

International Joint Statement on ASE's Corporate Misconduct

The world's leading provider of semiconductor packaging and testing services, Advanced Semiconductor Engineering Inc (ASE) was found illegally discharging large amounts of toxic wastewater into the nearby Houjin River in Kaohsiung City Taiwan on Dec 2013. The investigations conducted by the Kaohsiung City government indicated that the toxic wastewater discharged into Houjin River was containing nickel and highly acidic toxic substances, which has polluted 1390 hectares of farmland downstream. In following-up investigations, the local governments also found that the K5 and K11 Plant of the ASE in Kaohsiung and Chungli Plant in Taoyuan County illegally discharged untreated wastewater. After the investigations, the Kaohsiung City government ordered the K7 plant of ASE to suspend some production lines related to the discharge of toxic wastewater. (see attachment I for the reasons)

Occupying 20% of world market in the chip packing and testing of semiconductor industry, ASE generates annual revenues of \$6.7 billion. In order to compete in the market, ASE has consistently claimed to meet international green standards at each step of its supply chain. In contrast to its carefully crafted green image, ASE's actions consist of a sequence of unethical, dangerous, and polluting behaviors that reflect that of self-interest and profit over the health of the public and the environment in Taiwan. Their misbehaviors are particularly unacceptable since the ASE has long enjoyed extensive tax benefits from Taiwan's government –3 billion NTD (\$100 million) in the past 5 years. Not only have their actions shocked Taiwanese society, but they have also caught the attention of those who have long been working to advance environmental protection, worker's rights, and corporate social responsibility.

We, as international NGOs monitoring the pollution problem produced by the electronics industry and the workers' rights, recognize the actions taken by the Kaohsiung government to fine ASE, and support the Taiwanese NGOs that also endeavor to address environmental issues and improve workers' rights. Additionally, we are calling on the central government in Taiwan to end its preferential treatment of ASE. While ASE consistently claims that the event was merely an accident, three days after the shutdown order, they have already applied to restart their production line without careful inspection. These actions taken by ASE reflect attitudes of indifference towards public health and the environment. For this reason, we not only firmly condemn ASE's behavior and attitude, but also its attempt to misrepresent itself as a green business in The Wall Street Journal through the publication of its green certificates that have already lost all credibility. These certificates merely act as facade so that they can appear to be an environmentally responsible company.

The products created by ASE and the immense profits earned by their executives are generated at the expense of the rivers, the land, food safety and the health of the people, the taxpayers' money, and the workers' rights in Taiwan. Thus,

1. We support the statements and demands of our friends, Citizen of the Earth, Taiwan Trade Union of electrical, Electronic and information in Taiwan, Kaohsiung Federation of Labor Unions, Kaohsiung City Confederation of Trade Union in Taiwan, Environmental Jurist Association, Houjing Social Welfare Foundation and Taiwan Watch Institute, and stand in solidarity with them.

- The shutdown order for ASE must remain in place until the problems of wastewater contamination has been completely resolved: The wastewater discharged by ASE into Houjin River must meet the irrigation water quality standards as well as the 2011 wafer and semiconductor manufacturing industry effluent standards. ASE should not be allowed to apply for lower marine discharge standards, which would pollute the marine ecosystems and damage the fishing industry in coastal waters of Taiwan.
- ASE needs to disclose its data on toxic chemical usage and wastewater discharge to provide full transparency for the public.
- During the period of shutdown, the rights of the workers must be protected. ASE cannot transfer the cost of shutdown onto its workers.

2. We appeal to the Taiwanese government:

- Only well-thought-out environmental governance can ensure a sustainable environment, protect workers' rights and promote social justice and competitiveness of Taiwanese companies in the global market. The Taiwanese government must stop being lenient with the companies that make profits at the expense of the environment and through the exploitation of workers otherwise, Taiwanese businesses will lose all the competitive edge in the world production chain.
- The Taiwanese government officially signed and ratified the International Covenant on Social Economic and Cultural Rights in 2009 and therefore must take up necessary actions to implement the covenant, and truly realize the protection of workers' rights, and the improvement of environmental and workplace health. They should also adopt the Concluding Observations and Recommendations^[1] on "corporate social responsibility" suggested by the independent experts in review of the International Human Rights Covenants early this year.

3. We urge ASE to:

- Stop using charitable donations as a means of tax avoidance and shifting environmental responsibility to others.
- Stop falsely representing itself as a green company
- Thoroughly improve its ability to manage its waste and reduce its pollution - they must stop polluting Taiwan.

- Take responsibility and pay for all costs associated with the environmental contamination produced by their company.
 - Ensure workers' rights and job safety
4. Finally, we are calling for the upstream and downstream in the supply chain, such as Intel, Apple, Media Tek, TSMC, SONY, Qualcomm, Broadcom, Infineon, Marvell, Texas Instruments, Lantiq, Alchip, CSR, Maxim, Silicon Image, SMIC, SMSC, VITESSE, NXP, and so forth, to end their cooperation with ASE until ASE has undertaken due diligence in corporate responsibility, environment protection, and workers' rights.

International Petition List on ASE's Corporate Misconduct

Name	Title/Organization	Country
Elfriede Schachner	Director at Südwind	Austria
Sébastien Bernard	Ph.D. Student UCL	Belgium
Samuel Sonck	Université catholique de Louvain	Belgium
Frédéric Bordage	CEO/ Green IT.fr	Belgium
Ludovic Moreau	student / Université Catholique de Louvain (UCL)/ Ecole Polytechnique de Louvain (EPL)/ELEN Department	Belgium
Pr David Bol	Catholic University of Louvain	Belgium
Stephane Arditi	Senior Policy Officer Products & Waste/The European Environmental Bureau (EEB)	Belgium
Brigitte Demeure	Advisors/Sacom	France
Soenke Zehle	lab - Experimental Media Lab	Germany
Sebastian Jekutsch	FIFF- Forum InformatikerInnen für Frieden und gesellschaftliche Verantwortung e.V.	Germany
Omana George Sanjiv Pandita	Asia Monitor Resource Centre (AMRC)	HONG KONG
LIANG Pui Kwan	Students and Scholars Against Corporate Misbehaviour (SACOM)	HONG KONG
Suki Chung	Labour Action China	HONG KONG
Mohit Gupta	Coordinator / Asian Network for the Rights of Occupational and Environmental Victims (ANROEV)	India
Mohit Gupta	Coordinator / Occupational and Environmental Health Network of India (OEHNI)	India
Ashok Shrimali	SETU : Centre For Social Knowledge And Action	India
Ashok Shrimali	Mines Mineral & People	India
Jagdish Patel	Director/Peoples Training & Research Centre	India

Sugio FURUYA (Mr)	Secretary General/Japan Occupational Safety and Health Resource center (JOSHRC)	Japan
Domyung Paek	Professor, Occupational and Environmental Medicine School of Public Health, Seoul National University	Korea
Jeong-ok Kong	Supporters for the Health And Rights of People in the Semiconductor industry (SHARPS) Korea Institute of Labor Safety and Health (KILSH)	Korea
D. Pushpa	Secretary/ Friends of Women Selangor,	Malaysia
Charles Hector	Workers Hub For Change(WH4C)	Malaysia
Felipe Burgueño González	Área de Vinculación Centro de Reflexión y Acción Laboral Fomento Cultural y Educativo	Mexico
Pauline Overeem	GoodElectronics	Netherlands
Pauline Overeem	SOMO	Netherlands
Ron van Baden	FNV Bondgenoten	Netherlands
Irene Schipper	Make IT fair	Netherlands
Cecilia V. Tuico	Workers Assistance Center, Inc.,	Philippines
Richard Gutierrez	Executive Director/(BAN Toxics / BAN Southeast Asia)	Philippines
Miles Quero	Kilusang Mayo Uno (KMU)	Philippines
Mr Tadeusz Joniewicz	Fundacja CentrumCSR.PL	Poland
Daniela Renaud	Bread for all (Bfa)	Switzerland
Daniela Renaud	Fastenopfer (Swiss Lenten Fund)	Switzerland
Kan Matsuzaki	Director ICT/Electrical & Electronics/IndustriALL Global Union(http://www.industrialunion.org/)	Switzerland
Kan Matsuzaki	ROCMU	Switzerland
Irene Xavier	Coordinator/ Committee for Asian Women(Bangkok)	Thailand
Jim Cranshaw	People & Planet Student Activites Ltd. A charitable company.	UK
Jim McCourt	Phase Two (People for Health and Safety in Electronics)	UK(Scotland)
Travis L. Williams	PhD and Postdoctoral Fellow Virginia Tech	USA
Richard Moore	Coordinator/Los Jardines Institute (The Gardens Institute)	USA
Charles Levenstein	Professor Emeritus of Work Environment/ University of Massachusetts Lowell	USA
Leslie Byster	International Campaign for Responsible Technology	USA
David Pellow	Minnesota Global Justice Project	USA
Dr. Sarah Boyd	Senior Consultant/PE INTERNATIONAL	USA
Jim Puckett	Executive Director/ Basel Action Network	USA

Ted Smith	Coordinator/International Campaign for Responsible Technology	USA
Todd Jailer	publications manager/ Hesperian Health Guides,	USA
Sheila Davis	Silicon Valley Toxics Coalition	USA
David LeGrande	Occupational Safety and Health Director/Communications Workers of America(CWA)	USA
Van Thu Ha	labour rights program officer	Viet Nam

Attachment I

According to the investigation by the Kaohsiung city government, ASE was ordered to shut down for the following reasons:

- (1) ASE violated the Water Pollution Control Act multiple times throughout 2011 and 2012, and still continues to violate it despite having been fined six times.
- (2) On 1st Oct 2013, when noticing issues during wastewater disposal, ASE didn't take the emergent shutdown according to the regulation but instead deliberately continued discharging the contaminated wastewater into Houjin River.
- (3) ASE submitted diluted wastewater samples to official environmental inspectors in order to avoid regular inspection.
- (4) ASE didn't take any actions to improve the wastewater disposal process after noticing the wastewater was below standards on 1st Oct 2013. There were still several records of ongoing discharge of the contaminated wastewater.
- (5) Without any permission, ASE discharged wastewater through marine discharge sewage pipe into the sea.
- (6) Environmental Protection Bureau discovered damaged wastewater treatment equipment in the K7 facility of ASE with broken or worn down parts not operating properly. For this reason, ASE was required to shut down its production line until they resolved the problem.
- (7) ASE provided fabricated reports with inaccurate and misleading information to the government.
- (8) ASE discharged contaminated wastewater containing significant concentrations of nickel, 4.38mg/L, which is 1000 times higher than the levels found in normal water. The toxic wastewater has been proven to be harmful for human health, as well as immensely damaging for the affected farmland.

Attachment II

The related news link:

[20131215 Taipei Times--Take more action on ASE: groups](#)

[20131215 The China Post--Farmers demand that ASE receive severe punishment](#)

[20131221 Taipei Times-- Bureau orders ASE plant to shut down](#)

[20131222 Taipei Times-- Safeguards needed for nation's land](#)

[20140104 Taipei Times—ASE, five staffers indicted over illegal wastewater dumps](#)