Soil Pollution Prevention and Control Law of the PRC

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Contents

Table of Contents 1

Chapter I — General Provisions 1

Chapter II — Planning, Standards and Census 2

Chapter III — Prevention and Protection 2

Chapter IV — Risk Control and Remediation 3

Chapter V — Safeguard and Supervision 3

Chapter VI — Legal Liability 4

Chapter VII — Supplementary Provisions 4

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Table of Contents

- Chapter I — General Provisions
- Chapter II — Planning, Standards and Census
- Chapter III — Prevention and Protection
- Chapter IV — Risk Control and Remediation
- Chapter V — Safeguard and Supervision
- Chapter VI — Legal Liability
- Chapter VII — Supplementary Provisions

Chapter I — General Provisions

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

Article 2 — This Law shall apply to the prevention and control of soil pollution and related activities within the territory of the PRC and other sea areas under the jurisdiction of the PRC. This Law does not apply to the prevention and control of radioactive soil pollution and the risk control and remediation of land for construction purposes that have already been used for residential housing and public management and

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public service purposes.

Article 3 — The prevention and control of soil pollution shall adhere to the principles of prioritizing prevention, protecting priority areas, managing risks based on classification, controlling the sources of pollution, and ensuring clear lines of accountability.

Article 4 — All entities and individuals shall have the obligation to protect the soil environment and prevent soil pollution. Land-use right holders engaged in activities such as land development and construction shall adopt effective measures to prevent and reduce soil pollution.

Article 5 — Local people's governments at all levels shall be responsible for the safety of the soil environment within their respective administrative regions and shall strengthen leadership over the prevention and control of soil pollution, organize, coordinate, and urge relevant departments to perform their duties in this respect.

Article 6 — The competent department of ecology and environment under the State Council shall exercise unified supervision and administration over the prevention and control of soil pollution nationwide. The competent departments of agriculture, natural resources, housing and urban-rural development, forestry and grassland, and other relevant departments under the State Council shall exercise supervision and administration within their respective functions.

Article 7 — The state shall support scientific and technological research, development, and application for the prevention and control of soil pollution and promote the development of the soil pollution prevention and control industry.

Chapter II — Planning, Standards and Census

Article 8 — The people's governments at or above the county level shall incorporate the prevention and control of soil pollution into their national economic and social development plans and environmental protection plans.

Article 9 — The competent department of ecology and environment under the State Council shall, in conjunction with the relevant departments under the State Council, establish national soil pollution risk control standards and strengthen the construction of the soil pollution prevention and control standard system.

Article 10 — The state shall organize a nationwide survey of soil pollution at regular intervals. The relevant departments under the State Council shall, in accordance with their respective functions, organize soil pollution surveys in key industries and key areas.

Article 11 — The state shall establish a soil environment monitoring network. The competent department of ecology and environment under the State Council shall, in conjunction with the relevant departments, establish a unified national soil environment monitoring network and improve the soil environment sharing mechanism.

Chapter III — Prevention and Protection

Article 12 — The people's governments at or above the county level shall strengthen the protection of soil resources in unutilized land and in ecological protection red line areas, and shall strictly control the conversion of agricultural land, especially high-quality arable land, into land for construction purposes.

Article 13 — Enterprises, public institutions, and other producers and operators shall adopt effective measures to prevent soil pollution from toxic and hazardous substances in the course of their production and operation activities.

Article 14 — The people's governments at all levels and relevant departments shall strengthen the prevention and control of soil pollution from the mineral resources extraction industry. Entities exploiting mineral resources shall adopt measures such as scientific mining methods, the construction of tailings ponds, and land reclamation to prevent soil pollution.

Article 15 — Entities constructing or operating centralized treatment facilities for urban sewage, solid waste, or hazardous waste shall, in accordance with laws and regulations and relevant standards, adopt measures to prevent soil pollution.

Article 16 — The state shall strengthen the prevention and control of soil pollution from agricultural inputs. The competent departments of agriculture and rural affairs shall encourage agricultural producers and operators to adopt low-toxicity, low-residue pesticides, and advanced spraying techniques and use organic fertilizers.

Article 17 — In selecting sites for construction projects, the impact of the project on the soil environment shall be fully considered, and scientific site selection shall be carried out in accordance with the law. No construction project may be undertaken unless the site selection complies with soil pollution prevention and control requirements.

Article 18 — When a production or operation entity dismantles facilities, equipment, or buildings, it shall take measures to prevent soil pollution. Where soil pollution is caused, the entity shall carry out risk control and remediation in accordance with the law.

Chapter IV — Risk Control and Remediation

Article 19 — The state shall implement a system for the management of soil pollution risk control and remediation on land for construction purposes. Where the soil of land for construction purposes is found through investigation or assessment to exceed the relevant standards, the land-use right holder shall carry out risk control or remediation in accordance with the law.

Article 20 — Where the land-use right has been transferred and the land-use right holder has changed, the transferee or the entity designated by the land-use right holder shall be responsible for risk control and remediation. Where the original land-use right holder caused the pollution, the original land-use right holder shall bear the cost of risk control and remediation.

Article 21 — A catalogue of land for construction purposes with soil pollution risk control and remediation requirements shall be established. The competent departments of ecology and environment under the people's governments at the provincial level shall, in conjunction with the departments of natural resources and other relevant departments, formulate and update the catalogue of polluted land for construction purposes and publish it in a timely manner.

Article 22 — The state shall implement a system of classified management of agricultural land. Agricultural land shall be classified as priority-protected, safe-use, or strict-controlled categories depending on the degree of soil pollution, and classified management measures shall be adopted.

Article 23 — Where agricultural land is classified as safe-use, the people's governments and their relevant departments shall, in accordance with the law, propose risk control measures for targeted use of the land. Where agricultural land is classified as strict-controlled, measures such as crop rotation, fallow, and banning the planting of edible agricultural products shall be adopted.

Article 24 — Risk control or remediation activities shall not cause new pollution to the soil and the surrounding environment. Entities carrying out risk control or remediation shall entrust professional institutions to assess the effectiveness of the risk control or remediation.

Chapter V — Safeguard and Supervision

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Article 25 — The state shall adopt fiscal, tax, pricing, financial, and other policies and measures to encourage and support the prevention and control of soil pollution and promote the development of the soil pollution prevention and control industry.

Article 26 — The people's governments at all levels shall strengthen their supervision and inspection of the prevention and control of soil pollution. The competent departments of ecology and environment and their environmental law enforcement agencies shall have the authority to conduct on-site inspections of enterprises, public institutions, and other producers and operators.

Article 27 — Any entity or individual shall have the right to report acts that pollute the soil environment. The relevant authorities shall keep the information on whistleblowers confidential.

Chapter VI — Legal Liability

Article 28 — Where a land-use right holder fails to carry out risk control or remediation in accordance with the law, the competent department of ecology and environment shall order it to make corrections and impose a fine of not less than 200,000 yuan but not more than 1 million yuan.

Article 29 — Where a land-use right holder fails to conduct a soil pollution investigation or assessment as required, the competent department of ecology and environment shall order it to make corrections and impose a fine. Where serious consequences result, a fine of not less than 200,000 yuan but not more than 2 million yuan shall be imposed.

Article 30 — Where an entity, in violation of this Law, discharges toxic and hazardous substances into the soil, resulting in soil pollution, the competent department of ecology and environment shall order it to make corrections, impose a fine, and the entity shall bear the costs of risk control and remediation.

Article 31 — Where a violation of this Law constitutes a crime, criminal liability shall be pursued in accordance with the law.

Chapter VII — Supplementary Provisions

Article 32 — For the purposes of this Law: "soil pollution" means the phenomenon or process in which a certain substance enters the surface soil due to human activities, causing changes in the chemical, physical, biological, or other properties of the soil, affecting the function and effective use of the soil, endangering public health, or damaging the ecological environment. "Risk control" means measures taken to prevent the spread of contaminated soil or to reduce the risk to human health or the environment. "Remediation" means measures taken to reduce the concentration or toxicity of pollutants in the soil or to restore the ecological functions of the soil.

Article 33 — This Law shall come into force on January 1, 2019.

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