

## Malaysia: Lynas' Plan for Permanent Radioactive Waste Dump Rejected

By [Peter Boyle](#)

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*Environmental activists and local residents have been waging a long-running campaign against a toxic rare-earths refinery in Malaysia run by [Lynas Rare Earths](#), an Australian corporation.*

They breathed a cautious sigh of relief when it was announced that Lynas' application for a permanent toxic and radioactive waste dump in a rainforest reserve was rejected in an Environment Impact Assessment (EIA).

The announcement came in the form of a “not approved” entry on the environment department's [website](#) listing EIAs made on April 28.

Lynas rushed to the media with a [claim](#) that this was just a minor delay, based on a technicality, which will be fixed with the submission of new documents.

The company said:

“Lynas is working together with the relevant Malaysian Federal and Pahang State governments to provide the information requested by the DOE [Department Of Environment]. Because the initial 12 week period has expired, the DOE has stated on its website that the EIA is rejected. Once the information is provided, Lynas has been advised by the DOE that the assessment of the EIA will resume.”

Lee Tan is an environmental activist who has played a major role — along with Australian activists — supporting the strong objections from residents living in Kuantan, a city close to the Lynas refinery. Tan told *Green Left* this was probably just company spin.

“For now, we have managed to stop Lynas from dumping its toxic radioactive waste in Kuantan's water catchment. However, for as long as the radioactive waste remains in Malaysia, we cannot let our guard down,” she said.

“The DOE website clearly states that Lynas' EIA for the permanent waste dump

proposal for Bukit Ketam has been rejected and now Lynas is spinning a new story, I guess to prevent its stock value from crashing.

“Under Lynas’ licence condition from 2018, the government should stop its operation to stop more toxic radioactive waste from being piled up further. However, it might be wishful thinking — albeit a public and environmental health blessing — if the government actually enforces the law on Lynas.”

Earlier this year, Tan explained in an [interview](#) with *GL* that Lynas was seeking to “carve out one of the last remnants of a pristine rainforest for a shallow radioactive waste dump, lined with only a 2 millimetre-thin, high-density polyethylene (HDPE) plastic sheet”.

“Rain, water intrusions, landslides and many other factors will guarantee that the radioactive materials, heavy metals and other toxic material will not be stopped from leaking out.”

Tan also said there is practically no safe level of exposure to radiation, particularly to elements like thorium and uranium, which were present in the mountain of waste that Lynas has piled up next to its refinery.

“They might be low-level in terms of radioactivity, but in decaying have very high daughter isotopes like radium, radon, polonium and so forth. Because they have long half-lives, they are radioactive for a long time — billions of years.

“As they are practically forever hazardous, the danger comes from ionising radiation when the radioactive particles enter living cells — plant, animal or human. This takes place when they decay in the surviving cells damaging the DNA — the building blocks of our cells — if the dose is high enough. This is can be a cumulative process over a lifetime and can even be passed down to future generations.”

Tan said the proposed waste dump is “in a forest on Bukit Ketam, a hill that is a catchment for two rivers. Sungai Ara joins Sungai Riau and that flows into the Kuantan River and to the South China Sea. Along the way there are two water treatment plants for water supply drawn from this river system.”

The city of Kuantan uses that river for drinking water, so 90% of the city’s population will be drinking water that could be contaminated with toxic elements from the proposed Lynas waste dump.

**Meena Raman**, an environmental lawyer and the president of Sahabat Alam Malaysia (SAM — Friends of the Earth Malaysia) told *GL* that SAM welcomes the DOE’s decision.

“One of the main legal points we have been raising is that under the Environmental Quality Act 1974 of Malaysia, the Director General (DG) cannot approve an EIA which violates an existing local plan for the area, which is required under the planning law in this country,” Raman said.

“As noted in the EIA, according to the Kuantan Local Plan (KLP) 2035, the Bukit Kuantan Forest Reserve is considered a Class I ESA (Environmentally Sensitive Area) of cultural value; therefore, no form of development or activities, other

than low-impact recreational, research or educational activities are allowed in the area.

“The State government may have agreed for the project site to be degazetted as a forest reserve for the development of the PDF [facility], but unless the KLP 2035 is amended ... [it] continues to be the relevant plan, and the DG cannot be considering a future local plan which is non-existent.

“In the EIA, a letter from the Kuantan Municipal Council has been produced, dated December 22, 2020, which states that the change in land use zoning will be taken into account in the revision of the KLP 2035.

“It is presumptuous to assume that the KLP will be amended without objections, or that the objections can be ignored, in the public consultations process.

“The Court of Appeal has made clear that any deviation from a structure plan (and in our case, a local plan) must be for good reason and must be explained and the reasons provided for doing so.

“Hence, the authorities can be challenged for departing from the KLP 2035 which stipulates the Bukit Kuantan Forest Reserve as Class 1 ESA.

“In any event, as we have pointed out before, the Director General’s decision under Sect 34A(4)(a) of the Environmental Quality Act relates to an existing development plan and not a future plan that has not come into effect.

“Lynas could appeal the decision of the DG under the EQA but our view is that the DG cannot violate the law. Hence, the chance of Lynas succeeding is rather slim.”

**Sharan Raj**, who heads up environmental campaigns for the Socialist Party of Malaysia (PSM), told *GL*: “Lynas should not be allowed to continuously operate and pile up radioactive waste without a permanent waste disposal solution.

“As the rare-earth ore was mined in Australia, then shipped to the refinery in Kuantan, the Malaysian government should initiate talks with Australia about taking back and dealing with the radioactive waste safely.”

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*Featured image: Anti-Lynas protest at the company’s Annual General Meeting in Sydney, November, 2013. Photo: Peter Boyle*

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