PRESS RELEASE

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Community member, Liu Yuying, pushes for criminal prosecution of toxic waste dumping

After an auto parts maker dumped toxic waste on her farm land, Ms. Liu Yuying suddenly became involved in an investigation and a legal fight to push for criminal prosecution. KB Beijing dumped the waste since 2008 while making car parts for large auto makers such as Hyundai. The company is a subsidiary of the Korean firm, KB Autosys. Environmental NGO, Green Beagle, worked with Liu to push for action including lawsuits and a criminal prosecution. “Ms. Liu’s case relates to corporate responsibility and enforcement of Chinese law,” said Mao Da, Green Beagle. “Her efforts in protecting her environmental rights under law should receive support from more people, because it relates to the eco-safety of water sources for two million people. Holding polluters criminally responsible is crucial for environmental protection.” Green Beagle has worked on the case as part of the China Chemical Safety project (1).

On December 12, 2013, Ms. Liu Yuying, an ordinary resident of Miyun County, Beijing City, sent letters via the Internet to the Beijing Municipal Public Security Bureau (BJPSB), the Miyun County Public Security Bureau (MYPSP), the Beijing Municipal People’s Procurator (BJPP) and the Miyun County People’s Procurator (MYPB) to report a potential criminal case (http://blog.sina.com.cn/s/blog_a2632b1f0101euk2.html). Liu requested that the judicial authorities investigate KB Beijing for the crime of environmental pollution by illegally dumping hazardous wastes in a basic farmland protection area in Miyun County.

Evidence for the dumping was clear. As reported on the front page of The Beijing News on April 1, 2013A, KB Beijing illegally dumped a large amount of hazardous wastes on Liu’s farmland in the town of Xiangzhuang including powders resulting from brake pad grinding, rejects and remnants. This severe environmental pollution incident was first revealed by Liu in 2011. It turned out that KB Beijing started the illegal dumping in 2008.

The Beijing Municipal Environmental Protection Bureau (BJEPB) noted that a total of 502.14 tons of wastes and polluted soil were removed from the plot of land where KB Beijing had dumped hazardous wastes (2). Liu believes that both the environmental authorities and the police should conduct investigations into this incident. “KB Beijing has only received a little administrative punishment but it actions were criminal,” said Liu Yuying. “The company illegally dumped tons of hazardous wastes on my farm land, causing permanent damage.”

Another piece of evidence provided by Liu was two soil pollution measurement reports made by a certified third-party testing company, SGS. Both reports reveal that the wastes dumped by KB Beijing contain various high-concentrations of toxic heavy metals such as copper, antimony and chromium, and that at least 1.13 hectares of the involved basic farmland protection area has been polluted and has yet to be fully rehabilitated (3).
Dr. Chen Nengchang, a well-known expert in soil pollution by heavy metals and researcher at the Guangdong Institute of Eco-Environmental and Soil Sciences (GIESS), concluded, on the basis of the above-mentioned measurement reports, that “the basic farmland protection area on the east bank of the Mengniu River west of Daxinzhuan Village, Xitiangezhuan Town, Miyun County, Beijing City has been severely polluted and lost the basic function of farmland, making it no longer suitable for growing crops.”

Dr. Chen also warned that the hazardous wastes dumped by KB Beijing may produce environmental effects, such as pollution to the surrounding soil, land surfaces, rivers and reservoirs caused by runoffs and wind erosion, groundwater pollution by rainwater penetration, and human health effects produced via the food chain and human/animal exposure to relevant pollutants, which all need further assessment.

After working with Liu on the case, some environmental NGOs and volunteers co-wrote and published an open letter entitled “Holding the polluter criminally responsible: a cornerstone for environmental protection”, calling on the competent judicial authorities to initiate investigations, for the interests of the public and of the victim, into KB Beijing that has likely committed a crime of environmental pollution.

Dr. Mao Da, a researcher at Green Beagle who drafted this open letter, said, “Ms. Liu has suffered huge financial losses due to the pollution over the past couple of years. Her efforts in protecting her environmental rights under law should receive support from more people, because this also relates to the eco-safety of water sources for two million people. Holding polluters criminally responsible is crucial for environmental protection.”

Shi Yuzhi, a lawyer at the Center for Legal Assistance to Pollution Victims (CLAPV) who has worked on the case said, “The central government recently has issued some new policies requiring that both judicial and environmental authorities make more aggressive moves in combating the crime of environmental pollution. Holding polluters criminally responsible is the last support for environmental protection, and required to build a complete legal system for environmental protection and provide the strongest support for developing an eco-friendly civilization and for realizing our beautiful China dream. The reporting by Liu Yuying was well-grounded and should receive sufficient attention from the competent authorities in Beijing.”

After sending the open letters, Liu Yuying visited the BJPSB, the BJPP, the BJEPB and the Ministry of Environmental Protection (MEP) on December 25, 2013, requesting that they pay attention to, or conduct investigations into, the incident that she had reported. None of these authorities has made any official reply so far.

Footnotes:

(1) The China Chemical Safety Project is an EU-funded project of IPEN with partners Arnika – Toxics and Waste Programme and Green Beagle that aims to strengthen the capacity of civil society organizations and communities impacted by pollution to increase chemical safety in China. The Project (also known as Strengthening the capacity of pollution victims and civil society organizations to increase chemical safety in China) is being implemented in China over two years with the EU contribution.

(2) Beijing EPB’s announcement that 502.14 ton of waste and contaminated soil had been collected during the clean-up action since April 2, 2013

- MORE follows -
(3) Part of SGS testing report, showing high-level heavy metal contamination of Liu Yuying’s land
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