

Complaint No. 28/2553: Community Rights – people suffering from canned pineapple factory in Mueng Prachuab Khirikhan

The NHRCT received a complaint from a complainant that operation of a canned pineapple factory in Mueng Prachuab Khirikhan District, Prachuab Khirikhan Province, had affected the environment and community. The complainant then asked the NHRCT to investigate.

Inspecting area around the factory, it was found that there were bad smell and dust as the complainant had reported. The complainant, however, also gave information through phone calls that actually many people were in trouble, but they dared not make complaint, and it was found that a company that owned this factory has sought a permission to conduct a steam production business since 2005, using coconut fiber and coal as fuel since it had received operating permit.

After considering facts from investigation and relevant laws, the NHRCT sees that even if the factory had observed conditions specified in the operating permit, in fact it still generated bad smell and dust which might cause troubles and annoy communities around it. Provincial Industry Office, Provincial Natural Resources and Environment Office, and local administrative organizations still have a duty to control, take care and solve the problem to prevent troubles and annoyance as mentioned.

The NHRCT therefore came up with measures to solve the problems of human rights violation and proposed to the Prachuab Khirikhan Provincial Industry Office, Prachuab Khirikhan Provincial Natural Resources and Environment Office, and Ao Noy Sub-district Administrative Organization to control the company that owned the factory to improve its factory operation to do not have impacts on the environment and do not cause annoyance to the communities, and to monitor this factory, preventing its operation from causing pollution problem and human rights violation. Office of the NHRCT is required to monitor results of related actions within 30 days after receiving this report.

Later agencies involved sent letters reporting progress of actions taken according to the problem solving measures specified by the NHRCT as follows:

Ao Noy Sub-district Administrative Organisation indicated that it took actions to solve the problems together with Prachuab Khirikhan Provincial Industry Office, and Prachuab Khirikhan Provincial Natural Resources and Environment Office, coming up with measures to control and monitor human rights violation from operation of the factory, and to check facts according to the case of complaint, and also lay down measures to solve and monitor problems that may occur in the future.

Prachuab Khirikhan Provincial Industry Office informed that it had inspected the factory together with related agencies and representatives of the communities. It was found that the factory had fully followed all conditions specified in the operating permit. Monitoring was carried out in form of air quality inspection three times a year and no bad smell was detected on the day of inspection. On the other hand, problem with agricultural products as complained by local people was checked and diagnosed by experts from Kasetsart University in Bangkok to be caused by a plant disease.

Prachuab Khirikhan Provincial Natural Resources and Environment Office reported its related works as follows:

- Department of Pollution Control conducted a check to measure air pollution in areas south of the factory and did not find air pollution to be over acceptable standards.
- Being inquired, local people under the wind said that they smelled polluted water from direction of the factory when it was raining, but they were not sure that it was polluted water from the factory. Dust and smoke, on the other hand, are now not detected.
- The office visited to check the factory together with Prachuab Khirikhan Provincial Industry Office and Ao Noy Sub-district Administrative Organisation. The company showed information that in 2013, air quality inspection was conducted twice and none was found to be over the Department of Industrial Works' standards. Results of the inspection were sent to Ao Noy Sub-district Administrative Organisation for public relations. As for polluted water, the factory had a biogas system and 9 stabilization ponds. No wastewater was released out off the factory, except when flood water flowed into the wastewater treatment system, some wastewater might overflowed out of the system. When this happened, Ao Noy Sub-district Administrative Organisation would be informed case by case.