

English summary

A poison factory demolished. The BT Kemi scandal and the establishment of the environmental crime concept.

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The company AB Bönnellyche and Thuröe—BT Kemi—had been manufacturing pesticides in the former sugar plant in Teckomatorp since 1965. The local population soon began reporting the leakage of chemicals into a nearby river and that the plant was emitting a nasty odour, which led various agencies to act to tighten environmental standards. The company was able to successfully circumvent and delay the implementation of these standards, however, by exploiting weaknesses in the environmental legislation. In the mid-1970s, a number of local residents started an environmental group in Teckomatorp as a means of putting a stop to the pollution. Following the discovery of approximately one hundred buried oil drums full of contaminated filtering material, the level of publicity surrounding the plant increased during the autumn of 1975 and the whole of 1976. The scandal culminated in the autumn of 1977 when the county council carried out renewed excavations in the area and found over 600 drums filled with toxic waste. The discovery of this waste gave rise to a powerful emotional response and was followed by several court cases and investigations. The company went bankrupt and the factory was finally demolished in 1979, with the Government being forced to foot the bill for the decontamination of the factory site.

What is the significance of this event, then, for the establishment of the concept of environmental crime? Looking at the history of this concept, it is

clear that it was this “scandal” that initiated the frequent use of the concept of “environmental crime” in the media and the public debate. The BT Kemi scandal was a “focusing event”, which placed questions on the relationship between environmental pollution, responsibility, legislation and sanctioning firmly on the political agenda and which created the conditions for new groups and perspectives to make themselves heard. The event itself, the subsequent debate, the investigations and court processes led to a shift in norms and to a redefinition of what was regarded as criminal in the area of environmental protection, and finally, to the inclusion of a paragraph on environmental crime in the penal code in 1981. This report analyses which actors played a role in this process, which problems and solutions were presented in the debate and which of these issues then exerted influence when the new, tightened legislation came to be formulated. In practice, however, the tightened legislation was not to have much effect. Well-developed mentalities relating to environmental protection, with a long history in both public sector agencies and industry, coupled with diffuse legislation, obstructed the establishment of environmental crime. This meant that supervisory agencies, instead of using the criminal justice system to enforce environmental legislation, chose to continue to deal with negative environmental effects in a spirit of collaboration with industry, even in cases where stipulated conditions had been exceeded.

In conclusion, the report discusses the significance of the BT Kemi scandal for the way environmental offences have been viewed over the longer term. At the general level, it is possible to discern a slow normative shift following the BT Kemi scandal at the end of the 1970s. Over twenty years of promises, inquiries, increased resources and legislative changes have limited the scope available to politicians and officials to neglect demands that the legislation be applied more strictly. Today we are more sensitised to accusations of environmental crime, since these lead to bad publicity that may affect share prices or measurements of public opinion. The parties involved in the Hallandsåsen environmental scandal in the autumn of 1997 kept a very low profile. Particularly since the introduction of the Environmental Code in 1999, there has been a discernible shift in attitudes. The introductory case descriptions in the Environmental Code have added clarity, and a new institutional framework has been created comprising special environmental courts, police and prosecutors. The absolute obligation incumbent on officials to report suspected environmental offences to the police has also reduced the scope for supervisory agencies and local politicians to balance various social interests against one another and to take extenuating circumstances into account. Instead it is the job of prosecutors and the courts to decide whether a specific case of environmental interference constitutes a criminal offence.

Would these developments have taken place in the same way with or without the occurrence of the BT Kemi scandal? The same normative shifts in the view of environmental crime are visible in many other countries over the last few decades, and stricter laws have also been introduced at both the national and international level. In addition, the revision of environmental legislation had already been started in Sweden with the establishment of the

Environmental Protection Inquiry in 1976. In one respect, however, the BT Kemi scandal was a decisive event. Had it not been for this scandal and the failure to bring specific individuals to book for what had occurred, then the question of the relationship between intentional environmental pollution, individual responsibility and criminalisation would not have become the focus of attention in Sweden until some later point in time. The existing environmental legislation, which was introduced around 1970, was focused on the solution of environmental problems at a structural level by means of preliminary testing, guidance and financial controls. The idea that negative environmental effects might be criminal is unlikely even to have figured in the perceptual universe of legislators of the day. The BT Kemi scandal, and the subsequent establishment of the environmental crime concept, led instead to a shift in focus towards individual responsibility. As a consequence, the BT Kemi scandal became an important turning point in Sweden, introducing the discussion of environmental crime and individual responsibility onto the political agenda, and going on to become an accepted reference point in the context of this debate.