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Feature Article

Equal Focus on Economic Incentives and Pollution Reduction for Air Pollution Control

The strategies for air pollution control in Taiwan are focused equally on economic incentives and pollution reduction. Since its announcement and implementation in 1975, the *Air Pollution Control Act* (空氣污染防治法) has gone through eight amendments to become a comprehensive legal framework for air pollution control in Taiwan. Since the last amendments in 2002, the EPA has taken into consideration the major air pollution incidents in recent years and deemed it necessary for review and revision. Amendments include harsher penalties for an expanding target base, authorizing local environmental bureaus to designate air quality zones, and having cash rewards in place for the reporting of illegal activities. The EPA hopes that adopting economic incentives and harsher punishments will effectively cut pollution and improve air quality.

After preannouncing the draft amendments to the *Air Pollution Control Act* on 23 June 2017, the EPA collected public opinion by holding three hearings. The draft was then revised and submitted to the Executive Yuan on 31 October. The draft amendments were approved by the Executive Yuan on 14 December and sent to the Legislative Yuan on 22 December, however, the amendments did not

enter the agenda of the 2017 session. In response to the public's demand for clean air, EPA Minister Ying-Yuan Lee recently visited the Legislative Yuan, which agreed to include the revisions as a priority in the coming review session, in order to expedite the legislation process.

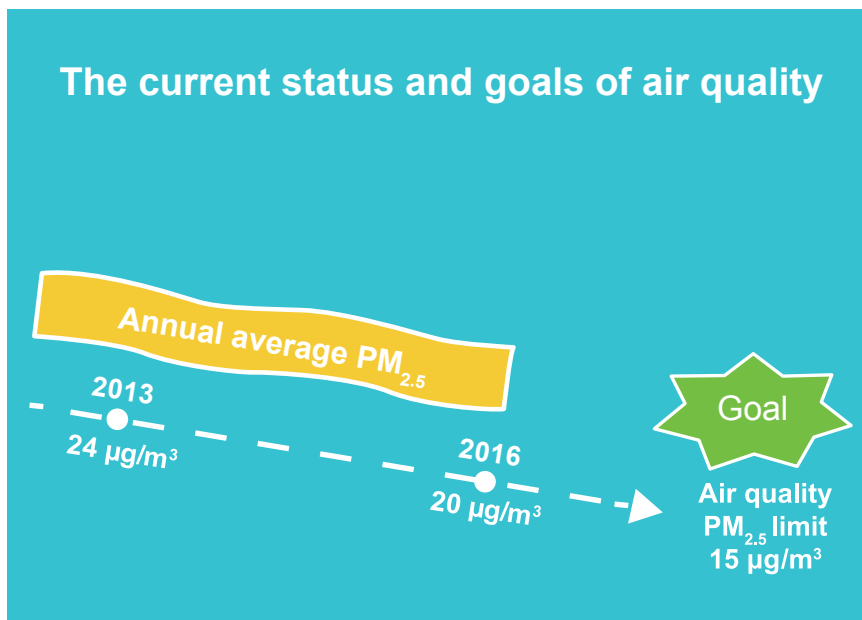
The amendments focus on harsher penalties, a

In This Issue

Feature Article : Equal Focus on Economic Incentives and Pollution Reduction for Air Pollution Control-----	01
Revised Air Pollution Control Fee Rates for Stationary Sources Preannounced-----	04
Boiler Air Pollutant Emission Standards preannounced-----	06
Coordinating Regulations Regarding Large-Scale Incinerators Announced-----	07
Revised Standards and Rules for Environmental Impact Assessment Preannounced-----	08
Amendments to Motor Vehicle Noise Control Standards Announced-----	09
List of Products Made from Industrial Waste Requiring Flow Tracking Announced-----	10
Unlimited Fine Incorporated in Draft Regulations for Determination and Calculation of Illegal Gains-----	11
News Briefs-----	12

whistleblower mechanism, environmental information disclosure, and enhancement of public participation. Details include increasing penalties, raising fees for violations, recovering illegal gains, providing rewards to encourage reporting illegal activities, and designating air quality zones. Other measures

include implementing controls on mobile pollution sources, adding controls on mobile sources besides transportation, controls for chemicals containing volatile organic compounds (VOCs), information disclosure, and more.



▲ The current status and goals of air quality

Major amendments to the Air Pollution Control Act

To formulate regulations concerning emergency response and total quantity control (TQC) for severe air quality deterioration, the Act requires participation of all relevant authorities. Amendments are based on legislative procedures, discussions and public hearings to which stakeholders and related ministries were invited to attend – which are all necessary in order to ensure comprehensive and mutual understanding.

The main amendments are as follows:

1. For Class 3 Control Zones, the EPA shall set standards for local environmental bureaus to follow concerning the mandatory pollution emission reduction for existing sources. Also, air pollution control plans formulated by local environmental bureaus are to be approved by the EPA.
2. For existing pollution sources located in TQC zones that do not meet air quality standards, regulations are newly added for authorization of pollution reduction credit auctions.
3. Emission standards are added for air pollutants

in public and private premises. Health risk factors should be taken into consideration for the inclusion of regulated harmful air pollutants into the emission standards.

4. When formulating regulations for the establishment of new stationary pollution sources and operating permits, the EPA is authorized to use unified evaluation principles nationwide. Considering air quality improvement requires the planning and management of local governments, the current regulations concerning the commissioning of other governmental authorities to handle permit applications and extensions have been deleted.

5. Controls on fuels and other air pollution-causing substances are to be separated, so fuels used in stationary pollution sources at public and private premises will have to meet fuel standards and require specific permits. The qualifications to obtain permits to use other air pollution-causing substances have also been established.

6. When evaluating permit extensions, local environmental bureaus shall adhere to the newly added emission standards for stationary source pollutants that are required to be reduced. The EPA-

approved air pollution control plans shall also be followed when calculating emissions pertaining to permit issuance as well as to specify valid permit extension periods.

7. Controls are added for mobile pollution sources other than transportation vehicles, and bans placed on the installation of emission defeat devices on vehicles. In addition, taking into account the wearing out of acceleration systems and pollution control devices, the EPA may tighten emission standards for vehicles manufactured more than ten years ago to better keep emissions under control.

8. Pollution-control equipment for mobile sources needs to be certified by the EPA.

9. New regulations are added to authorize competent authorities to designate air quality control zones in ports and industrial zones. Furthermore, use of highly polluting vehicles is limited, while their phase-out will be accelerated.

10. The manufacturing, import and sale of VOC-containing products should meet the EPA's ingredient standards.

11. The minimum criminal penalty is specified, while maximum criminal sentences and fine limits are raised. An index for exceeding standards is specified for harmful air pollutants in emissions, and punishments are detailed for burning materials that produce harmful substances.

12. With the *Water Pollution Control Act* (水污染防治法) as reference, the amount of fines are increased ten-fold. The range of penalized targets is also expanded.

13. Maximum fines for violations are raised.

14. A new dual mechanism is established to both recover illegal gains and impose fines. Fines are collected when fuel sellers and importers or public and private enterprises do not file and pay air pollution control fees according to regulations. This revenue, along with illegal gains recovered by competent authorities, should only be used on air pollution control and also as special control funds.

15. Penalties are issued based on each violation committed instead of violations on consecutive days.

16. The minimum penalty is adjusted to lessen the burden on disadvantaged citizens and impose lighter punishment for minor offenses.

17. Heavier fines are imposed for manufacturing, selling, or installing emission defeat devices.

18. Cash rewards are put in place to encourage citizens to report illegal activities at public and private premises.

19. The EPA takes references from foreign examples of protecting whistleblowers and state witnesses and the *Water Pollution Control Act* to encourage corporate employees to report illegal practices.

▼ Table: Main points of amendments to the Air Pollution Control Act

1	Integrating review principles for permit application
2	Strengthening fuel controls
3	Reviewing TQC systems
4	Implementing controls on harmful air pollutants
5	Implementing controls on mobile pollution sources
6	Increasing controls on VOC-containing chemical products
7	Adjusting penalties and raising fines
8	Improving the whistleblowing mechanism
9	Providing rewards to encourage reporting of illegal activities
10	Promoting full information disclosure to expand public participation



▲ Emission standards will be tightened for vehicles over ten years old.

Future Outlook

For factory emissions, the amendments start with regulating fuel components, placing pollution controls at both the source and the end of emission pipes. For emissions from mobile sources, the EPA will authorize regional environmental bureaus to designate air quality control zones in order to limit or ban the use of highly polluting transportation.

To raise penalties and ensure that everyone responsible is penalized, those failing to file and pay air pollution control fees as mandated will be tracked for five years and pay twice the amount. Regional environmental bureaus are required to set reduction goals for pollution sources based on the guidelines for pollutant emission reduction. Also, for violators who fail to improve by given deadlines, penalties will be imposed based on each violation committed instead of by consecutive days of violations.

In an attempt to stop business and industrial establishments from violating the *Air Pollution Control Act* and affecting public health, the heaviest fine is raised from NT\$1,000,000 to NT\$20,000,000. The EPA has specified limits for emissions of harmful

pollutants as well as penalties for burning materials that produce specified substances hazardous to health. The maximum fines are increased ten-fold for legal persons or individuals, with an expanded range of regulatory targets.

Conclusion

Premier Ching-Te Lai expressed that air pollution improvement needs action plans to be implemented, on top of regulatory revisions. Therefore, each department of the Executive Yuan would be required to actively participate and also assist and supervise regional governments to jointly carry out air pollution control work.

Minister Lee promised to collect air pollution fees for particulate pollutants from stationary sources, and the fee collection is expected to begin in July 2018, at the earliest. In the future, the EPA and the Ministry of Economic Affairs (MOEA) will comb through all pollution emissions produced by state-run corporations before reducing them by 25% in three years. It is hoped that via both economic incentives and pollution reduction measures, improvement of air quality will be hastened.

Air

Revised Air Pollution Control Fee Rates for Stationary Sources Preannounced

To strengthen controls on air pollutants emitted from public and private premises, revisions to the *Stationary Source Air Pollution Control Fee Rates* (固定污染源空氣污染防治費收費費率) were preannounced on 30 January 2018. The fee rate revisions provide economic incentives to encourage private and public premises to add air pollution control equipment and operate it effectively, instead of relying only on pollution control fees to lower pollution emissions.

Since collection of air pollution control fees for construction project particulates (total suspended particulates, TSPs) commenced in 1997, the EPA has kept more than half of Taiwan's particulate matter pollutants under control. To further improve air quality, the EPA has planned to target stationary sources other than construction projects, which include TSP-emitting pipes in private and public emission stacks, stacking sites and transfer points. Fee rates range from NT\$32 to NT\$55, depending on emission levels. Extra fees are added if the TSPs contain harmful substances such as lead, cadmium,

mercury, arsenic, hexavalent chromium, dioxins, and so on.

As nitrogen oxide (NO_x) emissions generated by natural gas or liquefied petroleum gas (LPG) combustion in Taiwan have roughly doubled over the last decade, there is a need for more effective controls to be in place. Hence, enterprises with seasonal NO_x emissions of more than 24 metric tons will be targeted for NO_x fee collection, so as to encourage installation of control equipment and improvements in operations.

Table: Affected industries and estimated air pollution control fees

Unit: NT\$10,000

Industry categories	Number of enterprises	Fees for particulates	Fees for heavy metals (lead, cadmium, mercury, and arsenic)	Fees for dioxins	Fees for gas fuel NO _x	Total Amount
Non-metallic mineral product manufacturing industry	995	39,052	48	3		39,103
Basic metal manufacturing industry	661	26,883	128	46	72	27,129
Electricity and gas supplying industry	52	24,712	215	22	16,412	41,360
Chemical material, fertilizer, nitrogen compound, plastic and rubber material, and man-made fiber manufacturing industry	289	10,737	63	2	91	10,893
Quarry of stone, sand and other mining industries	129	8,637	-	-		8,637
Food and feed manufacturing industry	915	6,974	6	2		6,981
Petroleum and coal product manufacturing industry	84	4,268	0	0	4	4,273
Pulp, paper, and paper product manufacturing industry	194	2,891	13	5		2,908
Textile industry	600	2,864	28	4		2,896

Industry categories	Number of enterprises	Fees for particulates	Fees for heavy metals (lead, cadmium, mercury, and arsenic)	Fees for dioxins	Fees for gas fuel NOx	Total Amount
Other chemical product industry	401	2,696	20	0	1,119	3,835
Plastic product manufacturing industry	361	1,231	1	0		1,232
Metal product manufacturing industry	807	1,187	1	0		1,188
Waste clearance, disposal and recycling industry	119	627	44	18		689
Electronic component manufacturing industry	271	630	1	0		631
Rubber product manufacturing industry	213	553	0	0		553
Others	1941	1,903	8	3	0	1,914
Subtotal	8032	135,844	577	104	17,698	154,222

Air

Boiler Air Pollutant Emission Standards Preannounced

One major objective of the Air Pollution Control Action Plan recently proposed by the Executive Yuan is to reduce pollution by expediting phase-outs of boilers. The EPA thus has drafted the *Boiler Air Pollutant Emission Standards*, specifying both controls and subsidies. Its implementation will drastically cut down emissions of sulfur oxides (SOx), nitrogen oxides (NOx), and particulate matters.

In response to the growing public demand for air quality, the Executive Yuan put forth the *Air Pollution Control Action Plan: Halving Red Alert Days* (空氣污染防制行動方案：紅害減半大作戰) on 21 December 2017. Amelioration of boiler air pollutant emissions is a major focus for improving air quality.

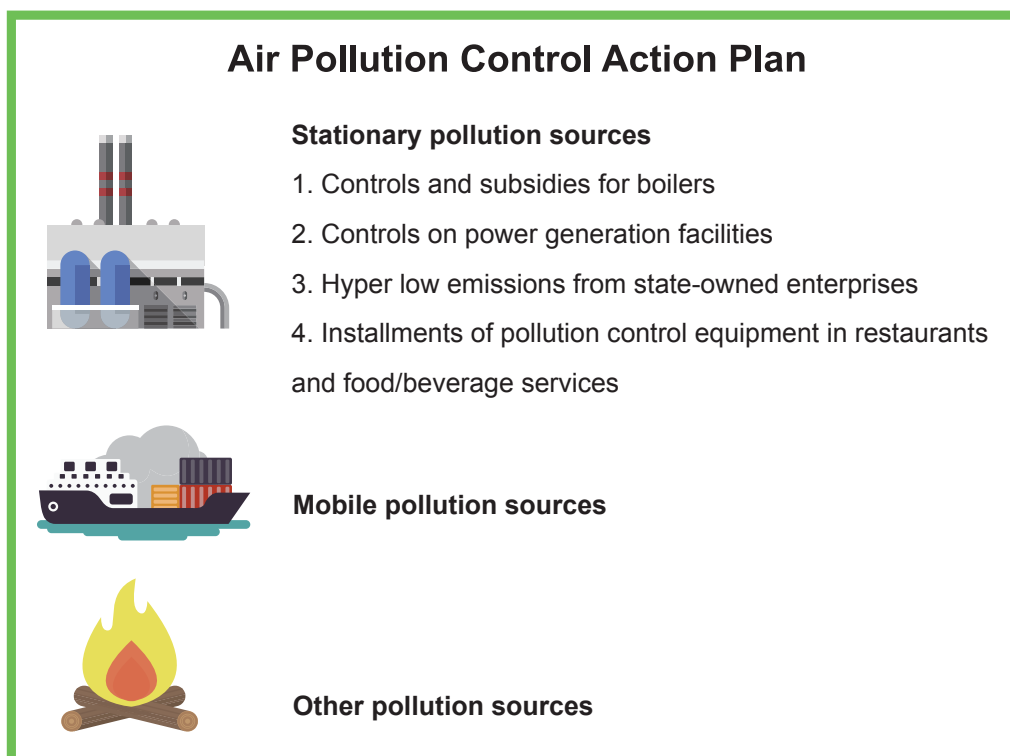
To hasten the phase-out of boilers and further cut pollution emissions, the EPA drafted the *Boiler Air Pollutant Emission Standards*, which specifies controls and subsidies. For each individual industry, emission standards for boiler air pollutants are the same regardless of operation scale or fuel types. However, industries will follow their own specific emission standards if they are already in place.

The EPA stressed that steam boilers account for more than 70% of Taiwan's stationary source pollution. All boilers, except for those controlled under emission standards for specific industries, fall under the purview of the *Stationary Pollution Source Air Pollutant Emission Standards* (固定污染源空氣污染物排放標準). Besides industrial manufacturing, boilers are also used in hospitals, schools, and hotels, often located in densely populated urban areas. The pollutants produced can easily affect regional air quality and become public nuisances, which lead to the necessity of establishing emission standards for boiler facilities.

The EPA pointed out that countries such as Japan,

Korea and the US have tightened boiler emission standards and also that Taiwan's end-of-pipe pollutant treatment technology has become more mature. The EPA therefore considered it necessary to tighten emission standards, strengthen control measures and improve air quality. The draft of the *Boiler Air Pollutant Emission Standards* takes

reference from international standards, evaluations of current emissions in Taiwan, best available control technology, and cost-effect analysis results. It is estimated that yearly emissions of SO_x, NO_x, and particulate matters will be reduced by 6,930 metric tons, 3,190 metric tons, and 1,119 metric tons, respectively.



▲ The Air Pollution Control Action Plan aims to reduce emissions from stationary pollution sources through controls and subsidies for boilers

Air

Coordinating Regulations Regarding Large-Scale Incinerators Announced

The EPA promulgated the *Regulations Regarding Coordination of Existing Large-Scale Incinerators* (現有大型焚化廠統一調度辦法) on 8 January 2018. The regulations were made in accordance with amendments made to the *Waste Disposal Act* (廢棄物清理法) on 18 January 2017. The EPA will coordinate the conditions, procedures, fees, and other details for coordinated use of incinerators.

The key points of the *Regulations Coordinating Existing Large-Scale Incinerators* are listed below:

1. In accordance with Article 28 of the *Waste Disposal Act*, the requirements for coordinating incinerator operations apply only when responding to abnormal situations, which are defined as unforeseeable circumstances, temporary situations,

non-human factors, and other scenarios requiring coordination as deemed necessary by the EPA.

2. Principles are set for coordination of incinerator operations by central competent authorities. A comprehensive evaluation will be done on existing incinerators, which shall investigate the amount of general industrial waste collected, the status

of operations, and the amounts remaining after processing. It also examines the average hauling distance for waste disposal, each incinerator's adherence to regulations laid out in the *Waste Disposal Act* Article 28 Paragraph 6 Subparagraph 1 and 2, and any other relevant data. Coordination is based on the national annual average per capita daily waste. The amount of general waste handled by environmental protection facilities in their respective jurisdictions as well as the amount that other cities/counties/municipalities can help process shall be exempted. The central competent authority will also examine whether the adjusted amount being requested has a yearly decrease of 2%.

3. Regulations are established for offices applying

for coordination to cover the expenses incurred by existing incinerators while processing general waste from other cities/counties/municipalities. Additional agreements between the two parties shall be exempt.

4. The authority applying for coordination and the one being coordinated are to determine the ratio for bottom ash or the recycled aggregates to be transported back. In the event that the reuse channel for recycled aggregates made from incinerator bottom ash is obstructed, the competent central authority is to step in and coordinate based on relevant regulations.

EIA

Revised Standards and Rules for Environmental Impact Assessment Preannounced

In January 2018, further to draft amendments preannounced in 2017 for two environmental impact assessment (EIA) regulations, the EPA announced revisions of these drafts in order to gather feedback from the public. This second preannouncement allows the EPA to make the amendments more thorough by taking more public opinion into consideration.

The EPA preannounced the amendments to the *Standards for Determining Specific Items and Scope of Environmental Impact Assessments for Development Activities* (hereafter referred to as Standards) (開發行為應實施環境影響評估細目及範圍認定標準) and the amendments to the *Environmental Impact Assessment Enforcement Rules* (環境影響評估法施行細則) on 27 April 2017. The EPA also held 10 public hearings between June and August of 2017. Through this process, it used the various comments and suggestions to adjust the content of the revisions. In order to create a stronger and more thorough amendment, the EPA preannounced that it will gather opinions and further comments from a variety of fields.

The major revisions to the Standards between this draft and the previous draft are summarized below.

1. With regards to extension of mining rights for approved areas, a revision was made to exclude oil and natural gas drilling from making use of this extension. In addition, mines that underwent an EIA within a period of ten years prior the expiration of

drilling rights are not required to have an additional EIA when applying for an extension.

2. To keep in step with urban development and improvements in construction techniques, buildings 120 meters tall and above are to undergo an EIA.

3. Renewable power generation facilities with a capacity of less than 2,000 kW are not required to have an EIA; whereas thermal energy facilities with a capacity of 10,000 kW or above shall undergo an EIA. The necessity of EIAs for the extraction of hot spring water to generate thermal energy, which is then discharged back underground, will be determined by the standards regulating thermal energy. In addition, hydropower systems that use existing ditches or irrigation works, with a capacity of under 20,000 kW, are not required to undergo an EIA.

4. A new category of development to undergo EIA is added to cover camping sites located on sloped land with a developed area or cumulative developed area of one hectare or more.

Noise Control

Amendments to *Motor Vehicle Noise Control Standards* Announced

To effectively control the noise produced by motor vehicles and align with international standards, the EPA announced amendments to Article 3 Table 2 of the *Motor Vehicle Noise Control Standards* (機動車輛噪音管制標準) on 22 January 2018. These amendments tighten restrictions on motor vehicle noise to make domestic standards consistent with international ones.

The EPA states that noise from engines, intake, exhaust and tires make up the primary sources of motor vehicle noise. However, the previous inspection regimen focused heavily on restricting noise from engines, intakes, and exhaust. With advancements in automotive technology, sources of noise from city driving are not limited to the power systems of vehicles; tire noise has seen a steady increase in relative importance. Newly promulgated UN and EU noise control limits and inspection methods have drastically changed the tests for noise produced by vehicle acceleration.

To effectively reduce the impact of city traffic noise on people's lives, the EPA referred to

new international regulations to draft the latest amendments. Specifically, the EPA based the revisions on the EU's new vehicle noise standards (UN/ECE R51.03), which were promulgated in February 2016 and went into effect in July 2016.

The EPA noted that the amendments are consistent with international standards for regulating noise due to acceleration. They also take Taiwan's population density into consideration, based on comprehensive evaluations of traffic noise in Taiwan. The amendments particularly tighten controls for rear engines standards when stationary, which is set at a standard value of two decibels. This will be done in order to further improve motor vehicle noise control.

Table: Noise control standards for vehicles

Testing item Standard value Vehicle type			New models and new vehicle testing			In-use vehicle testing	
			Phase 1	Phase 2	Phase 3		
Acceleration noise (dB)	Passenger cars	M ₁	PMR < 120	72	70	68	
			120 < PMR ≤ 160	73	71	69	
			PMR > 160	75	73	71	
			PMR > 200, seats under 4, R-point's height in driver seat < 450 mm	75	74	72	
		M ₂	weight ≤ 2.5 metric tons	72	70	69	
			2.5 metric tons < weight ≤ 3.5 metric tons	74	72	71	

Testing item Standard value Vehicle type				New models and new vehicle testing			In-use vehicle testing	
				Phase 1	Phase 2	Phase 3		
		M ₂	weight > 3.5 metric tons ; engine power ≤ 135 kW	75	73	72		
			weight > 3.5 metric tons ; engine	75	74	72		
			weight > 3.5 metric tons ; engine power > 135 kW					
		M ₃	engine power ≤ 150 kW	76	74	73		
			150 kW < engine power ≤ 250 kW	78	77	76		
			engine power > 250 kW	80	78	77		
		Trucks	N ₁	weight ≤ 2.5 metric tons	72	71	69	
				weight > 2.5 metric tons	74	73	71	
			N ₂	engine power ≤ 135 kW	77	75	74	
	engine power > 135 kW			78	76	75		
	N ₃		engine power ≤ 150 kW	79	77	76		
			150 kW < engine power ≤ 250 kW	81	79	77		
		engine power > 250 kW	82	81	79			
	Stationary noise (dB)	Sedans and vans	< 4000 c.c	93 (98)			93 (100)	
			≥ 4000 c.c	96 (98)			96 (100)	
		Passenger cars, trucks, and special cars weight ≤ 3.5 metric tons announced					93	
		Passenger cars, trucks, and special cars weight > 3.5 metric tons announced					99	

Waste

List of Products Made from Industrial Waste Requiring Flow Tracking Announced

In accordance with the amendments to the *Waste Disposal Act*, the EPA has listed industrial waste products for land reclamation or land accretion that require flow tracking. This was done in order to prevent inappropriate uses of or refilling with such products that could pollute the environment or harm human health. The announcement will go into effect on 1 August 2018.

Amendments to the *Waste Disposal Act* were announced on 18 January 2017, adding Article 39-1 which states that the central industry competent authority shall be responsible for the whereabouts of the reuse products which are designated by the central competent authority, and shall conduct environmental monitoring when necessary. The situations needing tracking include: (1) when reuse products are used in sea or land reclamation; (2) when reuse products are used improperly and are likely to endanger the environment or human health; or (3) when the central competent authority considers it necessary to strengthen the control of such reuse products.

The objective of the amendments is to utilize mechanisms such as flow tracking or environmental monitoring to prevent inappropriate use of reused products, which can harm both the environment and human health. In addition, the amendments allow

the government to better control the environmental impacts of reused products and promote appropriate applications.

In consideration of the concept of the amendments and practical needs, the EPA listed industrial waste applications for land reclamation and accretion as the *Reused Products from Industrial Waste Required for Tracking*. The reuse of coal ash, waste foundry and electric arc furnace slag – all products made of industrial wastes – as accretion materials for construction projects or as road base components will be tracked by the relevant ministries in accordance with the *Waste Disposal Act*. Should reuse present any risk of environmental harm, monitoring will be carried out to prevent the inappropriate use of materials that can pollute the environment. The regulations will enter into effect on 1 August 2018.

Waste

Unlimited Fine Incorporated in Draft Regulations for Determination and Calculation of Illegal Gains

In response to the new amendments to the *Waste Disposal Act*, the EPA has formulated a draft of the *Determining and Calculating of Illegal Gains Obtained from Waste Disposal Act Violations*. The regulations focus on harsher penalties, confiscation of illegal gains and the removal of limits on the fines.

According to Article 63-1 Paragraph 2 of the *Waste Disposal Act* amended on 18 January 2017, if ill-gotten gains from violations surpass the maximum amount of the statutory fine, the penalty shall be aggregated within the scope of the ill-gotten gain and not be limited by the maximum of the statutory fine. Therefore, to help executing authorities determine and calculate the illegal gains obtained by violators, the EPA has formulated the draft of *Determining and Calculating Illegal Gains Obtained from Waste Disposal Act Violations*, pursuant to the *Waste Disposal Act*.

The draft of the regulations also includes: the types of illegal gains (such as active gains and passive

gains), sources of data/information for calculating illegal gains, methods to determine the period for which illegal gains should be calculated, methods to calculate/estimate illegal gains, penalties for any involved violators who gained illegal benefits, etc. Meanwhile, executing authorities will be required to commission professional agencies for the calculation and estimation of illegal gains.

The EPA aims to deter deliberate violations of the *Waste Disposal Act* by punishing violators financially with fines and confiscating their illegal gains.

News Briefs

Management Regulations for Reuse of Common Industrial Waste Announced

To carry out resource recycling and reuse, the EPA announced the *Management Regulations for Reuse of Common Industrial Waste* on 8 January 2018. The regulations stipulate that, if deemed necessary, the EPA will be responsible for enacting unified reuse category and management regulations when certain industrial waste is reused by two or more industries.

Currently, industrial wastes that are reused by industries falling under two competent authorities are considered as control priorities, such as food waste, used cooking oil, scrap iron, paper, glass, plastics, scrap single metals (copper, zinc, aluminum, and tin), and disused concrete utility poles. In the future, the control of industrial waste reuse will focus on source control and product management. Hence, reuse organizations are requested to register for reuse review and submit their industrial waste disposal plans in advance. In addition, they are also required to report the reutilization of their industrial waste and track the waste flow. If there is any violation against the waste reuse management regulations, the facility's qualification for waste reuse will be annulled, fines or penalties will be imposed, and improvements will be required by a limited time.

Motorcycle Exhaust Inspection Rate Reaches 72%

To raise public awareness of regular motorcycle maintenance and inspections and address air

pollution problems caused by motorcycles, the EPA has been implementing regular motorcycle exhaust inspections since 1998. In 2017, more than 6.7 million motorcycles were inspected, which resulted in an increased rate of motorcycles showing up for inspections, from 39.4% to 72%, as well as a lower amount of failing results. Statistics further indicate that motorcycles inspected regularly usually have a lower pollutant concentration compared to those not inspected regularly, and also have a lower tendency to fail inspections. This proves that the motorcycle inspection scheme has an effect on reducing pollutant emissions.

In the latest draft amendments to the *Air Pollution Control Act*, the EPA has revised the inspection of "in-use motorcycles" to "registered motorcycles" in order to make enforcement easier. The EPA also changed the minimum fine to NT\$500 in proportion to the seriousness of the violation. In addition, the EPA reminds the public that if any of the following situations occurs and improvements are not made before the second appointed deadline, their license plates will be cancelled by the motor vehicle supervision authorities: motorcycles not showing up for inspections within six months of the assigned time; motorcycles not registering for a re-inspection in accordance with the law; or, failing the re-inspection. The EPA expects that these measures will raise vehicle owners' willingness to take their vehicles in for inspections and re-inspections, maintain and repair their motorcycles, and replace old motorcycles.

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