

# Silent victims—the damaging impact of the UK drug trade on the environment

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*Environment analysis: Drug trafficking, and tackling it, includes practices which are costly to the UK's natural habitat—from drug-fuelled deforestation to drug-plant eradication—yet it remains an underexplored issue. A recent study has highlighted the environmental damage caused by the narcotics trade, showing traces of cocaine and other illegal drugs in marine life in UK rivers. Rudi Fortson QC, barrister at 25 Bedford Row and visiting Professor of Law at Queen Mary University of London, outlines the legislation (or lack of) responsible for protecting the environment against illegal activity and how things could be improved.*

## **In what ways does the UK illegal drug industry damage the environment? What is the impact?**

The issue of environmental harms associated with the clandestine production and use of psychotropic substances does not feature prominently in UK literature—but this is changing. A recent [study](#) reported that environmental contaminants, including certain drugs controlled under the [Misuse of Drugs Act 1971 \(MDA 1971\)](#), had been detected in samples collected from 15 sites covering five river catchments across Suffolk. Cocaine and lidocaine were most frequent in surface water and in biota samples albeit that the study drew no conclusions ('without further work') about the potential for adverse effects of the presence of cocaine.

Other reports and studies are far more disturbing. The [2016 EU Drug Market Report](#) states that:

- it is 'probable that millions of tonnes of hazardous waste from drug production are released into the environment each year' (see the UN Office on Drugs and Crime's '[Coca Cultivation In The Andean Region](#)' report for more information)
- deforestation is a 'particular concern' which can impact on biodiversity and climate change (see also '[Impacts of Narco-Degradation on Protected Areas in Central America—A Critical Ecological Economics Approach](#)')
- excessive use of chemical fertilisers, herbicides and pesticides, to increase production, can cause environmental problems

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- toxic chemicals, which include acetic anhydride, solvents such as ethyl ether, acetone, and hydrochloric acid, 'are needed to transform opium into heroin. The waste resulting from heroin production may simply be spilled on the ground or in streams and rivers in the area'. Toxic chemicals are used to process coca leaves into cocaine hydrochloride

### **What efforts have been made by UK law-makers to protect the environment against damage from illegal drug trafficking activity? How effective is it?**

Of the three UN drug Conventions, only the 1988 Convention [refers](#) to the 'protection of the environment' (Article 14.2) and only in the context of measures to eradicate the illicit cultivation of narcotic plants following concerns about the use of toxic chemicals (especially when sprayed from aircraft) for that purpose.

Neither the UK [MDA 1971](#) nor the Misuse of Drugs Regulations 2001, [SI 2001/3998](#) make specific provision to prevent or to remedy environmental harm caused by unlawful drug actions.

[MDA 1971, s 1\(2\)](#) created the Advisory Council on the Misuse of Drugs with a statutory duty to 'keep under review' drugs likely to be misused and capable of having 'harmful effects sufficient to constitute a social problem'. However, the effects debated by Parliamentarians (when [MDA 1971](#) was then a Bill) were those on the human body and/or mind (eg drug dependence), economic effects, and anti-social behaviour. The [Psychoactive Substances Act 2016 \(PSA 2016\)](#) imposes a 'blanket ban' on all non-exempted substances that are 'capable of producing a psychoactive effect in a person who consumes [them]'. No provision was made in the [PSA 2016](#) to cover environmental harms caused by, for example, the production of synthetic substances.

### **Production within the UK**

Many drug substances are produced overseas, but according to the [UK Country Drug Report 2019](#), cannabis is cultivated 'in significant quantities across the United Kingdom' and crack cocaine is 'converted locally from imported cocaine powder'.

Amphetamine has also been produced in the UK 'with active laboratories believed to be most commonly located in the north-west of England' (see above report). However, given the high penalties that exist under UK law for the commission of a drug trafficking offence, it is unlikely that offences would additionally (or alternatively) be charged under UK environment laws such as in respect of an unauthorised 'water discharge activity' under Environmental Permitting (England and Wales) Regulations 2016, [SI 2016/1154](#).

## What can be done to reduce the environmental damage caused by drug trafficking? How do you propose we achieve this?

While a case can be made for intensifying legal controls and sanctions against drug trafficking, the contrary argument is that certain strategies (such as drug crop eradication) have had, and continue to have, a negative impact on the environment that warrants radical change in drug policies and enforcement (see [‘The War on Drugs: Causing Deforestation and Pollution’](#) and [‘The Impact of Drug Policy on The Environment’](#) for more information).

There may be lessons to be learned from the experience of other jurisdictions. Threats posed to the environment by clandestine laboratories had been explored some 31 years earlier in hearings before the US Congress (see [‘Clandestine Manufacture of Illicit Drugs: Hearings Before the Subcomm. on Government Information, Justice, and Agriculture, of the House Government Operations Comm’](#) cited by Gardner who detailed an account of waste products contaminating dwellings and polluting the soil and water in [‘Illegal Drug Laboratories: A Growing Health and Toxic Waste Problem’](#)). In 1988, a task force was established under US Federal law to protect public health with respect to illegal drug laboratories and to implement a program (subject to conditions) for the clean-up and disposal of hazardous waste produced by illegal drug laboratories.

One route is global revision of legal controls including a degree of decriminalisation and legal regulation to encourage proper management of the environment. Whichever strategy is the most appropriate, the impact of the drug trade on the environment is one that ought to receive greater attention than has been the case thus far.

*Interviewed by Samantha Gilbert.*

*The views expressed by our Legal Analysis interviewees are not necessarily those of the proprietor.*

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