

THE LASTING STAIN OF OIL

Cautionary Tales and Lessons from the Amazon



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What Amazonian Tribes Affected by Chevron's Oil Disaster Can Share With Gulf Coast Communities

While BP and the United States Government work to stop the oil that continues flowing into the Gulf of Mexico, coastal residents are preparing for the long-term impacts of the oil spill, and working to determine how they will maintain their environment, culture, and livelihoods in the wake of such a disaster. ***What can Gulf Coast residents learn from other communities that have suffered the terrible consequences of oil industry recklessness?***

The billions of gallons of toxic wastewater and millions of gallons of crude oil dumped into rainforest waterways and lands by Chevron (formerly Texaco) have transformed the

way of life for communities in Ecuador's Amazon. For the Indigenous and campesino peoples living there, long-term exposure to toxic chemicals has resulted in profound impacts to human health, animal life, the environment and the traditional culture. But like the Gulf residents, oil-affected communities in Ecuador are resilient, and for almost two decades have pressed tirelessly for a proper cleanup and restoration of their rainforest home. More than 30,000 people in the Ecuadorean Amazon are currently engaged in a historic lawsuit against Chevron that, if successful, will finally begin the process of environmental remediation.

Crude Lessons: In confronting their own oil disaster, Ecuadoreans have learned many lessons about cultural survival and what it takes to hold a company accountable for harms it has caused. Below are some of the lessons that communities in Ecuador have compiled to share with Gulf Coast residents.



"The Ecuadorean Amazon was a beautiful jungle before and now it's completely contaminated."

*Humberto Piaguaje,
Secoya Leader*

1. Public Awareness and Support is Invaluable

It took decades for communities in the remote Ecuadorean Amazon to draw the world's attention to Chevron's systematic pollution of the rainforest.

While affected communities in Ecuador have spent years working to raise public awareness of their plight, there has thankfully been worldwide attention focused on BP's tragic oil spill in the Gulf since day one. Gulf Coast communities have a tremendous opportunity to hold BP accountable by capitalizing on the worldwide attention this terrible tragedy has garnered.

Although BP says that it plans to take full responsibility for the damages caused by its spill and restore the Gulf Coast to the way it was before – "make it right – the experience in Ecuador shows that oil companies do the right thing only when compelled to do so by a combination of political, financial, media, and community pressure. Nearly half a century has elapsed since Chevron began oil operations in the Ecuadorean

Amazon, and the company is still fighting tooth and nail to evade responsibility.

Lesson: Seize the moment. With support of environmental and health organizations, affected communities must take advantage of widespread attention on the BP disaster, and make clear and strong demands now for a permanent place at the table in all decision-making about remediation and restoration of their communities and the environment.

2. Corporate Polluters Will Cover Up Evidence

Chevron has engaged in numerous cover-up tactics in order to minimize public awareness and try to limit future liability.

There are current reports that BP is disappearing carcasses of animals killed by exposure to the spill, and prohibiting media and public access to some beaches and response sites. In Ecuador, Chevron engaged in numerous tactics to hide or misrepresent evidence of contamination. While operating in Ecuador, Chevron ordered its local operators to destroy all documentation of oil spills and to stop any such documentation moving forward. Chevron kept no record of the number of toxic waste pits it built and abandoned throughout the region. In an attempt to conceal their existence, the company covered many of the pits with dirt, while leaving the crude and toxic waste to leach into surrounding land and groundwater.

When conducting sampling of the contaminated region during the environmental trial, the company's experts consistently took soil and water samples upstream or away from contaminated areas in order to undercount pollution. They then misrepresented the results to the court and public, notwithstanding the systemic poisoning of the communities.

Lesson: Keep a spotlight on the disaster. Gulf Coast communities should document as much as possible relevant to the disaster's impact, and seek funds to commission independent scientific experts to assess damages and risk.

3. Don't Trust the Polluter to Properly Clean Up

Hoping to avoid a major liability, Chevron engaged in a fraudulent remediation, which consisted of covering up a small portion of its contamination, while leaving massive amounts of toxins in the environment.

While operating in Ecuador, Chevron constructed more than 900 unlined, open-air toxic waste pits in close proximity to areas inhabited by thousands of people. These pits, which by design leach into surrounding soil and overflow into nearby rivers during heavy rainstorms, have contaminated the groundwater and the wells of local residents for decades. When the communities first took legal action to demand a cleanup in the 1990s, Chevron used its official contacts and negotiated a separate deal with the government of Ecuador to avoid any future liability. In their alleged cleanup, the company agreed to "clean" only a tiny fraction of the contamination for which it is responsible, concealed the existence of 200 oil pits, and claimed that other contaminated sites were "in use by the local community" in order to avoid having to deal with those areas.

For the few sites Chevron supposedly "cleaned," the company combined an inappropriate lab test with cleanup standards so low that even pure petroleum samples would qualify as "remediated." Recent testing

shows that sites Chevron claims to have remediated are as contaminated as those left untouched, confirming the testimonies from community members that the company simply shoveled dirt over the waste pits without removing the toxins. Chevron now claims that the oil is in a "degraded state" and cannot leach out or harm anyone. Nevertheless, oil continues to ooze to the surface of closed pits, sickening animals and people. Having been told they were clean, some residents have even built their houses on top of these toxic waste pits.

Lesson: Stay on top of the clean-up until it's done. Gulf Coast peoples should demand strong community involvement and transparency, as well as independent regulatory oversight of the entire process of remediating BP's oil spill.

4. Expect a Public Relations Campaign to Gloss Over Impact and Attack Community

Like Chevron has in Ecuador, oil industry polluters often stick to the same tactics – trying to cast blame on others and distract attention from their own wrongdoing.

To mitigate fallout from its environmental catastrophe in Ecuador, Chevron employs six different public relations firms and nearly a dozen lobbyists in Washington, D.C. One firm is Hill & Knowlton, which worked with the tobacco industry for decades to claim there was no link between cigarettes and cancer. Using spin and sowing the seeds of doubt (where there is none), Chevron and its paid PR team have unleashed a campaign of slander, slippery slope reasoning, and lies in an attempt to fool the public and influence the courts.

First, they deny the problem. Next, they try to minimize it. Then, they claim the impacts won't be that bad. They try to claim that if there are adverse impacts, they were caused by the consortium partners or exacerbated by the weather. And if there aren't other companies to blame, they may even revert to blaming affected communities for not taking adequate precautions, etc. A close examination of the strategies Chevron has long employed in its efforts to evade accountability in Ecuador will provide insight into the lengths companies will go to delay action, deceive the public and regulators, deny responsibility, deflect blame onto other parties and defame the very people who are merely asking for help where the company has caused harm.

Chevron and its public relations teams have used deceitful tactics in an attempt to discredit the public faces of the lawsuit and the campaign to hold the company accountable. Despite having won the prestigious Goldman Environmental Prize (often cited as the Nobel Prize for the environment), community leaders Luis Yanza and Pablo Fajardo have been fiercely attacked and publicly slandered by Chevron management and PR firms in full-page newspaper ads in the U.S. and Ecuador. Other leaders have also been personally attacked by company radio and TV ads.

Lesson: Prepare for attacks and deception, and respond with unity and truth. With truth on their side, communities need to speak out often and loudly. Affected communities should work to establish unity, trust, and transparency among community and leadership, as well as internal processes to prepare for personal attacks and attempts divide the community.

"They came and spilled oil, contaminated the river and my children died."

*Emergildo Criollo,
Cofan Leder*



5. Corporations Will Use Legal Maneuvering and Political Influence to Evade Liability

Rather than do the right thing and put its resources toward cleaning up its mess in Ecuador, Chevron has instead spent vast sums of money on questionable legal tactics and lobbying, and political arm-twisting.

In order to delay any payment for cleanup, and drain the resources and will of the communities who have fought for nearly two decades for a remediation of their homeland, Chevron publicly promised the communities in Ecuador's Amazon rainforest "a lifetime of litigation." Holding true to the threat, Chevron has gone so far as to launch numerous parallel litigations in the U.S. and international tribunals in an attempt to undermine the lawsuit and escape potential enforcement of an adverse judgment in Ecuadorean courts where the trial was moved in response to Chevron's numerous requests. The company now objects to the courts' jurisdiction, portraying itself as a victim, of a "politicized" legal system.

Lesson: Expect legal and political tricks and be ready to respond.

Communities must be prepared to face extended legal battles on multiple fronts and well financed corporate lobbying and economic pressure tactics aimed at circumventing litigation.



"We asked what this black stuff was, and whether it might have any impact on our health. The only people who knew were Texaco engineers. They told us it wouldn't do anything, that in fact, it was actually a remedy for ailments like rheumatism or gastritis."

Mariana Jimenez

Meanwhile, in the trial, Chevron has buried the court in paper and been sanctioned for its delay strategies. The company has filed repetitive motions, employed extra-judicial tactics to compel the removal of a sitting judge, collaborated with the military to force the cancellation of a judicial inspection of contaminated areas, and subpoenaed, sued, and intimidated expert witnesses.

While the company works to keep a ruling in the case from happening, Chevron has also utilized its political connections to lobby the governments of the United States and Ecuador to quash the lawsuit. Chevron has gone so far as to push to have Ecuador's trade preferences revoked unless the Ecuadorean government intervenes on Chevron's behalf.

6. Oil Disasters Will Have Long-term Impacts

Much of the harm from large oil spills manifests years later, and circumstances can change dramatically over time.

Though rainforest residents filed suit against Texaco a year after its contract in Ecuador ended, the oil company has succeeded in dragging out the communities fight for a remediation of their land for nearly twenty years. In the midst of the ongoing struggle for a cleanup of their land, Chevron absorbed Texaco in 2001. Chevron attempted to design the merger in a way to limit its economic liability for the contamination in Ecuador, and now alleges that it should not be liable for Texaco's contamination. The company also points to subsequent oil operations and other environmental factors that have taken place over the course of the nearly 17 years since residents first went to court to demand a cleanup. Since the company began polluting in the 1960s, tens of thousands of people have had long-term and constant

exposure to oil-related toxic chemicals. Over time, hundreds of families have been ravaged by cancer and other oil-related diseases. Much of the illnesses did not manifest until decades after the first toxins were discharged into the environment. Until the toxins are completely cleaned up, the risk of oil-related illness will be ever-present.

Lesson: Plan for the long-term.

Demand the polluter fund claims that will be asserted well into the future and beware of unintended or planned efforts to evade liability such as bankruptcy or corporate mergers.

7. Beware of Hidden & Latent Environmental Impact

Just because you can't see, smell or touch toxins doesn't mean that they are not present and posing a serious risk to the environment and public health.

In Ecuador, Chevron deliberately dumped more than 18 billion gallons of "formation water" – a byproduct of the drilling process – into Amazon waterways relied on by tens of thousands of people in the region. Much of this was clear liquid that appeared harmless to the naked eye. In reality, it had ten times the saline content of ocean water and contained life-threatening toxins such as benzene. For years, the rainforest inhabitants drank from contaminated rivers and streams because the poisonous toxins present in the water was not visibly evident. They would also consume fish and other foods that were contaminated with carcinogenic compounds.

The Lesson: Help the community understand the risks. Demand funds from polluters to launch broad, community-based educational outreach to raise awareness about how to deal with the long-term risks of oil contamination.

8. Environmental Harm Can Have Long Lasting Health Impacts

Long-term toxic exposure has led to a massive public health crisis in the Ecuador's Amazon.

The area of Ecuadorean rainforest where Chevron operated is dangerously polluted with toxic chemicals that continue to contaminate the water and soil relied upon by the local residents. Despite the severe contamination, Chevron has never conducted a single health evaluation in the area, yet has funded experts to critique the health studies that have been published. Chevron insists that the oil contamination poses no threat to human health though epistemological studies have found rates of cancer in the area Chevron operated 130% above Ecuador's norm, and rates of child cancer three times higher in the area where Chevron operated than in other parts of Ecuador. Other peer-reviewed scientific studies have found higher occurrences of dermatitis, skin mycosis, malnutrition, and mortality rates in the communities around the contamination. The risk of spontaneous miscarriage is 2.5 times higher among women living in proximity of the oil fields and there is an increase in genetic birth defects.

Though scientific experts agree about the likely health impacts of long-term exposure to toxins at a far lower level than those that fill the waterways of the rainforest, Chevron still publicly refuses to admit that the oil pollution is dangerous. In fact, in what can only be described as an insult, Chevron blames the health problems in Ecuador's Amazon on the "poor personal hygiene" of the affected communities.

Lesson: Focus on community health today and down the road.

The affected communities should demand funds to commission their own independent scientific experts to assess health damages and risk, and provide treatment for health impacts.



9. Environmental Harm Can Have Long Lasting Cultural Impacts

Chevron's contamination has had grave, unforeseen impacts upon the lifestyles and culture of the communities in Ecuador's Amazon rainforest region.

The five Indigenous groups that inhabited the region have been devastated by Chevron's drilling practices. One of the groups – the Tetete – has disappeared while four others (the Cofán, Secoya, Siona, and Wuaroni) are struggling to maintain their cultural identity after having lost 95% or more of their ancestral land. Further, the contaminated water and soil has decimated the lifestyles of the Indigenous groups who have survived off the Amazonian land for centuries. Indigenous cultural traditions and beliefs have been dramatically altered. Sacred places have been decimated; much of the formerly-pristine forest that once served as the markets and pharmacies of local peoples have been razed. The contamination has infected and reduced fish and game stocks, making subsistence by hunting and fishing – the

main source of protein for Indigenous peoples – virtually impossible. Farmers who moved to the region, and others relying on subsistence farming, have been unable to sustain crops or livestock

This impact has forced Indigenous groups to take cultural survival into their own hands. As a first step, the Cofán have prohibited new oil extraction on their lands. The tribe has initiated various programs to recuperate land titles for some of their lost territory, instituted bilingual education programs (Cofán-Spanish) to preserve their native language, school dress codes that require tradition wear, and capacity building programs that transfer tradition knowledge of medicine and healing ceremonies from elders and shaman to youth.

Lesson: Focus on cultural survival.

Communities should be involved in identifying the harms to local cultures and the ability of families to support themselves, and developing a plan to rescue, restore and retain traditional knowledge and customs.

"The jungle is our university, our hospital, our market . Now none of this exists. Now we have contamination instead of security for human life."

Humberto Piaguaje,
Secoya Leader



10. Affected Communities Have the Power to Demand Accountability

Despite Chevron's efforts to avoid accountability in Ecuador, the communities have developed strength and resilience by uniting in their struggle for justice, health, and a clean environment.

In Ecuador, five Indigenous groups and farmer communities representing some 30,000 rainforest peoples organized themselves in the early 1990s to press their legal rights for a cleanup of their ancestral lands. They contracted with human rights lawyers in the U.S. to help them press their case, and have enlisted the support and solidarity of environmentalists, human rights advocates, scientists, health practitioners and other supporters

worldwide. Today, most experts believe that they are close to winning a historic judgment against Chevron. Along the way, the affected communities have won important victories. Their campaign to hold Chevron accountable is a major factor in the rise of an environmental consciousness in Ecuador that did not previously exist. This has led to significant advancements in environmental legislation, constitutional reforms, and better oil industry practice in Ecuador's oil patch.

Lesson: Fighting back works.

Even communities reeling from the impacts of environmental disasters can affect powerful change by uniting and organizing for justice, accountability, and protection of their culture.



This report was released by the Asamblea de Afectados por Texaco (The Assembly of Communities Affected by Chevron/Texaco) in conjunction with Amazon Watch and Rainforest Action Network.



Asamblea de Afectados por Texaco

