

Who is the EPA really trying to protect?

Written by Chan Shun-kuei 陳俊輝
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Not long after the Formosa Plastics Group's (FPG) chemical plant in Kaohsiung County's Renwu Township (仁武) was found to have polluted surrounding farmland, FPG's sixth naphtha cracker was shaken by two serious industrial accidents within 18 days. In the second incident, pressurized hot oil leaked from the complex's second oil refinery, causing a fire.

People are angry about these incidents and worried that the resulting pollution could pose health risks and kill crops and fish or make them unfit to eat.

The Environmental Protection Administration (EPA) hurriedly declared that pollution from the fire fell within official standards, that the air quality nearby was acceptable and that the incidents would not affect Kuokuang Petrochemical Technology Co's plan to build Taiwan's eighth naphtha cracker or FPG's plan to expand the sixth naphtha cracker.

The EPA's premature statements serve FPG well, but show little concern for people living near the factories, whose longstanding resentment has further deepened.

As a former environmental impact assessor for the EPA and a public nuisance dispute mediation committee member for Taipei City Government, I know the EPA should have attached data to its findings addressing the following questions:

Who did the EPA send to take samples at the site? When and how many times was this done? What did the samples consist of and how were they obtained? Who conducted the lab tests, when and where were they conducted? Was data only gathered from fixed air quality test stations? If so, what items were tested? What kinds of pollutants could be emitted by this accident? What was the concentration of pollutants during the fire, and how were they dispersed?

The data should also have included the distances and direction of test points relative to the scene of the accident and the strength and direction of the wind at the time. These questions have not been addressed.

The EPA says the pollution was within standard limits, but which standards? Do they mean the permitted concentrations of individual pollutants in the air or overall air quality standards?

The EPA must be aware of Article 191-3 of the Civil Code, which deems a person to be liable for injury to someone else if caused by the business, work or other activity of the first person. FPG must present evidence to prove that this industrial accident had nothing to do with death or damage to crops or fish.

In 1994, the Supreme Court determined that even if pollutants comply with official standards, they may still be illegal if they damage crops, in which case the factory owners must pay compensation. Why then is the EPA muddying the waters?

Residents and fishermen in Mailiao (苗栗) and Taisi (臺西) who may have been harmed by the

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accidents should quickly form groups to claim compensation from FPG. They can apply to the Yunlin County Government to convene a public nuisance dispute mediation committee, which would employ competent agencies to collect and investigate evidence before the pollution disperses. The Public Nuisance Dispute Mediation Act (《公害事件調解法》) says the government should first pay for this process and later be reimbursed by the guilty party.

The results of such an appraisal can then be used as the basis for compensation claims.

If the EPA cannot side with potential victims, it could at least try to be impartial. Instead, no sooner had the accident happened than the EPA popped up to speak out on behalf of FPG — the likely guilty party. Can we trust such an EPA to be upgraded as a Ministry of the Environment and Resources, giving it authority over the resources essential for our collective survival?

Chan Shun-kuei is chairman of the Taiwan Bar Association's environmental law committee.

□ TRANSLATED BY JULIAN CLEGG

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