Regulations on the Prevention and Control of Pollution from Large-Scale Livestock and Poultry Breeding of the PRC

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Contents

Table of Contents 1

Chapter I — General Provisions 1

Chapter II — Prevention 2

Chapter III — Comprehensive Utilization and Treatment 4

Chapter IV — Incentive Measures 5

Chapter V — Legal Liability 6

Chapter VI — Supplementary Provisions 7

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Table of Contents

- Chapter I — General Provisions
- Chapter II — Prevention
- Chapter III — Comprehensive Utilization and Treatment
- Chapter IV — Incentive Measures
- Chapter V — Legal Liability
- Chapter VI — Supplementary Provisions

Chapter I — General Provisions

Article 1 — These Regulations are formulated for the purpose of preventing and controlling pollution from livestock and poultry breeding, promoting the comprehensive utilization and harmless treatment of waste from livestock and poultry breeding, protecting and improving the environment, safeguarding public health, and promoting the sustained and sound development of animal husbandry.

Article 2 — These Regulations apply to the prevention and control of breeding pollution by livestock and poultry farms and breeding communities.

The scale standards for livestock and poultry farms and breeding communities shall be determined according to the state of development of animal husbandry and the requirements for the prevention and control of pollution from livestock and poultry breeding.

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These Regulations do not apply to the prevention and control of pollution from grazing in pastoral areas.

Article 3 — In preventing and controlling pollution from livestock and poultry breeding, the need to protect the environment shall be considered in an integrated manner together with the need to promote the development of animal husbandry; the principle of giving priority to prevention and combining prevention with control shall be adhered to; and overall planning, rational layout, comprehensive utilization, and incentive and guidance shall be implemented.

Article 4 — People's governments at all levels shall strengthen the organization and leadership of the work of preventing and controlling pollution from livestock and poultry breeding, take effective measures, increase capital input, and support the prevention and control of pollution from livestock and poultry breeding as well as the comprehensive utilization of waste from livestock and poultry breeding.

Article 5 — The competent environmental protection department of a people's government at or above the county level shall be responsible for the unified supervision and administration of the prevention and control of pollution from livestock and poultry breeding.

The competent agriculture and animal husbandry department of a people's government at or above the county level shall be responsible for the guidance and services for the comprehensive utilization of waste from livestock and poultry breeding.

The comprehensive administration department for the development of circular economy of a people's government at or above the county level shall be responsible for organizing and coordinating the work related to the circular economy of livestock and poultry breeding.

Other relevant departments of a people's government at or above the county level shall be responsible for the relevant work of preventing and controlling pollution from livestock and poultry breeding in accordance with these Regulations and their respective functions and duties.

The people's government of a township shall assist the relevant departments in doing well the work of preventing and controlling pollution from livestock and poultry breeding within its administrative area.

Article 6 — Activities of livestock and poultry breeding and of the comprehensive utilization and harmless treatment of waste from livestock and poultry breeding shall conform to the relevant state requirements for the prevention and control of pollution from livestock and poultry breeding, and shall be subject to supervision and inspection by the relevant competent departments in accordance with the law.

Article 7 — The state encourages and supports scientific and technological research and equipment research and development for the prevention and control of pollution from livestock and poultry breeding and for the comprehensive utilization and harmless treatment of waste from livestock and poultry breeding. People's governments at all levels shall support the promotion of advanced and applicable technologies and promote the improvement of the level of prevention and control of pollution from livestock and poultry breeding.

Article 8 — Any entity or individual shall have the right to report acts in violation of these Regulations to the environmental protection department and other relevant departments of a people's government at or above the county level. The department receiving a report shall promptly investigate and handle it.

Entities and individuals that make outstanding contributions to the prevention and control of pollution from livestock and poultry breeding shall be commended and rewarded in accordance with the relevant state provisions.

Chapter II — Prevention

Article 9 — The competent agriculture and animal husbandry department of a people's government at or above the county level shall formulate the development plan for animal husbandry and submit it to the

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people's government at the same level or its authorized department for approval before implementation. The development plan for animal husbandry shall take into account the environmental carrying capacity and the requirements for the prevention and control of pollution from livestock and poultry breeding in an integrated manner, make a rational layout, and scientifically determine the varieties, scale, and total quantity of livestock and poultry breeding.

Article 10 — The competent environmental protection department of a people's government at or above the county level shall, together with the competent agriculture and animal husbandry department, formulate the plan for the prevention and control of pollution from livestock and poultry breeding and submit it to the people's government at the same level or its authorized department for approval before implementation. The plan for the prevention and control of pollution from livestock and poultry breeding shall be coordinated with the development plan for animal husbandry, take the production layout of livestock and poultry breeding into account in an integrated manner, and specify the objectives, tasks, and key areas for the prevention and control of pollution from livestock and poultry breeding, the construction of key facilities for pollution control, and such pollution prevention and control measures as the comprehensive utilization of waste.

Article 11 — It is prohibited to build livestock and poultry farms and breeding communities in the following areas:

(1) drinking water source protection zones and scenic areas;

(2) the core zones and buffer zones of nature reserves;

(3) urban residential areas, cultural, educational, and scientific research areas, and other densely populated areas; and

(4) other areas where breeding is prohibited by laws and regulations.

Article 12 — The new construction, reconstruction, or expansion of livestock and poultry farms and breeding communities shall conform to the development plan for animal husbandry and the plan for the prevention and control of pollution from livestock and poultry breeding, satisfy the animal epidemic prevention conditions, and be subject to environmental impact assessment. For large livestock and poultry farms and breeding communities that may have a significant impact on the environment, an environmental impact statement shall be prepared; other livestock and poultry farms and breeding communities shall fill out and submit an environmental impact registration form. The catalogue of administration of large livestock and poultry farms and breeding communities shall be determined by the environmental protection department of the State Council in consultation with the agriculture and animal husbandry department of the State Council.

The key points of the environmental impact assessment shall include: the types and quantities of waste generated by livestock and poultry breeding, the plans and measures for the comprehensive utilization and harmless treatment of waste, the conditions of the assimilation and treatment of waste and of direct discharge into the environment, the possible ultimate impact on the environment such as water bodies and soil and on human health, and the plans and measures for controlling and reducing such impact.

Article 13 — Livestock and poultry farms and breeding communities shall, according to the scale of breeding and the needs of pollution prevention and control, build corresponding facilities for separating livestock and poultry manure and sewage from rainwater, facilities for the storage of livestock and poultry manure and sewage, and such comprehensive utilization and harmless treatment facilities as those for anaerobic digestion and composting of manure, processing of organic fertilizer, production of biogas, separation and transportation of biogas residue and biogas slurry, treatment of sewage, and treatment of livestock and poultry carcasses. Where another person has been entrusted to carry out the comprehensive utilization and harmless treatment of waste from livestock and poultry breeding on its behalf, the livestock and poultry farm or breeding community may refrain from building the comprehensive utilization and harmless treatment facilities on its own.

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A livestock and poultry farm or breeding community that has not built supporting pollution prevention and control facilities, whose supporting facilities built on its own are substandard, or that has not entrusted another person to carry out the comprehensive utilization and harmless treatment of waste from livestock and poultry breeding shall not be put into production or use.

Where a livestock and poultry farm or breeding community builds supporting pollution prevention and control facilities on its own, it shall ensure their normal operation.

Article 14 — In carrying out livestock and poultry breeding activities, such effective measures as scientific feeding methods and waste treatment techniques shall be adopted to reduce the quantity of waste generated by livestock and poultry breeding and the quantity discharged into the environment.

Chapter III — Comprehensive Utilization and Treatment

Article 15 — The state encourages and supports the comprehensive utilization of waste from livestock and poultry breeding by such means as returning manure to fields, producing biogas, and manufacturing organic fertilizer.

Article 16 — The state encourages and supports the assimilation and utilization of waste from livestock and poultry breeding through the combination of crop farming and breeding, and promotes the local and nearby utilization of such waste as livestock and poultry manure and sewage.

Article 17 — The state encourages and supports the comprehensive utilization of waste such as biogas production and organic fertilizer production, as well as the construction of relevant supporting facilities such as those for the transportation and application of biogas residue and biogas slurry and for biogas power generation.

Article 18 — Where livestock and poultry manure, sewage, biogas residue, biogas slurry, or the like is used as fertilizer, it shall be commensurate with the assimilative capacity of the land, and effective measures shall be taken to eliminate microorganisms that may cause infectious diseases, so as to prevent environmental pollution and the spread of epidemic diseases.

Article 19 — In carrying out livestock and poultry breeding activities and waste treatment activities, livestock and poultry manure, livestock and poultry carcasses, sewage, and the like shall be promptly collected, stored, and transported, so as to prevent foul odors and the seepage and leakage of waste from livestock and poultry breeding.

Article 20 — The discharge into the environment of treated waste from livestock and poultry breeding shall conform to the pollutant discharge standards and total quantity control indicators prescribed by the state and by local authorities. Waste from livestock and poultry breeding shall not be directly discharged into the environment without treatment.

Article 21 — Diseased livestock and poultry, the excrement of diseased livestock and poultry, diseased livestock and poultry products, the carcasses of livestock and poultry that have died of disease or of unknown causes, and other diseased waste from livestock and poultry breeding shall be subjected to such harmless treatment as deep burial, rendering, and incineration in accordance with the relevant laws and regulations and the provisions of the agriculture and animal husbandry department of the State Council, and shall not be disposed of at will.

Article 22 — Livestock and poultry farms and breeding communities shall periodically report the varieties and scale of livestock and poultry breeding and the generation, discharge, and comprehensive utilization of waste from livestock and poultry breeding to the environmental protection department of the people’s government at the county level for filing. The environmental protection department shall periodically send a copy of the filed information to the agriculture and animal husbandry department at the same level.

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Article 23 — The environmental protection department of a people's government at or above the county level shall, in accordance with its functions and duties, supervise and inspect the prevention and control of pollution from livestock and poultry breeding, and strengthen the monitoring of environmental pollution from livestock and poultry breeding.

Where the people's government of a township or a grassroots self-governing organization of the masses discovers an act causing environmental pollution from livestock and poultry breeding, it shall promptly stop and report it.

Article 24 — For areas densely populated with livestock and poultry breeding where pollution is serious, the people's government of a city or county shall formulate a comprehensive remediation plan and take such measures as organizing the construction of facilities for the comprehensive utilization and harmless treatment of waste from livestock and poultry breeding and relocating or closing livestock and poultry breeding premises in a planned manner, so as to treat the pollution from livestock and poultry breeding.

Article 25 — Where, due to the adjustment of the development plan for animal husbandry, the overall plan for land use, or urban and rural planning, the delimitation of areas where breeding is prohibited, or the comprehensive remediation of areas densely populated with livestock and poultry breeding where pollution is serious, it is truly necessary to close or relocate existing livestock and poultry breeding premises, thereby causing economic losses to the livestock and poultry breeders, compensation shall be provided by the local people's government at or above the county level in accordance with the law.

Chapter IV — Incentive Measures

Article 26 — The people's government at or above the county level shall take such measures as demonstration and rewards to support large-scale and standardized livestock and poultry breeding, support livestock and poultry farms and breeding communities in carrying out standardized renovation and the construction and renovation of pollution prevention and control facilities, and encourage the transformation from scattered feeding to intensive feeding.

Article 27 — In organizing the formulation of the overall plan for land use, the local people's government at or above the county level shall make overall arrangements, incorporate the land for large-scale livestock and poultry breeding into the plan, and implement the land for breeding.

The state encourages the use of abandoned land and such unused land as barren hills, barren gullies, barren mounds, and barren shoals for carrying out large-scale and standardized livestock and poultry breeding.

Land for livestock and poultry breeding shall be administered as agricultural land, and the land for production facilities and the land for necessary ancillary facilities such as pollution prevention and control shall be determined in accordance with the relevant state provisions.

Article 28 — For the construction and renovation of facilities for the prevention and control of pollution from livestock and poultry breeding, application may be made, in accordance with state provisions, for support from environmental protection and other relevant funds, including subsidies of interest on loans for pollution control.

Article 29 — Those carrying out the prevention and control of pollution from livestock and poultry breeding, and those engaging in such comprehensive utilization activities of waste from livestock and poultry breeding as the production and operation of organic fertilizer products using waste from livestock and poultry breeding, shall enjoy the relevant preferential tax policies prescribed by the state.

Article 30 — Those producing organic fertilizer products using waste from livestock and poultry breeding shall enjoy such state support policies as those concerning the arrangement of transportation capacity for chemical fertilizer; those purchasing and using organic fertilizer products shall enjoy preferential policies no

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less favorable than the state subsidies for the use of chemical fertilizer.

Electricity used for the operation of the facilities for the prevention and control of pollution from livestock and poultry breeding of livestock and poultry farms and breeding communities shall be priced at the agricultural electricity price.

Article 31 — The state encourages and supports the use of waste from livestock and poultry breeding for biogas power generation, with self-generation for self-use and the surplus electricity connected to the power grid. Power grid enterprises shall, in accordance with the law and the relevant state provisions, provide non-discriminatory grid connection services for biogas power generation and purchase in full the surplus electricity within their grid coverage areas that conforms to the technical standards for grid connection.

Those carrying out biogas power generation using waste from livestock and poultry breeding shall enjoy the preferential on-grid electricity price policies prescribed by the state in accordance with the law. Those using waste from livestock and poultry breeding to produce biogas or further to produce natural gas shall enjoy the preferential policies for new energy in accordance with the law.

Article 32 — Local people's governments at various levels may, according to the actual conditions of their respective regions, grant subsidies for the environmental impact consulting expenses paid by livestock and poultry farms and breeding communities for construction projects.

Article 33 — The state encourages and supports the centralized harmless treatment of diseased livestock and poultry and the carcasses of livestock and poultry that have died of disease or of unknown causes, and grants appropriate subsidies for treatment expenses and breeding losses in accordance with the relevant state provisions.

Article 34 — Where a livestock and poultry farm or breeding community discharges pollutants in conformity with the pollutant discharge standards and total quantity control indicators prescribed by the state and by local authorities and voluntarily concludes an agreement with the environmental protection department to further reduce pollutant discharge, it shall be rewarded by the people's government at the county level in accordance with the relevant state provisions, and shall be given priority in being included in the scope of support from the financial funds related to environmental protection and livestock and poultry breeding development arranged by the people's government at or above the county level.

Article 35 — Where a livestock and poultry breeding household voluntarily builds comprehensive utilization and harmless treatment facilities and takes measures to reduce pollutant discharge, it may enjoy the relevant incentive and support policies in accordance with these Regulations.

Chapter V — Legal Liability

Article 36 — Where the environmental protection department, the agriculture and animal husbandry department, or any other relevant department of a people's government at any level fails to perform its functions and duties in accordance with these Regulations, the directly responsible person in charge and other directly responsible persons shall be given sanctions in accordance with the law; where the directly responsible person in charge and other directly responsible persons constitute a crime, criminal liability shall be pursued in accordance with the law.

Article 37 — Where, in violation of these Regulations, a livestock and poultry farm or breeding community is built in an area where breeding is prohibited, the environmental protection department of the local people's government at or above the county level shall order the cessation of the illegal act; where the illegal act is not ceased, a fine of not less than 30,000 yuan but not more than 100,000 yuan shall be imposed, and the matter shall be reported to the people's government at or above the county level for ordering demolition or closure. Where a livestock and poultry farm or breeding community is built in a drinking water source protection zone, the environmental protection department of the local people's government at or above the

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county level shall order the cessation of the illegal act and impose a fine of not less than 100,000 yuan but not more than 500,000 yuan, and shall report to a people's government with approval authority for approval to order demolition or closure.

Article 38 — Where, in violation of these Regulations, a livestock and poultry farm or breeding community that is required by law to conduct environmental impact assessment fails to do so, the environmental protection department that has the authority to examine and approve the environmental impact assessment documents for the project shall order the cessation of construction and the completion of the formalities within a prescribed time limit; where the formalities are not completed within the prescribed time limit, a fine of not less than 50,000 yuan but not more than 200,000 yuan shall be imposed.

Article 39 — Where, in violation of these Regulations, a livestock and poultry farm or breeding community is put into production or use without having built supporting pollution prevention and control facilities, or with the supporting facilities built on its own being substandard, and without having entrusted another person to carry out the comprehensive utilization and harmless treatment of waste from livestock and poultry breeding, or where the supporting pollution prevention and control facilities built are not in normal operation, the environmental protection department of the people's government at or above the county level shall order the cessation of production or use and may impose a fine of not more than 100,000 yuan.

Article 40 — Where, in violation of these Regulations, a person commits any of the following acts, the environmental protection department of the local people's government at or above the county level shall order the cessation of the illegal act and the taking of treatment measures within a prescribed time limit to eliminate the pollution, and shall impose punishment in accordance with the relevant provisions of the Law of the People's Republic of China on the Prevention and Control of Water Pollution and the Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Wastes:

(1) using waste from livestock and poultry breeding as fertilizer in excess of the assimilative capacity of the land, thereby causing environmental pollution; or

(2) failing to take effective measures in carrying out livestock and poultry breeding activities or waste treatment activities, thereby causing the seepage or leakage of waste from livestock and poultry breeding.

Article 41 — Where the discharge of waste from livestock and poultry breeding does not conform to the pollutant discharge standards or total quantity control indicators prescribed by the state or by local authorities, or where waste from livestock and poultry breeding is directly discharged into the environment without harmless treatment, the environmental protection department of the local people's government at or above the county level shall order treatment within a prescribed time limit and may impose a fine of not more than 50,000 yuan. After the environmental protection department of the local people's government at or above the county level makes a decision on treatment within a prescribed time limit, it shall, together with the agriculture and animal husbandry department and other relevant departments of the people's government at the same level, promptly verify the implementation of the rectification measures and announce the verification results to the public.

Article 42 — Where diseased livestock and poultry and diseased waste from livestock and poultry breeding are not subjected to harmless treatment in accordance with the provisions, the animal health supervision institution shall order the harmless treatment, the necessary treatment expenses shall be borne by the violator, and a fine of not more than 3,000 yuan may be imposed.

Chapter VI — Supplementary Provisions

Article 43 — The specific scale standards for livestock and poultry farms and breeding communities shall be determined by the people's government at the provincial level and filed with the environmental protection department of the State Council and the agriculture and animal husbandry department of the State Council.

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Article 44 — These Regulations shall become effective as of January 1, 2014.

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