

Report No. 1110/2558 on the Community Protection – case on the Asphaltic factory cause the health and environmental impact to the community in Tambon Bhanom Wang, Khuan Khanun district of Phatthalung province.

- **Issues of Complaint:**

The Complainant filed the complaint to the National Human Rights Commission that the Complainant and other colleagues 33 people's altogether were affected by the Asphaltic Concrete Factory in the area of Tambon Bhanom Wang, Khuan Khanun district of Phatthalung province. The Complainant said the factory caused the bad smell, sore throat and insomnia, coughing, weakening, pimple over the body, and spread the dusty all over the area especially in the water sources causing difficulty to the community. Therefore, the NHRC was requested to investigate the case.

- **Result of the finding of the National Human Rights Commission**

From the investigation of the National Human Rights Commission, NHRC found out that the running of the Asphaltic Concrete factory caused an impact on the community which is a violation of human rights. Therefore, NHRC recommended the factory, Industrial Factory Department and the Tambon Administrative Organization of Bhanom Wang, the measures to resolve the problems as follow:

- (1) The factory should check all the prevention system to resolve the Health and Environmental Impacts caused by the factory and ensure it is up to the standard as stated by laws. This shouldn't cause additional problems to the peoples in community. Besides, the spreading out of fumes, dusts and bad smell from the Asphaltic Concrete production process must be resolved. Compensation, remedy and medical fee for the victims who were affected by bad smell, toxic fumes and dust from the factory must be redressed accordingly. This must be taken and be finished within 30 days from the date received this report.
- (2) The Industrial Factory Department should order the officials and Phatthalung Office of Provincial Industry to supervise and monitor the factory closely to ensure the resolution of the bad smell and the dust from production process and report the progress back to the department every 3 months.
- (3) The Tambon Administration Organization of Bhanom Wang (TAO) should consider to issue a Local Charter to state that the Asphaltic Concrete production is a

health hazardous business in accordance with the Public Health Act B.E. 2535 [1992]. TAO should also endorse the Community Regulation to set agreement or appointing of a tripartite Working Group comprised of the business, state agency and community representative to have a mandate in investigation, monitor and follow up of the industry activities and ensure it is not causing additional impact or nuisance to the community.

- **Success and progress in the Human Rights Protection**

Tambon Administration Organization of Bhanom Wang (TAO) had sent the update on the resolution of the problems as follow:

(1) Tambon Administration Organization of Bhanom Wang (TAO) has legislated Local Charter on the Businesses which are hazardous to Health B.E. 2550 which is re-enforce in the area but it was not stated clearly whether the Asphaltic Concrete production is a Health Hazardous or not. But the recommendation from the NHRC made the TAO issued a regulation clearly that the Asphaltic Concrete production is hazardous to health.

(2) TAO set up community regulation to be an agreement or set up a joint working Group from 3 parties namely the business, state agency and the community representative to work together and be authorized to investigate, monitor and follow up the operational activities of the factory and to ensure that there is no more negative impact or causing additional problems or nuisance.

(3) TAO inform the factory to apply for the permission for the business which might be hazardous to health in accordance with the local regulation.