

EHS NEWSLETTER

January 2016



Tracking of Environmental and Energy Legislations in China

- ❑ The Latest Information on National and Local Legislation Update and Legislative Initiatives.



Highlight in this Issue

Administrative Measures on Hazardous Substance Restriction of Electrical and Electronics Equipment

This Measure is the replacement of **Management Methods for Controlling Pollution by Electronic Information Products** issued in 2006, known as the former China RoHS. Hazardous substances as Pb, Hg, Cd and their compounds, as well as Cr6+, PBB and PBDE are prohibited in design, production, import and packaging materials electrical and electronics equipment.

Specification on the Management of PPE of Employer

This Specification specifies the requirements for the selection, procurement, releasing, training, usage, maintenance, replacement and disposal of labor protection equipment.

Guideline on the Development of Management Plan for Enterprise that Generates Hazardous Waste

This Guideline applies to the entity that generates hazardous waste. Entity should prepare management plan of hazardous waste annually, and keep the management plan for no less than five years.

Hubei Regulation on the Prevention and Control of Soil Pollution and Fujian Measures on the Prevention and Control of Soil Pollution

Both Hubei Province and Fujian Province issued its own legislation on the prevention and control of soil pollution. Generally, both provinces would develop catalogue of key monitoring and catalogue of polluted site. Entity in the catalogue of key monitoring should conduct soil monitoring and report to the government for filing, conduct environmental risk assessment, take responsibility for the soil remediation if necessary.

Shanghai Implementation Rules of Management Measures on the Emergency Response Plan of Sudden Environmental Accident of Enterprise and Institution

This Rules are formulated according to the Management Measures on the Emergency Response Plan of Sudden Environmental Accident of Enterprise and Institution. According to the implementation rules, entities should conduct **environmental risk assessment**, and **development & reporting** of emergency response plan.

Legislative Initiatives: Guangzhou Measures on the Environmental Management of Redevelopment and Utilization of Industrial Site (Draft)

Guangzhou EPA issued this Measures for consultation on December 17, 2015, specifies the requirements of site investigation and environmental risk assessment for industrial site reused and redevelopment into residential, commercial, office, school, kindergarten, hospital, nursing room, amusement park, stadium, green space, the exhibition hall, cultural venues purposes.



Part 1 National Legislation Update

Chinese Name	电器电子产品有害物质限制使用管理办法
English Translation	Administrative Measures on Hazardous Substance Restriction of Electrical and Electronics Equipment
Issuance Number	工业和信息化部令第32号
Issued By	Ministry of Industry and Information Technology
Issued Date	2016/1/6
Effective Date	2016/7/1
Chinese URL	http://www.miit.gov.cn/n1146285/n1146352/n3054355/n3057254/n3057260/c4608532/content.html

Brief Introduction: This regulation is the replacement of *Administrative Measures on Pollution Prevention and Information Products* issued on February 28, 2006, known as the former China RoHS.

It is applicable to electrical and electronics equipment with nominal working voltage under 1500V DC and 1000V AC. Hazardous substances as Pb, Hg, Cd and their compounds, as well as Cr⁶⁺, PBB and PBDE are prohibited in design, production, import and packaging materials electrical and electronics equipment. The residual content of these substances, as well as recyclable parts and environment-friendly period should be labeled on the product or in the instruction book.



Chinese Name	用人单位劳动防护用品管理规范
English Translation	Specification on the Management of PPE of Employer
Issuance Number	安监总厅安健（2015）124号
Issued By	State Administration of Work Safety
Issued Date	2015/12/29
Effective Date	2015/12/29
Chinese URL	http://www.chinasafety.gov.cn/newpage/Contents/Channel_6288/2016/0105/263244/content_263244.htm

Brief Introduction: This Specification is the replacement of *Rules on the Supervision and Administration of Labor Protection Equipment* issued on July 22, 2005. It specifies the requirements for the selection, procurement, release, training, usage, maintenance, replacement and disposal of personal protection equipment.

Three key points in this Specification: 1) PPE could be divided into ten categories, and more information could refer to GB/T 29510-2014. 2) Entities should follow the procedure of PPE identification, assessment and selection, and jointly consider the working conditions and labor intensity to select proper PPE for employees. 3) Entities should conduct regular inspection and maintenance for PPE, and replace the unqualified PPE on timely manner.





Chinese Name	化工（危险化学品）企业安全检查重点指导目录
English Translation	Guideline Checklist for Safety Inspection of Chemical (HazChem) Industry
Issuance Number	安监总管三〔2015〕113号
Issued By	State Administration of Work Safety
Issued Date	2015/12/14
Effective Date	2015/12/14
Chinese URL	http://www.chinasafety.gov.cn/newpage/Contents/Channel_5330/2015/1222/262394/content_262394.htm

Brief Introduction: On Dec 14, the State Administration of Work Safety (SAWS) issued the “Guideline Checklist for Safety Inspection of Chemical (HazChem) Industry” to standardize the work safety management of the chemical (Hazchem) industry, guide and consolidate the law enforcement of local work safety administrations, and urge Hazchem manufacturers and operators to fulfill safety responsibilities.



Chinese Name	危险废物产生单位管理计划制定指南
English Translation	Guideline on the Development of Management Plan for Enterprise that Generates Hazardous Waste
Issuance Number	环境保护部公告2016年第7号
Issued By	Ministry of Environmental Protection
Issued Date	2016/1/25
Effective Date	2016/1/25
Chinese URL	http://www.zhb.gov.cn/gkml/hbb/bgg/201601/t20160128_327043.htm

Brief Introduction: This Guideline applies to the entities that generate hazardous waste. Generally, entities should establish management plan of hazardous waste annually, and keep the management plan for no less than five years.

According to this Guideline, management plan of hazardous waste should include four parts: basic information, process management, environment monitoring and implementation review of last management plan. For process management, it should include the plan for generation, transportation and disposal of hazardous waste.



Chinese Name	煤矿重大生产安全事故隐患判定标准
English Translation	Standard on the Identification of Major Risk of Safety Production Accident for Coal Mine
Issuance Number	国家安全生产监督管理总局令第85号
Issued By	State Administration of Work Safety
Issued Date	2015/12/3
Effective Date	2015/12/3
Chinese URL	http://www.chinasafety.gov.cn/newpage/Contents/Channel_5330/2015/1208/261651/content_261651.htm

Brief Introduction: This Standard includes 15 major risks of work safety accident for coal mine as well as detailed information on the risks.



Chinese Name	建设项目环境影响后评价管理办法（试行）
English Translation	Management Measures on the Post Assessment of Environment Impact of Construction Project
Issuance Number	环境保护部令第37号
Issued By	Ministry of Environmental Protection
Issued Date	2015/12/10
Effective Date	2016/1/1
Chinese URL	http://www.jzhbj.gov.cn/news_show.aspx?id=13302

Brief Introduction: According to this Measures, if an entity does not fully comply with the requirements specified in the approved EIA documents during operation, and meets one of following conditions as well, a post assessment of environment impact should be conducted.

1. Construction project of water conservancy, hydropower, mining, port, and railway industries, or other industrial project that crosses the significant sensitive area of ecological environment.
2. Construction project of metallurgy, petrochemical and chemical industries with significant environmental risk in sensitive area, and discharges heavy metal or POPs continuously.
3. Other construction projects that government authority demands to conduct post assessment of environment impact.

Chinese Name	环境影响评价技术导则 地下水环境（HJ610—2016）
English Translation	HJ 610-2016 Technical Guidelines for Environmental Impact Assessment - Groundwater Environment
Issuance Number	环境保护部公告2016年第1号
Issued By	Ministry of Environmental Protection
Issued Date	2016/1/7
Effective Date	2016/1/7
Chinese URL	http://kjs.mep.gov.cn/hjbhzbz/bzwb/other/pjjsdz/201601/t20160113_326075.htm

Brief Introduction: The standard stipulated the general principles, contents, procedures, measures and requirements of groundwater environmental impact assessment. It's the first amendment of the standard since issued in 2011, including:

- Adjusted the investigation contents of groundwater flow field and water level;
- Adjusted the classification criteria of groundwater EIA work level;
- Adjusted the defining measures of present situation investigation range;
- Simplified the requirements of present situation monitoring;
- Reinforced the requirements of groundwater environment protection measures;
- Deleted the requirements of groundwater EIA special topic composition;
- Added the requirements of groundwater EIA conclusion;
- Enriched the content of Table of Groundwater EIA Industry Classification (appendix A).

Chinese Name	建筑施工企业主要负责人、项目负责人和专职安全生产管理人员安全生产管理规定实施意见
English Translation	Implementation Opinions on Provisions on the Work Safety Management of the Chief Persons in Charge, Project Leaders, and Full-Time Work Safety Management Personnel of Construction Enterprises
Issuance Number	建质[2015]206号
Issued By	Ministry of Housing and Urban-Rural Development
Issued Date	2015/12/10
Effective Date	2015/12/10
Chinese URL	http://www.mohurd.gov.cn/wjfb/201512/t20151221_226048.html

Brief Introduction: Construction unit should allocate full-time personnel following < Measures on Establishment of Safety Production Management Organization and Assignment of Designated Safety Production Management Personal at Construction Projects >.



Chinese Name	节能监察办法
English Translation	Supervisory Measures on Energy Conservation
Issuance Number	国家发展和改革委员会令第33号
Issued By	National Development and Reform Commission
Issued Date	2016/1/15
Effective Date	2016/3/1
Chinese URL	http://www.sdpc.gov.cn/gzdt/201601/t20160120_771916.html

Brief Introduction: The measures specified the implementation of supervisory inspection on energy conservation required by law, regulations, rules and mandatory standards, by means of document review and site reconnaissance.

Enterprises shall submit supporting materials as required in the written notification prior to the inspection and conduct rectification within the prescribed time limit after the inspection in case that non-compliance was identified. The rectification situation will be released to the public and included in the social credit system.

Chinese Name	高效节能锅炉推广目录（第一批）
English Translation	Catalogue on the Promotion of Boiler with High Efficiency and Energy Conservation
Issuance Number	国家发展和改革委员会公告2015年第33号
Issued By	National Development and Reform Commission
Issued Date	2015/12/30
Effective Date	2015/12/30
Chinese URL	http://www.sdpc.gov.cn/gzdt/201601/t20160106_770667.html

Brief Introduction: This Catalogue includes 19 types of boilers with high efficiency and energy conservation.

Chinese Name	关于印发加强农民工尘肺病防治工作的意见的通知
English Translation	Comments on Reinforcement of Pneumoconiosis Prevention and Control of Migrant Workers
Issuance Number	国卫疾控发〔2016〕2号
Issued By	State Administration of Work Safety
Issued Date	2016/1/8
Effective Date	2016/1/8
Chinese URL	http://www.gov.cn/xinwen/2016-01/20/content_5034820.htm

Brief Introduction: This Comment focus on four points relating to pneumoconiosis prevention and control, including responsibility of employers, identification and treatment of pneumoconiosis, medical treatment and assisted living during treatment as well as occupational health benefit of migrant workers.





Part 2 Local Legislation Update

Chinese Name	湖北省土壤污染防治条例
English Translation	Hubei Regulation on the Prevention and Control of Soil Pollution
Issuance Number	湖北省十二届人民代表大会第四次会议
Issued By	Fujian People's Standing Committee
Issued Date	2016/2/1
Effective Date	2016/10/1
Chinese URL	http://huanbao.bjx.com.cn/news/20160202/706355.shtml

Brief Introduction: This Regulation has 8 chapters, involving requirements on prevention/control/supervision of soil pollution, information disclosure and social participant. Key requirements for enterprises would be Chapter 3 prevention of soil pollution, Chapter 4 control of soil pollution and Chapter 5 environment protection for soil with specific purpose.

For prevention of soil pollution, this Regulation specifies following requirements.

1. Government would develop a prohibited catalogue of construction projects of new construction, reconstruction and expansion. Phased out catalogue of process and facilities within a time limit would be developed as well.
2. Government would develop industry catalogue of soil pollution with high risk. Enterprise in this Catalogue, it should conduct soil monitoring annually, conduct compulsory Cleaner Production Audit regularly and purchase compulsory liability insurance of soil pollution.
3. Direct discharge of hazardous exhaust gas, wastewater and solid waste into soil would be prohibited.

For control of soil pollution, following requirements are specified.

1. Government would develop catalogue of polluted site, and enterprises in the catalogue should conduct environmental risk assessment.
2. Enterprises responsible for polluted site should develop management plan or remediation plan for polluted site, based on the result of environmental risk assessment, and report the management plan or remediation plan to the government for filing.
3. Government would conduct completion acceptance for remediation project.

For environment protection of soil with specific purpose, it specifies that 1) Land use of living area, public administration service as well as commercial service would not be approved without environment assessment or this land is identified harmful to human health. 2) To newly add construction land or alter use purpose of construction land, land owners should commission qualified units to conduct assessment on soil quality, and report to the government for filing.





Chinese Name	福建省土壤污染防治办法
English Translation	Fujian Measures on the Prevention and Control of Soil Pollution
Issuance Number	省政府令第172号
Issued By	Fujian People's Government
Issued Date	2015/12/3
Effective Date	2016/2/1
Chinese URL	http://www.fujian.gov.cn/zc/zwgk/flfg/zfgz/201601/t20160104_1116152.htm

Brief Introduction: To prevent and control soil pollution, Fujian Province would strictly set up admittance requirements of industry access, and phase out technology and facilities of heavy soil pollution, and rectify/close entity with heavy pollution which does not comply with industrial policy. Farmland would be divided into three levels in the purpose of grading management, including safety area, warning area and polluted area.

For industrial site, Fujian Province would set up key monitoring list of enterprise with soil pollution. It requires that enterprise in the key monitoring list should commission qualified unit to conduct soil monitoring and report to the government for filing. Besides, Fujian Province would develop a list of polluted site. Enterprises in the list of polluted site should conduct environmental risk assessment for the polluted sites, and report to government for filing. Enterprises would take responsibility for the soil remediation if the site might pose a risk on health or environment based on the result of environment risk assessment.

Chinese Name	重庆市消防安全责任制实施办法
English Translation	Chongqing Measures on the Implementation of Responsibility System of Fire Safety
Issuance Number	重庆市人民政府令第298号
Issued By	Chongqing People's Government
Issued Date	2016/1/4
Effective Date	2016/3/1
Chinese URL	http://www.cq.gov.cn/publicinfo/web/views/Show!detail.action?sid=4055188

Brief Introduction: This Measure specifies the responsibility of enterprises, key enterprise of fire safety and enterprise with high fire risk, including the procedure, fire-fight equipment, fire fighting access, labeling, training, safety assessment and emergency drill etc..

Chinese Name	重庆市消火栓管理办法
English Translation	Chongqing Measures on the Management of Fire Hydrant
Issuance Number	重庆市人民政府令第297号
Issued By	Chongqing People's Government
Issued Date	2016/1/4
Effective Date	2016/3/1
Chinese URL	http://www.cq.gov.cn/publicinfo/web/views/Show!detail.action?sid=4055189

Brief Introduction: This Measure applies to the planning, construction, utilization, maintenance and supervision of fire hydrant in Chongqing.





Chinese Name	上海市环境保护局关于开展企业事业单位突发环境事件应急预案备案管理的通知
English Translation	Shanghai Implementation Rules on <Management Measures on the Emergency Response Plan of Sudden Environmental Accident of Enterprise and Institution>
Issuance Number	沪环保办〔2015〕517号
Issued By	Shanghai Administration of Environment Protection
Issued Date	2015/12/18
Effective Date	2015/12/18
Chinese URL	http://www.sepb.gov.cn/fa/cms/xxgk/AC44/AC4402000/AC4402006/2015/12/91213.htm

Brief Introduction: The Rules are formulated according to the <Management Measures on the Emergency Response Plan of Sudden Environmental Accident of Enterprise and Institution> issued by the Ministry of Environment Protection on January 8, 2015. According to the Rules, if an entity meets one of following conditions, it should conduct **environmental risk assessment** and **development & reporting** of emergency response plan.

1. Operating enterprises of central treatment facility of wastewater and municipal waste;
2. Enterprises engaged in the production, storage, transportation and usage of hazardous chemicals, or enterprises engaged in the production, collection, storage, transportation, usage and disposal of hazardous waste.
3. Enterprise of tailings pond.

Chinese Name	《建设项目环境影响评价分类管理名录》上海市实施细化规定（2015版）
English Translation	Shanghai Detailed Rules on the <Classified Administration Catalogue of Environmental Impact Assessments for Construction Projects>
Issuance Number	沪环保评〔2015〕521号
Issued By	Shanghai Administration of Environment Protection
Issued Date	2015/12/18
Effective Date	2015/12/18
Chinese URL	http://www.sepb.gov.cn/fa/cms/xxgk/AC44/AC4404000/AC4404003/2014/09/87514.htm

Brief Introduction: The Rules includes 16 types of construction projects divided into 76 items. Entity should follow the classification to decide the EIA types (EIA Report, EIA Report or Registration Form).

Chinese Name	广东省专职消防队建设管理规定
English Translation	Guangdong Rules on Management of the Fire Brigade Construction
Issuance Number	粤府令第219号
Issued By	Guangdong People's Government
Issued Date	2015/12/1
Effective Date	2016/2/1
Chinese URL	http://www.gov.cn/flfg/2009-08/05/content_1384072.htm

Brief Introduction: This Rules specifies that large-scale enterprise engaged in the production and storage of flammable and combustible materials and large-scale enterprises with high risk of fire, and long distances from fire brigade of public security should have their own fire brigade.



Chinese Name	山东省危险化学品企业安全治理规定
English Translation	Shandong Rules on the Security Governance of Enterprises Engaged in the Hazardous Chemicals Business
Issuance Number	鲁政办字〔2015〕259号
Issued By	Shandong People's Government
Issued Date	2015/12/18
Effective Date	2015/12/19
Chinese URL	http://www.shandong.gov.cn/art/2015/12/21/art_285_8441.html

Brief Introduction: This Rules applies to the enterprises engaged in the production, storage, usage, business and transportation of hazardous chemicals in Shandong Province. It specifies responsibilities of enterprise of hazardous chemicals, such as responsibility system, qualification, training, safety distance, safety facilities, warning label, special operation procedures, and storage/transportation of hazardous chemical.

Besides, it raises the industry access threshold, construction project of hazardous with fixed investments of less than 100 million would not be approved, and construction project for producing phosgene and phosgenation products, as well as construction project engaged in the nitro compound would not be approved either.

Chinese Name	山东省特种设备安全条例
English Translation	Shandong Safety Regulations on the Special Equipment
Issuance Number	山东省人民代表大会常务委员会公告(第113号)
Issued By	Shandong People's Standing Committee
Issued Date	2015/12/3
Effective Date	2016/3/1
Chinese URL	http://www.sdqts.gov.cn/sdzj/ dffghgz/378618/index.html

Brief Introduction: This Regulation applies to the design, manufacture, installation, modification, maintenance, business, usage, inspection, testing and supervision of special equipment.



Part 3 Legislative Initiatives

□ Guangzhou Measures on the Environmental Management of Redevelopment and Utilization Of Industrial Site (Draft) 《广州市工业企业场地再开发利用环境管理办法（试行）》（征求意见稿）

Guangzhou EPB issued this Measures for consultation on December 17, 2015, and the consultation has closed by now.

For the industrial site reused as living, commercial, office, school, kindergarten, hospital, nursing room, amusement park, stadium, green space, the exhibition hall, cultural venues and farmland purposes, site development without site investigation and environment risk assessment, or without environment remediation is prohibited.

Entity causing the pollution should take responsibility for the site investigation, risk assessment, and environment remediation.



Understanding of Key Requirements

Entity should commission a qualified unit to conduct site investigation and risk assessment, and report to the government for filing.

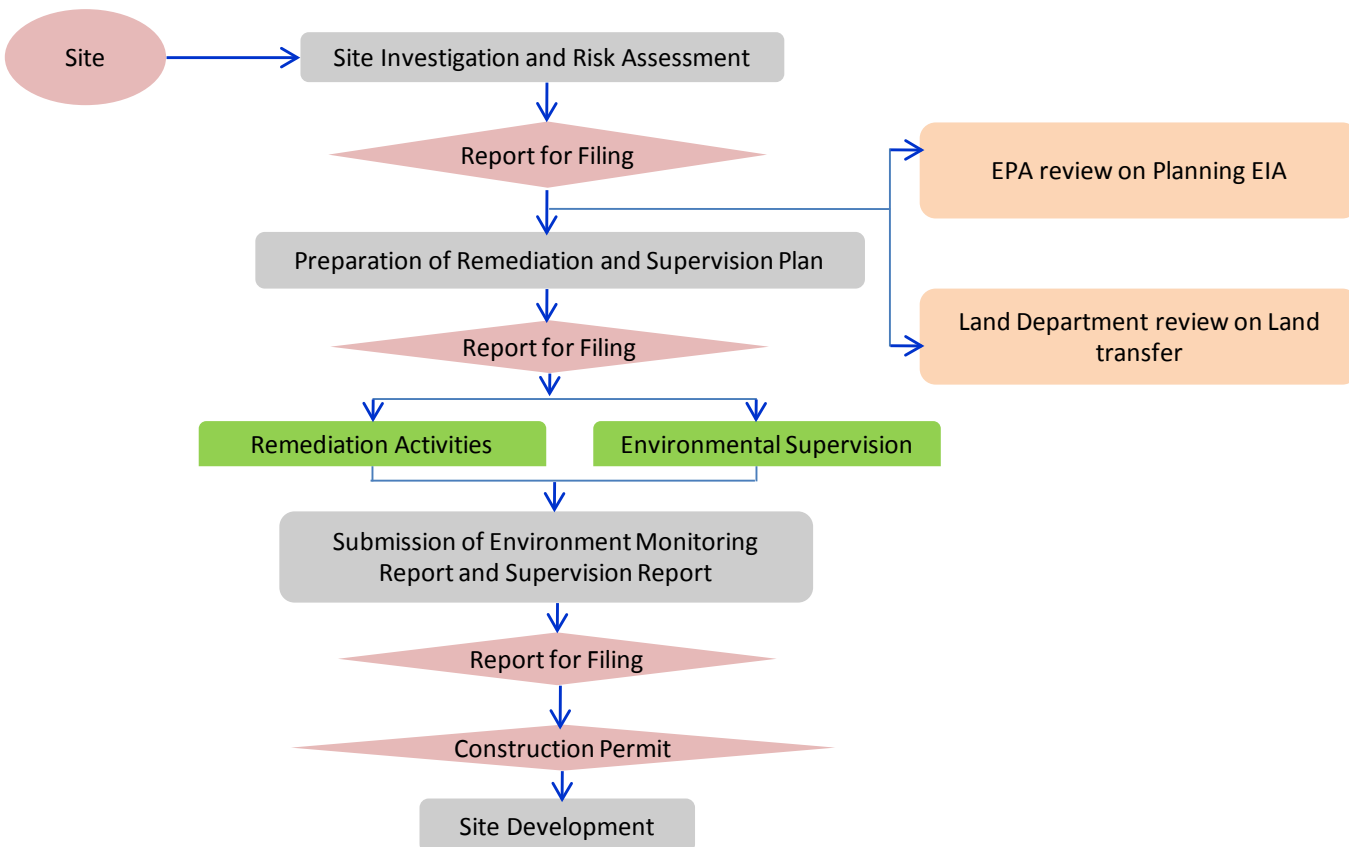
Once confirmed pollution of the Site, the entity should commission a qualified unit to prepare the remediation plan, and report to the government for filing. An environmental supervision unit is required during remediation activities.



The EIA would not be approved without site investigation and risk assessment, or the industrial site is polluted.

Entities should prepare remediation acceptance report, conduct environment monitoring, and commission qualified unit to evaluate the remediation effect, and submit the relevant document to the government for filing.

Workflow for Redevelopment of Industrial Site in Guangzhou





ESD China Limited

About Us

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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:

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

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