

EVOLUTION OF ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT PROGRAMS IN THAILAND AND CURRENT CHALLENGES

MANASIKARN, H.E. YINGPHAN

Minister, Ministry of Science, Technology and the Environment, Rama 6 Road, Rajdhavee, Bangkok 10400 Thailand

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen, first of all, let me congratulate the Executive Planning Committee and the co-sponsoring agencies and all concerned on the well organized Fourth International Conference on Environmental Compliance and Enforcement. I would also like to express my thanks for giving an opportunity to Thailand to be the host of this important event. It is my very great pleasure to welcome you on behalf of the Government and the people of Thailand to this international conference. I hope that all of you had a pleasant journey and will enjoy your stay here in Chiang Mai.

We are aware that environmental problems have become global issues and are viewed within the larger context of sustainable development. Effective domestic environmental compliance and enforcement programs are an important factor in global efforts to solve environmental problems. The Royal Thai Government also considers environmental issues top priority by substantially increasing the annual budget to take both remedial and preventive measures. As a basis for achieving effective environmental management, Thailand has enacted a new environmental law, namely the Enhancement and Conservation of National Environmental Quality Act 1992 by amending the previous environmental legislation acts of 1975 and 1978.

Key features and effects of the new legislation include enhancing the National Environment Board to become an active policy-making body; introducing the Polluter Pays Principle; establishing the Environment Fund to assist polluters in controlling and eliminating their pollutants; creating more stringent environmental standards and setting proper systems; providing promotional measures; and establishing civil liability and penal provisions as well.

The new legislation empowers the National Environment Board which is chaired by the Prime Minister. The Permanent Secretary of the Ministry of Science, Technology and Environment serves as secretary to the Board. This emphasizes the government's concern about the environmental issues at the ministerial level. Regarding the Polluter Pay Principle, we incorporate the use of economic instruments, which provide economic incentives to polluters to change their behavior. It seems to be more effective than the normal command and control measures. The owner or possessor of the pollution source is held responsible for meeting the cost of construction and operation of the treatment facilities or another option is to use the central treatment or disposal plant belonging to the government by paying service fees.

Regarding the Environment Fund, this fund was established to facilitate the Polluter Pays Principle and is jointly managed by the National Environment Board and the Ministry of Finance. It provides grants to governmental agencies and low-interest rate loans to the public and private sectors for installation of pollution control equipment, treatment of pollutants and disposal of hazardous wastes. The recipients of the funds have an obligation to use the money "specially for the purpose of meeting the requirement with which the borrower has the legal duty to comply under the environmental law or other related laws".

From the point of view regarding environmental protection, the National Environmental Board is responsible for the prescription of a national environmental quality standards program

for all water resources, atmospheric ambient air, noise and vibration and any other environmental concerns. In this connection, the Ministry of Science, Technology, and Environment has formulated an action plan called the Environmental Quality Management Plan. This plan provides the work plans and guidance for action concerning the management of air, water, natural resources, pollution control from the sources, estimate of funds to be allocated from the Fund, enactment of laws and regulations for implementation of the Plan.

To further promote environmental quality, important consideration is given to pollution control, which is prescribed under the Environmental Quality Act of 1992.

There is a Pollution Control Committee which is chaired by the Permanent Secretary of the Ministry of Science, Technology and Environment. One of the primary duties is to give advice on the setting of emission or effluent standards for the control of wastewater discharges, polluted air emissions, or discharges of other wastes or pollutants from various sources into the environment.

In the area deemed by the National Environment Board to have an aggravated pollution problem which may cause health hazards to the public or adverse impact on the environmental quality, it designates these areas as pollution control areas. In this event, each Provincial Governor in the area is authorized to prescribe a more stringent set of emission or effluent standards for the area, in order to control and reduce the pollution.

So far, there are ten designated pollution control areas resulting from this legislation: Pattaya, Phuket, Pee Pee Island (Krabi), Had Yai and Muang District of Songkhla Province, Samut Prakarn, Pathum Thani, Nonthaburi, Samut Sakorn and Nakorn Pathom.

As I mentioned earlier, this new environmental legislation provides an enhanced scheme of penalties. Those who opt to illegally dispose their waste products and waste water are liable for a penalty four times the cost of the service fees, until full compliance with provisions of the environmental legislation is achieved. In addition, those who are required to have their own on-site waste and waste water treatment facility but fail to do so, and illegally discharge their waste waters or wastes into the central waste water treatment plant or the central waste disposal facility, are subject to daily fines of four times the daily costs of normal operation of such on-site facilities, plus any damages to the central treatment plant or disposal facility resulting from their illegal activities.

Additionally, this new law also provides inducement measures. A party who owns or possesses a point source of pollution and plans to install an on-site treatment facility, whether or not he is required to do so by law, is entitled to request assistance from the government regarding import duties of the necessary machinery, equipment and materials for the facilities which are not available in Thailand. They are also allowed to bring in foreign experts and specialists concerning the construction and operation of the facility if such qualified persons are not locally available. The foreign specialists may also be exempt from taxation of their income earned in Thailand for the purposes of construction and operation of the facility.

Currently, Ministry of Finance, Ministry of Industry and Ministry of Science, Technologies and Environment have an initial agreement regarding tax measures for environment management.

Violators of the regulations are liable to pay compensation for all damages resulting from contamination including any expenses incurred for clean-up of pollution and the value of any natural resources destroyed or damaged in the process. Furthermore, the criminal liabilities for violation range from one month to five years imprisonment and/or fines of Baht 10,000 to 500,000 or US \$400 to \$20,000.

This new government policy and legislation shows that Thailand is strongly determined to solve environmental problems effectively. The Thai Government, through the Ministry of Science, Technology and Environment has established policies to support environment oriented investment

in order to manage environmental quality and build mechanisms for private sector participation in waste management and to encourage people to recognize the value of natural resources as a common property.

As I have already mentioned, there is still much to be done in the area of environment. Cooperation and collaboration at national, regional and global levels is essential to achieve tangible results. I greatly appreciate the joint effort of international agencies to organize this important international conference, which I am sure, will be a great benefit to us all. I hope that with your participation and contribution, the Conference will be successful and wish you a safe return to your country.