



# Electronic Environmental Policy Monthly

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## Feature Article

### Improvement of EIA System in Taiwan

To implement its “sustainable generation” policy, the EPA strives to improve Taiwan’s Environmental Impact Assessment (EIA) system in four areas: an exit mechanism for approved EIA cases, old EIA case processing guidelines, ensuring timely EIA reviews, and improving EIA supervision for better efficiency of law enforcement. All of the above are expected to open up a new chapter for the EIA system, which has been in operation for over three decades in Taiwan.

Aiming at the long-term benefits of national development and to ensure that equal importance is placed on both environmental protection and economic development, the *Environmental Impact Assessment Act* (環境影響評估法), promulgated in 1994, mandates that environmental considerations be included during the planning stage of projects, and prohibits violators from continuing their activities. The goal is to achieve sustainable development.

To this end, establishing a precise and efficient EIA system is the principal means to reach a “sustainable

generation”, one of the EPA’s six policy focuses. Enhancing the functions of screening development activities and the credibility of EIA reviews are essential for an efficient EIA system. Measures that have been implemented or are currently being promoted by the EPA are as follows:

#### 1. Exit mechanism for approved EIA cases

(1) Developers can submit exit requests: On 2 July 2015, the EPA issued a statement specifying that developers can apply for the annulment of EIA review conclusions

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according to the *Administrative Procedure Act* ( 行政程序法 ).

(2) Provisions for invalidation of administrative actions stated in review conclusions. According to Article 93 of the *Administrative Procedure Act*, the review conclusions shall include the following provisions: "if the development activities of the case have not started within 10 years after the announcement of the review conclusion, the review conclusion shall become null; the developer can extend the validity of the review conclusion once if the case is approved by the industry competent authority and passed on to the EPA; the extended period shall not be over five years." On 22 May 2019, the EPA sent a mandate concerning this regulation to Taiwan's local governments.

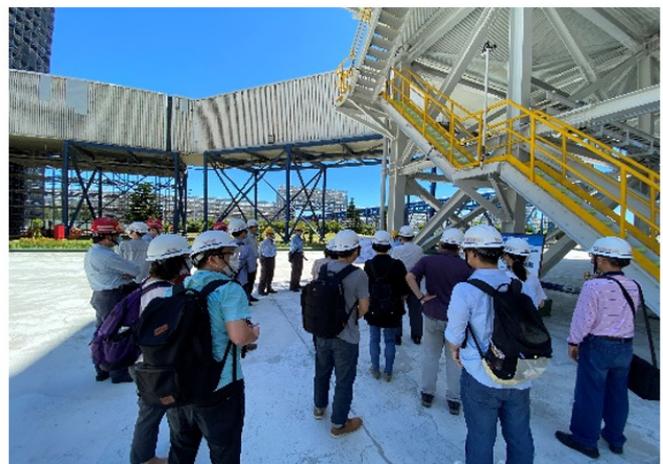
## 2. Old EIA case processing guidelines

(1) Strengthening inventory and control: For controversial large-scale projects that have obtained permits but have not initiated development activities for over three years, the competent authorities can, if they deem necessary and based on Article 16-1 of the *Environmental Impact Assessment Act*, request the developers to submit analyses of differences in environmental conditions and reviews of response measure reports.

(2) Measures based on Articles 18 and 23 of the *Environmental Impact Assessment Act*: For EIA-approved projects, competent authorities can, based on the regulations, require developers to submit environmental impact survey reports and response measures if there are environmental impacts that have not been predicted during the EIA or that newly appear. Such requests can be brought up multiple times depending on the particular environmental problems and until such problems are properly handled. Developers not complying with such requests are subject to penalties according to the *Environmental Impact Assessment Act*.

For controversial large-scale projects with no development activities for over ten years, the competent authorities can issue requests requiring developers to conduct environmental surveys in advance. They can, according to the *Environmental Impact Assessment Act*, further ask developers to submit environmental impact survey reports and response measures.

(3) After inventorying, 67 cases were listed as old EIA cases, which were subsequently audited in two phases in 2019. In the first phase, 19 projects that had been suspended (including controversial ones) were audited. In the second phase, 48 projects that had passed the EIA reviews but had not initiated



▲ In 2019, the EPA implemented many project inspections including the Sixth Naphtha Cracker Project, and organized expert meetings (photo on the left), or onsite inspections (photo on the right)

development activities for over ten years and had not obtained permits from the industry competent authorities were audited. The audit results were:

A. Operations resumed: Five projects in total. The competent authorities continued to carry out EIA inspections.

B. Development activities discontinued: 13 projects in total. The developers had been urged to apply for review conclusion annulment as soon as possible. Also, the EPA conducted EIA inspections from time to time in order to urge developers to file applications to be taken off the EIA list. To date, the EPA has announced that review conclusions of two cases have been annulled.

C. Operations continued: 45 projects in total (including 13 projects whose operations were suspended). The developers deemed it necessary to continue development operations after review. EIA inspections will be conducted once a year to assess the development activities. Additional measures include:

(A) For the 13 projects whose operations were suspended, if the operations are resumed, the developers are required to regularly submit environmental impact survey reports in accordance with Article 18 of the *Environmental Impact Assessment Act*.

(B) For the eight projects that had passed the EIA for ten to 15 years but had not obtained permits from the relevant industry competent authorities, should operations take place in the future, developers may be required to submit environmental impact survey reports based on environmental conditions in accordance with Article 18 of the *Environmental Impact Assessment Act*. Such environmental conditions include environmental impacts that newly appear or were not predicted due to insufficient assessment or investigation, such as air or water pollution or unforeseen impacts to ecosystems.

(C) There were a total of 24 projects that had passed their EIAs but for over 15 years had not obtained any permits from competent authorities. The current environmental conditions surrounding these development sites might be different from those that were present when the original environmental impact surveys were conducted. If the developers resume or start operations in the future, they are to refer to the statement issued by the EPA on 22 May 2019, which stated that review conclusions become ineffective for EIA-approved projects that have not begun operations for over ten years. The developers will then be ordered to regularly submit environmental impact survey reports in accordance with the *Environmental Impact Assessment Act* Article 18.

D. Developers dissolved: a total of four projects.

### 3. Ensuring timely EIA reviews

(1) The principle that the project groups shall hold a maximum of three preliminary review meetings to enhance rectification quality and review efficiency was implemented.

(2) The opinion-gathering meetings and onsite observations were carried out. The EIA committee's project groups went to development sites to conduct onsite observations and hold meetings to fully gather opinions from local residents and civic organizations. The responses of the developers to these opinions were listed and supervised by the EPA.

(3) The *2018-2019 EIA Technology Consulting Organizations Evaluation Plan* was implemented to establish an objective and differentiating EIA survey system, enhancing the quality of EIA documents.

### 4. Improving EIA supervision to increase efficiency of law enforcement

During 2019, the EPA conducted EIA inspections by listing EIA cases in different inspection categories, setting up a reporting system, implementing project inspection committees, and organizing expert

meetings. Besides employing sounding rockets and other technology for air quality assessment, the EPA held seminars on EIA regulations and operations to inspect and urge developers to adhere to their EIA commitments, and improve professional capabilities

and two-way communications. The purpose was to enhance the overall EIA system, and urge developers to properly carry out what is stated in the EIA documents and review conclusions, elevating efficiency of EIA inspections and law enforcement.

## Air

# Maximum Fine for Tampering with Monitoring Data Increased to NT\$20 Million

On 10 June 2020, the EPA announced the revised and renamed *Fine Determination Criteria for Stationary Sources in Private and Public Premises that Violate the Air Pollution Control Act* ( 公 私 場 所 固 定 污 染 源 違 反 空 氣 污 染 防 制 法 應 處 罰 鍰 額 度 裁 罰 準 則 ). Depending on the severity of the impacts, penalties are raised for future *Air Pollution Control Act* violators involved in the following acts: emitting hazardous air pollutants, intensifying air pollution during air quality deterioration periods or in regions with poor air quality, and other malevolent acts such as nighttime violations, weekend and holiday emissions exceeding limits, rerouting and illegal discharges, and providing false information.

The *Fine Determination Criteria* is the basis that local environmental authorities use to determine the amount of fines. The amendment was based on the revised *Air Pollution Control Act* ( 空 氣 污 染 防 制 法 ) announced on 1 August 2018, which greatly increased the maximum fine for severe violations, such as tampering with monitoring data, from NT\$1 million to NT\$20 million. In addition to administrative penalties such as fines, suspension of operations, and termination of business, illegal gains will also be confiscated, and criminal penalties are in place for some major violations. Meanwhile, the lower limit of fines is lowered for minor violations. For example, the minimum fine for open-air burning and other individual behaviors was lowered from NT\$5000 to NT\$1,200. This was to ensure that penalties are proportionate to the severity of violations.

The EPA pointed out that this revision particularly targets the deliberate tampering with data of continuous emission monitoring systems (CEMS) for stationary emissions, allowing the maximum fine to be imposed in order to deter deception. There have been incidents in which enterprises tampered with CEMS data capturing programs, leading to false monitoring data being reported to competent authorities. Previously, according to the results from the fine calculation formula, competent authorities could only impose a maximum fine of NT\$300,000, which was

thought to be too light. From now on, competent authorities can directly impose the maximum fine of NT\$20 million for such violations.

The amendment also increased the penalties for violations concerning discharge of hazardous air pollutants. In addition, "Impact level" was added as a factor in fine calculation, and the weights of penalty factors are to be adjusted according to the severity of the violation. Harsher penalties will be imposed in the future for refusing to cooperate with the implementation of emergency response measures during air quality deterioration periods, or operating pollution sources without first applying for permits in accordance with regulations.

In addition, newly added stipulations specify the determining factors that can be used to adjust penalties based on individual cases. Circumstances deserving heavier penalties include nighttime, weekend, or holiday violations, noncompliance with suspension or shutdown orders, and violations in regions of poor air quality. On the other hand, penalties can be lessened for procedural violations not involving pollutant discharges, or circumstances such as first violation in three years, or behavior such as cooperating during inspection, or proactively reporting and improving the problems.

## Deadline for Subsidizing Non-industrial Boiler Modification or Replacement Extended

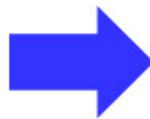
On 11 June 2020, the EPA announced the revised *Regulations Governing Subsidies for Modification or Replacement of Boilers* (hereinafter referred to as *Subsidy Regulations*) ( 改造或汰換鍋爐補助辦法 ) to be in line with the implementation schedule of the *Boiler Air Pollutant Emission Standards* (hereinafter referred to as *Emission Standards*) ( 鍋爐空氣污染物排放標準 ). The revisions extended the subsidy deadline with certain conditions and applied to non-industrial boiler operators that have applied for extension to comply with the *Emission Standards* or did not apply for subsidies by 30 June 2019. They are still eligible for subsidies as long as modification or replacement is completed before approved extended *Emission Standards* compliance deadlines.

To meet people's growing demands for better air quality in recent years, the EPA has been promoting air quality improvement on multiple fronts. Based on the *Air Quality Control Action Plan* ( 空氣污染防制行動方案 ), the EPA has been working with the Ministry of Economic Affairs (MOEA) on cutting down air pollution from boilers, adopting administrative control and subsidization at the same time. For control measures, the *Emission Standards* were promulgated on 19 September 2018 by the EPA, requiring all existing boilers to comply by 1 July 2020.

Since the announcement of the *Subsidy Regulations* on 13 April 2017, a total of 1,181 non-industrial boilers had been improved by the end of 2019. Most of the subsidized entities such as schools, medical institutes, and hotel industry had switched to heating equipment using low-polluting fuels or electricity. Since the non-industrial boilers of the above-mentioned entities were mostly located in densely populated areas, the *Subsidy Regulations* have effectively motivated the improvement of non-industrial boilers in densely populated areas and



**Before replacement:  
Oil boiler**



**After replacement:  
Gas boiler**

cut down emission. As for industrial boilers, they are under MOEA charge and there is a separate set of subsidy regulations for industrial boilers.

The EPA pointed out that the originally planned application deadline for non-industrial boiler subsidization was 30 June 2019. Considering that the *Emission Standards*, effective from 1 July 2020, allow existing boiler improvement projects on private and public premises that need more time to implement to apply for the extension of *Emission Standards* compliance deadlines, the revisions also allow reasonable subsidies to be offered to those that applied to extend the compliance deadline, as well as those who were unable to apply for subsidies in time but still managed to complete the improvement projects before 1 July 2020. The subsidies are still to cover 49% of the replacement cost, with the maximum subsidies lowered to NT\$300,000. However, the maximum subsidies are kept at NT\$500,000 if small-scale boilers, mostly in residential areas, are replaced with electric heating equipment that emit no air pollutants.

The EPA urged those interested in subsidies to first check their eligibility for the subsidies and pay particular attention to the project completion time and application deadlines. Those who have applied to extend the compliance deadlines according to the *Emission Standards* Article 6 paragraph 1 can apply for subsidies at local environmental bureaus no later than 21 July 2022, as long as they complete the improvement projects and comply with the *Emission Standards* before the approved extended compliance deadline. The rest of the subsidy applicants who are required to complete the improvement projects and be compliant by 1 July 2020 must apply for subsidies no later than 31 December 2020.

Enterprisers can first use the application evaluation item checklist to ascertain for their eligibility for subsidies before downloading the application forms for the subsidies at the EPA's Stationary Source Control Website (<http://ernet.epa.gov.tw/>).

## Noise Control

### Draft Amendments of Noise Control Zone Delineation Operation Standards Preannounced

After conducting an overall review and adjustment of noise control zone delineation guidelines of the *Noise Control Act* ( 噪音管制法 ) currently used by local governments and taking recent operating experiences and public opinions into account, the EPA preannounced the draft amendments of *Noise Control Zone Delineation Operation Standards* ( 噪音管制區劃定作業準則 ) to ensure peace and quiet in people's living environments. The draft amendments mostly tighten control and serve as standards for local governments to follow when delineating noise control zones. They will also help improve people's living quality.

The *Noise Control Zone Delineation Operation Standards* has remained the same with no content reviews since its promulgation on 4 September 2009. Thanks to the *National Regional Plan* ( 全國區域計畫 ) announced by the Ministry of the Interior and the *National Spatial Plan* ( 全國國土計畫 ) revised by the Executive Yuan, no areas in Taiwan now are left out of urban or regional planning. Therefore, Article 5 of the *Operation Standards* must be revised accordingly.

Moreover, to implement Article 7 of the *Noise Control Act*, competent authorities in special municipalities,

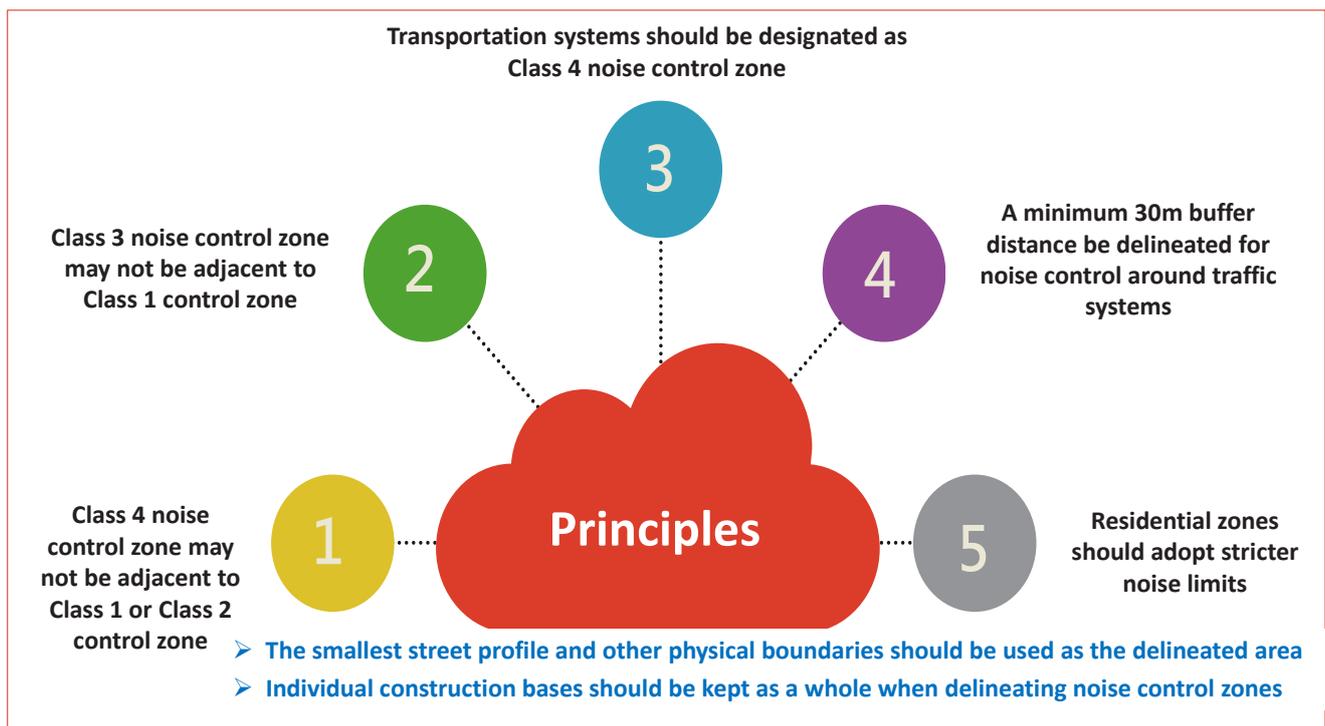
counties, and cities have begun to designate all types of noise control zones, but the guidelines of the current *Operation Standards* are no longer sufficient. As in some cases, a residential area was designated to more than one noise control zone, a review is indeed necessary to solve such an unreasonable phenomenon.

The EPA mentioned that, even though the *Operation Standards* already provide local governments with guidelines for designating noise control zones, reevaluation and revisions are needed due to many situations that are unreasonable or have become

public concerns. With the transportation infrastructure and new construction projects being completed in recent years, local governments often set different buffer distances alongside the traffic systems, split the same construction base into different noise control zones, or designate traffic land as Class 3 noise control zone, which is used for residential and commercial purposes.

The EPA noted that ensuring a quiet living environment for people was the main focus of the

revisions. In addition to clarifying the principles for delineating general noise control zones, for completed construction bases other than highways, express ways, railroads, high speed rails and other land-based traffic systems, the revised *Operation Standards* specify that local governments shall strive to keep individual construction bases as a whole when delineating noise control zones. Should a construction base simultaneously fall under different noise control zones, the zone with the stricter noise limits should be the designated zone.



▲ Figure: Guidelines for delineating noise control zones

## Recycling

# Reporting Procedures Simplified for Regulated Recyclable Waste Responsible Enterprises

The revised *Regulated Recyclable Waste Responsible Enterprises Management Regulations* (應回收廢棄物責任業者管理辦法) was announced by the EPA to simplify registration and reporting procedures. For responsible enterprises that pay less than NT\$100,000 annually, the EPA will provide them with an assessed payment amount so they can report with a single click of the mouse from 1 July 2020. To encourage the use of such a system, a 5% discount will be provided if enterprises choose to use the assessed payment amount when reporting before the end of 2021.

The EPA stated that the revisions also lowered the threshold for installment payment from NT\$300,000

to NT\$100,000 and removed the requirements for submitting organization establishment verification

documents, reporting forms or payment receipts when applying for new registrations, nullifying registrations or submitting annual reports. Since all this information can be inquired through the public systems of competent authorities responsible for registrations and permit issuance or the EPA database, responsible enterprises no longer need to submit them.

Responsible enterprises are those that manufacture or import the EPA listed and regulated items, such

as containers, motor vehicles, lead acid batteries, tires, electric appliances (TVs, refrigerators, washing machines, air conditioners, and fans), electronics (notebook computers, tablets, hard disc drives, computer cases, motherboards, monitors, printers, power supply units, and keyboards), dry batteries, and light sources. Besides registration with the EPA, enterprises are required by the 30th of every odd month to report the operating (or importing) amount and pay the recycling and clearance fees.

## Environmental Management

### “Green Lifestyle for All” Promotes Environment-Friendly Approaches in Daily Life

Facing the post-COVID-19 decade in Taiwan, all the departments of the EPA jointly launched the “Green Lifestyle for All” initiative with the purpose of reducing the burden on the environment. Everyone is encouraged to take greener approaches toward eating, clothing, housing, traveling, education, entertainment, shopping and other aspects of daily life. Actions such as eating local produce, buying green products, and promoting domestic travel can make the environment cleaner in Taiwan and also reduce Taiwan’s dependency on foreign materials and food.

In line with the government’s economic stimulus policy, the EPA has offered a complete package to promote green lifestyles, starting with a bonus system to encourage dining at green restaurants. A billion

green points in total, equivalent to NT\$10 million worth of bonuses, will be given from 1 July with a maximum of 15,000 green points per person.



▲ EPA Minister Tzi-chin Chang (fifth from right), and all the departments of the EPA jointly launched the “Green Lifestyle for All” initiative



▲ *Minister Chang addressed a speech to encourage everyone to take greener approaches in all aspects of daily life in the “Green Lifestyle for All” press conference.*

Various reward programs promoting environment-friendly measures in all aspects of daily life will be launched between 1 July and the end of December 2020. The EPA strongly encouraged citizens to adopt a green lifestyle in the second half of 2020 to display Taiwan’s “green power” to the world alongside its achievements in battling the pandemic.

The EPA Minister Tzi-Chin Chang explained that Taiwan’s outstanding performance in fighting COVID-19 comes from people fully adopting the government’s measures such as mask-wearing and keeping a safe social distance. This shows Taiwanese are responsible people and are capable of outdoing themselves in environmental protection if they have the will. He emphasized that, instead of a one-time event or a short-term effort to boost the economy, the initiative is a social program that brings behavioral changes via shifts in attitudes and habits. Therefore, these rewards will serve as an incentive at the

beginning, not merely as subsidies that make people take more environment-friendly actions only when they are rewarded. The ultimate goal is to encourage the public to internalize environment-friendly practices as lifelong habits.

Minister Chang took eating as an example and talked about the EPA’s past efforts in promoting the recycling of food waste. He thought more should be done to cut down food waste through bagging leftovers when dining out. More waste can be avoided if all parts of produce and food can be used in cooking. Additionally, using local produce reduces carbon emissions due to shorter shipping distances, and use of in-season produce yields the highest nutritional value as well as lowers the use of agrochemicals.

In the second half of 2020, the EPA will propose more comprehensive programs to promote green living, such as plastic-reduction initiatives, low carbon and clean air in night markets. The historic Grand Hotel will also take the lead to promote “no leftovers”. Other initiatives include conserving energy when staying home due to the epidemic, air quality improvement with environmental beautification, recycling household appliances and electronic waste, and bartering.

During the post-COVID-19 era, the EPA will keep promoting the “Green Lifestyle for All” initiative, which includes six major aspects: “Green Travel”, “Green Eating”, “Green Consumption”, “Green Home Life”, “Green Energy”, and “Green Office”. And with “using local products”, “cherishing resources” and “protecting the environment” as core values, the EPA will collaborate with other agencies, local governments, civic organizations, and corporations to promote environment-friendly approaches in people’s daily lives.

## Chemicals

## 2019 Environmental Agent Inspection Results Announced to Promote Legal Sales

In an attempt to ensure that consumers use legal, safe, and effective environmental agents, every year the EPA has formulated the *Environmental Agent Assessment Plan* (環境用薬査核計画), which is carried out by local environmental bureaus. In 2019, the EPA conducted a total of 37,247 inspections (on advertisements, labeling, and counterfeits) and sample tests (on active ingredients), and found a 99% passing rate.

The EPA stated that of the 9,409 environmental agent advertisements inspected, 152 online advertisements were found to be illegal, and total fines of NT\$4.69 million were imposed. Illegal advertisements were largely posted by individuals on e-commerce sites advertising sales of mosquito repellent patches imported from Japan. For labeling, 27,379 cases were inspected, with 290 failing the inspections. As many as 137 sample tests were conducted on the active ingredients of environmental agents, and all were found to comply with the standards.

The inspections found 32 cases to be counterfeits, ten of which, after testing, were found to contain Mirex, a persistent organic pollutant banned by the EPA that is also on the control list of the Stockholm Convention. Cases that failed the inspections were

given penalties, taken off shelves, and required to improve within a period of time in accordance to the *Environmental Agents Control Act* (環境用薬管理法).

The EPA reminded that a license is required for online advertisements of environmental agents and that only legal enterprises can advertise the sale of legal environmental agents. All legal environmental agents are to be labeled with EPA-approved serial numbers that indicate whether they are manufactured or imported or are insect repellents. Advertisers are also required to get a sales permit for environmental agents. A fine ranging from NT\$60,000~300,000 will be imposed for advertising sales of imported mosquito repellent patches on e-commerce platforms with no permits. To ensure the safe use of environmental agents and prevent the public from breaking the law



- ▲ Advertising sales of imported mosquito repellent patches or mosquito repellents on e-commerce platforms with no permits will be fined a sum of NT\$60,000~300,000.

because of ignorance of the regulations, the EPA will continue to work with e-commerce platforms to inform about the relevant regulations and inspect their websites.

The EPA has created an inquiry system for looking up permits for environmental agents and pest control operators (<https://mdc.epa.gov.tw/PUBLICInfo>). Users can simply input the name of the product or permit

number to ascertain whether the product has been approved and to find its source. Users can also find information on legal pest control operators or sellers of environmental agents. People interested in learning more about safe environmental agents or finding out which environmental agent products do not comply with EPA regulations can visit <https://evsu.epa.gov.tw/EVagents/EVSecurity/Index.aspx>.

## Air

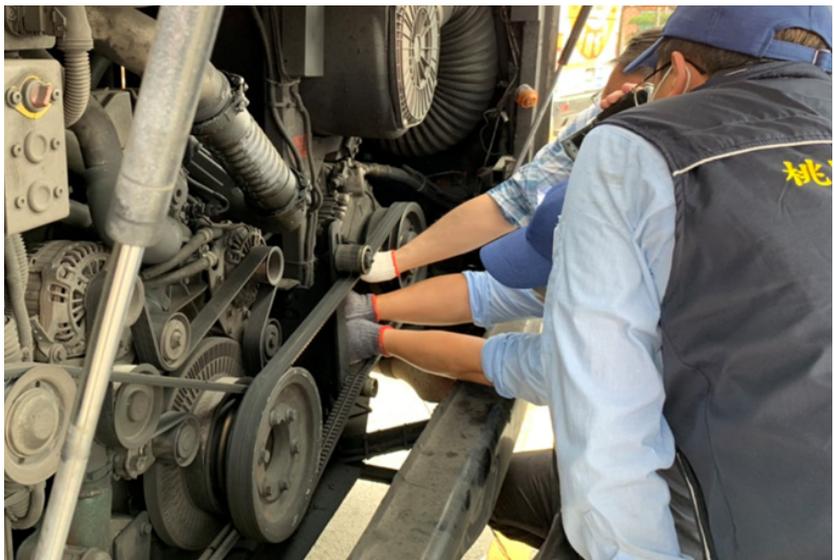
### Heavy Penalties Imposed on Illegal Vehicle Alterations

The EPA recently worked with the Department of Environmental Protection of the Taoyuan City Government to crack down on a bus company that illegally altered the emission control equipment on its vehicles. The alteration impaired the emission control system and hence caused air pollution. The bus company was requested to repair the vehicles and ensure that the equipment operated correctly. The company has made improvements and paid its fines in accordance with the law. Any other parties involved in the alteration process will also receive heavy penalties based on current regulations.

The EPA explained that vehicles are equipped with selective catalytic reduction (SCR) systems to reduce NOx emissions. To save expenses on maintenance and repair and to reduce the use of urea, the bus company made unpermitted alterations to their vehicles, which impaired the SCR and hence endangered public health. As a result, the company owners were fined between NT\$10,000 to NT\$60,000 in accordance with Article 37 paragraph 1 of the *Air Pollution Control Act*. Any other businesses that assisted in making the alterations to the air pollution control equipment would also be punished as accomplices based on Article 14 of the *Administrative Penalty Act*.

Moreover, since the air pollution control equipment was intentionally altered to evade the provisions of the law, the offenders were charged for causing the emission of harmful air pollutants, in accordance with Article 190-1 paragraph 2 of the *Criminal Code of the Republic of China*. The offenders can be sentenced up to seven years in prison and be imposed with a fine of up to NT\$15 million.

The EPA stressed that NOx emissions from diesel vehicles are precursors of fine particulate matter (PM<sub>2.5</sub>) and ozone (O<sub>3</sub>), which have adverse effects on both air quality and human health. To safeguard air quality, the emission control equipment on vehicles shall not be uninstalled or altered and shall remain operative at all times.



▲ The EPA worked with the Taoyuan Environmental Protection Bureau to crack down on a bus company that illegally altered the emission control equipment on its vehicles.

## News Brief

### Measures Adopted to Ensure Occupational Safety for Cleaning Crews

Since 2019, the EPA has been subsidizing local governments to enhance safety in cleaning crews' work environments by improving their gear and equipment in five areas. They include providing convenient, multi-functional, and easy-to-wear work clothes, installing showers and washing facilities for crew members to clean up after work, purchasing protection gear such as puncture-proof gloves and safety boots, upgrading garbage trucks, recycling vehicles and other machines to achieve better air quality, and providing a safe work environment as well as comfortable resting areas. For the last item, NT\$5 billion in total has been appropriated to improve the overall work environment in stages within four years.

Additionally, the EPA endeavors to raise cleaning crews' awareness of occupational safety and supervise local governments by providing necessary education and training. It hopes to ensure that cleaning crews work in a safe manner and occupational accidents are prevented. A meeting used to be held by the EPA every three months for national and regional labor unions of cleaning crews to exchange ideas on issues such as occupational safety and sanitation. Then a set of guidelines was promulgated on 4 June 2020, allowing the central government to establish the Cleaning Crew Occupational Safety and Sanitation Promotion Team, through which the EPA is able to safeguard the cleaning crews by assisting local environmental authorities to properly implement occupational safety and sanitation regulations.



▲ The EPA holds a occupational safety and sanitation meeting every three months for national and regional labor unions of cleaning crews to exchange ideas on issues.

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##### Publisher

Tzi-Chin Chang, Minister

##### Editor-in-Chief

Shyh-Wei Chen

##### Executive Editors

Shiuan-Wu Chang; Chien-Jen He; Chun-Wei Yang;  
Shaowen Chang; Jason Hoy; Ken Lee

For inquiries or subscriptions, please contact:

##### Electronic Environmental Policy Monthly

Office of Sustainable Development  
Environmental Protection Administration  
83, Sec. 1, Jhonghua Rd., Taipei 100, R.O.C. (Taiwan)  
tel: 886-2-2311-7722 ext. 2217  
fax: 886-2-2311-5486

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