

Case: Oil Spill in Coatzacoalcos River and Beach. Veracruz, Republic of Mexico

Opposing parties: Mexican Center of Environmental Law (CEMDA in Spanish) and Coatzacoalcos's inhabitants

In opposition to: Mexican Oil Company (PEMEX in Spanish)

FACTS

According to the opposing parties:

1. Mexico's most important Petrochemical Complex is located within the Coatzacoalcos river basin, which includes the Lazaro Cardenas, Morelos, Cangrejera, Cosoloacaque and Pajaritos refinery plants. The state owned oil enterprise Petróleos Mexicanos (PEMEX) manufactures most of the gasoline, turbosine, combust oil and liquefied gas of the country.
2. According to studies and investigations provided by the opposing parties, the industrial waste from the petrochemical activities and its repeated oil spills and derivates into the Coatzacoalcos river have contaminated its waters and sediments with heavy metals and chemical substances (zinc, manganese, copper, mercury, lead, chromium, nickel, vanadium, cadmium and 9 organochlorate volatile compounds), whose concentrations exceed the permitted contamination limits in national and international standards.
3. As a result, the petrochemical complex has affected the ecosystems and biodiversity in the Coatzacoalcos river basin and its coastal area; it has caused damages to the small scale fishing development – traditionally this has been an important source of income and livelihood for numerous families-; it also has affected the health conditions of the local population and has exposed it to a condition of environmental risk and vulnerability.
4. On December 22nd 2004 an oil spill occurred in Coatzacoalcos River, in Nanchital, Veracruz, which holds a population of 15,000 inhabitants. This spill could've been prevented, but due to the negligence and lack

of coordination of PEMEX's personnel, the oil pumping operations were not stopped, in spite of the occurrence of a plant fire and subsequent explosion in the oil pumping station in Mazumiapan, 120 kilometers off the oil spill site. The enterprise did not act quickly enough to avoid the oil spill into the river and coast – the personnel arrived 3 hours after the incident-. Subsequently, the spill of 5 thousand barrels of oil contaminated 300 meters of the Tepeyac creek, 20 kilometers of the Coatzacoalcos River, and 7 kilometers of coastline in Coatzacoalcos and Congregacion de Allende beaches.

5. The negative toll of the fire and oil spill was: five workers injured with second and third degree burns; 500 fishermen affected by the contamination and therefore kept from doing their productive activities on which they depend to support their families as a source of income and livelihood; 769 cases of ill people from breathing fuel gases; damages on the mangrove, estuaries, fertile soils, pastures and thickets; and a massive mortality of bird, fish and reptile species.
6. PEMEX has stated before the mass media that it lacks the necessary funds for enforcing a maintenance and preventive measures program in accordance to the precautionary principle.

WHEREAS:

1. The oil spill of December 22nd 2004 is another grave environmental disaster. Just two months before, an even greater incident occurred in Omealca (18,000 liters of oil were spilled). That reveals the recurrence of extraordinary events (oil spills) associated to PEMEX, that cause chronic and persistent water and sediment contamination in Coatzacoalcos River.
2. The mitigation measures taken by PEMEX to clean up the resulting remnants of the oil spill were irregular, because only two out of the eight enterprises hired were officially registered in the Secretaría de Medio Ambiente y Recursos Naturales (the Mexican environment's authority) for restoring contaminated soils. The staff hired for those tasks, was not trained nor equipped with the protection gear needed for the cleansing activities. Fifteen months after the incident, the works are still unfinished, and there's been no adequate hazardous waste management, since that waste has been dumped and buried in irregular pits, thus affecting soils and aquifers. The environmental

impact is of important scale, but its mid and long term effects have not been assessed thus far.

3. According to figures from the Procuraduría Federal de Protección al Ambiente (PROFEPA), between 1997 and 2001, PEMEX was responsible for 57% of the 2592 environmental emergencies related to hazardous materials nationwide. The State of Veracruz is among the States reporting the major environmental emergencies; 80% of these emergencies are caused by PEMEX. Most of the incidents occur in oilducts, causing leaks and spills of substances such as oil, combust oil, diesel, gasoline, turbosine, natural gas and ammonia. The spills in ducts in PEMEX's refinery plants are due to: clandestine oilducts, damages or breakdowns, corrosion and material flaws. Approximately in 70% of PEMEX's events there is soil damage, 30% of all cases result in water contamination, and 10% of the incidents are related to air pollution.
4. These data show how often the incidents and accidents caused by PEMEX are – with an average of two emergencies per week-. PEMEX's chairman himself, Ramirez Corzo, admitted on several occasions before the mass media, that the lack of proper maintenance of the oilducts caused the accident. Twenty thousand kilometers of oilducts out of the fifty thousand kilometers of existing oilducts nationwide, require immediate attention; such data is confirmed by the Mexican Oil Institute (IMP in Spanish), because nearly half of the ducts have been operating for longer than 30 years.

In the view of the facts and considerations preceding, the jury of the Latin American Water Tribunal

RESOLVES:

1. To state that PEMEX reports consecutive omissions in the adequate environmental emergencies management of hazardous materials. This repeated negligent conduct contravenes national and international regulations.
2. To point out that PEMEX must exercise its social duties and must protect the wellbeing of the inhabitants settled on the Coatzacoalcos river basin, where the aforementioned Petrochemical Complex is located.

3. To indicate that PEMEX must carry out a contingency plan –that the surrounding populations should know about-, in order to orient the populations reaction before the occurrence of emergencies. Likewise, PEMEX must train its staff and the area’s population for the execution of such plan.
4. To point out that PEMEX must implement adequate prevention measures, including their gear and machinery maintenance and the implementation of preventive systems dealing with its oilducts’s overpressure.
5. To state that PEMEX and the Petrochemical industry ought to report all its toxic substances discharged into the air, water and soil, before the local authority on Registration of Contaminants Emissions and Transfers.
6. To established that all the information on contaminants emissions from PEMEX and the petrochemical industry, as well as the overview reports on water quality of the Coatzacoalcos River by the National Water Commission, must be made public.

RECOMMENDS:

1. That PEMEX enforces the existing national norms and laws, as well as the accords and international covenants on social, environmental and human rights.
2. That PEMEX implements a plan and a strategy for efficiently preventing and/or handling environmental emergencies.
3. That PEMEX sets up a program for the Coatzacoalcos river sanitation. It must include the adequate treatment of its industrial waste in accordance to national and international standards.
4. To evaluate the environmental impact on the water contamination of the Coatzacoalcos River as a result of the petrochemical activities from a short, mid and long term perspective and to establish an environmental recovery plan in the damaged riverside and coastal areas.
5. To urge PEMEX to assign part of its budget to implement the necessary measures according to the precautionary principle, and moreover, divulge these measures among civil organizations and corresponding authorities.