

Resolution of Cabinet Meeting on Enforcement Ordinance of Special Act for Relief of Humidifier Disinfectant Victims

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1. Overview

- The Ministry of Environment announced that draft enforcement ordinance enacted for proper operation of 'Special Act for Relief of Humidifier Disinfectant Victims (hereinafter "Special Act")' was passed in the Cabinet meeting on August 1.

*The special act passed the National Assembly plenary session on January 21, 2017 and was enacted • promulgated on February 8 for the purpose of prompt relief and establishing sustainable support measures of/for humidifier disinfectant victims.

2. Background

- It is intended to make prompt and equitable relief of and establish the sustainable measure to support the victims and their bereaved family damaged in life or health resulting from using humidifier disinfectant containing toxic chemical.

3. Major Aspects

- The draft enforcement ordinance of special act consists of total 44 clauses, and it mainly addresses organization • operation of health damage scope and victim relief committee, relief account operation committee and relief account acceptance condition, legislation delegation and matters required to enforce the law such as establishment • operation of humidifier disinfectant support center and health center.
 - 1) Victims relief committee and relief account operation committee (Draft Article 5 to Article 12 and Article 13)
 - Organization • operation of victims relief committee (Draft Article 5 to Article 11)
 - Organization • operation of pulmonary & extrapulmonary disease investigation judgment committee (Draft Article 12)
 - Relief account operation committee (Draft Article 31)
 - 2) Health damage and relief account support acceptance (Draft Article 2, Article 16, Article 32)
 - Definition of health damage by humidifier disinfectant (Draft Article 2)
 - Acceptance criterion and damage grade of health damage (Draft Article 16)
 - Acceptance criterion of relief account support (Draft Article 32)
 - 3) Payment criterion and amount of relief benefit (from draft Article 19 to Article 22)
 - Specifies relief benefit amount such as medical care benefit, medical care living allowance, funeral expense, nursing fee, special bereaved family condolence money, special funeral expense, relief benefit adjustment, etc.
 - 4) Relief contributions of humidifier disinfectant victims (Draft Article 33 to Article 38)
 - Exemption criterion of contributions (Draft Article 33)
 - Concrete calculation of contributions (Draft Article 34)
 - Co-payment of contributions (Draft Article 35)
 - Divided payment of contributions (Draft Article 37)
 - 5) Humidifier disinfectant support center and humidifier disinfectant health center (Draft Article 41 and Article 42)
 - (Total support center) Establishment and operation at Korea Environmental Industry Technology Institute (KEITI)

- (Health center) Establishment and operation at National Institute of Environmental Research
- 6) Etc.
 - Victims organization (Draft Article 14)
 - Support of expenses for consultation • examination (draft Article 17)
- First, the scope of health damage delegated by special act reflected the 'pulmonary disease' set forth at special act and 'fetal damage acceptance criterion' passed at environment and health committee on March 27, and additional health damage will be notified by the Minister of Environment.
 - Central administrative agency participating in the victims relief committee deliberating and voting the judgment as victims and support to them is defined as the Ministry of Environment and the Ministry of Health and Welfare, the special act allows them to request the specialized review on acceptance of health damage and damage grade to pulmonary/extrapulmonary disease investigation judgment committee.
- This special act also organized special relief account support conditions to the applicants who were not acknowledged for the health damage by victims relief committee but were acknowledged that reasonable support is needed for relief benefit.
 - The relief account operation committee consists of experts on health damage and legislation, asset management expert, experts recommended by victims organization • environmental organization, etc.
 - If medical probability between exposure to humidifier disinfectant and health damage of applicant, the temporal order is verified and the degree of damage is severe or persistent, the special act allows to receive the support equivalent to relief benefit through the deliberation of relief account operation committee.
- The special act materialized the contributions payment criterion of humidifier disinfectant business operators or raw material business operators to be spent as finances for special relief account (125 billion won).
 - Also, it defined the exemption of duty to pay contributions of business closure • bankruptcy • insolvency business operator, reduction and divided payment of payment amount against

small & medium business.

- To support the humidifier disinfectant victims, the government maintains the humidifier disinfectant support center at KEITI, Eunpyeong-gu, Seoul, and establishes • operates the humidifier disinfectant health center at NIER, Seou-gu, Inchen to investigate-research the health damage resulting from humidifier disinfectant.
 - In addition, the special act allows the support center and health center to cooperate with the agencies such as environmental health center under the Environmental Health Act such as Seoul Asan hospital for the performance of efficient work.
- Besides, the special act also arranged the provision on the support of consultation and examination concerning humidifier disinfectant to the applicants who are under 50% in median income and requirements to make victims organization.
- The draft enforcement ordinance passed this time reflected the result of gathering opinions such as pre-announcement of legislation for 40 days starting from April, one public hearing, re-preannouncement of legislation in early July, etc.
 - Drafting process of enforcement ordinance went through consultation of legal and medical experts and held pre-briefing session to the National Assembly and victims.
 - After drafting, the government carried out preannouncement of legislation for 40 days from April 12 to May 23, and held public hearing for victims and interested parties on April 27.
 - The government arranges the amendment which reflected the opinions suggested in the preannouncement of legislation and public hearing and went through re-preannouncement of legislation for 10 days starting from July 4.

4. Source

- Ministry of Environment (www.me.go.kr)