

Foxconn (Taiyuan) Technology Group And Hengda Oasis Community Residents Environmental Pollution Case

Xueli Zhang



USAID
FROM THE AMERICAN PEOPLE

Case introduction



- ❖ **Emissions from plant operated by Foxconn (Taiyuan) Technology Group cause impact on residents in surrounding area**
 - Breathing difficulty
 - Throat Irritation
 - Nausea and vomiting
- ❖ **Foxconn makes iphone covers**
- ❖ **Plant is located in industrial park in Taiyuan, Shanxi Province**
- ❖ **Community affected is the Hengda oasis community**
 - Located west of the industrial park
 - About 50 meters from park
 - About 2000 residents affected

map



Foxconn (Taiyuan) Technology Group



Hengda Oasis Community



Bird's-eye view map of Hengda Oasis Community



Case introduction



- ❖ Handled case as volunteer lawyer for All China Environment Federation
- ❖ On November 5, 2012, filed a document request with the Shanxi Environmental Protection Department and with the Taiyuan Environmental Protection Bureau



❖ Documents requested:

- Environmental impact assessment (EIA) documents and approval documents for construction and expansion of plant
- "three simultaneous" documents
- Pollutant emission permit
- types and quantity of pollutants approved by the environmental protection department
- Monitoring reports
- Compliance history
- EIA and approval documents of Hengda oasis residential project construction

Case introduction



- ❖ On November 13, 2012, Shanxi Environmental Protection Department claimed:
 - The relevant information should be released by Taiyuan Environmental Protection Bureau
- ❖ But Taiyuan EPB refused to disclose any information
- ❖ On December 6, 2012, Filed administrative action in the people's court of Xinghualing district to seek disclosure of documents from EPB

Case introduction



- ❖ On February 4, 2013, Taiyuan EPB claimed it disclosed the compliance history, but plaintiffs never received the documents.
- ❖ EPB also refused to disclose any other documents and claimed it was not required to disclose them.
- ❖ Also claimed that Taiyuan Economic-Technological Area EPB is the regulatory agency for Foxconn and that plaintiffs should seek documents from that EPB
- ❖ Result: Taiyuan EPB agreed to disclose Foxconn plant EIA and approval documents

Legal Analysis



❖ Main issues in case:

- Identify Foxconn's environmental pollution liability
- Obtain Foxconn's emission data
- Scope of Foxconn's liability
- How to calculate financial compensation

❖ Challenges encountered:

- Establishing causation
- Obtaining Foxconn's emission data to prove harm
- If data reveals pollution, getting the administrative agencies to enforce the law.



❖ **Case demonstrates:**

- Importance of document disclosure – evidence gathering stage
- Importance of role of lawyers in assisting pollution victims



- ❖ Despite problems demonstrated in the case, Chinese government has paid more attention to environmental pollution than ever before.
 - The highest level of environmental protection department, from Board level to ministerial level, has launched or modified environmental laws and regulations
 - The EIA process has become an assessment index for enterprises.

Thank You !



USAID
FROM THE AMERICAN PEOPLE