

**Law of the People's Republic of China  
on the Prevention and Control of  
Atmospheric Pollution**  
(English Translation)

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1. Public access to environmental information
2. Public participation in environmental planning and decision making
3. Access to justice in environmental matters
4. Corporate environmental responsibility

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## Chapter 1

### General Provisions

**Article 1** This Law is formulated for the purpose of protecting and improving the environment, preventing and controlling atmospheric pollution, safeguarding public health, advancing ecological civilization and promoting the sustainable development of economy and society.

**Article 2** In preventing and controlling atmospheric pollution, with the target set at improving the quality of the ambient air, we should address problems at the source and prioritize overall planning. It is necessary to transform economic development mode, rationalize the structure and distribution of industry, as well as readjust energy structure.

In preventing and controlling atmospheric pollution, comprehensive measures should be taken against the pollution caused by the burning of coal, industrial production, motor vehicles and vessels, dust as well as agricultural activities etc. Joint effort should be made across regions and coordinated control should be taken upon air pollutants and greenhouse gases including particles, sulphur dioxide, nitrogen oxides, volatile organic compounds, and ammonia etc.

**Article 3** People's governments at or above the county level must incorporate prevention and control of atmospheric pollution into their economic and social development plans and increase fiscal investment in this regard.

Local governments at various levels shall be responsible for the quality of the atmospheric environment under their own jurisdictions. They should make plans and take measures to control or gradually reduce the emission of atmospheric pollutants and to make the quality of the atmospheric environment under their own jurisdictions meet the prescribed standard and continue improving over time.

**Article 4** The competent department of environmental protection under the State Council, in conjunction with other departments under the State Council, shall assess, in accordance with regulations of the State Council, the progress made by provinces, autonomous regions and municipalities directly under the Central Government in realizing the targets of improving the quality of the atmospheric environment and in undertaking key tasks of preventing and controlling atmospheric pollution. People's governments of the provinces, autonomous regions and municipalities directly under the Central Government should define standards to assess the progress under their own jurisdictions so as to realize the targets of improving the quality of the atmospheric environment and to undertake key tasks of preventing and controlling atmospheric pollution. Assessment results should be publicly disclosed.

**Article 5** Competent departments of environmental protection under people's governments at or above the county level shall conduct unified supervision and management of the prevention and control of atmospheric pollution.

Relevant departments under the people's governments at or above the county level shall, within their respective functions, supervise and manage the prevention and control of atmospheric pollution.

**Article 6** The State encourages and supports the scientific and technological research upon the prevention and control of atmospheric pollution, undertakes analysis of the cause and future trend of atmospheric pollution, promotes advanced and applicable technology and equipment, facilitates the transformation of scientific and technological achievements and gives full play to the supportive role of science and technology in the prevention and control of atmospheric pollution.

**Article 7** Enterprises, public institutions and other producers and business operators shall adopt effective measures to prevent and reduce atmospheric pollution and assume legal liability for the damages.

Citizens should voluntarily perform the duty to protect atmospheric environment through enhancing the awareness to do so and leading a low-carbon and economical life.

## Chapter II

### Standards of the Prevention and Control of Atmospheric Pollution and Plans to Meet the Standards within the Time Limit

**Article 8** The competent department of environmental protection under the State Council or people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall establish standards of the quality of atmospheric environment. Such standards, being scientific and rational, shall aim at protecting public health and ecological environment and match economic and social development.

**Article 9** The competent department of environmental protection under the State Council or people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall establish standards of the discharge of atmospheric pollutants in accordance with the standards of atmospheric quality and the country's economic and technological conditions.

**Article 10** Standards of atmospheric environment quality and for the discharge of atmospheric pollutants shall be proved and reviewed by experts. Relevant departments, industry associations, enterprises, public institutions and the general public should be consulted in establishing such standards.

**Article 11** The competent department of environmental protection under people's governments at or above the provincial level shall disclose on its website the standards of atmospheric environment quality and for the discharge of atmospheric pollutants. So the public could read and download these standards on the website free of charge.



**Article 12** Regular assessments should be undertaken upon the implementation of the standards of atmospheric environment quality and for the discharge of atmospheric pollutants. These standards will be subject to timely revision according to assessment results.

**Article 13** Definite requirements to protect atmospheric environment should be incorporated in the quality standards set for goods with volatile organic compounds including coal, petroleum coke, bio-fuel, and coating and for other products including fireworks and boilers.

Quality Standards of fuel oil should be established in accordance with the national standards of the discharge of atmospheric pollutants. These standards shall be connected to and implemented simultaneously with the national standards on the discharge of atmospheric pollutants by motor vehicles and vessels and non-road mobile machineries.

Non-road mobile machineries as specified in the preceding paragraph mean mobile machines with engine installation and transportable industrial equipment.

**Article 14** With regard to the municipalities not meeting the national standards of the quality of atmospheric environment, the municipal people's government should formulate plans and take measures to meet the standards within the time limit prescribed by the State Council or the people's government at the provincial level.

Relevant industry associations, enterprises, public institutions, experts and the public should be consulted in formulating municipal plans to meet the standards of the quality of atmospheric environment within the time limit.

**Article 15** Municipal plans to meet the standards of the quality of atmospheric environment within the time limit should be publicly disclosed. Municipalities

directly under the Central Government and those divided into districts shall report their plans to the competent department of environmental protection under the State Council for record.

**Article 16** Municipal people's governments should incorporate the progress in implementing the plans to meet the standards of the quality of atmospheric environment within the time limit in their report to the people's congress at the corresponding level or its standing committee and disclose these plans to the public.

**Article 17** Municipal plans to meet the standards of the quality of atmospheric environment within the time limit should be formulated, assessed and revised in accordance with the requirements for the prevention and control of atmospheric pollution and the municipal economic and technological conditions.

## Chapter III

# Supervision over the Prevention and Control of Atmospheric Pollution

**Article 18** Enterprises, public institutions and other producers and business operators when undertaking projects with impact on the atmospheric environment, should assess the environmental impact in accordance with the law and disclose the environmental impact statement; and should, if atmospheric pollutants are discharged during the project, abide by the standards of the discharge of atmospheric pollutants and the total emission control policy on key atmospheric pollutants.

**Article 19** License for emission should be acquired by enterprises and public institutions emitting industrial exhaust or toxic and harmful atmospheric pollutants listed in the catalog of Article 78 of this Law, by producers and operators of coal and heat sources with central heating equipment and by other units under the permit system for pollutant discharge. Concrete measures and implementing procedures shall be prescribed by the State Council.

**Article 20** Enterprises, public institutions and other producers and business operators, if discharging atmospheric pollutants, should install discharge outlets in accordance with laws and regulations as well as the provisions of the competent department of environmental protection under the State Council.

Emission of atmospheric pollutants through avoiding monitoring is strictly prohibited, which includes emitting secretly, falsifying and forging statistics, suspending production temporarily to avoid on-spot inspection, using emergency emission outlets under non-emergent circumstances and using the equipment to prevent and control atmospheric pollution under abnormal conditions.

**Article 21** The State imposes control on the total emission of key atmospheric pollutants

The competent department of environmental protection under the State Council, having consulted relevant departments under the State Council and people's governments of provinces, autonomous regions and municipalities directly under the Central Government with the targets of total emission control on key atmospheric pollutants. The department, together with the department of comprehensive economic affairs, shall seek the approval of the State Council and promulgate these targets.

People's governments of provinces, autonomous regions and municipalities directly under the Central Government should control or reduce the total emission of key atmospheric pollutants within their own jurisdictions in accordance with the targets prescribed by the State Council.

Concrete measures to define targets and allocate quota of total emission should be prescribed by relevant departments under the State Council. People's governments of provinces, autonomous regions and municipalities directly under the Central Government, in accordance with the needs for the prevention and control of atmospheric pollution within their own jurisdictions, can impose control on total emission of air pollutants other than those major ones recognized at the national level.

The State gradually promotes trade in the right to emit major atmospheric pollutants.

**Article 22** For regions exceeding the State quota of emitting major atmospheric pollutants or not meeting the State targets of improving the quality of atmospheric environment, the competent department of environmental protection under people's governments at or above the provincial level should suspend approvals of the environment impact statements for new construction

projects that would add to total emission of major atmospheric pollutants and should, together with other relevant departments, schedule meetings with major leading officials of the local government. The results of such meetings should be publicly disclosed.

**Article 23** The competent department of environmental protection under the State Council is responsible for establishing the standards of the quality of atmospheric environment and of the monitoring and assessment upon sources of atmospheric pollution. It organizes and manages the nation-wide monitoring network for the quality of atmospheric environment and sources of atmospheric pollution, monitors the quality of atmospheric environment and sources of atmospheric pollution and releases unified information about the quality of atmospheric environment of the nation.

The competent department of environmental protection under people's governments at or above the county level is responsible for organizing and managing the monitoring network of the quality of atmospheric environment and sources of atmospheric pollution within their own jurisdictions, monitoring the quality of atmospheric environment and sources of atmospheric pollution, and releasing unified information about the quality of atmospheric environment of respective region.

**Article 24** Enterprises, public institutions and other producers and business operators should monitor their emission of industrial exhaust and toxic or harmful atmospheric pollutants listed in the catalog of Article 78 of this Law in accordance with relevant State regulations and monitoring standards and keep the original monitoring records. Key pollutant-discharging units should install and use automated devices to monitor the discharge of atmospheric pollutants. These units should link their monitoring devices with those of the competent department of environmental protection, secure smooth function of these devices and publicly disclose information of their discharge in accordance with the law. The competent department of environmental protection under the

State Council prescribes the concrete monitoring measures as well as criteria for key pollutant-discharging units.

The competent department of environmental protection under the people's governments at or above the municipal level prescribes, in accordance with the regulations of the competent department of environmental protection under the State Council, the assimilative capacity of the atmospheric environment, the quota of total emission for major atmospheric pollutants as well as the categories, quantities and concentrations of pollutants discharged by key units etc., the catalog for key pollutant-discharging units. After consultation with relevant departments, the catalog shall be confirmed and publicly disclosed.

**Article 25** Key pollutant-discharging units should take the responsibility for that the data of their automated monitoring devices are authentic and accurate. When it observes abnormal data transmission from the automated devices of key pollutant-discharging units, the competent department of environmental protection should investigate in due time.

**Article 26** Prohibitions are imposed upon occupying, destroying, altering and removing, without proper approval, the monitoring facilities of the quality of atmospheric environment and the automated devices to monitor the discharge of atmospheric pollutants.

**Article 27** The State shall eliminate backward production techniques, equipment and products that seriously pollute the atmospheric environment.

The competent department for comprehensive economic affairs under the State Council shall, in conjunction with relevant departments under the State Council, shall prescribe the time limit to eliminate the techniques, equipment and products that seriously pollute the atmospheric environment and incorporate these categories of techniques, equipment and products in the catalog for comprehensive industrial policy of the State.

Producers, importers, sellers or users shall stop the production, importation, sale or use of the equipment and products listed in the catalog specified in the preceding paragraph. Users of production techniques listed in the catalog specified in the preceding paragraph shall stop using such techniques within a time limit.

The eliminated equipment and products shall not be transferred to another for use.

**Article 28** The competent department of environmental protection under the State Council, in conjunction with other relevant departments, shall establish and improve the damage-assessment system of atmospheric pollution.

**Article 29** The competent department of environmental protection, its designated environmental supervisory bodies and other departments with responsibilities to supervise and manage the protection of atmospheric environment are entitled to supervise and inspect enterprises, public institutions and other producers and business operators that discharge atmospheric pollutants through on-site inspection and monitoring, automated monitoring, long-distance monitoring and infrared videos. The units inspected must truthfully report the situation and provide necessary information. The inspecting departments and bodies as well as their staff shall keep confidential the business secrets of the units inspected.

**Article 30** If enterprises, public institutions and other producers and business operators have caused or the potential to cause severe atmospheric pollution by discharging atmospheric pollutants against the laws and regulations, or if relevant evidence may be eliminated or concealed, the competent department of environmental protection under people's governments at or above the county level and other departments with responsibilities to supervise and manage the protection of atmospheric environment may take compulsory administrative measures including sealing up or distraining relevant facilities, equipment or goods.

**Article 31** The competent department of environmental protection and other departments with responsibilities to supervise and manage the protection of atmospheric environment shall disclose tip-off telephone number and e-mail address to facilitate public report.

Upon receiving such reports, the competent department of environmental protection and other departments with responsibilities to supervise and manage the protection of atmospheric environment should handle the reports in due time and keep confidential relevant information about the informants. For real name reports, these departments shall offer feedbacks upon how they handled the reports. For verified reports, the investigation and settlement results shall be publicly disclosed in accordance with the law and corresponding informants shall be rewarded.

Units reported by their own staff must not retaliate against the informants by means including terminating or modifying labor contracts.



## Chapter IV

# Measures for the Prevention and Control of Atmospheric Pollution

### Section 1 Prevention and Control of Atmospheric Pollution Caused by Burning Coal and Other Energy

**Article 32** Relevant departments under the State Council and local governments at various levels shall adopt measures to improve energy structure and popularize the production and utilization of clean energy; optimize the utilization of coal to be cleaner and more effective; and reduce the proportion of coal in primary energy consumption and the discharge of atmospheric pollutants during the production, utilization and transformation of coal.

**Article 33** The State promotes washing and sorting of coal for desulphurization and dust removal and limits the mining of high-sulphur and high-dust coal. New coal mines should be developed in conjunction with supportive facilities for coal washing and sorting to limit the sulphur and dust content in coal to the prescribed level. Existing coal mines, except those that mine low-sulphur and low dust coal or is not required of coal washing and sorting by coal-fired power plants meeting the standard of atmospheric pollutants discharge, shall construct supportive facilities for coal washing and sorting within the time limit.

It is prohibited to mine the coal containing toxic or harmful substances like arsenic and radioactive substances, which exceed the prescribed limits.

**Article 34** The State adopts economic and technical policies and measures conducive to the clean and effective utilization of coal and encourages and supports the development and popularization of coal cleaning technologies.

The State encourages coal enterprises to adopt reasonable and feasible technical measures to exploit coal bed methane and to comprehensively utilize gangue. For exploitation and utilization of coal bed methane, the emission should meet relevant standards.

**Article 35** The State prohibits the importation, sale, burning and utilization of coal not meeting the prescribed quality standards and encourages the burning and utilization of fine coal.

In storing materials like coal, gangue, coal cinder and coal dust, relevant units should take measures for fire safety so as to prevent atmospheric pollution.

**Article 36** Local governments at various levels shall adopt measures to strengthen the management of bulk coal for civilian purpose. The sale of bulk coal for civilian use not meeting the prescribed standards is prohibited. The governments shall encourage the residents to use fine and clean coal and promote cookers that are energy efficient and environmentally friendly.

**Article 37** Petroleum refineries shall abide by the prescribed quality standards during their oil production.

It is prohibited to import, sell, burn and use petroleum coke that does not meet the quality standards.

**Article 38** People's governments of municipalities may designate prohibited areas of high-pollution fuels and gradually expand such areas in accordance with the improvement in the quality of atmospheric environment. The catalog of high-pollution fuels is prescribed by the competent department of environmental protection under the State Council.

In non-fly zone, it is prohibited to sell and use high-pollution fuels or to construct and expand facilities using such fuels. Existing facilities shall be

changed into using natural gas, shale gas, liquid gas, electricity or other clean energy.

**Article 39** Urban constructions shall be conducted on the basis of overall planning. In areas with coal heating, cogeneration and central heating shall be promoted. In areas with central heating pipelines or networks, it is prohibited to construct and expand coal boilers for decentralized heating. Existing coal boilers shall be removed within the time limit prescribed by the people's government of the municipality.

**Article 40** The department of quality supervision of people's governments at or above the county level shall, in conjunction with the competent department of environmental protection, supervise and inspect how the standards or requirements of environmental protection is met in the production, importation, sale and utilization of boilers. Without meeting the standards or requirements of environmental protection, no production, importation, sale, or utilization is allowed.

**Article 41** Coal-fired power plants and other coal-using units shall adopt clean production techniques. They must install supporting facilities of dust removal, desulphurization and denitration or take other measures such as technology upgrade to control the discharge of atmospheric pollution.

The State encourages coal-using units to adopt advanced technologies and equipment for the coordinated control of atmospheric pollutants including dust removal, desulphurization, denitration and demercuration.

**Article 42** In electricity dispatch, power plants using clean energy should be prioritized.

## **Section 2 Prevention and Control of Atmospheric Pollution Caused by Industrial Production**

**Article 43** Enterprises producing steel, construction materials, non-ferrous metal, petroleum and chemicals etc. that discharge dust, sulphides and nitrogen oxides shall adopt techniques for clean production, install equipment of dust removal, desulphurization and denitration or adopt other measures including technology upgrade to control the discharge of atmospheric pollutants.

**Article 44** Units that produce, import, sell and utilize raw materials and products with volatile organic compounds, the content of such compounds shall meet the prescribed quality standards or requirements.

The State encourages the production, importation, sale and utilization of organic solvents with low level toxicity and volatility.

**Article 45** Productions and services that discharge exhaust gas with volatile organic compounds shall be undertaken in confined space or equipment. Facilities to prevent and control pollution should be installed and used in accordance with relevant regulations. For the productions and services that cannot be confined, measures should be taken to reduce the discharge of exhaust gas.

**Article 46** Enterprises for industrial painting shall use coating materials with low content of volatile organic compounds and record the amount of the major and auxiliary materials that are used and wasted, the disposition of these materials and the content of volatile organic compounds of these materials. The record shall be kept for no less than three years.

**Article 47** Petroleum and chemical enterprises and other ones producing and using organic solvents shall take measures for daily maintenance and repair of their pipes and equipment to reduce the leakage of materials and in due time collect and dispose the leaked materials.

Devices for oil and gas recovery should be installed upon oil and gas storages, oil and gas stations, depots for crude oil and petroleum products, tankers for crude oil and petroleum products as well as tank trucks for oil and gas. The normal operation of these devices shall be guaranteed.

**Article 48** Enterprises for steel, construction materials, non-ferrous metal, petroleum, chemicals, pharmaceuticals and mineral exploration etc. shall strengthen their management to be more meticulous. Measures including centralized collection and disposal should be taken to control strictly the emission of dust and gas pollutants.

Enterprises for industrial production shall confine, encroach, cover, sweep or sprinkle to reduce the discharge of dust and gas pollutants in the storage, transportation, loading and unloading of materials.

**Article 49** Flammable gases emitted during industrial production, waste burying or other activities shall be recycled for use. For those not suitable for recycling, measures should be taken to prevent and control pollution.

The recycling devices for flammable gases that cannot function normally should be subject to timely repair or replacement. If flammable gases do need to be emitted during the malfunction of such devices, the emitting units shall take measures including the complete combustion of flammable gases to control the discharge of atmospheric pollutants. The emitting units shall report to the competent department of environmental protection under the local government and repair or replace the malfunctioned devices within the prescribed time limit.

### **Section 3 Prevention and Control of Pollutants Discharged by Motor Vehicles and Vessels**

**Article 50** The State advocates low-carbon and eco-friendly transportation. The ownership of vehicles using petroleum fuels shall be controlled below an appropriate level in accordance with urban planning. Public transportation in urban areas shall be vigorously boosted to increase its proportion in overall transportation.

The State shall adopt measures including fiscal and tax policy and government procurement to popularize motor vehicles and vessels and non-road mobile machineries that save energy, protect the environment and use new energy; to limit motor vehicles and vessels and non-road mobile machineries that feature high level oil consumption and emission; and to reduce the consumption of fossil fuels.

People's governments of provinces, autonomous regions and municipalities directly under the Central Government may adopt in advance, in areas where the local conditions permit, the emission standards of corresponding stages as stipulated in the national emission standards of motor vehicles.

People's governments of urban areas shall strengthen and improve the management of urban transportation, optimizing road design and securing the continuation and smoothness of sidewalks and non-motorized lanes.

**Article 51** Production, importation and sale of motor vehicles and vessels and non-road mobile machineries whose emission of atmospheric pollutants exceeds the prescribed limit are prohibited.

**Article 52** Producers of motor vehicles and non-road mobile machineries shall undertake emission tests for their new products. These products cannot be sold without passing the tests. Relevant information about the tests shall be publicly disclosed.

The competent department of people's government at or above the provincial level may undertake on-site inspections or sample tests to strengthen the supervision and inspection upon vehicles and non-road mobile machines that are newly-produced or sold concerning their emission of atmospheric pollutants. Relevant departments of industry, quality supervision and administration of industry and commerce shall offer their support.

**Article 53** Motor vehicles in use shall be subject to regular tests by agencies of vehicle emissions testing. Without passing these tests, motor vehicles shall not be allowed on the motorways and traffic management departments of public security organs shall not issue conformity marks of the technical inspections on vehicle safety.

The competent department of environmental protection under the people's governments at or above the county level may undertake sample examinations on motor vehicles concerning the discharge of atmospheric pollutants in parking and repairing spaces. Without interrupting normal transportation, the department may undertake sample examinations on vehicles on the road concerning the discharge of atmospheric pollutants through technical measures such as long-distance monitoring. Traffic management departments of public security organs shall offer their support.

**Article 54** Agencies of vehicle emissions testing shall acquire metrology accreditation and use qualified equipment for the testing in accordance with the law. These agencies shall test vehicle emissions in accordance with regulations prescribed by the competent department of environmental protection under the State Council and establish internet connection with the competent department of environmental protection for real-time data sharing. These agencies and their persons in charge shall be held responsible for the authenticity and accuracy of test data.

The competent departments of environmental protection and the authorities of certification and accreditation shall supervise the agencies of vehicle emissions testing concerning testing efforts.

**Article 55** Producers and importers of motor vehicles shall publicly disclose the results of emission tests and technical information of pollution control and vehicle repair.

Units that repair motor vehicles shall offer their service in accordance with relevant requirements and national technical standards of the prevention and control of atmospheric pollution so that the vehicles in question meet the emission standards. Competent departments of transport and environmental protection shall strengthen supervision in accordance with the law.

It is prohibited for the owners of vehicles to pass the emissions tests through temporarily altering the pollution control devices and for the repairing units to offer such services. It is prohibited to damage the on-board diagnostics (OBD) system for emissions.

**Article 56** The competent department of environmental protection shall, in conjunction with departments of transport, housing and rural-urban development and the administration of agriculture and water resources, supervise and examine non-road mobile machineries concerning the emission of atmospheric pollutants. It is prohibited to use such machines without passing the examinations.

**Article 57** The State advocates eco-driving and encourages the drivers of oil-fueled vehicles to stop the engine when normal transportation is not interrupted and the vehicle need to be stopped for more than 3 minutes so as to reduce the discharge of atmospheric pollutants.

**Article 58** The State establishes the system of recalling motor vehicles and



non-road mobile machineries based on environmental protection requirements. The enterprises producing or importing motor vehicles and non-road mobile machineries should recall their products upon knowledge that the emissions of these products exceed the prescribed limits because of defects in design or production or non-compliance with the durability requirements of environmental protection. If these enterprises fail to do so, the department of quality supervision under the State Council, in conjunction with the competent department of environmental protection under the State Council, shall order these enterprises to recall.

**Article 59** Heavy duty diesel vehicles and non-road mobile machineries with no or non-conforming devices for pollution control that cannot meet the emission standards shall be installed with such devices or be replaced with conforming ones.

**Article 60** Motor vehicles in use should be repaired if their discharge of atmospheric pollutants exceeds the prescribed limit. These vehicles shall be subject to compulsory retirement if their discharge of atmospheric pollutants still cannot meet the national standards of the emissions of vehicles in use after repair or adoption of pollution control technology. Owners of such vehicles should sell them to enterprises recycling and dismantling discarded vehicles. These enterprises shall be responsible for the registration, dismantling and destruction of such vehicles in accordance with relevant State regulations.

The State encourages and supports early retirement of motor vehicles and vessels and non-road mobile machineries with high level emissions.

**Article 61** People's government of urban areas may, in accordance with the conditions of atmospheric environment, designate and announce areas where non-road mobile machineries with high level emissions are prohibited.

**Article 62** Inspection agencies for vessels shall inspect the emissions of vessel

engine and other equipment. Vessels cannot be put into operation without being verified as conforming to the State emission standards.

**Article 63** Inland and river-sea vessels should use standard diesel. Ocean vessels in port should use bunker fuel that meets the standards of the control of atmospheric pollutants.

Newly built docks should plan, design and construct facilities of onshore power supply. Existing docks should gradually renovate their facilities of onshore power supply. After docking, onshore power should take the precedence.

**Article 64** The competent department of transport under the State Council may designate areas in coastal waters where the discharge of atmospheric pollutants is controlled. Vessels, upon entry into such areas, should comply with requirements of vessel emissions.

**Article 65** It is prohibited to produce, import and sell non-conforming fuels for motor vehicles and vessels and non-road mobile machineries, to sell fuels of non-motorized vehicles including standard diesel for the use of automobiles and motorcycles and to sell residual oil and heavy oil for the use of non-road mobile machines and inland and sea-river vessels.

**Article 66** Indicators of the protection of atmospheric environment including the content of harmful substances in engine oil, de-oxidant for nitrogen oxide and additives for fuel, lubricant and other purposes shall meet relevant standards without damaging the effect and durability of the pollution control devices on motor vehicles and vessels or adding the emissions of atmospheric pollutants.

**Article 67** The State vigorously promotes the prevention and control of atmospheric pollution by civil aircrafts and encourages effective measures to reduce the emissions of atmospheric pollutants during the design, production and utilization of such aircrafts.

Civil aircrafts should meet the requirements concerning engine emission stipulated in the State airworthiness standards.

#### **Section 4 Prevention and Control of Pollution of Dust**

**Article 68** Local governments at various levels shall step up management upon construction and transportation. To prevent and control pollution by dust, the governments shall keep the roads clean, manage stockpiles and debris and expand the area of grassland, water-field, wet land and ground pavement.

Departments of housing and rural-urban development, transport, land and resources as well as city appearance, environment and sanitation shall, in accordance with responsibilities prescribed by people's governments at the corresponding level, effectively prevent and control the pollution by dust.

**Article 69** The project investor shall incorporate the cost of preventing the pollution by dust in project budget and identify, in the agreement with the contractor, the responsibilities of the contractor to prevent and control pollution by dust. The contractor shall formulate specific plans to prevent and control pollution by dust at the construction site.

The contractor for housing construction, municipal infrastructure development, river improvement and demolition shall report to the competent department to supervise and manage dust pollution for record.

The contractor shall install solid sealing strips at the construction site and take effective measures to prevent and reduce dust pollution including covering the site, constructing stage by stage and at selected time, sprinkling as well as washing the ground and vehicles. Earthworks, project debris and construction wastes shall, if stocked at the construction site, be removed without delay or be covered with confined dust-nets. Project debris and construction wastes shall be subject to recycling.

The contractor shall publicly disclose relevant information about the prevention and control of dust pollution at the construction site including specific measures, persons in charge and the competent department for supervision.

The investor shall cover the bare ground should the construction be temporarily suspended. If the suspension goes beyond three months, the construction site should be afforested, paved or covered by the investor.

**Article 70** For vehicles carrying bulk and fluid materials including coal, waste, debris, sandstone, earth and mortar, to prevent dust pollution by scattered materials, measures including confinement should be taken. These vehicles should be driven along the prescribed routes.

During loading and unloading of materials, confinement or sprinkling should be adopted to prevent and control dust pollution.

People's governments of urban areas shall, to prevent and control dust pollution, step up the cleaning and management of public spaces including roads, squares and parking lots and popularize low-dust, automatic methods using clean energy to clean the city.

**Article 71** Relevant departments shall undertake forestation and permeable paving upon municipal rivers and areas alongside the rivers, bare land of public space and other bare land of the city.

**Article 72** Materials prone to release dust including coal, gangue, coal cinder, coal combustion residual, cement, calclime, gypsum and sand soil should be confined. For those materials that cannot be confined, tight fences of height no less than that of the stockpiles shall be installed and effective covering shall be in place to prevent dust pollution.

Docks, mines, landfills and recycling units should respectively operate in separate divisions and take effective measures to prevent dust pollution.

## **Section 5 Prevention and Control of Atmospheric Pollution Caused by Agricultural and Other Activities**

**Article 73** Local governments at various levels shall transform the mode of agricultural production and development circular economy by further supporting comprehensive disposal of wastes and strengthening control on the atmospheric pollutants released by agricultural activities.

**Article 74** People engaged in agriculture shall upgrade fertilizer application which should be scientific and reasonable and use agrochemicals in accordance with relevant State regulations so as to reduce the discharge of atmospheric pollutants including ammonia and volatile organic compounds.

Extremely and highly toxic agricultural chemicals are prohibited in densely inhabited areas.

**Article 75** Sewage, manure and bodies etc. shall be collected, stored, removed and safely disposed in farms and demonstration districts for livestock and poultry so as to prevent the discharge of malodorous gases.

**Article 76** People's governments at various levels and relevant departments including the one of agriculture administration should encourage and support the adoption of advanced and appropriate technologies so as to comprehensively utilize straw stubble and leaves and change them into fertilizer, animal feed, energy, industrial material and edible fungi. The governments and relevant departments shall step up fiscal subsidies for plowing the stubble back into the ground and utilizing combine harvesters.

In terms of the collection, storage, transportation and comprehensive utilization of straw stubble, people's governments at the county level should establish service systems and support rural economic collectives, farmers' specialized cooperatives and enterprises.

**Article 77** People's governments of provinces, autonomous regions and municipalities directly under the Central Government should designate areas where to burn outdoors substances prone to discharge dust like straw stubble and leaves is prohibited.

**Article 78** The competent department of environmental protection under the State Council, in conjunction with the administrative department of public health, release the catalog of toxic and harmful atmospheric pollutants for the purpose of risk management in accordance with the harm and impact that these pollutants have on public health and eco-environment.

Enterprises and public institutions discharging toxic and harmful atmospheric pollutants listed in the catalog specified in the previous paragraph should, in accordance with relevant State regulations, establish the warning system of environmental risks. They should monitor regularly the pollutant outlets and surrounding environment to assess environmental risks, identify hidden risks and take effective measures for risk prevention.

**Article 79** Enterprises, public institutions, other producers and business operators and operators of incineration facilities that emit persistent organic pollutants into the atmosphere shall, in accordance with relevant State regulations, adopt technologies and techniques to reduce such emissions and install effective purification devices so as to meet the emission standards.

**Article 80** Enterprises, public institutions and other producers and business operators that release malodorous gases in their production and operation shall choose appropriate site, maintain sufficient buffer zone, install devices for purification and adopt other measures so as to prevent and stop the emission of malodorous gases.

**Article 81** For fume-emitting units in catering and service industry, their operators shall install fume purification devices, secure normal function of such

devices or adopt other measures so as to meet the prescribed standards and avoid polluting the environment of the neighborhood.

Construction, renovation and expansion of catering and service projects that emit fume, smell and exhaust are prohibited in residential buildings, residential-commercial complexes without specialized fume tubes and commercial floors next to residential ones within such complexes.

Units and individuals are prohibited to grill food or provide space for such activities in the prohibited areas designated by local governments.

**Article 82** Burning of substances including asphalt, linoleum, rubber, plastic, feather and rubbish that would release toxic and harmful dust and malodorous gases is prohibited in densely populated areas and other areas requiring special protection under the law.

It is prohibited to produce, sell or set off fireworks non-conforming to quality standards. Units and individuals should not set off fireworks where and when the people's governments of urban areas prohibit.

**Article 83** The State encourages and advocates commemoration in a civilized and eco-friendly manner.

Crematoriums should install dust-removal and other facilities to prevent pollution and secure smooth function of such facilities so as to avoid influencing the neighboring environment.

**Article 84** Operators engaged in services such as dry cleaning and auto maintenance shall, in accordance with relevant State standards and requirements, install devices to dispose smell and exhaust and secure smooth function of such devices so as to avoid influencing the neighboring environment.

**Article 85** The State encourages and supports the production and utilization of substitutes for o-zone depleting substances (ODS) so as to reduce and eventually stop the production and utilization of ODS.

The State imposes total control and quota upon the production, utilization, import and export of ODS. The State Council shall prescribe concrete measures.



## Chapter V

# Joint Prevention and Control of Atmospheric Pollution in Key Areas

**Article 86** The State shall establish the mechanism to jointly prevent and control atmospheric pollution in key areas and coordinate such effort in these areas. The competent department of environmental protection under the State Council shall, in accordance with major functional divisions, regional conditions of atmospheric environment and the rule of the dilution of atmospheric pollutants, prescribe national key areas for the prevention and control of atmospheric pollution and report them to the State Council

People's governments of provinces, autonomous regions and municipalities directly under the Central Government situated in key areas shall designate leading local governments and integrate relevant planning, standards, monitoring and measures so as to jointly prevent and control atmospheric pollution and realize the prescribed targets. The competent department of environmental protection under the State Council shall step up instruction and supervision.

People's governments of provinces, autonomous regions and municipalities directly under the Central Government may, in accordance with the first paragraph of this Article and within their own jurisdictions, designate key areas for the prevention and control of atmospheric pollution.

**Article 87** The competent department of environmental protection under the State Council, in conjunction with relevant departments under the State Council and people's governments of provinces, autonomous regions, municipalities directly under the Central Government situated in national-level key areas for the prevention and control of atmospheric pollution, shall prescribe regional plans for joint efforts to prevent and control atmospheric pollution in key areas in accordance with regional social and economic development and the

assimilative capacity of atmospheric environment. To improve the quality of atmospheric environment in key areas, prevention and control targets, priority tasks and specific measures should be defined including optimizing regional economic layout, coordinating transportation and promoting clean energy.

**Article 88** The competent department of comprehensive economic affairs under the State Council, in conjunction with the competent department of environmental protection under the State Council, shall further raise the requirements on environmental protection, energy consumption, security and quality in accordance with conditions of industrial development and atmospheric environment in the national-level key areas of the prevention and control of atmospheric pollution.

People's governments of provinces, autonomous regions and municipalities directly under the Central Government situated in key areas shall impose stricter limits on the atmospheric pollutants emitted by motor vehicles, integrate testing methods and emissions limit of motor vehicles in use and provide correspondingly qualified auto-fuel.

**Article 89** In formulating plans with severe implications upon the atmospheric pollution in national-level key areas for industrial parks, development zones, and regional industrial development, assessment on the impact that these plans will exert upon the environment shall be undertaken in accordance with the law. The organs formulating these plans shall consult with people's governments of provinces, autonomous regions and municipalities directly under the Central Government in the key areas and relevant departments.

In the key areas, construction projects of provinces, autonomous regions and municipalities directly under the Central Government shall be subject to timely report and consultation if these projects exert major influence on the atmospheric environment of neighboring provinces, autonomous regions and municipalities directly under the Central Government.

Consultation results and their implementation shall be the major basis for the review and approval of environmental impact statements.

**Article 90** In national-level key areas for the prevention and control of atmospheric pollution, should coal-related projects be constructed, renovated or expanded, their coal consumption should be equal to or lower than the previous level.

**Article 91** The competent department of environmental protection under the State Council should establish the information sharing mechanism of the monitoring upon the quality of atmospheric environment and the sources of atmospheric pollutants in the national key areas of the prevention and control of atmospheric pollution. The department shall observe and simulate atmospheric conditions and use new technologies of artificial satellites, photogrammetric measurement and long-distance monitoring so as to analyze the sources and future trend of atmospheric pollution in these key areas. The department shall release such analyses to the public.

**Article 92** The competent department of environmental protection under the State Council and people's governments of provinces, autonomous regions and municipalities directly under the Central Government, situated in the national-level key areas for the prevention and control of atmospheric pollution may, in enforcing environmental protection laws, join hands with relevant departments, governments and departments of other regions and governments and departments at lower- or upper levels.

## Chapter VI

# Contingency Plan for Heavy Pollution Weather

**Article 93** The State establishes monitoring and early-warning system for heavy pollution weather.

The competent department of environmental protection under the State Council, the competent department of meteorological administration under the State Council and other relevant departments as well as people's governments of provinces, autonomous regions and municipalities directly under the Central Government situated in the national key areas for the prevention and control of atmospheric pollution, shall establish monitoring and warning system of heavy pollution weather in these areas and unify the classification standards of warnings. Heavy pollution weather, upon occurrence, should be reported without delay to people's governments of relevant provinces, autonomous regions and municipalities directly under the Central Government in the key areas.

The competent department of environmental protection under people's governments of provinces, autonomous regions, municipalities directly under the Central Government and municipalities divided into districts, in conjunction with the competent department of meteorological administration and other relevant departments at the corresponding levels shall establish the warning system for heavy pollution weather under their own jurisdictions.

**Article 94** People's governments at or above the county level should incorporate coping with heavy pollution weather into the emergency management system.

People's governments of provinces, autonomous regions, municipalities directly under the Central Government and municipalities divided into districts as well as of counties where heavy pollution weather may occur shall promulgate

contingency plans for heavy pollution weather. Such plans should be reported to the competent department of environmental protection under the people's government at the immediate upper level for record and be publicly released.

**Article 95** The competent department of environmental protection under people's governments of provinces, autonomous regions, municipalities directly under the Central Government and municipalities divided into districts, in conjunction with agencies of meteorological administration, shall establish the mechanism of consultation to predict the quality of atmospheric environment. Potential heavy pollution weather shall be reported to people's governments at the corresponding levels. People's governments of provinces, autonomous regions, municipalities directly under the Central Government and municipalities divided into districts shall, on the basis of weather forecasts, assess the overall situation to define how the warnings should be classified and to release timely warnings. Warning classification is subject to changes in accordance with actual conditions. Any units and individuals are prohibited to publicly release such warnings on their own.

After the warnings are released, people's governments and relevant departments shall instruct, through television, radio, internet, text-message and other channels, the public to take precautions for the protection of their health and guide the public concerning adjustment of their outdoor and social activities.

**Article 96** People's governments at or above the county level shall, in accordance with the classification of warnings, initiate contingency plans in due course. In accordance with actual conditions, the governments may command relevant enterprises stop or limit their production, limit the usage of certain vehicles, prohibit fireworks, suspend earthworks engineering, demolition of buildings, outdoor grill and outdoor activities of kindergartens and schools and undertake weather modification and other contingency measures.

When the emergency is over, people's governments shall assess and adjust the implementation of the contingency plan in due course.

**Article 97** In case of environmental emergencies due to atmospheric pollution, people's governments, relevant departments and enterprises shall respond to the emergency effectively in accordance with the Emergency Response Law of the People's Republic of China and the Environmental Protection Law of the People's Republic of China. The competent department of environmental protection should monitor without delay the atmospheric pollutants that have caused the emergency and release relevant results to the public.

## Chapter VII

### Legal Liability

**Article 98** Should any units refuse the supervision and inspection of the competent departments of environmental protection and their designated environmental supervisory agencies or other departments responsible to supervise and manage the protection of atmospheric environment by blocking the staff of these organs from entering the site in question or resorting to deception and fraud during the inspection, they violate this Law and should be ordered by the competent department of environmental protection under people's governments at or above the country level and other departments responsible to supervise and manage the protection of atmospheric environment to rectify their acts and be imposed a fine for more than RMB 20,000 but less than RMB 200,000. Should their acts violate public order, they should be punished by public security organs in accordance with the law.

**Article 99** Any units, in violation of this Law, shall be ordered to rectify their illegal acts, to limit or to suspend production and be fined for no less than RMB100, 000 but no more than RMB 1,000,000 by the competent department of environmental protection under people's governments at or above the county level for any of the following acts. Should the situation be grave, suspension and closedown shall be ordered upon approval of people's governments with corresponding authority.

- (1) Emitting atmospheric pollutants without legally obtaining the permit to discharge
- (2) Exceeding the emission limit for atmospheric pollutants or the cap quota for key atmospheric pollutants
- (3) Emitting atmospheric pollutants by evading supervision and inspection

**Article 100** Any units, in violation of this Law, shall be ordered to rectify the

illegal acts and be fined for more than RMB 20,000 but less than RMB 200,000 for any of the following acts. Should they refuse to comply, suspension shall be in place.

- (1) Occupying, destroying, altering or removing the monitoring facilities of the quality of atmospheric environment or the automated devices to monitor the discharge of atmospheric pollutants
- (2) Failing to monitor and keep the original record for the discharge of exhaust gases and toxic or harmful atmospheric pollutants in accordance with relevant regulations
- (3) Failing to install and use automated devices to monitor the discharge of atmospheric pollutants in accordance with relevant regulations, to link the devices with those of the competent department of environmental protection and to secure the smooth function of these devices.
- (4) Disclosing no or fake data of automated monitoring on the part of key polluting units
- (5) Failing to set discharge outlets for atmospheric pollutants in accordance with relevant regulations

**Article 101** It violates this Law to produce, import, sell or utilize the equipment and products prohibited in the State catalog for comprehensive industrial policy; to adopt techniques prohibited in this State catalog; or to transfer the equipment and products already phased out to another for use. In these cases, the violators shall be ordered to rectify their illegal acts, confiscated of their illegal earnings and fined for more than the amount but less than three times the amount of the value of the goods in question by the competent department for comprehensive economic affairs under people's governments at or above the county level and agencies of entry-exit inspection and quarantine. Should the violators refuse to comply, suspension and closedown shall be ordered upon approval of people's governments with corresponding authority. Should the importation become trafficking, the customs organs shall prescribe punishments in accordance with the law.



**Article 102** It violates this Law should coal mines fail to install facilities for coal washing and sorting. In these cases, the violators shall be ordered to rectify their illegal acts by the competent department of energy under people's governments at or above the county level and fined for more than RMB 100,000 but less than RMB 1,000,000. Should the violators refuse to comply, suspension and closedown shall be ordered upon approval of people's governments with corresponding authority.

It violates this Law to mine the coal with toxic or harmful substances such as radioactive and arsenic whose content exceeds the prescribed limits. The violators shall be ordered suspension and closedown by people's governments at or above the county level in pursuant to their authority prescribed by the State Council.

**Article 103** Any units, in violation of this Law, shall be ordered, for any of the following acts, to rectify their illegal acts by departments of quality supervision and administration of industry and commerce, confiscated of raw materials, products and illegal earnings and fined for more than the amount but less than three times the amount of the value of the goods in question.

- (1) Selling coal or petroleum coke not conforming to quality standards
- (2) Producing and selling raw materials and products whose content of volatile organic compounds does not conform to quality standards or requirements
- (3) Producing and selling non-conforming fuel, engine oil, de-oxidant of nitrogen oxide and additives to fuel and lubricant etc. for motor vehicles and vessels and non-road mobile machineries.
- (4) Selling fuel of high level pollution in prohibited areas

**Article 104** Any units, in violation of this Law and for any of the following acts, shall be ordered by the agencies or entry-exit quarantine and inspection to rectify their illegal acts, confiscated of raw materials, products and illegal earnings and fined for more than the amount but less than three times the

amount of the value of the goods in question. Should trafficking be identified, penalties shall be prescribed by customs organs in accordance with the law.

- (1) Importing coal and petroleum coke not conforming to quality standards
- (2) Importing raw materials and products whose content of volatile organic compounds does not conform to quality standards or requirements
- (3) Importing non-conforming fuel, engine oil, de-oxidant of nitrogen oxide and additives to fuel and lubricant etc. for motor vehicles and vessels and non-road mobile machineries.

**Article 105** Any units that, in violation of this law, use coal and petroleum coke not conforming to quality standards, shall be ordered by the competent department of environmental protection under people's governments at or above the county level to rectify their illegal acts and be fined for more than the amount but less than three times the amount of the value of the goods in question.

**Article 106** Any units and individuals that, in violation of this Law, that use non-conforming vessel fuel shall be fined for more than RMB 10,000 but less than RMB 100,000 by maritime administration organs and competent departments of fishery in accordance with their respective functions.

**Article 107** Construction or expansion of facilities using high-pollution fuels in prohibited areas, failure to stop using such fuels in accordance with relevant regulations, construction or expansion of coal boilers for decentralized heating and failure to remove non-conforming coal boilers that already exist constitute violations of this Law. In these cases, the competent department of environmental protection under people's governments at or above the county level shall confiscate the facilities using high-pollution fuels, remove the above mentioned coal boilers and issue fines for more than RMB 20,000 but less than RMB200, 000.

Any units and individuals that, in violation of this Law, produce, import, sell or

use non-conforming boilers shall be ordered to rectify their illegal acts by the competent departments of quality supervision and environmental protection under people's governments at or above the county level, confiscated of their illegal earnings and fined for more than RMB 20,000 but less than RMB 200,000.

**Article 108** Any units, in violation of this Law shall be ordered, for any of the following acts, to rectify their illegal acts by the competent department of environmental protection under people's governments at or above the county level and fined for more than RMB 20,000 but less than RMB 200,000. Should they refuse to comply, suspension shall be ordered.

- (1) Failing to undertake production and service discharging exhaust gas with volatile organic compounds in confined space or equipment, to install and use relevant facilities to prevent and control pollution or to take measures to reduce the discharge of exhaust gas;
- (2) Failing, on the part of enterprises for industrial painting, to use coating materials with low content of volatile organic compounds or to establish and keep records.
- (3) Failing, on the part of petroleum and chemical enterprises and other ones producing and using organic solvents, to take measures for daily maintenance and repair of their pipes and equipment for the purpose of reducing the leakage of materials and in due time collecting and disposing leaked materials.
- (4) Failing to install devices for oil and gas recovery in oil and gas storages, oil and gas stations and tank trucks for oil and gas etc. in accordance to relevant State regulations
- (5) Failing, on the part of enterprises for steel, construction materials, non-ferrous metal, petroleum, chemicals, pharmaceuticals and mineral exploration etc., to collect, dispose, confine, encroach, cover, sweep or sprinkle so as to reduce the emission of dust and gas pollutants

- (6) Failing to recycle flammable gases emitted during industrial production, waste burying or other activities or to repair and replace without delay the malfunctioned recycling devices for flammable gases.

**Article 109** Any units that, in violation of this Law, produce motor vehicles or non-road mobile machineries whose emissions exceed the prescribed limit, shall be ordered to rectify their illegal acts by the competent department of environmental protection under people's governments at or above the provincial level, confiscated of the illegal earnings and fined for more than the amount but less than three times the amount of the value of the goods in question. Those non-conforming motor vehicles and non-road mobile machineries shall be confiscated. Should these units refuse to comply, they should be ordered to suspend production and by the competent department of vehicle production under the State Council to stop the production of specific types of vehicles.

**Article 110** Any units and individuals that, in violation of this Law, import and sell motor vehicles and non-road mobile machineries whose emissions exceed the prescribed level, shall be confiscated of their illegal earnings by the competent department of industrial and commercial administration under people's governments at or above the county level and agencies for entry-exit quarantine and inspection in accordance with their respective functions, and be fined for more than the amount but less than three times the amount of the value of the goods in question. Those non-conforming motor vehicles and non-road mobile machineries shall be confiscated and destroyed. Should the acts of these units constitute trafficking, the customs organs shall prescribe penalties in accordance with the law.

Any units and individuals that, in violation of this Law, sell motor vehicles and non-road mobile machineries that do not meet the emission standards shall be responsible for repair, replacement or refund. The sellers should offer compensation should damages be incurred upon the buyers.

**Article 111** Producers and importers of motor vehicles that, in violation of this Law, fail to publicly disclose the results of emissions tests and technical information on pollution control, shall be ordered to rectify their illegal acts by the competent department of environmental protection under people's governments at or above the provincial level and be fined for more than RMB 50,000 but less than RMB 500,000.

Producers and importers of motor vehicles that, in violation of this Law, fail to publicly disclose technical information of vehicle repair, shall be ordered to rectify their illegal acts by the competent department of transportation under people's governments at or above the provincial level and be fined for more than RMB 50,000 but less than RMB 500,000.

**Article 112** Any individuals and units that, in violation of this Law, forge or falsify emissions testing results for motor vehicles and non-road mobile machineries, shall be confiscated of their illegal earnings by the competent department of environmental protection under people's governments at or above the county level and be fined for more than RMB 100,000 but less than RMB 500,000. Should the situation be grave, these individuals shall be disqualified for testing by accreditation agencies.

Any individuals and units that, in violation of this Law, forge or falsify emissions testing results for motor vessels shall be punished in accordance with the law by maritime administration organs.

Any units and individuals that, in violation of this Law, temporarily alter the pollution control devices for the purpose of passing emissions tests or damage the on-board diagnostics (OBD) system for emissions shall be ordered to rectify their illegal acts by the competent department of environmental protection under people's governments at or above the county level. Vehicle owners shall be fined for RMB 5000 and vehicle repairing units shall be fined for RMB 5000 per vehicle.

**Article 113** Any individuals that, in violation of this Law, drives motor vehicles that fail the emissions testing shall be punished in accordance with the law by traffic management departments of public security organs.

**Article 114** Any individuals that, in violation of this Law, use non-road mobile machineries that do not meet emission standards or fail to install or replace pollution control devices on heavy duty diesel vehicles and non-road mobile machineries shall be ordered to rectify their illegal acts by the competent department of environmental protection at or above the county level and be fined for RMB 5000.

Any individuals that, in violation of this Law, use non-road mobile machineries with high-level emission in areas where these machineries are prohibited shall be punished in accordance with the law by the competent department of environmental protection under people's governments in urban areas.

**Article 115** Project contractors, in violation of this Law and for any of the following acts, shall be ordered to rectify their illegal acts by the competent department of housing and rural-urban development and be fined for more than RMB 10,000 but less than RMB 100,000. If they refuse to comply, suspension shall be ordered.

- (1) Failing to install solid sealing strips at the construction site and to take effective measures including covering the site, constructing stage by stage and at selected time, sprinkling and washing the ground and vehicles for the prevention and reduction of dust pollution
- (2) Failing to remove in due time or cover with confined dust-nets the earthworks, project debris and construction wastes.

Project investors that, in violation of the Law, fail to cover the bare ground when the construction is temporarily suspended or to afforest, pave or cover the construction site when the suspension exceeds three months shall be punished by the competent departments of housing and rural-urban development etc.

under people's governments at or above the county level in accordance with regulations specified in the preceding paragraph.

**Article 116** For vehicles carrying bulk and fluid materials including coal, waste, debris, sandstone, earth and mortar, it violates this Law if measures including confinement are not taken to prevent the materials from scattering. In these cases, the competent department of supervision and management under people's governments at or above the county level shall order rectification and impose a fine for more than RMB 2,000 but less than RMB 20,000. If these punishments are not complied, the above mentioned vehicles are prohibited to be driven on the road.

**Article 117** Any units that, in violation of this Law and for any of the following acts, shall be ordered rectification by the competent departments of environmental protection etc. under people's governments at or above the county level in accordance with their respective functions and be fined for more than RMB 10,000 but less than RMB 100,000. Should they refuse to comply, suspension of production or business shall be ordered.

- (1) Failing to confine materials prone to release dust including coal, gangue, coal cinder, coal combustion residual, cement, calclime, gypsum and sand soil.
- (2) Failing to install intense encroachment of the height no less than that of the stockpiles if the above mentioned materials cannot be confined, or to cover those materials to effectively prevent dust pollution.
- (3) Failing to confine or sprinkle during loading and unloading of materials so as to prevent and control dust pollution
- (4) Failing to take measures for fire safety for the storage of materials like coal, gangue, coal cinder and coal dust.
- (5) Failing to take effective measures to prevent and control dust pollution in docks, mines, landfills and recycling units.

- (6) Failing, on the part of enterprises and public institutions that emit toxic or harmful atmospheric pollutants listed in the State catalog such pollutants, to establish warning system for environmental risks, to monitor regularly the pollutant outlets and surrounding environment, identify hidden risks or to take effective measures for risk prevention
- (7) Failing, on the part of enterprises, public institutions, other producers and business operators and operators of incineration facilities that emit persistent organic pollutants to the atmosphere, to adopt technologies and techniques to reduce such emissions in accordance with relevant State regulations or to install effective purification devices.
- (8) Failing to take measures to prevent and stop the emission of malodorous gases

**Article 118** If units and individuals in catering and service industry emit excessive fume than the prescribed limit because their operators, in violation of this Law, fail to install fume purification devices, to secure normal function of such devices, or to adopt other measures, the operators shall be ordered rectification by supervision and inspection bodies designated by people's governments at or above the county level and be fined for more than RMB 5,000 but less than RMB 50,000. If these operators refuse to comply, suspension shall be ordered.

Any units and individuals that, in violation of this Law, construct, renovate and expand catering and service projects that create fume, smell and exhaust in residential building, residential-commercial complex without specialized fume tubes and commercial floors next to residential ones within such complex shall be ordered rectification by the supervision and inspection bodies designated by people's governments at or above the county level. Should such units refuse to comply, they should be ordered closedown and fined for more than RMB 10,000 but less than RMB 100,000.

Any individuals and units that, in violation of this Law, grill food or provide



space for such activities where and when it is prohibited by the local government shall be ordered rectification by supervision and inspection bodies designated by people's governments at or above the county level, confiscated of their grill tools and illegal earnings and fined for more than RMB 500 but less than RMB 20,000

**Article 119** Any individuals and units that, in violation of this Law, use extremely and highly toxic agricultural chemicals in densely inhabited areas or burn outdoors substances like straw stubble and leaves that are prone to discharge dust when burned shall be ordered to rectify their acts by the supervision and inspection bodies designated by people's governments at or above the county level and be fined for more than RMB 500 but less than RMB 2000.

Any units and individuals that, in violation of this law, burn substances including asphalt, linoleum, rubber, plastic, feather and rubbish that would release toxic and harmful dust and malodorous gases in densely populated areas and other areas requiring special protection under the law shall be ordered rectification by the supervision and inspection bodies designated by people's governments at or above the county level. In these cases, units shall be fined for more than RMB 10,000 but less than RMB 100,000 and individuals shall be fined for more than RMB 500 but less than RMB 2000.

Any units and individuals that, in violation of this Law, set off fireworks where and when the people's governments of urban areas prohibit shall be punished in accordance with the law by the supervision and inspection bodies designated by people's governments at or above the county level.

**Article 120** Units and individuals engaged in services such as dry cleaning and auto maintenance violate this Law if they influence the neighboring environment because they fail to install devices to dispose smell and exhaust and to secure normal function of such devices. In these cases, such units and individuals shall be ordered rectification by the competent department of

environmental protection under people's governments at or above the county level and be fined for more than RMB 2,000 but less than 20,000. If the units refuse to comply, suspension shall be ordered.

**Article 121** Units and individuals that publicly release forecasts and warnings of heavy pollution weather on their own violate this Law. Should their acts constitute violation of public order, such units and individuals shall be punished by public security organs in accordance with the law.

Any units that, in violation of this Law, refuse to suspend earthworks engineering, to stop demolishing buildings or to take other emergency response measures for heavy pollution weather shall be fined for more than RMB 10,000 but less than RMB 100,000 by the supervision and inspection bodies designated by people's governments at or above the county level.

**Article 122** For accidents of atmospheric pollution because of violating this Law, the competent department of people's governments at or above the county level shall impose fines in accordance with the second paragraph of this Article. For managerial and other personnel directly responsible for the accidents, fines can be imposed for 50 percent of the earnings they receive from respective enterprises and public institutions in the previous year. For ordinary and relatively serious accidents, fines should be set at the level between 100% and 300% of the direct losses caused by the accidents. For serious and extremely serious accidents, fines should be set at the level between 300% and 500% of the direct losses caused by the accidents.

**Article 123** Enterprises, public institutions and other producers and business operators may violate this Law for any of the following acts. In these cases, if they are fined or ordered rectification but refuse to comply, administrative organs that have prescribed the punishments in accordance with the law can,

starting the second day of when the rectification is ordered, impose consecutive daily penalties in accordance with the original amount penalties.

- (1) Failing to acquire in accordance to the law the permit to discharge atmospheric pollutants
- (2) Exceeding the limit on the discharge of atmospheric pollutants or the cap quota of key atmospheric pollutants
- (3) Discharging atmospheric pollutants by evading supervision and inspection
- (4) Failing to take effective measures against dust pollution when undertaking construction or storing materials prone to create dust

**Article 124** Any units that, in violation of this Law, retaliate against the informants by terminating or modifying labor contracts and other means shall take responsibility according to relevant laws.

**Article 125** Should damages be caused by the discharge of atmospheric pollutants, responsible individuals and units shall assume tort liability in accordance with the law.

**Article 126** Sanctions should be imposed in accordance to the law upon people's governments at various levels, the competent department of environmental protection under people's governments at or above the county level, other departments with responsibility to supervise and manage the protection of atmospheric environment as well as the personnel of all the above mentioned organs for abuse of office, neglect of duty, favoritism and fraudulence.

**Article 127** Should violations of this Law constitute criminal offenses, responsible persons shall be subject to criminal prosecution in accordance with the law.

## **Chapter VIII**

### **Supplementary Provisions**

**Article 128** Prevention and control of atmospheric pollution by marine engineering shall be undertaken in accordance with the Law of the People's Republic of China on the Protection of Marine Environment.

**Article 129** This Law shall come into force as of January 1, 2016.

## NOTES

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