



China EHS Roundtable
中国环境、健康和安安全圆桌会议



China Environmental, Health, and Safety (EHS) Roundtable

中国环境、健康和安安全圆桌会议

Regulatory and Policy Report

December 2020 Report

Beveridge & Diamond, P.C.

Contacts:

Weiwei Luo, wluo@bdlaw.com

Paul Hagen, phagen@bdlaw.com

Russ LaMotte, rlamotte@bdlaw.com

Aaron Goldberg, agoldberg@bdlaw.com

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, 2020. The report also covers the regulations being proposed in December 2020.

Policy Documents

Highlights

- On December 29, 2020, the Ministry of Ecology and Environment (MEE) issued the [Transcript of MEE Monthly Press Conference in December 2020](#) [生态环境部 12 月例行新闻发布会实录]. The conference briefed on the key works of MEE in December, which focused on drafting Guiding Opinions on Coordinating and continuously improving ambient air quality in key areas in autumn and winter and releasing and implementing "Ecological Protection Red Line Supervision Index System (Trial)." Further, the conference summarized and reviewed the progress of ecological environmental protection work in 2020, and introduced the overall consideration of the "14th Five-Year" ecological environmental protection plan. In particular, according to Director Xu of the Comprehensive Department of MEE, the goals and tasks of the Battle for Pollution Prevention and Control were successfully completed in 2020, the quality of the ecological environment was significantly improved, and the people's awareness of ecology and the environment was significantly enhanced. The 9 binding indicators were exceeded, and the 2020 promised target of carbon emission intensity promised was completed ahead of schedule. For year 2021, environmental protection work will focus on promoting high-quality economic development with high-level protection of the environment, improving the quality of the environment as the core, and promoting the governance of the source of the environment, systematic governance, and overall governance. Additionally, environmental protection work will prioritize adhering to the precise, scientific, and legal control of pollution, and intensify the fight against pollution, improving the environment management system, and promoting new breakthroughs in key areas. Moreover, Director Xu answered the questions from press on the following topics: updates the achievement of "blue sky, clear water and pure land" campaign; next steps to implement a more accurate and effective normalized epidemic prevention and control system related environmental protection work; the important developments in environmental economic policies and future trends; supporting policies for green development of private enterprises; adjustments of centralized supervisory inspection under COVID-19 pandemic; progress in the ecological and environmental protection of the Yellow River Basin; and key actions in the 14th five year plan.
- On December 28, 2020, the safe production committee of the State Council finalized [Circular on Printing and Distributing Work Allocations among](#)

Members of the Work Safety Committee of the State Council [关于印发《国务院安全生产委员会成员单位安全生产工作任务分工》的通知]. According to the Circular, the Ministry of Emergency Management ("MEM") is the leading agency responsible for implementation, supervision and management of national safe production as well as enforcement activities. In particular, the MEE is responsible for the supervision and management of nuclear and radiation safety, as well as waste hazardous waste collection, storage and disposal. Further, the MEE shall guide and coordinate local governments to carry out emergency response, early warning, and disposal of secondary environmental pollution from production safety accidents, and other related environmental emergencies. MEE will also guide and urge local and relevant enterprises to carry out safety risk assessments, hidden danger investigations, and management of key environmental protection facilities and project organizations.

- On December 19, 2020, MEM issued a **checklist of items requiring third-party services** [要求企业接受第三方服务事项清单]. The checklist includes 16 items requiring third-party services, e.g. safety evaluation of hazardous chemical construction projects; evaluation of safe production status of hazardous chemical enterprises; hazardous chemicals registration; and identification and classification of chemical physical hazards..

Other Policies

- **Circular on Printing and Distributing Catalogue of Promoted Green Technologies** [关于印发《绿色技术推广目录(2020年)》的通知 (issued by National Development and Reform Commission December 31, 2020)]
- **Circular on Strengthening the Supervision and Management of Regional Reduction Measures for Construction Projects in Key Industries** [关于加强重点行业建设项目区域削减措施监督管理的通知] (issued by MEE December 31, 2020)
- **Circular on Doing a Good Job in Safeguarding the Ecological Environment at the End of the New Year** [关于做好岁末年初生态环境安全保障工作的通知] (issued by MEE December 31, 2020)
- **Investigation report on the implementation of the "Resolution of the Standing Committee of the National People's Congress on Comprehensively Strengthening Ecological Environment Protection and Promoting Pollution Prevention and Control in accordance with the Law"** [关于《全国人民代表大会

常务委员会关于全面加强生态环境保护依法推动打好污染防治攻坚战的决定》落实情况调研报告] (issued by the Special Investigation Group of the Standing Committee of the National People's Congress December 23, 2020).

New Laws and Regulations

Highlights

- On December 31, 2020, MEE issued an [Announcement on Regulating Import Management of Recycling Materials for Iron and Steel](#) [关于规范再生钢铁原料进口管理有关事项的公告] with the effective date January 1, 2021. According to the Announcement, recycling materials for iron and steel that meet the standards of "Recycling Materials for Iron and Steel" (GB/T 39733-2020) are identified as non-waste and can therefore be imported. Non-conforming recycling materials for iron and steel will be banned.
- On December 31, 2020, MEE issued [Administrative Measures on National Carbon Emission Right Trading \(Trial\)](#) [全国碳排放权交易管理办法（试行）] with an effective date of February 1, 2021. These Measures apply to national carbon emission rights trading and related activities, including carbon emission quota allocation and payment, carbon emission rights registration, trading, settlement, greenhouse gas emission reporting and verification activities, and the supervision and management of the foregoing activities. The key discharge entities refer to those in the industries covered by the national carbon emission trading market and those with annual greenhouse gas emissions that reach 26,000 tons of carbon dioxide or equivalent. Trading products include carbon emissions and other new trading products introduced by MEE.
- On December 31, 2020, MEE issued a [Circular on Promoting the Informatization of Environmental Management of Hazardous Waste](#) [关于推进危险废物环境管理信息化有关工作的通知] with the same effective date. According to the Circular, a solid waste management information system will be the platform for hazardous waste management plan registration, reporting, hazardous waste transfer, annual reporting of hazardous waste certification holders, and approval for hazardous waste export. The information system is intended to promote the orderly process monitoring and information traceability in the production, collection, storage, transfer, utilization, and disposal of hazardous waste. Among other things, the Circular specifies that beginning in

2021, entities generating more than 10 tons of hazardous wastes in the previous year are required to submit information on hazardous wastes categories, amount, flow, storage and disposal from the previous year. These entities must also register their hazardous waste management plan in the platform every year by March 31.

- On December 30, 2020, MEE, Ministry of Commerce and the General Administration of Custom issued [Catalogues of Commodities Subject to Import Ban \(Seven Batch\) and Export Ban \(Six Batch\)](#) [公布《禁止进口货物目录（第七批）》和《禁止出口货物目录（第六批）》] with the effective date of January 1, 2021. Catalogues of commodities subject to the import ban and export ban include 75 commodities, covering certain chemicals, batteries, relays, fluorescent lamps, etc.
- On December 30, 2020, MOFCOM and GAC jointly issued a [Catalogue of Commodities subject to Import Licensing Management](#) [《进口许可证管理货物目录（2021年）》] with the effective date January 1, 2021. The commodities listed in the Catalogue include ozone depleting substances and 13 types of used mechanical and electrical products.
- On December 29, 2020, the Supreme People’s Court issued [Revisions on Interpretation of Applicable Laws on Environmental Tort Cases, Several Provisions on Trial of Cases of Compensation for Ecological Environment Damage \(Trial\) and Interpretation of Applicable Laws on Environmental and Civil Public Interests Litigation cases](#) [最高人民法院关于审理环境侵权责任纠纷案件适用法律若干问题的解释(2020 修正), 最高人民法院关于审理生态环境损害赔偿案件的若干规定(试行)(2020 修正), 最高人民法院关于审理环境民事公益诉讼案件适用法律若干问题的解释(2020 修正)] with the effective date of January 1, 2021. These revisions intend to reflect the newly effective China Civil Code.
- On December 27, 2020, the standing committee of the People’s Congress issued [Yangtze River Protection Law](#) [中华人民共和国长江保护法] with the effective date of March 1, 2021. As China's first legislation on a specific river basin, the law is formulated to strengthen the protection and restoration of the ecological environment in the Yangtze River basin, facilitate the effective and rational use of resources, safeguard ecological security, ensure harmony between humans and nature, and achieve sustainable development. The Law consists of nine chapters with 84 provisions that address prominent problems damaging the ecological system of the Yangtze River basin, prevent and rectify various disruptive behaviors, and boost the high-quality development of the Yangtze River Economic Belt. In particular, "Yangtze River Basin" means Qinghai province, Sichuan

province, Tibet Autonomous Region, Yunnan province, Chongqing Municipality, Hubei province, Hunan province, Jiangxi province, Anhui province, Jiangsu province, and Shanghai Municipality. These areas are involved in the drainage area formed by the main stream and tributaries of the Yangtze River and lakes, as well as the relevant county-level administrative areas of Gansu province, Shaanxi province, Henan province, Guizhou province, Guangxi Zhuang Autonomous Region, Guangdong province, Zhejiang province, and Fujian province. China exercises special control over the shorelines of rivers and lakes in the Yangtze River Basin. The construction or expansion of a chemical park or chemical project within one kilometer from the shoreline of the main stream or a tributary of the Yangtze River shall be prohibited. The construction, conversion, or expansion of a tailings pond within three kilometers from the shoreline of the main stream of the Yangtze River or within one kilometer from the shoreline of an important tributary shall be prohibited, except for the conversion for the purpose of improving safety and ecological and environmental protection.

- On December 27, 2020, the standing committee of the People's Congress issued [Amendment \(XI\) to the Criminal Law](#) [中华人民共和国刑法修正案(十一)] with the effective date of March 1, 2021. This Amendment covers the amendment of 43 provisions in Criminal Law, among which include the revision of article 383 Environmental Pollution Crime. The revision states: *"Whoever, in violation of the provisions issued by the state, discharges, dumps, or disposes of any radioactive waste, waste containing pathogens of an infectious disease, poisonous substance, or other hazardous substance, causing serious environmental pollution, shall be sentenced to imprisonment of not more than three years or limited incarceration and a fine or be sentenced to a fine only; if the circumstances are serious, be sentenced to imprisonment of not less than three years nor more than seven years and a fine; or under any of the following circumstances, be sentenced to imprisonment of not less than seven years and a fine:*
 - (1) Discharging, dumping, or disposing of any radioactive waste, waste containing pathogens of an infectious disease, or poisonous substance to a drinking water source protection area, the core protective area of a nature reserve, or any other key protective area determined in accordance with the law, with especially serious circumstances;*
 - (2) Discharging, dumping, or disposing of any radioactive waste, waste containing pathogens of an infectious disease, or poisonous substance to any water area of important rivers and lakes determined by the state, with especially serious circumstances;*
 - (3) Causing the loss of basic functions of, or any permanent damage to, large amounts of permanent basic farmland;*

(4) Causing any serious injury or serious illness to many people or causing any serious disability or the death of a person.

Whoever commits any conduct set forth in the preceding paragraph, which concurrently constitutes any other crime, shall be convicted and punished in accordance with the provisions on the heavier punishment."

- On December 25, 2020, MEE issued a [Notice on continuing to carry out the pilot work of the centralized collection and cross-regional transfer system for lead battery manufacturers](#) [关于继续开展铅蓄电池生产企业集中收集和跨区域转运制度试点工作的通知] with the same effective date. The notice clarifies that the pilot period will be extended to December 31, 2022 and that the pilot entities will strive to achieve a standardized recovery rate around 50% of lead-acid batteries in the pilot areas. The notice also clarifies that the transportation exemption management of waste lead batteries shall be implemented in accordance with the relevant provisions of the "National Directory of Hazardous Wastes (2021 Edition)" and that all pilot entities are included in the solid waste management information system and fully implement the electronic transfer form of hazardous waste.
- On December 23, 2020, the Supreme People's Court issued a [Reply on whether the victim of a product infringement case can file a civil lawsuit against the trademark owner of the product \(2020 amendment\)](#) [最高人民法院关于产品侵权案件的受害人能否以产品的商标所有人为被告提起民事诉讼的批复(2020 修正)] with the same effective date. According to the Reply, any enterprise or individual that embodies their name, trademark, or other identifiable logo on a product, indicating that they are the product manufacturer, are considered as "producer" in the Civil Code and the Product Quality Law.
- On December 21, 2020, MEE issued an announcement on issuing [Discharge standard of water pollutants for electronic industry and other seven standards](#) [生态环境部关于发布《电子工业水污染物排放标准》等 8 项标准(含标准修改单)的公告] with the same effective date. In particular, water pollution discharge standards for the electronic industry specifies the water pollutant discharge control requirements, monitoring requirements, and supervisory management requirements of electronic industry enterprises, production facilities or research lines. Discharge air pollutants (including odor pollutants), environmental noise, and the identification, treatment and disposal of solid waste shall be subject to the corresponding national pollutant discharge standards and solid waste pollution control standards in electronic industrial enterprises, production facilities or research lines, and electronic industrial sewage centralized treatment facilities. New construction for electronic enterprises shall comply with

the standard by July 1, 2021, and existing enterprises shall comply with the requirements of the standard by January 1, 2024. Electronic industry refers to the manufacturing industry of special electronic materials, electronic components, PCB, semiconductor devices, display devices, photoelectronic devices, and electronic terminal products.

- On December 18, 2020, the General Administration of Custom issued an [Announcement on Import and Export inspection and supervision of Hazardous Chemicals and Packaging](#) [关于进出口危险化学品及其包装检验监管有关问题的公告] effective January 10, 2021. According to the Announcement, the custom will implement the supervision and inspection of hazardous chemicals included in Catalogue of Hazardous Chemicals. In addition to filing dangerous category, packaging category (except for bulk products), UN Dangerous Goods Number (UN Number), UN Dangerous Goods Packaging Mark (Package UN Mark), the following information shall be submitted for import of in-scope products: conformity declaration of importer, the name and quantity of the actual inhibitor or stabilizer, for products that require the addition of inhibitors or stabilizers, Chinese hazard publicity labels (except for bulk products), and samples of Chinese safety data sheets.
- On December 15, 2020, MEE issued [Administrative Measures on Ecological and Environmental Standards](#) [生态环境标准管理办法] with the effective date of February 1, 2021. These Measures are applicable to the formulation, implementation, filing, and evaluation of ecological environmental standards. Ecological and Environmental Standards include environmental quality standards, environmental risk control standards, discharge permit standards, monitoring standards, and environmental management technical specifications. Further, Ecological and Environmental Standards shall not increase the administrative powers beyond laws and regulations or reduce the duties of administrative authority. Additionally, the standards shall not impose administrative licensing, administrative penalties or enforcement items or jeopardize the legal rights or impose additional obligations on the citizen or enterprise. They shall also not establish any measures to exclude or restrict the fair competition. The standards shall not stipulate the use of technologies, products and services of specific enterprises, display the brand names of specific enterprises, stipulate the use of patented technologies and reagents whose formulas are still under protection, or stipulate the use of the state's banned or eliminated reagents.
- On December 14, 2020, MEE issued an [Announcement on issuing Implementation Rules on pre-shipment inspection and supervision of Import of Use Mechanical](#)

[and Electrical Products](#) [关于发布《进口旧机电产品装运前检验监督管理实施细则》的公告 with the effective date of January 1, 2021. According to the Implementation Rules, pre-shipment inspection institution is required to carry out pre-shipment inspection on used mechanical and electrical products independently and impartially as a third party, and be responsible for the authenticity and accuracy of the issued pre-shipment inspection certificate and accompanying inspection report and shall not engage in the business and operation of used mechanical and electrical products. The Rules elaborate the contents of pre-inspection and registration requirements for the institution. The certificate would normally be valid for six months to one year.

- On December 14, 2020, MEE issued a [Circular on printing and distributing "Comprehensive List of Major Changes of Construction Projects with Pollution Impacts \(Trial\)"](#) [关于印发《污染影响类建设项目重大变动清单（试行）》的通知] with the same effective date. According to the List, the following changes will be considered as "major changes":
 - Scale: The production or disposal capacity of construction projects subject to environmental impact reports increased by more than 30%, or increase discharge of first-class pollutants of wastewater as a result of the increase of production or disposal capacity of construction projects; or pollutant discharge increase by 10% caused by the expansion of the production or disposal or storage capacity in a good environmental quality zone.
 - Construction sites: This includes site re-selection and adjustments to the original site (including changes in the overall layout), which lead to an increase in environmental sensitivity or a change in environmental protection distance and new sensitive points.
 - Production techniques: This is defined as changes to a new product or production process (including main production equipment, equipment and relevant supporting facilities). This includes changes to main raw and auxiliary materials, fuel that generally leads to an addition of new pollutants or an increase of pollutant quantities, or changes in material transportation, loading and unloading, or storage methods that lead to a 10% increase in the unorganized emissions of air pollutants, etc.
 - Environmental protection measures: This includes the changes to the air emission or waste water pollution prevention or control, a reduction of the height of the main exhaust outlet by 10%, an increase in outlets, etc.

Other Measures

- [Technical guideline for the development of environmental monitoring analytical method standards](#) [生态环境部关于发布国家环境保护标准《环境监测分析方法标准制订技术导则》的公告] (issued by MEE December 31, 2020, and effective April 1, 2021)
- [Letter on Approving the implementation plan for the third-party treatment of environmental pollution in 46 parks including Tianjin Economic and Technological Development Zone](#) [关于同意天津经济技术开发区等 46 家园区环境污染第三方治理实施方案的复函] (jointly issued by MEE and NDRC December 31, 2020 and effective the same date)
- [Circular on Issuing and Distributing 2019-2020 National Carbon Emission Trading Quota Setting and Distribution Implementation Plan \(Power Generation Industry\) and List of Key Discharge Entities subject to 2020 National Carbon Emission Trading Quota Management](#) [生态环境部关于印发《2019—2020 年全国碳排放权交易配额总量设定与分配实施方案(发电行业)》《纳入 2019—2020 年全国碳排放权交易配额管理的重点排放单位名单》并做好发电行业配额预分配工作的通知] (issued by MEE December 30, 2020 and effective the same date)
- [Announcement on Revoking 11 national solid waste pollution prevention and control standards](#) [生态环境部关于废止《进口可用作原料的固体废物环境保护控制标准—冶炼渣》等 11 项国家固体废物污染防治标准的公告] (issued by MEE December 30, 2020, and effective January 1, 2021)
- [Announcement on Releasing four air pollutant emission standards, e.g. Emission standard of air pollutant for bulk petroleum terminals](#) [生态环境部关于发布《储油库大气污染物排放标准》等四项大气污染物排放标准(含标准修改单)的公告] (issued by MEE December 29, 2020, and effective April 1, 2021)
- [Regulations on Government Supervision Work](#) [政府督查工作条例] (issued by the State Council December 29, 2020, and effective February 1, 2021).
- [Announcement on Issuing Technical guidelines for identification and assessment of environmental damage—General principles and key components —Part 1: General principles and five other standards](#) [关于发布《生态环境损害鉴定评估技术指南总纲和关键环节第 1 部分：总纲》等六项标准的公告] (issued by December 29, 2020, and effective January 1, 2021)

- **[Announcement on strengthening Recall Supervision on Consumer Products sold online](#)** [关于加强网上销售消费品召回监管的公告] (issued by Standard Administration of Market Supervision December 29, 2020, and effective the same date)
- **[Announcement on publishing Emissions control technical requirements of non-road diesel mobile machinery](#)** [关于发布国家环境保护标准《非道路柴油移动机械污染物排放控制技术要求》的公告] (issued by MEE December 28, 2020, and effective the same date)
- **[Emission standard of air pollutants for foundry industry and six other standards](#)** [生态环境部关于发布《铸造工业大气污染物排放标准》等7项标准(含标准修改单)的公告] (issued by MEE December 25, 2020, and the standards take effect January 1, 2021)
- **[Circular on Printing and Distributing Management Measures on Industrial Internet Labeling](#)** [关于印发《工业互联网标识管理办法》的通知](issued by MIIT December 25, 2020, and effective June 1, 2021)
- **[Circular on Using Basic Information Form for the Approval of Environmental Impact Reports of Construction Projects](#)** [关于启用《建设项目环境影响报告书审批基础信息表》的通知] (issued by MEE December 23, 2020, and effective the same date)
- **[Technical Guidelines for Environmental and Health Hazard Assessment of Chemical Substances \(Trial\)" and other guidelines](#)** [生态环境部关于发布《化学物质环境与健康危害评估技术导则(试行)》等三项技术导则的公告] (issued by MEE December 23, 2020, and effective the same date)
- **[Announcement on Technical specification for offshore environmental monitoring Part 1 general rule and other 9 standards](#)** [生态环境部关于发布《近岸海域环境监测技术规范 第一部分 总则》等10项国家环境保护标准的公告](issued by MEE December 18, 2020, and effective March 1, 2021)
- **[Standard for pollution control on the non-hazardous industrial solid waste storage and landfill](#)** [生态环境部关于发布《一般工业固体废物贮存和填埋污染控制标准》等三项固体废物污染控制标准的公告](issued by MEE December 17, 2020, and the standards take effect July 1, 2021)

- [Announcement on Issuing Monitoring method for electromagnetic radiation environment of 5G mobile communication base station \(trial\) and three other national environmental protection standards](#) [关于发布《5G移动通信基站电磁辐射环境监测方法(试行)》等四项国家环境保护标准的公告] (issued by MEE December 15, 2020, and the standard effective March 1, 2021)
- [Announcement on Issuing Stationary source emission—Determination of aldehyde and ketone compounds —Solution absorption- High performance liquid chromatography and other one national environmental protection standard](#) [关于发布《固定污染源废气 醛、酮类化合物的测定 溶液吸收—高效液相色谱法》等两项国家环境保护标准的公告] (issued by MEE December 15, 2020, and effective March 15, 2021)
- [Circular on Printing and Distributing "Regulations for Automatic Monitoring Data Marking of Pollutant Discharge Entities in Thermal Power, Cement and Paper Industries \(Trial\)"](#) [关于印发《火电、水泥和造纸行业排污单位自动监测数据标记规则(试行)》的通知] (issued by MEE December 14, 2020, and effective the same date)
- [Circular on Supervising scrap iron and steel generated from the maintenance of foreign ships in China](#) [关于外籍船舶在境内维修产生的废钢铁监管有关事项的通知] (issued by MEE December 14, 2020, and effective the same date)
- [Circular on Further Regulating the Environmental Management of Urban \(Park\) Wastewater Treatment](#) [生态环境部关于进一步规范城镇(园区)污水处理环境管理的通知] (issued by MEE December 14, 2020, and effective the same date)
- [Ambient air—Determination of gamma-ray emitting radionuclides in aerosol —filter compression /gamma spectrometry](#) [生态环境部关于发布《环境空气 气溶胶中 γ 放射性核素的测定 滤膜压片/ γ 能谱法》国家环境保护标准的公告] (issued by MEE on December 10, 2020, and the standard takes effect January 1, 2021)

Enforcement Actions and Policies

Highlights

- On December 28, 2020, MEE updated [**the progress of typical cases of cracking down on hazardous waste environmental crimes \(Second batch\)**](#) [生态环境部公布打击危险废物环境违法犯罪典型案例办理进展情况（第二批）]. According to the notification, from July to November 2020, the Ministry of Ecology and Environment, the Ministry of Public Security, and the Supreme People's Procuratorate jointly organized a nationwide campaign to crack down on illegal and criminal activities in hazardous wastes. In September, the MEE issued a notice on six typical cases that caused either environmental pollution or environmental damages, which, among others, involve fraudulent qualifications of hazardous waste management, dumping and disposal of hazardous waste across regions, and refusal of the illegal and criminal offences. MEE requires waste generator, utilization and disposal enterprises and their personnel to learn from those cases, manage and process hazardous wastes in accordance with the law, and resolutely prohibit illegal discharge, dumping, and disposal of hazardous wastes.
- On December 28, 2020, MEE issued an [**update on Reporting of National Environmental Hotline “12369” in November**](#) [生态环境部公布 11 月全国“12369”环保举报办理情况]. According to the update, the national “12369 Environmental Reporting Network Management Platform” received a total of 40,591 reports from the public, a year-to-year increase of 29.4% and an increase of 15.4% from last month. Among the various reports, air pollution accounts for 63.0%, noise pollution accounts for 54.0%, water pollution accounts for 15.1%, solid waste pollution accounts for 9.9%, and ecological damages account for 3.5%. Odors, smoke and dust are the key subjects of the air reports, and construction noise is the main subject of noise reports. Industrial wastewater is the key issue for water-related reporting.
- On December 3, 2020, MEE issued an [**Opinion Letter on the findings and handling issues in the review of the environmental assessment documents for the second quarter of 2020 \(Second batch\)**](#) [关于 2020 年第二季度环评文件复核发现问题及处理意见（第二批）的函]. The review found the problems in 7 environmental assessment documents and identified the following issues: the EIA did not use the proper forms or scopes, contained an incomplete analysis of environmental impact factors, an error in the calculation method of pollution source intensity, an incomplete environmental status investigation and assessment, an incomplete environmental impact prediction and assessment, or the feasibility of proposed environmental protection measures did not meet the relevant requirement. According to relevant laws and regulations, MEE notified and penalized 7 construction entities, 2 EIA document preparation entities, and 8 drafting personnel. If relevant entities, departments, and personnel disagree with

the handling opinions, they can apply to for administrative reconsideration within 60 days from the date of receipt of this letter, or they can file an administrative lawsuit within 6 months from the date of receipt of this letter.

Other National Enforcement Actions & Reports

- [MEE issued the results of monitoring dust fall in the Beijing-Tianjin-Hebei air pollution transmission channel "2+26" cities and 11 cities in the Fenwei Plain in November](#) [生态环境部公布 11 月京津冀大气污染传输通道“2+26”城市和汾渭平原 11 城市降尘监测结果] (reported by MEE December 20, 2020)
- [MEE reports on the national surface water and ambient air quality in November and January-November](#) [生态环境部通报 11 月和 1-11 月全国地表水、环境空气质量状况] (reported by MEE on December 18, 2020)
- [Circular on releasing the supervision the outstanding problems found in the special action to combat solid waste environmental violations](#) [关于对打击固体废物环境违法行为专项行动中发现的突出问题解除挂牌督办的通知] (reported by MEE on December 14, 2020)
- [Circular on Carrying out the Centralized Improvement of Road Transportation Safety of Hazardous Chemicals](#) [关于开展危险化学品道路运输安全集中整治工作的通知] (reported on Ministry of Transportation December 11, 2020)

Local Enforcement Actions and Reports

- [Opinions of the People's Government of Shaanxi Province on Accelerating the Implementation of "Three Lines and One Checklist" Ecological Environment Zoning Control](#) [陕西省人民政府关于加快实施“三线一单”生态环境分区管控的意见] (reported by MEE December 29, 2020)
- [The executive meeting of the Shanxi Provincial Government reviewed and approved the implementation of "three lines and one checklist" ecological environment zoning management and control opinions](#) [山西省政府常务会议审议通过实施“三线一单”生态环境分区管控意见](reported by MEE December 27, 2020)

- [Inner Mongolia Autonomous Region issued a checklist of ecological environmental protection responsibilities](#) [内蒙古自治区出台生态环境保护责任清单] (reported by MEE December 26, 2020)
- [Guangxi promotes petition system to solve outstanding ecological and environmental problems](#) [广西推动信访投诉工作 解决突出生态环境问题] (reported by MEE December 25, 2020)
- [Seven departments in Tianjin jointly held a press conference on plastic pollution control](#) [天津 7 部门联合召开塑料污染治理新闻发布会] (reported by MEE December 25, 2020)
- [Qinghai Province issued a Checklist of ecological environmental protection responsibilities](#) [青海省出台生态环境保护责任清单] (reported by MEE December 20, 2020)
- [Sichuan takes multiple measures to promote the reform of the petition and complaint mechanism to effectively solve outstanding ecological and environmental problems](#) [四川多措并举推进信访投诉工作机制改革 有效解决突出生态环境问题] (reported by MEE December 10, 2020)
- [Shan'xi carries out special supervisory inspection](#) [山西开展专项督查] (reported by MEE December 4, 2020)

Proposed Laws and Regulations

Highlights

- On December 16, 2020, MEE issued a [Circular on soliciting opinions on Guidelines for the Verification of Corporate Greenhouse Gases \(Trial\)" \(Draft for Comments\)](#) [关于公开征求《企业温室气体核查指南（试行）》（征求意见稿）意见的通知] and the deadline for comment submission was December 29, 2020. This draft guidance intends to specify the verification procedures and key points of the key emission entities of greenhouse gases. The draft guidance is to be applicable to provincial-level ecological and environmental departments so that they can organize the verification of greenhouse gas emissions and related data of key emission entities, including the verification of annual emissions

reports, the first-recorded monitoring plan, and the revision of the recorded monitoring plan. This draft guidance also can be referred to for verification of enterprises or economic organizations other than key emission units, verification of local carbon emission rights trading market, verification based on scientific research, and other purposes. According to this guidance, verification procedure includes six steps: establishing a verification technical working group, reviewing documents, determining the scope of on-site verification, establishing on-site verification team, implementing on-site verification, and verification conclusions. The draft provides the requirements of technical service institutions.

- On December 9, 2020, MEE issued a [Specification for in-use vehicles emissions inspection" \(Draft for Comments\)](#) [关于征求国家环境保护标准《在用汽车排放检验规范（征求意见稿）》意见的通知] and the deadline for comment submission was January 8, 2021. This draft standard sets out the technical and management rules of vehicles emission inspection institutions and applies to in-use vehicles. According to the draft, inspection institutions shall be qualified by provincial market regulatory department and engage in inspection activities within its approved scope and term. The draft, among other things, requires the inspection institutions to share their data with the local ecological environmental department and shall ensure the integrity and accuracy of data and video. Further, the draft elaborates the requirements of inspection equipment and inspection items.

Other Measures

- [Letter on Soliciting Opinions on Water quality – Determination of polycyclic aromatic hydrocarbons – Gas chromatography mass spectrometry](#) [关于征求《水质 多环芳烃的测定 气相色谱-质谱法》等 2 项国家环境保护标准意见的函] (issued by MEE December 31, 2020, and the deadline for submission of comment was January 25, 2021)
- [Letter on Soliciting Opinions on Stationary Source Emission – Determination of Gaseous Pollutants \(SO₂, NO, NO₂, CO、CO₂\)—Portable fourier transform infrared spectroscopy method and other two environmental protection standards](#) [关于征求《固定污染源废气 气态污染物（SO₂、NO、NO₂、CO、CO₂）的测定 便携式傅里叶变换红外光谱法》等 3 项国家环境保护标准意见的函] (issued by MEE December 31, 2020, and the deadline for submission of comments was January 25, 2021)

- **Circular on Soliciting Opinions on Gaseous Refrigerants – Determination of 10 halogenated hydrocarbons- Gas chromatography-mass spectrometry and other two national environmental protection standards** [关于征求《气态制冷剂 10 种卤代烃的测定 气相色谱-质谱法》等 3 项国家环境保护标准意见的通知](issued by MEE December 25, 2020, and the deadline for submission of comments was January 17, 2021)
- **Letter on Soliciting Opinions on Technical Guidelines for Groundwater Pollution Permeable Reaction Grids (Trial) (Draft for Comment) and other technical document** [关于征求《地下水污染可渗透反应格栅技术指南（试行）（征求意见稿）》等 2 项技术文件意见的函] (issued by MEE on December 16, 2020, and the deadline for submission of comments was December 31, 2020)
- **Letter on Soliciting Opinions on Two Standards including the "Guidelines for the Evaluation of Work Safety Emergency Preparedness** [关于征求《安全生产应急准备评估指南》等 2 项标准意见的函] (issued by MEM on December 10, 2020, and the deadline for comment submission was January 10, 2021)
- **Letter on Soliciting Opinions on Guidelines on Enterprise greenhouse gas emissions accounting and reporting – Power generation facilities (Draft for Comments)** [关于征求国家环境保护标准《企业温室气体排放核算方法与报告指南 发电设施（征求意见稿）》意见的函] (issued by MEE on December 3, 2020, and the deadline for comment submission was January 4, 2021)
- **Letter on Soliciting Opinions on Technical Guidelines for biodiversity survey and observation by remote sensing and 12 other national environmental protection standards** [关于征求《生物多样性遥感调查与观测技术指南》等 13 项国家环境保护标准意见的函](issued by MEE on December 3, 2020, and the deadline for comment submission was December 28, 2020)

* * *

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 \(wluo@bdlaw.com\)](mailto:wluo@bdlaw.com), 202-789-6005) with questions.

Copyright 2020 | Beveridge & Diamond, P.C. | All rights reserved