



China EHS Roundtable
中国环境、健康和安全圆桌会议



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 January 1 to January 31, 2020. The report also covers the regulations being proposed in January 2020.

Policy Documents

Highlights

- On January 31, 2020, Ministry of Ecology and Environment issued an [Emergency Surveillance plan in response to novel coronavirus disease](#) [生态环境部印发应对新型冠状病毒感染肺炎疫情应急监测方案]. The Plan clarified that the focuses of the ecological environment emergency monitoring during the epidemic are environmental quality monitoring of air & surface water and early warning monitoring of drinking water sources.
- On January 22, 2020, Ministry of Emergency Management (MEM) issued an [Information Disclosure Report 2019](#) [应急管理部 2019 年政府信息公开工作报告]. In 2019, MEM issued and disclosed three administrative decrees and 60 administrative documents as well as granted 87 administrative approvals and 1,472 government procurement projects accounting for approximate 0.1 billion RMB. Further, MEM received 68 applications on the request of disclosure, of which 18 applications have been approved.
- On January 22, 2020, MEE issued a [Circular on Doing a Good Job in Cleanup and Rectification of Pollutant Discharge Permits for Fixed Pollution Sources and Registration of Pollutant Discharge Permits in 2020](#) [关于做好固定污染源排污许可清理整顿和 2020 年排污许可发证登记工作的通知]. The Circular specified job tasks, requirements, contents, schedule and protective measures of cleanup, rectification and registration of pollutant discharge permits work. With regard to entities with discharging issues, the local ecological and environmental bureaus are required to, in accordance with the rectification commitments of the polluting entities: issue a notice of rectification within the pollution period (three months to one year), give reasonable rectification periods, strengthen assistance guidance, guide the polluting entities to regulate their discharge behavior, and create conditions for promoting the compliance. Further, the Circular specified that the cleanup and rectification of fixed pollution sources shall be completed by the end of April 2020 and the new issuance of discharge permit shall be completed by September 2020.
- On January 19, 2020, MEE and National Development Reform and Commission jointly issued an [Opinion on Further Strengthening Plastics Prevention and Control](#) [关于进一步加强塑料污染治理的意见]. The opinion builds up a management system for plastic products production, distribution, consumption

and recycling. The opinion explicitly states the prohibition of the production and sale of products including ultra-thin plastic bags with a thickness of less than 0.025 mm and polyethylene agricultural mulch with a thickness of less than 0.01 mm. By the end of 2020, the production and sale of disposable foam plastic tableware, disposable plastic cotton swabs, and the production of daily chemical products containing plastic microbeads will also be phased out. Further, by the end of 2020, non-degradable plastic bags will be forbidden in key cities, and the implementation will be gradually expanded nationwide in 2022 and 2025. At the end of 2020, disposable plastic straws will be banned in the catering industry across the country; disposable plastic tableware banned in key cities and expanded further in 2022. By the end of 2022, star-rated hotels should no longer actively provide disposable plastic supplies. By the end of 2025, all hotels and home-stay businesses will have to follow. By the end of 2022, key provinces and cities such as Beijing, Shanghai, Guangdong, Fujian, Zhejiang, Jiangsu and others, are prohibited from using disposable plastic packaging bags and woven bags for express delivery, and by the end of 2025, nationwide express delivery outlets will follow.

- On January 17, 2020, MEE issued the [Transcript of MEE Monthly Press Conference in January 2020](#) [生态环境部 1 月例行新闻发布会实录]. The conference briefed the key work focuses of MEE in the recent months, which include the water and air protection work arrangement of MEE; enforcement planning and accountability system construction; and evaluation of solid waste imports in 2019. Further, the division chief of Water Ecology and Environment Department recalled the “water protection” achievements in 2019 and implementation of “water pollution control action plan”. Further, the officers responded to questions on: the implementation of Yangtze River Action Plan for Protection and Restoration; the measures to resolve and dissolve phosphogypsum; MEE considerations for river and lake protection; the implementation of China's Biodiversity Conservation Strategy and Action Plan; planned enforcement actions on industrial parks; the specific plans for urban black and odorous water treatment in 2020 and beyond; special enforcement action on ODS and measures and arrangement plan on supervisory inspection .
- On January 12, 2019, [Minister Li gave a speech at the National Conference on Ecological Environmental Protection in 2020](#) [生态环境部部长在 2020 年全国生态环境保护工作会议上的讲话] to summarized the work achievements of MEE in year 2019, analyze the issues and challenges in environmental protection, and specify the key work of MEE in 2020. In particular, 7 of 9 targets (e.g. water, air, waste, ecological restoration, radioactive safety supervision and environmental

risk mitigation etc.), which were set to be completed by 2020 in the 13th Five-Year Plan, were accomplished in 2019. Further, in 2019, MEE continued the decentralization of administrative approval for construction projects, supported green development of private enterprises, and strengthened the ecological and environmental poverty alleviation program. In addition, MEE accelerated the modernization of the ecological environment governance system and governance capabilities by deepening institutional reform in the ecological environment field, improving the regulatory system and further promoting regulatory supervision, regulating the enforcement power and process and completing the monitoring system. For year 2020, Minister Li emphasized the main work focuses: continuation of “blue sky” and “green water” campaigns, promotion of “clean land” campaign, addressing climate change, continuation of the second round of regulatory supervision and special supervision.

Other Policies

- **[Urgent Circular on Organizing the Resumption of Operation and Scheduling of Key Material Production Enterprises for Epidemic](#)** [关于组织做好疫情防控重点物资生产企业复工复产和调度安排工作的紧急通知] (issued by the General Office of the State Council January 31, 2020)
- **[Circular on Further Improving the Prevention and Control of Pneumonia Epidemic Situation of New Coronavirus Disease](#)** [关于进一步做好新型冠状病毒感染的肺炎疫情防控工作的通知] (issued by Ministry of Human Resources and Social Security January 30, 2020)
- **[Circular on Properly Handling Labor Relations during the Prevention and Control of the Outbreak of Novel Coronavirus Pneumonia](#)** [人力资源社会保障部办公厅关于妥善处理新型冠状病毒感染的肺炎疫情防控期间劳动关系问题的通知](issued by Ministry of Human Resources and Social Security January 27, 2020)
- **[Circular on Improving the Replacement of Steel Production Capacity and Project Registration](#)** [关于完善钢铁产能置换和项目备案工作的通知] (jointly issued by Ministry of Industry and Information Technology and National Development and Reform Commission January 23, 2020)
- **[Circular on Printing and Distributing Major Work Plan for Industrial Energy Conservation Supervision in 2020](#)** [关于印发《2020 年工业节能监察重点工作计划》的通知] (issued by Ministry of Industry and Information Technology January 17, 2020)

- [Guiding Opinions on Establishing Joint Prevention and Control Mechanism for Emergent Water Pollution Incidents](#) [关于建立跨省流域上下游突发水污染事件联防联控机制的指导意见]
- [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)

New Laws and Regulations

Highlights

- On January 17, 2020, the State Administration for Market Regulation issued [Measures for the Administration of Local Standards \(2020\)](#) [地方标准管理办法(2020)] with the effective date of March 1, 2020. These Measures are applicable to the formulation, organization, implementation and supervision of local standards. All the local standards shall be recommendatory. Per the Measures, the technical requirements of local standards shall not be lower than the relevant technical requirements of compulsory national standards. Local standards that set out product quality and testing methods with the intention to exclude and restrict market competition and to obstruct the free flow of goods and services shall be prohibited.
- On January 13, 2020, the State Administration for Market Regulation issued [Measures for the Administration of Mandatory National Standards](#) [强制性国家标准管理办法] with the effective date of June 1, 2020. These Measures shall apply to the development (including project proposing, project initiation, drafting, request for comments, technical review, public notification, numbering, and issuance approval), organization and implementation, and supervision of mandatory national standards. According to the Measures, the coding of mandatory national standards is made up of the national standard code (GB), the serial number and the approval year. The text of mandatory national standards will be available through the National Mandatory Standard Information Public Service Platform free of charge 20 days after their promulgation.

- On January 9, 2020, the [People's Supreme Court announced Typical Cases of Judicial Protection of Ecological Environment in the Yangtze River Economic Belt](#) [长江经济带生态环境司法保护典型案例] with the same effective date. According to the announcement, a total of 42,230 criminal cases, 112,265 civil cases, 75,591 administrative cases, 2,945 public interest litigation cases, and 58 ecological environment damage compensation cases involving ecological environmental protection in the Yangtze River Economic Belt had been tried by the end of 2019. Of the 10 typical cases released at this press conference, 7 were criminal cases of illegally discharging pollutants to the Yangtze River, 1 was an administrative case, 1 was a public interest case, and 1 was an ecological and environmental damage compensation case.
- On January 6, 2020, MEE issued a [Circular on Printing and Distributing Work Guidance on Registration of Pollutant Discharge of Fixed Pollution Sources](#) [关于印发《固定污染源排污登记工作指南（试行）》的通知] with the same effective date. According to the Guidance, this registration is applicable to the enterprises, institutions and other production operators that generate and discharge a small amount of pollutants with minor impact on the environment and do not need to apply for a pollution discharge permit in accordance with the law but are still subject to reporting obligations. The registration form should be filed online (<http://permit.mee.gov.cn/permitExt>) and an automatic registration number will be created after filing. The registration is valid for five years from the date of filing. Any change of information, the entities can make a change of registration within 20 days.
- On January 3, 2020, MEE issued an [Announcement on Supplementing the "Inventory of Existing Chemical Substances in China"](#) [关于增补《中国现有化学物质名录》的公告] with the same effective date. A total of 47 chemical substances were added into Inventory of Existing Chemicals according to the Environmental Management Measures on New Chemical Substances.

Other Measures

- [Guide for Emergency Disposal Management and Technology of Medical Wastes of Novel Coronavirus Disease \(Trial\)](#) [《新型冠状病毒感染的肺炎疫情医疗废物应急处置管理与技术指南(试行)》](issued by MEE January 28, 2020 and effective the same date)
- [Announcement on Issuing Catalogue of Advanced Technologies for Pollution Prevention and Control \(Water Pollution Prevention and Control\)](#)

[关于发布 2019 年《国家先进污染防治技术目录（水污染防治领域）》的公告]
(issued by MEE January 17, 2020 and effective the same date)

- [**Announcement on Publishing Technical Policy on Pollution Prevention and Control in Gold Industry**](#) [关于发布《黄金工业污染防治技术政策》的公告](issued by MEE January 15, 2020 and effective the same date)
- [**Announcement on Publishing 7 National Environmental Protection Standards - Technical specifications for arsenic - containing solid waste stabilization and other six standards**](#) [关于发布《砷渣稳定化处置工程技术规范》等 7 项国家环境保护标准的公告] (issued by MEE January 14, 2020 and the standard take effective the same date)
- [**Announcement on Publishing National Environmental Protection Standard - Specification for Management of ecological and environmental archives ecological and environmental monitoring**](#) [关于发布国家环境保护标准《生态环境档案管理规范 生态环境监测》的公告] (issued by MEE January 13, 2020 and the standard take effective April 1, 2020)
- [**Announcement on Publishing National Environmental Protection Standard - Guideline on available techniques of pollution prevention and control for printing industry**](#) [关于发布国家环境保护标准《印刷工业污染防治可行技术指南》的公告](issued by MEE January 8, 2020 and the standard take effective the same date)
- [**Announcement on Publishing National Environmental Protection Standards -- Self-monitoring technology guidelines for pollution sources in Wastewater Treatment, food manufacturing, wine/beverage manufacturing, coating, Paints and ink manufacturing and Phosphatic, potassic, compound, organic and microbial fertilizer industries**](#) [关于发布《排污单位自行监测技术指南 水处理》等六项国家环境保护标准的公告] (issued by MEE January 8, 2020 and the standards take effective April 1, 2020)
- [**Notice on Doing a Good Job in Environmental Impact Assessment and Sewage Permit Management for "Three Phosphorus" Construction Projects**](#) [关于做好“三磷”建设项目环境影响评价与排污许可管理工作的通知](issued by MEE January 3, 2020 and effective the same date)

Enforcement Actions and Policies

Highlights

- On January 23, 2020, MEE released [a status report on processing national "12369" environmental reporting hotlines in December 2019](#) [生态环境部公布 2019 年 12 月全国“12369”环保举报办理情况]. According to the Report, the National 12369 Environmental Protection Reporting platform received 34,725 case reports, a decrease of 1.3% in comparison with last month and a decrease of 9.4% in comparison with December 2018. Air pollution (50.4%), noise pollution (40.0%), and water pollution (12.9%) are the top three areas of reporting.
- On January 20, 2020, [Taizhou Wangneng Renewable Resources Utilization Co., Ltd. was investigated and penalized for its false labeling of automatic monitoring data](#) [台州旺能再生资源利用有限公司自动监测数据虚假标记被查处]. This is the first illegal case of “false labeling” since the implementation of the new policy for the supervision of the waste incineration industry. The Taizhou Ecological and Environmental Bureau ordered the company to rectify their illegal acts and imposed a fine in accordance with the provisions of Article 99 of the Air Pollution Prevention and Control Law and Article 13 of the Regulations on the Application of Automatic Monitoring Data for Domestic Waste Incineration Power Plants.
- On January 20, 2020, MEE issued a [Circular to release its supervisions on 2 key discharging entities in Hebei and Shan'xi Provinces](#) [关于解除河北、山西等 2 家重点排污单位挂牌督办的通知]. Luancheng District Sewage Treatment Plant and Shanxi Jianlong Industry Co., Ltd were identified as entities subject to key supervisions in 2019. MEE released its supervision on those two companies after on-site inspection, verification of automatic monitoring data and confirmation of the compliance of the companies.
- On January 2, 2020, MEE issued a [circular to release the supervisions on Zipu County Sewage Treatment Plant and Hainan Water Investment Co., Ltd. Ding'an Sewage Treatment Plant](#) [关于解除资源县污水处理厂合浦桥分厂和海南水务投资有限公司定安县污水处理厂挂牌督办的通知]. Zipu County Sewage Treatment Plant was one of the 26 entities subject to supervision for its excessive discharge of waste pollutants in 2018. Hainan Water Investment Co., Ltd. Ding'an Sewage Treatment Plant was one of the six entities subject to supervision for its excessive discharge of waste pollutants in 2019. MEE released its supervision of

these two companies after on-site inspection, verification of automatic monitoring data and confirmation of the compliance of the companies.

- 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

- [Report on the special inspection of the black and odorous waters in 2019 \(second stage\)](#) [关于 2019 年统筹强化监督（第二阶段）黑臭水体专项核查情况的通报] (issued by MEE January 16, 2020)
- [Circular on Listing Supervision on Major Production Safety Accidents](#) [重大生产安全事故查处挂牌督办通知书] (issued by MEM January 3, 2020)

Proposed Laws and Regulations

Other Measures

- [Letter on Soliciting Opinions on Technical specification for application and issuance of pollutant permit General water treatment \(Draft for comments\)](#) [关于征求《排污许可证申请与核发技术规范 水处理通用工序（征求意见稿）》国家环境保护标准意见的函] (issued by MEE January 21, 2020 and the deadline for submission of opinions February 23, 2020)
- [Letter on Soliciting Opinions on Inventory of Various Chemicals subject to Monitoring and Control \(Revised Draft\)](#) [公开征求对《各类监控化学品名录》（修订征求意见稿）的意见] (issued by MEM January 9, 2020 and the deadline for submission of opinions February 10, 2020)

- [Letter on Soliciting Opinions on projects of revision six mandatory standards, e.g. Limits of hazardous substances for construction adhesives](#) [公开征集对《建筑用胶粘剂有害物质限量》等 6 项强制性国家标准计划项目的意见] (issued by MIIT January 3, 2020 and the deadline for submission of opinions February 10, 2020)

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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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