

**Organic Act Establishing
the Environmental Protection Administration
of the Executive Yuan**

Originally Promulgated and Effective on July 29, 1987,
Latest Revision Effective on April 11, 1997
Environmental Protection Administration of the Republic of China on Taiwan

English Translation¹

by

Dennis Te-Chung Tang

Academia Sinica, Taipei, Taiwan

National Taiwan University, Taipei, Taiwan

and

Richard J. Ferris Jr.

Beveridge & Diamond, P.C., Washington, D.C.

Approved by

Hsung-Hsiung Tsai

Administrator, Environmental Protection Administration
Republic of China

Article 1

The Environmental Protection Administration under the Executive Yuan (hereinafter "TEPA") is responsible for administrative matters concerning national environmental protection.

Article 2

¹ Translators' note: This translation is for information purposes only and does not represent the binding law of the Republic of China. The binding law appears only in the national language -- Chinese. Therefore, for purposes other than acquiring information, reference must be made to the original Chinese version of this Act.

In translating this Act, the translators did not depart from the original Chinese text. Accordingly, ambiguities present in the translation are also present in the original.

In the Chinese version of this Act, each paragraph is referred to as a "section" (*hsiang*). Bracketed text indicates translator additions for the purpose of increasing clarity.

TEPA shall direct and supervise environmental protection authorities at the provincial (or municipal) government levels in implementing the subject-matter under TEPA's jurisdiction.

Article 3

TEPA may request that the Executive Yuan suspend, void, or take other necessary actions with regard to rules or orders issued by provincial (or municipal) government authorities concerning the subject-matter under TEPA's jurisdiction when TEPA believes these rules or orders are in violation of national laws and regulations, are ultra vires acts, or constitute nonfeasance.

Article 4

TEPA is composed of the following departments and offices:

1. Department of Comprehensive Planning;
2. Department of Air Quality Protection and Noise Control;
3. Department of Water Quality Protection;
4. Department of Waste Management;
5. Department of Environmental Sanitation and Toxic Substances Management;
6. Department of Regulatory Evaluation and Dispute Settlement;
7. Department of Environmental Monitoring and Information; and
8. Secretariat.

Article 5

The Department of Comprehensive Planning is responsible for the following:

1. matters concerning the proposal, planning and promotion of environmental protection policies, programs, and laws and regulations;

2. matters concerning the compilation of annual policy plans and implementation reports;
3. matters concerning planning, coordination, promotion and reconciliation of nature conservation efforts;
4. matters concerning planning, promotion, rectification and supervision of the environmental impact assessment system;
5. matters concerning environmental protection research and development;
6. matters concerning editing and compilation of the Environmental Protection Yearbook and Annual Report;
7. matters concerning the cultivation and training of environmental protection personnel;
8. matters concerning environmental education;
9. matters concerning the planning, promotion, and coordination of international cooperation;
10. matters concerning the coordination, supervision, and assistance of environmental groups (nongovernmental organizations) and enterprises; and
11. other matters related to comprehensive environmental protection projects.

Article 6

The Department of Air Quality Protection and Noise Control is responsible for the following:

1. matters concerning the proposal of policies, laws and regulations concerning air quality protection, and noise and vibration control;
2. matters concerning planning, guidance and supervision of noise and vibration control;

3. matters concerning planning, guidance and supervision of noxious odor and stationary air pollution source control;
4. matters concerning planning, guidance and supervision of mobile air pollution source control;
5. matters concerning planning, guidance and supervision of non-ionizing radiation pollution control; and
6. other matters concerning air quality protection and noise and vibration control.

Article 7

The Department of Water Quality Protection is responsible for the following:

1. matters concerning the proposal of policies, laws and regulations for water quality protection;
2. matters concerning planning, guidance and supervision of wastewater and sewage discharge control;
3. matters concerning planning, guidance and supervision of prevention of surface water pollution, and groundwater pollution, and as well as control of subsidence;
4. matters concerning planning, guidance, supervision and implementation of marine pollution control;
5. matters concerning guidance and supervision of marine effluent control; and
6. other matters concerning water quality protection.

Article 8

The Department of Waste Management is responsible for the following:

1. matters concerning the proposal of policies, laws and regulations for waste management and soil pollution control;

2. matters concerning planning, guidance and supervision of solid waste and soil pollution control;
3. matters concerning planning, guidance and supervision of industrial wastes control;
4. matters concerning the regulation of ocean dumping of wastes; and
5. other matters concerning waste management and soil pollution control.

Article 9

The Department of Environmental Sanitation and Toxics Management is responsible for the following:

1. matters concerning the proposal of policies, laws and regulations for environmental sanitation;
2. matters concerning planning, guidance and supervision of environmental sanitation efforts;
3. matters concerning planning, guidance and supervision of prevention and control of environmental pollution resulting from natural disasters;
4. matters concerning the proposal of policies, laws and regulations for management and control of toxic chemicals;
5. matters concerning research and investigation of environmental toxicity;
6. matters concerning the control of pesticides and bio-agents used for environmental sanitation; and
7. other matters concerning environmental sanitation and toxic chemicals management.

Article 10

The Department of Regulatory Evaluation and Dispute Settlement is responsible for the following:

1. matters concerning routine environmental investigation and auditing;
2. matters concerning evaluation of environmental law and regulation enforcement by the provincial (or municipal) governments;
3. matters concerning identification of sources and settlement of environmental disputes, and proposing relevant laws and regulations;
4. matters concerning identification of sources and settlement of significant environmental disputes, as well as environmental complaints;
5. matters concerning environmental dispute post-settlement monitoring and evaluation;
6. matters concerning pollution source compliance verification; and
7. other matters concerning environmental enforcement, evaluation and dispute settlement.

Article 11

The Department of Environmental Monitoring and Information is responsible for the following:

1. matters concerning the planning, guidance and supervision of environmental quality monitoring;
2. matters concerning the planning, utilization, review and evaluation of environmental data;
3. matters concerning the operation and maintenance of an environmental monitoring system;
4. matters concerning the analysis, treatment, interpretation, publicity, safekeeping and utilization of data resulting from environmental monitoring;

5. matters concerning the guidance and supervision of environmental quality alerts;² and
6. other matters concerning environmental monitoring and environmental information.

Article 12

The Secretariat is responsible for the following:

1. matters concerning the receipt, distribution, typing, proofing and safekeeping of official documents;
2. matters concerning the utilization and safekeeping of the official TEPA Seal;
3. matters concerning the expenditure and safekeeping of the annual budget;
4. matters concerning the safekeeping of TEPA property; and
5. matters which are not within the responsibility of other TEPA Departments.

Article 13

TEPA will establish the post of Administrator, as well as posts for a “Special Appointment Rank” of employee,³ to represent TEPA and direct and supervise TEPA employees; TEPA will also establish posts for two (2) Deputy Administrators, one Deputy Administrator classified as a “Quasi-Selected Appointment Rank” Level 14 employee and the other classified as a “Selected Appointment Rank” Level 14 employee, to assist the Administrator in supervising TEPA.

Article 14

² Translators’ note: “Alerts,” in this case, include those used for warning citizens of severe air quality conditions.

³ Translators’ note: The Taiwan (R.O.C.) civil service system provides for three ranks of civil servants (listed from highest to lowest level): (1) Selected Appointment Rank (levels 10-14); (2) Recommended Appointment Rank (levels 6-9); and (3) Delegated Appointment Rank (levels 1-5). The system also includes the non-career (political appointment) rank of “Special Appointment” employees.

TEPA will establish the following posts: one (1) Chief Secretary, two-to-three (2-3) Technical Supervisors, two-to-three (2-3) Counsels, and seven (7) Department Directors, all classified as “Selected Appointment Rank” Level 12 employees; seven (7) Deputy Department Directors, all classified as “Selected Appointment Rank” Level 11 employees; one (1) Office Director and four-to-six (4-6) Special Commissioners, all classified as “Selected Appointment Rank” Level 10 to 11 employees; forty-two to fifty-two (42-52) Senior Technicians, ten-to-fourteen (10-14) Superintendents, and four-to-six (4-6) Secretaries, all classified as “Recommended Appointment Rank” Level 8 to Level 9 employees (with potential promotion limitations as follows: twenty (20) Senior Technicians, six (6) Superintendents and three (3) Secretaries may be classified as “Selected Appointment Rank” Level 10 to Level 11 employees); thirty-eight to forty-two (38-42) Division Heads, all classified as “Recommended Appointment Rank” Level 9 employees; ten-to-twelve (10-12) Specialists, four-to-six (4-6) Analysts, two-to-four (2-4) Managers, and seven-to-eleven (7-11) Designers, all classified as “Recommended Appointment Rank” Level 7 to Level 9 employees; forty-eight to fifty-eight (48-58) Technicians and forty to forty-eight (40-48) Division Members, all classified as “Delegated Appointment Rank” Level 5, or “Recommended Appointment Rank” Level 6 to Level 7 employees; three-to-five (3-5) Assistant Managers and twenty-one to twenty-five (21-25) Assistant Technicians, all classified as “Delegated Appointment Rank” Level 4 to Level 5 employees (with potential promotion limitations as follows: two (2) of the Assistant Managers and twelve (12) of the Assistant Technicians may be classified as “Recommended Appointment Rank” Level 6 employees; four-to-six (4-6) Staff and twenty to twenty-four (20-24) Secretaries are classified as “Delegated Appointment Rank” Level 1 to Level 3 employees.

The existing seventeen-to-nineteen (17-19) non-classified employees (lacking civil service qualifications) hired prior to the promulgation of this Act may continue to serve as secretaries,” mentioned in the previous Section, until his/her departure.

Article 15

TEPA will establish a Personnel Office, headed by a Director classified as a “Selected Appointment Rank” Level 10 to Level 11 employee, for personnel management in accordance with relevant laws and regulations; the remaining personnel required for the work of the Personnel Office shall be posted according to the quotas prescribed by this Act.

Article 16

TEPA will establish an Accounting Office, headed by a Director classified as a "Selected Appointment Rank" Level 10 to Level 11 employee, who will be responsible for accounting matters in accordance with relevant laws and regulations; the remaining personnel required for the work of the Accounting Office shall be posted according to the quotas prescribed by this Act.

Article 17

TEPA will establish a Statistics Office, headed by a Director classified as a "Selected Appointment Rank" Level 10 to Level 11 employee, who will be responsible for conducting statistical compilation/analysis in accordance with relevant laws and regulations; the remaining personnel required for the work of the Statistics Office shall be posted according to the quotas prescribed by this Act.

Article 17-1

TEPA will establish a Government Ethics Office, headed by a Director, classified as a "Selected Appointment Rank" Level 10 to Level 11 employee, to uphold government ethics in accordance with relevant laws and regulations; the personnel required for the work of the Government Ethics Office shall be posted according to the quotas prescribed by this Act.

Article 18

TEPA will establish an Environmental Quality Consulting Commission to be composed of representatives from relevant agencies, and experts and scholars; the post of Commissioner will be an honorary position. The administrative staff required for the work of the Environmental Quality Consulting Commission will be posted according to the quotas prescribed by this Act.

The number of expert and scholar Commissioners shall not be less than one-half the total of the Commissioners mentioned in the previous Section.

Article 19

As necessary, the Administration may, after receiving approval from the Executive Yuan, establish various Committees comprised of "Members" whose posts will be

honorary positions. The administrative staff required for these Committees will be posted according to the quotas prescribed by this Act.

Article 20

For the posts listed in Articles 13 to 17, the post classification shall, in accordance with Article 8 of the Civil Service Appointment Act, be selected from relevant post classifications.”⁴

Article 21

As necessary, TEPA may, after receiving approval from the Executive Yuan, employ experts as Consultants, Researchers, Associate Researchers or Assistant Researchers.

Article 22

TEPA may establish the National Institute of Environmental Analysis, Environmental Research Institute, Environmental Protection Personnel Institute, Regional Environmental Protection Center, and other environmental protection entities; the organization of these entities shall be stipulated by law.

Article 23

The operational rules for TEPA shall be proposed by TEPA and submitted to the Executive Yuan for approval.

Article 24

The date for entry into force of this Act shall be specified by an order of the Executive Yuan.

⁴ Translators’ note: The ambiguous phrase, “relevant post classifications,” is a direct translation of the Chinese text.