

**POISON HARVEST:
DEADLY U.S. MINE POLLUTION IN PERU**

HEARING
BEFORE THE
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
AND HUMAN RIGHTS
OF THE
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES
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POISON HARVEST: DEADLY U.S. MINE POLLUTION IN PERU

THURSDAY, JULY 19, 2012

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
AND HUMAN RIGHTS,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2 o'clock p.m., in room 2200, Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. Good afternoon, and thank you for being here. Today's hearing will examine the human tragedy that is an unfortunate but largely preventable byproduct of development. On the one hand, the world at large needs materials, such as gold, silver, copper, and lead, and people gain employment in the extractive industry.

But extracting the myriad of metals and minerals from the Earth often has a dark side and results in elevated health hazards for the people who work at or live in proximity to mines and the facilities that process these minerals.

Since 1922, a metallic smelter has operated in the La Oroya region of Peru, and has been the almost sole source of employment for the area's now 30,000 residents. In 1974, the Government of Peru nationalized the facility and, in 1997, sold it back to the private sector. The buyer was an American company, Doe Run Resources Corporation, of St. Louis, Missouri. Both parties acknowledged that there was considerable pollution both within and outside the facility.

Under the purchase agreement, Doe Run was to clean up the smelter complex, while the Government of Peru was supposed to clean areas outside of the facility. Unfortunately, cleanup has been much more difficult than perhaps either side or either party seem to have anticipated. Doe Run faced nine phases in the Peru-mandated environmental cleanup program. Company spokespeople tell us that they spent more than \$300 million and completed more than eight of the nine phases. However, repeated extensions provided by the Peruvian Government for the cleanup were not enough to complete the process, which cost much more than originally estimated.

When word circulated that the company might not get another extension, the banks declined to continue providing working capital, and after vendors went unpaid, the government shut down the Doe Run Peru smelter in 2009. Earlier this year, the Blacksmith

Institute, an international nonprofit organization dedicated to fighting the effects of pollution in developing countries, confirmed Doe Run's account of making progress in ending pollution from the smelter, as well as the company's claim of continuing to pay the workers even after the smelter was closed down.

In 2007, the Blacksmith Institute had listed the La Oroya site as one of the most polluted in the world. Even though much of the cleanup at the smelter reportedly has been accomplished, the facility cannot be operated in an environmentally safe manner until the final phase is completed. The matter is now in the hands of the arbiters. But while the smelter has not polluted La Oroya since 2009, the residents of this area and indeed Peruvians miles away from this facility still face significant negative environmental and health effects from the nearly 90 years of pollution from the smelter site. A study on pollution at the site presented earlier this year by our witness Dr. Fernando Serrano, showed that 3,312 tons of particulate matter has been released from the site each year, along with 847 tons of lead, 423 tons of arsenic, 226 tons of nitrogen oxides, and 43 tons of cadmium.

Even at relatively small levels in the body, these elements can negatively impact children's development permanently. Minimal effects include the loss of IQ and hearing and growth problems and at much higher levels can cause brain damage, seizures, and even death. The level of toxic elements found in residents of La Oroya is three to six times the United States average. These substances in the environment have robbed generations of children and adults in this area of the lives that they should have had.

To properly clean up the environment outside the smelter facility, it is estimated that as much as 3 feet of topsoil has to be removed and cleaned through an incineration process before being replaced. The cost is high because two rivers pass through this area, carrying contaminated soil and water downstream. In addition to the negative health impact to those who drink the water, the crops and livestock fed by the waters on contaminated soils constitute a poison harvest for residents as far away as the capital of Lima.

In addition to the health issues posed by this environmental disaster, an even broader interest is the effectiveness of the free trade agreements, such as the United States-Peru Trade Promotion Agreement. Congress has oversight over such agreements, and we must ensure that after we have approved these pacts, that they live up to the promises that led to their original approval.

The U.S. Government must ensure that American companies carry out their end of the bargain. But it is also our responsibility to determine whether the government in question has lived up to its part of the agreement. In this case, the Government of Peru faces a truly daunting task of cleaning up decades of mineral contamination from this smelter alone. It is an unenviable task, but one on which the well-being of Peru's citizens depends. We had hoped to ask the administration about this matter at this hearing today, especially how it manages the implementation of the FTAs.

Unfortunately, the Department of State, U.S. Agency for International Development, and Environmental Protection Agency all declined our invitation to testify today. Whatever the reason, our Government cannot just approve trade agreements. We also have

the responsibility to see that these agreements are fully, effectively, and fairly implemented.

So we will again invite these U.S. agencies to come here and give testimony and answer questions. Environmental damage in Peru is our concern, not just because we care about the suffering people outside of our borders, which we do, we absolutely do, but it is also because we have a responsibility to make sure our own companies aren't at fault.

Doe Run admits polluting the area from the smelter facility over more than a decade. However, the smelter has been in operation for nearly 90 years, and the accumulated pollution will endanger Peru's people even if the smelter never operates again. We will hear today from four distinguished witnesses, including Archbishop Pedro Ricardo Barreto Jimeno of the Archdiocese of Huancayo, Peru, who will testify. I note parenthetically before briefly quoting him, that the genesis of this hearing came out of a meeting that Greg Simpkins and I had with the archbishop several months ago. He provided an enormous amount of documentation to our subcommittee about this issue. And that is why we are here today. So I thank the archbishop for that. He will say that this is a matter of grave concern, not just to the citizens and residents of La Oroya and of Peru, but also to the world, and in particular to the United States. "Frankly, I have been very—" this is him speaking—"very critical of Doe Run Peru for its constant noncompliance with environmental standards as it operates this metallurgical complex."

He also points out that he has been the victim of death threats and hostility directed at him in his role as bishop and pastor of his flock.

Similar threats have been leveled against another witness today who will testify, Ms. Rosa Amaro. I will include in the record some of their statements, which I thought were very, very telling, but they will make those I know in just a few moments.

Just let me say that in the United States, it was not until the enactment of the Comprehensive Environmental Response, Compensation, and Liability Act, PL 96-510, commonly called the Superfund law, that the United States got serious about cleaning up toxic waste sites. Additionally, numerous laws to mitigate pollution at its source have also reduced common day pollution in the United States and are a model for the world. Thousands of what we call Superfund sites that are on what we call the National Priority Listing, including 112 sites in my own home State of New Jersey, have been rendered clean or have had serious mitigation action done, including capping and incineration.

One example in my district is the Roebling Steel Mill in Roebling, New Jersey. The business, formed and run by John A. Roebling, engineered and built such landmarks as the Brooklyn Bridge, the Golden Gate Bridge, and Niagara Falls Suspension Bridge. Unfortunately, the environmental disaster left after Roebling shuttered its gates had cost more than \$80 million to clean up. So I fully understand the challenges facing the Government of Peru and its industry.

Finally, the La Oroya crisis offers a major test of our FTA process. How we live up to our responsibilities to uphold our end of the international trade agreements, such as the United States-Peru

Trade Promotion Agreement, will determine the value of future agreements. Our witnesses today will tell, I know because I have now read their testimonies, a chilling story of how legitimate commerce can sometimes threaten the life of those who live near a mineral wealth. What God has provided as a blessing must not be allowed to come, remain or become a curse through sickness and disability. I would like to now yield to my good friend and colleague the ranking member, Ms. Bass.

Ms. BASS. Once again, Mr. Chairman, I want to thank you for holding today's hearing and raising this issue of environmental contamination caused by the smelting complex in La Oroya, Peru.

There is no question that the leaching of high levels of heavy metals in the surrounding environment from the complex has put the health of the local population at risk, particularly those most vulnerable, including children, pregnant women, and the elderly. I hope this hearing provides an opportunity to better understand the current situation regarding pending bankruptcy hearings, community efforts to raise awareness around public safety, and what continued contamination may cause for those in the surrounding areas.

I will also be particularly interested in hearing today's witnesses remark on the United States-Peru Trade Promotion Agreement, and how its health and environmental provisions are enforced, and what more can be done to strengthen enforcement requirements. We must see to it that companies and governments alike adhere to international standards and agreements, and that they honor commitments that place the well-being of citizens before that of profit. It must be acknowledged that the health and security of people is in the best interests of the state and therefore should be pursued without fail.

The 90-year history of mining activities in La Oroya goes back to 1922, in a metallic smelter complex high in the Andes, which my colleague has already described. I understand that the Peruvian Government took over that operation in 1974, and in 1997, it was transferred to the Metal Oroya company. That same year, Metal Oroya was acquired by the Doe Run Resource Corporation of Missouri.

It is my understanding that under the terms of the merger, Doe Run, in full cooperation with the Peruvian Government, committed to invest funds for the fulfillment of a proportion of Metal Oroya's environmental adjustment and management program. Legislation passed in 1993 required all mining companies to work with the government to protect the environment and ensure that certain standards were followed.

We have heard of the detrimental effects on the Doe Run-owned complex and surrounding environment and the effect it has had on the health of the local community. Large amounts of lead, copper, zinc, and sulfur dioxide from the site, I understand, have affected over 35,000 people, and the level of toxins found in the residents of La Oroya are three to six times the U.S. average for acceptable levels.

Data shows that nearly all children and seven out of 10 adults in La Oroya were found to have more than 10 micrograms of lead in their blood, a level that we know results in IQ loss and hearing,

learning, language, and growth problems in children. At these levels, lead toxicity can also cause cancer of the kidneys, and at a higher level, it can lead to more serious problems, including brain damage and anemia. I just have to tell you, as I read about this situation, I found it particularly outrageous, considering in our country I certainly remember—and I look forward to hearing from one of the witnesses in particular, Ms. Rosa Amaro, because I remember what happened in our country. And as my colleague here mentioned the laws that were put into place, the Superfund, I remember on the other side, which was a grass roots community movement that led to the legislation being changed. And I imagine when we hear from Mrs. Amaro that she will describe a similar grass roots movement.

Well, through that movement in the United States, it led to us taking lead out of paint. And so it is illegal now to paint houses in our country with lead. And we are just talking about the paint that is in a house. People in this community have lived where they have had to deal with toxins spewed into the air. And I just think it is outrageous and unacceptable. And I am going to be very interested to hear what the community has done to respond to this and how we can continue to be supportive in your efforts.

So, once again, Mr. Chair, thank you very much for having this hearing, and I look forward to the testimony from the witnesses today.

Mr. SMITH. Thank you very much, Ms. Bass.

Before going to Mr. Carnahan, we also took lead out of our gas.

Ms. BASS. Yes, exactly.

Mr. SMITH. Comprehensive efforts to lessen or mitigate risk.

Ms. BASS. Because we know the damage.

Mr. SMITH. Exactly. I would like to yield now to my friend and colleague, Mr. Carnahan.

Mr. CARNAHAN. Thank you, Mr. Chairman, and ranking member. It is good to be here, to be having this hearing today.

I want to first welcome Dr. Fernando Serrano from St. Louis University. Thank you for your presence here today.

Dr. Serrano's studies have shed important light on the environmental contamination related to the La Oroya smelter facility and its effects on public health, especially the risks to children. Dr. Serrano's work has found that La Oroya's population levels for many of the most toxic metals are more than three to six times the U.S. average, with dangerously elevated lead levels found in the blood of 97 percent of children between 6 months and 6 years of age, and 98 percent of those between 7 and 12 years old.

In 2007, the Blacksmith Institute declared the Doe Run Peru complex one of the world's most polluted places. Just south of St. Louis, Missouri, my home, is a lead smelter operation owned by the Doe Run Corporation and its parent company, Renco Group, which has also had its share of environmental and public health problems. And for years, families and children living in the area of the Doe Run facility were exposed to high levels of lead. And according to the EPA, it is one of the most dangerous neurotoxins in the environment. In 2010, the company reached an agreement with the EPA to pay \$65 million for a violation of environmental laws, as well as a \$7 million civil penalty.

By the end of 2013, Doe Run is supposed to be closing down the old plant there. They had originally announced plans to build a new facility. But as recently as June 30, in an article in the St. Louis Post-Dispatch, they announced that they won't be building a new plant.

So this has been kind of a moving target in our part of the country. But we also see the implications what is going on in Peru.

We also understand there is an economic argument involved here. Doe Run Peru's smelting operations provided important jobs to many Peruvians, with the mining industry counting for over 60 percent of Peru's export earnings. We must look for ways, I think, as a government to bring all the parties together to comply, to comply with commitments under the program for environmental mediation and to reach solutions that allow for economic development and jobs but do so with a top priority of protecting public health.

So thank you, Mr. Chairman and Ranking Member for holding this hearing. We look forward to hearing from our witnesses today.

Mr. SMITH. Mr. Carnahan, thank you so very much, and for being here with us today.

I would like to now welcome to the witness table our four very distinguished witnesses, beginning first with Archbishop Pedro Ricardo Barreto Jimeno, who is from the Archdiocese of Huancayo, Peru. He is also the vice president of the Peruvian Episcopal Conference and president of the Justice and Solidarity Department of the Latin American and Caribbean Regional Bishops Council. In 2005, Archbishop Barreto was named the general coordinator of a multi-stakeholder effort to address contamination in the community of La Oroya and has been recognized for his work on this situation.

Archbishop Barreto has recently received death threats for his continued efforts to address urgent health and environmental concerns.

And I, again, on behalf of this subcommittee, thank him for his courage and for his willingness to speak out so bravely throughout, including at today's hearing.

We will then hear from Dr. Fernando Serrano, who is the principal investigator of the St. Louis University CDC study to determine levels of toxic metals in La Oroya population and in the environmental assessment of soil, water, and air quality and the Mantaro watershed. Dr. Serrano's studies have provided evidence of the extensive environmental contamination related to the Doe Run smelter in Peru, and its effects on the health of the people, especially children. He is also an assistant professor of the department of environmental and occupational health at St. Louis University.

If you two could please come to the witness table. Then we will hear from Ms. Rosa Amaro, who is the president of the Movement for the Health of La Oroya, a social organization founded with the goal of advocating at the national and international level around the severe health damage caused by the activities of the La Oroya metallurgical complex, a multi-mineral smelter.

Rosa's family lives in the neighborhood most affected by the pollution. She is the mother of two sons, the youngest of which suffers

from severe hearing problems that have led them to seek specialized care in Lima.

And finally, we will hear from Keith Slack, who is the extractive industries global program manager in the DC office of Oxfam America, where he coordinates the organization's extractive industries reform program, which promotes greater respect by corporations, international financial institutions, and governments for the basic rights of communities in developing countries mal-affected by oil and mining operations.

He has previously worked on the ground in Peru for Catholic Relief Services. He has published multiple articles and has written chapters in volumes on extractive industries and sustainable development.

**STATEMENT OF HIS EXCELLENCY PEDRO BARRETO,
ARCHDIOCESE OF HUANCAYO, PERU**

Archbishop BARRETO. [The following testimony was delivered through an interpreter.]

Good afternoon to all of you. I am Archbishop Pedro Ricardo Barreto Jimeno, and I have been the archbishop of the Archdiocese of Huancayo in the center of the Andean area of Peru since 2004. That is where the City of La Oroya is located. It is one of the most polluted cities in the world.

I am grateful to Congressman Christopher Smith, the chair of the subcommittee, and to Congresswoman Karen Bass, the ranking member, for this opportunity to be a witness before you, witness to the joys and the sorrows and the hopes of the population of La Oroya.

I also want to thank the 18 Congressmen and Congresswomen who sent a letter to Ms. Hillary Clinton, the Secretary of State on March 29, at the initiative of Congressman Raul Grijalva.

The letter reveals a great truth. And it says, We are writing to express our serious concern with the behavior of this U.S. company, Renco Group, and its subsidiary, Doe Run Peru, which has negatively affected the image of the United States in Peru and in Latin America.

I am a witness to the fact that these statements are unfortunately true. I have seen people cry because of their children and grandchildren, who are suffering serious consequences and environmental contamination.

And that is why we are very happy that today we have both Democratic and Republican Representatives here together to defend the life and the health of the population of La Oroya. This is an encouraging sign and example for Peru and the world.

I am not a political leader, and I am not an expert on the economy. I am a bishop, a pastor, who in faithfulness to Jesus Christ, our good shepherd, has decided to try to plow fields to sew the seed of life, of justice, and of peace.

La Oroya is inside the territory of my archdiocese, whose population has suffered since 1922 from the serious effects of the toxic emissions coming from the polymetallic smelter since 1922 until June 2009.

It was on that date, in June 2009, that Doe Run declared itself to be bankrupt. But the truth is different. The Doe Run Corpora-

tion has not complied with its commitments to complete in 10 years, over the course of 10 years, the environmental mitigation projects it had promised to complete.

The government, under pressure from Doe Run and its workers, decided to give the company an extension of 30 more months to be able to comply with its environmental mitigation program. We also know that here in the United States an affiliate of this company has received severe economic sanctions because of the effects it has caused on the life and health of girls and boys, and because of environmental noncompliance with environmental laws in the City of Herculaneum, Missouri.

In fact, the National Mining Society of Peru in 2010 decided to expel the organization of Doe Run from the society for poor corporate practices. And recently, the president of a Peruvian enterprise organization, called Confia, has stated that companies like Doe Run should not be in Peru.

The smelter in La Oroya has emitted toxic gases on the surrounding population from 1922 until 2009. So we are talking about a period of 87 years. Of those years, during 65 years, the facility was run by two North American companies. One was Cerro de Pasco Copper Corporation, which no longer exists, and the other is Doe Run Peru. Both of these companies leased the property of the metallurgical complex in La Oroya, and they are responsible for generating three-quarters of the environmental liabilities that are existing today.

I should say that in La Oroya and in Peru we are going through difficult times. And that is because of the historic way in which mining activities have been carried out without any kind of socioenvironmental responsibility. And this has generated mistrust. The poor population does not trust the companies or the central government itself.

That is why decisions like the ones that you may make here, Congressmen and women, are important and effective for helping to keep people from continuing to be affected by this kind of contamination and to prevent the deterioration of the image of the Government and the people of the United States.

Your actions and determination here has received a great deal of attention in the Peruvian press. And this has helped the Peruvian Congress and Government to comply more faithfully with chapter 18 of the free trade agreement between the United States and Peru, which is currently in effect.

I want to end my testimony by making an explicit reference to something that Jesus Christ, our good shepherd, said. And he strengthened us by saying two things, that if we are faithful to his word, he says, you shall know the truth, and the truth shall set you free.

We will know the scientific truth that Dr. Serrano will tell us, Dr. Serrano from the University of St. Louis of Missouri, and we will also hear the truth of the human suffering of the people of La Oroya from the experiences of Ms. Rosa Amaro.

We will also hear and learn about the ethical and moral truth that we are trying to give testimony to today. Because of our faith in Jesus Christ, believers cannot be silent in the face of evil.

That is why our position is firm, it is clear, and it is nonnegotiable. For Doe Run or any other company to operate the smelter and the metallurgical complex at La Oroya, this should only happen after the environmental mitigation projects have been completely finished. Thank you.

[The prepared statement of Archbishop Barreto follows:]

WRITTEN TESTIMONY FOR THE RECORD

TO THE

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH AND HUMAN RIGHTS

UNITED STATES HOUSE OF REPRESENTATIVES

GIVEN BY

MONSIGNOR PEDRO RICARDO BARRETO JIMENO, S.J.

ARCHBISHOP OF HUANCAYO, PRESIDENT OF THE DEPARTMENT OF JUSTICE AND SOLIDARITY OF
THE LATIN AMERICAN BISHOPS' CONFERENCE (CELAM)

FIRST VICE PRESIDENT OF THE CATHOLIC BISHOPS' CONFERENCE OF PERU

JULY 19, 2012

I am Archbishop Pedro Ricardo Barreto Jimeno of the Archdiocese of Huancayo, Peru, and First Vice President of the Catholic Bishops' Conference of Peru. I would like to thank the Honorable Representative Christopher Smith, Chairman of the Subcommittee, and the Honorable Representative Karen Bass, Ranking Member, for the opportunity to give my testimony today.

I am not here as a political leader or as an economic expert. I am a religious leader, a bishop and a pastor, who, out of faithfulness to Jesus Christ, the Good Shepherd, is deeply convinced of the need to plow up new earth where the seeds of life, justice, and peace may be sown once again. I am also a Catholic pastor who is disturbed by the terrible human health and environmental consequences of the heavy metal smelter operations of Doe Run Peru in the town of La Oroya since 1997. La Oroya is in my archdiocese. I have visited the town often, I know the people there, and know very well their concerns, hopes, sorrows, and joys. This is a matter of grave concern, not just to the citizens and residents of La Oroya and of Peru, but of the world and, in particular, the United States. Doe Run Peru is a subsidiary of Renco International, a privately held entity owned and operated by United States citizens. The operation of the smelter, and the environmental and health degradation it has caused, reflects on the good name and reputation of the United States. My fellow witnesses—Dr. Fernando Serrano of the School of Public Health at the University of St. Louis in Missouri, and Mrs. Rosa Amaro, a citizen of La Oroya— and I are privileged and grateful to be able to speak to you of our work in La Oroya to protect the lives and health of its residents.

Since 2004, when I was appointed Archbishop of Huancayo, I have been very concerned about the health and environmental consequences of the operation of the smelter in La Oroya.

Frankly, I have been very critical of Doe Run Peru for its constant non-compliance with environmental standards as it operates this metallurgical complex. I have been the victim of death threats and hostility, directed at me in my role as bishop and pastor to my flock. Similar threats have been leveled against Mrs. Rosa Amaro who is also here today.

The Gospel and the Social Teachings of the Catholic Church call us to denounce the unjust and irresponsible attitude of Doe Run Peru, whose unsafe and uncompassionate way of operating is causing extreme suffering among the people, especially the children. The Church is not opposed to economic development or to mining, whether in La Oroya or elsewhere in the world. But, in being faithful to the principles and values of the Gospel of Jesus Christ, we believe that all economic activity must be at the service of comprehensive human development and the common good of society. Mining activity in particular must be conducted in ways that protect the health and the environment of affected communities. Catholic Social Teaching has consistently called for equitable and sustainable economic development. This has been the teaching of Pope John XXIII, Pope Paul VI, Pope John Paul II, and of our present day Pope Benedict XVI.

Pope Benedict, in his encyclical *Caritas in Veritate*, insisted, "The environment is God's gift to everyone, and in our use of it we have a responsibility towards the poor, towards future generations, and towards humanity as a whole."

In this same encyclical, Pope Benedict asserted that to function correctly, the global economy needs people-centered ethics to make it more just, stable, and equitable. The Pontifical Council for Justice and Peace has recently called for a new framework of international law and global regulation. It argues that the primacy of the spiritual and the ethical realm must be restored for the good of humanity. Such an approach will nourish markets and institutions that are at the service of the integrated human development of the person—all human beings—in search of the common good. The economy exists to serve the human person.

To achieve these goals, the Church has long held the view that greater international cooperation and supervision is necessary. Pope John XXIII, in his 1963 encyclical *Pacem in Terris*, observed that the world was heading towards ever greater unification or globalization. The development of a global economy demands the creation of a system of oversight for the universal common good of humanity. Consistent with these principles, the Catholic Church in Peru has a long tradition of encouraging the Peruvian Government and private mining operators to manage extractive facilities in safe and productive ways, respecting the rights of workers and of the people who live there, and taking care to protect the surrounding environment. This requires strict compliance with applicable health and environmental laws, in conformance with international standards and regulatory bodies. The Church's mission of evangelization has played a key role in shaping consciences and in educating the public and affected communities on health and environmental issues in Peru. We are proud that independent groups of lay persons—including the Movimiento Para la Salud de La Oroya (MOSAO), whose distinguished representative, Sra. Rosa Amaro, you will soon hear—have grown as a result of the teachings and practices of Christian, Evangelical, Presbyterian, and Catholic Churches.

For many years, the smelter currently operated by Doe Run Peru in La Oroya has failed to conform to international or Peruvian legal and ethical standards. Located in the Central Peruvian Andes, the La Oroya metallurgical complex and smelter has contaminated the air, soil, and water of the town of La Oroya with airborne toxins since 1922. La Oroya is listed as one of the ten most contaminated places in the world. Initially this facility was operated by U.S. Cerro de Pasco Copper Corporation, and then it changed hands twice—to the State-owned Centromin Peru in 1974, and then to the U.S. based Doe Run Company in 1997. When the Missouri-based metal refining company Doe Run purchased the smelter in La Oroya, Peru, it agreed to make improvements to the facility and to comply with the environmental and health management plan (known as the “PAMA”), to significantly reduce these toxic emissions. Instead, after more than 15 years, with extensions granted by the Peruvian Government, Doe Run has not completed the project to reduce environmental contamination from lead, arsenic, cadmium and other pollutants.

Shortly, you will hear about some important studies, such as those undertaken by Dr. Fernando Serrano of the School of Public Health of Saint Louis University in Missouri, which provide clear evidence of high levels of lead, cadmium, arsenic, and other toxic metals in the bodies of residents in La Oroya. The studies indicate that there is an extremely serious environmental health crisis affecting La Oroya, especially in vulnerable populations such as young children. In or outside the womb, children are uniquely vulnerable to these toxic pollutants in the environment, which—even in small amounts—are linked to health problems, such as respiratory illnesses, cancer, heart disease, learning disabilities, brain damage, and other illnesses that adversely affect childhood development.

Dr. Serrano will also tell you about the positive effects on both the environment and the population of La Oroya as a result of the temporary suspension of the smelter operations since June 2009. Since that time, the levels of lead and other poisons found in the blood of affected children and adults in that area have decreased notably. Dr. Serrano will also describe the terrible human consequences that would follow if the smelter is allowed to renew its operations in an illegal and unhealthy way, in contravention of applicable Peruvian and international standards.

This is ultimately the reason all of us are here today, and why the three of us at this witness table have made long journeys to join you here in the illustrious chambers of the government of the United States of America. We are at a critical juncture, a fork in the road, in terms of the operation of the smelter at La Oroya. We need your help and involvement, and that of the United States Government. Let me explain why the timing is so important and urgent.

Since March of this year, Doe Run Peru has been in a process of liquidation, arguing that it lacks the financial resources to carry on its activities in La Oroya, despite what we understand to be the significant financial assets available to its parent company. Accordingly, the Board of Creditors is looking for a new operator to take over the activities of the smelter at La Oroya. Despite its insolvency, Doe Run Peru has already twice requested permission to reopen the facility, seeking exculpation from applicable environmental standards. Twice, the Peruvian Government has rejected Doe Run Peru’s application.

On July 26th, in just a week, the Board of Creditors will apparently consider once again the application of Doe Run Peru and those of other applicants who seek to become the new operators of the La Oroya facility. We hope that any new operator will abide by the applicable and well-established environmental standards. If it does not—as both Mrs. Amaro and Dr. Serrano will testify—there would be grave and severe consequences for the long-suffering population of La Oroya, my congregants, and their ability to escape from this hell they have been living in because of corporate greed and irresponsibility. The residents of the area, and I as their bishop and pastor, want people to be able to live with dignity as sons and daughters of God. Let me be clear: no company or entity, whether it is Doe Run Peru or any other affiliated or unaffiliated entity, should be allowed to operate the smelter in La Oroya while violating the environmental commitments made (years ago) through the Environmental Management and Remediation Program (PAMA, by its Spanish acronym). This is a critical condition for any operation of the facility, and failure to honor such a commitment will take us back to being one of the ten most contaminated communities in the world. No company should be allowed to poison the air, water, and soil, and ultimately, the men, women, and children of La Oroya.

It is also important to note that chapter 18 of the Free Trade Agreement between Peru and the United States of America demands rigorous compliance with environmental standards.

Your role as representatives of this great nation brings with it a great responsibility. The decision of some of your colleagues to support a just and comprehensive environmental solution for this smelter in La Oroya was widely reported in the press in Peru, and the people of Peru received the news with great joy and hope. We believe this news led to increased vigilance by the Government of Peru. Historically, Peru is a country where, lamentably, mining has often been done without proper consultation of the affected communities or sufficient environmental protections.

I am completely convinced that our presence here will be major news both nationally and internationally. The Congress of the United States has given a clear signal of solidarity in the path toward the authentic social responsibility of States, companies and society as a whole.

The Church is not opposed to mining or development, but it does ask the question: development for whom? Mining for the benefit of whom? At what cost? Development must be for all people. When it is not, violence and inhumanity occurs that does not permit economic growth with solidarity.

Surely the people of Peru, its workers and residents, must share in the benefits of the extractives industries and not be harmed by these activities. Environmental degradation renders the population ill, poisons the air and the rivers, and despoils otherwise fertile agrarian land so it can no longer be successfully cultivated.

We must act in a way that respects the life and dignity of all human persons, enables the proper participation of all Peruvian citizens, and reduces environmental degradation, conflict, and division. We must not allow the protections that have been established in pertinent free trade agreements to be manipulated by litigants (including multinational companies) to delay the

rightful adherence by each such party to the environmental, health and labor commitments that have been assumed.

As members of this esteemed Congress, you can play a vital and hope-giving role, in solidarity with the people of Peru, offering compliance with environmental standards and oversight so that human beings may live with dignity and recover a healthy environment.

As Archbishop of Huancayo, and on behalf of my suffering but hopeful people, I would like to express our confidence in the good will of this honorable Congress. I am sure that you will act to provide crucial moral leadership, which the people of La Oroya will experience through a just and equitable development of the resources that are the common patrimony of all human beings.

We are all in the same boat of life. That is why I call on you to act with determination and global solidarity as brothers and sisters and as fellow human beings.

Mr. SMITH. Archbishop, thank you very much for your testimony. I would like to now ask Ms. Amaro if she would proceed.

STATEMENT OF MS. ROSA AMARO, PRESIDENT, MOVEMENT FOR THE HEALTH OF LA OROYA

Ms. AMARO. [The following testimony was delivered through an interpreter.]

Thank you, Chairman Smith and Members of Congress for the opportunity to give my testimony here today.

My name is Rosa Amaro Toykin. I am the president of the Movement for Health in La Oroya, called by its acronym MOSAO.

I have lived in La Oroya since I was born. The same is true of my parents and my family. MOSAO is a group of residents of La Oroya who are concerned about the health of women, children, and the elderly in the city.

I am not here as a political leader or as a technical expert. I am here as a citizen of La Oroya and as a concerned mother of two children, Moises and Jesus.

I founded MOSAO to help find a solution for the citizens of La Oroya so that we can live in a healthy environment that is free of toxic gases and smoke.

In 1999, the Ministry of Health of Peru did a study to see what the level of contamination was among the children of La Oroya. The results were terrifying. My 5-year-old boy Jesus had a level of 58.3 micrograms of lead for each deciliter of blood. This is higher than what is considered to be the maximum limit by the World Health Organization.

As you know, lead attacks the brain and the central nervous system. Children who survive intoxication, lead intoxication, in general suffer from a series of negative effects, including dyslexia. These effects are permanent, but unfortunately health care is very scarce in La Oroya.

The toxic emissions that are poisoning the children of La Oroya come from the lead smelter that is operated by Doe Run. I believe that Doe Run is a bad example of foreign investment in Peru.

The government has already given Doe Run several opportunities to resolve the contamination problems at the metallurgical complex. But the company has never complied with these commitments, and now it has the nerve to sue the state.

Doe Run has also caused many conflicts inside La Oroya, conflicts among family members and between neighbors. Some workers that support Doe Run are used by the company to demonstrate against MOSAO and against the Peruvian Government. For example, the company has its own radio stations that it uses to defame and to insult people like myself and like Archbishop Barreto, who are only trying to help the people.

Those who support Doe Run company have thrown rocks at my house, and they have threatened my life. When they see us in the streets, they shout, "Death to MOSAO." We don't have any protection against these threats.

As a precautionary measure, I hide inside my house, and I don't go out much into the streets because I am afraid of being attacked by workers and their family members.

Currently, the level of pollution has gone down quite a bit because the Doe Run plant has been closed. And it is the first time that my city has had clean air and a clear sky.

As a citizen, I want my neighbors to live with this clean air, and I want any operator of this complex to respect the highest environmental standards that protect the health of the population.

I am asking you today to help us so that Doe Run will comply with the highest standards of air, soil, and water quality, the kinds of standards that are used in the United States, so that our children can live healthy lives like children in the United States. Thank you.

[The prepared statement of Ms. Amaro follows:]

Testimony of Mrs. Rosa Noemi Amaro Toykin, President of the Movement for the Health in La Oroya (MOSAO), to House Committee on Foreign Affairs, Subcommittee on Africa, Global Health and Human Rights
July 19, 2012
2200 Rayburn House Office Building

My name is Rosa Amaro. I am the President of the Movement for Health in La Oroya (MOSAO) in La Oroya, Peru. MOSAO is a group made up of residents of La Oroya who are concerned about the health of the women, children, and elderly of the town.

I would like to thank Chairman Smith and Ranking Member Bass, for the opportunity to testify today. I am not here as a political leader or a technical expert. I come here as a citizen of La Oroya and as a concerned mother of two beautiful boys, Moises and Jesus. I founded MOSAO to help find a solution for the citizens of La Oroya so that we can live in a healthy environment, free of smoke and toxic gasses.

I started to be concerned about my children's health in 2000, when the Peruvian Ministry of Health tested my children for lead poisoning. The results were frightening. My five year old son had 58.3 micrograms of lead for every deciliter of blood.

As you may know, lead attacks the brain and central nervous system. Children who survive lead poisoning typically suffer from a range of ill effects such as dyslexia and attention deficit disorder to mental retardation. These effects are permanent.

The toxic emissions poisoning the children of La Oroya come from the lead smelter, operated by Doe Run, an American company, that purchased the smelter in 1997. As part of the purchase agreement, Doe Run committed to comply with an Environmental Remediation Program, called a PAMA. One of the requirements of the PAMA was to build a sulfuric acid plant that would decrease the pollution.

However, still today Doe Run's copper-circuit sulfuric acid plant has only been 57 percent completed. As a result, while the Doe Run Peru smelter was functioning, it continued to pollute and to emit gasses loaded with sulfur dioxide that poisoned the children. The Peruvian government extended the deadline to complete the treatment plant to 2009. However, the company still had not finished building the sulfuric acid plant by then. Instead it declared bankruptcy in 2009 and sued the Peruvian government for US\$800 million, using a provision in the U.S./Peru Free Trade Agreement.

As a resident and a person who has seen the practices of Doe Run since the beginning, I believe Doe Run is a bad example of foreign investment in Peru. The government already gave Doe Run several PAMA extensions so it could modernize the complex, but the company never complied and now it has the nerve to sue the state.

In addition to suing the state, Doe Run has caused many conflicts in La Oroya within families and among neighbors. Some workers support Doe Run and the company uses them to make demands of the Peruvian government. The company has its own radio stations which it uses to slander people like myself and others like Monsignor Barreto who are only trying to help people live in a place that is not contaminated.

Supporters of Doe Run have thrown stones at me, threatened to burn down my house, and threatened my life. The attacks come through written bulletins and attacks on the radio waves. When they see us in the street they shout "Death to MOSAO." We have no protection from these threats. As a precaution, I hide inside my house and I don't go out into the streets for fear of being attacked by the workers and their family members.

When we have gone to the governing body of La Oroya to ask for guarantees, the secretary there tells us that we should bring in the names and addresses of the people who have attacked us verbally on the radio stations, and the time the attack occurred. But it is impossible for us to get this information, because we can't identify these people, and we don't know where to go or who can defend us from these death threats.

I am here today to defend the land where I was born for the sake of my children and my children's children. They are also going to want to work someday and they are going to ask us what we did to defend the land and clean air. I will tell them with pride that we demanded: the right to life, to health, and the right to protect our vulnerable children and pregnant mothers from contamination.

Today, my son's blood lead level has gone down to 24. That's because for more than two and a half years, there have been no lead emissions in La Oroya because Doe Run has not been operating. Today in La Oroya we have clean air, as confirmed by Air Quality Standard Compliance Reports – the Peruvian version of the EPA. In 2007 the particle pollution levels were 66.53 micrograms per deciliter. Today the levels have decreased considerably to 19.91 – that's a 70% reduction in toxic pollution. Likewise, the levels of sulfur-dioxide in the air have decreased from 1,177.33 micrograms to just 2.63 micrograms. This data was published by Doe Run Peru itself, since 2007, the company has been required by the Peruvian State to measure its compliance with its environmental commitments and it has implemented an air quality monitoring system.

As a resident of La Oroya, I would like for Doe Run or any group operating the lead smelter to guarantee that air quality will not be harmed, and I would like to continue breathing the kind of air we have today, without pollution or gasses. I would ask you please press upon the Peruvian government to continue to monitor and scrutinize the environmental impact of the activities of the Metallurgical Mining Complex in La Oroya, and ensure the protection of our health and our ability to live with clean and healthy air. Please bring to your influence to bear in requiring Doe Run behave better and comply with the same safety standards that are imposed upon them here in the U.S. - so that our children may live healthy lives like American children.

Mr. SMITH. Ms. Amaro, thank you so very much for your testimony, and at great risk to yourself for being here. I am very sorry to hear of all of the threats that have been made against you.

Dr. Serrano.

STATEMENT OF FERNANDO SERRANO, PH.D., ASSISTANT PROFESSOR OF ENVIRONMENTAL AND OCCUPATIONAL HEALTH, SCHOOL OF PUBLIC HEALTH, ST. LOUIS UNIVERSITY

Mr. SERRANO. Good afternoon. I would like to thank Honorable Chris Smith, chair, and the other members of the committee. Thank you so much for inviting me this afternoon.

I am Fernando Serrano, assistant professor at the School of Public Health, St. Louis University, and I have served as the principal investigator of several studies to determine the levels of toxic metals in the people and in the environment in La Oroya and the Mantaro region.

This afternoon, I am going to show the key findings of these studies with you. The study we conducted in 2005 indicated that 97 percent of children between 6 months and 6 years of age have elevated levels of lead in their bodies, and 98 percent of children between 7 and 12. What that means is practically the entire population in this age group in La Oroya had elevated levels, as was indicated, three to six times what we would consider acceptable in the United States. The same happened with other age groups.

We found cadmium six times the U.S. average; the same for arsenic in La Oroya. We found in another city far away from La Oroya, we found lead in the blood of children, which indicates that the contamination has traveled from La Oroya to the entire region.

And of concern to us is the issue of multiple exposure. These people are suffering not from one but from all of these contaminants affecting their bodies.

All this contamination is particularly associated to the Doe Run Peru smelter in La Oroya. So because people were concerned about what they had in their bodies and the high levels of toxic metals, they also wanted to know what is happening in the environment. So we conducted a comprehensive environmental assessment of air, water, and soil in the region. And this is what we found. In soil, we had 70 sampling sites. In each one of them, we found elevated levels of lead and arsenic in the entire region. The highest levels were found in La Oroya, extremely high.

Peru does not have regulations for soil, so we used our own in the United States and Canada. And they exceeded many, many times the levels of what we would consider acceptable in soil.

Regarding water, of the 45 sampling sites in the entire area, only eight are clean any more. Only eight rivers are clean. The rest have contamination. The worst areas were of course around La Oroya, where we found higher levels of lead and arsenic. This is of concern because this water is used for irrigation, and the farmers are concerned that lead will be absorbed by crops used by animals and people.

Lastly, in regarding air quality, we tested air in various areas of the region and the City of La Oroya. We found many days where the peak sulfur dioxide reached emergency levels in the city. So the

air was extremely contaminated, not only by sulfur dioxide, but also by cadmium, arsenic, and lead.

It is important to note that after the plant closed its operations in 2009 in July, we have seen that SO₂, sulfur dioxide, has decreased 99 percent. Lead has decreased by 98 percent. Arsenic has come down by 99 percent, and cadmium by 99 percent. The first time in decades that the people of La Oroya are breathing clean air.

Also, some blood level screening has been conducted in the last 5 years. And what we see now, after the closing of the plant, that blood lead levels in children have come down significantly. So, again, for the first time we have seen children with blood levels decreasing.

So what does this mean? First, that we have sound scientific evidence of the grave threat to the people of La Oroya and the environment, as the studies have shown. Of great concern, again, is the multiple exposure, all these toxic metals affecting the body and the health effects. So in the discussion of the economic and legal and other factors related to the relationship between the United States Government and Peru in the framework of the United States free trade agreement, I believe we must put an emphasis, we must make a priority of the health needs and rights of the people of La Oroya, especially the children, and especially the unborn. We have children being born with lead in their bodies. And that is something that we consider completely unacceptable.

So the gains in clean air and decreasing blood levels should be protected. If that company, whoever reopens the smelter in La Oroya, reopens it without strict environmental regulations, the entire community will be recontaminated. And this would pose again a great, great threat to people who are already suffering for decades.

Lastly, in the public health field, which is our field, we don't lose sight of the definition of health, which is this: Health is a state of complete physical, mental, and social well being, and not just the absence of disease. La Oroya people, the population, does not have this health. It is their aspiration. So this testimony I hope sheds light on this big gap between this aspiration of health and the reality of suffering, vulnerability, and risk faced by the people of La Oroya, 35,000 of them.

In closing, for St. Louis University, a Jesuit university committed to making sure that research and education serve those who most need it, this has been an opportunity for us to serve the people of La Oroya, and their organizations, and the church that speaks on their behalf. We will continue speaking truth to power and providing the scientific evidence until the people of La Oroya have good health and a clean environment. Thank you. I have submitted a written statement with more additional information on these studies, and I would be happy to answer any questions.

[The prepared statement of Mr. Serrano follows:]

**One Hundred Twelfth Congress
U.S. House of Representatives
Committee on Foreign Affairs**

HEARING: "Poison Harvest: Deadly U.S. Mine Pollution in Peru"

**THE IMPACT OF ENVIRONMENTAL CONTAMINATION ON
PUBLIC HEALTH AND ENVIRONMENTAL QUALITY IN LA OROYA
AND THE MANTARO WATERSHED**

**A testimony presented by
Fernando Serrano, Ph.D., M.A.
Principal Investigator
School of Public Health
Saint Louis University**

This testimony summarizes the results of research studies conducted by the Saint Louis University School of Public Health in La Oroya and the Mantaro watershed in central Peru. The purpose of these studies was to determine the levels of toxic metals and other contaminants in the people of La Oroya and to evaluate the effects of exposure to these metals on their health and the quality of their environment. This testimony begins with a list of the key findings and its implications for public health and environmental protection, and is followed by a more detailed discussion of the background of these studies and their results.

This testimony is consistent with the Jesuit values of solidarity and service that guide education and research at Saint Louis University and with the School of Public Health' mission to use teaching and research to improve the health and well-being of all.

{1} KEY FINDINGS

Results of the 2004-2005 study entitled "Environmental Contamination in the Homes of La Oroya and Concepcion, Peru, and its Effects in the Health of Community Residents" conducted by the Saint Louis University School of Public Health:

- In La Oroya, 97% of children between 6 months and six years of age, and 98% of children between 7 and 12 years have elevated bls in La Oroya and 100% in La Oroya Antigua.
- La Oroya's population levels for many of the metals considered most toxic are more than three to six times the U.S. average, and urine cadmium more than six times the U.S. average.
- The mean urinary arsenic level for every age group in La Oroya is 50 ug/L or greater, up to 4 times greater for children under 6 years. Arsenic urinary levels considered of concern are those greater than 50 ug/L.

- Elevated blood leads, and other metals, were also found in Concepción, the control site. These results suggest that the problem of environmental contamination is not confined to La Oroya but extends to the Mantaro watershed.
- The levels of toxic metals found in La Oroya and Concepcion can be attributed to the Doe Run Peru smelting complex, the primary source of lead, arsenic and cadmium contamination located in La Oroya.

Results of the 2008-2012 "Mantaro Lives Again" environmental assessment of air, water and soil indicators in La Oroya and the Mantaro watershed.

Soil assessment results:

- Lead and arsenic were found in almost every sampling site in the Mantaro watershed. These and other metals are related to mining and smelting activities.
- Arsenic exceeded significantly Canada's standards in every sampling site. Lead exceeded Canada's standards in 49% of sites (Peru does not have soil standards).
- Also, these metals were found in water used to irrigate the agricultural land of the Mantaro valley. Lead can be absorbed by plants used for animal and human consumption.
- The most critical areas for lead and arsenic in soil are in La Oroya.

Water assessment results:

- Only 8 streams in the Mantaro watershed area remain relatively uncontaminated. The rest, 45 sampling sites, showed various degrees of contamination.
- Elevated levels of metals were found in water sites near mining and smelting areas in the upper watershed.
- The highest levels of lead and arsenic were found in the Mantaro river in La Oroya. The lead levels in water were 20 times and the arsenic levels were 12 times over the Peruvian standards near the Doe Run Peru slag deposits in La Oroya.

Air assessment results:

- Elevated levels of sulphur dioxide (SO₂) and toxic metals such as lead, arsenic and cadmium were found in La Oroya. Most of these pollutants come from the main stack and fugitive emissions of the Doe Run Peru smelter in La Oroya.
- These pollutants are transported by the wind thereby affecting air quality throughout the Mantaro watershed.
- Air monitoring showed a significant decrease of air pollutants after the closure of the Doe Run smelter in La Oroya in July 2009. SO₂ decreased by 99%; lead decreased by 98%; arsenic decreased by 99%; and cadmium decreased by 93%.

Results of recent evidence of blood lead levels in La Oroya.

- Air pollution has decreased significantly after the Doe Run Peru smelter closed in July 2009. As a result, elevated blood lead levels in children have decreased to levels never seen before since childhood lead screening began in La Oroya.
- However, there are still children (and other age groups) with elevated blood lead levels probably due to lead in soil and dust in La Oroya.
- So, although the air is cleaner in La Oroya, health risks persist due to the contamination of water and soil by toxic metals and to the effects of chronic exposure to lead by the La Oroya population.

(2) IMPLICATIONS

The research results discussed above provide scientific evidence of the grave threat to the health of the people of La Oroya and their environment caused primarily by environmental pollutants such as lead, arsenic, cadmium, sulphur dioxide, and other contaminants emitted by the Doe Run Peru smelter in La Oroya.

Of great concern is the increased risk to health associated with exposure to each one of these contaminants, and to the "toxic cocktail," the combined effect of multiple exposures to all these contaminants.

Therefore, in the discussion of the economic, legal and political factors related to the smelting operations of Doe Run Peru in La Oroya, priority should be given to the health needs and rights of the people of La Oroya, especially those most vulnerable such as infants and young children.

Urgent actions are needed to provide care to those already affected, to decrease risk through environmental remediation, and to effectively protect the health of the entire population in La Oroya.

Levels of contamination have fallen dramatically after Doe Run Peru closed the operation of its smelter in La Oroya in July 2009. As a result, for the first time in decades the people of La Oroya are breathing cleaner air and blood lead levels are decreasing significantly. This is an important environmental health gain that should be protected. If the Doe Run Peru smelter is reopened without the strict environmental controls needed to keep contamination from harming people, the people of La Oroya will face the risk of massive recontamination and subsequent increases of the burden of lead, arsenic and cadmium in their lives.

From a public health perspective we must not lose sight of our most fundamental goal of securing the health and well-being of all. "Health is a state of complete physical, mental and social well-being and not merely the absence of disease." "Health is only possible where resources are available to meet human needs and where the living and working environment is protected from life-threatening and health-threatening pollutants, pathogens, and physical hazards" (World Health Organization).

The evidence provided in this testimony sheds light on the enormous distance that still exists between this definition of health and the reality of vulnerability and risk that the people of La Oroya continue to confront.

(3) BACKGROUND

La Oroya, one of the most contaminated towns in the world.

La Oroya is a town of 35,000 inhabitants located in the Peruvian Andes in an area rich in lead, copper, zinc, silver, and gold. The extraction and smelting of these metals has been La Oroya primary economic activity for decades. La Oroya smelting complex, a system of refineries of metal ore, was owned and operated by the Peruvian government until 1997 when it was sold to the Doe Run Company, the largest producer of lead in the U.S. with headquarters in Missouri. La Oroya smelting complex is now known as Doe Run Peru. According to a 2002 Peru's National Council for the Environment report, Doe Run Peru emitted 3,312 tons/year of particulate matter, 380,136 tons/year of sulphur dioxide, 226 tons/year of nitrogen oxides, 847 tons/year of lead, 423 tons/year of arsenic, and 43 tons/year of cadmium. Based on the quantity and type of emissions the government of Peru determined that the Doe Run Peru smelter complex is the primary source of emissions of lead, arsenic, cadmium and other contaminants.

Prior to the studies done by Saint Louis University, other studies have documented the severe environmental contamination caused by the mining industry in La Oroya. For instance, in 1999 the Peruvian Ministry of Health found that 99.1% of children in La Oroya suffered from lead poisoning and that 20% of these children needed urgent medical care due to the extremely high blood lead levels. Also, a 2002 report entitled "La Oroya Cannot Wait" described the very serious levels of ambient contamination of air, soil, and water in La Oroya. The findings in this report indicated that over 80% of blood lead levels in La Oroya children were two and three times greater than the level of concern of 10 µg/dl established by the CDC in the U.S. In addition, the "La Oroya Cannot Wait" report found that arsenic, cadmium, suspended particles, and sulfur dioxide (SO₂) in the air exceeded international acceptable levels that posed serious health risks to the community. Lead, arsenic and cadmium are metals of concern because their toxicity has been scientifically established and is well documented in the medical and public health literature.

Lead has been the most extensively studied metal in toxicology. The harmful effects of lead exposure have been known since antiquity. Figure 1 below summarizes the current evidence on the relationship between levels of lead in the blood measured in micrograms of lead per deciliter of blood (µg/dL) and health effects in children and adults.

Figure 1: Relationship between blood lead levels and health effects in children and adults.

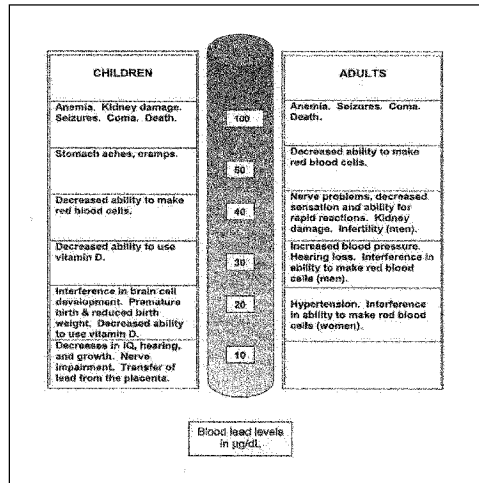


Figure 2 below summarizes the potential carcinogenic and non-carcinogenic effects associated with lead, arsenic and cadmium.

Figure 2: Carcinogenic and non-carcinogenic effects associated with lead, arsenic and cadmium.

Metal of Concern	Potential Health Effects	
	Non-Carcinogenic	Carcinogenic
Lead	Irritability	Kidney
	Cognitive/Behavioral Dysfunction, Lower IQ	
	Muscle Weakness, Paralysis	
	Coma, Death	
Arsenic	Respiratory Irritation	Lung
	Nausea, Vomiting	Bladder
	Unusual Pattern of Skin Abnormalities -Darkening, Warts, Corns, Lesions	Skin
		Liver
Cadmium	Impaired Kidney Function Leading to Kidney Failure	Lung
	Deminerlization of Bone (Density Loss)	Prostate

Source: US Centers for Disease Control & Prevention, Agency for Toxicological Substances & Disease Registry

As concerns began to mount on exposure to toxic metals and other contaminants, local residents and community organizations in La Oroya expressed the urgent need to obtain reliable evidence not only of the levels of lead but also of arsenic, cadmium and other contaminants in the population and in the air, water and soil of the surrounding environment. To address this need the Archdiocese of Huancayo, its archbishop Msgr. Pedro Barreto, S.J., and other community organizations invited the Saint Louis University School of Public Health to conduct an exposure study in La Oroya in 2004 to measure levels of toxic metals in a population sample, and subsequently in 2008, to conduct an environmental assessment to measure levels of toxic metals in the Mantaro watershed, the area surrounding La Oroya. Descriptions and results of these studies are presented below.

Evidence of human exposure to toxic metals and environmental contamination in La Oroya.

In 2004-2005 the School of Public Health at Saint Louis University conducted a scientific study entitled "Environmental Contamination in the Homes of La Oroya and Concepcion, Peru, and its Effects in the Health of Community Residents." This was an exposure study designed to determine the levels of 14 elements including toxic metals such as lead, arsenic and cadmium in blood and urine samples of La Oroya population. This study also evaluated the health risks associated with these metals.

Also, in 2008-2012, the School of Public Health directed the "Mantaro Lives Again," a comprehensive environmental assessment of air, water and soil indicators in La Oroya and the Mantaro watershed. The purpose of this assessment was to measure the presence of toxic metals such as lead, arsenic and

cadmium in air, water and soil samples, and evaluate their impact on public health and environmental quality. I served as the principal investigator in the two studies described above.

These studies have been conducted in partnership with by the Archdiocese of Huancayo, Peru, and other community organizations. The "Environmental Contamination in the Homes of La Oroya and Concepcion, Peru, and its Effects in the Health of Community Residents" study was approved by Saint Louis University's Institutional Review Board and by Peru's Ministry of Health and it complied with all applicable norms and regulations in United States and Peru. Also, the "Mantaro Lives Again" study met all applicable scientific, technical and regulatory requirements applicable to environmental assessments. Following are the results and interpretation of these studies.

(4) LEVELS OF TOXIC METALS IN THE LA OROYA POPULATION

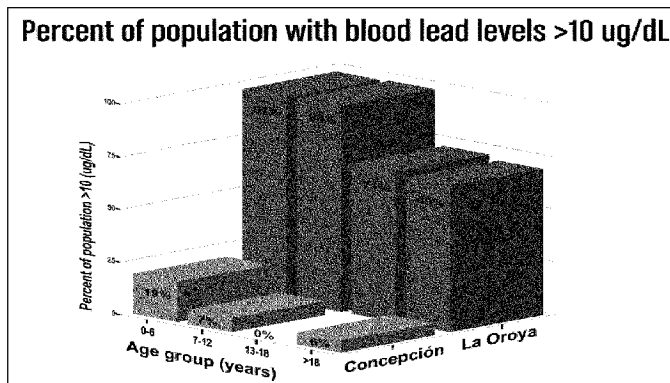
The "Environmental Contamination in the Homes of La Oroya and Concepcion, Peru, and its Effects in the Health of Community Residents" study compared a case site, La Oroya, with a control site, Concepción. La Oroya was selected as the case site because of the serious levels of environmental contamination from lead, arsenic, cadmium and other contaminants produced by the Doe Run-owned metallurgical complex. Concepción was selected as the control site because it has similar characteristics to La Oroya but does not have a metallurgical complex and, therefore, hypothetically, is unlikely to have levels of contamination as serious as those in La Oroya.

In August 2005 Saint Louis University reseachers teamed up with Peruvian physicians and research assistants to collect blood and urine samples to determine levels of toxic metals in the body. The Centers for Disease Control and Prevention, CDC, analyzed these samples and provided the first results of the levels of lead, cadmium, arsenic and other toxic elements found in blood and urine samples of study participants. Following is a summary of the CDC laboratory results of a statistical sample of 350 people from La Oroya and Concepcion.

Levels of lead, arsenic and cadmium found in biological samples.

Figure 3 below shows the percentages of the population in four age groups found with elevated blood lead levels in La Oroya and Concepcion. At the time of the analysis and reporting of these results (2005) an elevated blood lead level was defined as any level equal or greater than 10 micrograms (μg) of lead per deciliter (dL) of blood.

Figure 3: Percentages of the population by age group with elevated blood lead levels in La Oroya and Concepcion.



As figure 3 shows above, 97% of very young children 6 months to 6 years of age, and 98% of children between 7 to 12 years had elevated blood lead levels. The percentages of elevated blood lead levels in the other age groups were also very high: 71% in the 13-18 years age group, and 69% in the older than 18 year age group.

Figure 4 below shows the percentages of blood lead levels found in young children 6 months to 6 years of age in four groups according to the CDC guidelines for lead poisoning prevention and care. These four groups are groups of non-elevated levels (category I: less than 10 µg/dL, the CDC level of concern until 2012); and elevated blood lead levels category II: from 10 to 19 µg/dL; category III: from 20 to 44 µg/dL, and category IV: greater than 45 µg/dL. Less than 3% of the children had elevated blood lead levels in La Oroya. The rest had almost twice the level of concern of 10 µg/dL (16.67%), 2 to 4 times the level of concern (72.22%), and over 4 to almost 7 times the level of concern (8.33%). Regarding Concepción, the majority of children did not have elevated blood lead levels (76.19%); however, elevated blood lead levels were found in group 1 from 10 to 19 µg/dL (19.05%) and group 2 from 20 to 44 µg/dL (4.76%).

Figure 4: Blood lead levels in children 6 months to 6 years of age in La Oroya and Concepción.

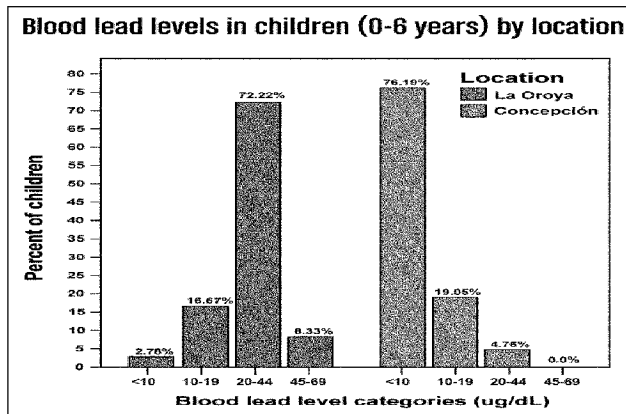


Figure 5 below shows the levels of arsenic found in La Oroya and Concepción. The levels of arsenic found in La Oroya residents were twice as much as those found in Concepción, the control site. The mean urinary arsenic level for every age group in La Oroya is 50 µg/L or greater, up to 4 times greater for children under 6 years. Arsenic urinary levels considered of concern are those greater than 50 µg/L. Also, figure 5 shows that the younger age groups have higher levels of arsenic than the other groups, which puts them at a greater risk of arsenic-related disease.

Figure 5: Levels of urine arsenic in La Oroya and Concepcion.

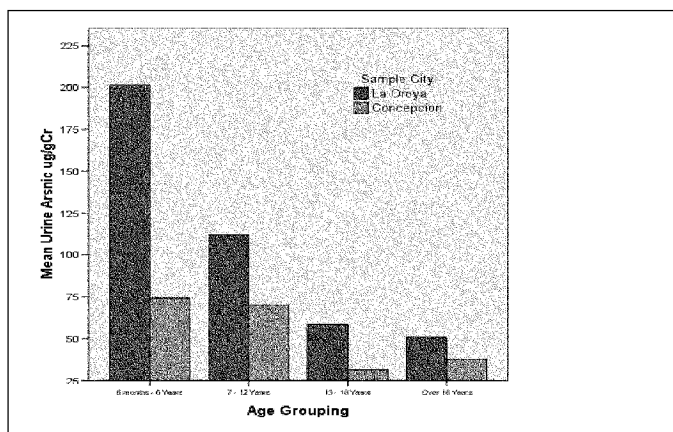
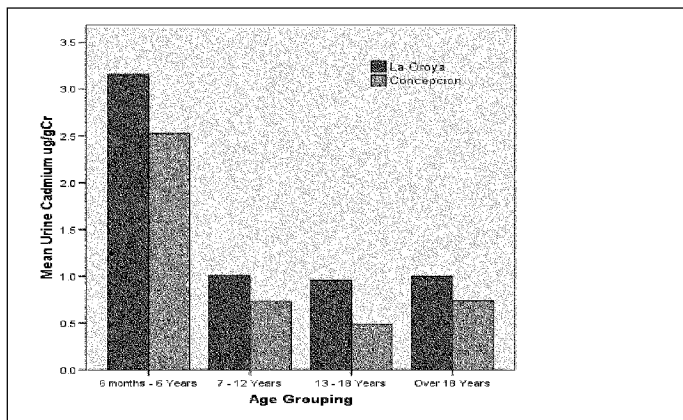


Figure 6 below shows the levels of cadmium in La Oroya and Concepcion. La Oroya's population had blood cadmium levels more than three times the U.S. average, and urine cadmium (reported in this figure) more than six times the U.S. average. The levels of cadmium in the four age groups are greater in La Oroya than in Concepcion. The age group 6 months to 6 years, the youngest and most vulnerable, had 2 to 3 times the levels of cadmium found in the other age groups.

Figure 6: Levels of urine cadmium in La Oroya and Concepcion.



Interpretation of results

1. Confirmation of extremely high blood lead levels.

The results of the "Environmental Contamination in the Homes of La Oroya and Concepcion, Peru, and its Effects in the Health of Community Residents" study confirmed what has been found in previous blood lead screenings: the percentages of children with elevated blood lead levels are extremely high. This study found that 97% of children between 6 months and six years of age and 98% of children between seven and 12 years had elevated blood lead levels. Also this study is the first to report elevated blood lead levels in other age groups. For instance, 71% of children between 13 and 18 years of age, and 69% of residents over 18 had elevated blood lead levels.

It is important to note that from 1991 to 2012 the CDC defined an elevated level is any level equal to or greater than 10 µg/dL. In May 2012 the CDC lowered this level to 5 µg/dl and no longer called it "level of concern" as it recognized that there is no safe level of lead in blood. According to the CDC, a level of 5 µg/dl or greater is an elevated blood lead level and this means that, as more children will likely be identified as having lead in their bodies, parents, doctors, public health officials, and communities may take action earlier to reduce the child's future exposure to lead.

The epidemic of lead exposure was even more serious in La Oroya Antigua, the urban area closest to the Doe Run Peru smelter where 73% of children between 6 months and six years of age were found with levels between 20 and 44 µg/dl, and 23% were found with levels higher than 45 µg/dl. The CDC considers levels equal to or greater than 45µg/dl a medical emergency requiring immediate medical attention.

2. New evidence of arsenic, cadmium and other toxic elements.

The levels of arsenic found in La Oroya residents are twice as much as those found in Concepcion, the control site. These levels could not be compared to a U.S. average because the CDC has not reported this average. Nevertheless, the health concerns with arsenic remain as it has been shown to cause respiratory problems, skin lesions, nausea and vomiting. Also, lead, cadmium and arsenic have been classified as potentially carcinogenic elements.

La Oroya's population had blood cadmium levels more than three times the U.S. average, and urine cadmium more than six times the U.S. average. Cadmium, a by-product of the smelting process, is a heavy metal that has been associated with lung and prostate cancer and kidney disease and failure.

The "Environmental Contamination in the Homes of La Oroya and Concepcion, Peru, and its Effects in the Health of Community Residents" study found other toxic elements in blood and urine samples such as antimony. The level of antimony in La Oroya's population was thirty times higher than the average level in the U.S. population. Elevated levels of antimony have been shown to cause heart and lung disease, and may be linked to genetic and developmental abnormalities, as well as lung cancer.

3. Exposure to toxic metals found in Concepcion.

The Saint Louis University research team did not expect to find elevated levels of contaminants in Concepción, a city known as the ecological capital of the Mantaro River Valley, which is located 70 miles downriver and downwind from the city of La Oroya. The Mantaro Valley produces a significant portion of the vegetables, grains and dairy products consumed by nine million people in Lima, Peru's capital.

However, the study results indicate elevated levels of lead in Concepción. Approximately 24% of children between six months and six years of age have elevated blood lead levels. Also, Concepción's population showed cadmium levels a full 50% above the U.S. average level.

These results suggest that the problem of environmental contamination and its effects in community health is not confined to La Oroya but has a regional scope reaching large areas of the Mantaro River watershed.

4. The concern with multiple exposure to toxic metals.

The levels of toxic metals and other elements found in blood and urine samples in La Oroya and Concepcion raises the question and concern of health effects due to the multiple exposure to these elements. Individually, the heavy metals analyzed in this study are capable of causing significant harm. When taken together, in what La Oroya residents call their daily “toxic cocktail,” it is reasonable to expect that the combined action of these heavy metals can increase the health risks of all those exposed.

(5) LEVELS OF TOXIC METALS IN THE ENVIRONMENT—THE MANTARO WATERSHED

The Mantaro upper and middle watershed is one of the most important agricultural production areas of the Andes. It is the main producer of hydroelectric energy for the region: it is endowed with natural habitats for important biodiversity, and it is a home for 700,000 people. La Oroya is located approximately in the center of the Mantaro watershed at the confluence of the Yauli river and the Mantaro, the principal river of the watershed.

After Saint Louis University reported the results of its “Environmental Contamination in the Homes of La Oroya and Concepcion, Peru, and its Effects in the Health of Community Residents” study discussed above, the Archdiocese of Huancayo invited the University to design and direct a comprehensive environmental assessment of the Mantaro watershed in response to concerns expressed by the people of La Oroya and other towns in the area about the extent and the impact of contaminants coming from the Doe Run Peru smelter.

Thus, in 2008-2012, the School of Public Health directed the “Mantaro Lives Again,” a comprehensive environmental assessment of air, water and soil indicators in La Oroya and the Mantaro watershed. The purpose of this assessment was to measure the presence of toxic metals including lead, arsenic and cadmium in air, water and soil samples, and to evaluate their impact on public health and environmental quality. Following are summaries of the results of this study.

Soil assessment results.

A total of 10 metals were measured in soil samples. Peru does not have soil quality standards, therefore, Canadian soil quality standards were used to interpret results. Regarding lead, 49% of all sampling sites exceeded the Canadian standard. The highest level of lead was found in La Oroya Antigua, the area of La Oroya closest to the Doe Run Peru smelter. The levels of arsenic exceeded Canada’s standard in all sampling sites. Lead and arsenic levels that exceeded Canada’s standards were found not only in La Oroya but also in the upper Mantaro watershed near areas with active mining activities. Also, these metals were found in water used to irrigate the agricultural land of the Mantaro valley. This is of concern because lead can be absorbed by plants used for animal and human consumption.

Water assessment results

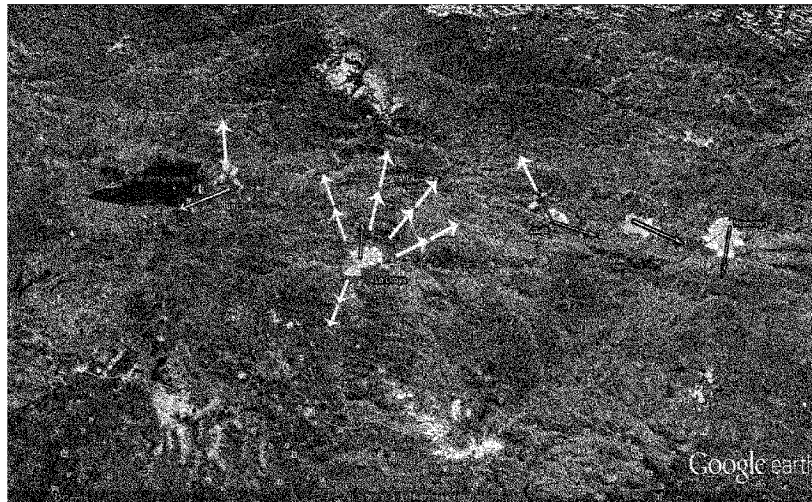
Water samples were obtained from 53 sampling sites in the upper and middle areas of the Mantaro watershed, as shown in the figure XX with the map below. Water samples were analyzed in laboratories in Lima, Peru and St. Louis, Missouri. The results indicate that there are only 8 streams left that are relatively free of contamination. The rest show varying degrees of contamination by lead, arsenic,

cadmium and other elements. Lead in the Mantaro river exceeded 20 times the Peruvian water standard and arsenic was 12 times over the Peruvian standard at the La Oroya sampling by the Doe Run Peru slag deposit.

Air assessment results

Air quality indicators including toxic metals and gases were measured in key points in La Oroya and other cities and towns in the upper and middle Mantaro watershed. Meteorological parameters were also measured including wind direction. Figure 7 below shows how the winds originating in La Oroya spread contaminants such as lead, arsenic, cadmium, and sulphur dioxide (SO₂) through the upper and middle areas of the Mantaro watershed.

Figure 7: Map of upper and middle Mantaro watershed showing wind direction from La Oroya.



Elevated levels of sulphur dioxide (SO₂) and toxic metals such as lead, arsenic and cadmium were found in La Oroya. Most of these pollutants come from the main stack and fugitive emissions of the Doe Run Peru smelter in La Oroya. These pollutants are transported by the wind thereby affecting air quality throughout the Mantaro watershed. The levels of toxic metals and gases such as sulphur dioxide are of significant concern for the population not only of La Oroya but the entire Mantaro watershed.

The figures below compare the levels of lead, arsenic, cadmium and sulphur dioxide before and after the Doe Run Peru smelter stopped operating in July 2009. The levels of these contaminants before the smelter was closed exceeded significantly the Peruvian air standards. After the smelter closed, these levels fell precipitously. Air monitoring showed a significant decrease of air pollutants after the closure of the Doe Run smelter in La Oroya in July 2009. SO₂ decreased by 99%; lead decreased by 98%; arsenic decreased by 99%; and cadmium decreased by 93%.

Since the smelter closed the people of La Oroya have breathed much cleaner air for the first time in decades.

Figure 8: Map of the upper and middle Mantaro watershed with wind directions from La Oroya and other towns.



Figure 9: Sulphur dioxide emissions from the Doe Run Peru smelter before and after the closing of the smelter in July 2009.

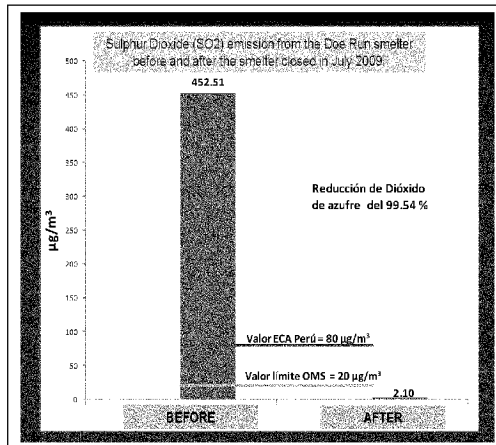
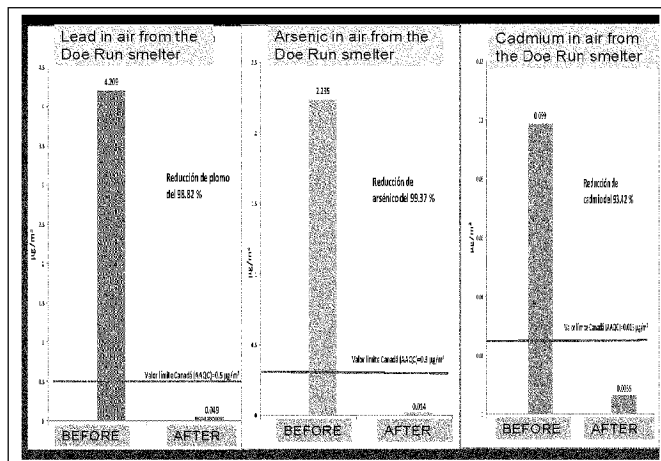


Figure 10: Comparisons of air levels of lead, arsenic and cadmium before and after the closing of the Doe Run Peru smelter.



The significant decrease of blood lead levels in La Oroya can be attributed to the drastic decrease of lead in air in La Oroya. Nevertheless, although the air is cleaner in La Oroya, health risks persist due to the contamination of water and soil by toxic metals and to the effects of chronic exposure to lead in La Oroya population. There are still numerous children with elevated blood lead levels, and more so now that the CDC has lowered the definition of elevated blood lead level to 5 µd/dL or greater. This is probably the result of the lead that has historically accumulated on the dust and the soil before Doe Run Peru began operating its smelter in 1997. Nevertheless, Doe Run Peru remains responsible for the soil contamination that occurred after 1997.

- Air pollution has decreased significantly after the Doe Run Peru smelter closed in July 2009. As a result, elevated blood lead levels in children have decreased to levels never seen before since childhood lead screening began in La Oroya.
- However, there are still children (and other age groups) still with elevated blood lead levels probably due to lead in soil and dust in La Oroya.
- Nevertheless, although the air is cleaner in La Oroya, health risks persist due to the contamination of water and soil by toxic metals and to the effects of chronic exposure to lead in La Oroya population.

(6) RECENT EVIDENCE OF BLOOD LEAD LEVELS IN LA OROYA

The "Mantaro Lives Again" project has tested children for lead in La Oroya from 2007 through 2011. The children tested constitute a small sample not statistically representative, but that nevertheless indicates some trends in the variations of blood lead levels, as shown below in figure 11.

Figure 11: Variations in blood lead levels in children in the Mantaro Lives Again project

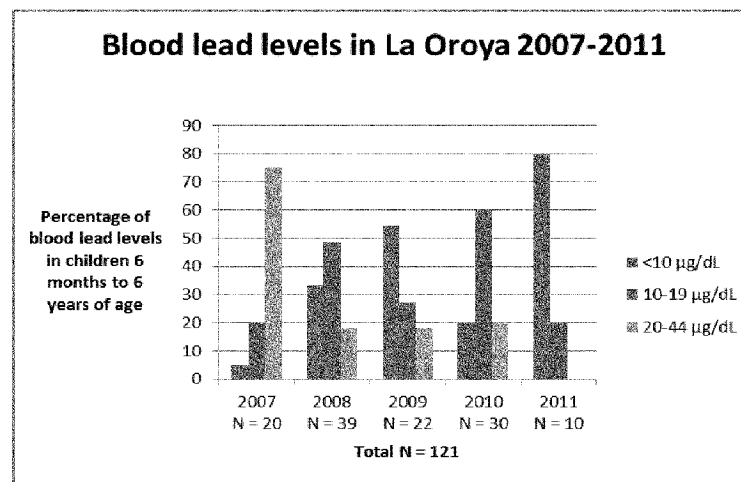
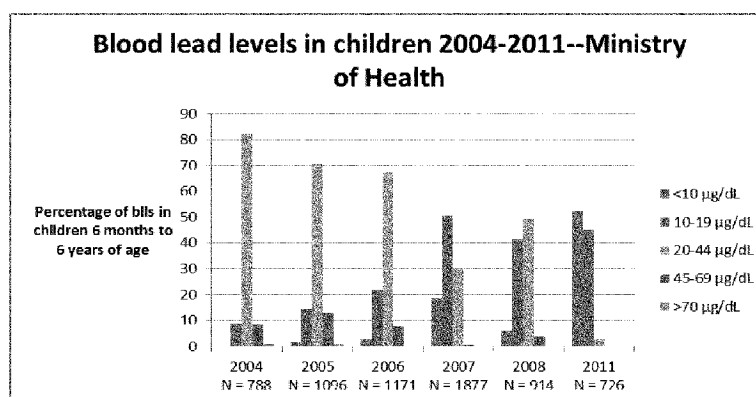


Figure 11 above indicates that elevated blood lead levels in children 6 months to 6 years of age decreased in the period 2007-2009 in categories II (10-19 µg/dL) y III (20-44 µg/dL), and increased in category I (less than 10 µg/dL).

After the Doe Run Peru smelter closed its operations in July 2009, blood lead levels in children increased in category II (10-19 µg/dL) en 2010. This may be due to the release of lead stored in bones back into the blood stream (lead accumulates in the long bones as a result of chronic exposure). However, all elevated bills fell significantly in 2011. For the first time since blood lead screening in children began in La Oroya's 80% of children are below 10 µg/dL, the CDC and Peru's level of concern. This can be attributed to the drastic decrease of lead in air in La Oroya.

Figure 12: Blood lead levels in children by the Ministry of Health.



The Ministry of Health of Peru has screened children for blood lead in La Oroya every year since 2004 through 2011, with the exception of 2009 and 2010. Figure 12 above shows that elevated blood lead levels decreased in the period 2007-2011 in categories III (10-19 µg/dL) y IV (20-44 µg/dL), and increased in category I (less than 10 µg/dL) except in 2008.

Also, blood lead levels increased steadily in category II (10-19 µg/dL) in the period 2007-2011.

In 2011 elevated blood lead levels fell significantly in category III (20-44 µg/dL). Category II remained stable in comparison with 2007 and 2008.

Over 50% of children were below 10 µg/dL (the former CDC level of concern) in a sample of over 700 children screened by the Ministry of Health in November 2011.

However, there is a sizable percentage of children in the 2011 screening (43%) that still have elevated blood lead levels probably due to remaining lead in soil and dust in La Oroya. How many more children who now would be considered to have an elevated level (equal or greater than 5 µg/dL) could not be calculated because the Ministry of Health has not provided all screening data.

Mr. SMITH. Thank you, Dr. Serrano.

Without objection, your full statement, and that of all of our witnesses, and any other materials you would like to submit for the record will be made a part of the record.

Mr. Slack.

**STATEMENT OF MR. KEITH SLACK, GLOBAL PROGRAM
MANAGER, OXFAM AMERICA**

Mr. SLACK. Thank you, Mr. Chairman and Ranking Member for holding this very important hearing today.

The Doe Run lead smelter that we have been hearing about in La Oroya, Peru, is at a critical juncture. The Peruvian Government next week in fact will make a decision about whether or not to allow Doe Run to continue operating the smelter. So your oversight of this issue is needed now more than ever.

My organization, Oxfam America, is an international relief and development organization that creates lasting solutions to poverty, hunger, and injustice in more than 90 countries. We have worked in Peru for more than 30 years. In that time, Peru has made great strides in reducing poverty, yet nearly one-third of the population still lives in poverty. In rural areas, that poverty rate is nearly 60 percent.

This poverty sits in sharp contrast to the great mineral wealth that the country possesses. Much of this wealth, unfortunately, has not trickled down to the poorest areas of the country. Local communities are also concerned about the environmental impacts of large scale mining and oil and gas activity.

These impacts can be seen most clearly in La Oroya, as we have heard from Bishop Barreto, Ms. Amaro, and Dr. Serrano. In that town, an American company, Doe Run, for more than a decade has been contributing to serious environmental contamination, despite having the resources and the technology to operate in a more responsible way.

Rising concerns about environmental contamination in La Oroya and elsewhere in Peru have contributed to a cycle of conflict and human rights violations around extractive industries projects throughout the country. Most prominently, the Mina Conga project, which is a \$4.8 billion investment by the Denver-based Newmont Mining Corporation, has been the site of repeated conflict and violence. Just 2 weeks ago, five protesters against the project were shot and killed by Peruvian national police during a protest there. In a related incident, Marco Arana, a Catholic priest and mining activist, was detained and savagely beaten by police, an incident that was captured on video and broadcast on YouTube.

In all, Peru's national human rights ombudsman counts 245 conflicts across the country, most of these related to oil and mining projects. Such a high level of social conflict threatens the viability of Peru's natural resource sector and threatens to undermine the Government of President Ollanta Humala.

In order to address this critical situation, and ensure respect for human rights and the environment and Peru's continued stability, Oxfam America makes the following recommendations for the committee's consideration. First, human rights training for police, military, and private security forces that provide security to oil and

mining installations in the country needs to be dramatically increased. To address the situation, Peru's endorsement of the Voluntary Principles on Security and Human Rights, which is a United States and United Kingdom-led global initiative that sets human rights standards for the oil and mining sectors, would be a critical step. The Obama administration and Congress should urge Peru to endorse and fully implement the voluntary principles without delay.

Secondly, Peru's environmental oversight could be substantially strengthened. The U.S. Government should offer the support of the U.S. Environmental Protection Agency to Peru in helping to address critical environmental and public health concerns like those that we see in La Oroya. The U.S. EPA has extensive experience in dealing with lead contamination issues, including those caused by Doe Run's lead smelter in Herculaneum, Missouri, and this expertise should be offered to the Peruvian Government.

Thirdly, Doe Run's parent company, Renco Group, is seeking \$800 million in damages against the Government of Peru under the United States-Peru free trade agreement. This suit is an attempt to increase pressure on the government in its ongoing negotiations with Doe Run, Peru, over the fate of the lead smelter in La Oroya. The U.S. Government should support the Peruvian Government in defending itself against this claim.

Finally, the U.S. Government should encourage all American companies operating in Peru and elsewhere in the region to ensure that they are following the highest possible human rights and environmental standards, even in those cases where they are legally allowed to do less than if they were operating in the United States. American corporations serve as important ambassadors of the United States. It is thus in the United States' interest to ensure that they comport with American values and standards for environmental protection and human rights.

The U.S. Congress can play an important role in supporting Peru's efforts to address these issues and solve urgent problems like those we have heard about in La Oroya.

I thank the chairman and the members of the committee again for their attention to this critical issue, and I would be happy to answer any questions you might have.

[The prepared statement of Mr. Slack follows:]



Testimony of Keith Slack, Extractive Industries Global Program Manager, *Oxfam America* to House Committee on Foreign Affairs, Subcommittee on Africa, Global Health and Human Rights

“The Poison Harvest: Deadly U.S. Mine Pollution in Peru”

July 19, 2012
2200 Rayburn House Office Building

Mr. Chairman, I want to thank you and the ranking member for holding this hearing on human rights concerns in Peru, and thank your colleagues who sent a letter on this issue to Secretary Clinton and Secretary Geithner which made front page news in Lima. I greatly appreciate the opportunity to testify before you. The Doe Run lead smelting operation in La Oroya, Peru is at a critical juncture as the Peruvian government will determine next week if it will allow Doe Run Peru to continue to operate the lead smelter. Your oversight is needed now more than ever.

Oxfam America is an international relief and development organization that creates lasting solution to poverty, hunger and injustice, in more than 90 countries. Today, our hope is to do justice to the people of Peru by bringing greater awareness to an issue in which Oxfam cares deeply about and has been very actively involved in. Oxfam America has worked in Peru for more than 40 years. Our work there focuses on strengthening the ability of poor and marginalized communities, particularly indigenous peoples, to exercise their basic human rights to a healthy environment and a sustainable livelihood. Peru has made important strides in reducing poverty in recent years, yet nearly one third of the population still lives in poverty and in rural areas poverty rates are nearly 60%.

This poverty sits in sharp contrast to the great mineral wealth that the country possesses. Peru is now the world’s sixth largest producer of gold, third largest producer of copper and has significant oil and gas reserves. This natural resource endowment has helped give the country an impressive 6% average economic growth rate over the last 10 years. Despite these gains, however, much of this wealth has not trickled down to the poorest areas of the country, which also happens to be where much of the natural resource extraction activity takes place. Local communities are also concerned about the environmental impacts of large-scale mining and oil and gas activity. These impacts can be seen most clearly and tragically in the town of La Oroya.

Rising concerns about environmental contamination have contributed to a cycle of conflict around extractive projects in the country. Late last year such conflicts led to the resignation of President Ollanta Humala’s entire cabinet. Most prominently, the Mina Conga project, a \$4.8 billion dollar investment by Denver-based Newmont Mining Corporation, has been the site of repeated conflict and violence. Just two weeks ago, five protestors were shot and killed by police

during a protest there. Marco Arana, a former Catholic priest and leading mining activist, was viciously beaten by police as he sat in the town square of Cajamarca, an incident that was captured on video and broadcast on YouTube for all the world to see.

In May this year, police shot and killed two protestors near the Tintaya mine in southern Peru, which is owned by Swiss-based Xstrata Corporation. In all, Peru's national human rights ombudsman counts 245- conflicts across the country, most of these related to mining and oil projects. Such a high level of conflict threatens the viability of Peru's natural resource sector and also threatens to undermine the government of President Humala. Such instability is inimical to US interests in Peru, which is a key ally in ongoing American regional trade and anti-narcotics efforts.

In order to address this critical situation and ensure respect for human rights and the environment and Peru's continued stability, Oxfam America makes the following recommendations for the committee's consideration:

1. Human rights training for police, military and private security forces protecting oil and mining installations in the country needs to be dramatically increased. According to Peru's independent National Coordinator for Human Rights, since 2006 Peruvian security forces have killed 80 people and wounded more than 800 in protest-related violence. This is the highest level of security force violence in the region, even more than war-torn Colombia. To address this situation, Peru's endorsement of the Voluntary Principles on Security and Human Rights, a US and UK-led global initiative that sets human rights standards for security forces in the oil and mining sectors, would be a critical step. The Obama Administration and Congress should urge Peru to endorse and fully implement the Voluntary Principles without delay.
2. Peru's environmental oversight could be substantially strengthened. The creation of the Ministry of the Environment in 2008 was an important step. However the Ministry lacks authority for fully regulating mining, which lies with the Ministry of Energy and Mines. This is a direct conflict of interest which undermines confidence in the government's ability to protect human rights and the environment. The US government should offer the support of the US Environmental Protection Agency to Peru in helping address critical environmental and public health concerns like those we see in La Oroya. The US EPA has extensive expertise in dealing with lead contamination issues, including those caused by Doe Run's lead smelter in Herculaneum, Missouri, and this expertise should be offered to the Peruvian government.
3. Doe Run's parent company, Renco Group, is seeking \$800 million in damages against the Peruvian government under the US-Peru Free Trade Agreement. This suit is an attempt to increase pressure on the government in its ongoing negotiation with Doe Run Peru over the fate of the lead smelter in La Oroya. The US Government should support the Peruvian government in defending itself against this claim.

4. Finally, the US government should encourage all American companies operating in Peru and elsewhere in the region to ensure that they are following the highest possible human rights and environmental standards --- even in those cases where they are legally allowed to do less than if they were operating in the United States. American corporations serve as important ambassadors for the United States. Thus their behavior is a reflection on the US as a whole. It is thus in the US' interests to ensure that they comport with American values and standards for environmental protection and human rights.

Peru has tremendous potential to be an economic success story; a country that uses its vast natural resource for the benefit of all of its people. For this to happen, critical steps need to be taken to ensure that human rights and the environment are protected. The US Congress can play an important role in supporting Peru's efforts to address these issues and solve urgent problems like those in La Oroya.

I would like to thank the Chairman and the members of the committee again for their attention to this issue. I would be happy to answer any questions you may have.

Mr. SMITH. Mr. Slack, thank you very much for your testimony as well.

Let me begin with Archbishop Barreto and also to Ms. Amaro.

Not only are you trying to defend people from the horrific impacts of chemical poisoning, but your very lives have been threatened and others as well. In reading your testimonies, especially you, Ms. Amaro, you indicate that the police have been far less protective. They want names. When somebody is saying something on a radio station, you might not have a name. It is up to them to initiate investigations. That is what police do.

So I would like to know if you could speak to, first and foremost, the two issues of safety: Pollution and violence. Because you are fighting against pollution, you now have the threat of violence directed against you. Have the police, has the central government, has any government body shown a willingness to very aggressively protect those who are under threats, like yourselves? What do they do when you come forward, Archbishop? Do they just say, "Thank you very much," and that is the end of it?

Ms. AMARO. When we go to government offices to denounce the kinds of threats we are experiencing, often these threats come over the radio and the representatives in the government office will say, well, we need proof. Tell us the names and the addresses of the people that are threatening you. And this is something we aren't able to do, because it is never possible to know exactly who is behind these threats, who are the people that are making the telephone calls.

The workers who work in these radio stations are practicing a kind of what we call a white terrorism. They are trying to scare people. And what they are doing is agitating the workers and the family members of the workers in the plants, scaring them, telling them we are their enemies. And in fact their children are also contaminated by what is happening in the environment, but they are afraid to come forward. But Dr. Serrano and Monsignor Barreto have known cases of workers' families' children who are also affected by this, but sometimes they don't even want to come forward and find out what the results of the tests are on their children.

Sometimes they will have a march in favor of the company, and they will march with a coffin, and they will say death to Pedro Barreto, Monsignor Barreto, for example, death to MOSAO, our organization.

Our organization has never been against the workers or even against the company. We are not their enemies. We want the company to be able to continue functions in La Oroya, but we think it has to function under certain conditions, and we think that we should have complete freedom to be able to talk about what is happening there.

When the police come, they come most of all to protect the site of the metallurgical complex, but often what they do is to attack the members of the population.

Mr. SMITH. Thank you.

Archbishop.

Archbishop BARRETO. I would like to add to what Mrs. Rosa just said. The people who are defending the health of the people of La Oroya in La Oroya, they are heroes; and that is why I really want

to recognize the courage of Mrs. Rosa and of her entire group that defends life there.

I really am grateful for the question that Chairman Chris Smith has asked, because it gives me the opportunity to say that it seems that the groups that are coming in to look for profit are only interested in making more money. They are not interested at all in the lives of the people there.

The church social doctrine does the best to try to follow church social teachings and other people of goodwill. We try to put the life and the dignity of human beings and the health of human beings at the center of decisions that are made and not the opposite. It is not the economy that we need to be looking out for. It is the human beings that we need to be looking out for.

It is important to know the truth in these situations, and here the scientific truth coincides completely with moral and ethical truth. It is true that I have also had threats to my own person since 2005. I saw, for example, a clip on YouTube where there was a coffin inside the installations, the facilities of the plant. The coffin had my last name on it, and it had a church symbol that indicated death.

The national police force itself has actually had two of its members killed in La Oroya. They were victims of the population and of the pressure that the Doe Run Corporation was putting on the population.

And recently the national police were actually at fault in the place of Cajamarca in the Conga mines. All of us are very outraged at their brutal response to the demonstrations there. It is a serious error that they have made that will lead to more conflict.

Going back to my own situation, thanks once again for your concern, Chairman Smith. It is true that there have been a number of threats on my life since 2005, and these threats are very difficult to prove. Some of these threats have come through the public, have been made through public phone booths. There was even a Facebook threat saying that my days were numbered. But rather than discouraging me or making me too afraid, this is actually giving me more strength. We feel like we are on the right path because we are defending the life and the health of the population.

Mr. SMITH. Thank you very much, Archbishop.

Let me ask you, Mr. Serrano and Mr. Slack, the remediation option, the cleanup option that the government as well as the company has to follow, or should follow, it is my understanding that the soil could be contaminated to up to three feet and maybe more, so that would require incineration, I take it. How much of an effort at what cost do you think that would actually entail, and is it in your opinion a viable option? Is that the best course to take?

Mr. SERRANO. As I indicated, we found toxic metals in the soil; and, for us, the top surface is what is of concern. Because that is what gets in contact with children, with people, and with animals. So the first level of remediation is actually the very top level, the first 5, 10 inches. And, of course, more in-depth remediation takes place, as you indicated, going lower.

To my knowledge, no remediation has taken place in La Oroya, and this is serious. Because, although we have seen contamination

in the Earth going down, we know that the legacy of lead in the soil and the dust is still there since 1922.

Mr. SMITH. Whose responsibility is that? Is that the government's or is that the company's?

Mr. SERRANO. It is both. It is both. So when, as you indicated, when the plant started to operate in 1922, it started to emit all these contaminants, and they accumulate in the environment on the soil. In '74, it went back to the government, and then it was back to the private sector. So, yes, the Government of Peru is responsible for some of it, but so is the first American company who operated that and now, since 1977, Doe Run Peru.

From our perspective, whoever is responsible, they need to take full responsibility for remediation. Otherwise, that will forever be a source of contamination to these people.

Mr. SMITH. My friend and colleague, Ms. Bass, does have to leave, so I would like to yield to her. I have additional questions. I will yield to her.

Ms. BASS. Thank you so much. I appreciate it, and I am sorry I will not be able to stay. Both my colleague, Mr. Carnahan, and I have to leave for other commitments.

But I wanted to, first and foremost, thank you so much for taking the time to come. Your testimony, your courage, I am very clear about that and understand what the danger is that you face. And as I said in the beginning, I think that it is particularly egregious that you are having to face this situation, something that we would never tolerate here.

But I just have a couple of questions, because, you know, we talked with the free trade agreement and the fact that the company could even use a provision of the free trade agreement to sue the government. And I wanted to know, since the company has been there so long, has the situation gotten worse after the trade agreement? And then is there any consideration, frankly, about the Government of Peru suing the company or, you know, your organization suing the company? There are certainly many international examples of that.

The plant has closed and so all this issue of the harassment and threats and all are from workers who want the plant to reopen again, and is it true that they are still being paid, even though that the plant is closed?

Archbishop BARRETO. Yes, the liquidation company that is now in charge of the Doe Run operations has been paying the workers 70 percent of their salary since June 2009. They also get a little extra pay for the patron saint celebration time and around Christmastime. And, as I said before, on July 26th, the Creditors Board will be deciding whether it is going to accept the third and last proposal that Doe Run Peru is making to restructure itself and continue to operate the smelter.

Ms. BASS. Has there been any consideration to suing the company?

Ms. AMARO. We have a judicial process right now where we are directing it toward the Peruvian Government asking for programs to benefit the population of La Oroya. That is where we have been focusing on so far. The Constitutional Court has ordered the Ministry of Health to give special attention to some of the most vulner-

able people in our community: The children, pregnant women, elderly, and the entire community.

Doe Run itself has also signed some agreements with the regional government where they are supposed to do some lead testing, and they also have a center where basically what they are doing is taking the kids out of the most contaminated areas in the morning, having the daycare about eight kilometers away, and returning them back to the contaminated areas at night.

Archbishop BARRETO. I should also say that some U.S. lawyers have sued Doe Run Peru under U.S. laws, specifically for the cases of 107 children in La Oroya, and the case was moving along. But I understand it has stopped now because of Doe Run's suit against the Government of Peru. So it is sort of in suspension right now.

Ms. BASS. Let me just close out by once again thanking the chair of the committee, and thank you especially letting me ask my questions before I leave. My staff member who is sitting behind me will be here and will follow up.

Because I do want to specifically ask—and I am sure the chairman is going to raise this—is there anything specifically that we can do to aid the situation, especially given that deadline, the July 26th situation?

So I again thank you for all of your testimony.

Mr. SMITH. Thank you.

Who would like to answer?

Mr. SLACK. Thank you, Chairman and Ranking Member Bass.

Just to add one additional point to what the Bishop was saying, the Renco Group is in fact using the United States-Peru FTA to protect itself from liability against the lawsuit that has been filed in the Missouri courts. So that is to make that connection there that the ranking member was asking about in terms of the free trade agreement.

I think one of the most difficult things to understand about this situation is, given the resources that are available to Renco Group as a broad corporate entity, why they haven't taken the steps that are needed to address the problems at La Oroya, which consist primarily and most importantly of installing a sulfuric acid treatment plant to reduce the amount of toxic emissions that are produced in La Oroya. This is the issue that people are most concerned about in terms of whether it is Doe Run or whether it is a company that ends up operating the smelter: Will there be a commitment to actually install that technology before the smelter begins operating again?

And this gets to the other question that you had raised, Mr. Chairman, about the soil. The concern about the remediation of the soil is if the emissions aren't controlled first, then you would have to go back, right back, and clean up the soil again, because they would become immediately contaminated. So, in a sense, it wouldn't make sense to clean the soils first if you don't have the control over the toxic emissions, because you will just end up with the contaminated soil again.

In reference to Congressman Carnahan's experience with Doe Run in Herculaneum, Missouri, in that situation the company has demonstrated that it does in fact have technology that can be used that would reduce emissions almost to zero. So the question is, why

aren't they considering that technology in La Oroya? Again, it would seem that, within the greater resources of the Renco Group, there would be the capacity to do that.

Mr. SMITH. One of the most important elements of our Superfund law is that before the government fund does cleanup, the principally responsible party is identified, and they are made to bear the cost of cleanup. Does such a mechanism exist in Peru? Is it being contemplated by the government? But, currently, does it exist?

Archbishop BARRETO. Definitely not. Because, as I said in my testimony, during the 87 years that the complex has been polluting La Oroya, during 65 of those years it has been two North American companies that have been responsible for the environmental liabilities and contamination. The State of Peru through Centromin Peru was also in charge of the smelter for 23 years. So if we use this mathematical calculation you might say that the two American companies should perhaps pay for three-quarters of the cleanup. Unfortunately, Cerro de Pasco Corporation, which operated the complex for 52 years, is no longer in existence.

And Doe Run has often said, well, it is the government that hasn't complied with the environmental commitments or the environmental mitigation activities necessary. But, again, the question is, how can the government do anything while toxic gasses are continuing to be emitted by the Doe Run company? That is why we say that any new operator of the complex, whether that is Doe Run or any other company that wants to run the metallurgical complex in La Oroya, should only do so after complying with the environmental mitigation commitments.

Mr. SMITH. I would like to ask you, what does delay in cleanup of contaminated soils mean in terms of risk? We talk about some of this being three feet down and leeching, I suppose, the issue of runoff. How long can this stay unfocused upon and unacted upon and not lead to further risks in terms of runoff and leeching?

Maybe, Dr. Serrano, that might be one for you.

Mr. SERRANO. Yes, Mr. Chairman.

As I said, I am not aware of any remediation program that has taken place in La Oroya, although we have called for that. We believe that that will eliminate a source of contamination. So it has not taken place. And because of the reasons you have heard between the discussion of who is responsible, it was indicated it is clear who is responsible, and the polluter is responsible.

So we know we have the methods and techniques to do remediation. That is well known. We have done it in the U.S. in Superfund sites. We have done it in cities. It can be done in La Oroya. It can be done in that region.

But we do need the commitment of the polluters, in this case Doe Run Peru and the government, to come up not only with the program but with the money to fund it. They need to fund, they need to remediate, and they need to solve this problem of soil contamination. They haven't done so yet.

Mr. SMITH. We received a letter from Mr. Dennis Sadlowski, who is the Vice President-Law for Renco, and he asks a question in his letter that "we believe it is in the interests of both the United States and Peru to ensure agreements made are agreements that

are kept, and we hope the subcommittee will direct our State Department to communicate this to the current Peruvian administration.”

As I said earlier, we had invited the State Department, USAID, and other responsible people within the Obama administration to come here and give testimony. For whatever reason, they have declined to do so.

But what do you make of that question? Has the U.S. Government done that to the Peruvians?

Maybe, Mr. Slack, you might be aware of that?

Mr. SLACK. I think the key issue at stake here is the extent to which the company is genuinely committed to taking the actions that are necessary to address the environmental problems at La Oroya. And, in our view, it seems to be largely a distraction, a waste of time and money to engage in these legal proceedings when those resources could be invested toward addressing these problems.

So Doe Run has not committed to installing the emission control technology that is needed there. So, instead of pursuing these legal strategies, why doesn't it simply commit to doing that? Working with the Peruvian Government and with the support of the United States Government, I think that would be beneficial, to find a solution to address this problem and not pursue these issues through those legal means.

Mr. SMITH. Is there a question that any of you would have for the U.S. administration, over which obviously as an American, as a lawmaker in the U.S. Congress, are we doing our part?

One of my concerns with each of the free trade agreements, going back to NAFTA with Mexico, which I did vote against primarily because of workers' rights and because of environmental protections, is that while on paper it looked to be very strong and robust, but were anything but in terms of implementation. And I am wondering with regard to the United States-Peru Trade Promotion Agreement that went into effect in December 2007, is there a similar weakness with regards to environmental standards? It may look good on paper, but are they truly enforced by the Government of Peru and are we doing our part as a Government to push in that important area? Archbishop?

Archbishop BARRETO. The first thing the U.S. Government can do is to not support the Doe Run Corporation.

Secondly, the Mining Society of Peru has already thrown Doe Run out of its organization for its poor environmental practices, and the president of the Corporations Association has said clearly that companies like Doe Run should not be in the country. So, for me, it is very clear that if the United States Government supports a U.S. company that is known for noncompliance with environmental laws that it really is going to be colluding in this irresponsibility.

I also have to say, unfortunately, as a Peruvian that our Peruvian Governments over the years have closed their eyes to this serious problem and have not passed laws to protect the lives of our population. But the past Peruvian Governments and the current government have indeed tried to take more firm measures. When the company has applied for extensions, it has denied extensions

to this company, which has sought to profit—and I have to say it clearly—to profit on the lives and health of our population.

I think the United States has to be very firm as well, that never again should we allow complexes like this to get up and running again without first doing the cleanup and environmental mitigation necessary.

I think that in the defense of life and human rights, both the U.S. and the Peruvian Governments should get together and have serious dialogues about how to get out of this situation, out of this trap. I think La Oroya is an emblematic case of both governmental and corporate irresponsibility.

Mr. SMITH. Thank you.

On that point, Mr. Slack, you mentioned that the U.S. Government should offer the support of the U.S. Environmental Protection Agency to Peru in helping to address critical environmental and public health concerns like those we have seen in La Oroya. Has it?

Mr. SLACK. In conversations that we have had with the EPA, they have indicated their interest in trying to be supportive in this situation, and that is subject to requests from the Peruvian Government to make that happen. So I think an expression of interest—

Mr. SMITH. We are never shy in—honestly, because I have been in Congress 32 years, we are never shy in admonishing, requesting, encouraging a government to do something proactively. We don't wait for an invitation.

Mr. SLACK. And I think that would be extremely helpful. If this were to rise up in the priority level of U.S. policy versus Peru, a resolution of this situation, I think that would have a tremendous impact on that.

Mr. SMITH. We will follow up on that. That is a great idea.

Are there any final comments that any of the distinguished witnesses would like to make?

Archbishop BARRETO. I just want to close by giving our special thanks to you, Chairman Chris Smith, for the kindness and the determination that you have shown in inviting us to be here to be witnesses on behalf of the life and the health of the people of our country. Thank you for being concerned about the threats that we are facing and for accompanying the hopes of the Peruvian people.

Mr. SMITH. Thank you.

Ms. AMARO. Thank you.

Yes, I would like to ask the congressmen and women of the United States to advocate for the children and for the pregnant women of La Oroya, to pressure the Doe Run company, if it is going to continue there, for it to build its sulfuric acid plant. It had a deadline for finishing this plant in 2009. It received an extension. It asked for another extension without having done anything.

I think if the U.S. Government can demand of owners like the Renco Group and the Doe Run company that, in addition to thinking about the money that they are going to produce in their operations, that they also think about the lives and the health of the people in the area.

Mr. SMITH. Okay. I want to thank you for your tremendous testimony, your answers to questions that were very, very informative and incisive.

I do want to say that, Archbishop Barreto, when I first met you I was struck by the balance that you brought to this issue. You emphasize that you want the people of Peru and the people in this area to have jobs but not at the expense of people's health, well-being and whether or not their health is degraded by these chemicals and these minerals and environmental pollution. You emphasized that especially as it relates to children and because they are so vulnerable at that critical time, the impact that this has disproportionately to its impact on unborn children, who often are hurt irreparably by this contamination.

As I think all of you know, especially the Americans, we have had a multi-decade-long fight for environmental protection. Every bill, Clean Air Act, Clean Water Act, Superfund, everything was rife with contention. But at the end of the day, if we are not protecting our people from environmental hazards, we have failed utterly. So I again salute you for being beacons of hope and clarity on behalf of the people who are put at risk.

So, again, I want to thank you. We will follow up. We will ask—there are a number of takeaways for this subcommittee from this hearing in terms of requests to the administration. We will be in contact with the Government of Peru and all parties, we have already heard from Renco, to do our part. Because, again, if these free trade agreements are to have any validity, they cannot be engraved invitations for anyone anywhere in the world to pollute and to, again, put people's lives at risk.

So I thank you, and we will follow up. This has been a very, very informative and disturbing hearing.

The hearing is adjourned.

[Whereupon, at 3:42 p.m., the subcommittee was adjourned.]

A P P E N D I X



MATERIAL SUBMITTED FOR THE HEARING RECORD

**SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-0128**

**SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS
Christopher H. Smith (R-NJ), Chairman**

July 17, 2012

You are respectfully requested to attend an OPEN hearing of the Subcommittee on Africa, Global Health, and Human Rights, to be held in Room 2200 of the Rayburn House Office Building **(and available live via the Committee website at <http://www.hcfa.house.gov>)**:

DATE: Thursday, July 19, 2012

TIME: 2:00 p.m.

SUBJECT: Poison Harvest: Deadly U.S. Mine Pollution in Peru

WITNESSES: His Excellency Pedro Barreto
Archdiocese of Huancayo, Peru

Fernando Serrano, Ph.D.
Assistant Professor of Environmental and Occupational Health
School of Public Health
St. Louis University

Ms. Rosa Amaro
President
Movement for the Health of La Oroya

Mr. Keith Slack
Global Program Manager
Oxfam America

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.



COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON Africa, Global Health, and Human Rights HEARING

Day Thursday Date July 19, 2012 Room 2200 Rayburn

Starting Time 2:00 p.m. Ending Time 3:42 p.m.

Recesses 0 (to) (to) (to) (to) (to) (to)

Presiding Member(s)

Rep. Chris Smith

Check all of the following that apply:

Open Session

Executive (closed) Session

Televised

Electronically Recorded (taped)

Stenographic Record

TITLE OF HEARING:

Poison Harvest: Deadly U.S. Mine Pollution in Peru

SUBCOMMITTEE MEMBERS PRESENT:

Rep. Chris Smith, Rep. Karen Bass, Rep. Russ Carnahan

NON-SUBCOMMITTEE MEMBERS PRESENT: (Mark with an * if they are not members of full committee.)

HEARING WITNESSES: Same as meeting notice attached? Yes No
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

TIME SCHEDULED TO RECONVENE _____

or
TIME ADJOURNED 3:42 p.m.

Shari Peckert
Subcommittee Staff Director

