

Summary

Conclusions and Recommendations from the first West Galilee Report

This report analyzes data concerning 24 factories and one hospital: the compatibility level of the standards in their business permits; the methodology of control and information collection by the authorities; and the extent of complying with the standards set by the Environmental Protection Ministry.

Extent of Meeting Standards

A substantial share of factories does not meet the standards on air pollution nor on water pollution prevention. At times the issue is that factories exceed their emission standards, at times it is a problem of the test or sampling performance¹, or the delivery of information to the supervising agency. Concerning the issue of air pollution control, most of the standards are outdated and are not compatible with worldwide customary standards. The meaning of violation of standards is that environmental pollution is caused. Even if factories take action to improve their level of better future adherence to the standards, they do not pay for the environmental pollution they have created. Most factories still carry on conducting in the same polluting manner. Some of the pollutants are extremely toxic residual substances, some are carcinogenic, and they will continue to harm the population for many years after the violation was executed.

Adaptation of Standards

Concerning the issue of sewage, we have seen compatibility of the standards set by the Israeli business licensing to requirements that are customary around the world. The air pollution prevention standards are not on par with worldwide customary requirements today, for a great share of the factories. This means that the factories are enjoying substantial economic benefits, at

¹ Some of the test results we obtained were conducted in a very partial manner.

the expense of public health. Such was also the ruling of Hon. Judge Daniel Fish in the case of Oil Refineries Ltd.

"... There was also of a provision of grand fiscal benefit to the factory, for the non-setting of meticulous, clear and unequivocal standards enabled it to externalize the costs of environmental risks entailed in its activity onto the general population".

Supervision and Control by Authorities and Public Accessibility to Information

- Supervision and control by the regulatory agencies are undertaken loosely and contrary to the conditions stated in the business license. This makes it harder for the authorities themselves to supervise, and impedes systematic collection of information concerning each of the factories by the regulators. Citizens wishing to get information about a factory in the vicinity of their residence have nowhere to turn. In most cases they would have to approach several authorities, wait for at least several months until information is received, usually partial if it is received at all.
- Most of the information existing at the Environmental Protection Ministry and other authorities is not available on their computers or websites.
- The Environmental Protection Ministry does not follow up on the execution of the terms of the business license it had set for the factories, and is not in possession of a large part of the data concerning these factories. This fact poses a major obstacle for the ministry in conducting legal proceedings against polluting factories, as the need arises.

Recommendations

For the Environmental Protection Ministry and Environmental Units

Considering most of the duties and authority for supervision and enforcement over industry are in the hands of the Environmental Protection Ministry, the entire structure and conduct of supervision and enforcement mechanisms must be improved as soon as possible, in order to exhaust all of the authorities granted by legislation, both old and new.

And in detail:

- The ministry must substantially increase the number of personnel and recruit professionals to its districts and environmental units² so that they could implement all supervision and control mechanisms. The State of Israel has a commitment for the health of its residents, which must be prioritized above all other ministry activities.
- It must improve work procedures of its enforcement mechanisms, and to perform the process of collection of evidence in a more comprehensive and professional manner³, so that down the road, if necessary, violators could be indicted as soon as possible after the violation. Thus the criminal procedure efficiency would be ensured, preventing foot dragging and continuous harm to the environment.
- It must define a supervision and enforcement plan in accordance with predetermined guidelines, which will be published to the authorities and the public.⁴
- It must define an orderly procedure of the terms and conditions of information collection, allocation of issues and supervision areas between the Environmental Protection Ministry's district, the regional environmental units and the local authorities. This procedure must be published, so that each factory knows which is its supervising agency, and the public will also know who they should approach.

² And improve its personnel by additional professionals in areas such as air pollution, water pollution, sewage and hazardous materials.

³ Collection of numerous evidence, such as samples and evidence of harmed residents.

⁴ The EU member states are required to reveal their supervision plans to the public, in effort to heighten transparency and public control.

- It must stop the "negotiations" with the polluting factors regarding the terms and conditions stated in their business licenses, and to use standards that are compatible with those acceptable worldwide.
- It must impose, as part of the business license terms of each factory, an obligation to disclose on their websites information regarding the implementation of Best Available Technologies (BAT) and the results of periodic sampling.

For the Local Authorities

- The local authority must be more involved with regard to supervising industrial factories within its jurisdiction.
- It must immediately implement the Local Authorities Law (Environmental Enforcement – Authorities of Inspectors), 2008.
- It must impose, as part of the business license terms of each factory, an obligation to disclose on their websites information regarding the implementation of BAT and the results of periodic sampling.

For the Factories

- The factories should implement BAT on their own initiative and not wait for special requirements in regulations. It had already been proven worldwide that although requiring investment, the implementation of pollution reducing technologies is economical in the long run.
- They should hold periodic tests in the workers' environments, as determined by law, and include the **entire** range of toxic substances held in the factory and used in the production process.
- They should publish information on the implementation of BAT and the results of periodic sampling of the factories on their websites. The public no longer believes general statements that can usually be found in publications by industries, claiming they have "environmental and social commitment". The factories must support such statements by reliable information and full transparency.

For Employees at the Factories

- The employees in the factories must prevent exposure: if toxic substances are used in their work, they might be harmed by breathing them and through contact. The toxic substances are also absorbed by clothes and the skin. They must meticulously adhere to safety instructions, be equipped and use safety gear.
- They must demand periodic testing and sampling of their work environments by their employers, including the **entire** range of toxic substances they come into contact with.
- They must demand of their employers to implement BAT in the factory to prevent leakage of toxic materials.
- They must get tested: periodic blood tests can detect the presence of toxins in their bloodstream. The test must include the majority of the substances they come into contact with.

For the Residents and Public

- The public should detect information on what is done in the industrial sphere in its environment, and be alert – well kept and green appearing industrial and employment zones could also include dangerous factories.
- They must request additional information about the environmental conduct of industries, both from the authorities and the factories themselves.
- They must act for civil enforcement⁵ against polluting factories in their residential environment.

For the Knesset

- The Knesset must initiate legislation to address publication on the Environmental Protection Ministry website of the factories' business license terms regarding sewage.⁶

⁵ Please approach us for assistance and guidance

⁶ The obligation to publish special conditions with regard to air pollution was already addressed by the Clean Air Law.