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OPEN LETTER TO THE AUTHORITIES (MoEF/OSPCB)

Jairam Ramesh
Minister of Environment and Forests
Paryavaran Bhavan
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India

14 April 2011

Dear Minister

Serious risks to the health and safety of local communities in Orissa

Amnesty International is writing to you express its deep concern over for the safety of residents of villages around Vedanta Aluminium's refinery at Lanjigarh in Orissa, following reports of a significant rise in the level of toxic waste material in the refinery's main red mud pond.

In October last, Amnesty International had welcomed your Ministry's decision to reject Vedanta's application for five-fold expansion of its Lanjigarh refinery's capacity after finding that the project violated the country's environmental laws. Indeed, the residents of 12 villages who live in the shadow of the massive refinery – mostly Majhi Kondh adivasi (indigenous) and Dalit communities who rely on agriculture for their livelihoods – have long campaigned against this expansion, arguing it would further pollute their land and water. One of the most significant concerns raised by the communities was the risks posed by the waste disposal system at the refinery site, including its 28 hectare main red mud pond.

Amnesty International now urges your Ministry to protect the human rights of the local communities by:

- ordering an independent audit of the red mud pond, as a matter of urgency, and making the outcomes public and accessible to local communities
- taking steps to protect the local communities from any contamination of water, soil or air that has already occurred and providing local communities full information on the current situation, risks and steps taken to address those risks.

Over the past few months, Amnesty International has received credible reports that the level of waste in the main red mud pond has significantly increased. The reports also say that the pond's walls are being raised to a height of three metres to increase its capacity, but the environmental and other potential risks associated with an increase in the pond's capacity are not clear. Local communities have been protesting that they were not being provided with information on the reasons for, or implications of, expanding the pond's capacity.

Following this, Amnesty International consulted an international environmental specialist. This expert's view was that the pond at Vedanta's refinery should be considered a high risk facility, both because of questions raised about its design and construction, and because the areas experiences periodic

episodes of high rainfall. Additionally, in early April 2011, following heavy rain, local media and communities reported on what appeared to be a leakage from red mud pond. Vedanta has denied that any leak has occurred.

You may recall that, in October 2010, when the red mud pond at an alumina refinery at Kolontar in Hungary leaked and flooded local villages with red mud, several people died, dozens were injured and there was widespread environmental contamination.

Red mud is a highly alkaline toxic residue formed during the process of refining bauxite into aluminium and posing significant risks to human health and the environment. Careful management and robust regulatory oversight are necessary to effectively manage the risks associated with red mud. At the Vedanta Aluminium refinery at Lanjigarh significant concerns have repeatedly been raised about the waste management system, including the red mud pond. Over the period from 2007 to 2009 the Orissa State Pollution Control Board highlighted concerns about the design and maintenance of the red mud pond at the Lanjigarh refinery, including queries about construction, and evidence of seepage of alkaline waste water (pH of 11.06) from the pond. These concerns have not been adequately addressed. Also, in a report issued in February 2009, based on field research at Lanjigarh, Amnesty International noted that the findings of the Pollution Control Board, in relation to the red mud pond and other waste management systems, pointed to violations of the right to water and right to health, including the right to a healthy environment.

Given the risks, and the proximity of the red mud pond to communities and water bodies, Amnesty International firmly believes that an independent engineering audit is vital to either provide reassurance that the red mud pond is operating satisfactorily, or to ensure that any problems are clearly identified and immediately addressed. The potential that the pond may overflow makes such an assessment urgent.

Additionally, it is important that local communities are given credible, independent information on the operation of the waste systems at the refinery, including the main red mud pond. Good practice within the industry requires that all stakeholders should be satisfied with operation of the facility. However, communities in Lanjigarh continue to live with considerable uncertainty about the safety of the Vedanta plant, in part because they have not received adequate information and credible assurances that the concerns they have raised over several years have been properly addressed. Indian's international human rights obligations also require that people are properly informed about and consulted on risks to their human rights, and that the government takes appropriate action to safeguard human rights.

Amnesty International reiterates its stand that all existing environmental and human rights impacts should be fully and adequately addressed, in consultation with the affected communities, and that no expansion of the refinery, that would expose local communities to further risks to their human rights, is authorised.

We also understand that Vedanta has appealed against your Ministry's decision to reject its proposal for the refinery's expansion. This appeal is deeply troubling, not least because it would appear that significant concerns about the current refinery have not been adequately addressed. Moreover, it leaves communities once again facing prolonged uncertainty, as well as potentially increased risks to their human rights. We hope and believe that the Indian judiciary will recognize the wisdom of your Ministry's decision and uphold the rights of the local communities.

Yours Sincerely

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