

Soil Pollution Prevention Law of the PRC

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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 pollution, safeguarding public health, promoting the sustainable use of soil resources, advancing the construction of an ecological civilization, and promoting sustainable economic and social development.

Article 2 — This Law shall apply to soil pollution prevention and control 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. Where this Law has no provisions on soil pollution prevention and control, the provisions of relevant laws and administrative regulations on soil pollution, water pollution, air pollution, solid waste pollution,

environmental noise pollution, marine environmental protection, and other environmental protection shall apply.

Article 3 — The prevention and control of soil pollution shall adhere to the principles of prevention first, protection first, classified management, risk control, pollution liability, and public participation.

Article 4 — Any organization or individual shall have the obligation to protect the soil and prevent soil pollution. Land-use right holders engaged in land development and utilization, and enterprises, public institutions, and other producers and operators engaged in production, business, and other activities shall adopt effective measures to prevent and reduce soil pollution, and shall bear liability for soil pollution caused in accordance with the law. The local people's governments at various levels shall be responsible for the prevention, control, and safe use of soil within their respective administrative regions. The State shall implement a responsibility system and an assessment and evaluation system for the objectives of soil pollution prevention and control, and incorporate the fulfillment of the objectives of soil pollution prevention and control into the assessment and evaluation content.

Article 5 — Citizens, legal persons, and other organizations shall enjoy the right to obtain information on soil pollution prevention and control, participate in and supervise soil pollution prevention and control in accordance with the law.

Article 6 — The people's governments at all levels and their relevant departments shall strengthen the publicity, education, and popularization of science on soil pollution prevention and control, enhance the public's awareness of soil pollution prevention and control, guide the public to participate in soil pollution prevention and control in accordance with the law, and promote green and low-carbon production and lifestyles.

Article 7 — The State shall support scientific and technological research and development relating to soil pollution prevention and control, encourage technological exchanges and cooperation, promote the research, development, application, and promotion of advanced and applicable technologies and equipment for soil pollution prevention and control, and promote the development of the soil pollution prevention and control industry.

Article 8 — The ecological and environmental department under the State Council shall exercise unified supervision and administration over soil pollution prevention and control nationwide. The departments of agriculture and rural affairs, natural resources, housing and urban-rural development, forestry and grassland, and other relevant departments under the State Council shall exercise supervision and administration over soil pollution prevention and control within their respective scopes of duties. The departments of the local people's governments responsible for ecological and environmental protection shall exercise unified supervision and administration over soil pollution prevention and control within their respective administrative regions. The relevant departments of the local people's governments shall exercise supervision and administration over soil pollution prevention and control within their respective scopes of duties.

Chapter II — Planning, Risk Control, and Restoration

Article 9 — The State shall formulate a national plan for soil pollution prevention and control. The ecological and environmental department under the State Council shall, in conjunction with the departments of development and reform, agriculture and rural affairs, natural resources, housing and urban-rural development, forestry and grassland, and other relevant departments under the State Council, formulate the national plan for soil pollution prevention and control, and implement it upon approval by the State Council. The local people's governments at or above the county level shall incorporate soil pollution prevention and control into their plans for national economic and social development and environmental protection plans.

Article 10 — The local people's governments at or above the county level shall incorporate soil pollution prevention and control into their overall land use plans and urban and rural plans.

Article 11 — The ecological and environmental department shall, in conjunction with the departments of agriculture and rural affairs, natural resources, and other relevant departments, conduct a soil pollution census at least once every 10 years in accordance with the provisions of the State. The relevant departments shall, in accordance with the relevant provisions of the State, organize soil pollution monitoring and investigation.

Article 12 — The State shall implement a soil pollution status investigation system. The ecological and environmental department under the State Council shall, in conjunction with the departments of agriculture and rural affairs, natural resources, housing and urban-rural development, forestry and grassland, and other relevant departments under the State Council, conduct detailed investigations into soil pollution on agricultural land and land used for construction nationwide at least once every 10 years, ascertain the distribution of polluted land and the impact of soil pollution on the environment, food, and agricultural products, and the public health risk. The local people's governments and their relevant departments may, based on the actual circumstances, organize detailed investigations into soil pollution.

Article 13 — The State shall implement a soil pollution risk control and restoration system. The State shall establish a classification and grading system for soil pollution risk control and restoration. The ecological and environmental department under the State Council shall, in conjunction with the departments of agriculture and rural affairs, natural resources, housing and urban-rural development, and other relevant departments under the State Council, formulate the standards for soil pollution risk control and restoration in accordance with the degree of soil pollution, the impact on public health, the ecological environment, and other relevant factors, and strengthen the prevention and control of soil pollution in key industries and regions.

Article 14 — The State Council shall uniformly plan for the construction of a national soil environmental monitoring network. The ecological and environmental department under the State Council shall formulate standards for soil environmental monitoring and organize the construction of a soil environmental monitoring network. The local people's governments at various levels shall arrange monitoring points for the soil environmental monitoring network in accordance with the provisions of the State and strengthen the monitoring of soil environment.

Chapter III — Prevention and Protection

Article 15 — The State shall protect the ecological environment and the quality of the soil environment. The State Council shall formulate environmental quality standards for soil environment. The local people's governments at or above the county level shall organize relevant departments to delineate protective zones for the soil environment and shall take effective measures to protect the quality of the soil environment. The State shall strengthen the protection of undeveloped and uncontaminated land, and shall protect arable land, forestland, grassland, wetland, water source areas, and other land in key ecological function areas.

Article 16 — Organizations and individuals that use or develop land shall adopt measures to prevent soil pollution in the course of land use and development. Enterprises and public institutions that discharge toxic or hazardous substances shall strictly implement the relevant laws, regulations, and standards, and adopt measures to prevent soil pollution.

Article 17 — The local people's governments at or above the county level and their relevant departments shall rationally plan the layout of industries, strictly control the discharge of toxic and hazardous substances in key areas, and strengthen the prevention of soil pollution in industrial parks and enterprises.

Article 18 — Where any entity discharges toxic or hazardous substances, it shall strictly implement environmental protection laws and regulations and standards, establish a system for the investigation and assessment of potential soil pollution hazards, formulate emergency response plans for soil pollution incidents, and prevent soil pollution incidents. Where a soil pollution incident occurs, the enterprise, public institution, or other relevant producer or operator shall immediately adopt emergency response measures,

including but not limited to blocking pollution sources, controlling the spread of pollutants, and eliminating or mitigating the impact of the soil pollution, and shall report to the local ecological and environmental department and other relevant departments in accordance with the provisions of the State. The ecological and environmental department and other relevant departments shall promptly report to the people's government at the same level and to the relevant departments at the next higher level.

Article 19 — Where agricultural producers and operators produce, process, or use inputs such as chemical fertilizers, pesticides, agricultural films, or feed additives, they shall strictly comply with the provisions of laws, regulations, and standards, rationally apply chemical fertilizers, pesticides, and agricultural films, and rationally use feed additives to prevent soil pollution. It is prohibited to produce, sell, or use chemical fertilizers, pesticides, agricultural films, and other inputs prohibited by the State. Entities that recycle and dispose of agricultural inputs and packaging waste shall adopt measures to prevent soil pollution.

Article 20 — It is prohibited to discharge into the soil heavy metals or other toxic or hazardous substances with excessive pollutant concentrations or quantities. It is prohibited to use sewage, sludge, or solid waste that does not meet the standards for irrigation or recycling.

Article 21 — The State shall strengthen the prevention and control of soil pollution from tailings ponds. The local people's governments at various levels shall strengthen the supervision and administration of tailings ponds and take measures to prevent soil pollution. Where a tailings pond operator causes soil pollution, it shall bear the liability for risk control and restoration in accordance with the provisions of the State. The specific measures shall be formulated by the ecological and environmental department under the State Council in conjunction with the relevant departments.

Article 22 — Where an enterprise or public institution demolishes facilities, equipment, or buildings, it shall adopt corresponding measures to prevent soil pollution. Where a key entity supervising soil pollution intends to demolish facilities, equipment, or buildings, it shall formulate a work plan for soil pollution prevention and control that includes emergency response measures, and report such plan to the local ecological and environmental department and the department of industry and information technology for the record before implementation.

Article 23 — The ecological and environmental department under the State Council shall, in accordance with the degree of harm to the soil environment, the public health, and the ecological environment, formulate and update a list of toxic and hazardous substances and publish it to the public. The local people's governments at or above the county level and their relevant departments shall strengthen the supervision and administration of the production, use, storage, transportation, recycling, and disposal of toxic and hazardous substances to prevent soil pollution.

Chapter IV — Risk Control and Restoration

Article 24 — The State shall implement a system of classified management of agricultural land. In accordance with the degree of soil pollution and the relevant standards, agricultural land shall be classified into priority protection, safe use, and strict control categories.

Article 25 — The local people's governments at or above the county level and their relevant departments shall, in accordance with the law, include agricultural land that meets the conditions in the permanent basic farmland protection zones and implement strict protection. It is prohibited to build new projects that cause soil pollution on agricultural land within the permanent basic farmland protection zones. Where existing projects cause soil pollution, they shall be rectified within a prescribed time limit.

Article 26 — Where agricultural land is classified as safe use land, the local people's governments at or above the county level and their relevant departments shall, in accordance with the classified management of agricultural land, formulate and implement risk control plans for safe use in light of the types of major pollutants and the planting structure. Where agricultural land is classified as strict control land, the local

people's governments at or above the county level and their relevant departments shall take risk control measures in accordance with the classified management of agricultural land.

Article 27 — The State shall implement a system for the administration of the list of land used for construction where soil pollution risk control and restoration are required. The ecological and environmental department of the local people's government at or above the level of a city divided into districts shall, in accordance with the provisions of the State, formulate a list of land used for construction where soil pollution risk control and restoration are required within its administrative region and publish it to the public.

Article 28 — Where the soil of land used for construction included in the list of soil pollution risk control and restoration is contaminated, the land-use right holder shall, in accordance with the provisions of the State, carry out soil pollution risk assessment and formulate risk control or restoration plans. The risk control or restoration plans shall specify measures for the control or restoration of soil pollution, the objectives to be achieved, and the completion time limit, and shall be reported to the local ecological and environmental department for the record and published to the public. Where the land-use right holder fails to carry out risk control or restoration within the prescribed time limit, the local ecological and environmental department or another department with supervisory and administrative duties may entrust a third party to carry out risk control or restoration on its behalf, and the expenses shall be borne by the land-use right holder.

Article 29 — The entity that implements soil pollution risk control or restoration shall strictly comply with the technical specifications for soil pollution risk control or restoration, and shall prevent secondary pollution of the soil and the surrounding environment. Where the risk control or restoration activities involve the discharge of pollutants, the entity shall comply with the relevant environmental protection laws and regulations and standards.

Article 30 — The State shall encourage financial institutions to increase credit support for soil pollution risk control and restoration projects. The State shall encourage and support the research, development, and application of advanced technologies and equipment for soil pollution prevention and control. The State shall establish a fund for soil pollution prevention and control.

Chapter V — Safeguard and Supervision

Article 31 — The State shall adopt financial, tax, pricing, financial, and other policies and measures to encourage and support the prevention and control of soil pollution. The State shall increase the financial investment in soil pollution prevention and control, and establish a diversified investment and financing mechanism with government guidance and participation of various sectors of society.

Article 32 — The State shall establish a soil pollution prevention and control fund. The specific measures for its establishment and use shall be formulated by the finance department under the State Council in conjunction with the ecological and environmental department and other relevant departments under the State Council, and implemented upon approval by the State Council.

Article 33 — The State shall encourage and support enterprises, public institutions, and other producers and operators to take out relevant liability insurance for environmental pollution.

Article 34 — The ecological and environmental departments and the departments with supervisory and administrative duties over soil pollution prevention and control shall have the power to conduct on-site inspections of enterprises, public institutions, and other producers and operators that may cause soil pollution. The entities being inspected shall truthfully report the situation and provide the necessary materials. The departments conducting the inspections and their staff shall keep confidential the trade secrets of the entities being inspected.

Article 35 — The State shall implement a system for the disclosure of soil environmental information. The ecological and environmental department under the State Council shall, in conjunction with the relevant

departments, establish a unified national soil environmental information platform to collect, compile, and share soil environmental information, and disclose the information in accordance with the law.

Chapter VI — Legal Liability

Article 36 — Where any entity, in violation of the provisions of this Law, causes soil pollution, the ecological and environmental department or another department with supervisory and administrative duties shall, in accordance with the law, order it to make corrections and impose a fine; where it refuses to make corrections, the fine shall be imposed on a daily basis in accordance with the law. Where soil pollution is caused and the circumstances are serious, the ecological and environmental department or another department with supervisory and administrative duties may order the entity to suspend production or operations for rectification, or report to the people's government with the power of approval to order it to close down.

Article 37 — Where any entity, in violation of the provisions of this Law, causes soil pollution and the case constitutes a violation of public security administration, the public security organ shall impose public security administration penalties in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 38 — Where any entity, in violation of the provisions of this Law, causes soil pollution and causes damage to others, it shall bear tort liability in accordance with the law. Where the soil pollution is caused by two or more polluters, they shall bear liability in accordance with the extent of damage caused by their respective pollution. Where an entity that causes soil pollution fails to carry out risk control or restoration as required, the State may bring a lawsuit in accordance with the law for ecological and environmental damage compensation.

Chapter VII — Supplementary Provisions

Article 39 — For the purposes of this Law, "soil pollution" means the phenomenon where the physical, chemical, biological, or other characteristics of the soil are altered due to human factors, resulting in an adverse impact on the quality and function of the soil, the public health, the ecological environment, or the safety of agricultural products. "Soil pollution risk control and restoration" includes soil pollution risk assessment, risk control, restoration, risk management, and effect assessment, and other activities.

Article 40 — This Law shall come into force on January 1, 2019.

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