

# EHS NEWSLETTER

## January 2017



Global EHS and  
Sustainability  
Consultants

- Tracking of Environmental, Health, Safety and Energy Legislations in China
- The Latest Information on National and Local Legislation Update and Legislative Initiatives.



## Highlight in this Issue

### Measures on Cohesion of Environmental Protection Administrative Enforcement and Criminal Justice

According to the Measure, the public security and procuratorate departments shall inquire the environmental protection department when dealing with environmental contamination related cases. In return, the environmental protection department shall provide active assistance, including timely site investigation, environmental monitoring and affirmation comments.



### Technical Policy on Pollution Prevention and Control of Thermal Power Plants

This Technical Policy specified the requirements on prevention and control of air emission, water pollution, solid waste, noise and secondary contamination of thermal power plants, applicable to plants using coal, gangue, peat, petroleum coke and oil shale as fuels. Those fueled by oil and gas may refer to this technical policy as well.



### Measures on Soil Environmental Management of Contaminated Sites (Trial)

Pursuant to the Measures, sites engaged in non-ferrous metal metallurgy, petroleum refining, chemical engineering, coking, electroplating and tanning, as well as hazardous waste storage, use and disposal were considered as suspected sites of contamination. Among which, those confirmed with contamination by means of related national technical specifications are defined as contaminated sites.



### Hebei Regulation on Work Safety

The regulation held work safety standardization as the key to the implementation of enterprises' principal responsibilities and prevention of work safety incidents. Therefore, enterprises must prioritize the work safety standardization so as to achieve standardized management and operations, as well as normalized facilities and environment and other elementary tasks.



### Law of PRC on Farmland Occupancy Tax (draft for comments)

It is specified in this draft that entities and individuals occupying farmland for house-building or other non-agricultural constructions are obligated to pay for the Farmland Occupancy Tax. But farmland occupied for irrigation and water conservancy is considered as agricultural land instead of construction land.



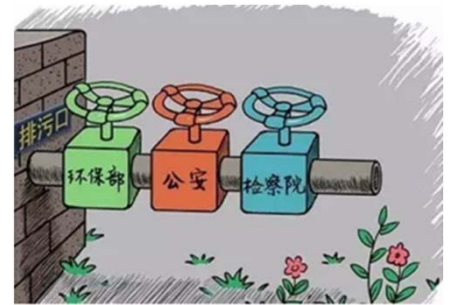


## Part 1

## National Legislation Update

<b>Chinese Name</b>	环境保护行政执法与刑事司法衔接工作办法
<b>English Translation</b>	Measures on Cohesion of Environmental Protection Administrative Enforcement and Criminal Justice
<b>Issuance Number</b>	环环监[2017]17号
<b>Issued By</b>	Ministry of Environmental Protection
<b>Issued Date</b>	2017-01-25
<b>Effective Date</b>	2017-01-25
<b>Chinese URL</b>	<a href="http://www.zhb.gov.cn/gkml/hbb/bwj/201702/t20170206_395454.htm">www.zhb.gov.cn/gkml/hbb/bwj/201702/t20170206_395454.htm</a>

**Brief Introduction:** It was emphasized in the Measures that long term cohesion of environmental protection administrative enforcement and criminal justice as well as both-way case consultation mechanism shall be established among departments of environmental protection, public security and procuratorate. According to the Measures, the public security and procuratorate departments shall inquire the environmental protection department when dealing with environmental contamination related cases. In return, the environmental protection department shall provide active assistances, including timely site investigation, environmental monitoring and affirmation comments. It was also specified in the Measures that the above departments shall actively establish an information sharing platform of administrative enforcement and criminal justice cohesion, so as to gradually achieve online transference, acceptance and supervision of environmental related criminal cases.



<b>Chinese Name</b>	煤矿安全生产标准化考核定级办法（试行）
<b>English Translation</b>	Measures on Work Safety Standardization Evaluation and Ranking of Coal Mines (Trial)
<b>Issuance Number</b>	煤安监行管（2017）5号
<b>Issued By</b>	State Administration of Coal Mine Safety
<b>Issued Date</b>	2017-01-24
<b>Effective Date</b>	2017-01-24
<b>Chinese URL</b>	<a href="http://www.chinasafety.gov.cn/newpage/Contents/Channel_5475/2017/0204/282824/content_282824.htm">www.chinasafety.gov.cn/newpage/Contents/Channel_5475/2017/0204/282824/content_282824.htm</a>

**Brief Introduction:** The Measures are aimed at guiding the coal mining enterprises to establish a double preventative working mechanism of work safety risk hierarchical control and hidden danger inspection & administration, so as to further reinforce the coal mine safety fundamentals and improve the safety support capability.

<b>Chinese Name</b>	质检总局关于发布《特种设备使用管理规则》等3个安全技术规范及4个修改单的公告
<b>English Translation</b>	Notice on Issuance of 3 Three Technical Specifications and Amendment of 4 Other Specifications
<b>Issuance Number</b>	公告2017年第4号
<b>Issued By</b>	State Administration for Quality Supervision and Inspection and Quarantine
<b>Issued Date</b>	2017-01-16
<b>Effective Date</b>	2017-01-16
<b>Chinese URL</b>	<a href="http://www.aqsiq.gov.cn/xxgk_13386/zxxxgk/201701/t20170120_481458.htm">www.aqsiq.gov.cn/xxgk_13386/zxxxgk/201701/t20170120_481458.htm</a>

**Brief Introduction:** The three newly issued technical specifications are 1) Specifically Equipment Use Administration Rules (TSG 08-2017, effective on 2017-08-01), Elevator Maintenance and Upkeep Rules (TSG T5002-2017, effective on 2017-08-01) and In-plant Vehicle Safety Technical Supervision Regulation (TSG N0001-2017, effective on 2017-06-01). The four modified technical specifications are Boiler Safety Technical Supervision Administration Regulation (TSG N0001-2017, first amendment, effective on 2017-06-01), Supervision Regulation on Safety Technology for Transportable Pressure Vessel (TSG G0001-2012, second amendment, effective on 2017-06-01), Safety Technical Supervision Regulations for Bursting Disc Devices (TSG ZF003-2011, first amendment, effective on 2017-03-01) and Performance Evaluation Outline of Special Equipment Safety Management Principals (first amendment, effective on 2017-08-01).





<b>Chinese Name</b>	火电厂污染防治技术政策
<b>English Translation</b>	Technical Policy on Pollution Prevention and Control of Thermal Power Plants
<b>Issuance Number</b>	环境保护部公告2017年第1号
<b>Issued By</b>	Ministry of Environmental Protection
<b>Issued Date</b>	2017-01-10
<b>Effective Date</b>	2017-01-10
<b>Chinese URL</b>	<a href="http://www.mep.gov.cn/gkml/hbb/bgg/201701/t20170117_394809.htm">www.mep.gov.cn/gkml/hbb/bgg/201701/t20170117_394809.htm</a>

**Brief Introduction:** This Technical Policy specified the requirements on prevention and control of air emission, water pollution, solid waste, noise and secondary contaminations of thermal power plants. It is applicable to plants using coal, gangue, peat, petroleum coke and oil shale as fuels, serving as the technical support on pollution prevention and control programming, pollution treatment technology selection, environmental impact assessment and pollution discharge permitting of thermal power plants. Those fueled by oil and gas may refer to this technical policy as well. It was specified in the policy that thermal power plants should advocate technical routes combining source control and end treatment. Pollution control policies should be based on the conditions of the coal, furnace and location as well as technical advancement, economic rationality and maintenance convenience.

<b>Chinese Name</b>	关于调整《进口废物管理目录》的公告
<b>English Translation</b>	Notice on Adjustment of Waste Import Administrative Directory
<b>Issuance Number</b>	环境保护部公告2017年第3号
<b>Issued By</b>	Ministry of Environmental Protection
<b>Issued Date</b>	2017-01-09
<b>Effective Date</b>	2017-01-09
<b>Chinese URL</b>	<a href="http://www.zhb.gov.cn/gkml/hbb/bgg/201701/t20170119_395009.htm">www.zhb.gov.cn/gkml/hbb/bgg/201701/t20170119_395009.htm</a>

**Brief Introduction:** It was specified in the Notice that 7 solid wastes formerly included in the Restrict Directory of Waste Import Used as Raw Material were now adjusted to the Prohibited Directory of Waste Import. The solid wastes are "1703100000 cane molasses""1703900000 other molasses""2525300000 mica scraps""2804619011 pulverized polycrystalline silicon scraps with silicon content >99.999999%""2804619091 other pulverized polycrystalline silicon scraps with silicon content no less than 99.99%""4004000090 pulverized un-vulcanized rubber scraps, powders and granules""4115200090 offcuts of finished leather, renewed leather and leather products".

<b>Chinese Name</b>	污染地块土壤环境管理办法（试行）
<b>English Translation</b>	Measures on Soil Environmental Management of Contaminated Sites (Trial)
<b>Issuance Number</b>	环境保护部令第42号
<b>Issued By</b>	Ministry of Environmental Protection
<b>Issued Date</b>	2016-12-31
<b>Effective Date</b>	2017-07-01
<b>Chinese URL</b>	<a href="http://www.zhb.gov.cn/gkml/hbb/bl/201701/t20170118_394953.htm">www.zhb.gov.cn/gkml/hbb/bl/201701/t20170118_394953.htm</a>

**Brief Introduction:** The Measures defined the contaminated sites as that sites engaged in operation of non-ferrous metal metallurgy, petroleum refining, chemical engineering, coking, electroplating and tanning, as well as hazardous waste storage, use and disposal were considered as suspected sites of contamination. Among which, those confirmed with contamination by means of related national technical specifications are defined as contaminated sites. It is required in the Measures that the holder of the land-use right shall conduct environmental investigation on the suspected sites of contamination and bear the responsibility of the results. In the cases that site contamination is confirmed, the enterprise / individual that caused the contamination shall fulfill the life-long responsibility of contamination treatment and site remediation.

In case of mandatory investigation, the holders of the land-use right should complete the preliminary soil environmental investigation within 6 month after receiving the written notice, with investigation report prepared and uploaded to the contaminated site information system. The main content of the report should be made available to the public on their websites.





<b>Chinese Name</b>	质量管理体系 要求
<b>English Translation</b>	Quality management systems—Requirements (GB/T 19001-2016)
<b>Issuance Number</b>	国家标准公告2016年第27号
<b>Issued By</b>	State Administration for Quality Supervision and Inspection and Quarantine
<b>Issued Date</b>	2016-12-30
<b>Effective Date</b>	2017-07-01
<b>Chinese URL</b>	<a href="http://www.sac.gov.cn/was5/web/search?channelid=97779&amp;templet=gjcxjg_detail.jsp&amp;searchword=STANDARD_CODE='GB/T 19001-2016'&amp;XZ=T&amp;STANDARD_CODE=GB/T 19001-2016">www.sac.gov.cn/was5/web/search?channelid=97779&amp;templet=gjcxjg_detail.jsp&amp;searchword=STANDARD_CODE='GB/T 19001-2016'&amp;XZ=T&amp;STANDARD_CODE=GB/T 19001-2016</a>

**Brief Introduction:** This Standard is the Chinese version of its counterpart ISO9001-2015. Compared to the last edition (2008), the article structure changed from 8 chapters to 10 chapters. The 2017 edition canceled the mandatory requirement on quality manual, management representative and precautionary measures, the requirement on massive compulsive documentation such as quality manuals and documented procedures and the term of ‘recording’ (replaced by documentary information). In the meantime, new requirements were specified on 6 aspects: 1) organization background environmental analysis and target & strategy affirmation; 2) risk, emergency measures and opportunity management; 3) knowledge management and understanding of the needs & expectations of interested parties; 4) effects & promises of leadership and organization knowledge; 5) performance evaluation; and 6) control & management of changes. Knowledge was considered as a kind of resources and the support of production for the first time.

## Part 2 Local Legislation Update

<b>Chinese Name</b>	上海市食品安全条例(2017修订)
<b>English Translation</b>	Shanghai Regulations on Food Security
<b>Issuance Number</b>	上海市人民代表大会公告第18号
<b>Issued By</b>	The Standing Committee of Shanghai People’s Congress
<b>Issued Date</b>	2017-01-20
<b>Effective Date</b>	2017-03-20
<b>Chinese URL</b>	<a href="http://www.shfda.gov.cn/gb/node2/yjj/zcfg/dfxfghgz/u8ai9689.html">www.shfda.gov.cn/gb/node2/yjj/zcfg/dfxfghgz/u8ai9689.html</a>

**Brief Introduction:** This amendment persists in three aspects: 1) the most stringent requirements on food security responsibilities on all parties; 2) the most stringent criteria to force entities to fulfill their responsibilities; 3) problem orientated measures to solve the prominent problems.

This amendment included online food services into the security supervision and specified the general market admittance criteria, operators’ responsibilities and performance requirements. The food producers are required to implement standardized management, the deliverers are required to conduct whole process supervision and the servers are required to make the food processing open to the public. Meanwhile, this amendment included the ‘hawkers’ into the administration range for the first time.



<b>Chinese Name</b>	黑龙江省大气污染防治条例
<b>English Translation</b>	Heilongjiang Regulation on Air Pollution Prevention and Control
<b>Issuance Number</b>	黑龙江省第十二届人民代表大会第六次会议公告第4号
<b>Issued By</b>	The Standing Committee of Heilongjiang People’s Congress
<b>Issued Date</b>	2017-01-20
<b>Effective Date</b>	2017-05-01
<b>Chinese URL</b>	<a href="http://www.hljdep.gov.cn/zcfg/fg/dffg/2017/02/14283.html">www.hljdep.gov.cn/zcfg/fg/dffg/2017/02/14283.html</a>

**Brief Introduction:** Statistical data show that the first 4 contributors to PM2.5 in Heilongjiang Province are coal firing, motor vehicles, industrial emission and airborne dust. This regulation aims at the pollution prevention and control in these key aspects and heavy polluted areas. Detailed requirements are specified in coal control, process and technology upgrade, circular economy development, motor vehicle control and duct reduction. The goal was to achieve provincial ambient air quality improvement by the end of 2018 when heavy pollution day in major cities are reduced significantly.



<b>Chinese Name</b>	山东省安全生产条例（2017年修订）
<b>English Translation</b>	Shandong Regulation on Work Safety
<b>Issuance Number</b>	山东省人民代表大会常务委员会公告第168号
<b>Issued By</b>	The Standing Committee of Shandong People's Congress
<b>Issued Date</b>	2017-01-18
<b>Effective Date</b>	2017-05-01
<b>Chinese URL</b>	<a href="http://www.sdaj.gov.cn/index.php?s=/Article/detail/column/3G/articleid/17701.html">www.sdaj.gov.cn/index.php?s=/Article/detail/column/3G/articleid/17701.html</a>

**Brief Introduction:** The Regulation presented some institutional innovation in combination with the work safety situation of Shandong Province. It straightened out the work safety supervision and administration system and the duties on township governments, sub-district offices and development zones; specified key provisions on high risk production and operation entities; established double prevention mechanism of work safety risk hierarchical control and hidden danger inspection & treatment; introduced the work safety liability insurance to certain industries and fields; and guaranteed employee's right to participate in work safety establishment. The objective of these innovations is to improve the work safety level in production operation and reduce work safety incidents.



<b>Chinese Name</b>	河北省安全生产条例
<b>English Translation</b>	Hebei Regulation on Work Safety
<b>Issuance Number</b>	河北省第十二届人民代表大会公告第5号
<b>Issued By</b>	The Standing Committee of Hebei People's Congress
<b>Issued Date</b>	2017-01-12
<b>Effective Date</b>	2017-03-01
<b>Chinese URL</b>	<a href="http://www.hebsafety.gov.cn/index.do?id=53215&amp;templet=content&amp;cid=75">www.hebsafety.gov.cn/index.do?id=53215&amp;templet=content&amp;cid=75</a>

**Brief Introduction:** The regulation held work safety standardization as the key to the implementation of enterprises' principal responsibilities and prevention of work safety incidents. Therefore, it is required that enterprises must prioritize the work safety standardization so as to achieve standardized management and operations, as well as normalized facilities, environment and other elementary tasks. Meanwhile, this regulation clarified the responsibilities of the principal and branched managers. To fulfill the requirements, enterprises should establish work safety responsibility and supervision systems and abide by national, local and industrial standards as well as work safety and operation procedures. In case of key work safety risks, the status of risk control and hidden danger treatment should be reported to local competent departments.

<b>Chinese Name</b>	河北省城镇排水与污水处理管理办法
<b>English Translation</b>	Hebei Administrative Measures on Urban Drainages and Sewage Treatment
<b>Issuance Number</b>	河北省人民政府令（2016）第7号
<b>Issued By</b>	Hebei People's Government
<b>Issued Date</b>	2016-12-30
<b>Effective Date</b>	2017-02-01
<b>Chinese URL</b>	<a href="http://info.hebei.gov.cn/eportal/ui?pagelId=1962757&amp;articleKey=6707196&amp;columnId=329982">http://info.hebei.gov.cn/eportal/ui?pagelId=1962757&amp;articleKey=6707196&amp;columnId=329982</a>

**Brief Introduction:** It was specified in the Measures that enterprises and individuals with wastewater discharge should pay for the treatment fee on the level no lower than the normal operation cost of municipal wastewater treatment facilities. Meanwhile, those enterprises and individuals are required to hold a discharge permit and discharge pollutants as per permitted. It was encouraged to generate and use the recycled water, with priority in industrial production, urban landscaping, street sweeping, vehicle washing, construction operation and ecology landscaping.







<b>Chinese Name</b>	福建省散装汽油购销安全管理办法
<b>English Translation</b>	Fujian Administrative Measures on Safety of Purchasing and Selling Petrol in Bulk
<b>Issuance Number</b>	省政府令第183号
<b>Issued By</b>	Fujian People's Government
<b>Issued Date</b>	2017-01-12
<b>Effective Date</b>	2017-04-01
<b>Chinese URL</b>	<a href="http://www.fujian.gov.cn/zc/flfg/zfgz/201701/t20170122_1498539.htm">www.fujian.gov.cn/zc/flfg/zfgz/201701/t20170122_1498539.htm</a>

**Brief Introduction:** The Measures defined petrol in bulk as oiling machine refueling petrol into any container other motor vehicle fuel tanks. Only licensed service station may sell it to the public. No clear specification as such was provided in the national level regulations. The measures required enterprises and individuals to conduct real-name registration so as to purchase petrol in bulk (letter of authentication from enterprise and buyer's ID). The gas station will log the buyers and the full sales records in the real-name registration system and hold the safety responsibility in sales of petrol in bulk.

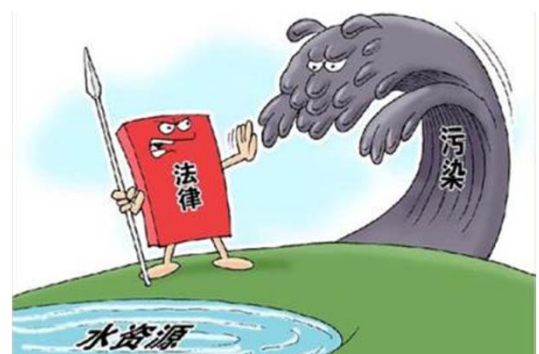


<b>Chinese Name</b>	广西壮族自治区实施〈工伤保险条例〉办法（2017年修订）
<b>English Translation</b>	Guangxi Measures on Implementation of Work Injury Insurance Regulation
<b>Issuance Number</b>	广西壮族自治区人民政府令第117号
<b>Issued By</b>	Guangxi People's Government
<b>Issued Date</b>	2017-01-04
<b>Effective Date</b>	2017-01-04
<b>Chinese URL</b>	<a href="http://www.gxzf.gov.cn/zwgk/zfwj/zzqrmzfl/201701/t20170120_494344.htm">www.gxzf.gov.cn/zwgk/zfwj/zzqrmzfl/201701/t20170120_494344.htm</a>

**Brief Introduction:** The Measures stipulated the following three principles to further standardize the work injury identification process. 1) Jurisdiction of work injury identification is under the administration of labor and social security departments of where the entity is located. In case that the entity did not purchase the work injury insurance, the identification should be carried at where the business was carried out. 2) Time limit of the identification process is regulated, no more than 7 working days to determine to accept the case or not. 3) Entity's burden of proof is required in a prescribed period of time, or the identification will be done upon the evidences provided by the injured.

<b>Chinese Name</b>	广西壮族自治区饮用水水源保护条例
<b>English Translation</b>	Guangxi Regulation on Protection of Drinking Water Source
<b>Issuance Number</b>	---
<b>Issued By</b>	The Standing Committee of Guangxi People's Congress
<b>Issued Date</b>	2017-01-18
<b>Effective Date</b>	2017-05-01
<b>Chinese URL</b>	<a href="http://www.gxrd.gov.cn/html/art154612.html">www.gxrd.gov.cn/html/art154612.html</a>

**Brief Introduction:** The Regulation specified prohibitions of activities that may contaminate drinking water sources in a principle of progressive for prospective reserve districts, Class II reserve districts and Class I reserve districts upon their distinctive environmental protection requirements. Projects with severe contamination to the water body such as heavy industry and centralized WWTP are prohibited in the prospective reserve districts; projects with considerable contamination to the water body such as slaughter houses, sugar refining and chemical engineering are prohibited in Class II reserve districts; projects with possible contamination to the water body that has nothing to do with water supply and resource conservation, as well as parking of oil and hazardous chemical carrier ships are all prohibited in Class I reserve districts.





<b>Chinese Name</b>	天津市建设项目安全设施“三同时”监督管理暂行办法（2016年修订）
<b>English Translation</b>	Tianjin Interim Administrative Measure on ‘Three Synchronies’ Supervision of Construction Project Safety Facilities (2016)
<b>Issuance Number</b>	津安监管法（2016）70号
<b>Issued By</b>	Tianjin Administration of Work Safety
<b>Issued Date</b>	2016-12-30
<b>Effective Date</b>	2017-01-01
<b>Chinese URL</b>	<a href="http://www.fjrd.gov.cn/ct/10-120025">http://www.fjrd.gov.cn/ct/10-120025</a>

**Brief Introduction:** Regarding the amendment of Work Safety Law and corresponding regulations and measures that canceled the ‘Three Synchronies’ filing requirements on construction project safety facilities, the former Measure was in contradiction with the superior laws and regulations. This amendment changed the corresponding contents and required enterprises to conduct self-organized ‘Three Synchronies’ inspections and form a written report for future reference.

<b>Chinese Name</b>	黑龙江省大气污染防治条例
<b>English Translation</b>	Heilongjiang Regulation on Air Pollution Prevention and Control
<b>Issuance Number</b>	黑龙江省第十二届人民代表大会第六次会议公告第4号
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## Part 3 Interpretation

### □ [关于《安全生产法实施条例》（稿）征求意见的函](#) [Enforcement Regulation of Work Safety Law \(draft for comment\)](#)

This draft consists of 6 chapters: General Principles, Enterprises’ Work Safety Assurance, Employees’ Work Safety Rights & Obligations, Work Safety Supervision & Administration, Legal Liabilities and Supplementary Provisions. Requirements on emergency rescue and investigation were not included as two more auxiliary regulations are expected, referring to Regulation on Emergency Response of Work Safety Incidents and Regulation on Report, Investigation and Handling of Work Safety Incidents.

This draft detailed the requirements specified in Work Safety Law and included the specific measures proven effective in fulfilling the Law. Regarding those items that cannot be regulated in the national level, decisions were to be made by provincial governments.

### □ [《中华人民共和国耕地占用税法（征求意见稿）》公开征求意见](#) [Law of PRC on Farmland Occupancy Tax \(draft for comments\)](#)

The draft stipulated the objects and payers of the taxation as that entities and individuals occupying farmland for house-building or other non-agricultural constructions should pay for the Farmland Occupancy Tax. Special provisions were specified on house-building to include both constructions and structures. Meanwhile, farmland used for irrigation and water conservancy is considered as agricultural land instead of construction land. The tax rate for occupying basic farmland and farmland in the areas with little cultivated land per capita, such as special economic zones, economic & technological development zones and economic developed regions, as well as high quality farmland outside the basic farmland range, can be elevated.







# 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:

- Environmental Impact Assessment
- 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

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