



China EHS Roundtable
中国环境、健康和安安全圆桌会议



China Environmental, Health, and Safety (EHS) Roundtable

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Regulatory and Policy Report

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This report provides EHS-related policy and regulatory developments and enforcement actions at the national and local levels in China from December 1 to December 31, 2019. The report also covers the regulations being proposed in December 2019.

Policy Documents

Highlights

- On December 26, 2019, Ministry of Ecology and Environment (MEE) issued the [Transcript of MEE Monthly Press Conference in December 2019](#) [生态环境部 12 月例行新闻发布会实录]. The conference focused on the reform of MEE "decentralization of service". The director of the Division of Comprehensive Department briefed on their work progress and achievements on the decentralization of service. Further, the officers responded to questions on environmental enforcement action and economic downturn; implementation of targeted, scientific pollution control; supervision in the event of "decentralization of service"; measures to support the green development of enterprises; pollution issues in Central and Southwest China; investigation on water pollution of the Weihe River in Tianshui, Gansu, and illegal sewage discharge by Luoyang enterprises in Henan, work progress on ecological environment protection and control in the Yellow River Basin; MEE's role in promoting environmental and economic policies and updates of drafting of the 14th Five-Year Plan for Ecological Environmental Protection.
- On December 20, 2019, Ministry of Transport issued a [circular on Implementing Administrative Measures on Safe Transportation of Dangerous Goods](#) [关于贯彻实施《危险货物道路运输安全管理办法》的通知]. Among other things, the Circular requires dangerous goods road transportation enterprises to fulfill their safe production responsibility, strengthen the education and training of their employees, focus on routine inspections, safety notifications, inspection records, equipment management and vehicle dynamic monitoring to ensure safety transportation of dangerous goods.

Other Policies

- [Circular on Printing and Distributing Guiding Opinions on Promotion of Green Development of API Industry](#) [关于印发《推动原料药产业绿色发展的指导意见》的通知](issued by Ministry of Industry and Information Technology January 2, 2020)

- [Circular on Carrying out the selection of water efficiency leader for key water enterprises in 2020](#) [关于组织开展 2020 年重点用水企业水效领跑者遴选工作的通知] (jointly issued by MIIT, NDRC and other agencies January 2, 2020)
- [Opinions on Establishing a "Good and Bad Evaluation" System of Government Services to Improve the Level of Government Services](#) [国务院办公厅关于建立政务服务“好差评”制度提高政务服务水平的意见] (issued by General Office of the State Council December 17, 2019)
- [National Air Quality Situation of November and January to November](#) [生态环境部发布 11 月和 1-11 月全国空气质量状况] (issued by MEE December 12, 2019)
- [Circular on Printing and Distributing Guidelines for the Health Protection of Air Pollution \(Haze\) Population](#) [关于印发空气污染(霾)人群健康防护指南的通知] (issued by National Health Commission December 10, 2019)
- [Circular on Regulating Government Information Disclosure Platform](#) [关于规范政府信息公开平台有关事项的通知] (issued by the State Council December 3, 2019)
- [Outline of the Yangtze River Delta Regional Integrated Development Plan](#) [中共中央、国务院印发《长江三角洲区域一体化发展规划纲要》] (issued by the CPC Central Committee and the State Council Issue December 1, 2019)

New Laws and Regulations

Highlights

- On December 31, 2019, MEE, Ministry of Commerce (MOFCOM) and General Administration of Customs jointly issued a [Catalogue of Strictly Restricted Toxic Chemicals in China \(2020 Version\)](#) [关于印发《中国严格限制的有毒化学品名录》(2020 年)的公告] and effective January 1 2020. The catalogue is based on China's ratifications of the Stockholm Convention, the Minamata Convention on Mercury and the Rotterdam Convention. The Catalogue lists eight categories of chemicals, and any importer or exporter of those chemicals shall apply for a clearance notice for environmental administration of import (export) of toxic

chemicals from MEE. An importer or exporter shall undergo import or export formalities at Customs with such clearance notice.

- On December 31, 2019, MOFCOM and the General Administration of Customs jointly issued [Catalogue of Commodities Subject to Import License \(2020\)](#) [进口许可证管理货物目录(2020年)] with the effective date of January 1, 2020. The commodities include ozone depleting substances and 13 types of used mechanical and electrical equipment.
- On December 27, 2019, MEE issued a [Circular on Doing a Good Job in the 2019 Annual Carbon Emission Report and Verification and Submitting the List of Key Emission Entities in the Power Generation Industry](#) [关于做好2019年度碳排放报告与核查及发电行业重点排放单位名单报送相关工作的通知] with the same effective date. According to the Circular, the entities subject to 2019 annual carbon emission reporting and verification are those that generated an annual greenhouse gas emissions of 26,000 tons of carbon dioxide equivalent (comprehensive energy consumption of about 10,000 tons of standard coal) and above in any year of 2013-2019 in petrochemical, chemical, building materials, iron and steel, nonferrous metals, papermaking, power, aviation and other key emission industries. Those entities are required to submit the carbon emission report by March 31, 2020.
- On December 26, 2019, Ministry of Emergency Management issued a [Circular on Printing and Distributing Guidance on Emergency Preparation for Production Safety Accidents of Hazardous Chemical Enterprises](#) [关于印发《危险化学品企业生产安全事故应急准备指南》的通知] with the same effective date. This Guidance is applicable to emergency preparations carried out by hazardous chemical production, use, operation, and storage enterprises, and can also be used by the emergency management department of governments at all levels to supervise and inspect hazardous chemical enterprises' emergency preparations. This guidance specifies the main contents of all elements of emergency preparation. The detailed information in the attached "Worksheet for Emergency Preparedness for Production Safety Accidents of Dangerous Chemical Enterprises" set out the minimum requirements for emergency preparations for safe production accidents of hazardous chemical companies.
- On December 23, 2019, MEE issued a [Circular on Printing and Distributing the List of Major Changes in Construction Projects in Five Industries](#) [关于印发淀粉等五个行业建设项目重大变动清单的通知] with the same effective date. According to EIA laws, a new EIA report is required if there are any major changes

in the construction project, this Circular identifies “major changes” in terms of scales, construction location, techniques and environmental protection measures in starch, water treatment, fertilizer manufacturing, magnesium and titanium smelting and nickel, cobalt, tin, antimony, and mercury smelting construction projects.

- On December 20, 2019, MEE issued an [Inventory of Fixed Pollution Sources Subject to Classified Management](#) [固定污染源排污许可分类管理名录(2019)] with the same effective date. According to the Inventory, pollutant discharge entities are classified into three management systems, i.e. key management, simplified management and registration management based on the amount of pollutants generated, emitted and impacts on the environment. The Inventory specifies the criteria for the classification in each industry. For those entities subject to registration management, no discharge permit is required; however, a disclosure obligation is imposed on those entities.
- On December 17, 2019, MEE issued a Circular on Printing and Distributing [Guidelines for Review of the Investigation, Risk Assessment, Risk Management and Control, and Evaluation of Remediation Effect Reports of Soil Pollution on Construction Land](#) [关于印发《建设用地土壤污染状况调查、风险评估、风险管控及修复效果评估报告评审指南》的通知] with the same effective date. These guidelines apply to the review of the report of investigation, risk assessment, risk management and control and evaluation of remediation effect on soil pollution on construction land or change of use of construction land to residential, public management, and public service land. The Guidelines specify the review principles, criteria, process and timing.

Other Measures

- [Guiding Opinions on Regulating the Exercise of Administrative Sanction Discretion on Market Supervision](#) [关于规范市场监督管理行政处罚裁量权的指导意见](issued by the State Administration for Market Regulation January 2, 2020 and effective the same date)
- [Conditions for comprehensive utilization of new energy vehicle waste power batteries \(2019 Version\) and Interim Measures on Management of Announcement of Conditions for comprehensive utilization of new energy vehicle waste power batteries \(2019 Version\)](#) [新能源汽车废旧动力蓄电池综合利用行业规范条件(2019 年本)] 《新能源汽车废旧动力蓄电池综合利用行业规范

公告管理暂行办法(2019 年本)》] (issued by MIIT January 2, 2020 and effective the same date)

- [Regulation on the Implementation of the Foreign Investment Law](#) [中华人民共和国外商投资法实施条例] (issued by the State Council December 31, 2019 and effective January 1, 2020)
- [Announcement on Publishing fifteen national environment standards e.g. Water Quality – Determination of Acute toxicity – Zebrafish \(Danio Rerio\) Eggs Method](#) [关于发布《水质急性毒性的测定斑马鱼卵法》等十五项国家环境保护标准的公告](issued December 31, 2019 and the standards take effective June 30, 2020)
- [Measures on Investment Information Reporting for Foreign Investors](#) [外商投资信息报告办法] (issued by MFCOM December 30, 2019 and effective January 1, 2020)
- [Announcement on Adjusting Commercial Encryption Products](#) [关于调整商用密码产品管理方式的公告](jointly issued by National Encryption Administration and the General Administration of Market Supervision December 30, 2019 and effective the same date)
- [Forest Law of the People's Republic of China \(2019 Revision\)](#) [中华人民共和国森林法(2019 修订)](issued by the Standing Committee of People's Congress December 28, 2019 and effective July 1, 2020)
- [Interpretation of the Supreme People's Court on Several Issues concerning the Application of the Foreign Investment Law](#) [最高人民法院关于适用《中华人民共和国外商投资法》若干问题的解释](issued by the Supreme People's Court December 27, 2019 and effective January 1, 2020)
- [Announcement on Adjusting Catalogue of Commodities subject to Import/export Inspection](#) [关于调整实施检验的进出口商品目录的公告] (issued by GAC December 26, 2019 and effective January 1, 2020)
- [Announcement on Publishing Eleven National Environmental Standards, e.g. Technical Specification of Wastewater Monitoring](#) [关于发布《污水监测技术规范》等十一项国家环境保护标准的公告](issued by MEE December 24, 2019 and effective March 23, 2020)

- [**Announcement on Publishing National Environmental Standard Technical Guidelines for planning environmental impact assessment – general principles**](#) [关于发布国家环境保护标准《规划环境影响评价技术导则 总纲》的公告] (issued by MEE December 13, 2019 and effective March 1, 2020)
- [**Circular on Doing a Good Job in Work Injury Insurance for Key Industries of Pneumoconiosis**](#) [关于做好尘肺病重点行业工伤保险有关工作的通知] (issued by National Health Commission December 10, 2019 and effective the same date)
- [**Announcement on Printing and Distributing Technical specifications for Discharge Permit Application and Verification – Biological pharmaceutical products manufacturing, Chemical pharmaceutical products manufacturing, Chinese Patented drug manufacturing, Tanning and fur processing industry-fur processing industry and Printing industry**](#) [关于发布《排污许可证申请与核发技术规范 制药工业—生物药品制品制造》《排污许可证申请与核发技术规范 制药工业—化学药品制剂制造》《排污许可证申请与核发技术规范 制药工业—中成药生产》《排污许可证申请与核发技术规范 制革及毛皮加工工业—毛皮加工工业》《排污许可证申请与核发技术规范 印刷工业》等五项国家环境保护标准的公告] (issued by MEE December 6, 2019 and effective the same date)
- [**Announcement on Publishing National Environmental Standards, e.g. Technical Guidelines for investigation on soil contamination of land for construction**](#) [关于发布《建设用地土壤污染状况调查技术导则》等 5 项国家环境保护标准的公告] (issued by MEE December 6, 2019 and the standard will be effective January 1, 2020)
- [**Official Reply of the Supreme People's Court and the Supreme People's Procuratorate on Whether the Pre-litigation Public Announcement Procedures Shall Be Performed for a Civil Public Interest Litigation Incidental to Criminal Proceedings Filed by a People's Procuratorate**](#) [最高人民法院、最高人民检察院关于人民检察院提起刑事附带民事公益诉讼应否履行诉前公告程序问题的批复] (issued by the Supreme People's Court and the Supreme People's Procuratorate December 6, 2019 and effective the same date)
- [**Circular on Printing and Distributing Technical Regulations for Surface Water and Groundwater Environmental Background Determination \(Interim\)**](#) [关于印发《地表水和地下水环境本底判定技术规定(暂行)》的通知] (issued by MEE December 4, 2019 and effective the same date)

- [Interim Measures on Market Supervision , Management and Enforcement](#) [市场监督管理总局执法监督暂行规定] (issued by Market Supervision Administration December 2, 2019 and effective April 1, 2020)

Enforcement Actions and Policies

Highlights

- On December 16, 2019, MEE issued a [Letter on Problems Identified in the review of the EIA documents in the second half of 2018 and the first quarter of 2019 and relevant opinions](#) [关于 2018 年下半年和 2019 年第一季度环评文件复核发现问题及处理意见的函]. From July 2018 to March 2019, MEE reviewed 308 EIA reports coming from 28 provinces and identified six EIA reports with issues, mainly incomplete descriptions of construction projects, missing environmental protection goals or misstatement of location of construction projects, incomplete environmental impact prediction and evaluation, and lack of environmental protection measures. The EIA drafting entities and personnel were subject to administrative sanctions.
- On December 16, 2019, MEE released a [Circular on printing and distributing typical ecological enforcement cases](#) [关于印发生态环境执法典型案例基本情况并对办案单位予以表扬的通知]. The Circular include six cases:
 - 1) a falsification of environmental monitoring data by a third-party monitoring agency in Chongqing;
 - 2) case of tampering and falsification of monitoring data by a company in Xichang, Sichuan Province;
 - 3) illegally dumping waste acid and polluted the environment to the Xijing River in Changzhou by an environmental technology company;
 - 4) illegal transferring and dumping of hazardous wastes by Zhang and other persons in Lin'an District, Hangzhou City, Zhejiang Province;
 - 5) environmental pollution case of a soil refinery processing company in Neikeng Town, Quanzhou City, Fujian Province and
 - 6) excessive wastewater discharge by a wastewater treatment plant in Minqin County, Wuwei City, Gansu Province.
- On December 12, 2019, Ministry of Ecology and Environment released [a status report on processing national "12369" environmental reporting hotlines in November 2019](#) [生态环境部通报 2019 年 11 月全国“12369”环保举报办理情

况]. According to the Report, National 12369 Environmental Protection Reporting platform received 35,182 case reports, a decrease of 15.9% in comparison with last month and a decrease of 32% in comparison with November 2018. Air pollution (51.5%), noise pollution (40.6%), and water pollution (5.6 %) are the top three areas for the reporting.

- On December 5, 2019, [MEE released supervision on Tianjin Chuangye Environmental Protection Co.](#) [关于解除天津创业环保股份有限公司咸阳路污水处理厂挂牌督办的通知]. Tianjin Chuangye Environmental Protection Co. was one of the 26 entities subject to supervision for its excessive discharge of waste pollutants. MEE released its supervision after on-site inspection, verification of automatic monitoring data and confirmation of the compliance of the company.

Other National Enforcement Actions & Reports

- [Circular on further strengthening EIA management in the oil and gas industry](#) [关于进一步加强石油天然气行业环境影响评价管理的通知] (issued by MEE December 13, 2019)
- [Circular on Carrying out Centralized Safe Production](#) [关于开展安全生产集中整治有关问题的通知](issued by Ministry of Nature Resources December 12, 2019)
- [Notification of "12·3" Sewage Tank Collapse Incident of Longning Printing and Dyeing Co., Ltd., Haining City, Zhejiang Province](#) [浙江省海宁市龙洲印染有限责任公司“12·3”污水罐体坍塌事故的通报] (issued by MEM December 12, 2019)
- [Circular on Releasing the Supervision on Guizhou Province for its Special Action against solid waste violations](#) [关于解除贵州省打击固体废物环境违法行为专项行动中挂牌督办问题的通知] (issued by MEE December 5, 2019)

Proposed Laws and Regulations

Highlights

- On December 30, 2019, MEE issued a [Circular on Soliciting National Inventory of Hazardous Wastes \(Second draft for comments\)](#) for public comments [关于公开征求《国家危险废物名录（修订稿）》（二次征求意见稿）意见的通知] and

the deadline for submission of comments February 3, 2020. In comparison with 2016 version, the proposed Catalogue made seven main changes. It adjusted the management system for waste hazardous chemicals. It adjusted the exemption management of hazardous chemicals in domestic wastes. It also changed the exemption management of pesticide packaging in the recycling process. The draft adjusted the management of hazardous wastes related to coal coking. It adjusted the management of hazardous wastes related to copper, lead, aluminum and zinc smelting. Finally, it clarified the applicable scope of several wastes and clarifying the meaning of Hazardous characteristic code.

Other Measures

- [**Letter on Soliciting Opinions on Technical requirement for environmental labeling products — Pen**](#) [关于征求国家环境保护标准《环境标志产品技术要求 笔（征求意见稿）》意见的函] (issued by MEE December 20, 2019 and January 20, 2020)
- [**Letter on Soliciting Opinions on Ambient Air Measurement of Gamma Radionuclides in Aerosol Gamma spectrometry Method**](#) [关于征求《生态环境损害鉴定评估技术指南 地表水与沉积物（征求意见稿）》意见的函] (issued by MEE December 16, 2019 and the deadline for submission of opinions January 13, 2020)
- [**Letter on Soliciting Opinions on Two Technical Documents, including the Technical Guideline for Anti-seepage of Groundwater Pollution Sources \(Trial\) \(Consultation Draft\)**](#) [关于征求《地下水污染源防渗技术指南（试行）（征求意见稿）》等2项技术文件意见的函](issued by MEE December 3, 2019 and the deadline for submission of opinions December 16, 2019)

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Beveridge & Diamond helps companies identify, understand, and comply with the expanding body of international, national, and sub-national environmental laws in China. The China EHS Roundtable gives multinational companies with interests in China a forum through which the companies learn about China's rapidly expanding environmental, health, and safety (EHS) regulations; manage enforcement risks; and ultimately advance EHS compliance, supply chain management, and sustainable development in China. Please contact [Weiwei Luo](mailto:wluo@bdlaw.com) (wluo@bdlaw.com, 202-789-6005) with questions.

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