Law of the People’s Republic of China on the Prevention and Control of Soil Contamination

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of protecting and improving the ecological environment, preventing and controlling soil contamination, safeguarding public health, promoting the sustainable use of soil resources, advancing ecological civilization, and promoting sustainable economic and social development.

Article 2 — This Law shall apply to the prevention and control of soil contamination and related activities within the territory of the People’s Republic of China and other sea areas under the jurisdiction of the People’s Republic of China. Prevention and control of soil contamination from radioactive substances shall be governed by relevant laws and administrative regulations.

Article 3 — The prevention and control of soil contamination shall adhere to the principles of giving priority to prevention, emphasizing protection, managing risks by classification, controlling contamination through a holistic approach, and ensuring public participation and accountability for damage.

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Article 4 — All organizations and individuals shall have the obligation to protect the soil and prevent soil contamination. Land use rights holders engaging in land use activities shall take effective measures to prevent and reduce soil contamination.

Article 5 — The State shall implement a target responsibility system and an assessment and evaluation system for the prevention and control of soil contamination, and incorporate the achievement of soil contamination prevention and control targets into the assessment and evaluation of local people's governments and their responsible persons.

Article 6 — People's governments at all levels shall strengthen leadership over the prevention and control of soil contamination, organize, coordinate and urge relevant departments to perform their duties of supervision and administration of soil contamination prevention and control in accordance with law.

Article 7 — The competent department of ecology and environment under the State Council shall exercise unified supervision and administration of the prevention and control of soil contamination nationwide. The relevant departments under the State Council shall, within their respective functions and duties, supervise and administer the prevention and control of soil contamination.

Article 8 — The State shall establish a scientific and technological research and development system for soil contamination prevention and control, and encourage and support scientific research, technological development and application.

Article 9 — The State shall support publicity and education on soil contamination prevention and control, popularize relevant scientific knowledge, and enhance public awareness of soil contamination prevention and control.

Article 10 — Any organization or individual shall have the right to report any act causing soil contamination. The department receiving the report shall handle it in a timely manner in accordance with law.

Chapter II — Planning, Standards, Baseline Survey and Monitoring

Article 11 — People's governments at or above the county level shall incorporate soil contamination prevention and control work into their national economic and social development plans and environmental protection plans.

Article 12 — The competent department of ecology and environment under the State Council shall, in conjunction with relevant departments, formulate national soil contamination risk control standards and national soil contamination control standards.

Article 13 — The competent department of ecology and environment under the State Council shall, in conjunction with relevant departments, organize a nationwide baseline survey of soil contamination conditions at least once every ten years.

Article 14 — The competent department of ecology and environment under the State Council shall establish a national soil environment monitoring network and release soil environment monitoring information to the public.

Article 15 — Local people's governments at or above the county level shall arrange soil environment monitoring stations and improve their monitoring networks in accordance with law.

Article 16 — The competent departments of ecology and environment shall, in conjunction with agriculture, forestry, and other departments, conduct monitoring of soil contamination in agricultural land.

Article 17 — The competent departments of ecology and environment shall, in conjunction with natural resources departments, conduct monitoring of soil contamination in land used for construction.

Chapter III — Prevention and Protection

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Article 18 — All types of land use planning involving land use shall take into full consideration the results of soil contamination risk assessment and control the scale of land use.

Article 19 — Enterprises and public institutions producing, using, storing, transporting, recycling, or disposing of toxic and hazardous substances shall adopt effective measures to prevent leakage, runoff, and spillage of toxic and hazardous substances.

Article 20 — People's governments at or above the county level and their relevant departments shall rationally plan industrial layout and strictly control the discharge of soil contaminants.

Article 21 — The discharge of waste water containing heavy metals, persistent organic pollutants, and other toxic and hazardous substances into agricultural land is prohibited.

Article 22 — The use of highly toxic or high-residue pesticides is prohibited. Agricultural inputs shall be used in a rational manner in accordance with the standards prescribed by the State.

Article 23 — Waste agricultural films, pesticide packaging waste and other agricultural waste shall be recycled and treated properly to prevent soil contamination.

Article 24 — Livestock and poultry farms shall treat livestock and poultry manure and waste water in a harmless manner and utilize them as resources.

Article 25 — Tailings ponds shall adopt measures to prevent soil contamination. The operators of tailings ponds shall bear the responsibility for soil contamination prevention and control.

Article 26 — Mining enterprises shall adopt scientific mining methods and measures to prevent and treat soil contamination at mining sites.

Article 27 — Entities conducting oil exploration, extraction, storage, transportation, processing and sale shall adopt measures to prevent soil contamination from oil leakage.

Article 28 — The construction and operation of centralized urban sewage treatment facilities and solid waste treatment facilities shall adopt measures to prevent soil contamination.

Article 29 — Enterprises and public institutions shall carry out self-monitoring of soil and groundwater and disclose monitoring data to the public.

Article 30 — When dismantling facilities, equipment, or buildings, entities shall adopt measures to prevent leakage of toxic and hazardous substances, and dispose of residual toxic and hazardous substances in accordance with law.

Article 31 — For land parcels where key regulatory entities for soil contamination have undergone changes in land use, a soil contamination investigation shall be conducted in accordance with regulations.

Article 32 — People's governments at or above the county level and their relevant departments shall strengthen the supervision and administration of soil contamination prevention and control in the development, utilization, and remediation of mining areas and industrial zones.

Article 33 — The State shall strengthen the prevention and control of soil contamination in concentrated drinking water source protection zones.

Article 34 — The State encourages and supports the reduction of soil contaminant emissions, the recycling of waste, and clean production.

Chapter IV — Risk Control and Remediation

Article 35 — The administrative departments of ecology and environment, agriculture and rural affairs, forestry and grassland shall, in conjunction with relevant departments, carry out detailed investigations of soil contamination status in accordance with law.

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Article 36 — Risk control and remediation of contaminated land shall include risk assessment, risk control, remediation, risk management, and post-remediation assessment.

Article 37 — Land use rights holders and entities responsible for soil contamination shall bear the responsibility for risk control and remediation of contaminated land.

Article 38 — Where it is difficult to identify the entity responsible for soil contamination, the land use rights holder shall carry out risk control and remediation. The people's government and its relevant departments may organize the implementation.

Article 39 — The State shall establish a catalogue of land parcels for risk control and remediation of construction land contaminated with toxic and hazardous substances, and implement list-based management.

Article 40 — For land parcels included in the risk control and remediation catalogue, risk control measures shall be taken, including restricting access and prohibiting construction unrelated to risk control and remediation.

Article 41 — The entity responsible for soil contamination shall prepare a remediation plan and implement it after filing with the relevant department.

Article 42 — During the remediation period, the entity responsible shall adopt measures to prevent secondary pollution and shall not cause new contamination to the soil and surrounding environment.

Article 43 — After remediation is completed, the entity responsible shall entrust a third-party institution to evaluate the remediation effect and file the evaluation report with the relevant department.

Article 44 — For agricultural land with slight contamination, safe utilization measures such as agronomic regulation and substitute planting shall be adopted.

Article 45 — For agricultural land with severe contamination, strict control measures shall be adopted, including prohibiting the planting of edible agricultural products.

Article 46 — Risk control and remediation of contaminated agricultural land shall be the responsibility of the land use rights holder. The people's government may organize the implementation.

Article 47 — The remediation and restoration of contaminated agricultural land shall be funded by the government or entities responsible for contamination.

Article 48 — For land parcels removed from the risk control and remediation catalogue, the soil environment quality shall meet the requirements for the planned land use.

Article 49 — The State shall establish a soil contamination risk management and remediation fund system. Specific measures shall be formulated by the State Council.

Article 50 — For construction projects on land parcels included in the risk control and remediation catalogue, soil contamination investigation, risk assessment, and other relevant work shall be completed before project approval.

Article 51 — An entity responsible for soil contamination that fails to carry out risk control and remediation as required may be subject to enforcement by the government on its behalf. The costs shall be borne by the entity responsible for soil contamination.

Article 52 — Risk control and remediation shall not cause new contamination to groundwater. Where risk control and remediation activities affect groundwater quality, measures shall be taken for treatment.

Article 53 — The State encourages research, development, and application of new technologies, new processes, and new equipment for soil contamination risk control and remediation.

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Article 54 — Projects implementing soil contamination risk control and remediation shall be subject to environmental supervision in accordance with law.

Article 55 — Departments responsible for soil contamination prevention and control shall, in accordance with law, disclose information on soil contamination risk control and remediation to the public.

Article 56 — Risk control and remediation activities shall be carried out with proper measures to ensure safety, prevent secondary pollution, and implement environmental emergency plans.

Chapter V — Safeguards and Supervision

Article 57 — The State shall increase financial input into soil contamination prevention and control and establish a diversified funding mechanism.

Article 58 — The State shall establish and improve an economic incentive mechanism for soil contamination prevention and control.

Article 59 — Enterprises and public institutions causing soil contamination shall bear the costs of risk control and remediation.

Article 60 — Financial institutions shall, when granting credit, take into full consideration the soil contamination status of enterprises.

Article 61 — The State shall establish a soil contamination prevention and control fund system. Funds shall be established for specific purposes in accordance with State regulations.

Article 62 — Where it is difficult to identify the entity responsible for soil contamination, the people's government at or above the county level may use special funds for remediation.

Article 63 — Insurers are encouraged to develop environmental pollution liability insurance products related to soil contamination.

Article 64 — People's governments at or above the county level shall organize and carry out emergency response work for soil contamination incidents.

Article 65 — The competent department of ecology and environment shall have the right to conduct on-site inspections of entities that may cause soil contamination.

Article 66 — Supervision and inspection shall not interfere with the normal production and operation of the inspected entities.

Article 67 — Inspected entities shall truthfully report the situation and provide necessary information. The inspecting department shall keep confidential the commercial secrets of the inspected entities.

Article 68 — The inspected entities and their employees shall not obstruct or refuse supervision and inspection.

Article 69 — Where major soil contamination incidents occur, local people's governments and their responsible persons shall be subject to accountability in accordance with law.

Article 70 — The people's government at the next higher level and the competent department of ecology and environment at the next higher level shall supervise the local government's soil contamination prevention and control work.

Article 71 — The State shall establish a soil environment information sharing mechanism and a national soil environment information platform.

Article 72 — The competent departments of ecology and environment shall, in accordance with law, disclose soil contamination-related information to the public.

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Article 73 — Citizens, legal persons, and other organizations shall have the right to access soil contamination prevention and control information in accordance with law.

Article 74 — Public interest litigation may be initiated in accordance with law for acts that cause soil contamination and harm the public interest.

Article 75 — People's governments at all levels and their relevant departments shall strengthen the building of professional talent teams for soil contamination prevention and control.

Chapter VI — Legal Liability

Article 76 — Where local people's governments at all levels and their relevant departments fail to perform their soil contamination prevention and control duties in accordance with law, the directly responsible persons in charge and other directly responsible persons shall be subject to sanctions in accordance with law.

Article 77 — Where an entity discharges soil contaminants in violation of this Law, the competent department of ecology and environment shall order correction and impose a fine.

Article 78 — Where an entity fails to carry out self-monitoring as required, the competent department of ecology and environment shall order correction and impose a fine.

Article 79 — Where agricultural inputs are used in violation of regulations causing soil contamination, the competent department of agriculture and rural affairs shall impose penalties in accordance with law.

Article 80 — Where an entity fails to conduct a soil contamination investigation as required, the competent department of ecology and environment shall order correction and impose a fine.

Article 81 — Where an entity fails to carry out risk control or remediation as required, the competent department of ecology and environment shall order correction and impose a fine.

Article 82 — Where an entity fails to achieve the remediation objectives, the competent department of ecology and environment shall order continued remediation and impose a fine.

Article 83 — Where the entity responsible for remediation causes secondary pollution during remediation, it shall bear liability for the damage caused.

Article 84 — Where an entity violates this Law by constructing projects on land parcels included in the risk control and remediation catalogue, the relevant department shall order cessation of construction and impose a fine.

Article 85 — Where soil contamination causes damage to others, the entity causing the contamination shall bear tort liability in accordance with law.

Article 86 — Where an entity commits any of the illegal acts set forth in this Law and the circumstances are serious, the relevant approval authority may revoke its relevant license.

Article 87 — Where an entity commits multiple illegal acts under this Law, cumulative penalties may be imposed in accordance with law.

Article 88 — Where a third-party institution engages in fraud in soil contamination investigation, risk assessment, risk control, remediation, or remediation effect evaluation, the competent department of ecology and environment shall impose a fine and include the entity in the list of untrustworthy entities.

Article 89 — Where obstructing the lawful performance of duties by soil contamination prevention and control inspectors constitutes a violation of public security administration, the public security authority shall impose penalties in accordance with law.

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Article 90 — Where a violation of this Law constitutes a crime, criminal liability shall be pursued in accordance with law.

Article 91 — Where the entity responsible for soil contamination fails to perform its obligations under this Law, the State may claim compensation from the entity for the costs incurred by the government for remediation.

Article 92 — Where soil contamination causes damage to the ecological environment, the entity responsible shall bear ecological and environmental damage compensation liability in accordance with law.

Article 93 — Civil public interest litigation may be initiated against entities that cause soil contamination in accordance with the Civil Procedure Law and the Environmental Protection Law.

Article 94 — The limitation of actions for claims for compensation for damage caused by soil contamination shall be governed by the relevant provisions of the Civil Code.

Chapter VII — Supplementary Provisions

Article 95 — For purposes of this Law, soil contamination means the phenomenon in which the content of certain substances in the soil exceeds the soil contamination risk control standards due to human factors, causing a change or potential change in the chemical, physical, biological and other characteristics of the soil, thereby affecting soil functions and effective use or endangering public health or the ecological environment.

Article 96 — Soil contamination caused before the implementation of this Law shall be subject to the provisions of this Law.

Article 97 — Specific measures for the prevention and control of radioactive soil contamination shall be formulated by the State Council.

Article 98 — Where international treaties on soil contamination prevention and control concluded or acceded to by the People’s Republic of China contain provisions different from those of this Law, the provisions of the international treaties shall apply, except for provisions on which the People’s Republic of China has declared reservations.

Article 99 — This Law shall come into force as of January 1, 2019.

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