

ADDENDUM

“THE PROBLEM ENDS FOR THE GOVERNMENT WHEN THE WASTE IS REMOVED. WHAT ARE THEY [THE GOVERNMENT] GOING TO DO WITH THE HOMES LOCATED ONE METER FROM THE WASTE? WHAT ARE THEY GOING TO DO WITH THE CONTAMINATED WATER?”

- José Sajama, President of the Departmental Council of Kolla Communities

After this report was sent to press, important new developments took place in Abra Pampa. Clean-up efforts to remove the remaining metal waste in Barrio 12 de Octubre were initiated on November 18, 2011 by government authorities. Based on telephone interviews conducted by the Clinic with residents who witnessed these activities and representatives from the IDB, the Clinic has documented the new developments in Abra Pampa between November 17 and November 28 in this addendum, offering a preliminary assessment of the government’s actions, the role of the IDB and implications for community residents.

On November 17, 2011 an event was held outside of the Municipality of Abra Pampa to inaugurate the availability of heavy excavating machinery destined for the Association of Municipalities of the Puna.¹ At this event the mayor of Abra Pampa, Ariel Mechaca, announced that a clean-up would begin in Barrio 12 de Octubre to remove the most visible amount of metal waste left in the city. While information from the IDB had suggested that the implementation of the remediation would begin at the end of 2011 or early in 2012, these clean-up efforts do not appear to follow the process as stipulated in the IDB loan agreement. The IDB is aware of these developments and confirmed with the Clinic that the government is using funds from the loan agreement to finance these clean-up efforts.²

To the Clinic’s knowledge, the environmental assessment carried out by CESEL Ingenieros was never made public, nor were the three alternative remediation plans to be produced by GEAMIN ever presented to local authorities or the general community. Argentina’s National Auditing Office (AGN, for its initials in Spanish) audited the IDB loan in July 2011 and determined that the release of CESEL’s work is over a year behind schedule, as is the implementation of a comprehensive remediation plan.³ Terms of reference to carry out the remediation were never announced, and if an international bidding process to select the company implementing the clean-up was conducted, this information has not been made publicly available by either the government or the IDB. Argentina’s AGN recommended that the bidding process for companies involved in the remediation process be done in a transparent manner and that all stages of the remediation be implemented in accordance with the severity and complexity of the issues at stake.⁴ The government’s actions in this clean-up effort do not comply with either the

¹ “Entregaron equipamiento para el saneamiento ambiental en la Puna,” *El Libertario*, November 17, 2011.

² Telephone conversation with Michael Collins, Inter-American Development Bank, November 21, 2011.

³ Auditoría General de la Nación, *Informe de auditoría sobre los estados financieros del “Programa de gestión ambiental para una producción sustentable en el sector productivo- Subprograma II: Gestión Ambiental Minera.” Contrato de Préstamo N° 1865/OC-AR BID, (Ejercicio N° 3 el 31/12/2010)*, 26.

⁴ *Ibid*, 27.

recommendations from its own National Auditing Office or the terms of the loan agreement, yet neither the pertinent government agencies nor the IDB have taken effective action to remedy the situation.

The day after the mayor's announcement, residents were awakened to the sounds of heavy machinery as the removal of the waste from Barrio 12 de Octubre began early on the morning of November 18. The Jujuy based firm, BSD Ingeniería y Servicios, has been hired by the government for the removal of the waste. As described by residents of the community present at these events, the actions taken by the government fall into the same pattern of disregard for the health and human rights of the residents that are documented in this report. Prior to the initiation of the work, no precautions were taken to protect residents from further exposure to lead. Work was done on the first day for several hours without spraying down the dust that billowed out from the worksite, releasing particles of lead into the air.⁵ Residents saw children playing near the worksite the morning of the 18th, as it had not been properly fenced off and no signs had been posted to warn residents about the increased risk of exposure to lead during the removal of the waste.⁶ On November 19, a day after the clean-up began, precaution signs were posted and subsequently residents were no longer seen transiting through the work site.⁷ Residents reported that the workers themselves lacked protective equipment throughout the first few days of the clean-up.⁸

⁵ "Retiran residuos sin prevención," *El Tribuno*, November 18, 2011.

⁶ *El Tribuno*, November 18, 2011.

⁷ Telephone interview with José Sajama, November 20, 2011.

⁸ *El Tribuno*, November 18, 2011.



A child walks through the unprotected worksite as lead dust billows into the air due to the inadequate clean-up procedures. Abra Pampa, Barrio 12 de Octubre. José Sajama. November 18, 2011.

Although the Clinic is unable to make a full assessment of the clean-up process at this time, it appears to be strategically timed so as to remove the most visible reminder of the environmental and health crisis in Abra Pampa before James Anaya, the United Nations' Special Rapporteur on the rights of indigenous peoples, visits Argentina between November 27 and December 7, 2011, with a scheduled visit to the city on December 3.

During an interview with the Clinic, an IDB representative indicated that these most recent clean-up efforts were not technically part of the remediation, as that process would begin later. The Clinic, however, believes that every action taken to further the environmental clean-up in Abra Pampa is part of a single process that cannot be fragmented, and that each stage builds on previous actions: the evaluation by CESEL, the current removal of the waste and any future remediation activities are inextricably linked. To ensure it is respecting residents' human rights, Argentina must comply with international standards at *every* phase of the remediation and during *all* actions it takes in the process. By failing to provide adequate oversight and monitoring of the entire process, the IDB is tacitly accepting all activities related to the remediation carried out by the government. The IDB must hold the government accountable for its actions to protect the health and human rights of the residents of Abra Pampa.



Precaution signs were posted the second day of the remediation. There is no mention of the increased health risks due to additional exposure to lead and other toxic metals during the clean-up work. Abra Pampa, Barrio 12 de Octubre. José Sajama, November 25, 2011.

While the removal of the metal waste from Abra Pampa is an improvement over the current situation, the government has acted irresponsibly in its implementation of the clean-up. This process is yet another example of the government's failure to engage the community in the remediation plan, respect the community's right to prior consultation and follow international standards and best practices to ensure the health of residents is protected.

Most worrisome to the Clinic and many residents is that the government has yet to announce a public health plan for those affected by lead poisoning and its health consequences even though these are well documented. The results of research conducted by Argentine engineers and scientists continue to confirm a direct correlation between blood lead levels in children and the proximity of their houses to the most contaminated sites, Metal Huasi and the field in Barrio 12 de Octubre.⁹ Nevertheless, the 2011 AGN audit notes that only \$2000 (USD) of the over \$10 million (USD) allocated for environmental remediation

⁹ Ruggeri, MA and GF Zubia, AE Romero, NME Avila Carrera, JA Tschambler and MG Bovi Mitre, "Geoposition: a tool used to analyze and diagnose contaminated sites in the province of Jujuy, Argentina," *Revista Toxicológica* 26, no 2-3 (2009): 131-136. Children that live within 100 to 200 meters of the sites tested with average blood lead levels of 9.659 µg/dl, children that live 300 to 400 averaged 8.729µg/dl and children that live over 500 meters from these two sites averaged 6.33 µg/dl in a georeference study conducted between 2006 and 2008.

in the three sites has been earmarked for the development of a health plan.¹⁰ The plans describing how these funds will be used have yet to be released, and government records do not indicate that additional funds will be secured.

The new information documented in this addendum further demonstrates the Argentine government's indifference toward the health crisis in Abra Pampa. Once the visible reminders of the metal waste have been removed, residents will have little leverage to demand remediation for the invisible consequences of the government's negligence: a generation poisoned by lead.



The field in Barrio 12 de Octubre where clean-up work is being carried out. Black and green tarps were hung on parts of the fence as a precautionary measure, but they do not enclose the entire perimeter. José Sajama, November 25, 2011.

¹⁰ Informe de auditoría, 20.