# **Input on Pollution Information Portals – the Double Standard Issue in PRTR and the Electronics Industry in Viet Nam**

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# The Research Centre for Gender, Family and Environment in Development (CGFED)

**Context**

* Like many developing countries, Viet Nam does not have a functioning pollutant release and transfer registry (PRTR) system that obligates companies to report chemical emissions and transfers and makes this data publicly available.
* Viet Nam is an attractive destination for Foreign Direct Investment (FDI) from companies in EU, Japan, Singapore, South Korea, USA, and others. Most of these FDI companies have mandatory obligations for reporting chemical releases to PRTR systems at home. This makes data about chemical releases available to the public in the countries where FDI companies are headquartered. Despite routinely reporting under PRTR obligations at home, none of these companies publicly report chemical releases and transfers in Viet Nam. This is likely to be true in almost all developing countries.
* FDI companies routinely proclaim that their behavior is responsible because they comply with all national laws – even when there is no law. However, a key human rights principle is that, *“All businesses, regardless of size or sector, have a responsibility to respect all internationally recognized human rights, including the right to a clean, health and sustainable environment, throughout their value chains. This responsibility exists over and above compliance with national laws and regulations protecting human rights and the environment.”*[[1]](#endnote-1)
* PRTR is a key element for implementing the human right to a clean, healthy, and sustainable environment.[[2]](#endnote-2) The framework principles on human rights and the environment note that, *“States should provide public access to environmental information by collecting and disseminating information and by providing affordable, effective and timely access to information to any person upon request.”* [[3]](#endnote-3) The right to information clearly states that, *“States should ensure that individuals and communities, especially those at risk of disproportionate impacts, have information about hazardous substances in their environment, bodies, food and consumer products, including the adverse effects that may result from exposure.”* [[4]](#endnote-4) For these and other reasons, mandatory PRTR systems are a clear, tangible element for realizing the human right to a clean, healthy, and sustainable environment.

**Viet Nam and PRTR**

In Viet Nam, a draft plan for a PRTR system was released in 2017.[[5]](#endnote-5) [[6]](#endnote-6) Subsequently in 2020, PRTR elements were integrated into the Law on Environmental Protection.[[7]](#endnote-7) Further modifications are described in Government Decree 08/2022/ND-CP which was issued in 2022.[[8]](#endnote-8) As a local government’s initiative, the Department of Natural Resources and Environment of Binh Duong province worked with a company to develop a pilot PRTR software. The province includes manufacturing from foreign investors such as Adidas, H&M, McDonalds, and Nike. However, there is no current information on the implementation of the software. The government reporting form for wastewater treatment emissions includes a small list of 18 chemicals plus total organic compounds for input wastewater and a small list of 22 chemicals for reporting in post-treatment of wastewater.[[9]](#endnote-9) The reporting form for incinerators includes requirements for reporting dioxins / furans and mercury.[[10]](#endnote-10) None of this data is publicly available.

**The electronics industry in Viet Nam as a case study example**

The electronics industry is being promoted as an integral part of a major development strategy for Viet Nam at the country’s highest political level.[[11]](#endnote-11) [[12]](#endnote-12) In 2022, despite a decline in global industrial production, the country’s electronics industry recorded a total export turnover of USD$108 billion with its own trade surplus of USD$11.5 billion compared with the country’s trade surplus in 2022 of USD$12.4 billion.[[13]](#endnote-13) [[14]](#endnote-14) This shows that the electronics industry earned the majority of the trade surplus in the entire Vietnamese industry. Major electronics industry investments from big companies include Samsung Electronics (South Korea), Intel (USA), Nidec (Japan), Foxconn (Taiwan), Meikom (Japan), and Nokia (Finland). The investment projects by these groups increased the FDI capital in the Vietnamese electronics industry to over USD$10 billion.

Samsung dominates the electronics industry in Viet Nam. In 2022, the company announced plans to increase its investment in Vietnam to USD$20 billion, making the company the country’s largest investor.[[15]](#endnote-15) In 2022, the turnover of Samsung Vietnam’s subsidiaries totaled USD$71 billion – approximately a 12% increase from the previous year.[[16]](#endnote-16) Samsung has approximately 100,000 employees in Vietnam and in 2022 exported USD$65 billion worth of products, 9% of Vietnam’s total trade turnover.[[17]](#endnote-17) [[18]](#endnote-18) The company produces approximately half of its mobile phones globally in Vietnam.[[19]](#endnote-19)

**The double standard issue**

There are no regulations that require domestic or FDI companies to publicly report chemical releases and transfers through a PRTR system in Viet Nam. However, most FDI companies operating in Vietnam routinely fulfill mandatory PRTR reporting in the countries where they are headquartered. The electronics industry provides good examples.

For example, at its factories in South Korea, Samsung Electronics is required to report emissions and transfers of more than 400 substances to air, land, water, and wastes through the country’s PRTR system, which makes the data publicly available.[[20]](#endnote-20) In contrast, the company provides no public release of information about its releases and transfers in Vietnam. This indicates that the company has the capacity to do PRTR reporting but simply chooses not to do it in Viet Nam. This is not consistent with the right to information or the right to the clean, healthy, and sustainable environment. As noted by UNSR Human Rights and the Environment, the human rights obligations of businesses, “*exists over and above compliance with national laws and regulations protecting human rights and the environment.”*[[21]](#endnote-21)

The double standard issue in PRTR reporting among foreign companies operating in developing countries likely occurs in all developing countries. A map of active mandatory PRTR systems by US EPA shows that they are operating predominantly in North America and Europe.[[22]](#endnote-22)

Publicly available PRTR information is consistent with the framework principles on human rights and the environment and the right to information.[[23]](#endnote-23) [[24]](#endnote-24) Finally, mandatory PRTR systems that provide publicly available information about chemical releases and transfers are a clear, tangible element for realizing the human right to a clean, healthy, and sustainable environment.

**Recommendations**

* The government of Viet Nam should develop and implement a mandatory PRTR system that includes public access to information with rigorous enforcement provisions.
* The current revision process of the Law on Chemicals is a chance for the government of Viet Nam to require Samsung and other companies to fulfill their human rights obligations for transparency and accountability through PRTR reporting.
* Regardless of national laws, FDI companies should avoid the double standard in reporting and ensure right to know and the right to a clean, healthy, and sustainable environment by implementing publicly available PRTR reporting in Viet Nam, including by their suppliers.

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