources
3. IDFC loan: Rs 200 million
4. Equipment supplier (lease of six gas engines): Rs 110 million
5. Deferred credit provided by equipment supplier: Rs 100 million

Current status: The MSW treatment plant with electricity generation unit was commissioned on August 16, 2003, by S.C. Rai, the Mayor of Lucknow. By end-December, the power generation is slated to reach 5 MW utilising the entire garbage of the city.

However, one official informed us, on condition of anonymity, that the plant is not operational yet. The media has reported that it is functional without bothering to investigate it. The plant is supposed to produce organic manure as well. It is claimed that it would start producing 200 MW of electricity within a year. The Lucknow Municipal Corporation would be giving garbage free of cost to the plant and would get free electricity in return. This plant is a first of its kind in Asia, and after reviewing its progress, there are plans of establishing it in 10 more cities. Vinod Sethi, Chairman, ABIL, claims that specified norms have been followed. It is claimed that they would be establishing a green belt around the plant.

On the issue of disposal of solid waste such as iron and other metals, they are talking with scrap dealers. This means that, as of now, there is no sustainable waste management being practiced and the question of segregation of heavy metals like mercury remains unresolved.

Gopal Krishna

SWERF project closes in Australia! Will Tamil Nadu take the hint?

In a significant development, Energy Developments Limited – Australia (ENE), announced that it is closing the SWERF project due to its commercial non-viability. In its press release dated July 21, 2003, ENE stated that the Board resolved to cease funding of the company's proportion of development expenditure at the waste-to-energy SWERF plant at Whytes Gully, near Wollongong.

Meanwhile, the Tamil Nadu SWERF project hangs fire. The local residents have joined hands to oppose the project. In a letter sent to the Ministry for Environment and Forests (MoEF) addressed to Dr T.R. Baalu, the Residents' Welfare Associations of Thorapakkam and adjoining areas have represented the reasons for their opposition. Subsequently, a senior representative of the Ministry, Dr Sridharan, visited the proposed site on July 20, 2003 and interacted with the residents. He was accompanied by

CPCB representatives. The team also met with various government officials to obtain first-hand information of the situation prevailing in the region. A report has been submitted to the Ministry.

This is a classic example demonstrating how governments can be misled into adopting technologies that are still largely unproven and unviable. With adequate public consultation and disclosure such situations will never arise. It is hoped that the Tamil Nadu government will soon take steps to cancel the MoU signed with the company and sit down to discuss community-based waste management solutions through a multi-stakeholder participation.

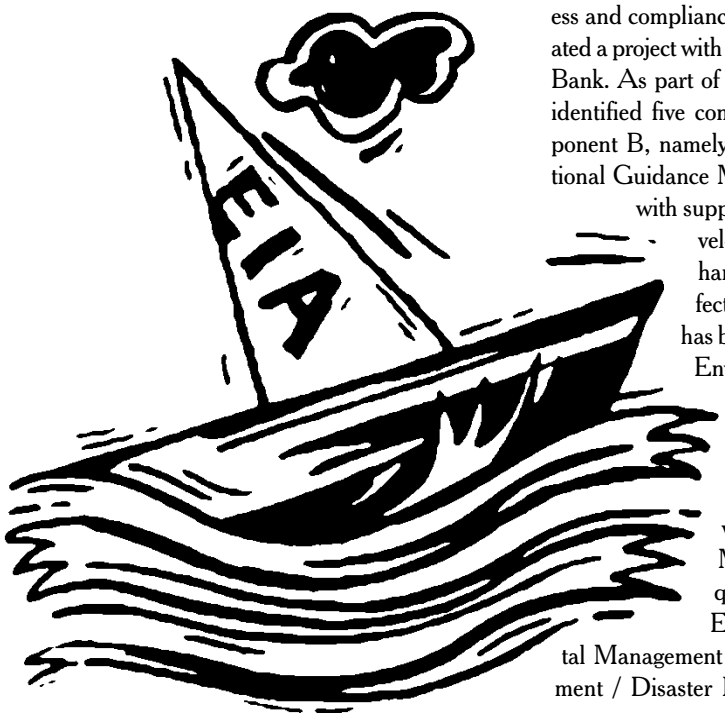
Rajesh Rangarajan

EIA UPDATE

Laying the ground for more realistic assessments

EIA was introduced in India in 1978-79 for river valley projects. It was later extended to industrial projects. The Ministry of Environment and Forests (MoEF) was assigned the responsibility for appraisal of projects with regard to their environmental implications and granting environmental clearance even before EIA Notification, 1994. Based on EIA and issues arising from it, decisions are taken by the competent authorities with respect to environmental clearance to projects including selection of sites. The EIA system was not organised prior to the EIA Notification, 1994. In the absence of well-developed screening criteria, obtaining an environmental clearance based on EIA from the MoEF was not mandatory for any new or expansion project. In this situation, the majority of projects referred to the MoEF were from Central/State government departments and Public Sector Units (PSUs). Till 1994, EIA clearance from the Central Government was an administrative requirement for large projects undertaken by the government or public sector undertakings.

The MoEF, promulgated a notification on January 27, 1994 (as amended in May 1994) making an environmental clearance mandatory for expansion or modernisation of any activity, or for setting up new projects listed in Schedule 1 of the notification. EIA clearance, at present, from the Central Government is required for 30 categories of developmental projects which can broadly b e categorised under the sectors of industry, mining, thermal power, river valley and water resources, ports, harbours and infrastructure, and nuclear power. Several amendments were later made to the EIA Notification.



EIA Guidance Manual

With a view to improving the EC process and compliance therewith, MoEF initiated a project with assistance from the World Bank. As part of this exercise, MoEF has identified five components of tasks; Component B, namely 'Development of a National Guidance Manual on EIA Practice with support manuals on select developmental projects for enhancing the quality and effectiveness of Indian EIAs' has been awarded to National Environmental Engineering Research Institute (NEERI), Nagpur.

The major objective of this project is to develop a Guidance Manual to improve the quality and effectiveness of EIA reports, Environmental Management Plans and Risk Assessment / Disaster Management Plans currently produced in India during the Environmental Clearance process.

NEERI conducted a meeting at Delhi on July 21 and 22 to discuss the manual with various stakeholders. Issues raised by civil society groups are outlined here.

- NGOs and the public should be involved right from the scoping process. This may be done by holding scoping workshops. Initial public consultation should be followed up by public feedback consultation after publication of the draft EMP, through which the public and the NGOs are made aware of whether the suggestions made during the scoping have been incorporated, and the relevant reasons when they are not.
- Sectoral Impact Assessment should be done for big projects.
- The Impact Appraisal Committee should have someone with overall knowledge of EIA.
- There is an urgent need for training and information dissemination amongst state, regional, local authorities and NGOs for effective public hearing and implementation of EIA.
- The EIA format at present is very project-specific and does not address the policies, plans and programmes for regional development. For planning regional development the supportive capacity of resources and the carrying capacity of the environment should be taken into account, along with the latter's assimilative capacity.
- An important dimension to a better public hearing is the degree and nature of the public participation in the hearings, which depends on the extent of publicity given to the event. Keeping in mind that industry mostly impinges on tribal or rural areas, where literacy rates are low and affordability of newspapers is debatable, the stipulated practice of an announcement in the newspaper is not sufficient to reach the affected people.
- Not only is it important to involve communities at the decision-making level, but also in the post-implementation monitoring of compliance. It has been observed that the more vigilant the communities living in the surrounding areas of any industry, the higher is the transparency and accountability.

Papiya Sarkar

MEDWASTE UPDATE

Blood banks and laboratories trained on bio-medical waste management

Based on a request from several blood banks and laboratories, CAG and Toxics Link Chennai, with help from the Lister Metropolis Laboratories and Research Centre, conducted a half-day training workshop on 'Bio-medical Waste Management in Blood Banks and Laboratories' on July 30, 2003 in Chennai.

Owing to the high rating of Lister Laboratories and Jeevan Blood Bank in surveys conducted by CAG, they were identified as the trainers. They were asked to share their experiences in implementing ideal systems of waste management, in accordance with the prevalent rules.

About l0 laboratories and blood banks from around the city were invited to participate in this workshop. The workshop aimed at providing a platform for the laboratories and blood banks to discuss their waste management systems and to give a snapshot of better systems of waste management. The workshop was designed bearing in mind the differences in the waste generated from various laboratories, blood banks and hospitals.

The workshop also included sessions on waste management through the Central Biomedical Waste Treatment Facility and the hazards of incineration. The Tamil Nadu State Pollution Control Board, the State's premier environmental body, which has been in the forefront of bio-medical waste activities, was also invited to speak.

Kavitha Anand**, Assistant Coordinator, CAG, and **Rajesh Rangarajan

NEWS

World Bank still pushing pesticides

Two recent PANNA reports point to the World Bank's failure to implement its mandatory policy on pest management and reduce the Third World farmers' dependence on pesticides. The Bank's pest management policy and several other environmental and social policies are intended to function as 'Safeguard Policies', to protect the environment and vulnerable populations adversely affected by projects financed by the Bank. However, PANNA reports show that in the five years since the Bank's adoption of Operational Policy 4.09 on Pest Management, there has been little progress.

The report cites agricultural intensification and export-oriented production instead of small-scale sustainable agriculture using minimum pesticides, fertilisers or external inputs as the central barrier to adoption of ecologically-based Integrated Pest Management (IPM) in Bank projects.

Source: PANUPS, September 22, 2003

*Compiled by **Papiya Sarkar***

Residents' protests shut down Mumbai incinerator

Pressure from local people has led to the shut-down of the incinerator operating at Sewri Centralised Facility in Mumbai. The incinerator of 5-tonne capacity was set up by the Brihanmumbai Municipal Corporation (BMC) in January 2002. The waste reaching this incinerator amounted to only 1½ to 2 tonnes. The incinerator was catering to all the hospitals of the city.

In April 2003, the BMC found that the incinerator's levels of particulate matter stood at 792 parts per million (ppm). The Maharashtra Pollution Control Board's standard for incinerators is 100 ppm. The water shower that arrested the suspended particles had stopped functioning, and therefore failed to filter the pollutants. The result of this was reflected on people living close by, as local doctors had noted increasing bronchitis among the residents. Children and old people were the worst affected. Mr Parekh, a BMC official, confirmed the closure of the incinerator. Now onwards, all bio-medical waste will be autoclaved.

Ratna Singh

OBITUARY

Champion of the environmental cause

Swedish Foreign Minister Anna Lindh, died on September 11, 2003, a day after she was stabbed by an unknown assailant in Stockholm. A lawyer with a reputation for preserving the environment, she was a fierce and dedicated proponent of human rights. Environmentalists consider Sweden's chemical policy – presented by Anna Lindh to the Swedish Government in June 1997 – as the most advanced in the world.

Ms Lindh was born in 1957. At 37, she was appointed the Minister for Environment and Natural Resources. She found it deeply disturbing that society allowed pollution and degradation in the name of development. Her work as Environment Minister was a success during her tenure from 1994 to 1998. At 41, she became Sweden's Minister for Foreign Affairs and remained so from 1998 till her death. It is said that she did not just speak for Sweden in the world. She also spoke for the world in Sweden.

Yashwant Sinha, Indian Minister for External Affairs, said, "As a brilliant and dynamic leader, she showed a passionate commitment to promoting democracy and development throughout the world."

Her death is a deep loss to the global environmental movement.

Gopal Krishna

RESOURCES

TROUBLED WATERS

A film by Reef Watch Marine Conservation showcases the reefs of Lakshadweep, capturing their amazing bio-diversity and beauty. The film covers a fascinating journey to a world teeming with life that has evolved undisturbed over millions of years. The story of this vibrant ecosystem is a telling reminder of man's impact on his environment and the choices each one of us need to make to ensure our collective survival.

For more details write to: Sudarshan Rodriguez at sudarshanr@yahoo.com.

EVENT

'Quotes from the Earth': Pushing the Indian environmental debate further, through the film medium!

Toxics Link is organising a 3-day environmental film festival, in collaboration with the India International Centre, beginning January 22, 2004, at India International Centre (IIC), New Delhi.

The festival aims at offering a grounded view of the word *'Environment'* by relating it to current perspectives. It also seeks to enhance an understanding of the complex environmental and development framework as it is emerging in India, and to create a more informed and discursive space for it.

The festival's theme is Hunger, Thirst and Survival. The thematic screenings will be followed by an interactive session between the public and a panel. Each day will be concluded with an early evening screening of a feature or long length documentary film.

Along with the film festival, the IIC art gallery will welcome a media installation, jointly curated by Pradip Saha and Toxics Link and fully integrated in the 'Quotes from the Earth' event.

You are all welcome to join us for these three days of films, debates and interactions with film-makers, students, activists and concerned citizens. Watch these pages for further information, as well as www.toxicslink.org!

Aurelie delande

FACT FILE

Beauty products make up health loss

Cosmetic products used by us may contain phthalates, known to be causing serious damage to liver, kidneys, lungs and the reproductive system. One of the joint studies conducted by Women's Environment Network, the Swedish Society for Nature Conservation, and Health Care Without Harm on European cosmetic products, have reported that almost 80 per cent of the 34 cosmetic brands contained one or more phthalates. Some of the commonly used phthalates to be added in the cosmetic products includes dibutyl phthalate, dimethylphthalate, and diethyl phthalate.

The products which were reported to contain these chemicals include perfumes, deodorants and hair care products to which phthalates are known to impart properties like moisturising, dissolving or fixing other ingredients. Some of the major brands, which tested positive for phthalates in their products, were L'Oreal, Procter and Gamble, Boots and Wella.

Phthalates are known for their bioaccumulating properties, leading them to cause damage even at low exposure levels. Once inhaled as fumes, ingested or absorbed through the skin, they can be metabolised by the human body. Pregnant women are more at risk due to the property of phthalates of passing down to the foetus through the placental barrier. They are known to cause decreased fertility and other reproductive problems.

In 2002, Health Canada's expert advisory panel on DEHP in medical devices, also concluded that "the mechanism by which developmental and testicular toxicity in particular occur in rodents appears relevant to humans."

Source: Pretty Nasty – Phthalates in European Cosmetic Products, *November 2002*

Compiled by ***Ruchita Khurana***

E-toxic listserve

Toxics Link coordinates an electronic discussion group for sharing and disseminating information. If you would like to join the group, please e-mail us at ***tldelhi@vsnl.com***

If you have suggestions or require information, please contact:

Toxics Link – Delhi
H2 Jungpura Extension
Ground Floor
New Delhi 110 014
Tel: +91-(0)11-24328006/24320711
E-mail: tldelhi@vsnl.com

Toxics Link – Mumbai
4th Floor, CVOD Jain School
84, Samuel Street
Dongri
Mumbai 400 009
Tel: +91-(0)22-23759657/23752050
E-mail: tlmumbai@vsnl.com

Toxics Link – Chennai
8, Fourth Street
Venkateswara Nagar
Adyar
Chennai 600 020
Tel: +91-(0)44-24914358/24460387
E-mail: tlchennai@vsnl.net

Website: **www.toxicslink.org**

Designed by Splash! Communications, *e-mail* makeasplash@vsnl.net
Illustrations by Vishwajyoti Ghosh, *e-mail* ghoshvishwajyoti@rediffmail.com