Regulations on the Safety Management of Hazardous Chemicals of the People’s Republic of China

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

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Chapter I — General Provisions

Article 1 — These Regulations are formulated in accordance with the Work Safety Law of the People's Republic of China and other relevant laws in order to strengthen the safety management of hazardous chemicals, prevent and reduce hazardous chemical accidents, protect the safety of the lives and property of the people, and protect the environment.

Article 2 — These Regulations apply to the safety management of the production, storage, use, operation, and transportation of hazardous chemicals. The disposal of hazardous chemicals that are abandoned shall be governed by the relevant laws, administrative regulations, and the provisions of the State on environmental protection. Hazardous chemicals as referred to in these Regulations mean highly toxic chemicals and other chemicals that are toxic, corrosive, explosive, flammable, or combustion-supporting and are hazardous to human beings, facilities, and the environment.

Article 3 — The State Council shall be responsible for the comprehensive supervision and administration of the work safety of hazardous chemicals. The relevant departments under the State Council, in accordance with the division of duties, shall be responsible for the supervision and administration of the safety of hazardous chemicals within the scope of their respective duties. The local people's governments at or above the county level shall be responsible for the supervision and administration of the work safety of hazardous chemicals within their respective administrative regions.

Article 4 — The State implements a system of safety risk assessment for hazardous chemicals and a system of registration for hazardous chemicals. Enterprises producing or storing hazardous chemicals shall register with the department designated by the State Council, providing information on hazardous chemicals, the principal hazardous characteristics, and safety management measures.

Chapter II — Safety in Production and Storage

Article 5 — New construction, renovation, and expansion projects for the production or storage of hazardous chemicals (hereinafter referred to as "construction projects") shall be subject to safety condition review and safety facility design review by the work safety supervision and administration department. Construction projects shall be designed, constructed, and put into production and use by qualified units with the corresponding qualifications in accordance with the provisions of the State.

Article 6 — Enterprises producing hazardous chemicals shall obtain a safe production license for hazardous chemicals in accordance with the law. Enterprises using hazardous chemicals in the production of other chemicals shall obtain a safe use license for hazardous chemicals in accordance with the law. Enterprises producing or storing hazardous chemicals shall set up safety management institutions or assign safety management personnel.

Article 7 — Enterprises producing or storing hazardous chemicals shall post safety labels on their workplaces and facilities, and set up appropriate communication and alarm devices. Highly toxic chemicals shall be stored in special warehouses or special storage areas, with a dual-person receipt and dispatch, dual-person storage, and dual-person lock system implemented.

Article 8 — Safety assessment reports shall be prepared for the production and storage facilities of hazardous chemicals. Enterprises producing or storing hazardous chemicals shall carry out safety assessments of their production and storage facilities every three years. The safety assessment report shall include proposals for rectification of problems identified and shall be submitted to the local work safety supervision and administration department for record-filing.

Chapter III — Safety in Use

Article 9 — The workplaces and facilities used by enterprises using hazardous chemicals shall comply with the provisions on work safety. Enterprises using hazardous chemicals shall, in accordance with the provisions, equip themselves with safety facilities, protective equipment, and emergency rescue equipment, and maintain and service the same to ensure their normal operation.

Article 10 — Enterprises using hazardous chemicals shall conduct safety education and training for employees and inform them of the hazardous characteristics of the hazardous chemicals, protective measures, and emergency response measures. Without safety education and training, no employee may be

assigned to the position for operation.

Chapter IV — Safety in Transportation

Article 11 — The transportation of hazardous chemicals by road or water shall be subject to the licensing system. The transportation of hazardous chemicals by vehicles or vessels shall be carried out by vehicles, vessels, and personnel that have obtained the corresponding qualifications. The relevant departments of transport shall strengthen supervision and inspection of the transportation of hazardous chemicals.

Article 12 — Vehicles transporting hazardous chemicals by road shall be equipped with satellite positioning devices and shall be monitored throughout the journey. The time, route, and speed of vehicles transporting hazardous chemicals shall comply with the provisions; they shall not arbitrarily enter areas where the passage of vehicles transporting hazardous chemicals is restricted.

Chapter V — Supervision and Inspection

Article 13 — The departments responsible for the supervision and administration of the safety of hazardous chemicals shall strengthen supervision and inspection, and establish a mechanism for the sharing of information on the supervision and administration of the safety of hazardous chemicals. In carrying out supervision and inspection, the functionaries of the relevant departments shall produce their identification documents and shall not affect the normal production and business operation activities of enterprises.

Article 14 — Any entity or individual shall have the right to report violations of the safety management of hazardous chemicals to the relevant departments. The departments receiving such reports shall handle the same in a timely manner in accordance with the law; if the matter reported is not within the scope of their duties, they shall promptly refer the matter to the relevant department for handling.

Chapter VI — Emergency Rescue

Article 15 — Enterprises producing or storing hazardous chemicals shall formulate emergency rescue plans for hazardous chemical accidents, equip themselves with emergency rescue personnel, equipment, and materials, and conduct regular drills. The people's governments at or above the county level shall establish emergency rescue systems for hazardous chemical accidents and organize the relevant departments to formulate emergency rescue plans.

Article 16 — In the event of a hazardous chemical accident, the entity where the accident occurs shall immediately initiate its emergency rescue plan, organize rescue operations, and report to the local work safety supervision and administration department and the departments of environmental protection, public security, and health in accordance with the provisions. No entity or individual may delay the reporting of or conceal an accident, or report an accident untruthfully.

Chapter VII — Legal Liability

Article 17 — Where an enterprise produces, stores, or uses hazardous chemicals without obtaining a safe production license or a safe use license in accordance with the law, the work safety supervision and administration department shall order it to cease production or use, make corrections within a prescribed time limit, and impose a fine of not less than RMB 100,000 but not more than RMB 500,000; where the case constitutes a crime, criminal liability shall be pursued in accordance with the law.

Article 18 — Where an enterprise producing or storing hazardous chemicals commits any of the following acts, the work safety supervision and administration department shall order it to make corrections and may impose a fine of not less than RMB 50,000 but not more than RMB 100,000: (1) failing to set up appropriate communication and alarm devices; (2) failing to carry out safety assessments of its production and storage facilities as required; or (3) failing to post safety labels on its workplaces and facilities.

Source: https://www.danyoungcpa.com/hazardous-chemicals-safety-regulations-prc-2011-english-translation/

Article 19 — Where a hazardous chemical accident occurs, and the relevant entity or individual delays the reporting, conceals, or reports untruthfully, or fails to carry out emergency rescue operations in a timely manner as required, sanctions shall be imposed in accordance with the provisions of the laws and administrative regulations on the reporting, investigation, and handling of production safety accidents.

Chapter VIII — Supplementary Provisions

Article 20 — The categories of hazardous chemicals and the catalogue of hazardous chemicals shall be determined, published, and adjusted by the work safety supervision and administration department under the State Council in conjunction with the relevant departments. The safety management of precursor chemicals, explosives, radioactive materials, nuclear materials, and urban gas shall be governed by the relevant laws and administrative regulations.

Article 21 — These Regulations shall come into force on December 1, 2011. The Regulations on the Safety Management of Hazardous Chemicals, promulgated by the State Council on January 26, 2002, shall be repealed simultaneously.

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