



21<sup>st</sup> June 2018

Prime Minister Prayuth Chan-ocha  
Office of the Prime Minister  
The Government House  
Bangkok

**Re: Plea for the Thai government to solve the electronic and hazardous waste import crisis**

Thailand has become the recipient of electronic, plastic and hazardous waste from dozens of developed and developing countries. On May 22, 2018, Deputy National Police Commissioner General Wirachai Songmetta and officials from relevant agencies uncovered electronic waste recycling operations in Plaeng Yao district, Chachoengsao province, eastern Thailand. Since then, more than ten companies have been exposed for violations related to the import of electronic and plastic waste into Thailand. Although imported waste includes both legal and illegal imports, waste recycling facilities cause severe damage to community livelihood and the environment. For this reason, community residents of seven provinces in central and eastern Thailand are pleading for the national government and local agencies to assist in resolving Thailand's industrial waste crisis.

According to research by Ecological Alert and Recovery – Thailand (EARTH), Thailand has been importing a growing quantity of industrial and hazardous waste, in particular electronic waste, plastic waste, chemical waste, and many other types of hazardous waste. Instead of monitoring the safety standards of recycling factory operations for public interest, Thailand's Department of Industrial Works (DIW) has loosened restrictions to promote private industrial interests and the growth of recycling industries with little or no oversight. DIW issued regulations exempting waste recycling facilities from fundamental industrial controls. For example, in 2003, DIW issued an exemption for the production, possession, export and registration of used electronics from hazardous waste registration, allowing electronic waste recycling facilities to operate without complying with the Hazardous Substance Act of 1992 and the third revised Hazardous Substance Act of 2008. In addition, electronic waste recycling facilities are exempted from notification, permitting and registration requirements for hazardous substances. Since these exemptions in 2003, the DIW has issued additional exemptions and loosened legal controls to facilitate hazardous waste processing operations. As a result, the number of waste processing facilities have grown exponentially, along with the import of hazardous waste and other types of waste in growing quantity and variety without any oversight, to the point of a crisis.

At the same time, the Thai government has entered into trade agreements with many countries, exempting thousands of waste import items from import tariffs. This has reduced the cost of importing waste, resulting in more profit for waste processing factory owners. Waste

importers profit even more from the weak environmental laws and enforcement in Thailand, compared to other countries. Heavy-polluting waste processing factories have never been held responsible for environmental and health damages to surrounding communities.

After the last few decades, Thailand has entered a crisis in industrial waste management. The volume of hazardous and non-hazardous industrial waste is increasing every year. According to the National Report on Pollution Status 2016, the volume of hazardous and non-hazardous industrial waste is as much as 37.4 million tons per year, compared to our country's waste disposal capacity of only 44% of non-hazardous industrial waste and only 40% of hazardous industrial waste. Thailand is already unable to properly dispose of industrial waste generated domestically. The growing import of waste from other countries is making our industrial waste crisis more severe and widespread.

In 2016, the government issued Order No. 4/2016 exempting waste processing facilities from zoning restrictions. The Order loosened zoning restrictions for waste treatment plants (Factory Type 101), waste separation facilities and landfills (Factory Type 105) and waste recycling facilities (Factory Type 106). As a result, heavy-polluting waste processing facilities have expanded to residential, agricultural and ecologically-sensitive areas.

EARTH and communities in 7 affected provinces – Chachoengsao, Chonburi, Rayong, Samut Sakorn, Petchburi, Ratchburi and Saraburi – view these environmental and widespread ecological problems as a direct result of misguided government policies that lacked public participation. The Department of Industrial Works has used its legal authorities to issue industrial regulations that exempt the waste recycling industry from government oversight. These widespread ecological and health problems have been so severe that they are causing public unrest and threaten social stability.

Therefore, we ask the government to address Thailand's industrial waste crisis, as follows:

#### Immediate measures

1. Revoke the National Council for Peace and Order (NCPO) No. 4/2016, to remove zoning exemptions for electronic waste recycling, treatment and disposal facilities. These heavy pollution facilities should not be allowed to locate in agricultural and ecologically-sensitive areas, where industrial pollution can cause widespread environmental damage, especially to groundwater, which is irreversible.

2. Issue an import ban by 2018 on electronic waste and four categories of waste: (1) plastic waste from living sources, (2) vanadium slag, (3) unsorted waste paper and (4) waste textile materials, to align with recent regulations by China's Ministry of Environmental Protection announced on July 18, 2017. As China has found, it is necessary to issue an import ban on these waste categories because they contain hazardous substance or contaminants from the industrial production process, resulting in severe environmental damage. This threat to the environment and public health is especially severe because most waste processing or recycling facilities violate environmental protection laws, in Thailand and in China. The Thai government should issue this import ban with haste and revoke all import permits and factory permits for these waste categories, to prevent Thailand from becoming the dumping ground for hazardous waste from China and other countries that used to export waste to China.

3. Initiate an investigation into the import permits and factory permits for waste recycling, treatment and disposal facilities, to determine whether the permits were issued according to legal requirements. Relevant officials who issued permits improperly must be investigated and prosecuted for any corruption and conflict of interest.

Long-term measures

1. Review, revise or revoke Notices by the Department of Industrial Works and Ministry of Industry that exempt waste recycling, treatment and disposal facilities from industrial oversight, namely:

1.1. Improve industrial oversight for Factory Type 101, by separating waste incinerators from wastewater treatment facilities into distinct categories and regulations

1.2. Improve industrial oversight for Factory Type 105, by distinguishing different types of waste separation and disposal facilities and separating clearly between hazardous and non-hazardous waste treatment facilities and landfills

1.3. Improve industrial oversight for Factory Type 106, by clarifying the criteria for issuing permits for waste recycling facilities. For example, the criteria for issuing factory permits for electronic waste recycling facilities versus general waste recycling facilities.

1.4. Require that waste recycling, treatment and disposal facilities (Factory Types 101, 105, and 106) must conduct either an Environmental Impact Assessment (EIA) or an Environmental and Health Impact Assessment (EHIA), evaluated by the Ministry of Natural Resources and the Environment.

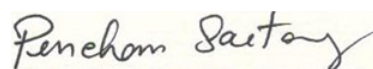
2. Improve the division of authority between the Ministry of Industry and the Ministry of Natural Resources and the Environment by transferring environmental monitoring authority and pollution inspection authority to the Ministry of Natural Resources and the Environment for more effective government oversight, and improving the Hazardous Act of 1992, and the Factory Act of 1992.

3. Review and revise terms of multilateral trade agreements to ban certain categories of electronic and hazardous waste from import commodities

Lastly, EARTH and affected citizens wish to support Thailand's development goals to achieve sustainable development, prosperity and peace, according to the national strategy and public interest. To achieve these goals, we must address the crisis of waste import and waste recycling industries more effectively than ever before. EARTH and residents suffering from this waste crisis will monitor the situation and support the government in addressing this problem.

Thank you for your consideration.

Sincerely yours,



(Penchom Saetang)

Director

Ecological Alert and Recovery Thailand Foundation