



Green Beagle

PRESS RELEASE

For Immediate Release

17 January 2014

Environmental NGO wins two lawsuits for disclosing polluter information

Green Beagle, an environmental NGO, welcomes court decisions that require disclosure of information about a polluter that illegally dumped large amounts of hazardous wastes on a farmland protection area in the town of Xitiangezhuang in Miyun County, Beijing. KB Beijing, a subsidiary of the Korean company KB Autosys, dumped the toxic wastes over a period of five years. The company is a major supplier of brake components to auto manufacturers such as Hyundai. The information disclosed as a result of the lawsuits advances public monitoring over polluters and plays an important role in advancing enforcement of Chinese law with regards to pollution victims. “As the public learns more about environmental protection and governments and companies gain a deeper understanding of the responsibility for disclosing relevant information, we can become more confident about chemical safety in China,” said Mao Da, Green Beagle, who has worked extensively on the case as part of the China Chemical Safety Project (1).

KB Beijing started illegally dumping toxic waste on farmland in 2008. Ms. Liu Yuying, a relevant land lessee and resident in Miyun County, revealed the practice in 2011. KB Beijing’s wastes included powders containing toxic metals resulting from brake pad grinding, rejects and remnants according to a report on the front page of *The Beijing News* published on April 1, 2013 (see photos below). Green Beagle measured the metal components of the waste with both portable heavy-metal detectors and by hiring a certified laboratory. The results showed high levels of heavy metals, including copper, antimony and chromium.

The Miyun County Environmental Protection Bureau (MYEPB) issued a notice to KB Beijing in early 2012, requiring that it conduct farmland rehabilitation within a certain period of time and hire a qualified organization to dispose of the dumped hazardous wastes. The MYEPB also imposed administrative punishment on KB Beijing. However Ms. Liu believed that KB Beijing should also be responsible for the resulting pollution and compensate her for relevant damages. After her demand was rejected by KB Beijing, Liu brought a civil action against the company at the Miyun County People’s Court.

On December 17, 2012, the local court rejected Liu’s claim. Liu appealed the decision to the Beijing Municipal No. 2 Intermediate People’s Court, which upheld the original decision on April 2, 2013. On April 3, 2013, the head and deputy head of the MYEPB, together with staff members from KB Beijing and untrained migrant workers, went to the plot of land leased by Liu Yuying and haphazardly scooped up the hazardous waste for “cleanup”.

- MORE FOLLOWS -

Green Beagle supported Liu Yuying's case and worked with Yuantou Aihaozhe Environment Institute (YAEI) to discover more information about KB Beijing's operations. YAEI submitted applications to the Beijing Environmental Protection Bureau (BJEPB) and the MYEPB respectively for disclosing eight pieces of relevant environmental information on the pollution incident caused by KB Beijing. The group received incomplete responses in May. As a result, YAEI filed administrative lawsuits with the Haidian District People's Court and the Miyun County People's Court respectively, requesting that the replies be annulled and that both environmental authorities be ordered to make replies once again. The two courts heard these three cases in public on August 8 and October 17, 2013, before making the first trial decisions on September 30 and November 25, 2013, respectively.

The Haidian District People's Court agreed that KB Beijing should disclose regulatory information on hazardous wastes generated since it began production. In addition, the court ordered the BJEPB to reply again to YAEI's request. The court rejected a claim regarding the waste removal saying that the BJEPB had fulfilled relevant functions under law. The Miyun County People's Court upheld all of YAEI's requests and ordered the MYEPB to reply again to YAEI's request. Both the BJEPB and the MYEPB complied with the court order and provided the relevant information including an environmental impact assessment statement and regulatory information on hazardous wastes generated since it was opened, including detailed records of how they were generated, moved and disposed of (3).

Shi Yuzhi, an attorney at the Center for Legal Assistance to Pollution Victims (CLAPV), was the legal counsel for YAEI in all three cases. "Environmental protection is both a national policy and a public demand. The precondition for taking protective actions lies in access to environmental resources information, of which an important part is information on pollutants and polluters. The administrative cases in which we won were typical lawsuits in the process of accessing polluter information. While feeling happy for having won in these cases and having ultimately securing the information, we can see, from another perspective, how hard it was for us to secure such information. When it comes to rejecting information disclosure, it is now a common practice that relevant government departments refuse to disclose information that should otherwise be disclosed and will only disclose it after a series of legal proceedings and massive consumption of human and financial resources. As the public knows more about environmental protection and both governments and companies gain a deeper understanding of the responsibility for disclosing relevant information, we will surely have easier and more direct access to information which we are entitled to access. We have become more confident about the future after these cases," said Shi.

Dr. Mao Da, who researches environmental pollution at Green Beagle and followed the above-mentioned cases, said, "It is obvious that KB Beijing has yet to be fully investigated for its illegal action and responsibility for the pollution. The two pieces of information disclosed by the environmental authorities are significant for both Liu Yu as the victim of the pollution to protect her rights and for the public to continue environmental monitoring over KB Beijing. On the one hand, it is possible to continue investigating the illegal dumping of hazardous wastes by KB Beijing through a review of hazardous wastes management data of this company formally registered at the local environmental authority. On the other hand, the Environmental Impact Assessment report also provides basic data for monitoring KB Beijing's overall environmental performance in the past, present and even in the future. We will scrutinize these hard-earned documents and let them play a desirable role."

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.

- MORE FOLLOWS -

(2) Waste brake pad still found at the dumping site at Miyun County, Beijing City (photo by Mao Da, Jan 18, 2014)



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(3) Supplementary reply and relevant information on KB Beijing's hazardous waste management record provided by Beijing EPB as required by the Miyun Court

北京市环境保护局

北京市环境保护局环境信息公开告知书

京环信息公开(2013)第45号

北京市丰台区源头爱好者环境研究所：
我局于2013年4月16日收到了贵所提出的环境信息公开申请，非常感谢贵所对首都环保工作的关心和支持。现将有关情况告知如下：
凯比(北京)制动系统有限公司(含其前身北京贝乐尔汽车摩擦产品有限公司)所属工厂自运营之日起至2013年3月，共产生产危险废物406.343吨，其中有机树脂类废物406.181吨、废矿物油0.162吨，全部由北京金隅红树林环保技术有限责任公司运输并进行焚烧处理。如需了解废物转移具体信息，请来我局登陆固体废物管理系统查询。鉴于对已认定的危险废物无需进行进一步成分鉴定，我局无凯比(北京)制动系统有限公司危险废物成分相关信息。
衷心感谢您对我局工作的关心。

附件：危险废物转移情况汇总表

北京市环境保护局信息公开办公室
2013年10月24日

附件：

危险废物转移情况汇总表

单位名称	废物名称	数量(吨)	接收单位	接收日期	处置情况
北京贝乐尔汽车摩擦产品有限公司	有机树脂类废物	1.02	北京金隅红树林环保技术有限责任公司	2007-6-24	已处置
北京贝乐尔汽车摩擦产品有限公司	有机树脂类废物	1.1	北京金隅红树林环保技术有限责任公司	2007-11-19	已处置
北京贝乐尔汽车摩擦产品有限公司	有机树脂类废物	2	北京金隅红树林环保技术有限责任公司	2007-11-19	已处置
北京贝乐尔汽车摩擦产品有限公司	有机树脂类废物	2.26	北京金隅红树林环保技术有限责任公司	2008-4-23	已处置
北京贝乐尔汽车摩擦产品有限公司	废矿物油	0.01	北京金隅红树林环保技术有限责任公司	2008-4-23	已处置
北京贝乐尔汽车摩擦产品有限公司	有机树脂类废物	1.04	北京金隅红树林环保技术有限责任公司	2009-2-13	已处置
北京贝乐尔汽车摩擦产品有限公司	有机树脂类废物	0.58	北京金隅红树林环保技术有限责任公司	2009-5-8	已处置
北京贝乐尔汽车摩擦产品有限公司	有机树脂类废物	0.86	北京金隅红树林环保技术有限责任公司	2009-5-8	已处置
北京贝乐尔汽车摩擦产品有限公司	有机树脂类废物	1.22	北京金隅红树林环保技术有限责任公司	2009-9-15	已处置
北京贝乐尔汽车摩擦产品有限公司	有机树脂类废物	1.654	北京金隅红树林环保技术有限责任公司	2009-10-16	已处置
北京贝乐尔汽车摩擦产品有限公司	有机树脂类废物	1.02	北京金隅红树林环保技术有限责任公司	2010-5-30	已处置
北京贝乐尔汽车摩擦产品有限公司	有机树脂类废物	1.852	北京金隅红树林环保技术有限责任公司	2010-8-22	已处置
凯比(北京)制动系统有限公司	有机树脂类废物	1.04	北京金隅红树林环保技术有限责任公司	2010-12-8	已处置
凯比(北京)制动系统有限公司	有机树脂类废物	3.109	北京金隅红树林环保技术有限责任公司	2011-2-26	已处置
凯比(北京)制动系统有限公司	有机树脂类废物	0.38	北京金隅红树林环保技术有限责任公司	2011-5-11	已处置
凯比(北京)制动系统有限公司	有机树脂类废物	0.422	北京金隅红树林环保技术有限责任公司	2011-7-13	已处置
凯比(北京)制动系统有限公司	废矿物油	0.062	北京金隅红树林环保技术有限责任公司	2011-8-25	已处置

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This release has been produced as a part of the project financially supported by the European Union. The contents of this publication are the sole responsibility of Green Beagle and can in no way be taken to reflect the views of the European Union.