

Case Brief  
*Taisi Residents v. Formosa Plastics Group (Case 2)*

Sonia Su

I. Case Info.

- Case number: 臺灣雲林地方法院 107 年度公字第 1 號
- Jurisdiction: The Yunlin District Court of Taiwan
- Date of Decision: Oct. 30, 2020

II. Claim

The plaintiffs have asked the defendants (5 major companies of the FPG) to compensate NT\$4,104,759 per person for the plaintiffs' mother [the following "victim"] who died of lung cancer caused by the defendants' (5 major companies of the FPG) emission of air pollutants.

III. Decision

The plaintiffs' claim has been denied, for there is no causal relationship – neither adequateness nor epidemiologic causation – between the victim's death of lung cancer and the defendants' conduct.

IV. Summary of Reasoning

1. The victim died on 8/18/2015, after a long medical history of coughing since 2002, which suggests the victim belongs to the high-risk group of lung cancer patients.
2. In statistical terms, there is no "reasonable probability" between the claimed injury (lung cancer) and conduct (emission of air-pollutants).
  - (1) Health Promotion Administration (HPA)'s cancer report: in most of the documented years, the lung-cancer-occurrence rates of Yunlin County is lower than that of Yilan County, a community without a nearby petrochemical plant
  - (2) Yunlin County's Public Health Bureau's data (2005-2018): the number of lung-cancer deaths and total-cancers deaths in Mailiao Township has not risen by year.
  - (3) workers in the No.6 Naphtha Cracker Complex are more likely than the victim to be exposed to the alleged air pollution. Based on the evidence provided to the Court, there are no significantly high cancer rates for workers at the No.6 NCC.
3. No objective medical data or testing reports have been provided for proving the causal link between the victim's lung cancer and the alleged air pollution.
  - (1) The victim's medical record: there is no "(medically) reasonable certainty" between the alleged air pollutants and the victim's lung cancer.
  - (2) No other residents living nearby the victim's residence (8-9 km to the No.6 NCC) have the same claim as the plaintiffs (cancers caused by Defendant's emission of air pollutants)
4. The plaintiff-claimed Dr. CC Chan's report (2008-2013) is not considered relevant evidence, since the report is not specific to the victim's lung cancer.