Law of the People’s Republic of China on the Prevention and Control of Environmental Pollution by Solid Wastes

Dan Young Business Consultancy — www.danyoungcpa.com

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

Contents

Table of Contents 1

Chapter I — General Provisions 1

Chapter II — Supervision and Administration 2

Chapter III — Prevention of Industrial Solid Waste Pollution 3

Chapter IV — Prevention of Household Waste Pollution 3

Chapter V — Prevention of Construction Waste and Agricultural Solid Waste Pollution 4

Chapter VI — Prevention of Hazardous Waste Pollution 4

Chapter VII — Management of Solid Waste Import 5

Chapter VIII — Legal Liability 5

Chapter IX — Supplementary Provisions 5

Table of Contents

- Chapter I — General Provisions
- Chapter II — Supervision and Administration
- Chapter III — Prevention of Industrial Solid Waste Pollution
- Chapter IV — Prevention of Household Waste Pollution
- Chapter V — Prevention of Construction Waste and Agricultural Solid Waste Pollution
- Chapter VI — Prevention of Hazardous Waste Pollution
- Chapter VII — Management of Solid Waste Import
- Chapter VIII — Legal Liability
- Chapter IX — Supplementary Provisions

Chapter I — General Provisions

Article 1 — This Law is enacted to protect and improve the ecological environment, prevent and control environmental pollution by solid wastes, safeguard public health, maintain ecological security, promote the construction of an ecological civilization, and promote sustainable economic and social development.

Article 2 — This Law shall apply to the prevention and control of environmental pollution by solid wastes within the territory of the People’s Republic of China and other sea areas under the jurisdiction of the

Source: https://www.danyoungcpa.com/solid-waste-pollution-prevention-control-law-prc-2020-revision-english-translation/

People's Republic of China. This Law shall not apply to the prevention and control of marine environmental pollution by solid wastes.

Article 3 — The state shall implement the new development concept in the prevention and control of environmental pollution by solid wastes, promote green development, encourage and support cleaner production, and promote the reduction of solid waste generation at source.

Article 4 — The prevention and control of environmental pollution by solid wastes shall adhere to the principles of reduction, recycling, and harmlessness. Any entity or individual shall take measures to reduce the generation of solid wastes, promote comprehensive utilization of solid wastes, and reduce or eliminate the hazards of solid wastes.

Article 5 — The state shall implement a system under which entities and individuals generating solid wastes bear responsibility for the prevention and control of environmental pollution by solid wastes. Entities and individuals generating solid wastes shall take measures to prevent or reduce environmental pollution by solid wastes and shall bear liability for environmental damage caused in accordance with law.

Article 6 — The competent department of ecological environment under the State Council shall exercise unified supervision and administration over the prevention and control of environmental pollution by solid wastes nationwide. Relevant departments of the State Council shall exercise supervision and administration over the prevention and control of environmental pollution by solid wastes within their respective responsibilities.

Article 7 — Local people's governments at all levels shall be responsible for the prevention and control of environmental pollution by solid wastes within their respective administrative regions and shall strengthen leadership and coordination.

Article 8 — Entities and individuals shall have the obligation to protect the environment and shall have the right to report and accuse entities and individuals that cause environmental pollution by solid wastes.

Chapter II — Supervision and Administration

Article 9 — The state shall establish a standard system for the prevention and control of environmental pollution by solid wastes. The competent department of ecological environment under the State Council shall, in conjunction with relevant departments, formulate national technical standards and specifications for the prevention and control of environmental pollution by solid wastes.

Article 10 — The competent department of ecological environment under the State Council shall, in conjunction with relevant departments, establish a national hazardous waste list and implement classified management of hazardous wastes.

Article 11 — The competent department of ecological environment under the State Council shall establish a national solid waste pollution environment monitoring system and an information disclosure system.

Article 12 — Entities generating, collecting, storing, transporting, utilizing, or disposing of solid wastes shall establish a solid waste management ledger and truthfully record the types, quantities, destinations, storage, utilization, and disposal of solid wastes.

Article 13 — The state shall implement an extended producer responsibility system for electrical and electronic products, lead-acid batteries, and other products. Producers of such products shall establish a waste product recycling system.

Article 14 — Ecological environment authorities and their law enforcement personnel shall keep confidential the technical secrets and business secrets learned during law enforcement inspections.

Article 15 — Ecological environment authorities shall, in conjunction with relevant departments, establish a credit record system for the prevention and control of environmental pollution by solid wastes and shall

Source: https://www.danyoungcpa.com/solid-waste-pollution-prevention-control-law-prc-2020-revision-english-translation/

include entities with illegal acts in the dishonesty punishment list.

Chapter III — Prevention of Industrial Solid Waste Pollution

Article 16 — The competent department of ecological environment under the State Council shall, in conjunction with relevant departments, formulate technical policies for the prevention and control of industrial solid waste pollution and promote comprehensive utilization of industrial solid wastes.

Article 17 — Entities generating industrial solid wastes shall adopt advanced production processes and equipment to reduce the generation of industrial solid wastes and improve the comprehensive utilization rate of industrial solid wastes.

Article 18 — Entities generating industrial solid wastes shall establish facilities and sites for the storage and disposal of industrial solid wastes that meet environmental protection standards. Industrial solid wastes shall not be discarded or discharged without authorization.

Article 19 — Entities generating industrial solid wastes shall truthfully report the types, quantities, flow direction, storage, utilization, and disposal of industrial solid wastes to the local ecological environment authority.

Article 20 — Facilities, sites, and equipment for the storage, utilization, and disposal of industrial solid wastes shall be clearly identified and managed in a standardized manner.

Article 21 — The transfer of industrial solid wastes out of a provincial administrative region for storage or disposal shall be reported to the ecological environment authority of the province where the waste is transferred for record-filing.

Article 22 — Entities that terminate operations shall, prior to termination, properly dispose of their solid waste storage and disposal facilities and sites and take measures to prevent environmental pollution. Where land is contaminated, remediation shall be conducted.

Article 23 — The state shall encourage research, development, promotion, and application of technologies and equipment for reducing industrial solid waste generation and improving comprehensive utilization.

Chapter IV — Prevention of Household Waste Pollution

Article 24 — The state shall implement a household waste classification system. Local people’s governments at or above the county level shall organize the implementation of household waste classification and establish a classified collection, classified transportation, and classified treatment system.

Article 25 — Entities and individuals shall comply with household waste classification requirements, reduce the generation of household waste, and place household waste in designated locations and containers.

Article 26 — Local people’s governments shall, in accordance with local conditions, build household waste transfer stations, treatment facilities, and disposal sites, and ensure their normal operation.

Article 27 — The collection and transportation of household waste shall use sealed vehicles and shall not result in scattering, dripping, or leaking during collection and transportation.

Article 28 — The treatment of household waste shall adopt technologies and methods such as incineration for power generation, biological treatment, and sanitary landfill, and shall comply with state-prescribed treatment standards.

Article 29 — Caterage service operators shall separately collect and store kitchen waste, which shall be collected and transported by specialized units for harmlessness treatment. Kitchen waste shall not be used to feed livestock or be discharged into drainage pipelines without authorization.

Source: https://www.danyoungcpa.com/solid-waste-pollution-prevention-control-law-prc-2020-revision-english-translation/

Article 30 — The state shall encourage the reduction and recycling of household waste at source and promote green consumption and eco-friendly living.

Chapter V — Prevention of Construction Waste and Agricultural Solid Waste Pollution

Article 31 — Construction entities shall promptly clean up and transport construction waste generated during engineering construction, and shall take measures such as enclosure, covering, and sprinkling to prevent dust pollution.

Article 32 — Construction waste shall be comprehensively utilized by means such as backfilling of engineering dregs and production of recycled building materials. Comprehensive utilization shall be prioritized over landfill disposal.

Article 33 — Agricultural solid wastes such as straw, waste agricultural film, and pesticide packaging waste shall be recycled or harmlessly treated. Straw burning is prohibited in key areas, and comprehensive utilization of straw is encouraged.

Article 34 — Entities and individuals engaged in livestock and poultry breeding shall promptly collect, store, and harmlessly treat livestock and poultry manure, wastewater, and other wastes. The construction of livestock and poultry breeding projects shall be accompanied by the simultaneous construction of waste treatment facilities.

Article 35 — Waste agricultural film and pesticide packaging waste shall be collected by producers and sellers. The agricultural administrative department shall establish a sound recycling system for waste agricultural film and pesticide packaging waste.

Chapter VI — Prevention of Hazardous Waste Pollution

Article 36 — The state shall implement an identification system for hazardous wastes. The administrative department of ecological environment under the State Council shall, in conjunction with relevant departments, formulate the National Hazardous Waste List. Wastes that have not been listed but may have hazardous characteristics shall be subject to hazardous characteristic identification.

Article 37 — Entities generating hazardous wastes shall formulate management plans for hazardous wastes, establish management ledgers for hazardous wastes, truthfully declare the types, quantities, destinations, storage, and disposal of hazardous wastes, and may conduct disposal only after obtaining approval.

Article 38 — Hazardous wastes shall be stored in dedicated containers and sites that meet state-prescribed standards. The storage period of hazardous wastes shall generally not exceed one year. Extended storage requires approval.

Article 39 — The transfer of hazardous wastes shall use the hazardous waste transfer manifest system. Entities transferring hazardous wastes shall truthfully complete the hazardous waste transfer manifest.

Article 40 — Entities engaged in the collection, storage, utilization, and disposal of hazardous wastes shall apply for a hazardous waste business license. The transfer of hazardous wastes across provincial-level administrative regions shall be subject to the approval of the ecological environment authority of the receiving province.

Article 41 — Entities generating hazardous wastes shall formulate emergency plans for hazardous waste pollution accidents and conduct drills on a regular basis.

Article 42 — Where a hazardous waste pollution accident occurs, the entity generating the hazardous waste shall immediately take emergency measures to control and mitigate the hazards, promptly notify entities and residents that may be endangered, and report to the local ecological environment authority.

Source: https://www.danyoungcpa.com/solid-waste-pollution-prevention-control-law-prc-2020-revision-english-translation/

Article 43 — The state shall implement a system for the concentrated collection, storage, utilization, and disposal of hazardous wastes, encouraging the development of professional and large-scale hazardous waste disposal.

Chapter VII — Management of Solid Waste Import

Article 44 — The state shall gradually achieve zero import of solid wastes. The competent department of ecological environment under the State Council shall, in conjunction with relevant departments, formulate and adjust the catalog of solid wastes prohibited from import.

Article 45 — The import of solid wastes that are included in the catalog of solid wastes prohibited from import is prohibited. Solid wastes that can be used as raw materials and are not prohibited from import shall be subject to import license management.

Article 46 — Customs shall inspect imported solid wastes in accordance with law. Imported solid wastes without a license or that do not conform to the license shall be returned.

Article 47 — Where imported solid wastes cause environmental pollution, the importer shall bear the responsibility for returning the wastes, and shall bear the expenses for cleanup, remediation, and compensation.

Chapter VIII — Legal Liability

Article 48 — Where solid wastes are discharged, dumped, or discarded without authorization in violation of this Law, the ecological environment authority shall order correction, confiscate illegal gains, and impose a fine of not less than RMB 100,000 but not more than RMB 1,000,000. Where the circumstances are serious, the entity shall be ordered to cease production for rectification or be closed down.

Article 49 — Where hazardous wastes are stored, transported, utilized, or disposed of without a hazardous waste business license, the ecological environment authority shall order correction and impose a fine of not less than RMB 500,000 but not more than RMB 5,000,000. Where the circumstances are serious, the responsible person shall be subject to administrative detention.

Article 50 — Where hazardous wastes are illegally dumped or buried, the ecological environment authority shall order the polluter to remove the waste and remediate the contaminated soil and groundwater, and shall impose a fine of not less than one time but not more than three times the required disposal expenses.

Article 51 — Where imported solid wastes are not returned as required, customs shall order the return and impose a fine of not less than RMB 500,000 but not more than RMB 5,000,000. Where a crime is constituted, criminal liability shall be pursued.

Article 52 — Where a hazardous waste pollution accident causes serious environmental pollution or personal injury or property loss, the polluter shall bear tort liability and environmental damage compensation liability in accordance with law.

Article 53 — Where a staff member of the ecological environment authority or other relevant department neglects duty, abuses power, or engages in malpractice for personal gain, disciplinary action shall be taken in accordance with law. Where a crime is constituted, criminal liability shall be pursued.

Chapter IX — Supplementary Provisions

Article 54 — For the purposes of this Law, solid wastes refer to solid, semi-solid, and gaseous articles and substances placed in containers that are generated in production, daily life, and other activities and have lost their original use value or have been discarded or abandoned although not losing their use value, as well as articles and substances included in the management of solid wastes as provided by laws and administrative regulations.

Source: https://www.danyoungcpa.com/solid-waste-pollution-prevention-control-law-prc-2020-revision-english-translation/

Article 55 — For the purposes of this Law, hazardous wastes refer to solid wastes that are included in the National Hazardous Waste List or identified as having hazardous characteristics in accordance with the hazardous waste identification standards and identification methods prescribed by the state.

Article 56 — The prevention and control of environmental pollution by radioactive solid wastes shall be governed by separate provisions. The prevention and control of environmental pollution by medical wastes shall be governed by the provisions of this Law and the relevant regulations on medical waste management.

Article 57 — This Law shall come into force on September 1, 2020.

Disclaimer: This is an unofficial English translation for reference purposes only. The original Chinese text shall prevail in all legal matters. Dan Young Business Consultancy makes no warranty as to the accuracy or completeness of this translation. For legal advice, consult a qualified PRC lawyer.

Source: https://www.danyoungcpa.com/solid-waste-pollution-prevention-control-law-prc-2020-revision-english-translation/