

IFAI REQUESTS ARE ONLY AS GOOD AS THE REST OF THE REGULATORY SYSTEM:

WHAT HAPPENS WHEN THE INFORMATION JUST ISN'T THERE?

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Volunteer public interest watchdog Rosa María O’Leary filed three IFAI requests about La Choya proposed hazardous waste confinement after environmental officials licensed it in 2005 without community consultation. Using freedom-of-information requests, she discovered that authorities simply did not have the facts necessary for decision or policy making.

The responses she received did not answer her questions. Instead, they demonstrated the absence of documentation and regulation of disposal facilities for toxic industrial waste. The process revealed the lack of political will and policy tools needed to get meaningful replies from officials.

O’Leary found that the Ministry of the Environment (Semarnat in Spanish) cannot track different amounts and types of waste generated, nor does it have the names of companies using temporarily imported hazardous substances or their import-export dates. She found that the Customs Administration has that information only after 1997 and only on foreign companies. She also discovered that no public hearing was held because no citizen requested one.

She received no answer to verify the project’s bid opening date and the names of participating companies. But she did find out that authorities do not require firms to post bonds and that relevant regulations are not yet published under the General Law for the Prevention and Integrated Management of Waste.

The lack of information, regulations and accountability mechanisms is an argument for strengthening Pollutant Release and Transfer Registry reporting and for immediate application of reporting standards comparable to trade partners. In the meantime, there should be a moratorium on new toxic waste dumps until appropriate regulations are in place. Firms that manage hazardous waste facilities should be required to post bonds that provide risk insurance. O’Leary also concluded that specific policy measures are needed to oblige civil servants to provide meaningful responses to information requests.