

# EHS NEWSLETTER

## June and July 2016



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

### The Decision of the SCNPC on Modifying the Energy Conservation Law of the People's Republic of China and Five Other Laws

Six Laws were modified by the Standing Committee of the National People's Congress, referring to 1) the Energy Conservation Law, 2) the Water Law, 3) the Flood Control Law, 4) the Occupational Disease Prevention and Control Law, 5) the Environmental Impact Assessment Law and 6) the Water Way Law.



### National Inventory of Hazardous Wastes (2016)

The 2016 National Inventory of Hazardous Wastes was released by MEP together with NDRC and Ministry of Public Security and shall be enforced as of August 1, 2016. The compilation of the latest inventory adhered to the problem-oriented as well as continuity, practicability, and updating-based principles, not only adjusting the inventory of hazardous wastes but also adding a list of exempted hazardous wastes.



### Notice of the State Council on the Action Plan of Soil Pollution Prevention and Control

On May 31, China's State Council released a nationwide Action Plan for Soil Pollution Prevention and Control ("Action Plan"), whose implementation will be led by MEP, calls for the establishment of laws to monitor, prevent, and remediate soil pollution, and aims to improve soil quality across the country. Specifically, the plan aims to make 90% of polluted arable land safe for human use by 2020, and increases that target to 95% by 2030.



### Jiangsu Administrative Measures on Safety 'Black List' of Non-compliance Production and Operation Entities

In case of major safety non-compliance, the enterprises will be included in the "Black List" of work safety non-compliance. It will be 1 year for enterprises on the list for the first time but 3 year from the second time on. Unnoticed investigation, periodic inspections will be carried out towards those listed as the means of reinforced supervision.



### Interpretations to Abolishment of Some Departmental Rules and Normative Documents for Environmental Protection

The Ministry of Environmental Protection decided to abolish 10 departmental rules and 121 pieces of normative documents. An interpretation is extracted from MEP News Release for your reference and understanding.





## Part 1

## National Legislation Update

<b>Chinese Name</b>	全国人民代表大会常务委员会关于修改《中华人民共和国节约能源法》等六部法律的决定
<b>English Translation</b>	The Decision of the Standing Committee of the National People's Congress on Modifying the Energy Conservation Law of the People's Republic of China and Five Other Laws
<b>Issuance Number</b>	中华人民共和国主席令第四十八号
<b>Issued By</b>	The Standing Committee of the National People's Congress
<b>Issued Date</b>	2016-07-02
<b>Effective Date</b>	2016-07-02
<b>Chinese URL</b>	<a href="http://www.gov.cn/xinwen/2016-07/03/content_5087719.htm">http://www.gov.cn/xinwen/2016-07/03/content_5087719.htm</a>

**Brief Introduction:** Six Laws were modified by the Standing Committee of the National People's Congress, referring to 1) the Energy Conservation Law, 2) the Water Law, 3) the Flood Control Law, 4) the Occupational Disease Prevention and Control Law, 5) the Environmental Impact Assessment Law and 6) the Water Way Law.

The modification of the Energy Conservation Law was focused on energy assessment and inspection of fixed asset investment, projects not in compliance with compulsive energy conservation standards will not allowed to be constructed. Those constructed must not be put in use. This sets the energy conservation assessment as one of the preconditions fixed asset investment projects.

For the Water Law, the modification emphasized the Letter of Consent of Planning from competent administrative department of corresponding drainage basin, without which, the project must not be constructed.

Considerable modification was made to the Occupational Disease Prevention and Control Law. The key point lay in the license requirement for construction project occupational disease hazard (ODH) pre-assessment and control effect assessment. The assessments can be conducted by any third party and no design inspection or completion acceptance inspection approval by governmental department is required now, expect for medical institute with severe radiation ODH.

The modification of the Environmental Impact Assessment Law was moderate. In addition to modifying certain wording for better understanding, only the requirement of preliminary review of EIA reports and forms by competent authorities was deleted. The experts panel review and final approval by EPB stays the same as before. The punishment fine of construction project without EIA approval was revised from RMB 50,000 - 200,000 to 1% - 5% of the total investment.

<b>Chinese Name</b>	清洁生产审核办法
<b>English Translation</b>	Measures on Cleaner Production Audit
<b>Issuance Number</b>	国家发展和改革委员会、国家环境保护总局令第38号
<b>Issued By</b>	The National Development and Reform Commission; Ministry of Environmental Protection
<b>Issued Date</b>	2016-05-16
<b>Effective Date</b>	2016-07-01
<b>Chinese URL</b>	<a href="http://bgt.ndrc.gov.cn/zcfb/201605/t20160519_802233.html">http://bgt.ndrc.gov.cn/zcfb/201605/t20160519_802233.html</a>

**Brief Introduction:** Cleaner Production Audits are carried out either voluntarily or mandatorily. In case of any of the following occasions, compulsive cleaner production audits are required: 1) pollution discharge not in compliance with national / local discharge standards or mass loading quota; 2) benchmarking energy consumption exceeding the standard limits; or 3) hazardous substances are used / generated during production processes, including a) hazardous waste listed in the National Inventory of Hazardous Waste, b) highly toxic chemicals listed in the Inventory of Controlled Key Environmental hazardous Chemicals, c) substances containing heavy metal of Pb, Hg, Cd, Cr, As and etc., d) substances listed in Stockholm Convention on Persistent Organic Pollutants, and e) other with toxicity and potential contamination.

The audits may be conducted by a qualified third party or the entity itself, providing with necessary equipment and personnel. No license was required.





Chinese Name	国家危险废物名录
English Translation	National Inventory of Hazardous Waste
Issuance Number	环境保护部令 第39号
Issued By	Ministry of Environmental Protection
Issued Date	2016-6-14
Effective Date	2016-8-1
Chinese URL	<a href="http://www.mep.gov.cn/gkml/hbb/bl/201606/t20160621_354852.htm">http://www.mep.gov.cn/gkml/hbb/bl/201606/t20160621_354852.htm</a>

**Brief Introduction:** In this new version, the hazardous wastes are reclassified into 479 varieties under 46 categories (including 362 varieties from the previous version and 117 new additions). Compared to the last edition, it is clearly stipulated in the Inventory that discarded chemicals listed in the Inventory of Hazardous Chemical are regarded as hazardous waste. Meanwhile, a List of Exempted Hazardous Wastes is added to raise the management efficiency. The hazardous wastes in this list will be exempted from management at specified stages, under relevant conditions, and in accordance with related descriptions.

Chinese Name	国务院关于印发土壤污染防治行动计划的通知
English Translation	Notice of the State Council on the Action Plan of Soil Pollution Prevention and Control
Issuance Number	国发〔2016〕31号
Issued By	State Council
Issued Date	2016-05-28
Effective Date	2016-05-28
Chinese URL	<a href="http://www.gov.cn/zhengce/content/2016-05/31/content_5078377.htm">http://www.gov.cn/zhengce/content/2016-05/31/content_5078377.htm</a>

**Brief Introduction:** The Action Plan for Soil Pollution Prevention and Control calls for laws to monitor, prevent, and remediate soil pollution, and aims to incrementally improve soil quality across the country by mid-century. Specifically, the plan aims to make 90 percent of polluted arable land safe for human use by 2020, and increases that target to 95 percent by 2030. MEP will cooperate with the Ministry of Land and Resources and the Ministry of Agriculture to implement a uniform system to track the soil quality of every region. By 2020, the monitoring system will serve as an intra-governmental database to track real-time soil contamination. Regular soil quality investigations will then be conducted every 10 years. The plan addresses existing contamination on industrial and agricultural land and sets forth protections for uncontaminated land. It does not, however, provide measures to address soil contamination, such as listing priority sites, providing an overall approach to evaluating and selecting cleanup measures, or defining cleanup standards. These issues will need to be addressed in future legislation. The plan is the government's third environmental action plan in recent years: the first targets air pollution (released in 2013) and the second targets water pollution (released in 2015).



Chinese Name	重点行业挥发性有机物削减行动计划
English Translation	Volatile Organic Compounds Reduction Plan of Key Industries
Issuance Number	工信部联节〔2016〕217号
Issued By	Ministry of Industry and Information Technology, Ministry of Finance
Issued Date	2016-07-13
Effective Date	2016-2018
Chinese URL	<a href="http://www.miit.gov.cn/n1146295/n1652858/n1652930/n3757016/c5137974/content.html">http://www.miit.gov.cn/n1146295/n1652858/n1652930/n3757016/c5137974/content.html</a>

**Brief Introduction:** The key VOCs emission Industries including: oil refining and petrochemical, paint, ink, adhesives, pesticides, automotive, packaging printing, rubber, synthetic, leather, furniture and shoemaking industry. The "Action Plan" pointed out that by 2018, the industry of VOCs (volatile organic compounds) emissions in 2015 cut more than 330 million tons; put forward "to adhere to the source reduction, process control as the focus, taking into account the end control of whole process control concept"; and regulate the process of source reduction and control measures, and enumerates some recently used end of treatment technology, to regulate and guide the VOCs emission reduction.



<b>Chinese Name</b>	涉及危险化学品安全风险的行业品种目录
<b>English Translation</b>	Directory of Industry with Safety Risk involving Hazardous Chemicals
<b>Issuance Number</b>	安委〔2016〕7号
<b>Issued By</b>	The Work Safety Committee of the State Council
<b>Issued Date</b>	2016-07-01
<b>Effective Date</b>	2016-07-01
<b>Chinese URL</b>	<a href="http://www.chinasafety.gov.cn/newpage/Contents/Channel_20257/2016/0701/272057/content_272057.htm">http://www.chinasafety.gov.cn/newpage/Contents/Channel_20257/2016/0701/272057/content_272057.htm</a>

**Brief Introduction:** The Work Safety Committee of the State Council issued the Directory of Industry with Safety Risk involving Hazardous Chemicals to guide all regions and relevant industries to identify safety risks involving hazardous chemical. According to the directory, there are 15 categories and 68 kinds of industries involving hazardous chemicals and they respectively account for 3/4 of the national economic sectors. These safety risk of the chemicals mainly relates to explosion, corrosion, fire and poisoning.

<b>Chinese Name</b>	生产安全事故统计管理办法
<b>English Translation</b>	Administrative Measures on Work Safety Incident Statistics
<b>Issuance Number</b>	安监总厅统计〔2016〕80号
<b>Issued By</b>	State Administration of Work Safety
<b>Issued Date</b>	2016-7-27
<b>Effective Date</b>	2016-7-27
<b>Chinese URL</b>	<a href="http://www.hbsafety.gov.cn/zcfg/zhk/2016-07-29/1650.html">http://www.hbsafety.gov.cn/zcfg/zhk/2016-07-29/1650.html</a>

**Brief Introduction:** According to the Measures, incident without casualties while direct economic loss is less than a million RMB shall not be calculated. Incidents caused by 1) unforeseeable or irresistible natural forces exceeding the designed resistance level with sufficient precautionary and emergency measures; 2) direct or indirect deliberately sabotage, terrorism, poisoning, incendiary, theft or other intentional actions; and 3) injuries and deaths by outbreak of diseases shall be exempt.

<b>Chinese Name</b>	生产安全事故应急预案管理办法
<b>English Translation</b>	Administrative Measures on the Emergency Response Plans for Work Safety Incidents
<b>Issuance Number</b>	国家安全生产监督管理总局令第88号
<b>Issued By</b>	State Administration of Work Safety
<b>Issued Date</b>	2016-06-03
<b>Effective Date</b>	2016-07-01
<b>Chinese URL</b>	<a href="http://www.chinasafety.gov.cn/Contents/Channel_4188/2016/0608/270730/content_270730.htm">http://www.chinasafety.gov.cn/Contents/Channel_4188/2016/0608/270730/content_270730.htm</a>

**Brief Introduction:** The main changes of the amended Measures requires the entity to carry out risk assessment on accidents and survey on emergency resources prior to compiling the emergency response plan; officer in charge of a production and business entity shall organize to compile and implement the emergency response plan of their own entity and be responsible for its authenticity and practicality; compiling realistic and practical emergency response plan according to the specific situations in the entity.

<b>Chinese Name</b>	关于进一步加强建设项目职业卫生“三同时”监管工作的通知
<b>English Translation</b>	Notification on Reinforcement of Occupational Health “Three Synchronies” Supervision
<b>Issuance Number</b>	安健函〔2016〕30号
<b>Issued By</b>	State Administration of Work Safety
<b>Issued Date</b>	2016-07-18
<b>Effective Date</b>	2016-07-18
<b>Chinese URL</b>	<a href="http://www.chinasafety.gov.cn/newpage/Contents/Channel_5916/2016/0720/273120/content_273120.htm">http://www.chinasafety.gov.cn/newpage/Contents/Channel_5916/2016/0720/273120/content_273120.htm</a>

**Brief Introduction:** The notification was issued to support the newly revised ODH Prevention and Control Law. It requires the work safety supervisory departments of every level to stop inspection / filing of all construction project ODH pre-assessment reports, designs and completion acceptance assessment reports.



## Part 2

## Local Legislation Update

<b>Chinese Name</b>	吉林省大气污染防治条例
<b>English Translation</b>	Jilin Province Air Pollution Control Ordinance Introduced Formally
<b>Issuance Number</b>	无
<b>Issued By</b>	The Standing Committee of Jilin People's Congress
<b>Issued Date</b>	2016-06-01
<b>Effective Date</b>	2016-07-01
<b>Chinese URL</b>	<a href="http://www.mep.gov.cn/xxgk/gzdt/201606/t20160602_353480.shtml">http://www.mep.gov.cn/xxgk/gzdt/201606/t20160602_353480.shtml</a>

**Brief Introduction:** This regulation, a very detailed piece of legislation not only for business but also for individuals, comprehensively governs and prevents the air pollution from all walks of life. Even the outdoor barbecue, the burning leaves and rubbish were included in the scope management. According to the daily penalty, this regulation formulates more stringent regulatory means, such as double punishment so as to crack down on illegal behavior of air pollution.



<b>Chinese Name</b>	河北省水资源税改革试点实施办法
<b>English Translation</b>	Hebei implementation Measures on Reform Experimentation of Water Source Tax
<b>Issuance Number</b>	冀政发〔2016〕34号
<b>Issued By</b>	Hebei People's Government
<b>Issued Date</b>	2016-07-01
<b>Effective Date</b>	2016-07-01
<b>Chinese URL</b>	<a href="http://info.hebei.gov.cn/eportal/ui?pageld=1962757&amp;articleKey=6623114&amp;columnId=329982">http://info.hebei.gov.cn/eportal/ui?pageld=1962757&amp;articleKey=6623114&amp;columnId=329982</a>

**Brief Introduction:** In order to prevent the over extraction of groundwater, alleviate the severe groundwater deficiency problem, Hebei province issued the first water resources tax and begin to implement. Surface water and groundwater is the object of imposing taxes, paid by units and individuals with directly access to water. Water resources tax levy management takes "approval of water conservancy, tax returns, tax collection, joint regulation, information sharing" in the collection and management mode.

Taxpayers in addition to hydropower, urban public water supply enterprises that use water more than the annual amount of water withdrawal plan, shall levy a tax on water resources according to the following rules:

- (1) using 20% (including) more water than planned, the exceeding part will be charged with double price;
- (2) Using 20% to 40% (including) more water than planned, the exceeding part will be charged with 2.5 times of price;
- (3) Using 40% more water than planned, the exceeding part will be charged with triple price.

<b>Chinese Name</b>	湖北省电梯使用安全管理办法
<b>English Translation</b>	Hubei Administrative Measures on Elevator Safety
<b>Issuance Number</b>	政令388号
<b>Issued By</b>	Hubei People's Government
<b>Issued Date</b>	2016-6-24
<b>Effective Date</b>	2016-8-1
<b>Chinese URL</b>	<a href="http://gkml.hubei.gov.cn/auto5472/auto5473/201606/t20160624_854631.html">http://gkml.hubei.gov.cn/auto5472/auto5473/201606/t20160624_854631.html</a>

**Brief Introduction:** It is stipulated in the owner of the elevators may entrust the property service firm or others for management, known as the user of the elevator who bear the main responsibility. The Users in various situations were stipulated. Meanwhile, the users are required to appoint a safety manager for each 50 sets of elevators (1 if there is less than 50). Elevators without safety manager must not be put in use.





<b>Chinese Name</b>	山东省生产经营单位安全生产主体责任规定
<b>English Translation</b>	Shandong Regulation on Work Safety Responsibility of Production and Operation Entities
<b>Issuance Number</b>	山东省人民政府令第303号
<b>Issued By</b>	People's Government of Shandong
<b>Issued Date</b>	2016-6-7
<b>Effective Date</b>	2016-6-7
<b>Chinese URL</b>	<a href="http://www.shandong.gov.cn/art/2016/6/8/art_285_9926.html">http://www.shandong.gov.cn/art/2016/6/8/art_285_9926.html</a>

**Brief Introduction:** It is required for enterprises engaged mining, metal smelting, road transportation, construction, hazardous substance manufacturing, sales, storage, loading, transportation and use (high risk industries), safety management committee or personnel should be equipped as followed:

1. A fulltime safety management person for enterprises with less than 100 employees;
2. A safety management committee with 2 people for enterprises with employees between 100 and 300, 1 of them should be a licensed Safety Engineer;
3. A safety management committee with 5% of total employee number (at least 3 people) for enterprises with employees between 300 and 1000, 2 of them should be a licensed Safety Engineer;
4. A safety management committee with 5% of total employee number for enterprises with employees more than 1000, 3 of them should be a licensed Safety Engineer;

For enterprises engaged in low risk industries, there should be:

1. A part-time safety management person for enterprises with less than 100 employees;
2. A fulltime safety management person for enterprises with employees between 100 and 300;
3. A safety management committee with 2 people for enterprises with employees between 300 and 1000, 1 of them should be a licensed Safety Engineer;
4. A safety management committee with 3% of total employee number for enterprises with employees more than 1000, 2 of them should be a licensed Safety Engineer.

<b>Chinese Name</b>	浙江省环境违法“黑名单”管理办法（试行）
<b>English Translation</b>	Zhejiang Administrative Measures on the "Black List" of Environmental non-compliance (Trial)
<b>Issuance Number</b>	浙环发〔2016〕28号
<b>Issued By</b>	Zhejiang Environmental Protection Bureau
<b>Issued Date</b>	2016-07-22
<b>Effective Date</b>	2016-08-22
<b>Chinese URL</b>	<a href="http://www.zjepb.gov.cn/root14/xxgk/zfwj/zhf/201607/t20160728_425131.html">http://www.zjepb.gov.cn/root14/xxgk/zfwj/zhf/201607/t20160728_425131.html</a>

**Brief Introduction:** In case of any of the following accessions, the enterprise will be included on the "Black List" of Environmental non-compliance. 1) Committed environmental crimes; 2) allege discharge through hidden pipes, seepage wells & pits and pouring or forge monitoring data or malfunction the treatment facilities on purpose; 3) EIA firms, monitoring organizations and pollution prevention facility operation firms providing illegal services; 4) non-compliance actions leading to interruption of centralized drinking water source; 5) noncompliance or nonfeasance actions leading to considerable environmental incidents; 6) failed to complete the correction demanded by EPB above city level in the prescribed period; 7) denying site supervisory inspection or investigation by force or threat; 8) failed to conduct the environmental administrative penalties; 9) two or more environmental administrative penalties in one year caused by deliberate actions; 10) deny the production or reduction orders during heavy polluted air conditions; 11) failed in complete correction after criticized by national / provincial media; 12) non-compliance leading to failure in hazardous waste management standardization or denying the soil and groundwater treatment and remediation resistibility ; 13) other cases considered necessary.

Once included on the "Black List", the enterprise will be published for a period of 3 years and remain on the list for ever. All relative departments will be informed of the information, including financial, tax, work safety administrations. The publish period can be shortened if proper corrective actions were taken, but no shorter than 6





<b>Chinese Name</b>	浙江省大气污染防治条例
<b>English Translation</b>	Zhejiang Regulations on Air Pollution Prevention and Control
<b>Issuance Number</b>	浙江省人大常委会公告 第41号
<b>Issued By</b>	Standing Committee of Zhejiang People's Congress
<b>Issued Date</b>	2016-5-27
<b>Effective Date</b>	2016-7-1
<b>Chinese URL</b>	<a href="http://www.jingning.gov.cn/art/2016/6/15/art_3913_282046.html">http://www.jingning.gov.cn/art/2016/6/15/art_3913_282046.html</a>

**Brief Introduction:** According to the Regulation, the provincial and municipal EPB shall work with other departments to establish a heavy air pollution early warning system. Measures shall be taken in accordance with the warning levels, including a) production halts and reduction of responsible enterprises, b) restriction of certain vehicles, c) cease or restriction of dust raising operations; d) prohibition of fireworks and cracks and open barbecue, and e) other emergency responses considered necessary.

<b>Chinese Name</b>	浙江省特种设备安全管理条例
<b>English Translation</b>	Zhejiang Administrative Regulations on Special Equipment Safety
<b>Issuance Number</b>	安监总厅统计〔2016〕80号
<b>Issued By</b>	Zhejiang Bureau of Quality Technical Supervision
<b>Issued Date</b>	2016-7-29
<b>Effective Date</b>	2016-7-29
<b>Chinese URL</b>	<a href="http://www.zjbts.gov.cn/HTML/201688/tzsbxgzcfg/158ec5303909407e93551df92dd31e8f.html">http://www.zjbts.gov.cn/HTML/201688/tzsbxgzcfg/158ec5303909407e93551df92dd31e8f.html</a>

**Brief Introduction:** Considerable changes were noted in the revision. Firstly, the requirements of compulsive examination prior to second hand sales of special equipment were deleted. Therefore, if it is within the valid period, it's allowed for second hand sales. Secondly, the daily maintenance of elevators should be conducted by either the builder or licensed vendors. But for other special equipment, it can be carried out by the owner, provided with proper manpower and tools.



<b>Chinese Name</b>	上海市经营性用地和工业用地全生命周期管理土壤环境保护管理办法
<b>English Translation</b>	Shanghai Administrative Measures on Full Life Circle Soil Environmental Protection of Profit-oriented Lands and Industrial Lands
<b>Issuance Number</b>	---
<b>Issued By</b>	Shanghai Environmental Protection Bureau
<b>Issued Date</b>	2016-6-13
<b>Effective Date</b>	2016-7-1 (effective in 5 years)
<b>Chinese URL</b>	<a href="http://www.shanghai.gov.cn/nw2/nw2314/nw2319/nw12344/u26aw48137.html">http://www.shanghai.gov.cn/nw2/nw2314/nw2319/nw12344/u26aw48137.html</a>

**Brief Introduction:** To implement the full life circle management, it is required for the user of the land to conduct soil environmental investigation prior to land banking, transfer, retrieve and lease renewal, and submit the results to local EPB. In case that contamination is identified, the user shall undertake the remediation responsibility and pay for the cost.

<b>Chinese Name</b>	江苏省安全生产条例
<b>English Translation</b>	Jiangsu Regulation on Work Safety
<b>Issuance Number</b>	江苏省人大常委会公告第45号
<b>Issued By</b>	The Standing Committee of Jiangsu People's Congress
<b>Issued Date</b>	2016-7-29
<b>Effective Date</b>	2016-10-1
<b>Chinese URL</b>	<a href="http://www.jsrd.gov.cn/zyfb/sjfg/201608/t20160805_430240.shtml">http://www.jsrd.gov.cn/zyfb/sjfg/201608/t20160805_430240.shtml</a>

**Brief Introduction:** In addition to the responsibilities stipulated in the Work Safety Law, enterprises are required for the followings: 1) A full work safety inspection each season to analyze existing and potential safety issues; 2) A safety incident emergency response drill each year; 3) Full cooperation with safety supervisory departments in case of safety incidents in addition to active rescue organization and timely reporting; 4) A summary report to the congress of workers & staff and board of shareholders on the situation of work safety management and duty fulfillment.



<b>Chinese Name</b>	江苏省生产经营单位安全生产失信黑名单管理办法（试行）
<b>English Translation</b>	Jiangsu Administrative Measures on Safety 'Black List' of non-compliance Production and Operation Entities
<b>Issuance Number</b>	江苏省人大常委会公告 第 45 号
<b>Issued By</b>	The Standing Committee of Jiangsu People's Congress
<b>Issued Date</b>	2016-7-29
<b>Effective Date</b>	2016-10-1
<b>Chinese URL</b>	<a href="http://www.jtssafety.gov.cn/A/?C-1-1428.Html">http://www.jtssafety.gov.cn/A/?C-1-1428.Html</a>

**Brief Introduction:** In case of any of the following occasions, the enterprises will be included in the “Black List” of work safety non-compliance:

1. Received an administrative penalty due to considerable work safety incidents;
2. Received more than 2 administrative penalties due to general work safety incidents;
3. Misrepresentation, concealed declaration or deliberately sabotage of scene or evidences in case of incidents;
4. Failed to complete the correction in a period prescribed by work safety bureau for the existence of major hidden danger or severe occupational disease hazards;
5. Suspension or withdrew of Work Safety Permit;
6. Denying the work safety administrative enforcement;
7. Other actions in severe violation of the work safety , ODH prevention and control laws and regulations, or caused severe social impact.

It will be 1 year for enterprises included in the list for the first time but 3 year from the second time on. Secret investigation, aperiodic inspections will be carried out towards those listed as the means of reinforced supervision.

## Part 3

## Interpretation

### **Interpretations to the Decision on Abolishment of Some Departmental Rules and Normative Documents for Environmental Protection 《关于废止部分环保部门规章和规范性文件的决定》解读**

The Ministry of Environmental Protection decided to abolish 10 departmental rules and 121 pieces of normative documents. Below interpretation is extracted from MEP News Release for your reference and understanding.

#### **Q: what are the criteria for abolishing these rules and regulatory documents?**

Answer: According to the principle that an inferior law must comply with superior laws, Ministry of Environmental Protection shall abolish the following regulations and normative documents: first, the laws that are not conducive to steady growth, further reform, structural adjustment, and the improvement of people's livelihood; second, the laws whose main contents are against and conflict with the current effective laws and administrative regulations and the spirit; third, the laws with the obvious characteristics of the planned economy and without distinction between government and enterprises, government and institutions , and government and social organizations, not adapted to the requirements of socialist market economy and the World Trade Organization (WTO) rules, and undermining socialism market economy rules, and for other reasons that obviously cannot meet the needs of the reality; fourth, there are new regulations, or the laws do not need to continue the enforcement because the targeted objects have disappeared, the work tasks have been completed, or the application period has expired.

Taking into account the complementarity issue after the abolition, the regulations and documents that are not covered or link with the subsequent laws and regulations or relevant provisions are not included in the scope of the abolition.

#### **Q: which documents are normative documents?**

Answer: "Environmental protection normative documents" mainly refer to the repeatedly applicable documents with universal binding force. They are formulated and promulgated by Ministry of Environmental Protection (including the State Environmental Protection Administration, the National Environmental Protection Agency) according to the statutory authority and procedures in order to enforce the provisions of the environmental protection laws, regulations, rules and the State Council normative documents. They are concerned with the rights and obligations of the target persons of environmental protection management.

The State Council documents that are forwarded by the Ministry, the documents related to the development of internal management institutions, and documents on the inspection and deployment of specific tasks are not treated as normative documents in this round of straightening-out.



## Q: what rules have been abolished? Why have they been abolished?

**The Administrative Measures on Pollution Source Monitoring** issued on November 2, 1999 mainly provides the division of responsibilities, the pollution source monitoring network, monitoring requirements, supervision and management, data applications, legal liability etc. In 2007, the State Council issued the Measures for the Monitoring of Reduction of Total Amount of Major Pollutants, and pollution source monitoring became a part of the main pollutant emissions monitoring system construction and operation and was included in the total emission reduction assessment, to serve the overall emission reduction. In 2013, according to the actual situation and needs, Ministry of Environmental Protection issued the Measures for the Pollution Sources Supervisory Monitoring and Information Disclosure by the Enterprises under Intensive Monitoring and Control of the State (on trial) and Measures for the Self-Monitoring and Information Disclosure by the Enterprises under Intensive Monitoring and Control of the State (on trial) and the monitoring of key state enterprises self-monitoring and measures for the information disclosure of (on trial) , for further integration of standardized monitoring of pollution sources. The Environmental Protection Law revised in 2014 also put forward new requirements for the pollution source monitoring information. The relevant contents of the Administrative Measures for Pollution Source Monitoring have been replaced by the new regulations, which will not be implemented in practice.

**Measures for the Prevention and Control of Environment Pollution by Discarded Hazardous Chemicals** was released on August 30, 2005, with the main provisions on all aspects of environmental management requirements on the discarded hazardous chemical generation, storage, collection, transport, transfer, disposal and legal responsibility etc. Discarded hazardous chemicals are hazardous waste. Measures for the Prevention and Control of Environment Pollution by Discarded Hazardous Chemicals provides the management requirements on the discarded hazardous chemical, and the requirements are basically consistent with those made by Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Waste and the State Council issued the Measures for the Administration of Permit for Operation of Hazardous Wastes. In practice the superior law may be applied. In addition, according to the Measures for the Prevention and Control of Environment Pollution by Discarded Hazardous Chemicals, if discarded hazardous chemicals contaminate any site, the environment recovery plan shall be submitted to the environmental protection department at the county level or above for approval. There isn't any superior law that stipulates such approval, so the Decision of the State Council on Cancelling the Second Group of 152 Administrative Approval Items to be Approved by Local Governments as Designated by the Central Government (Guofa [2016] 9) canceled this item.

**Measures for the Administration of Treatment within a Prescribed Time Limit (on trial)** issued on July 8, 2009 has the main provisions on the circumstances for the treatment within time limit, the implementation protocols etc. Treatment within a prescribed time limit is a temporary and interim management system of environmental management in a specific period, which doesn't meet the requirements of the current environmental management. Environmental Protection Law revised in 2014 and the Air Pollution Prevention Law revised in 2015 provides to restrict and halt the production of pollutes for their illegal acts of discharging excessive amount of pollutants. Ministry of Environmental Protection introduced Measures for the Implementation by Competent Environmental Protection Departments of Restricting and Halting Production for Remediation (MEP Order 30) in December 2014, with more specific provisions on restricting and halting productions due to the illegal behaviors of discharging excessive amount of pollutants. The Measures may replace the Measures for the Administration of Treatment within a Prescribed Time Limit (on trial).

**Registration Measures for the Environmental Management of Hazardous Chemicals (on trial)** published on October 11, 2012 mainly provides the production and use of hazardous chemicals and the requirements of the environmental management registration and supervision of import and export of those chemicals. The Decision of the State Council on Cancelling the Second Group of 152 Administrative Approval Items to be Approved by Local Governments as Designated by the Central Government (Guofa[2016] 9) cancelled the core system of Registration Measures for the Environmental Management of Hazardous Chemicals (on trial), namely, "the issuance of environmental management registration certificate of dangerous chemicals". At present, the mode of environmental management of dangerous chemicals is being adjusted, and the measures are not suitable to continue to be implemented.

## Q: what are the reasons for the abolition of the 121 normative documents?

Answer: the abolished 121 documents can be roughly divided into the following categories: those with the main contents inconsistent with the provisions of the ongoing laws, administrative regulations and the spirits, such as Guidance on the Strengthening of Environmental Supervision and Management of Listed Companies; those that obviously do not meet the current management requirements or the needs of reality, such as the Notice on Issues about the Monitoring and Management of the Acceptance Check of Environmental Protection Facilities of Construction Projects; those replaced by the new regulations, such as "Notice on Strengthening the Management of the Environmental Impact Assessment Agencies and Personnel; those whose adjusted objects disappeared, such as the Notice on Clarifying Issues about "Radioisotopes and Radiation Safety License Management Measures"; those whose tasks have been completed or whose application period has expired and which need not to be valid any more, such as Notice on Further Strengthening the Implementation of the Automatic Monitoring Capacity Building Program of Key Pollution Sources in China.



# 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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