Hazardous Chemicals Safety Law of the PRC

Dan Young Business Consultancy — www.danyoungcpa.com

Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purpose of strengthening the safety administration of hazardous chemicals, preventing and reducing hazardous chemicals accidents, safeguarding the health, life safety and property safety of the people, and protecting the ecological environment.

Article 2 — This Law applies to the safety administration of the production, storage, use, operation and transport of hazardous chemicals.

The disposal of discarded hazardous chemicals shall be carried out in accordance with the laws and administrative regulations on ecological environmental protection and other relevant state provisions.

Article 3 — For the purposes of this Law, "hazardous chemicals" means highly toxic chemicals and other chemicals that are toxic, corrosive, explosive, flammable or combustion-supporting in nature and that are hazardous to human bodies, installations and the ecological environment.

The state establishes and improves a catalogue administration system for hazardous chemicals. The catalogue of hazardous chemicals shall be determined, published and adjusted in a timely manner by the emergency management department under the State Council, jointly with the departments for industry and information technology, public security, ecological environment, transport, agriculture and rural affairs, health, customs, market regulation, railways and civil aviation, in accordance with the identification and classification standards for the hazardous characteristics of chemicals.

Article 4 — The safety administration of hazardous chemicals shall uphold the leadership of the Communist Party of China.

The safety administration of hazardous chemicals shall uphold the principle of putting the people and life above all else, implement the overall national security concept, coordinate development and safety, adhere to the policy of safety first, prevention first and comprehensive governance, and prevent and defuse major safety risks at the source.

The safety administration of hazardous chemicals shall implement the principle that whoever manages an industry must manage safety, whoever manages business must manage safety, and whoever manages production and business operations must manage safety; strengthen and implement the primary responsibility of units and the supervisory responsibility of the government; and establish a mechanism under which units are responsible, employees participate, the government supervises, industries exercise self-discipline, and society provides oversight.

Article 5 — Enterprises, schools, scientific research institutions, medical institutions, testing institutions, inspection institutions and other units that produce, store, use, operate or transport hazardous chemicals (hereinafter collectively referred to as "hazardous chemicals units") shall implement a responsibility system for work safety covering all personnel, establish a dual prevention mechanism of tiered management and control of safety risks and investigation and rectification of hidden hazards, strengthen the standardization and informatization of work safety, and their principal persons in charge shall bear overall responsibility for the hazardous chemicals work safety of the unit.

Hazardous chemicals units shall possess the safety conditions required by laws, administrative regulations, national standards and industry standards; establish and improve safety administration rules and post safety responsibility systems; provide employees with work safety education and training; provide employees with labor protection articles that conform to national or industry standards; and participate in work-related injury insurance in accordance with the law. Employees shall receive education and training and may only take up their posts after passing the assessment; for posts that require qualifications, persons who have obtained the corresponding qualifications in accordance with the law shall be assigned.

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Article 6 — No unit or individual may produce, use or operate hazardous chemicals whose production, use or operation is prohibited by the state.

Where the state has restrictive provisions on the use of hazardous chemicals, no unit or individual may use hazardous chemicals in violation of such restrictive provisions.

Article 7 — The relevant departments that exercise safety supervision and administration over the production, storage, use, operation and transport of hazardous chemicals (hereinafter collectively referred to as "the departments with safety supervision and administration duties over hazardous chemicals") shall perform their duties in accordance with the following provisions:

(1) The emergency management departments shall be responsible for the supervision and administration of hazardous chemicals work safety and the comprehensive work of hazardous chemicals safety supervision and administration; organize the determination, publication and adjustment of the catalogue of hazardous chemicals; conduct, in accordance with the law, safety condition review and safety facility design review of construction projects for the new construction, reconstruction or expansion of the production or storage of hazardous chemicals (including transport of hazardous chemicals through long-distance pipelines; the same below) (hereinafter collectively referred to as "hazardous chemicals construction projects"); issue hazardous chemicals work safety licenses, hazardous chemicals safety use licenses and hazardous chemicals business licenses; be responsible for the registration of hazardous chemicals; and organize emergency response to hazardous chemicals accidents.

(2) The public security organs shall be responsible for the public safety administration of hazardous chemicals; issue purchase licenses for highly toxic chemicals and road transport passes for highly toxic chemicals; be responsible for the licensing of vehicles transporting hazardous chemicals to enter areas where access by hazardous chemicals transport vehicles is restricted; and be responsible for the road traffic safety administration of hazardous chemicals transport vehicles.

(3) The market regulation departments shall be responsible for implementing industrial product production licensing administration and product quality supervision over hazardous chemicals included in the catalogue subject to industrial product production licensing administration, as well as their packaging and containers (including tanks, but excluding fixed large-scale storage tanks for storing hazardous chemicals; the same below), and shall issue business licenses to enterprises producing, storing, operating or transporting hazardous chemicals.

(4) The ecological environment departments shall be responsible for supervising and administering the disposal of discarded hazardous chemicals; organize the identification of the ecological environmental hazards of hazardous chemicals and the assessment of the degree of ecological environmental risk; be responsible for the environmental administration registration of new chemical substances; investigate, according to the division of duties, relevant hazardous chemicals environmental pollution accidents and ecological damage incidents; and be responsible for ecological environment emergency monitoring at the scenes of hazardous chemicals accidents.

(5) The transport departments shall be responsible for the safety supervision and administration of road and waterway transport activities involving hazardous chemicals; be responsible for the licensing or filing of road and waterway transport of hazardous chemicals and the safety supervision and administration of transport means; and be responsible for the qualification recognition of drivers, crew members, loading and unloading administrators, escorts, declaration personnel and on-site inspectors of container stuffing of hazardous chemicals road transport enterprises and waterway transport enterprises. The railway regulatory departments shall be responsible for the safety supervision and administration of railway transport of hazardous chemicals and its transport means. The civil aviation departments shall be responsible for the safety supervision and administration of air transport of hazardous chemicals, air transport enterprises and their transport means. The postal administration departments shall be responsible for investigating and

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dealing with, in accordance with the law, acts of sending hazardous chemicals by post.

(6) The health departments shall be responsible for the administration of toxicity identification of hazardous chemicals, the supervision and administration of occupational health of hazardous chemicals units, and organizing and coordinating medical and health rescue work for persons injured in hazardous chemicals accidents.

(7) The natural resources departments shall be responsible for incorporating, in accordance with procedures, the relevant content of hazardous chemicals construction projects, chemical industrial parks, special areas for storing hazardous chemicals and surrounding safety control distances into local territorial spatial plans when formulating such plans, and for supervising the implementation of the plans.

(8) The industry and information technology departments shall, according to their duties, be responsible for the relevant industry planning and layout for the production and storage of hazardous chemicals, organize the formulation of construction standards and identification administration measures for chemical industrial parks, and promote the phase-out of backward techniques and production capacity.

(9) Customs shall be responsible for inspecting, in accordance with the law, hazardous chemicals imported or exported and their packaging.

(10) Other departments shall perform their safety supervision and administration duties over hazardous chemicals according to their respective duties.

Where the duties of safety supervision and administration over hazardous chemicals are unclear because they involve emerging industries or fields, the people's government at or above the county level shall promptly determine the supervisory and administrative departments in accordance with the principle of similar business.

Article 8 — In conducting supervision and inspection in accordance with the law, the departments with safety supervision and administration duties over hazardous chemicals may take the following measures:

(1) entering hazardous chemicals workplaces to conduct on-site inspection, learning about the situation from relevant units and personnel, consulting and duplicating relevant documents and materials, and, where necessary, conducting sampling and testing of hazardous chemicals;

(2) using information technology to carry out online inspection and spot checks of the major hazard sources of hazardous chemicals units;

(3) where hidden hazards of hazardous chemicals accidents are discovered, ordering their immediate elimination or elimination within a prescribed time limit;

(4) ordering the immediate cessation of use of facilities, equipment, installations, apparatus, transport means and the like that do not conform to laws, administrative regulations, rules, national standards or industry standards;

(5) with the approval of the principal person in charge of the department, sealing up premises where hazardous chemicals are illegally produced, stored, used or operated, and distraining hazardous chemicals illegally produced, stored, used, operated or transported, as well as raw materials, equipment and transport means used for the illegal production, use or transport of hazardous chemicals; and

(6) where illegal acts affecting hazardous chemicals safety are discovered, correcting them on the spot or ordering rectification within a prescribed time limit.

When the departments with safety supervision and administration duties over hazardous chemicals conduct supervision and inspection in accordance with the law, there shall be no fewer than two inspectors, who shall present their law enforcement credentials; relevant units and individuals shall cooperate with supervision and inspection conducted in accordance with the law and may not refuse or obstruct it.

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Article 9 — People's governments at or above the county level shall establish a coordination mechanism for hazardous chemicals safety supervision and administration, support and urge the departments with safety supervision and administration duties over hazardous chemicals to perform their duties in accordance with the law, and coordinate and resolve major issues in hazardous chemicals safety supervision and administration.

The departments with safety supervision and administration duties over hazardous chemicals shall strengthen supervisory collaboration and joint law enforcement, closely coordinate and cooperate with each other, achieve timely, adequate and effective sharing of information, and strengthen the safety supervision and administration of hazardous chemicals in accordance with the law. Where illegal acts that should be handled by other departments are discovered, they shall be promptly transferred to such other departments for handling.

Article 10 — Any unit or individual shall have the right to report or inform the departments with safety supervision and administration duties over hazardous chemicals of acts in violation of this Law or of potential accident hazards. People's governments at or above the county level and their relevant departments shall, in accordance with the law, reward persons who have rendered meritorious service in reporting illegal acts or reporting major accident hazards, and shall keep strictly confidential the information of informants and reporters.

Article 11 — The departments of people's governments at or above the county level with safety supervision and administration duties over hazardous chemicals shall strengthen information-based supervision of hazardous chemicals, and implement electronic identification and full-life-cycle information-based administration and monitoring of hazardous chemicals.

Chemical industrial parks shall specify the relevant work institutions responsible for work safety supervision and administration and their duties, strengthen the information technology construction for hazardous chemicals, achieve information-based safety monitoring, supervision and early warning, and achieve interconnection and interoperability with relevant government departments.

Article 12 — The state encourages hazardous chemicals units to adopt advanced technologies, techniques, equipment and automatic control systems that are conducive to raising the level of safety assurance, and encourages dedicated storage, unified distribution and centralized sales of hazardous chemicals.

Article 13 — Units that produce, store, use or operate hazardous chemicals shall, in accordance with relevant state provisions, register and file the major hazard sources of hazardous chemicals; carry out regular testing, assessment and monitoring; formulate emergency response plans; establish a safety responsibility system for major hazard sources; and report the storage quantity, storage location and administrators of major hazard sources, as well as relevant safety measures and emergency measures, to the emergency management department of the people's government at the county level where they are located, the fire and rescue services and the relevant departments for filing; where storage is carried out within a port area, they shall report to the port administration department, the fire and rescue services and the relevant departments for filing.

The departments with safety supervision and administration duties over hazardous chemicals shall, in a tiered and classified manner, conduct regular special supervision and inspection of major hazard sources of hazardous chemicals, urge hazardous chemicals units to eliminate accident hazards in a timely manner, and prevent major and extraordinarily serious accidents.

For the purposes of this Law, "major hazard sources" means units (including premises and facilities) where hazardous chemicals are produced, stored, used or operated on a long-term or temporary basis and where the quantity of hazardous chemicals equals or exceeds the critical quantity.

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Article 14 — People's governments at all levels and their relevant departments shall adopt various forms to strengthen the publicity and popularization of hazardous chemicals safety laws, regulations and knowledge, and promote the enhancement of hazardous chemicals safety awareness throughout society.

Chemical industrial parks and hazardous chemicals units shall publicize hazardous chemicals safety laws, regulations and knowledge to the surrounding public and other production and business operation units.

The news media shall carry out public-interest publicity of hazardous chemicals safety laws, regulations and knowledge, and exercise public opinion supervision over illegal acts endangering hazardous chemicals safety.

Article 15 — Units and individuals that have made outstanding contributions in hazardous chemicals safety work shall be commended and rewarded in accordance with relevant state provisions.

Chapter II — Planning and Layout

Article 16 — The state shall exercise overall planning and rational layout over the production and storage of hazardous chemicals.

The industry and information technology department under the State Council and other relevant departments under the State Council shall, according to their respective duties, be responsible for the industry planning and layout of the production and storage of hazardous chemicals.

When organizing the formulation of territorial spatial plans, local people's governments shall, in light of the actual conditions of their respective regions and in accordance with the principle of ensuring safety, plan appropriate areas (including chemical industrial parks) dedicated to the production and storage of hazardous chemicals.

Article 17 — Chemical industrial parks shall be identified, published and periodically re-examined by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government or departments authorized by them.

The people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall rationally build chemical industrial parks, organize the assessment and demonstration of the safety risk levels of chemical industrial parks, and establish and implement control measures.

Chemical industrial parks shall exercise dynamic supervision over all hazardous chemicals entering and leaving the parks, and implement risk monitoring and early warning over enterprises, key premises, major hazard sources and infrastructure within the parks.

Article 18 — New construction and expansion of hazardous chemicals production construction projects shall be located in chemical industrial parks, except for projects built in support of production installations of other industries and other projects conforming to state provisions.

Except for enterprises providing supporting services to chemical enterprises, non-chemical enterprises are prohibited from entering chemical industrial parks.

Article 19 — Chemical industrial parks shall carry out an overall safety risk assessment at least once every three years, and propose and effectively implement countermeasures to eliminate, reduce and control safety risks.

Where, as a result of changes in a chemical industrial park or in the types, quantities or layout of hazardous chemicals, the risk control conditions of the park need to be adjusted in accordance with relevant state provisions, an overall safety risk assessment of the chemical industrial park shall be promptly organized anew, and the relevant emergency response plans shall be revised.

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Article 20 — Chemical industrial parks shall maintain safety distances from urban built-up areas, places with dense gatherings of people, important facilities, sensitive targets and the like that conform to the provisions of relevant laws and regulations and the requirements of national standards.

Chemical industrial parks shall, in accordance with the provisions of relevant laws and regulations and the requirements of national standards, formulate peripheral planned safety control lines for the parks, and, after submitting them to the people's government of the city divided into districts where the park is located or a department authorized by it for determination, incorporate them into the local territorial spatial plan in accordance with procedures.

The natural resources departments of the people's governments at the level of cities divided into districts and at the county level where chemical industrial parks are located shall strictly control land development and utilization within the peripheral planned safety control lines of the parks, and construction projects within the scope of the planned safety control lines shall satisfy safety risk control requirements.

Article 21 — Local people's governments at or above the county level shall strengthen the safeguarding of hazardous chemicals transport safety, and shall plan logistics parks and centralized parking areas involving the storage, loading and unloading and transport of hazardous chemicals, as well as fuel filling stations and gas filling stations in expressway service areas.

Article 22 — The safety distances between hazardous chemicals production installations, or hazardous chemicals storage facilities whose storage quantities constitute major hazard sources, and the following premises, facilities and areas shall conform to relevant state provisions:

(1) residential areas and places with dense gatherings of people such as commercial centers and parks;

(2) public facilities such as schools, hospitals, cinemas and theaters, and sports venues;

(3) drinking water sources, water plants and drinking water source protection zones;

(4) stations, wharves (except those licensed in accordance with the law to engage in hazardous chemicals loading and unloading operations), airports, as well as communication trunk lines, communication hubs, railway lines, main road traffic lines, main waterway traffic lines, subway ventilation pavilions and subway station entrances and exits;

(5) ecological protection red lines, nature reserves, permanent basic farmland, basic grasslands, germplasm resource banks (fields, areas and nurseries), large-scale livestock and poultry farms, fishery waters, and production bases for seeds, breeding livestock and poultry and aquatic fry;

(6) rivers, lakes, reservoirs, seas, important water diversion and delivery routes, and flood storage and detention areas;

(7) military restricted zones, military administration zones and relevant military facilities;

(8) nuclear facilities; and

(9) other premises, facilities and areas prescribed by laws and administrative regulations.

Where existing hazardous chemicals production installations, or hazardous chemicals storage facilities whose storage quantities constitute major hazard sources, do not conform to the provisions of the preceding paragraph, the emergency management department of the people's government of the city divided into districts where they are located shall, jointly with relevant departments, supervise their affiliated units to carry out rectification within the prescribed time limit; where conversion of production, suspension of production, relocation or closure is necessary, the people's government at the corresponding level shall decide and organize the implementation.

The siting of hazardous chemicals storage facilities whose storage quantities constitute major hazard sources shall avoid active earthquake faults and areas prone to floods, geological disasters and forest and

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grassland fires.

Chapter III — Production and Storage Safety

Article 23 — Hazardous chemicals construction projects shall be subject to safety condition review by the emergency management departments.

Construction units shall entrust institutions qualified in accordance with state provisions to carry out safety assessment of hazardous chemicals construction projects, and report the safety assessment results to the emergency management department of the people's government at or above the level of a city divided into districts where the construction project is located; the emergency management department shall make a decision on the safety condition review within 20 working days from the date of receipt of the report and notify the construction unit in writing. The specific measures shall be formulated by the emergency management department under the State Council.

Port construction projects for the new construction, reconstruction or expansion of the storage, loading and unloading of hazardous chemicals (hereinafter collectively referred to as "hazardous chemicals port construction projects") shall be subject to safety condition review by the port administration departments in accordance with the provisions of the transport department under the State Council.

The qualification conditions of institutions undertaking duties such as safety assessment shall be prescribed by the emergency management department under the State Council jointly with relevant departments.

Article 24 — The safety facilities of hazardous chemicals construction projects and hazardous chemicals port construction projects must be designed, constructed, and put into production and use simultaneously with the main works. Investment in safety facilities shall be incorporated into the budget estimates of the construction projects.

Article 25 — The designers and design units of the safety facilities of hazardous chemicals construction projects and hazardous chemicals port construction projects shall be responsible for the design of the safety facilities. Suggestions on measures to ensure safety shall be put forward in the safety facility design.

Article 26 — The safety facility design of hazardous chemicals construction projects shall be submitted to the emergency management department of the people's government at or above the level of a city divided into districts where the project is located for review. The specific measures shall be formulated by the emergency management department under the State Council.

The safety facility design of hazardous chemicals port construction projects shall be reviewed by the port administration departments in accordance with relevant state provisions.

Article 27 — Construction units must carry out construction in accordance with the approved safety facility design, and shall be responsible for the engineering quality and construction safety of the safety facilities. For hazardous chemicals construction projects subject to project supervision, the construction units shall entrust supervision of the construction of safety facilities as part of the same commission.

The construction units shall organize the acceptance of the safety facilities, which may be put into production and use only after passing acceptance.

The departments with work safety supervision and administration duties over hazardous chemicals construction projects and hazardous chemicals port construction projects shall strengthen supervision and verification of the acceptance activities and acceptance results of the construction units.

Article 28 — The safety administration of buried, above-ground and overhead hazardous chemicals transport pipelines and their ancillary facilities laid in public areas by units producing or storing hazardous chemicals shall conform to the provisions of laws and administrative regulations and the requirements of national and industry standards.

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Units producing or storing hazardous chemicals shall set conspicuous marks on the hazardous chemicals pipelines laid by them, and carry out regular inspection, testing and patrolling of the hazardous chemicals pipelines.

For construction operations that may endanger the safety of hazardous chemicals pipelines, the construction unit shall, seven days before commencement of work, notify the unit to which the pipeline belongs of the construction plan in writing, jointly formulate an emergency response plan with the unit to which the pipeline belongs, and take corresponding safety protection measures. The unit to which the pipeline belongs shall assign special personnel to the site to provide guidance on pipeline safety protection.

Article 29 — The principal persons in charge of hazardous chemicals production enterprises (including legal representatives, actual controllers and actual persons in charge) and work safety administrators shall possess the corresponding work safety knowledge and management ability, and pass the assessment of the emergency management departments.

Employees of hazardous chemicals production enterprises shall meet the educational qualification requirements prescribed by the state, receive work safety education and training, and take up their posts only after passing the assessment.

Hazardous chemicals production enterprises shall establish and improve a safety training administration system, organize training on a regular basis, and improve employees' safety awareness and work safety skills.

Article 30 — Before commencing production, hazardous chemicals production enterprises shall obtain hazardous chemicals work safety licenses in accordance with the provisions of the laws and administrative regulations on work safety licensing.

Enterprises producing hazardous chemicals included in the catalogue of industrial products subject to the production licensing system of the state shall also obtain industrial product production licenses in accordance with the provisions of the laws and administrative regulations on industrial product production licensing. Hazardous chemicals produced on a trial basis may be sold after obtaining industrial product production licenses and passing inspection by inspection institutions with the corresponding qualifications.

The departments responsible for issuing hazardous chemicals work safety licenses and industrial product production licenses shall promptly disclose to the public, in accordance with the provisions of relevant laws and administrative regulations, the circumstances of their license issuance.

Article 31 — Hazardous chemicals production enterprises and import enterprises shall provide Chinese-language chemical safety data sheets (SDS) consistent with the hazardous chemicals they produce or import, and shall affix, print or attach, to the packaging of hazardous chemicals (including outer packaging; the same below), Chinese-language chemical safety labels consistent with the hazardous chemicals inside the packaging. The chemical safety data sheets and chemical safety labels shall conform to the requirements of national standards.

Where hazardous chemicals production enterprises or import enterprises discover that the hazardous chemicals they produce or import have new hazardous characteristics, they shall make an immediate announcement and promptly revise the chemical safety data sheets and chemical safety labels.

Article 32 — The packaging of hazardous chemicals shall conform to the provisions of laws, administrative regulations and rules and the requirements of national and industry standards.

The materials of hazardous chemicals packaging and containers, as well as the type, specifications, methods and unit mass of hazardous chemicals packaging, shall be compatible with the nature and use of the packaged hazardous chemicals.

Article 33 — Enterprises producing hazardous chemicals packaging and containers included in the catalogue of industrial products subject to the production licensing system of the state shall obtain industrial product production licenses in accordance with the provisions of the laws and administrative regulations on industrial product production licensing; the hazardous chemicals packaging and containers produced by them may be shipped and sold only after passing inspection by inspection institutions with the corresponding qualifications.

Vessels transporting hazardous chemicals and the containers stowed on them shall conform to the requirements of relevant laws, administrative regulations and rules, as well as mandatory standards and technical specifications, and may be put into use only after passing inspection by vessel inspection institutions recognized by the national maritime administration.

Before reusing hazardous chemicals packaging and containers that are for repeated use, the users shall inspect them; where safety hazards are discovered, they shall be promptly repaired or replaced. The users shall keep records of the inspections, and the retention period of the records shall be no less than three years.

Article 34 — Enterprises producing or storing hazardous chemicals shall establish a tiered management and control system for safety risks, carry out safety risk identification and assessment, and take corresponding control measures according to the tiers of safety risks.

Where the techniques, facilities, equipment, raw materials and the like of enterprises producing or storing hazardous chemicals are changed, safety risk identification and assessment shall be carried out anew.

Enterprises producing or storing hazardous chemicals may not use techniques, technologies, facilities or equipment that the state has explicitly ordered to be phased out or prohibited for endangering production safety; the specific catalogue shall be formulated and published by the emergency management department under the State Council jointly with relevant departments.

Article 35 — Enterprises producing or storing hazardous chemicals shall establish a process safety administration system covering all production and operation links, including process operations, special operations, equipment administration, storage conditions, start-up and shutdown, inspection and maintenance, and changes, specifying responsible persons, post duties and operating procedures, and organize their effective implementation.

Article 36 — Enterprises producing or storing hazardous chemicals shall install automatic control systems and safety instrumented systems in accordance with national or industry standards, establish safety risk monitoring and early warning systems, and achieve interconnection and interoperability with relevant government departments.

Article 37 — Units producing or storing hazardous chemicals shall, in light of the types and hazardous characteristics of the hazardous chemicals they produce or store, install at their workplaces corresponding safety facilities and equipment for monitoring, surveillance, ventilation, sun protection, temperature regulation, fire prevention, fire extinguishing, explosion prevention, pressure relief, poison prevention, neutralization, moisture prevention, lightning protection, static electricity prevention, corrosion prevention and leakage prevention, as well as protective dikes or isolation operations, and shall carry out routine maintenance and upkeep of the safety facilities and equipment in accordance with national standards, industry standards or relevant state provisions, so as to ensure their normal use.

Units producing or storing hazardous chemicals shall set conspicuous safety warning signs at their workplaces and on safety facilities and equipment.

Article 38 — Units producing or storing hazardous chemicals shall install communication and alarm devices at their workplaces and ensure that they remain in a serviceable state.

Units producing or storing hazardous chemicals may not close or damage monitoring, alarm, protection and lifesaving facilities and equipment directly related to production safety, or otherwise affect their normal use in any manner, and may not tamper with, conceal or destroy the relevant data and information.

Article 39 — Enterprises producing or storing hazardous chemicals shall entrust institutions qualified in accordance with state provisions to carry out a safety assessment of their work safety conditions every three years and produce a safety assessment report. The safety assessment report shall include a plan for rectifying the problems existing in the work safety conditions and concluding opinions after completion of the rectification. The safety assessment report shall be disclosed to the public in accordance with provisions.

Enterprises producing or storing hazardous chemicals shall report the safety assessment report and the implementation of the rectification plan to the emergency management department of the people's government at the county level where they are located for filing.

Enterprises storing or loading and unloading hazardous chemicals within port areas shall carry out safety assessment in accordance with paragraph 1 of this Article, and shall report the safety assessment report and the implementation of the rectification plan to the port administration department or the emergency management department of the people's government at the county level where they are located for filing in accordance with provisions.

Article 40 — Units producing or storing highly toxic chemicals, or hazardous chemicals prescribed by the public security department under the State Council as usable for manufacturing explosives (hereinafter referred to as "explosive-precursor hazardous chemicals"), shall truthfully record the types, quantities and flow of the highly toxic chemicals and explosive-precursor hazardous chemicals they produce or store, and take necessary safety precautionary measures to prevent the loss or theft of highly toxic chemicals and explosive-precursor hazardous chemicals; where loss or theft of highly toxic chemicals or explosive-precursor hazardous chemicals is discovered, they shall immediately report to the local public security organs; the public security organs shall promptly notify the emergency management and other relevant departments in light of the actual circumstances.

Units producing or storing highly toxic chemicals and explosive-precursor hazardous chemicals shall set up public security protection organs, assign full-time public security protection personnel, and report to the public security organs for filing in accordance with the law.

Article 41 — Hazardous chemicals shall be stored in dedicated warehouses, dedicated sites or dedicated storage rooms and storage cabinets (hereinafter collectively referred to as "dedicated storage premises") and managed by dedicated personnel; highly toxic chemicals and other hazardous chemicals whose storage quantities constitute major hazard sources shall be stored separately within dedicated storage premises, with a dual-person handover and dual-person custody system, and the retention period of handover records shall be no less than three years.

The storage methods and quantities of hazardous chemicals shall conform to national standards or relevant state provisions.

Article 42 — Units storing hazardous chemicals shall establish a system for the verification and registration of hazardous chemicals entering and leaving storage.

Units storing highly toxic chemicals shall report the storage quantity, storage location and administrators of the highly toxic chemicals to the emergency management department of the people's government at the county level where they are located, the fire and rescue services and the public security organs for filing; where storage is carried out within a port area, they shall report to the port administration department, the fire and rescue services and the public security organs for filing.

Article 43 — Dedicated storage premises for hazardous chemicals shall conform to the requirements of national and industry standards and shall be set with conspicuous signs. Dedicated storage premises for

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highly toxic chemicals and explosive-precursor hazardous chemicals shall be equipped with corresponding physical protection and technical protection facilities in accordance with relevant state provisions.

Units storing hazardous chemicals shall carry out regular testing and inspection of the safety facilities and equipment of their dedicated storage premises for hazardous chemicals; where the testing or inspection is unqualified, use shall be discontinued and repair or replacement shall be carried out in accordance with provisions.

Article 44 — Research and development units carrying out the development of new processes, technologies and products for hazardous chemicals shall strengthen the safety administration of the research and development process, ensure the safety of the research and development process, and may not directly apply to industrial production new processes and technologies that have not undergone small-scale testing, pilot testing and industrial testing.

When transferring new processes and technologies for hazardous chemicals, research and development units shall provide safety demonstration reports and relevant materials for the new processes and technologies, and provide technical guidance.

Article 45 — Where units producing or storing hazardous chemicals convert their production, suspend production, cease business or dissolve, in whole or in part, they shall take effective measures to promptly and properly dispose of their hazardous chemicals production installations, storage facilities and stockpiled hazardous chemicals, and may not discard hazardous chemicals; the disposal plan shall be reported to the emergency management, industry and information technology and ecological environment departments of the people's government at the county level where they are located, as well as the public security organs and fire and rescue services, for filing. The emergency management departments shall, jointly with the ecological environment departments, public security organs and fire and rescue services, supervise and inspect the disposal, and where disposal is found not to have been carried out in accordance with provisions, order immediate disposal.

Chapter IV — Use Safety

Article 46 — The relevant departments of people's governments at or above the county level shall, according to the division of duties, strengthen the supervision and administration of the use of hazardous chemicals by enterprises, schools, scientific research institutions, medical institutions, testing institutions, inspection institutions and other units.

Article 47 — The conditions of use (including processes) of units using hazardous chemicals shall conform to the provisions of laws and administrative regulations and the requirements of national and industry standards, and, in light of the types and hazardous characteristics of the hazardous chemicals used, as well as the quantities used and the methods of use, such units shall establish and improve safety administration rules and safety operating procedures for the use of hazardous chemicals, so as to ensure the safe use of hazardous chemicals.

Article 48 — Chemical enterprises (excluding hazardous chemicals production enterprises; the same below) that use hazardous chemicals of the types prescribed by the state for production and whose quantities used reach the prescribed quantities shall obtain hazardous chemicals safety use licenses in accordance with the provisions of this Law.

The types of hazardous chemicals referred to in the preceding paragraph and the quantity standards for their use shall be determined and published by the emergency management department under the State Council jointly with the public security and agriculture and rural affairs departments.

Article 49 — In addition to conforming to the provisions of Article 47 of this Law, chemical enterprises applying for hazardous chemicals safety use licenses shall meet the following conditions:

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(1) having professional and technical personnel commensurate with the hazardous chemicals used, with employees having passed assessment;

(2) having a work safety administration body and full-time work safety administrators;

(3) having emergency response plans for hazardous chemicals accidents conforming to state provisions and necessary emergency rescue apparatus, equipment, installations and materials;

(4) having carried out safety assessment in accordance with the law; and

(5) other conditions prescribed by laws and regulations.

Article 50 — Chemical enterprises applying for hazardous chemicals safety use licenses shall submit applications to the emergency management department of the people's government of the city divided into districts where they are located, together with supporting materials proving that they meet the conditions prescribed in Article 49 of this Law. The emergency management department of the people's government of the city divided into districts shall conduct review in accordance with the law and make a decision on approval or disapproval within 20 working days from the date of receipt of the supporting materials. Where approval is granted, a hazardous chemicals safety use license shall be issued; where approval is not granted, the applicant shall be notified in writing with reasons.

The emergency management department of the people's government of the city divided into districts shall promptly disclose to the public, in accordance with the provisions of relevant laws and administrative regulations, the circumstances of its issuance of hazardous chemicals safety use licenses.

Article 51 — Units using hazardous chemicals shall provide the chemical safety data sheets and chemical safety labels used at their workplaces to their employees, strengthen training and education, and inform employees of the correct methods of use and the measures to be taken in emergency situations.

Individuals using hazardous chemicals shall understand the hazardous characteristics, correct methods of use and protective measures of the hazardous chemicals, and may not illegally use, store or dispose of hazardous chemicals.

Article 52 — The provisions of Articles 37, 38, paragraph 1 of Article 40 and Article 45 of this Law concerning units producing or storing hazardous chemicals shall apply to units using hazardous chemicals; the provisions of Articles 34, 35, 36 and 39 concerning enterprises producing or storing hazardous chemicals shall apply to enterprises using hazardous chemicals for production.

Chapter V — Operation Safety

Article 53 — The state implements a licensing system for the operation of hazardous chemicals (including warehousing operations; the same below). Without a license, no unit or individual may operate hazardous chemicals. Hazardous chemicals business enterprises may not purchase hazardous chemicals from enterprises engaged in the production or operation of hazardous chemicals without a license.

Hazardous chemicals production enterprises established in accordance with the law that sell hazardous chemicals produced by themselves within the scope of their factory areas are not required to obtain hazardous chemicals business licenses.

Port operators that have obtained port business licenses in accordance with the provisions of the Port Law of the People's Republic of China and engage in hazardous chemicals warehousing operations within port areas are not required to obtain hazardous chemicals business licenses.

Article 54 — Enterprises engaged in the operation of hazardous chemicals shall meet the following conditions:

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(1) having business premises conforming to national and industry standards and, where hazardous chemicals are stored, having storage facilities conforming to national and industry standards;

(2) employees having received professional and technical training and passed assessment;

(3) having sound safety administration rules;

(4) having full-time work safety administrators, with the principal persons in charge and work safety administrators possessing work safety knowledge and management ability commensurate with the hazardous chemicals business activities of the enterprise and having passed the assessment of the emergency management departments;

(5) having emergency response plans for hazardous chemicals accidents conforming to state provisions and necessary emergency rescue apparatus, equipment, installations and materials; and

(6) other conditions prescribed by laws and regulations.

Article 55 — Enterprises engaged in the operation of highly toxic chemicals and explosive-precursor hazardous chemicals shall submit applications to the emergency management department of the people's government of the city divided into districts where they are located. Enterprises engaged in the operation of other hazardous chemicals shall submit applications to the emergency management department of the people's government at the county level where they are located; where they have storage facilities and the storage quantities constitute major hazard sources, they shall submit applications to the emergency management department of the people's government of the city divided into districts where they are located. Applicants shall submit supporting materials proving that they meet the conditions prescribed in Article 54 of this Law. The emergency management department of the people's government of the city divided into districts or the emergency management department of the people's government at the county level shall conduct review in accordance with the law, and carry out on-site verification of the applicants' business premises and storage facilities in accordance with provisions. A decision on approval or disapproval shall be made within 20 working days from the date of receipt of the supporting materials. Where approval is granted, a hazardous chemicals business license shall be issued; where approval is not granted, the applicant shall be notified in writing with reasons.

The emergency management departments of the people's governments of cities divided into districts and at the county level shall promptly disclose to the public, in accordance with the provisions of relevant laws and administrative regulations, the circumstances of their issuance of hazardous chemicals business licenses.

Applicants may engage in hazardous chemicals business activities only after completing registration procedures with the market regulation departments on the strength of their hazardous chemicals business licenses. Where laws, administrative regulations or provisions of the State Council require other licenses from relevant departments for the operation of hazardous chemicals, applicants shall hold the corresponding license documents when completing registration procedures with the market regulation departments.

Article 56 — Where hazardous chemicals business enterprises store hazardous chemicals, they shall comply with the provisions of Chapter III of this Law on the storage of hazardous chemicals. Only hazardous chemicals in small packages for civil use may be kept in hazardous chemicals shops.

Article 57 — When selling hazardous chemicals, hazardous chemicals production enterprises and business enterprises shall provide purchasing units or individuals with chemical safety data sheets conforming to the provisions of laws and administrative regulations and the requirements of national and industry standards, and may not operate hazardous chemicals without chemical safety data sheets or chemical safety labels, and may not alter chemical safety data sheets or chemical safety labels without authorization.

Any unit or individual purchasing hazardous chemicals shall have the right to request the hazardous chemicals production enterprises and business enterprises to provide the relevant chemical safety data sheets, and to learn about the hazardous characteristics, protective measures and methods of use.

Article 58 — Enterprises that have lawfully obtained hazardous chemicals work safety licenses, hazardous chemicals safety use licenses or hazardous chemicals business licenses shall purchase highly toxic chemicals and explosive-precursor hazardous chemicals on the strength of the corresponding license documents. Enterprises producing or researching civilian explosives, fireworks and firecrackers, and weapons and equipment shall purchase explosive-precursor hazardous chemicals on the strength of the corresponding licenses.

Units other than those prescribed in the preceding paragraph that purchase highly toxic chemicals shall apply to the public security organ of the people's government at the county level where they are located for highly toxic chemicals purchase licenses; those purchasing explosive-precursor hazardous chemicals shall hold a statement of lawful use issued by their own units.

Individuals may not purchase highly toxic chemicals (except pesticides that are highly toxic chemicals) or explosive-precursor hazardous chemicals (except food additives, medicines, veterinary drugs, disinfectants and other daily necessities containing explosive-precursor hazardous chemicals).

Article 59 — To apply for a highly toxic chemicals purchase license, the applicant shall submit the following materials to the public security organ of the people's government at the county level where it is located:

(1) a copy of the business license or legal person certificate (registration certificate);

(2) a description of the types and quantities of the highly toxic chemicals to be purchased;

(3) a description of the purposes for purchasing the highly toxic chemicals; and

(4) the identity certificate of the handling person.

The public security organ of the people's government at the county level shall, within three working days from the date of receipt of the materials prescribed in the preceding paragraph, make a decision on approval or disapproval. Where approval is granted, a highly toxic chemicals purchase license shall be issued; where approval is not granted, the applicant shall be notified in writing with reasons.

The administration of highly toxic chemicals purchase licensing shall be carried out in accordance with the provisions of the public security department under the State Council.

Article 60 — When selling highly toxic chemicals and explosive-precursor hazardous chemicals, hazardous chemicals production enterprises and business enterprises shall verify the relevant license documents or supporting documents prescribed in paragraphs 1 and 2 of Article 58 of this Law, and may not sell highly toxic chemicals or explosive-precursor hazardous chemicals to units that do not hold the relevant license documents or supporting documents. With respect to those purchasing highly toxic chemicals on the strength of highly toxic chemicals purchase licenses, sales shall be made in accordance with the types and quantities stated in the licenses.

The sale of highly toxic chemicals (except pesticides that are highly toxic chemicals) and explosive-precursor hazardous chemicals (except food additives, medicines, veterinary drugs, disinfectants and other daily necessities containing explosive-precursor hazardous chemicals) to individuals is prohibited.

Article 61 — When selling highly toxic chemicals and explosive-precursor hazardous chemicals, hazardous chemicals production enterprises and business enterprises shall truthfully record the names and addresses of the purchasing units, the names and identity card numbers of the handling persons, and the types, quantities and purposes of the purchased highly toxic chemicals and explosive-precursor hazardous chemicals. The retention period of the sales records, copies of the identity certificates of the handling persons and copies of the relevant license documents or supporting documents shall be no less than three years.

The sellers and purchasing units of highly toxic chemicals and explosive-precursor hazardous chemicals shall, within three days after the sale or purchase, report the types and quantities of the sold or purchased

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highly toxic chemicals and explosive-precursor hazardous chemicals, as well as the flow information, to the public security organ of the people's government at the county level where they are located for filing, and enter the information into the computer system.

Article 62 — Units using highly toxic chemicals and explosive-precursor hazardous chemicals may not lend or transfer the highly toxic chemicals and explosive-precursor hazardous chemicals they have purchased; where transfer is genuinely necessary due to conversion of production, suspension of production, relocation or closure, the transfer shall be made to units holding the relevant license documents or supporting documents prescribed in paragraphs 1 and 2 of Article 58 of this Law, and the types and quantities of the transferred highly toxic chemicals and explosive-precursor hazardous chemicals, as well as the flow information, shall be reported to the public security organ of the people's government at the county level where they are located for filing within three days after the transfer.

Article 63 — Selling or purchasing highly toxic chemicals or explosive-precursor hazardous chemicals over the internet is prohibited.

Chapter VI — Transport Safety

Article 64 — The transport of hazardous chemicals managed as dangerous goods by road or waterway shall comply with this Law and the provisions of relevant laws, administrative regulations and the transport department under the State Council on the safety of road and waterway transport of dangerous goods.

Article 65 — Those engaged in the road or waterway transport of hazardous chemicals shall complete registration procedures with the market regulation departments, and shall respectively obtain dangerous goods road transport licenses, corresponding dangerous goods waterway transport licenses or complete filing procedures in accordance with the provisions of the laws and administrative regulations on road transport and waterway transport.

The road or waterway transport of hazardous chemicals shall be undertaken by transport enterprises that have lawfully obtained the corresponding licenses or completed filing procedures; other units and individuals may not undertake such transport. Shippers shall entrust transport enterprises that have lawfully obtained the corresponding licenses or completed filing procedures to undertake the transport, and may not entrust other units and individuals to do so. Hazardous chemicals transport vehicles of other units and individuals may not operate under affiliation.

Hazardous chemicals road transport enterprises and waterway transport enterprises shall assign full-time work safety administrators.

Hazardous chemicals that may be managed as ordinary goods after proper treatment shall be transported as ordinary goods; the specific measures shall be formulated by the transport department under the State Council.

Article 66 — The drivers, crew members, loading and unloading administrators, escorts, declaration personnel and on-site inspectors of container stuffing of hazardous chemicals road transport enterprises and waterway transport enterprises shall pass the assessment of the transport departments and obtain practice qualifications. The specific measures shall be formulated by the transport department under the State Council.

The loading and unloading operations of hazardous chemicals shall comply with the safety operation standards, procedures and systems, and shall be carried out under the on-site command or monitoring of loading and unloading administrators. The container stuffing operations for waterway transport of hazardous chemicals shall be carried out under the command or monitoring of on-site inspectors of container stuffing, and shall conform to the specifications and requirements for stowage and segregation; after the stuffing operations are completed, the on-site inspectors of container stuffing shall sign the container stuffing

certificates.

Article 67 — When transporting hazardous chemicals, corresponding safety protection measures shall be taken in light of the hazardous characteristics of the hazardous chemicals, and necessary protective articles and emergency rescue apparatus, equipment, installations and materials shall be provided.

Tanks and other containers used for transporting hazardous chemicals shall be tightly sealed so as to prevent seepage or spillage of hazardous chemicals during transport due to changes in temperature, humidity or pressure; the overflow and pressure-relief devices of tanks and other containers shall be accurately set and flexible in opening and closing.

When transporting hazardous chemicals, the drivers, crew members, loading and unloading administrators, escorts, declaration personnel and on-site inspectors of container stuffing shall be familiar with the hazardous characteristics of the hazardous chemicals transported and the requirements for the use of their packaging and containers, and master the emergency response methods in the event of danger.

Article 68 — When transporting hazardous chemicals by road, hazardous chemicals shall be loaded in accordance with the approved loading mass of the transport vehicles, and overloading is prohibited.

Hazardous chemicals transport vehicles shall conform to the safety technical conditions required by national standards and shall undergo regular safety technical inspection in accordance with relevant state provisions.

Hazardous chemicals transport vehicles shall hang or spray warning signs conforming to the requirements of national standards, which may not be covered or removed.

Hazardous chemicals transport vehicles shall be installed with satellite positioning monitoring devices conforming to the requirements of national and industry standards and ensure that they remain in good operating condition; such devices may not be removed or switched off, or their normal operation affected by signal shielding or other means, and the monitoring data may not be deleted or tampered with.

Article 69 — When transporting hazardous chemicals by road, escorts shall be assigned as required, and the hazardous chemicals transported shall be kept under the monitoring of the escorts. The specific measures shall be formulated by the transport department under the State Council jointly with relevant departments.

Hazardous chemicals road transport enterprises shall carry out real-time monitoring and administration of the operating conditions of transport vehicles and drivers, promptly correct illegal and non-compliant driving acts such as speeding, fatigued driving and driving along non-prescribed routes, and achieve safety monitoring, surveillance and early warning. Drivers of vehicles transporting hazardous chemicals shall strictly comply with road traffic safety laws and regulations; continuous daytime driving time may not exceed four hours, continuous nighttime driving time may not exceed two hours, and the rest time at each stop shall be no less than 20 minutes.

Where it is necessary to stop during the transport of hazardous chemicals, the drivers and escorts shall take corresponding safety precautionary measures; where a relatively long stop is necessary in the transport of highly toxic chemicals or explosive-precursor hazardous chemicals due to lodging or circumstances affecting normal transport, the local public security organs shall also be notified.

Article 70 — Without the approval of the public security organs, vehicles transporting hazardous chemicals may not enter areas where access by hazardous chemicals transport vehicles is restricted. The areas where access by hazardous chemicals transport vehicles is restricted shall be delimited by the public security organs of the people's governments at the county level, or by them jointly with relevant departments, and conspicuous signs shall be set.

The administration of licensing for vehicles transporting hazardous chemicals to enter areas where access by hazardous chemicals transport vehicles is restricted shall be carried out in accordance with the provisions of the public security department under the State Council.

Article 71 — When transporting highly toxic chemicals by road, shippers shall apply to the public security organ of the people's government at the county level at the place of departure or destination of the transport for highly toxic chemicals road transport passes.

To apply for a highly toxic chemicals road transport pass, the shipper shall submit the following materials to the public security organ of the people's government at the county level:

(1) a description of the types and quantities of the highly toxic chemicals to be transported;

(2) a description of the place of departure, destination, transport time and transport route;

(3) supporting documents showing that the carrier has obtained the corresponding dangerous goods road transport license, the transport vehicles have obtained the corresponding operation certificates, and the drivers and escorts have obtained the corresponding post qualifications; and

(4) the relevant license documents for purchasing highly toxic chemicals prescribed in paragraphs 1 and 2 of Article 58 of this Law, or the import and export supporting documents issued by customs.

The public security organ of the people's government at the county level shall, within seven working days from the date of receipt of the materials prescribed in the preceding paragraph, make a decision on approval or disapproval. Where approval is granted, a highly toxic chemicals road transport pass shall be issued; where approval is not granted, the applicant shall be notified in writing with reasons.

The administration of highly toxic chemicals road transport passes shall be carried out in accordance with the provisions of the public security department under the State Council.

Article 72 — Where highly toxic chemicals or explosive-precursor hazardous chemicals are lost, stolen or robbed during road transport, or where dispersal, leakage or other circumstances occur, the drivers and escorts shall immediately take corresponding warning measures and safety measures and report to the local public security organs. Upon receiving the report, the public security organs shall, in light of the actual circumstances, immediately notify the transport, emergency management, ecological environment and health departments. The relevant departments shall take necessary emergency response measures.

Article 73 — The maritime administration shall, in light of the types and hazardous characteristics of hazardous chemicals, determine the safe transport conditions for vessels transporting hazardous chemicals.

Where the safe transport conditions of chemicals to be delivered for transport by vessel are unclear, the owner of the goods or the agent shall entrust a relevant technical institution to conduct an assessment, and only after the relevant safe transport conditions are clarified and confirmed by the maritime administration may the chemicals be delivered for transport by vessel.

Article 74 — Transporting highly toxic chemicals through enclosed inland waters is prohibited.

Transporting hazardous chemicals whose transport through inland waters is prohibited by the state through inland waters is prohibited. The scope of hazardous chemicals prohibited from transport through inland waters shall be prescribed and published by the transport department under the State Council jointly with the ecological environment, emergency management and industry and information technology departments, in light of the hazardous characteristics of the hazardous chemicals, the degree of harm of the hazardous chemicals to the human body and the water environment, and the difficulty of eliminating the harmful consequences.

Article 75 — The transport department under the State Council shall, in light of the hazardous characteristics of hazardous chemicals, exercise classified administration over the transport through inland waters of hazardous chemicals other than those prescribed in Article 74 of this Law (hereinafter referred to as "transport of hazardous chemicals through inland waters"), and shall separately prescribe and supervise the implementation of the transport methods, packaging specifications and safety protection measures for each category of hazardous chemicals.

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Article 76 — Transporting hazardous chemicals through inland waters shall use transport vessels that have lawfully obtained dangerous goods fitness certificates. Waterway transport enterprises shall, in light of the hazardous characteristics of the hazardous chemicals transported, formulate emergency rescue plans for hazardous chemicals accidents on transport vessels, and equip the transport vessels with sufficient and effective emergency rescue apparatus, equipment, installations and materials.

The owners or operators of vessels transporting hazardous chemicals through inland waters shall obtain vessel pollution damage liability insurance certificates or financial guarantee certificates. Copies of the vessel pollution damage liability insurance certificates or financial guarantee certificates shall be carried on board the vessels.

Article 77 — When transporting hazardous chemicals through inland waters, the materials, types, strength and packaging methods of the hazardous chemicals packaging shall conform to the requirements of the relevant packaging specifications for waterway transport. Where the transport department under the State Council has restrictive provisions on the quantity of hazardous chemicals transported by a single vessel, the carrier shall arrange the transport quantity in accordance with the provisions.

Article 78 — Inland river wharves and berths used for hazardous chemicals transport operations shall conform to the relevant state safety specifications and maintain the safety distances prescribed by the state from drinking water intake points. The relevant administrative units shall formulate emergency response plans for hazardous chemicals accidents at the wharves and berths, and equip the wharves and berths with sufficient and effective emergency rescue apparatus, equipment, installations and materials.

Inland river wharves and berths used for hazardous chemicals transport operations may be put into use only after passing acceptance in accordance with relevant state provisions.

Article 79 — Vessels carrying hazardous chemicals entering or leaving inland river ports shall report to the maritime administration in accordance with the provisions of laws and administrative regulations. Upon receiving the report, the maritime administration shall, within the time prescribed by the transport department under the State Council, decide whether to consent, notify the reporter, and simultaneously notify the port administration department.

For loading, unloading and lightering operations of hazardous chemicals within inland river ports, matters such as the names, hazardous characteristics and packaging of the hazardous chemicals and the time and place of the operations shall be reported to the port administration department. Upon receiving the report, the port administration department shall, within the time prescribed by the transport department under the State Council, decide whether to consent, notify the reporter, and simultaneously notify the maritime administration.

Where vessels carrying hazardous chemicals navigate inland rivers and pass through navigation structures, they shall conform to the relevant requirements for the safety administration of navigation structures and report to the operators of the navigation structures in advance. The operators shall promptly forward the report to the transport departments. Vessels carrying hazardous chemicals passing through navigation structures shall accept the administration of the transport departments.

Article 80 — Vessels carrying hazardous chemicals navigating, loading or unloading, or berthing in inland rivers shall hoist dedicated warning signs and display dedicated signals in accordance with provisions.

Where pilotage is required in accordance with laws, administrative regulations and the provisions of the transport department under the State Council for vessels carrying hazardous chemicals navigating inland rivers, pilotage shall be applied for.

Article 81 — Vessels carrying hazardous chemicals navigating inland rivers shall comply with the provisions of laws, administrative regulations and other relevant state provisions on the protection of drinking water sources and nature reserves. Inland waterway development plans shall be coordinated with the delineation

plans for drinking water source protection zones approved in accordance with the law and the overall plans of nature reserves.

Article 82 — When consigning hazardous chemicals for transport, shippers shall submit electronic or paper dangerous goods consignment lists to the carriers, describing the types, quantities and hazardous characteristics of the consigned hazardous chemicals and the emergency response measures in the event of danger, provide chemical safety data sheets, properly package the consigned hazardous chemicals in accordance with relevant state provisions, affix, print or attach to the packaging chemical safety labels consistent with the hazardous chemicals inside the packaging, and ensure that they are available for inspection at all times.

Where inhibitors or stabilizers need to be added for the transport of hazardous chemicals, the shippers shall add them in accordance with provisions and inform the carriers of the relevant circumstances.

Loaders shall perform inspection duties before filling or loading hazardous chemicals, and carry out filling and loading operations in accordance with the standard requirements.

Article 83 — Shippers may not conceal hazardous chemicals among ordinary goods consigned for transport, and may not conceal or falsely declare hazardous chemicals as ordinary goods for consignment.

No unit or individual may send hazardous chemicals by post or conceal hazardous chemicals in mail or express delivery items, and may not conceal or falsely declare hazardous chemicals as ordinary articles for posting. Postal enterprises and express delivery enterprises may not accept hazardous chemicals for posting or delivery.

With respect to suspected violations of paragraphs 1 and 2 of this Article, the transport departments and postal administration departments may open the items in accordance with the law, and carry out inspection through sampling and testing and other methods.

Article 84 — The safety administration of the transport of hazardous chemicals by railway or air shall be carried out in accordance with the provisions of the laws, administrative regulations and rules on railway and air transport.

Chapter VII — Registration of Hazardous Chemicals

Article 85 — The state implements a hazardous chemicals registration system to provide technical and information support for the safety administration of hazardous chemicals and the prevention of and emergency response to hazardous chemicals accidents.

Article 86 — Hazardous chemicals production enterprises and import enterprises shall complete hazardous chemicals registration with the institution responsible for hazardous chemicals registration under the emergency management department under the State Council (hereinafter referred to as the "hazardous chemicals registration institution").

Hazardous chemicals registration includes the following content:

(1) classification and labeling information;

(2) physical and chemical properties;

(3) main uses;

(4) hazardous characteristics;

(5) safety requirements for storage, use and transport; and

(6) emergency response measures in the event of danger.

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Repeated registration is not required for hazardous chemicals of the same type produced or imported by the same enterprise. Where hazardous chemicals production enterprises or import enterprises discover that the hazardous chemicals they produce or import have new hazardous characteristics or that other registered content has changed, they shall promptly complete the registration content change procedures with the hazardous chemicals registration institution.

The specific measures for hazardous chemicals registration shall be formulated by the emergency management department under the State Council.

Article 87 — The state exempts from registration hazardous chemicals that are of low quantity, low release and low exposure in the process of research and development and trial production and trial sales. The specific measures for registration exemption shall be formulated by the emergency management department under the State Council jointly with the industry and information technology, public security, ecological environment, agriculture and rural affairs, health and customs departments.

Article 88 — The hazardous chemicals registration institution shall share hazardous chemicals registration information and data with the industry and information technology, public security, natural resources, ecological environment, transport, agriculture and rural affairs, health, customs, market regulation and energy departments and military organs.

Article 89 — The environmental administration registration of new chemical substances shall be carried out in accordance with the provisions of the laws, administrative regulations and rules on ecological environmental protection.

Chapter VIII — Accident Emergency Rescue

Article 90 — The emergency management departments of local people's governments at or above the county level shall, jointly with the industry and information technology, public security, ecological environment, transport, health and market regulation departments, formulate emergency response plans for hazardous chemicals accidents in light of the actual conditions of their respective regions, submit them to the people's governments at the corresponding levels for approval, and disclose them to the public in accordance with the law.

When formulating their own emergency response plans, the departments with safety supervision and administration duties over hazardous chemicals shall include content on emergency response to hazardous chemicals accidents.

The Chinese People's Liberation Army and the Chinese People's Armed Police Force shall, in accordance with the orders of the Central Military Commission, participate in the emergency rescue of hazardous chemicals accidents in accordance with the law.

Article 91 — Hazardous chemicals units shall make good emergency preparations, improve emergency administration systems, formulate their own emergency response plans for hazardous chemicals accidents, establish full-time or part-time emergency rescue teams in accordance with the law, equip necessary emergency rescue apparatus, equipment, installations and materials, organize regular emergency rescue drills, and improve employees' emergency response capabilities. Those with relatively small production and business operation scales may not establish emergency rescue teams, but shall designate part-time emergency rescue personnel and may conclude emergency rescue agreements with nearby emergency rescue teams.

Hazardous chemicals units shall, in accordance with relevant state provisions, submit their emergency response plans for hazardous chemicals accidents to the emergency management departments of the people's governments at or above the county level for filing, and disclose them to the public in accordance with the law.

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Article 92 — Local people's governments at or above the county level shall, in light of the actual needs of emergency work for production safety accidents, strengthen the construction of professional emergency rescue forces for hazardous chemicals in chemical industrial parks, and may rely on qualified production and business operation units and social organizations to jointly establish professional emergency rescue teams for hazardous chemicals, equip necessary emergency rescue apparatus, equipment, installations and materials, and organize regular training.

Hazardous chemicals units within chemical industrial parks may jointly establish emergency rescue teams.

Article 93 — Where a hazardous chemicals accident occurs, the principal person in charge of the unit where the accident occurs shall immediately organize rescue in accordance with the unit's emergency response plan for hazardous chemicals accidents, report to the local emergency management, ecological environment, public security, health and market regulation departments, and promptly notify the units and personnel that may be affected; where a hazardous chemicals accident occurs in the course of road or waterway transport, the drivers, crew members or escorts shall also report to the transport department at the place where the accident occurs.

Article 94 — Where a hazardous chemicals unit encounters an emergency that directly endangers personal safety, on the premise of ensuring safety, the on-site shift leaders, team leaders and dispatchers shall have the right to immediately issue orders to suspend production and evacuate personnel, and direct the evacuation of the relevant personnel in danger.

Article 95 — Where a hazardous chemicals accident occurs, the relevant local people's governments shall immediately organize the emergency management, ecological environment, public security, health, transport and other relevant departments to organize and implement rescue in accordance with the local emergency response plans for hazardous chemicals accidents, and may not delay or evade responsibility.

The relevant local people's governments and their relevant departments shall, in accordance with the following provisions, take necessary emergency response measures to reduce accident losses and prevent the spread and expansion of accidents:

(1) immediately organize the rescue and treatment of the victims, and transfer, evacuate, move and properly resettle other persons under threat, or take other protective measures;

(2) promptly control the hazard sources, determine the properties of the hazardous chemicals, and assess the hazard areas and degree of hazard of the accident;

(3) in view of the actual and possible harm caused by the accident to human bodies, animals and plants, soil, water sources, water bodies and the atmosphere, promptly take measures such as sealing off, isolation and decontamination; and

(4) monitor and assess the environmental pollution and ecological damage caused by the hazardous chemicals accident, and take corresponding environmental pollution control and ecological restoration measures.

Article 96 — The relevant hazardous chemicals units shall provide technical guidance and necessary assistance for the emergency rescue of hazardous chemicals accidents.

Article 97 — Where a hazardous chemicals accident causes environmental pollution and ecological damage, the people's government performing the unified leadership duties shall uniformly release the relevant information.

Chapter IX — Legal Liability

Article 98 — Where hazardous chemicals whose production, use or operation is prohibited by the state are produced, used or operated, the emergency management departments shall order the cessation of the

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production, use or operation activities; where there are illegal gains, the illegal gains shall be confiscated, and the illegally produced, used or operated hazardous chemicals, as well as the tools, equipment and raw materials used for the illegal production, use or operation, shall be confiscated; where the value of the illegally produced, used or operated hazardous chemicals is less than 100,000 yuan, a fine of no less than 300,000 yuan but no more than 500,000 yuan shall be imposed concurrently; where the value is 100,000 yuan or more, a fine of no less than five times but no more than ten times the value shall be imposed concurrently.

Where an act prescribed in the preceding paragraph is committed, the emergency management departments shall also order the harmless treatment of the hazardous chemicals produced, used or operated.

Where hazardous chemicals are used in violation of the restrictive provisions of the state on the use of hazardous chemicals, the matter shall be handled and penalized in accordance with paragraph 1 of this Article.

Article 99 — Under any of the following circumstances, the departments with safety supervision and administration duties over hazardous chemicals shall, according to the division of duties, order the cessation of construction or the suspension of production and business for rectification, order rectification within a prescribed time limit, and impose concurrently a fine of no less than 100,000 yuan but no more than 500,000 yuan, and impose a fine of no less than 20,000 yuan but no more than 50,000 yuan on the directly responsible persons in charge and other directly responsible persons; where rectification is not made within the prescribed time limit, a fine of no less than 500,000 yuan but no more than 1,000,000 yuan shall be imposed, and a fine of no less than 50,000 yuan but no more than 100,000 yuan shall be imposed on the directly responsible persons in charge and other directly responsible persons:

(1) a hazardous chemicals construction project has not undergone safety condition review;

(2) a hazardous chemicals construction project has no safety facility design, or the safety facility design has not been submitted to the relevant emergency management department for review and approval;

(3) the construction unit has not carried out construction in accordance with the approved safety facility design;

(4) for a hazardous chemicals construction project subject to project supervision, the construction unit has not entrusted supervision of the construction of safety facilities as part of the same commission; or

(5) the safety facilities have not passed acceptance before a completed hazardous chemicals construction project is put into production or use.

Where a hazardous chemicals port construction project falls under any of the circumstances prescribed in the preceding paragraph, the port administration department shall handle and penalize it in accordance with the preceding paragraph.

Article 100 — Where hazardous chemicals are produced without lawfully obtaining a hazardous chemicals work safety license, or hazardous chemicals and their packaging and containers are produced without lawfully obtaining an industrial product production license, the matter shall be handled and penalized respectively in accordance with the provisions of the laws and administrative regulations on work safety licensing and industrial product production licensing.

Where a chemical enterprise uses hazardous chemicals for production without obtaining a hazardous chemicals safety use license in violation of this Law, the emergency management department shall order rectification within a prescribed time limit and impose a fine of no less than 100,000 yuan but no more than 500,000 yuan; where rectification is not made within the prescribed time limit, suspension of production for rectification shall be ordered.

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Where hazardous chemicals are operated without obtaining a hazardous chemicals business license in violation of this Law, the emergency management department shall order the cessation of the business activities, confiscate the illegally operated hazardous chemicals and illegal gains, and impose concurrently a fine of no less than 100,000 yuan but no more than 500,000 yuan.

Article 101 — Under any of the following circumstances, the departments with safety supervision and administration duties over hazardous chemicals shall, according to the division of duties, order rectification within a prescribed time limit and may impose a fine of no more than 100,000 yuan; where rectification is not made within the prescribed time limit, a fine of no less than 100,000 yuan but no more than 200,000 yuan shall be imposed, and a fine of no less than 20,000 yuan but no more than 50,000 yuan shall be imposed on the directly responsible persons in charge and other directly responsible persons; where the circumstances are serious, suspension of production and business for rectification shall be ordered:

(1) a hazardous chemicals production enterprise or import enterprise fails to provide Chinese-language chemical safety data sheets, or fails to affix, print or attach Chinese-language chemical safety labels to the packaging of hazardous chemicals;

(2) the Chinese-language chemical safety data sheets provided by a hazardous chemicals production enterprise or import enterprise are inconsistent with the hazardous chemicals it produces or imports, the Chinese-language chemical safety labels affixed, printed or attached to the packaging are inconsistent with the hazardous chemicals inside the packaging, or the chemical safety data sheets or chemical safety labels do not conform to the requirements of national standards;

(3) a hazardous chemicals production enterprise or import enterprise fails to make an immediate announcement upon discovering new hazardous characteristics of the hazardous chemicals it produces or imports, or fails to promptly revise the chemical safety data sheets or chemical safety labels;

(4) a unit producing or storing hazardous chemicals fails to set conspicuous marks on the hazardous chemicals pipelines laid by it, or fails to carry out regular inspection, testing and patrolling of the hazardous chemicals pipelines;

(5) for construction operations that may endanger the safety of hazardous chemicals pipelines, the construction unit fails to notify the unit to which the pipeline belongs of the construction plan in writing as required, fails to jointly formulate an emergency response plan and take corresponding safety protection measures with the unit to which the pipeline belongs, or the unit to which the pipeline belongs fails to assign special personnel to the site to provide guidance on pipeline safety protection;

(6) employees of a hazardous chemicals production enterprise fail to meet the educational qualification requirements prescribed by the state, fail to receive work safety education and training, or take up their posts without passing assessment;

(7) the materials of hazardous chemicals packaging and containers, or the type, specifications, methods and unit mass of packaging, are incompatible with the nature and use of the packaged hazardous chemicals;

(8) an enterprise producing or storing hazardous chemicals, or an enterprise using hazardous chemicals for production, fails to specify the responsible persons, post duties and operating procedures;

(9) an enterprise producing or storing hazardous chemicals, or an enterprise using hazardous chemicals for production, fails to install automatic control systems and safety instrumented systems as required, fails to establish a safety risk monitoring and early warning system, or the safety risk monitoring and early warning system is not interconnected with relevant government departments;

(10) a unit producing, storing or using hazardous chemicals fails to set conspicuous safety warning signs at its workplaces and on safety facilities and equipment, or fails to install communication and alarm devices at its workplaces and keep them in a serviceable state;

(11) dedicated storage premises for hazardous chemicals are not managed by dedicated personnel, the dual-person handover and dual-person custody system is not implemented for highly toxic chemicals and other hazardous chemicals whose storage quantities constitute major hazard sources, or the retention period of handover records is less than three years;

(12) a unit storing hazardous chemicals fails to establish a system for the verification and registration of hazardous chemicals entering and leaving storage;

(13) dedicated storage premises for hazardous chemicals are not set with conspicuous signs;

(14) a research and development unit directly applies to industrial production new processes and technologies that have not undergone small-scale testing, pilot testing and industrial testing, or fails to provide safety demonstration reports and relevant materials when transferring new processes and technologies for hazardous chemicals;

(15) a unit using hazardous chemicals fails to provide the chemical safety data sheets and chemical safety labels used at its workplaces to its employees, or fails to inform employees of the correct methods of use and the measures to be taken in emergency situations;

(16) a hazardous chemicals production enterprise or business enterprise operates hazardous chemicals without chemical safety data sheets or chemical safety labels, or alters chemical safety data sheets or chemical safety labels without authorization; or

(17) a hazardous chemicals production enterprise or import enterprise fails to complete hazardous chemicals registration, or fails to complete the registration content change procedures upon discovering new hazardous characteristics of the hazardous chemicals it produces or imports or changes in other registered content.

Where a port operator engaged in hazardous chemicals warehousing operations falls under any of the circumstances prescribed in the preceding paragraph, the port administration department shall handle and penalize it in accordance with the preceding paragraph. Where dedicated storage premises for highly toxic chemicals and explosive-precursor hazardous chemicals are not equipped with corresponding physical protection and technical protection facilities in accordance with relevant state provisions, the public security organs shall handle and penalize it in accordance with the preceding paragraph.

Where a unit producing or storing highly toxic chemicals and explosive-precursor hazardous chemicals fails to set up a public security protection organ or assign full-time public security protection personnel, the matter shall be handled and penalized in accordance with the provisions of the laws and administrative regulations on internal public security protection of enterprises and public institutions.

Article 102 — Where a hazardous chemicals packaging and container production enterprise sells hazardous chemicals packaging and containers that have not been inspected or have failed inspection, the market regulation department shall order rectification within a prescribed time limit and impose a fine of no less than 200,000 yuan but no more than 500,000 yuan, and, where there are illegal gains, confiscate the illegal gains; where rectification is not made within the prescribed time limit, suspension of production and business for rectification shall be ordered, and a fine of no less than 10,000 yuan but no more than 50,000 yuan shall be imposed on the directly responsible persons in charge and other directly responsible persons.

Where vessels for transporting hazardous chemicals that have not passed inspection and the containers stowed on them are put into use, the maritime administration shall handle and penalize the matter in accordance with the preceding paragraph.

Article 103 — Under any of the following circumstances, the departments with safety supervision and administration duties over hazardous chemicals shall, according to the division of duties, order rectification within a prescribed time limit and impose a fine of no less than 50,000 yuan but no more than 100,000 yuan; where rectification is not made within the prescribed time limit, suspension of production and business for rectification shall be ordered, and the relevant license documents shall be revoked by the original issuing

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organs, with a concurrent fine of no less than 100,000 yuan but no more than 200,000 yuan, and a fine of no less than 20,000 yuan but no more than 50,000 yuan shall be imposed on the directly responsible persons in charge and other directly responsible persons; where the relevant license documents are revoked, the market regulation department shall order the handling of business scope change registration or revoke the business license:

(1) failing to register and file major hazard sources of hazardous chemicals in accordance with relevant state provisions, failing to carry out regular testing, assessment and monitoring, failing to formulate emergency response plans, or failing to establish a safety responsibility system for major hazard sources;

(2) failing to inspect hazardous chemicals packaging and containers for repeated use before reuse, or using hazardous chemicals packaging and containers with safety hazards;

(3) failing to install relevant safety facilities and equipment at workplaces in light of the types and hazardous characteristics of the hazardous chemicals produced or stored, or failing to carry out routine maintenance and upkeep of the safety facilities and equipment in accordance with national standards, industry standards or relevant state provisions;

(4) failing to carry out regular safety assessment of the work safety conditions in accordance with the provisions of this Law;

(5) failing to store hazardous chemicals in dedicated storage premises, or failing to store highly toxic chemicals and other hazardous chemicals whose storage quantities constitute major hazard sources separately within dedicated storage premises;

(6) the storage methods or storage quantities of hazardous chemicals do not conform to national standards or relevant state provisions;

(7) dedicated storage premises for hazardous chemicals do not conform to the requirements of national and industry standards;

(8) failing to carry out regular testing and inspection of the safety facilities and equipment of dedicated storage premises for hazardous chemicals, or failing to discontinue use and carry out repair or replacement in accordance with provisions after the testing or inspection is unqualified; or

(9) an enterprise producing or storing hazardous chemicals, or an enterprise using hazardous chemicals for production, fails to establish a tiered management and control system for safety risks, fails to carry out safety risk identification and assessment, fails to take corresponding safety control measures according to the tiers of safety risks, or fails to carry out safety risk identification and assessment anew when techniques, facilities, equipment or raw materials are changed.

Where a port operator engaged in hazardous chemicals warehousing operations falls under any of the circumstances prescribed in the preceding paragraph, the port administration department shall handle and penalize it in accordance with the preceding paragraph.

Article 104 — Under any of the following circumstances, the public security organs shall order rectification within a prescribed time limit and may impose a fine of no less than 20,000 yuan but no more than 100,000 yuan; where rectification is not made within the prescribed time limit, a fine of no less than 100,000 yuan but no more than 200,000 yuan shall be imposed, and a fine of no less than 10,000 yuan but no more than 50,000 yuan shall be imposed on the directly responsible persons in charge and other directly responsible persons:

(1) a unit producing, storing or using highly toxic chemicals or explosive-precursor hazardous chemicals fails to truthfully record the types, quantities and flow of the highly toxic chemicals or explosive-precursor hazardous chemicals it produces, stores or uses;

(2) a unit producing, storing or using highly toxic chemicals or explosive-precursor hazardous chemicals fails to immediately report to the public security organs upon discovering the loss or theft of highly toxic chemicals or explosive-precursor hazardous chemicals;

(3) a unit storing highly toxic chemicals fails to report the storage quantity, storage location and administrators of the highly toxic chemicals to the public security organ of the people's government at the county level where it is located for filing;

(4) a hazardous chemicals production enterprise or business enterprise fails to truthfully record the names and addresses of the purchasing units of highly toxic chemicals or explosive-precursor hazardous chemicals, the names and identity card numbers of the handling persons and the types, quantities and purposes of the purchased highly toxic chemicals or explosive-precursor hazardous chemicals, or keeps the sales records and relevant materials for less than three years;

(5) the sellers or purchasing units of highly toxic chemicals or explosive-precursor hazardous chemicals fail to report, within the prescribed time limit, the types and quantities of the sold or purchased highly toxic chemicals or explosive-precursor hazardous chemicals and the flow information to the public security organ of the people's government at the county level where they are located for filing; or

(6) a unit using highly toxic chemicals or explosive-precursor hazardous chemicals that transfers the highly toxic chemicals or explosive-precursor hazardous chemicals it has purchased in accordance with this Law fails to report the relevant circumstances to the public security organ of the people's government at the county level where it is located for filing within three days after the transfer.

Where an enterprise producing or storing hazardous chemicals, an enterprise using hazardous chemicals for production, or an enterprise storing, loading and unloading hazardous chemicals within a port area fails to report the safety assessment report and the implementation of the rectification plan to the emergency management department of the people's government at the county level where it is located or the port administration department for filing in accordance with this Law, the emergency management department or the port administration department shall respectively handle and penalize the matter in accordance with the preceding paragraph.

Where the circumstances of highly toxic chemicals or major hazard sources of hazardous chemicals are not reported to the emergency management department, port administration department or fire and rescue services for filing in accordance with this Law, the emergency management department, port administration department or fire and rescue services shall respectively handle and penalize the matter in accordance with paragraph 1 of this Article.

Article 105 — Where a unit producing, storing or using hazardous chemicals converts its production, suspends production, ceases business or dissolves, and fails to take effective measures to promptly and properly dispose of its hazardous chemicals production installations, storage facilities and stockpiled hazardous chemicals, or discards hazardous chemicals, the emergency management department shall order rectification within a prescribed time limit and impose a fine of no less than 100,000 yuan but no more than 500,000 yuan.

Where a unit producing, storing or using hazardous chemicals converts its production, suspends production, ceases business or dissolves, and fails to report the disposal plan for its hazardous chemicals production installations, storage facilities and stockpiled hazardous chemicals to the relevant departments for filing in accordance with this Law, the relevant departments shall respectively order rectification within a prescribed time limit and may impose a fine of no less than 20,000 yuan but no more than 100,000 yuan; where rectification is not made within the prescribed time limit, a fine of no less than 100,000 yuan but no more than 200,000 yuan shall be imposed.

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Article 106 — Where a hazardous chemicals business enterprise purchases hazardous chemicals from an enterprise illegally engaged in the production or operation of hazardous chemicals without a license, the emergency management department shall order rectification within a prescribed time limit and impose a fine of no less than 200,000 yuan but no more than 500,000 yuan; where rectification is not made within the prescribed time limit, suspension of business for rectification shall be ordered, and the hazardous chemicals business license shall be revoked by the original issuing organ, with a fine of no less than 50,000 yuan but no more than 100,000 yuan imposed on the directly responsible persons in charge and other directly responsible persons; where the relevant license documents are revoked, the market regulation department shall order the handling of business scope change registration or revoke the business license.

Article 107 — Where a hazardous chemicals production enterprise or business enterprise falls under any of the following circumstances, the emergency management department shall order rectification within a prescribed time limit, confiscate the illegal gains, and impose concurrently a fine of no less than 200,000 yuan but no more than 500,000 yuan; where rectification is not made within the prescribed time limit, suspension of production and business for rectification shall be ordered, and the hazardous chemicals work safety license or hazardous chemicals business license shall be revoked by the original issuing organ, with a fine of no less than 50,000 yuan but no more than 100,000 yuan imposed on the directly responsible persons in charge and other directly responsible persons; where the relevant license documents are revoked, the market regulation department shall order the handling of business scope change registration or revoke the business license:

(1) selling highly toxic chemicals or explosive-precursor hazardous chemicals to units that do not hold the relevant license documents or supporting documents prescribed in paragraphs 1 and 2 of Article 58 of this Law;

(2) failing to sell highly toxic chemicals in accordance with the types and quantities stated in the highly toxic chemicals purchase licenses; or

(3) selling to individuals highly toxic chemicals (except pesticides that are highly toxic chemicals) or explosive-precursor hazardous chemicals (except food additives, medicines, veterinary drugs, disinfectants and other daily necessities containing explosive-precursor hazardous chemicals).

Where a unit that does not hold the relevant license documents or supporting documents prescribed in paragraphs 1 and 2 of Article 58 of this Law purchases highly toxic chemicals or explosive-precursor hazardous chemicals, or an individual purchases highly toxic chemicals (except pesticides that are highly toxic chemicals) or explosive-precursor hazardous chemicals (except food additives, medicines, veterinary drugs, disinfectants and other daily necessities containing explosive-precursor hazardous chemicals), the public security organs shall confiscate the purchased highly toxic chemicals or explosive-precursor hazardous chemicals and may impose concurrently a fine of no less than 20,000 yuan but no more than 50,000 yuan.

Where a unit using highly toxic chemicals or explosive-precursor hazardous chemicals lends, or transfers to a unit that does not hold the relevant license documents or supporting documents prescribed in paragraphs 1 and 2 of Article 58 of this Law, the highly toxic chemicals or explosive-precursor hazardous chemicals it has purchased, or transfers to an individual the highly toxic chemicals (except pesticides that are highly toxic chemicals) or explosive-precursor hazardous chemicals (except food additives, medicines, veterinary drugs, disinfectants and other daily necessities containing explosive-precursor hazardous chemicals) it has purchased, the public security organs shall order rectification within a prescribed time limit, confiscate the illegal gains, and impose concurrently a fine of no less than 100,000 yuan but no more than 500,000 yuan; where rectification is not made within the prescribed time limit, suspension of production and business for rectification shall be ordered.

Where highly toxic chemicals or explosive-precursor hazardous chemicals are sold over the internet in violation of this Law, the departments with safety supervision and administration duties over hazardous chemicals shall, according to the division of duties, handle and penalize the matter in accordance with paragraph 1 of this Article.

Article 108 — Where hazardous chemicals are transported by road or waterway without lawfully obtaining a dangerous goods road transport license or a corresponding dangerous goods waterway transport license, or without completing filing procedures, the matter shall be handled and penalized respectively in accordance with the provisions of the laws and administrative regulations on road transport and waterway transport.

Article 109 — Under any of the following circumstances, the transport departments shall order rectification within a prescribed time limit and impose a fine of no less than 50,000 yuan but no more than 500,000 yuan; where rectification is not made within the prescribed time limit, suspension of production and business for rectification shall be ordered, and a fine of no less than 10,000 yuan but no more than 50,000 yuan shall be imposed on the directly responsible persons in charge and other directly responsible persons:

(1) drivers, crew members, loading and unloading administrators, escorts, declaration personnel or on-site inspectors of container stuffing of hazardous chemicals road transport enterprises or waterway transport enterprises take up their posts without obtaining practice qualifications;

(2) the loading and unloading operations of hazardous chemicals fail to comply with the safety operation standards, procedures and systems, or are not carried out under the on-site command or monitoring of loading and unloading administrators;

(3) the container stuffing operations for waterway transport of hazardous chemicals are not carried out under the command or monitoring of on-site inspectors of container stuffing, or do not conform to the specifications and requirements for stowage and segregation;

(4) when transporting hazardous chemicals, corresponding safety protection measures are not taken in light of the hazardous characteristics of the hazardous chemicals, or necessary protective articles and emergency rescue apparatus, equipment, installations and materials are not provided;

(5) a hazardous chemicals road transport enterprise fails to carry out real-time monitoring and administration of the operating conditions of transport vehicles and drivers;

(6) hazardous chemicals are transported through inland waters using vessels that have not lawfully obtained dangerous goods fitness certificates;

(7) a carrier transporting hazardous chemicals through inland waters transports hazardous chemicals in violation of the restrictive provisions of the transport department under the State Council on the quantity of hazardous chemicals transported by a single vessel;

(8) inland river wharves and berths used for hazardous chemicals transport operations do not conform to the relevant state safety specifications, fail to maintain the safety distances prescribed by the state from drinking water intake points, or are put into use without passing acceptance in accordance with relevant state provisions;

(9) the shipper fails to submit to the carrier an electronic or paper dangerous goods consignment list describing the relevant circumstances of the consigned hazardous chemicals, fails to provide chemical safety data sheets, or fails to properly package the consigned hazardous chemicals in accordance with relevant state provisions and affix, print or attach to the packaging chemical safety labels consistent with the hazardous chemicals inside the packaging; or

(10) where inhibitors or stabilizers need to be added for the transport of hazardous chemicals, the shipper fails to add them in accordance with provisions or fails to inform the carrier of the relevant circumstances.

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Where the declaration personnel or on-site inspectors of container stuffing of a waterway transport enterprise violate the provisions of laws, administrative regulations or rules on the safety administration of hazardous chemicals, the transport department shall order rectification within a prescribed time limit and give a warning; where the circumstances are serious, suspension of practice shall be ordered, and the practice qualification may even be revoked.

Article 110 — Under any of the following circumstances, the transport departments shall order rectification within a prescribed time limit and impose a fine of no less than 200,000 yuan but no more than 300,000 yuan, and, where there are illegal gains, confiscate the illegal gains; where rectification is not made within the prescribed time limit, suspension of production and business for rectification shall be ordered, and a fine of no less than 10,000 yuan but no more than 50,000 yuan shall be imposed on the directly responsible persons in charge and other directly responsible persons:

(1) entrusting a unit or individual that has not lawfully obtained the corresponding license or completed filing procedures to carry hazardous chemicals;

(2) transporting highly toxic chemicals through enclosed inland waters;

(3) transporting hazardous chemicals whose transport through inland waters is prohibited by the state through inland waters;

(4) a vessel carrying hazardous chemicals passing through a navigation structure while navigating inland rivers fails to report to the operator of the navigation structure in advance, or fails to obey the administration of the transport department; or

(5) concealing hazardous chemicals among ordinary goods consigned for transport, or concealing or falsely declaring hazardous chemicals as ordinary goods for consignment.

Where postal enterprises or express delivery enterprises accept hazardous chemicals for posting or delivery, the matter shall be handled and penalized in accordance with the provisions of the Postal Law of the People's Republic of China.

Article 111 — Under any of the following circumstances, the public security organs shall order rectification within a prescribed time limit and impose a fine of no less than 100,000 yuan but no more than 200,000 yuan:

(1) loading hazardous chemicals in excess of the approved loading mass of the transport vehicles;

(2) using vehicles whose safety technical conditions do not conform to the requirements of national standards to transport hazardous chemicals;

(3) vehicles transporting hazardous chemicals entering areas where access by hazardous chemicals transport vehicles is restricted without the approval of the public security organs; or

(4) transporting highly toxic chemicals by road without obtaining a highly toxic chemicals road transport pass.

Article 112 — Under any of the following circumstances, the public security organs shall order rectification within a prescribed time limit and impose a fine of no less than 50,000 yuan but no more than 100,000 yuan:

(1) hazardous chemicals transport vehicles fail to hang or spray warning signs, or the warning signs are covered or removed, or the warning signs do not conform to the requirements of national standards;

(2) when transporting hazardous chemicals by road, escorts are not assigned as required;

(3) where a relatively long stop is necessary in the transport of highly toxic chemicals or explosive-precursor hazardous chemicals, the drivers or escorts fail to notify the local public security organs; or

(4) where highly toxic chemicals or explosive-precursor hazardous chemicals are lost, stolen or robbed during road transport, or where dispersal or leakage occurs, the drivers or escorts fail to take corresponding

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warning measures and safety measures or fail to report to the local public security organs.

Article 113 — Where a hazardous chemicals road transport enterprise bears full or primary responsibility for a traffic accident, the public security organs shall order the elimination of the safety hazards; hazardous chemicals transport vehicles whose safety hazards have not been eliminated are prohibited from driving on roads.

Article 114 — Under any of the following circumstances, the transport departments shall order rectification within a prescribed time limit and may impose a fine of no more than 50,000 yuan; where rectification is not made within the prescribed time limit, a fine of no less than 50,000 yuan but no more than 100,000 yuan shall be imposed:

(1) a hazardous chemicals road transport enterprise or waterway transport enterprise fails to assign full-time work safety administrators; or

(2) the administrative unit of inland river wharves and berths used for hazardous chemicals transport operations fails to formulate emergency response plans for hazardous chemicals accidents at the wharves and berths, or fails to equip the wharves and berths with sufficient and effective emergency rescue apparatus, equipment, installations and materials.

Article 115 — Under any of the following circumstances, the matter shall be handled and penalized in accordance with the provisions of the laws and administrative regulations on inland waterway traffic safety administration:

(1) a waterway transport enterprise transporting hazardous chemicals through inland waters fails to formulate emergency rescue plans for hazardous chemicals accidents on transport vessels, or fails to equip the transport vessels with sufficient and effective emergency rescue apparatus, equipment, installations and materials;

(2) the owner or operator of a vessel transporting hazardous chemicals through inland waters fails to obtain a vessel pollution damage liability insurance certificate or financial guarantee certificate;

(3) a vessel carrying hazardous chemicals entering or leaving an inland river port fails to report to the maritime administration and obtain its consent in accordance with the provisions of laws and administrative regulations; or

(4) a vessel carrying hazardous chemicals navigating, loading or unloading, or berthing in inland rivers fails to hoist dedicated warning signs, fails to display dedicated signals in accordance with provisions, or fails to apply for pilotage in accordance with provisions.

Where loading, unloading or lightering operations of hazardous chemicals are carried out within an inland river port without reporting to and obtaining the consent of the port administration department, the matter shall be handled and penalized in accordance with the provisions of the Port Law of the People's Republic of China.

Article 116 — Where hazardous chemicals work safety licenses or industrial product production licenses are forged, altered, rented, lent or transferred, or forged or altered hazardous chemicals work safety licenses or industrial product production licenses are used, the matter shall be handled and penalized respectively in accordance with the provisions of the laws and administrative regulations on work safety licensing and industrial product production licensing.

Where other licenses prescribed in this Law are forged, altered, rented, lent or transferred, or forged or altered versions of other licenses prescribed in this Law are used, the issuing and administering organs of the relevant licenses shall respectively impose a fine of no less than 200,000 yuan but no more than 300,000 yuan, and, where there are illegal gains, confiscate the illegal gains.

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Article 117 — Where a hazardous chemicals unit suffers a hazardous chemicals accident and its principal person in charge fails to immediately organize rescue or fails to immediately report to the relevant departments, the matter shall be handled and penalized in accordance with the provisions of the laws and administrative regulations on the reporting, investigation and handling of production safety accidents.

Where the principal person in charge of a hazardous chemicals unit fails to perform his or her work safety administration duties, resulting in a production safety accident, his or her practice shall be restricted in accordance with the provisions of the Work Safety Law of the People's Republic of China.

Where a hazardous chemicals unit suffers a hazardous chemicals accident that causes personal injury or property damage to others, it shall bear liability for compensation in accordance with the law.

Article 118 — Where, upon the occurrence of a hazardous chemicals accident, the relevant local people's governments and their relevant departments fail to immediately organize and implement rescue, or fail to take necessary emergency response measures to reduce accident losses and prevent the spread and expansion of the accident, the responsible leading personnel and directly responsible persons shall be given sanctions in accordance with the law.

Article 119 — Staff members of the departments with safety supervision and administration duties over hazardous chemicals who abuse their powers, neglect their duties or engage in malpractices for personal gain in hazardous chemicals safety supervision and administration shall be given sanctions in accordance with the law.

Article 120 — Where a violation of this Law constitutes a violation of public security administration, public security administration penalties shall be imposed in accordance with the law; where a crime is constituted, criminal liability shall be investigated in accordance with the law.

Chapter X — Supplementary Provisions

Article 121 — The safety administration of controlled chemicals and of medicines and pesticides that are hazardous chemicals shall be carried out in accordance with the provisions of this Law; where laws or administrative regulations provide otherwise, such provisions shall prevail.

This Law does not apply to the safety administration of civilian explosives, fireworks and firecrackers, radioactive articles, nuclear materials and hazardous chemicals used for national defense scientific research and production.

Where laws or administrative regulations provide otherwise for the safety administration of fuel gas, such provisions shall prevail.

Where hazardous chemicals containers are special equipment, their safety administration shall be carried out in accordance with the provisions of the laws and administrative regulations on the safety of special equipment.

Article 122 — The import and export administration of hazardous chemicals shall be carried out in accordance with the provisions of the laws, administrative regulations and rules on foreign trade; where the export of hazardous chemicals involves controlled items prescribed in the Export Control Law of the People's Republic of China, it shall be carried out in accordance with the provisions of the laws, administrative regulations and rules on export control; the safety administration of the storage, use, operation and transport of imported hazardous chemicals shall be carried out in accordance with the provisions of this Law.

Article 123 — Unattended hazardous chemicals discovered or picked up by the public shall be taken in by the public security organs or the emergency management departments. Where hazardous chemicals taken in or confiscated in accordance with the law by the relevant departments need to be disposed of, they shall be handed over to the ecological environment departments for disposal by specialized units recognized by them, or handed over to relevant hazardous chemicals production enterprises for disposal. The expenses

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required for disposal shall be borne by the government.

Article 124 — Where the hazardous characteristics of a chemical have not yet been determined, the emergency management, ecological environment and health departments under the State Council shall respectively be responsible for organizing the identification of the physical hazards, ecological environmental hazards and toxicological characteristics of the chemical. Where the catalogue of hazardous chemicals needs to be adjusted in light of the identification results, the matter shall be handled in accordance with paragraph 2 of Article 3 of this Law.

Where the hazardous characteristics of a chemical have not yet been determined, no unit or individual may, without authorization, engage in the production, storage, use, operation, transport or other activities of the chemical.

Article 125 — With respect to the production installations for hazardous chemicals within port areas and the parts of production installations using hazardous chemicals and their connected storage tanks, the emergency management departments shall be responsible for safety supervision and administration; with respect to the parts of storage tanks connected solely to hazardous chemicals wharves, the port administration departments shall be responsible for safety supervision and administration.

Article 126 — The safety administration of hazardous chemicals of the Chinese People's Liberation Army and the Chinese People's Armed Police Force shall be carried out in accordance with the relevant provisions of this Law and the provisions of the Central Military Commission.

Article 127 — This Law shall come into force on May 1, 2026.

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