

Annex 2: Information Requests

From the Ministry of Environment, Urbanization and Climate Change, and its Istanbul and Adana Directorates, Human Rights Watch and Citizens Assembly solicited documentation on licenses for plastic recycling facilities in Adana and Istanbul; license requirements; air quality data; inspection reports; and administrative fines for noncompliant facilities. Human Rights Watch and Citizens Assembly received a response from the Spatial Planning Directorate on June 21, stating that the Ministry had communicated our request to relevant departments of environmental management, environmental impact assessment, permitting, and inspections. The Guidance and Inspection Directorate also responded, stating our application was shared with the Permitting Division. Human Rights Watch and Citizens Assembly received a response from the Adana Directorate on July 27 noting that our information request was shared with the MoE in Ankara. On August 31, the General Directorate of Environmental Impact Assessment, Permitting and Inspection provided a detailed response with information on facility licensing, waste imports, and inspections. This response is provided below.

Human Rights Watch and Citizens Assembly requested from the Ministry of Education, and its Adana Directorate, documentation relating to health examinations and location data for schools near recycling facilities. A response was received on August 15 from the Ministry of Education and Adana Directorate noting that the Ministry of Education has not been involved in any procedures or official correspondences establishing plastic recycling facilities.

From the Ministry of Health, and its Istanbul and Adana Directorates, information requests were submitted seeking documentation of health data in Adana and Istanbul for illnesses relating to air pollution and toxic exposure, including cancer rates, asthma, respiratory illnesses, and children born with disabilities. On August 15, a response was received by the Adana Directorate of the Ministry of Health, but the response did not have any substantive answers. In another response from the Ministry of Health, delivered September 9, the ministry listed the most common cancer types in Adana and Istanbul, but they did not provide concrete data on the number of cancer cases or information about disease rates in neighborhoods with high numbers of plastic recycling facilities.

Human Rights Watch and Citizens Assembly requested documentation from the Ministry of Labor and Social Security on occupational health inspections in plastic recycling facilities, inspections of work permits, and data on the number of people working in the plastic recycling sector. A response from the Ministry received on July 19 stated that 102 inspections of plastic recycling centers had been conducted within the past five years. Of those 102 inspections, 26 facilities had been found in violation, and 382,531 liras in administrative fines were levied against facilities that were not in compliance with the applicable laws and regulations. This response is provided below.

Human Rights Watch and Citizens Assembly requested documentation from the Ministry of Commerce, and its Istanbul, Mersin, and Adana Directorates, of companies with import licenses and data on plastic waste imports to Turkey. On June 16, we received notice from the Ministry that our questions had been shared with the Turkish Statistics Institution, but at the time of writing we had not received any further follow up. On August 15, we received a response from the Adana Directorate noting that they did not have information to the questions in the information request.

Finally, Human Rights Watch and Citizens Assembly filed information requests with the Adana Metropolitan Municipality and Seyhan Municipality seeking documentation related to complaints, petitions, and responses to complaints by the municipality about the plastic recycling industry. Responses from the Seyhan Municipality of Environmental Protection received on July 27 and from the Seyhan Municipality Permits Division on July 28 did not respond to the questions posed in the information requests. The Adana Metropolitan Municipality Environment Division responded, stating our application was shared with the municipality's Public Relations Division, but no additional response was received at the time of writing.

Response from the Ministry of Environment, Urbanization and Climate Change to Human Rights Watch's Information Request, August 31, 2022

Republic of Turkey
Ministry of Environment, Urbanization and Climate Change
General Directorate of Environmental Impact Assessment, Permitting and Inspection

Number: [REDACTED]
Subject: The Application of Attorney Deniz Bayram on behalf of Citizens' Assembly and Human Rights Watch

Ms. Deniz Bayram
[REDACTED]

Re : a) Your petition dated 17/06/2022
b) Your petition dated 19/06/2022
c) Adana Provincial Directorate of Environment, Urbanization and Climate Change's letter dated 26/07/07 and numbered 123.

In your applications registered through your above mentioned petitions (a) and (b), certain information and documents were requested on behalf of Citizens' Assembly and Human Rights Watch regarding plastic recycling facilities, the functioning of such facilities and complaints made about such facilities in accordance with the Law No. 4982 on Access to Information..

As is known, the general procedures and principles regarding the management of wastes from generation to disposal without harming the environment and human health are established by the Waste Management Regulation prepared by our Ministry based on the EU Waste Framework Regulation and published in the Official Gazette dated 02/04/2015 and numbered 29314. In addition, the Regulation on the General Principles of Waste Pretreatment and Recovery Facilities prepared by our Ministry in order to establish the procedures and principles regarding the technical criteria of waste processing facilities which will operate for the purpose of processing wastes and the minimum conditions that must be present in these facilities, entered into force after being published in the Official Gazette dated 09/10/2021 and numbered 31623. With the said Regulation, the procedures and principles regarding the technical criteria of waste processing facilities that will operate for the purpose of processing wastes and the minimum conditions that must be present in these facilities have been determined and according to the said Regulation;

- All facilities are obliged to obtain an environmental license under the Environmental Permit and License Regulation published in the Official Gazette dated 10/09/2014 and numbered 2915.
- The general physical conditions, technical criteria, minimum number of departments/units and equipment that facilities must meet according to their field of activity in order to obtain an environmental license have been determined.
- Facilities are required to present a workplace opening and working license in accordance with the Regulation on Workplace Opening and Working Licenses.
- The facilities are required to comply with the provisions of the Regulation on Fire Protection of Buildings, which was put into force by the Council of Ministers Decision dated 27/12/2007 and numbered 2007/12937.
- The facilities are required to comply with the obligations imposed by the Regulation on Water Pollution Control published in the Official Gazette dated 31/12/2004 and numbered 25687, and all kinds of preventive measures defined in the relevant legislation against pollutants such as noise, dust and odor are required to be taken.

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- Facilities are obliged to submit a closure plan in order to prevent potential negative environmental impacts after closure and to ensure proper management of waste at the facility.

Environmental Permit and License procedures of all recovery facilities, including plastic waste processing, pretreatment and plastic recovery, are carried out in accordance with the provisions of the Environmental Permits and Licenses Regulation, which entered into force after being published in the Official Gazette dated 10/09/2014 and numbered 29115. Depending on the subject of the license, the conditions and criteria to be met by the businesses, the information and documents required during the application for Temporary Activity Certificate and Environmental Permit and License Certificate, and the inquiries of the businesses that have received Temporary Activity Certificates and Environmental Permit and License Certificates (on the basis of the province where the enterprise operates, the subject of Environmental Permit and License and the waste codes approved to be admitted to the facility) can be made under the relevant headings in the Permit and License Procedures module of our Ministry's General Directorate of EIA Permitting and Inspection at <http://ced.csb.gov.tr>. On the other hand, current air quality data including PM 10 data for all provinces in Turkey can be accessed at <https://havaizleme.gov.tr/Services/AirQuality>.

The distance of recycling facilities to settlements, schools and similar places is evaluated by the relevant institutions (Municipalities, Special Provincial Administrations, etc.) during the process of obtaining the Non-Sanitary Establishment License. Prior to the Environmental Permit and License application, it is obligatory to obtain a letter of conformity from the Provincial Directorate of Environment, Urbanization and Climate Change of the province where the facilities are located. As a result of the on-site inspection carried out by the Provincial Directorate, if it is determined that the physical conditions mentioned in the relevant legislation to which the enterprise in question is subject are met and that they have a Zero Waste Basic Level Certificate or exemption according to the lists in the Zero Waste Regulation published in the Official Gazette dated 12/7/2019 and numbered 30829, a letter of conformity is issued by the Provincial Directorate via the e-permit system within two months from the date of application. In accordance with the provisions of Article 7, Paragraph 4 of the Environmental Permit and License Regulation; the operator and in cases where the transactions are carried out through service procurement, the authorized environmental consultancy firm, are responsible for the accuracy and compliance of the information, documents and reports submitted to the competent authorities in the Environmental Permit and License Application, and for the legal consequences thereof.

According to the Environmental Law No. 2872 in force since 09/08/1983, the import of hazardous wastes into Turkey is prohibited and only some non-hazardous wastes that do not pose an environmental risk and have economic value through recycling can be imported provided that the criteria specified in the sub-legislation are met. Import of wastes that cannot be recovered in Turkey and wastes for disposal purposes are not allowed.

Some non-hazardous wastes with economic value can be imported within the framework of the Communiqués issued in accordance with the Environmental Law. These communiqués are revised and published every year by the Ministry of Trade by taking the opinion of our Ministry. Import of wastes is regulated by the "Communiqué on Import Control of Wastes Controlled for the Protection of the Environment (Product Safety and Inspection: 2022/3)". In the relevant Communiqué, the HS code numbers of the wastes whose import is subject to import control are given in Annex-1, the HS code numbers of the wastes whose import is prohibited in Annex-2/A and the waste codes of the wastes whose import is prohibited in Annex-2/B (Annex-4 of the Waste Management Regulation). Non-hazardous wastes, which are allowed to be imported in a controlled manner with the aforementioned communiqué, can be imported provided that a certificate of conformity is obtained from our Provincial Directorates of Environment, Urbanization and Climate Change. These non-

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hazardous wastes can be imported with the Waste Importer Registration Certificate obtained from our Ministry, by industrialists who have recycling facilities that have obtained environmental permits and licenses or temporary activity certificates from our Ministry.

In 2021, imports of plastic groups other than PET, PS, PVC, PP and mixed plastics have been banned. In addition, materials coded "15 01 06 - Mixed packaging," "16 01 19 - Plastic," "17 02 03 Plastic" are also considered as "potentially risky wastes" and their imports are banned. The import of "07 02 13 - Waste Plastic," "15 01 05 - Composite Packaging" and "19 12 04 - Plastics and Tires" coded wastes are only allowed under certain HS code numbers. The import of wastes defined as "12 01 05-Plastic chips and burrs," "15 01 02 Plastic packaging" and "20 01 39-Plastics" whose origin and quality can be traced and verified is conditionally permitted.

Before the customs procedures of the wastes to be imported are started, conformity inspections of some non-hazardous wastes (plastic, paper, glass, etc.) within the scopes of the "Communiqué on Import Inspection of Wastes Controlled for the Protection of the Environment" and the "Waste Import Implementation Circular" issued by our Ministry, are carried out by the expert personnel of our Provincial Directorates at the relevant border customs. Within the scopes of the aforementioned Communiqué and Circular, wastes can only be imported from 27 specialized (border) customs where radiation panels are located. Our 17 Provincial Directorates conduct inspections at the said customs administrations and approve their conformity.

In accordance with the provisions of the Environmental Law No. 2872 and other applicable legislation issued pursuant to this Law, companies in the waste recycling sector and waste processing facilities in the entire waste management process from the collection, transportation and recovery of both the wastes allowed to enter the country within the scope of the import permit issued only for recycling purposes and other wastes within the country, to the disposal of the residual wastes that arise as an inevitable result of the process, as well as recycling facilities where the wastes arrive, are continuously monitored and audited by the inspection staff of our Ministry and 81 Provincial Directorates within the scope of sudden, complaint-based or combined inspection programs, including inspections at specialized (border) customs control points in 17 provinces where there is a border customs office where the wastes will enter the customs territory of Turkey. Administrative sanctions are imposed on all real or legal entities and individuals who are found to carry out recycling activities in violation of the legislation in accordance with the relevant articles of the Environmental Law, and the Temporary Activity Certificates/Environmental Permit and License Certificates of such businesses are canceled and their activities are suspended. In addition, criminal complaints are filed with the Public Prosecutor's Office against businesses/persons found to have polluted the environment in accordance with the relevant provisions of the Turkish Penal Code.

In this context, 29,932 inspections have been carried out for waste disposal and recycling facilities since 2018, and businesses found to be operating in violation of the Environmental Law have been imposed a total of TL343.539.013,13 in administrative fines. In the same period, 208 facilities' activities were suspended. In this respect, inspections of waste recycling facilities continue with determination.

For your information,

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Distribution:
Attention: Ms. Deniz Bayram [REDACTED]
Information: Directorate of Guidance and Inspection; Adana Governorship (Provincial Directorate of Environment, Urbanization and Climate Change).

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Response from the Ministry of Labor and Social Security to Human Rights Watch's Information Request, July 19, 2022

MINISTRY OF LABOR AND SOCIAL SECURITY
 Presidency of Guidance and Auditing

19.07.2022

Number: [REDACTED]
 Subject: Document requests regarding labor audits about occupational diseases and workplace health and safety.

Dear Deniz Bayram, Counselor at Law
 [REDACTED]

Re: Your letter dated 06.07.2022 and numbered E-92097133[042]-14572

As is known, labor audits refer to all research, investigation and inspection activities carried out on behalf of the state regarding the implementation of all the provisions of the legislation relevant to working conditions and environment including working hours, wages, occupational health and safety, employment of children and youth, undeclared work, unemployment, employment and labor markets. Labor audits consist of two main divisions: scheduled audits” and non-scheduled audits consisting of *ad hoc* inspections.” Scheduled audits are audits carried out in order to monitor the implementation of the provisions of legislation relevant to work life in specific areas or sectors determined through the evaluation and prioritization of problems in work life, or in particular workplaces determined through the targeting of a specific risk group. Non-scheduled audits consisting of *ad hoc* inspections, on the other hand, are carried out upon the receipt of specific complaints or denunciations or upon the inclusion in our auditing program of those documents received by our agency which are compatible with our auditing services.

- Factors that contribute to the formation of occupational diseases are among the issues examined by our agency within the framework of our scheduled audits carried out in workplaces operating in the mining, chemical and metal industries. Statistical data on the audits carried out in these industries in 2017, 2018, 2019, 2020 and 2021 are as follows:

MINING					
Year	Audits			Administrative Fines	
	Scheduled	Non-scheduled	Total	Number of recommended workplaces	Amount
2017	1318	249	1567	604	14508489
2018	752	222	974	270	9727605
2019	8	144	152	24	870726
2020	2	99	101	19	460121
2021	903	98	1001	337	20084216

METAL		
	Audits	Administrative Fines

METAL					
Year	Scheduled	Non-scheduled	Total	Number of recommended workplaces	Amount
2017	752	923	1675	502	4443489
2018	3758	610	4368	752	7289198
2019	132	666	798	111	1154421
2020	620	437	1057	164	2524849
2021	6248	440	6688	946	15230497

CHEMISTRY					
Year	Audits			Administrative Fines	
	Scheduled	Non-scheduled	Total	Number of recommended workplaces	Amount
2017	572	249	821	269	2596759
2018	917	196	1113	229	2270461
2019	21	171	192	21	733423
2020	433	113	546	110	2580804
2021	1464	147	1611	275	6567034

2. The data of the audits carried out by our agency between 01.01.2013 and 29.06.2022 regarding the recycling operations covered by the codes 38.11, 38.12, 38.21, 38.22 and 38.32 found in the Nace Rev 2 6-code query are as follows: A total of 280 scheduled audits regarding work execution and occupational health and safety have been carried out in workplaces included in the above mentioned Nace codes. Apart from this a total of 709 non-scheduled audits regarding work execution and occupational health and safety have been carried out in work places included in the above mentioned Nace codes. In these audits a total of 117.229 workers have been reached.

3. The answer to this question was covered in the answers to the first and second questions above.

4. According to the Social Security legislation, the registration of workplaces and their operations, as well as the social insurance of their employees are within the purview of the Presidency of the Social Security Agency. In cases where our agency detects unregistered workers during an audit, we notify the the Social Security Agency in accordance with the relevant legislation to take action. Accordingly, the statistical data in question should be requested from the Presidency of the Social Security Agency.

5. In the last 5 years, our agency carried out audits in regard to occupational health and safety at 102 workplaces involving the codes 38.11, 38.12, 38.21, 38.22 and 38.32 found in the Nace Rev 2 6-code query and we recommended to impose administrative fines amounting to a total of 382.531 TL on 26 workplaces.

For your information.

