

**26 October 2015**

**14:00-15:00**

**China Centre, Canterbury road,  
Seminar room 1, level 1**



## **The people vs Taiwan's Radio Corporation of America: A Groundbreaking Toxic Tort Class Action**

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In April 2015, after seven years of court hearings and a mobilization that started in 1998, the district court of Taipei made a historic decision for legal class action in Taiwan, that bears important meanings for other industrial countries, in particular for countries with an important electronic industry like China or Korea, as well as for the resolution of other industrial diseases conflicts. The court ordered the defendant RCA – Radio Corporation of America – and its parent firm Technicolor (alias Thompson Electronics) to pay compensation in the sum of NT\$ 560M to 445 plaintiffs, former workers at the RCA plant in Taoyuan, after determining that the company had exposed the employees to toxic substances by illegally disposing of its used chemicals. Some plaintiffs were excluded from that decision because of prescription—a major obstacle considering the long latency between exposure to the toxicants and the occurrence of health problems. Also the amount of compensation decided by the judges is low compared to toxic torts in the U.S. or Japan. In addition another parent company, the American firm General Electric, has not been condemned. So the trial will now continue at the court of appeal with an additional group of plaintiffs (making that a group of near 1500 plaintiffs). Beyond money, the main issue that matters for the leaders of that mobilization is a question of social justice: individuals and families whose lives have been torn by corporate negligence and cynicism wish that the full extent of the damage be recognized.

In contrast with toxic torts focusing on one toxicant (asbestos or nuclear radiation for instance), this trial has dealt with a “cocktail” of toxicants (among which organic solvents like trichloroethylene played a preeminent role) and numerous consequences on the health of the workers: several types of cancers, miscarriages, irregular menstruations, etc. As a consequence, with the help of many experts and scholars, the plaintiffs and their lawyers have made tremendous efforts to gather sufficient proof so as to establish the causality between the pathologies and the exposure to the toxicants. This civil action in Taiwan might therefore create a precedent for the current regulation of occupational and environmental health. It may also question the consequences of the long haul effects of some foreign investments. By virtue of the number of plaintiffs, the nature of the defense (a combination of foreign companies) and the extreme complexity of the toxicological and epidemiological causality, the litigation – what is called “toxic tort” in the U.S. – is an outstanding case study for public health sciences, law and social sciences. In Taiwan where RCA has paved the way for the success story of the electronics industry, it has also become a symbolic issue that questions the priorities of economic development vs. public health prevention. After RCA factories were closed in Taiwan in 1992, the production was transferred to China where similar problems can be expected.

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Paul Jobin is currently Associate professor in the Department of East Asian Studies of Paris Diderot University. From 2007 to 2013, he conducted research at the French Centre for Research on Contemporary China – Taiwan branch, first as guest researcher and later as director. From January 2016, he will be based again in Taiwan, at the Institute of Sociology of Academia Sinica. Since his PhD dissertation, his research has focused on industrial diseases in Japan and Taiwan. His talk at CHEW will follow on a recent book chapter with Yu-Hwei Tseng: “[Guinea Pigs Go to Court: Epidemiology and Class Actions in Taiwan](#),” in *Powerless Science? The Making of the Toxic World in the Twentieth Century* (Berghahn Books 2014).

For his complete CV and more publications: <https://univ-paris-diderot.academia.edu/PaulJobin>