

**The Workshop 2010 of the Asian Network for Prevention of Illegal
Transboundary Movement of Hazardous Wastes**

November 30 – December 2, 2010

Siem Reap, Cambodia

Session 2:

**Good practices of risk
profiling and takeback
procedure in Thailand**

Ms. Benchawan Chokchaitrakulpho

**Wastes and Hazardous Substances Management Bureau,
Pollution Control Department,
Ministry of Natural Resources and Environment,
Thailand**

Background information

- Become a party : 1997
- CA : DIW, MoI
- FP : PCD, MoNRE
- NEB : BC Sub-com. meeting
 - 2-4 meetings annually
 - Sub-committee members include 22 persons:
 - 16 from 13 government agencies
 - 2 from private sector
 - 4 experts/NGO

BC Sub-committee Meeting

- Discussions/reports to the meetings:
 - Report of COP9 in Bali / COP10 (preparation)
 - Results of the training workshop
 - Study of the Ban Amendment and the Basel Protocol
 - Revision of control list to be more compatible with the Basel Convention and addition of possible ban list

Presentation outline

- 1. Takeback procedure & case study**
- 2. Remaining difficulties for arranging takeback**
- 3. Risk profiling activities conducted in Thailand**
- 4. Possible HS codes with high risk for deliberate disguised declaration**
- 5. Possible activities conducted under the Asian Network**


1. Takeback procedure & case study

The Customs Act, B.E.2469(1926): Chapter VII *Overtime Goods*

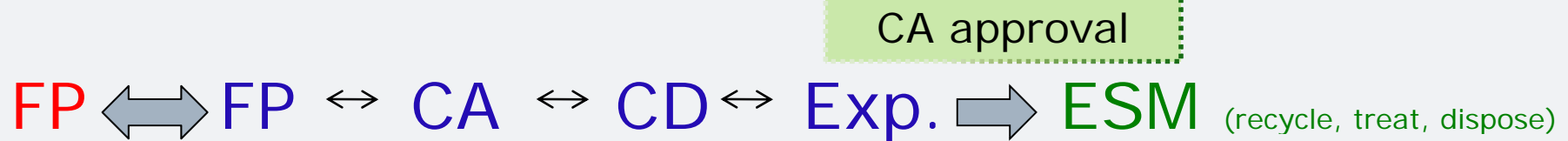
State of Origin	Type of waste	Volume (tons)	Mgt. procedure	Responsible authority of TB	Remarks
UK (2001-2003)	used batteries/used tires/part of used car & engine	23.45	CD/FP/CA ↔ (Joint inspection)	UK	Hazardous Substance Act B.E.2535 (1992)
Japan (2002)	Used computer monitor	35.89	CD	-	ESM in TH by Imp.
Japan (2004-2005)	E-waste and used pinball game boards	46.2	CD/FP/CA ↔	JP	Notification of DIW Re: Importing conditions for used EEE which is HS into the Kingdom of TH (2003)
Netherlands (2006-2007)	mixed waste with plastics scraps	17.7	FP ↔ FP/CA/CD ↔ (Joint meeting)	NL	Notification of DIW, "Re: Criteria for permission of importing plastics, either used or unused, & its scraps"(1996)



Thailand takeback experience & procedure

State of Destination	Type of waste	Volume (tons)	Mgt. procedure	Responsible authority of TB	Remarks
<p>Hong Kong (2004)</p> <p>⇒ China</p>	used / broken computer monitor	57.35	<p>FP ↔ FP/CA/CD ↔</p> <p>(Joint meeting)</p>	<p>TH</p> 	<p>Notification of DIW Re: Importing conditions for used EEE which is HS into the Kingdom of TH (2003) / ESM</p>

Takeback procedure to TH (2004)





How we solved these problems

Technical training workshop *on identification and monitoring of hazardous waste transboundary movement in Thailand*

□ 7th annual technical training workshop:

■ Background

- Apply from "Basel Convention training manual on Illegal Traffic" (2004)

■ target group : 65 participants (August 4-6, 2010)

- 13 government agencies (DIW, Office of the Council of State, Customs Dept, Department of Treaties and Legal Affairs, Office of Insurance Commission, Marine Dept, Dept of Health, Office of International Cooperation on Natural Resources and Environment, Port Authority of Thailand, Royal Thai Police, National Science and Technology Development Agency, Industrial Estate Authority of Thailand, and PCD)
- 4 from private organizations (the Federation of Thai industry, Board of Trade of Thailand, Thai National Shippers' Council, and the Thai Licensed Customs Broker Association)
- 9 experts/speakers

Technical training workshop *on identification and monitoring of hazardous waste transboundary movement in Thailand*

□ 7th annual technical training workshop on *identification and monitoring of hazardous waste movement* (continued)

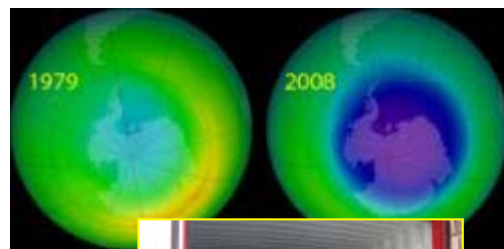
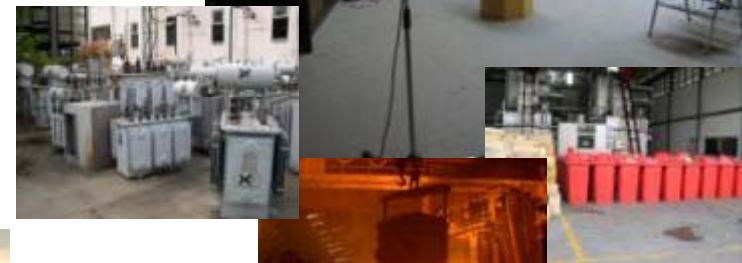
■ objectives

- identification & monitoring of HW/EEE
- Prevention of illegal traffic of HW

■ Training topics included:

- Hazardous Waste Definition
- Basel Convention/Rotterdam/Stockholm/Vienna(Montreal protocol)
- Sample collection methods and inspection procedure
- Role of Officers (Customs, Port, Environment)
- Domestic laws & regulations & their amendments (Illegal TBM of HW) by Customs & CA
- Import-Export of used EEE
- Site visits – recycling factory

7th annual technical training workshop: day 1



7th annual technical training workshop: day 1



2. ลักษณะของตัวอย่าง

- ลักษณะทางกายภาพ
- ปริมาณ
- คุณสมบัติความเป็นอันตราย
- องค์ประกอบ

3. สถานที่เก็บตัวอย่าง (site)

- การเข้าถึง
- สภาพภูมิอากาศ
- ความเป็นอันตราย

พารามิเตอร์ที่ตรวจวิเคราะห์ในการวิเคราะห์ (UNEP)

- Volatile Organic Compounds
- Metal Analysis
- EP Toxicity
- Cyanide
- Ignitability
- Radiation
- Corrosivity
- Semi Volatile Organic Compounds
- Total Characteristic Leaching Procedure
- Total Petroleum Hydrocarbons
- PCB
- pH
- Asbestos
- Fecal Coliform

ตัวอย่างเครื่องมือเก็บตัวอย่างของเหลว

ตัวอย่างเครื่องมือเก็บตัวอย่างของแข็ง

Exercise 1

Exercise 1	
	สาธุ
รูปที่ 1	
รูปที่ 2	
รูปที่ 3	
รูปที่ 4	
รูปที่ 5	

Exercise 2

ขั้นตอนการปฏิบัติงานเก็บตัวอย่างของแข็ง

- มีป้ายระบุชื่อ (ชื่อ ค.ศ. 1977 (40 ตัว) 1977 (20 ตัว) 1988 (5 ตัว))
- ไม่มีป้ายระบุชื่อ (ชื่อ ค.ศ.)
- ชุดเครื่องมือและอุปกรณ์

ห้ามได้รับอนุญาตให้ทำการเคลื่อนย้ายหรือเคลื่อนย้ายของตัวอย่างโดยไม่ได้รับอนุญาต

1) ห้ามวางของตัวอย่างต่างชนิดกันไว้ด้วยกัน 2) ในสายตัวอย่างให้ใช้เครื่องหมายและป้ายกำกับให้ชัดเจน

Exercise 2	
Sampling method	
Sample collection technique	
Parameter	
Sampling Equipment	
Sampling container	

6. การเลือกภาชนะ

- ความเหมาะสมสำหรับการเก็บของแข็ง ไม่ทำปฏิกิริยากับตัวอย่างที่เก็บ
- ปริมาณการบรรจุ
- ราคา
- ทนทาน แข็งแรง ไม่แตกง่าย
- ง่ายต่อการเคลื่อนย้าย ขนส่ง

7.1 วิธีการสุ่มตัวอย่าง (Sampling Design)

- การสุ่มตัวอย่างโดยอาศัยความน่าจะเป็น (Probability Sampling)
 - Simple random sampling
 - Stratified random sampling
 - Systemic sampling
- การสุ่มตัวอย่างโดยการตัดสินใจ (Authoritative / Judgmental Sampling)
 - เป็นการสุ่มตัวอย่าง หรือเก็บตัวอย่างโดยไม่ใช้หลักการสถิติ ยกเว้นประสบการณ์ส่วนตัวของผู้เก็บ
 - ความถี่ของการสุ่มขึ้นอยู่กับประสบการณ์ของผู้เก็บ

Exercise 3

Exercise 3	
Sampling method	
Sample collection technique	
Parameter	
Sampling Equipment	
Sampling container	

7th annual technical training workshop: day 2

CUSTOMS ACT, B.E. 2469 (1926)¹

HIS MAJESTY KING PRAJADHIPOK IS GRACIOUSLY PLEASED TO PROCLAIM THAT:

Whereas it is expedient that the management and conduct of the work of the Customs Department should be regulated;

Be it, therefore, enacted by the King, as follows:

CHAPTER I

Section 1. This Act is called the "Customs Act, B.E. 2469 (1926)", and it shall come into force three months after the date of its publication in the Government Gazette.²

Definitions

Section 2. For the purpose of this Act or other laws relating to the Customs, and of the interpretation of such Act or laws, the following terms unless they are contrary to the provisions or contents herein, shall mean and include the following objects and matters:

¹ As last amended by the Customs Act (No. 20), B. E. 2548 (2005) (published in the Government Gazette Vol. 122, Part 4a, dated 13th January B.E. 2548 (2005)).

² Published in the Government Gazette Vol. 43 Page 272, dated 13th August B.E. 2469 (1926).



CHAPTER VII Overtime Goods

Section 61.⁶¹ Goods remaining in the custody of Customs in any of the following manner shall be deemed to be overtime goods:

(1) imported goods which are hazardous goods of the types or categories specified by the Director-General under section 6 (6) for which the importer has not yet paid duty and taken such goods out of the Customs limits within the time period specified by the Director-General in the Government Gazette:

(2) imported goods other than (1) which have remained in the custody of the Customs for a period of two months without a certified shipment entry and not having been paid or placed security for the duties levied on such goods, where the Director-General shall immediately notify the agent of the vessel and a period of fifteen days has passed since the agent of the importing vessel was notified by the Director-General.

In proceeding with overtime goods under paragraph one, the Director-General shall have the power to order a competent official to destroy or to sell such goods by auction, or to order the importer or the agent of the importing vessel to re-export such goods, and if the importer or the agent of the importing vessel fails to comply, the Director-General shall have the power to order a competent official to destroy such overtime goods at the expense of the importer or the agent of the importing vessel, as the case may be.

In ordering a competent official to destroy overtime goods under paragraph two, the method employed for such destruction shall be safe for human beings, animals, plants, property, and environment.

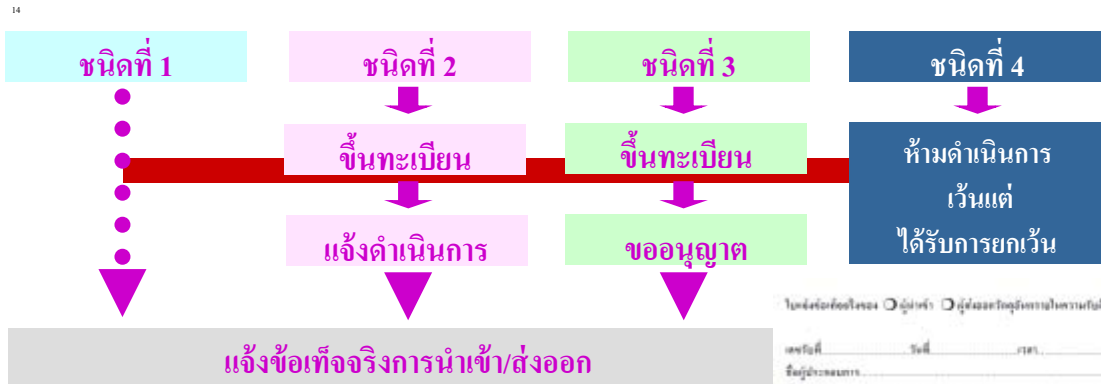
If the Director-General considers that the proceeds of a sale by auction under paragraph two would be less than appropriate, or there are any other justifiable reason, he may order the sale of such goods by any other method, and in the case where the proceeds of the sale either by auction or by such other method would be insufficient to cover the full duty or may cause any unnecessary damage, such goods shall be disposed of as the Director-General shall direct.

With regard to overtime goods under paragraph one (1), the Director-General shall prescribe the rules, procedure and period for expediting the execution of the official powers and duties under this section, taking into account the dangers that may subsequently happen.



7th annual technical training workshop: day 2

การผลิต การนำเข้า การส่งออก การครอบครอง



แจ้งข้อเท็จจริงการนำเข้า/ส่งออก

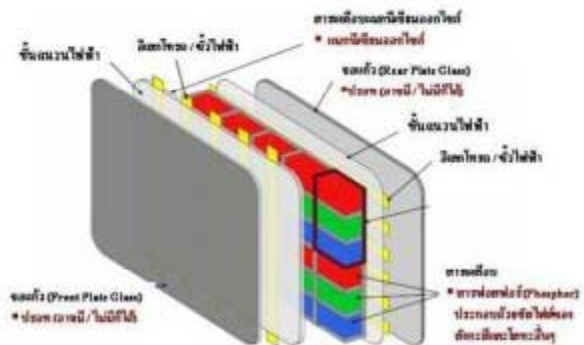
บัญชี ข. แบบท้ายประกาศกระทรวงอุตสาหกรรม เรื่อง บัญชีรายชื่อวัตถุอันตราย พ.

ลำดับที่	วัตถุอันตราย	ชนิดของ วัตถุอันตราย	CAS No.	หน่วยงานผู้รับผิดชอบ
1	ของเสียเคมีวัตถุ (CHEMICAL WASTES) ของเสียจากเคมีวัตถุที่เป็นพิษหรือเป็นอันตรายสูง ซึ่งมีหรือปนเปื้อนด้วยน้ำมันดินซาก ถ่านหิน (Coal ash) สาร โพลีคลอริเนเตด ไบฟีนีล ที่ระคายเคืองเข้มข้น ไม่น้อยกว่า 50 มิลลิกรัมต่อ	3	-	กรมโรงงานอุตสาหกรรม

7th annual technical training workshop: day 2



7th annual technical training workshop: day 3



สารอันตรายในซากตู้เย็น

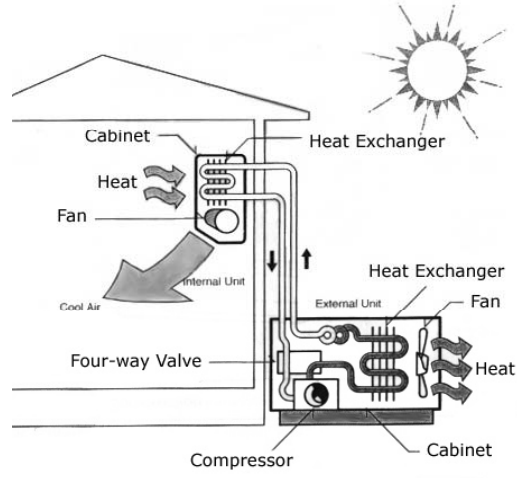
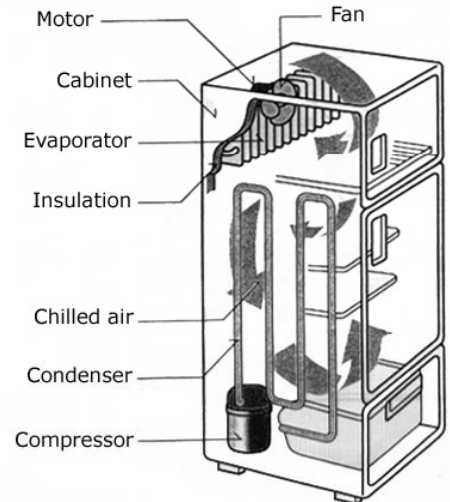
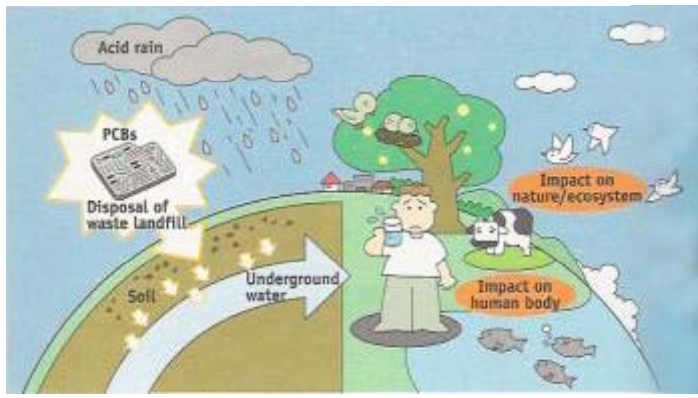
สารอันตรายในซากมือถือ

ฝาครอบ: พลาสติก ประเภท โพลีคาร์บอเนต (PC) และ อะซิโตน (ABS)

หน้าจอแบบผลึกเหลว: ตะกั่ว

แผงวงจรไฟฟ้า: ตะกั่ว สารหนู ดีบุก

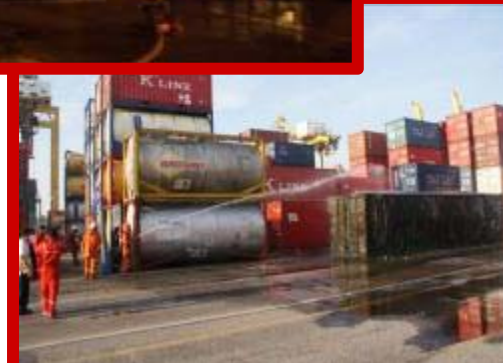
แบตเตอรี่: ตะกั่ว แคดเมียม โพลีเอทิลีน



7th annual technical training workshop: day 3



7th annual technical training workshop: day 3



2. Remaining **difficulties** for arranging **takeback**

- ❑ **Absence of importer and/or consignee** (*importer and/or consignee was dummy company, or changed the name*)
 - ❑ **2007 (used battery)** : TH border

- ❑ **Absence of exporter**
(*exporter was dummy company, changed the name*)
 - ❑ **2009 (e-waste)** : TH border

- ❑ **Lack of finance for takeback**
- ❑ **Far distance to the State of origin** (the State of origin is too far away from your country)

Remark

- **2010 (e-waste)** : TH border

3. Risk profiling activities conducted in Thailand

- **Used tire:** Notification of MoC B.E.2546 (2003)
- **Plastic:** Notification of DIW, "Re: Criteria for permission of importing plastics, either used or unused, and its scraps" (rev.2008) / Notif. of MoC B.E.2539 (1996)
- **EEE:** Notification of DIW Re: Importing conditions for used electrical and electronic equipment which is hazardous substance into the Kingdom of Thailand. (rev.2007) / H.S. Act (1992)
- **List A:** Notification of Mol (2003&2006) / H.S. Act (1992)

4. Possible HS codes with high risk for deliberate disguised declaration

- **Used tire:** 9 HS codes (used tire/part of its)
- **Plastic:** 9 HS codes
(plastics, either used or unused, and its scraps)
- **EEE:**
 - 31 HS codes : 32 items (2nd hand)
 - 13 HS codes : 31 items (parts)
- **List A (Annex 8) :** 61 items
 - HS codes / None HS codes

Example of Gaps to implementation : List A *(61 items)*

H.S. Act B.E.2535 (list khor+) (= Annex 8)	BSC	HS /Statistic code	Risk Profiling	Criteria to identify HW (Annex 3)
A1020,1030,	✓	✓	None	-
A3030,3150, 3180	✓	✓✓	None	-
A1140,4020	✓	✓✓	None	Need
A1160,1180,2010,2050,4110	✓	None	None	-
A4060	✓	None	None	Need
A1060	✓✓	✓✓	None	-
A1010,1150,3140,4010	✓✓	✓✓	None	Need
Others	✓✓	None	None	Need



What we will going to do

Fill the gaps : List A

- **Ongoing project:**
 - **Review interpretation List A**
 - **Determine same interpretation of List A as HS-code, tariff and statistic code**
 - **Risk profiling**

- **New entry in List A:**
 - **Data gathering of import/export of wastes and non-waste**
 - **Identify types/determine the appropriate analytical methods (Annex 3)**
 - **Determine same HS-code, and statistic code for each waste**
 - **Risk profiling**

5. Possible activities conducted under the Asian Network

- Awareness Raising **ws** / Technical Training **ws**
- **Information sharing** among CA and the relevant authority:
 - Determine *same* in *interpretation of waste* as HS & statistic code
 - Sharing **blacklist** of suspicious import / export companies
- Contribute for **R & D** for import/export wastes or unusable materials
 - Data gathering waste and non-waste
 - Determine the procedure / criteria to identify HW (Annex 3)
 - Determine same HS & statistic code for each waste
- AEO programs initiatives project: **CD** (Risk mgt.) **vs** **I&E** (CSR)

Conclusions

Takeback experience / solved problems



Risk profiling

(used tire, plastic, EEE and List A)



HS codes (high risk) / Gaps & fill the Gaps



Possible activities (Asian Network) : WS / Inf. Sharing / R&D / CSR

Thank you



Ms. Benchawan Chokchaitrakulpho

Pollution Control Department,
Ministry of Natural Resources and Environment

92 Soi Phahonyothin 7, Phayathai,
Bangkok 10400 Thailand

Tel: +66 (0) 2298 2433-35

Fax: +66 (0) 2298 2438

benchawan.c@pcd.go.th

<http://www.pcd.go.th>