

# EHS NEWSLETTER

## February 2016



Global EHS and  
Sustainability  
Consultants

- Tracking of Environmental and Energy Legislations in China
- The Latest Information on National and Local Legislation Update and Legislative Initiatives.
- EHS Topic: Key Compliance Requirements of ODH



## Highlight in this Issue

### China's NDRC Issues New Carbon Trading Guidance

The National Development and Reform Commission ([NDRC](#)), China's central economic planning agency, issued several guidance documents relating to the upcoming national Emissions Trading System (ETS).



### MEP Appointed Specific Institutes for Development of Environment Protection Acceptance Inspection and Monitoring Reports

From March 1, 2016, environment protection acceptance inspection and monitoring reports for construction projects will no longer need to be submitted by the construction unit but conducted by the specialist agencies assigned by the MEP.



### Special Work Plan on Dust Hazard Treatment of Ceramics and Fire Resistant Material Manufacturing

From July 2016 to June 2017, enterprises engaged in ceramics and fire resistant material production are required to conduct a thorough dust hazard identification and take action to address the hazards identified. Photos and video before and after the treatment should be kept to confirm the treatment efficiency.



### Guideline for Air Quality Assessment of Passenger Car (Draft)

The MEP General Office issued this Guideline draft as the revision of GB/T 27630-2011 for consultation on January 22, 2016. It would be a compulsory standard instead of recommendation when it comes to effect. Limits of benzene, methylbenzene, xylene and ethylbenzene for air quality are revised.



### Key Compliance Requirements of ODH

A number of regulations and standards were issued since 2011 when the ODH Prevention and Control Law was revised. We have taken the effort to identify 12 key points for our clients to achieve full legal compliance.





## Part 1

## National Legislation Update

<b>Chinese Name</b>	国家发展改革委办公厅关于切实做好全国碳排放权交易市场启动重点工作的通知
<b>English Translation</b>	Notification of NDRC Guidance on Start ing the National Carbon Emission Trading System
<b>Issuance Number</b>	发改办气候[2016] 57号
<b>Issued By</b>	National Development and Reform Commission
<b>Issued Date</b>	2016-01-11
<b>Effective Date</b>	2016-01-11
<b>Chinese URL</b>	<a href="http://www.sdpc.gov.cn/gzdt/201601/t20160122_772150.html">http://www.sdpc.gov.cn/gzdt/201601/t20160122_772150.html</a>

**Brief Introduction:** The National Development and Reform Commission ([NDRC](#)), China's central economic planning agency, [issued](#) several guidance documents relating to the upcoming national Emissions Trading System (ETS). When launched, the Chinese ETS is expected to immediately become the largest carbon trading market in the world. The ETS will have major implications for all companies in covered industries. Petroleum, chemicals, construction, steel, non-ferrous metals, papermaking, electricity and aviation are cited as industries subject to the ETS.

<b>Chinese Name</b>	关于环境保护部委托编制竣工环境保护验收调查报告和验收监测报告有关事项的通知
<b>English Translation</b>	Notice of Ministry of Environment Protection Appointed Specific Institutes for Development of Environment Protection Acceptance Inspection and Monitoring Reports
<b>Issuance Number</b>	环办环评[2016]16号
<b>Issued By</b>	Ministry of Environment Protection
<b>Issued Date</b>	2016-02-26
<b>Effective Date</b>	2016-03-01
<b>Chinese URL</b>	<a href="http://www.zhb.gov.cn/gkml/hbb/bgt/201603/t20160301_331015.htm">http://www.zhb.gov.cn/gkml/hbb/bgt/201603/t20160301_331015.htm</a>

**Brief Introduction:** From March1, 2016, environment protection acceptance inspection and monitoring reports for construction projects would no longer need to be submitted by the construction unit but conducted by the specialist agencies assigned by the MEP. Cost will be covered by government financial budget.

Construction project would be classified into ecological category and pollution category. MEP developed a list of specialist agencies to conduct environment protection acceptance inspection and monitoring for each category respectively. Specialist agencies for acceptance inspection and monitoring of construction project would be determined according to the category and location of the project.



<b>Chinese Name</b>	国家安全监管总局关于规范金属非金属矿山建设项目安全设施竣工验收工作的通知
<b>English Translation</b>	Notification of State Administration of Work Safety on Safety Facility Completion Acceptance Inspection of Metal and Nonmetal Mining Construction Projects
<b>Issuance Number</b>	安监总管一〔2016〕14号
<b>Issued By</b>	State Administration of Work Safety
<b>Issued Date</b>	2016-02-05
<b>Effective Date</b>	2016-02-05
<b>Chinese URL</b>	<a href="http://www.chinasafety.gov.cn/newpage/Contents/Channel_6288/2016/0225/265092/content_265092.htm">http://www.chinasafety.gov.cn/newpage/Contents/Channel_6288/2016/0225/265092/content_265092.htm</a>

**Brief Introduction:** The notification was aimed to shift the completion acceptance inspection of metal and nonmetal mining construction projects to self governance. The Inspection is no longer to be conducted by licensed safety assessment institutes as required in the *Administrative Measures on Construction Project Safety Facility 'Three Synchronies' Supervision (2015)* but organized by the mining enterprises themselves, or by the corporate headquarters. Hence, the enterprise /corporate headquarter is responsible for the inspection conclusions.



<b>Chinese Name</b>	陶瓷生产和耐火材料制造企业粉尘危害专项治理工作方案
<b>English Translation</b>	Special Work Plan on Dust Hazard Treatment of Ceramics and Fire Resistant Material Manufacturers
<b>Issuance Number</b>	安监总厅安健〔2016〕10号
<b>Issued By</b>	State Administration of Work Safety
<b>Issued Date</b>	2016-02-15
<b>Effective Date</b>	2016-02-15
<b>Chinese URL</b>	<a href="http://www.chinasafety.gov.cn/newpage/Contents/Channel_6288/2016/0218/264895/content_264895.htm">http://www.chinasafety.gov.cn/newpage/Contents/Channel_6288/2016/0218/264895/content_264895.htm</a>

**Brief Introduction:** From July 2016 to June 2017, enterprises engaged in ceramics and fire resistant material production are required to conduct a thorough dust hazard identification and take actions to address the hazards identified, by means of hiring licensed design institutes to scientifically design and modify the dust removal installations and conduct rectification specific to the findings. The key attention shall be paid to reformation and improvement of the dust prevention and removal installations as well as occupational health management. Photos and video before and after the treatment should be kept to confirm the treatment efficiency.

<b>Chinese Name</b>	工业产品生产许可证实施细则修订单
<b>English Translation</b>	Amendment List of Industrial Goods Production Permit Implementation
<b>Issuance Number</b>	国家质量监督检验检疫总局公告2016年第15号
<b>Issued By</b>	State Administration for Quality Supervision and Inspection and Quarantine
<b>Issued Date</b>	2016-2-16
<b>Effective Date</b>	2016-2-16
<b>Chinese URL</b>	<a href="http://www.aqsiq.gov.cn/xxgk_13386/jlgg_12538/zjgg/2016/201602/t20160223_461823.htm">http://www.aqsiq.gov.cn/xxgk_13386/jlgg_12538/zjgg/2016/201602/t20160223_461823.htm</a>

**Brief Introduction:** The detailed implementation requirements of production permit on 60 categories of industrial goods (food and related products excluded) were amended. Lead acid battery and hazardous chemicals were included.

## Part 2 Local Legislation Update

<b>Chinese Name</b>	上海市工伤保险浮动费率管理办法
<b>English Translation</b>	Shanghai Administrative Measures on Floating Premium of Work-related Injury Insurance
<b>Issuance Number</b>	沪人社福发〔2016〕4号
<b>Issued By</b>	Shanghai Municipal Human Resource and Social Security Bureau
<b>Issued Date</b>	2016-01-21
<b>Effective Date</b>	2016-01-21
<b>Chinese URL</b>	<a href="http://www.12333sh.gov.cn/201412333/xxgk/flfg/gfxwj/shbx/gsbx/201601/t20160126_1242192.shtml">http://www.12333sh.gov.cn/201412333/xxgk/flfg/gfxwj/shbx/gsbx/201601/t20160126_1242192.shtml</a>

**Brief Introduction:** Instead of a fixed premium of work-related injury insurance, floating rates of 50%, 80%, 120% and 150% are implemented in Shanghai from January 21, 2016 for enterprises paying at the standard insurance rate at 0.2%, 0.4%, 0.7%, 0.9%, 1.1%, 1.3%, 1.6% and 1.9%, based on the expense and payment ratio (E/P ratio) of the enterprise.

- If the E/P ratio is less than 200%, the premium shall be paid at 80% of the standard rate;
- If the E/P ratio is between 200% and 400%, the premium shall be paid at the standard rate;
- If the E/P ratio is between 400% and 600%, the premium shall be paid at 120% of the standard rate;
- If the E/P ratio is more than 600%, the premium shall be paid at 150% of the standard rate;
- For enterprises with zero work-related injury insurance claims for 5 years straight after the measures were in force, the premium shall be paid at 50% of the standard rate.

There is no discount for those paying at the standard rate at 0.2%. The premiums shall be verified annually.



## Part 3

## Legislative Initiatives

### □ Guideline for Air Quality Assessment of Passenger Car (Draft) 《乘用车内空气质量评价指南》(征求意见稿)



The MEP General Office issued this Guideline draft as the revision of GB/T 27630-2011 for consultation on January 22, 2016. This Guideline will come to effect on January 1, 2017 after approval.

Following are the key characteristics of this Guideline.

- This Guideline would be a compulsory standard after it comes to effect, while GB/T 27630-2011 was recommended;
- More stringent limits of benzene, methylbenzene, xylene and ethylbenzene are set for air quality of passenger cars;
- Passenger car manufacturers should report and disclose air quality information;
- Time limit for testing should be 28 ± 5 days after manufacturing.
- No air purification system before testing.

Newly produced cars should comply with this Guideline from January 1, 2017. For the previously made cars, they should comply with this Guideline as of July 1, 2018.

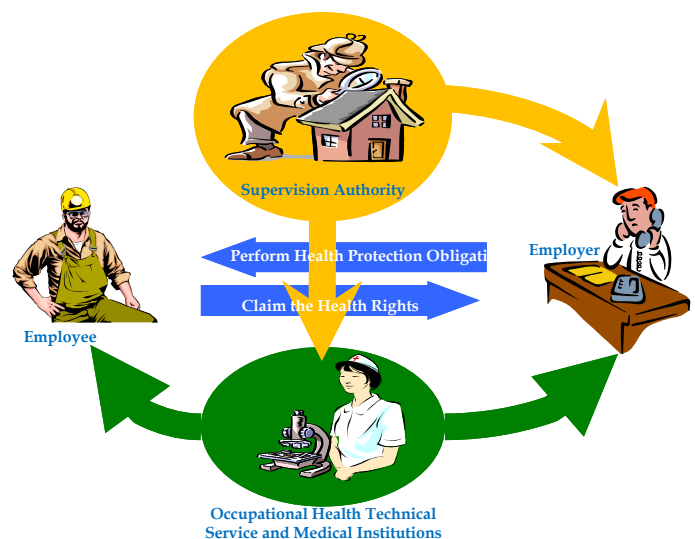
## Part 4

## EHS Topic: Key Compliance Requirements of ODH

A number of regulations and standards were issued since 2011 when the ODH Prevention and Control Law was revised. We have taken the effort to identify 12 key points for our clients to achieve full legal compliance.

### 1/12 Occupational Disease Hazard (ODH) Pre-Assessment

Construction projects with possible ODH should submit a Pre-Assessment Report to local work safety bureau (WSB) during the feasibility study phase (Art. 17 of ODPCL). The assessment conclusion could be Minor, Moderate or Severe. Those with Minor ODH should file the report at the WSB while others must have the report approved by the WSB before project construction (Art. 6 of IAMCPOHTSS).





### 2/12 ODH Prevention Facility Design

Construction projects with Severe ODH should have the prevention facility design pass the WSB review before the facilities construction (Art. 17 of ODPCL & Art. 12 of IAMCPOHTSS).

### 3/12 ODH Prevention Facility Completion Inspection

Construction projects with ODH should have the prevention facilities pass the acceptance inspection before they can be put into formal use (Art. 18 of

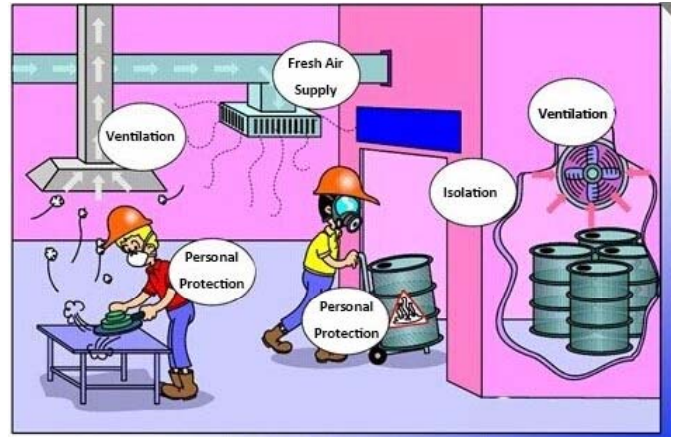
ODPCL). The inspection shall be organized by the enterprise itself for those with minor ODH. Regarding those with Moderate or Severe ODH, the inspection shall be conducted by local WSB (Art. 6 of IAMCPOHTSS). (The inspections are planned to be, currently reported to the State Council for approval). (Art. 1.3 of SAWSNAPAFWP)

### 4/12 ODH Control Effect Assessment

Construction projects with ODH should conduct ODH control effect assessment prior to project completion acceptance inspection (Art. 18 of ODPCL) and organize panel review over the assessment report (Art. 27 of IAMCPOHTSS).

### 5/12 ODH Current Situation Assessment

Construction projects with SEVERE ODH should contract licensed institutes to conduct periodic ODH current status assessment, at least once every 3 years. The assessment results and rectification conditions shall be recorded in the enterprise's occupational health archives. (Art. 20 & 21 of ARWOHS)



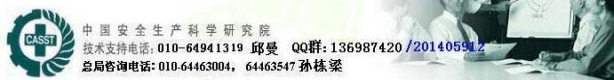
### 6/12 ODH Factor Identification and Assessment

Enterprises with ODH should establish an ODH factor identification system to conduct periodic ODH factor identification and assessment, at least once a year, comprehensively by licensed institutes (Art. 27 of ODPCL & Art. 22 of ARWOHS).

### 7/12 ODH Declaration

Enterprises with ODH should declare the ODH factors to local WSB timely and truthfully (Art. 16 of ODPCL). Those induced by new construction/ reconstruction projects and technical transformation/ import should be conducted within 30 day from completion acceptance inspection; those induced by change of technology, processes, facilities or materials, along with changes of workplace location, enterprise name, legal representative and principal, as well as new ODH factors identified during ODH detection and assessment should be conducted within 15 days. (Art. 8 of ODHDM)

## 作业场所职业病危害申报与备案管理系统





### 8/12 Personal Protection Equipment (PPE)

Enterprises with ODH must provide employees with adequate PPE (Art. 23 of ODPCL). For detailed management procedures, please refer to *Appendixes 1 to 5 of ASPPEME*.

### 9/12 ODH Communication

Employers must inform the employees of the possible ODH, exposure consequence and prevention facilities when signing the labor contract, with the contents included in the written contract (Art. 34 of ODPCL).

For positions with Severe ODH or chemical/ radioactive substance caused ODH, an ODH Information Card in Chinese must be posted in distinct places (Art. 16 & 17 of ASODHCWSE). Examples of the Information Cards are shown in *Appendixes 1 to 3*.

### 10/12 Occupational Health Training

The principal and occupational health management personnel should receive occupational health training so as to master corresponding knowledge and management skills (Art. 35 of ODPCL & Art. 9 of ARWOHS), while employees should be provided with periodic pre-job and on-job trainings for them to master occupational health knowledge so as to protect themselves (Art. 35 of ODPCL & Art. 10 of ARWOHS).

### 11/12 Employee Occupational Health Surveillance Archives

Enterprises should establish an occupational health surveillance archive for each employee to record his/her personal health information, including occupation history, ODH exposure history and periodic occupational health examination, diagnosis and treatment results. A copy of the archive, sealed with the company stamp, should be provided upon request when the employee leaves the enterprise (Art. 37 of ODPCL). For the example of the employee occupational health surveillance archives, please refer to *Appendix 6 of ASOHA*.

### 12/12 Employment Entity Occupational Health Archives

Enterprises should establish Occupational Health Archives (Art. 21 of ODPCL), including Occupation Health 'Three Synchronies' Archive, Occupational Health Management Archive, Occupational Health Publicity and Training Archive, ODH Monitoring, Detecting and Assessment Archive, Occupational Health Surveillance Management Archive and Employee Occupational Health Surveillance Archives. For examples of the employee occupational health surveillance archives, please refer to *Appendixes 1 to 6 of ASOHA*.



### Legislation Abbreviation

**DPCL** [Occupational Disease Prevention and Control Law](#)

**IAMCPOHTSS** [Interim Administrative Measures on Construction Project Occupational Health 'Three Synchronies' Supervision](#)

**ARWOHS** [Administrative Regulations on Workplace Occupational Health Supervision](#)

**ASPDODHFE** [Administrative Specifications Periodic Detection of Occupational Disease Hazard Factors in Enterprises](#)

**ODHDM** [Occupational Diseases Hazard Declaration Measures](#)

**ASPPEME** [Administrative Specifications on Personal Protection Equipment Management in Enterprises](#)

**ASODHCWSE** [Administrative Specifications of ODH Communication and Warning Signs in Enterprises](#)

**ASOHA** [Administrative Specifications on Occupational Health Archives](#)

**SAWSNAPAFWP** [State Administration of Work Safety Notification on Administrative Permission Adjustment and Follow-up Work Preparation](#)



# ESD China Limited

## About Us

ESD China Limited (ESD, [www.esdchina.com](http://www.esdchina.com)) is a professional environment, energy and engineering service firm. The firm is comprised of highly qualified scientists, engineers and management professionals from North America, Europe, and greater China with high pride of professionalism. We cultivate international and local best practices. In the past decades, we have provided common sense solutions to **Environment+Energy** challenges for leading multinational corporations, governments and international development agencies throughout China and the region.

Globally, we are a member company of Inogen Group (Inogen®, [www.inogenet.com](http://www.inogenet.com)), a global corporation owned by environment, energy and sustainability consulting firms originated from the host countries, referred to as Associates. Inogen® Associates lead global environment, health and safety (EHS) management and energy consulting services with proven global expertise, and deliver common sense EHS and energy solutions with local competence beyond the mere brand name. Together, we offer over 4,700 professionals through more than 100 offices worldwide, and have completed numerous projects in over 120 countries.

Our core areas of expertise include soil and groundwater assessment and remediation; energy and industrial engineering, international financing project management, pollution control engineering, socio-environmental impact assessment and industrial environmental, health and safety (EHS) management. Our current services are outlined below:

## OUR SERVICES:

- Corporate Due Diligence
- Risk Management and EHS Compliance Auditing
- Soil & Groundwater Investigation & Remediation
- Regulatory Services
- Supplier Management & Auditing
- Energy Auditing & Industrial Engineering
- Industrial Hygiene Survey (IAQ, Lead & ACMs)
- International Financing Project Management
- Pollution Control Engineering

## More information

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