

## **Order of the President of the People's Republic of China**

### **No. 8**

The Law of the People's Republic of China on Prevention and Control of Soil Contamination, adopted at the 5<sup>th</sup> Meeting of the Standing Committee of the Thirteenth National People's Congress of the People's Republic of China on August 31, 2018, is hereby promulgated and shall go into effect on January 1, 2019.

Xi Jinping

President of the People's Republic of China

August 31, 2018

## **Law of the People's Republic of China on Prevention and Control of Soil Contamination**

(Adopted at the 5<sup>th</sup> Meeting of the Standing Committee of the Thirteenth National People's Congress on August 31, 2018)

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### **Chapter I General Provisions**

**Article 1** This Law is enacted for the purpose of protecting and improving the ecological environment, preventing and controlling soil contamination, safeguarding public health, promoting sustainable use of soil resources, advancing the ecological civilization, and promoting sustainable economic and social development.

**Article 2** This Law shall apply to the prevention and control of soil contamination and related activities carried out within the territory of the People's Republic of China and other sea areas under the jurisdiction of the People's Republic of China.

For the purpose of this Law, "soil contamination" means the phenomenon in which the chemical, physical and biological properties of soil are changed as a result of anthropogenic

introduction of substances into the surface soil of the land, which affects the functions and effective utilization of soil, and endangers public health or disrupts the ecological environment.

**Article 3** The prevention and control of soil contamination should adhere to the principles of prevention first, prioritizing protection, administration based on classification, putting risks under control, ensuring accountability, and public participation.

**Article 4** All organizations and individuals have the obligation to protect soil and prevent soil contamination.

Land use right holders who engage in land development and utilization, and enterprises, public institutions and other producers and business operators which engage in the production and operation shall take effective measures to prevent and reduce soil contamination, and assume responsibility in accordance with law for any soil contamination resulted from their activity.

**Article 5** Local people's governments at all levels shall be responsible for the prevention and control of soil contamination and the safe utilization of soil within their respective administrative areas.

The State implements a target-oriented responsibility and performance evaluation system for the prevention and control of soil contamination. The achievement of targets for preventing and controlling soil contamination will be included in the performance evaluation of the local people's governments at all levels and the persons in charge thereof, and the departments responsible for supervision and administration of soil contamination prevention and control and the persons in charge thereof in the people's governments at or above the county level.

**Article 6** The people's governments at all levels shall strengthen their leadership over the work in preventing and controlling soil contamination, and organize, coordinate with and urge the relevant departments to perform, according to law, their duties of supervising and administering soil contamination prevention and control.

**Article 7** The competent department of ecology and environment under the State Council exercises unified supervision and administration on soil contamination prevention and control across the country. The departments of agriculture and rural affairs, natural resources, housing and urban-rural development, forestry and grassland and other departments under the State Council shall supervise and administer the prevention and control of soil contamination within the scope of their respective functions and responsibilities.

The competent departments of ecology and environment under the local people's governments shall exercise unified supervision and administration on soil contamination prevention and control within their respective administrative areas. The departments of agriculture and rural affairs, natural resources, housing and urban-rural development, forestry and grassland and other departments under the local people's governments shall supervise and administer the prevention and control of soil contamination within the scope of their respective functions and responsibilities.

**Article 8** The State establishes an information sharing mechanism for soil environment.

The competent department of ecology and environment under the State Council shall, together with the departments of agriculture and rural affairs, natural resources, housing and urban-rural development, water resources, health, forestry and grassland and other departments under the State Council, establish a soil environment basic database and a national soil environment information platform, to realize dynamical data update and information sharing.

**Article 9** The State supports the scientific research, technological development, and technology transfer, promotion and application in the risk control, remediation and monitoring of soil contamination, encourages the industrial development of soil contamination prevention and control, strengthens the training of specialized talents, and promotes scientific and technological progress in soil contamination prevention and control.

The State supports international exchanges and cooperation in the prevention and control of soil contamination.

**Article 10** The people's governments at all levels and their relevant departments, self-governing mass organizations and the news media shall strengthen publicity of soil contamination prevention and control, educate people of related knowledge and popularize the science, so as to raise public awareness, and guide the public to participate in soil contamination prevention and control efforts in accordance with the law.

## **Chapter II Planning, Standards, General Survey and Monitoring**

**Article 11** The people's governments at or above the county level shall incorporate the work on soil contamination prevention and control into their economic and social development planning and their environmental protection planning.

The competent departments of ecology and environment under the local people's governments at or above the level of city divided into districts shall, together with the departments of development and reform, agriculture and rural affairs, natural resources, housing and urban-rural development, forestry and grassland and other departments at the same level, formulate the plans for soil contamination prevention and control on the basis of the requirements of the environmental protection planning, the land use purpose, and the results of general survey and monitoring of the soil contamination. The said plans shall be reported to the people's governments at the same level for approval before putting into practice.

**Article 12** The competent department of ecology and environment under the State Council shall, based on the soil contamination status, public health risks, ecological risks, and scientific and technological capacity, formulate national standards of risk control for soil contamination according to different land use purposes, and enhance the efforts in establishing a system of soil contamination prevention and control standards.

The people's governments at the provincial level may formulate local standards of risk control for soil contamination for items that are not specified in the national standards of risk control

for soil contamination. As to the items that have national standards of risk control for soil contamination, stricter local standards of risk control for soil contamination may be formulated. The local standards of risk control for soil contamination shall be submitted to the competent department of ecology and environment under the State Council for the record.

The standards of risk control for soil contamination shall be mandatory.

The State supports research on the background concentrations in soil and environmental quality benchmarks.

**Article 13** In order to formulate the standards of risk control for soil contamination, experts shall be organized to conduct review and demonstrations, and opinions from relevant departments, industry associations, enterprises, public institutions and the general public shall be sought.

The implementation of the standards of risk control for soil contamination shall be regularly evaluated, and the standards shall be revised according to the evaluation results in due time.

The competent departments of ecology and environment under the people's governments at or above the provincial level shall publish the standards of risk control for soil contamination on their websites for public access and downloading free of charge.

**Article 14** The State Council exercises unified leadership over the national survey on soil contamination. The competent department of ecology and environment under the State Council shall, together with the departments of agriculture and rural affairs, natural resources, housing and urban-rural development, and forestry and grassland and other departments under the State Council, organize a national survey on soil contamination at least every ten years.

The relevant departments under the State Council and the local people's governments at or above the level of city divided into districts may organize and conduct detailed surveys on soil contamination according to the actual situation of their respective sectors and administrative areas.

**Article 15** The State implements a monitoring system on soil environment.

The competent department of ecology and environment under the State Council shall formulate the norms for soil environmental monitoring, and, together with the departments of agriculture and rural affairs, natural resources, housing and urban-rural development, water resources, health, forestry and grassland and other departments under the State Council, organize a soil monitoring network, and plan the establishment of national soil environment monitoring stations (sites) in a unified manner.

**Article 16** The departments of agriculture and rural affairs, forestry and grassland under the local people's governments shall, together with the competent departments of ecology and environment and natural resources, conduct key monitoring on the following agricultural land:

- (1) in which the contaminants in the agricultural products produced exceed the limits;
- (2) which is or was used as sewage irrigation area;

(3)which is or was used for large-scale livestock farming, or solid waste storage or landfill;  
(4)which was used as industrial or mining land or where major or extraordinarily serious contamination accidents occurred;  
(5)which is in the surrounding areas of facilities for production, storage, utilization or disposal of toxic and hazardous substances;  
(6)which conforms to other circumstances prescribed by the departments of agriculture and rural affairs, forestry and grassland, ecology and environment, and natural resources under the State Council.

**Article 17** The competent departments of ecology and environment under the local people's governments shall, together with the departments of natural resources, conduct key monitoring on following construction land:

(1)which was used for production, utilization, storage, recycling or disposal of toxic and hazardous substances;  
(2)which was used for solid waste storage or landfill;  
(3)where major or extraordinarily serious contamination accidents occurred; and  
(4)which conforms to other circumstances prescribed by the competent departments of ecology and environment and natural resources under the State Council.

### **Chapter III Prevention and Protection**

**Article 18** Any plan that involves land utilization or any construction project that may cause soil contamination shall be subject to environmental impact assessment according to law. The documents of the said assessment shall include the possible adverse impact on soil and the preventive measures that shall be taken.

**Article 19** Any unit or individual producing, using, storing, transporting, recycling, disposing or releasing the toxic and hazardous substances shall take effective measures to prevent leakage, runoff, spills or spreading of toxic and hazardous substances and avoid soil contamination.

**Article 20** The competent department of ecology and environment under the State Council shall, together with health and other departments under the State Council, screen and evaluate the toxic and hazardous substances in soil according to the degree of damage to public health and the ecological environment, and release a catalogue of toxic and hazardous substances in soil under priority control, and update the catalogue in due time.

**Article 21** The competent departments of ecology and environment under the local people's governments at or above the level of city divided into districts shall, in accordance with the regulations of the competent department of ecology and environment under the State Council, compile directories of organizations under priority supervision for soil contamination based on the release of toxic and hazardous substances, and disclose such directories to the public and update them in due time.

The organizations under priority supervision for soil contamination shall perform the following obligations:

- (1) strictly control the release of toxic and hazardous substances, and report the release information to the competent department of ecology and environment on an annual basis;
- (2) establish an identification system for potential soil contamination to ensure continuous and effective prevention of leakage, runoff, spills or spreading of toxic and hazardous substances; and
- (3) formulate and implement self-monitoring plans, and report the monitoring data to the competent department of ecology and environment.

The obligations prescribed in the preceding paragraph of this Article shall be specified in the contamination discharge permit.

The organizations under priority supervision for soil contamination shall be responsible for the authenticity and accuracy of the monitoring data. The competent department of ecology and environment shall carry out investigations in a timely manner upon discovery of any abnormal monitoring data from the organizations under priority supervision for soil contamination.

The competent departments of ecology and environment under the local people's governments at or above the level of city divided into districts shall regularly monitor the soil surrounding organizations under priority supervision for soil contamination.

**Article 22** Any enterprise or public institution wishing to dismantle facilities, equipment, buildings or structures shall take corresponding measures to prevent and control soil contamination.

Any organization under priority supervision for soil contamination wishing to dismantle facilities, equipment, buildings or structures shall formulate a soil contamination prevention and control plan including contingency measures, and file it with the competent departments of ecology and environment and industry and information technology under the local people's government before implementation.

**Article 23** The competent departments of ecology and environment and natural resources under the people's governments at all levels shall strengthen their supervision and administration of soil contamination prevention and control in the mineral resource exploitation areas according to law, and exercise strict control over the release of major contaminants which may cause soil contamination in accordance with the relevant standards and total quantity control.

Units that operate or manage tailings ponds shall, according to relevant regulations, strengthen safety administration and take measures to prevent soil contamination. Units operating or managing dilapidated, dangerous or substandard ponds, or other tailings pond in need of priority supervision shall monitor and regularly evaluate the soil contamination status according to the regulations.

**Article 24** The State encourages the adoption of new technologies and new materials in construction projects such as information, network, lightning protection and grounding projects in the sectors of construction, communications, electricity, transportation and water resources to prevent soil contamination.

Any resistance reduction agent containing heavy metals in excess of limits shall not be used in soil.

**Article 25** The measures to prevent soil contamination shall be adopted for the construction and operation of centralized sewage treatment facilities or solid waste disposal facilities according to the laws, regulations and relevant standards.

The competent departments of ecology and environment under the local people's governments shall regularly monitor the soil around the centralized sewage treatment facilities and solid waste disposal facilities; in case of any inconsistency with the laws, regulations or relevant standards, the said departments shall, based on the monitoring results, require the unit that operates the centralized sewage treatment facilities or solid waste disposal facilities to take corresponding improvement measures.

The local people's governments at all levels shall, in a coordinated manner, plan and construct the household sewage and garbage treatment and disposal facilities in urban and rural areas, ensure their normal operation, and prevent soil contamination.

**Article 26** The departments of agriculture and rural affairs, forestry and grassland under the State Council shall formulate plans, improve the relevant standards and measures, strengthen the instructions and total use control over the pesticides and fertilizers used in agricultural land, and reinforce the control over the use of agricultural films.

The department of agriculture and rural affairs under the State Council shall strengthen the registration of pesticides and fertilizers, and organize safety assessments of the impact of pesticides and fertilizers on soil environment.

The standards for pesticides, veterinary drugs, fertilizers, feeds, agricultural films, and other agricultural inputs and their packaging, and the standards for the quality of farmland irrigation water, shall be subject to the requirements for soil contamination prevention and control.

**Article 27** The departments of agriculture and rural affairs, forestry and grassland under the local people's governments shall carry out publicity and technical training on prevention and control of soil contamination in agricultural land, support the specialized services for agricultural production, guide agricultural producers in sensibly using pesticides, veterinary drugs, fertilizers, feeds, agricultural films and other agricultural inputs, and control the use of pesticides, veterinary drugs and chemical fertilizers, among others.

The departments of agriculture and rural affairs under the local people's governments shall encourage the agricultural producers to adopt farming practices such as combining crop planting with livestock and poultry breeding, crop rotation and fallow period for land that are

favorable for soil contamination prevention, support the adoption of such practices as soil improvement and soil fertility improvement that are favorable for soil maintenance and cultivation, and support the construction of the facilities for treating and utilizing livestock and poultry excrement.

**Article 28** Any sewage or sludge containing heavy metals or toxic and hazardous substances in excess of limits, or any dredged sediments, tailings and slag that may cause soil contamination shall be prohibited from being discharged into agricultural land.

The relevant departments under the people's governments at or above the county level shall strengthen the supervision and administration of the collection, storage, utilization and disposal of livestock and poultry excrement, biogas residues, and biogas slurry to prevent soil contamination.

The farmland irrigation water shall meet the water quality standards to prevent the contamination of soil, groundwater and agricultural products. The competent departments of ecology and environment under the local people's governments shall, together with the departments of agriculture and rural affairs, and water resources, strengthen the management of the quality of farmland irrigation water and conduct monitoring, supervision and inspection over the quality of farmland irrigation water.

**Article 29** The State encourages and supports agricultural producers to take the following measures:

- (1) using low-toxicity and low-residue pesticides, and advanced spraying technologies;
- (2) using organic or high-efficacy fertilizers conforming to standards;
- (3) adopting green control technologies for crop pests and diseases such as soil testing and formula fertilization and biological control;
- (4) using biodegradable agricultural films;
- (5) utilizing straws in a comprehensively way and remove the straws with high concentration of contaminants; and

(6) improving the acid soil according to relevant regulations.

**Article 30** The agricultural inputs shall not be produced, sold or used if their production, sales and use are expressly prohibited by the State.

The producers, sellers and users of agricultural inputs shall collect the packaging waste of pesticides, fertilizers and other agricultural inputs and agricultural films in a timely manner, and hand over the packaging waste of pesticides to specialized organizations for environmentally sound treatment. The specific measures shall be formulated by the department of agriculture and rural affairs under the State Council in collaboration with the ecology and environment department, and other competent departments under the State Council.



The State adopts measures to encourage and support organizations and individuals to collect and recycle the packaging waste of agricultural inputs and agricultural films.

**Article 31** The State strengthens protection of uncontaminated soil.

The local people's governments at all levels shall focus on the protection of uncontaminated arable land, forest land, grassland and drinking water sources.

The people's governments at all levels shall strengthen the protection of national parks and other nature reserves, and preserve their ecological functions.

The unutilized land shall be protected from contamination and damage.

**Article 32** The local people's governments at or above the county level and their relevant departments shall, according to the land use master plan and urban-rural plans, strictly implement the requirements for layout and site selection of industries and enterprises. Any construction, reconstruction or expansion project with soil contamination risks shall be prohibited near residential communities, schools, hospitals, sanatoriums, nursing homes and the like.

**Article 33** The State strengthens the protection and proper utilization of soil resources. The topsoil stripped during construction shall be collected and stored separately, and the qualified topsoil shall be used preferably for land reclamation, soil improvement, land building and afforestation.

The industrial solid wastes, domestic waste or contaminated soil containing heavy metals or other toxic and hazardous substances in excess of limits shall be prohibited in land reclamation.

**Article 34** Any importation of soil needed for scientific research or other special purposes shall comply with the relevant State regulations governing entry-exit inspection and quarantine.

## **Chapter IV Risk Control and Remediation**

### **Section 1 General Provisions**

**Article 35** Risk Control and remediation of soil contamination includes investigation on soil contamination, risk assessment of soil contamination, risk control, remediation, effect assessment of risk control, effect assessment of remediation, ex-post management and other activities.

**Article 36** An investigation report on soil contamination shall be prepared after the investigation is carried out.

The investigation report on soil contamination shall mainly include the basic information on the land plots, and state whether the contaminants exceed the limits of the risk control standards. If they do exceed the limits, the report shall also include the types and sources of the contamination, and state whether the groundwater is contaminated.

**Article 37** A risk assessment report on soil contamination shall be prepared after the risk assessment is carried out.

The risk assessment report on soil contamination shall mainly include:

- (1) information about the major contaminants;
- (2) scope of contaminated soil and groundwater;
- (3) quality and safety risk of agricultural products, public health risks or ecology risks; and
- (4) targets and basic requirements for risk control and remediation.

**Article 38** The activities for risk control and remediation shall be carried out in consideration of the local conditions in a scientific and reasonable manner to make such activities more targeted and effective.

The activities for risk control and remediation shall not cause new contaminations to the soil and the surrounding environment.

**Article 39** Prior to the activities for risk control and remediation, the relevant departments under the local people's governments have the right to ask the person liable for soil contamination or the land use right holders to take measures such as removing contamination sources, preventing further spread of contamination, and other necessary measures according to actual circumstances.

**Article 40** The waste water, exhaust gas and solid waste generated from the activities for risk control and remediation shall be treated or disposed of according to relevant regulations, the results of which shall meet the environmental protection standards.

Any solid waste generated from the activities for risk control and remediation, as well as demolished facilities, equipment, buildings or structures that count as hazardous wastes, shall be disposed of according to laws, regulations and relevant standards.

When a remediation project is underway, a bulletin board shall be set up to publicize relevant information and environmental protection measures.

**Article 41** Where a construction unit of a remediation project transports the contaminated soil, it shall formulate a transport plan, and report in advance the transport time, means, route, quantity, destination, the final disposal measures and other relevant information to the competent department of ecology and environment of the origin and destination localities.

Where the contaminated soil to be transported is hazardous waste, the construction unit shall dispose of such soil according to laws, regulations and relevant standards.

**Article 42** An assessment report on the effects of risk control and remediation shall be prepared after the assessments are carried out.

The effect assessment report shall mainly include whether the targets for risk control and remediation defined in the risk assessment report have been met.

Upon completion of the risk control and remediation activities, if ex-post management is deemed necessary, it shall be carried out by the person liable for soil contamination according to relevant requirements.

**Article 43** The unit engaged in soil contamination investigation, risk assessment, risk control, remediation, effect assessment of risk control, effect assessment of remediation, ex-post management and other activities, shall have the corresponding professional qualifications.

Any unit entrusted to participate in the activities mentioned in the preceding paragraph of this Article shall be responsible for the authenticity, accuracy and integrity of the investigation reports, risk assessment reports, risk control effect assessment reports and remediation effect assessment reports it produces, and shall also, as agreed, be responsible for the results of risk control, remediation, ex-post management and other activities.

**Article 44** Where an emergency or accident that may cause soil contamination occurs, the local people's governments and their relevant departments, the relevant enterprises, public institutions, other related producers and business operators shall promptly take measures to prevent soil contamination, and carry out monitoring, investigation, risk assessment, risk control, remediation and other activities in accordance with this Law.

**Article 45** The person liable for soil contamination is obligated to carry out risk control and remediation of soil contamination. Where the person liable for soil contamination cannot be identified, the land use right holder shall carry out risk control and remediation of soil contamination.

The local people's governments and their relevant departments may, in light of the actual circumstances, organize soil contamination risk control and remediation.

The State encourages and supports the relevant parties to voluntarily carry out risk control and remediation of soil contamination.

**Article 46** All costs and expenses incurred from implementing or organizing the soil contamination investigation, risk assessment, risk control, remediation, risk control effect assessment, remediation effect assessment, and ex-post management, etc., shall be borne by the person liable for the soil contamination.

**Article 47** Where the person liable for the soil contamination is changed, the unit or individual that succeed to the rights and liabilities thereof shall perform the obligations of soil contamination risk control and remediation, and bear the expenses incurred.

**Article 48** Where the person liable for soil contamination is unidentified or disputed, the person liable for contaminated agricultural land shall be identified by the departments of agriculture and rural affairs, forestry and grassland under the local people's governments, together with the competent departments of ecology and environment and natural resources; the person liable for contaminated construction land shall be identified by the competent departments of ecology and environment under the local people's governments together with the departments of natural resources. The measures of identification shall be formulated by the competent department of ecology and environment under the State Council in collaboration with other relevant departments.

## **Section 2 Agricultural Land**

**Article 49** The State establishes a category-based administration system for agricultural land. According to the degree of contamination and relevant standards, the land for agriculture shall be categorized into agricultural land under priority protection, agricultural land for safe utilization and agricultural land under strict control.

**Article 50** The local people's governments at or above the county level shall, according to law, put the eligible agricultural land under priority protection into permanent basic cropland to ensure stringent protection.

In areas of the permanent basic cropland, any new construction project that may cause soil contamination is prohibited; and those already been built shall be closed and dismantled within a prescribed period of time.

**Article 51** Where any unutilized land or reclaimed land is to be cultivated into arable land, the departments of agriculture and rural affairs under the local people's governments shall, together with the competent departments of ecology and environment and natural resources, investigate the soil contamination status and manage such land based on its category according to law.

**Article 52** With respect to the agricultural land plots whose soil is at the risk of contamination as indicated by the general survey, detailed survey, monitoring or on-site inspection, the departments of agriculture and rural affairs, forestry and grassland under the local people's governments shall, together with the competent departments of ecology and environment and natural resources, investigate the soil contamination.

With respect to the agricultural land plots in which the contaminants exceed the limits of the risk control standards for soil contamination as indicated by the soil contamination investigation, the departments of agriculture and rural affairs, forestry and grassland under the local people's governments shall, together with the competent departments of ecology and environment and natural resources, organize the risk assessment of soil contamination, and manage such plots according to the category-based administration system for agricultural land.

**Article 53** With respect to the agricultural land plots for safe utilization, the departments of agriculture and rural affairs, forestry and grassland under the local people's governments shall formulate and implement a safe utilization plan according to the major crop types and planting practices on such land.

The safe utilization plan shall include:

- (1) measures of agronomy regulation, substitute plantation;
- (2) regular and synergistic monitoring and evaluation of soil and agricultural products;
- (3) technical guidance and training for farmers, specialized farmers cooperatives and other agricultural producers and business operators; and
- (4) other risk control measures.

**Article 54** With respect to the agricultural land plots under strict control, the departments of agriculture and rural affairs, forestry and grassland under the local people's governments shall take the following measures for risk control:

(1) putting forward a proposal for the delineation of the areas where the production of specific agricultural products is prohibited, and submitting it for approval to the people's government at the same level before implementation;

(2) conducting synergistic monitoring and evaluation on soil and agricultural products according to relevant regulations;

(3) providing technical guidance and training for farmers, specialized farmers cooperatives and other agricultural producers and business operators; and

(4) other risk control measures.

The people's governments at all levels and their relevant departments shall encourage the adoption of risk control measures for agricultural land under strict control, such as adjusting the plantation structure, returning farmland to forests and grassland, returning farmland to wetland, crop rotation and fallow period, pasture rotation and fallow period, etc., and provide corresponding policy support.

**Article 55** Where the soil contamination in the agricultural land plots under safe utilization or strict control impacts or may impact the safety of groundwater and drinking water sources, the competent departments of ecology and environment under the local people's governments shall, together with the departments of agriculture and rural affairs, forestry and grassland, formulate plans for prevention and control of soil contamination, and take corresponding measures.

**Article 56** With respect to the land for agriculture under safe utilization and strict control, the person liable for soil contamination shall, according to the relevant regulations of the State and the requirements in the risk assessment report on soil contamination, take proper risk control measures, and submit regular reports to the departments of agriculture and rural affairs, forestry and grassland under the local people's governments.

**Article 57** With respect to the plots of agricultural land in which the contaminants in agricultural products exceed limits and requires remediation, the person liable for the soil contamination shall prepare a soil remediation plan, and implement such plan after it is reported to the departments of agriculture and rural affairs, forestry and grassland under the local people's governments for the record. The soil remediation plan shall include the prevention and control of groundwater contamination.

The remediation shall give priority to bioremediation measures that do not affect agricultural production and do not weaken the fertility of the soil, and block or reduce the contaminants from entering the edible parts of crops in order to ensure the quality and safety of agricultural products.

Upon completion of risk control and remediation, the person liable for soil contamination shall entrust relevant units to evaluate the effects of risk control and the remediation, and submit the effect assessment report to the departments of agriculture and rural affairs, forestry and grassland under the local people's governments for the record.

The rural collective economic organizations and the members thereof, the specialized farmers cooperatives and other agricultural producers and business operators are obligated to assist in risk control and remediation of soil contamination.

### **Section 3 Construction Land**

**Article 58** The State implements a catalogue system for the construction land under risk control and remediation of soil contamination.

A catalogue of the construction land under risk control and remediation of soil contamination shall be formulated by the competent departments of ecology and environment under the people's governments at provincial level, together with the natural resources and other departments at the same level, and shall be made public according to relevant regulations and updated in due time based on the actual circumstances of risk control and remediation.

**Article 59** With respect to the construction land plots whose soil is at the risk of contamination as indicated by the general survey, detailed survey, monitoring or on-site inspection, the competent departments of ecology and environment under the local people's governments shall require the land use right holders to investigate the soil contamination.

Where the purpose of the land is altered to the land for residence, public administration or public services, an investigation on the soil contamination status shall be conducted prior to such conversion according to relevant regulations.

The investigation report on soil contamination prescribed in the preceding two paragraphs of this Article shall be submitted to the competent departments of ecology and environment under the local people's governments, and be subject to review organized by the competent departments of ecology and environment under the local people's governments in collaboration with the departments of natural resources.

**Article 60** With respect to the construction land plots in which the contaminants exceed the limits of the risk control standards for soil contamination as shown by the review of the investigation report on soil contamination, the person liable for soil contamination or the land use right holders shall conduct soil contamination risk assessment on the land according to the regulations of the competent department of ecology and environment under the State Council, and submit the risk assessment report to the competent departments of ecology and environment under the people's governments at provincial level.

**Article 61** The competent departments of ecology and environment under the people's governments at provincial level shall, together with the natural resources and other departments at the same level, organize review of the risk assessment report on soil contamination according

to the regulations of the competent department of ecology and environment under the State Council, promptly include the contaminated land in need of risk control and remediation into the catalogue of construction land under risk control and remediation of soil contamination, and regularly report such information to the competent department of ecology and environment under the State Council.

Any land plot included in the catalogue of construction land under risk control and remediation of soil contamination shall not be used for residence, public administration or public services.

**Article 62** With respect to the land plots in the catalogue of construction land under risk control and remediation of soil contamination, the person liable for soil contamination shall, according to relevant regulations of the State and requirements of the risk assessment reports on soil contamination, takes proper measures for risk control, and regularly submits reports to the competent departments of ecology and environment under the local people's governments. The measures for risk control shall include the prevention and control of groundwater contamination.

**Article 63** With respect to the land plots in the catalogue of the construction land under risk control and remediation of soil contamination, the competent departments of ecology and environment under the local people's governments may, in light of actual local circumstances, take the following measures:

(1) putting forward proposals for the delineation of segregated areas, which shall be implemented after been reported to and approved by the people's governments at the same level;

(2) monitoring the soil and groundwater contamination status; and

(3) other measures for risk control.

**Article 64** With respect to the land plots that require remediation in the catalogue of construction land under risk control and remediation of soil contamination, the person liable for soil contamination shall formulate a soil remediation plan in light of the land use master plan and urban-rural plans, and implement such plan after submitting it to the competent departments of ecology and environment under the local people's government for the record. The soil remediation plan shall include the prevention and control of groundwater contamination.

**Article 65** Upon completion of risk control and remediation, the person liable for soil contamination shall entrust relevant units to evaluate the effects of risk control and remediation measures, and submit the effect assessment report to the competent departments of ecology and environment under the local people's government for the record.

**Article 66** With respect to the construction land plots that have achieved the targets for risk control and remediation as defined in the risk assessment reports on soil contamination, the person liable for soil contamination or the land use right holders may apply to the competent

departments of ecology and environment under the people's governments at provincial level to remove such plots from the catalogue of construction land under risk control and remediation of soil contamination.

The competent departments of ecology and environment under the people's governments at provincial level shall, together with the natural resources and other departments at the same level, organize reviews of the risk control effect assessment report and the remediation effect assessment report, timely remove the land plots that achieve the targets for risk control and remediation as defined in the risk assessment report and are available for safe utilization from the catalogue of land for construction under risk control and remediation of soil contamination, publicize the information according to relevant regulations, and regularly report such information to the competent department of ecology and environment under the State Council. Land plots that fail to achieve the risk control and remediation targets as defined in the soil contamination risk assessment report are prohibited from any construction project other than risk control and remediation.

**Article 67** Prior to the change of land use, or the taking back or transfer of the land use right of the production and operation land of an organization under priority supervision for soil contamination, the land use right holders shall carry out the investigation on the soil contamination status according to the regulations. Such investigation report shall be delivered to the real estate registration agencies under the local people's governments as part of the real estate registration materials, and be submitted to the competent departments of ecology and environment under the local people's governments for the record.

**Article 68** Where the land use rights are taken back by the local people's governments and the original land use right holders are the parties liable for soil contamination, the local people's governments shall organize soil contamination risk control and remediation on the land.

## **Chapter V Safeguard and Supervision**

**Article 69** The State adopts fiscal, taxation, pricing, financial and other economic policies and measures that are favorable to the prevention and control of soil contamination.

**Article 70** The people's governments at all levels shall strengthen the prevention and control of soil contamination, and allocate necessary funds for the following matters:

- (1) scientific and technological research and development, and demonstration projects and programs for the prevention and control of soil contamination;
- (2) general survey, monitoring and investigation on soil contamination, identification of the person liable for soil contamination, risk assessment and control, remediation and other activities organized by the people's governments at all levels and their relevant departments;
- (3) responses made by the people's governments at all levels and the relevant departments thereof to emergencies related to soil contamination; and



(4) other matters related to prevention and control of soil contamination prescribed by the people's governments at all levels.

Performance management and auditing supervision shall be strengthened to ensure fund use efficiency.

**Article 71** The State increases the capital input for prevention and control of soil contamination, and establishes a fund system for this purpose. It includes a special fund at the central level and provincial-level funds, all dedicated to prevention and control of soil contamination on agricultural land, risk control and remediation of soil contamination when the person liable for soil contamination or the land use right holder cannot be identified, and other matters prescribed by the government.

Where the contamination occurred before this Law comes into force and the person liable for soil contamination cannot be identified, the land use right holder that actually undertakes the soil contamination risk control and remediation may apply for the fund for risk control and remediation of the contaminated soil.

The specific measures for managing the funds shall be formulated by the department of finance under the State Council, together with the competent departments of ecology and environment, agriculture and rural affairs, natural resources, housing and urban-rural development, forestry and grassland and other departments under the State Council.

**Article 72** The State encourages financial institutions to increase credit loans for projects concerning risk control and remediation of soil contamination.

The State encourages the financial institutions to investigate soil contamination status when they handle the mortgage of land rights.

**Article 73** Any unit engaging in risk control and remediation of soil contamination is entitled to tax preferences according to the provisions of laws and administrative regulations.

**Article 74** The State encourages and calls on all sectors of society to donate properties for prevention and control of soil contamination. The donors will be granted with tax preferences in accordance with the provisions of laws and administrative regulations.

**Article 75** The people's governments at or above the county level shall include soil contamination prevention and control into their annual reports on environmental status and fulfillment of environmental protection targets, and report to the people's congress or the standing committee of the people's congress at the same level.

**Article 76** With respect to the regions where the soil contamination problems are acute, the work on prevention and control is ineffective, or people complain the most, the competent departments of ecology and environment under the people's governments at or above provincial level shall, together with relevant departments, interview the persons in charge of the local people's governments at or above the level of city divided into districts and their

relevant departments, and require them to take prompt measures to rectify. Information about the interview and rectification shall be made known to the public.

**Article 77** The competent departments of ecology and environment and their environmental law enforcement agencies, as well as other departments responsible for supervision and administration of soil contamination prevention and control have the right to conduct on-site inspection and sampling on the premises of enterprises, public institutions and any other producers and business operators that may cause soil contamination, and require the inspected to provide relevant materials and explain the issues concerned.

The inspected shall cooperate and truthfully report the relevant information and provide necessary materials.

The departments, agencies and their functionaries that conduct on-site inspection shall keep confidential the trade secrets of the inspected.

**Article 78** Where the enterprises, public institutions, other producers or business operators, in violation of the provisions of laws and regulations, release toxic and hazardous substances that cause or may cause serious soil contamination, or the relevant evidence may have been destroyed or concealed, the competent department of ecology and environment and other departments responsible for supervision and administration of soil contamination prevention and control may seal up or seize the relevant facilities, equipment and other articles.

**Article 79** The departments for supervision and administration of production safety under the local people's governments shall supervise the fulfillment of statutory obligations by tailings ponds operators and managers to prevent and control soil contamination, so as to prevent accidents that may contaminate the soil. The competent departments of ecology and environment under the local people's governments shall strengthen supervision, inspection and regular assessment of soil contamination prevention and control of the tailings ponds, and promptly urge the relevant operation and administration units to take proper measures if a potential hazard is identified.

The local people's governments and their relevant departments shall strengthen supervision and inspection of illegal acts such as releasing toxic and hazardous substances to deserts, tidal flats, saline land, wetlands and other unutilized land according to law.

**Article 80** The competent departments of ecology and environment under the people's governments at or above provincial level and other departments responsible for supervision and administration of soil contamination prevention and control at the same level shall incorporate into the credit system the practices of any unit or individual that engages in soil contamination investigation and risk assessment, risk control, remediation, effect assessment of risk control, effect assessment of remediation, ex-post management and other relevant activities, establish credit records for the said practices, record illegal practices in their credit

file and add the information to the national credit information sharing platform and the national enterprise credit information publicity system for public access.

**Article 81** The competent departments of ecology and environment and other departments responsible for supervision and administration of soil contamination prevention and control shall release, according to law, the information about soil contamination and its prevention and control to the public.

The competent department of ecology and environment under the State Council shall disclose information about the national soil environment in a unified manner. The competent departments of ecology and environment under the people's governments at provincial level shall disclose information about soil environment within their respective administrative areas in a unified manner. The competent departments of ecology and environment shall promptly notify the departments of agriculture and rural affairs, health and food safety at the same level of any important information about soil environment involving the areas producing major edible agricultural products.

Citizens, legal persons and other organizations have the right to obtain information about soil contamination and its prevention and control, and participate in and supervise the prevention and control of soil contamination according to law.

**Article 82** The general survey reports, monitoring data, and investigation reports on soil contamination, risk assessment reports, effect assessment reports on risk control, effect assessment reports on remediation, and other relevant reports shall be timely uploaded to the national information platform on soil environment.

**Article 83** The news media have the right to supervise the violations against the laws and regulations on the prevention and control of soil contamination. The exposed organizations and individuals shall not retaliate.

**Article 84** Any organization or individual has the right to report or inform on the acts that cause soil contamination to the competent departments of ecology and environment and other departments responsible for supervision and administration of soil contamination prevention and control.

The competent departments of ecology and environment and other departments responsible for supervision and administration of soil contamination prevention and control shall make the public known of the available channels for reporting or informing on the said acts.

The department that receives the reports about the said acts shall handle them timely and keep the informant's personal information confidential. If a real-name report is verified to be true, the informant shall be rewarded.

Where an informant informs on the unit by which he is employed, the unit shall not retaliate against him by terminating or altering his labor contract or by any other ways.

## **Chapter VI Legal Liabilities**

**Article 85** Where the local people's governments at all levels, or their departments of ecology and environment or other departments responsible for supervision and administration of soil contamination prevention and control fail to perform their obligations specified in this Law, the persons directly in charge and the other directly responsible persons shall be subject to administrative punishments according to law.

Where a decision on administrative punishment, which should be made according to this Law, fails to be made, the competent department at a higher level may directly make such decision.

**Article 86** When this Law is violated in any of the following circumstances, the competent departments of ecology and environment under local people's governments or other departments responsible for supervision and administration of soil contamination prevention and control shall order the violator to rectify and pay a fine. If it fails to rectify, it shall be ordered to suspend production for rectification.

(1)an organization under priority supervision for soil contamination fails to formulate or implement self-monitoring plans, or fails to report the monitoring data to the competent department of ecology and environment;

(2)an organization under priority supervision for soil contamination tampers with or fabricates the monitoring data;

(3)an organization under priority supervision for soil contamination fails to annually report its release of toxic and hazardous substances, or fails to establish an identification system for soil contamination hazards;

(4)when dismantling facilities, equipment, buildings or structures, an enterprise or public institution fails to adopt proper measures for soil contamination prevention and control, or an organization under priority supervision for soil contamination fails to formulate or implement their work plan for soil contamination prevention and control;

(5)a unit that operates or manages tailings ponds fails to take proper measures to prevent soil contamination according to relevant regulations;

(6)a unit that operates or manages tailings ponds fails to monitor soil contamination according to relevant regulations; or

(7)a unit that constructs and operates centralized sewage treatment facilities or solid waste disposal facilities fails to take proper measures to prevent soil contamination according to laws, regulations and relevant standards.

Any of the circumstances in the preceding paragraph is punishable by a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan; any of the circumstances in Subparagraphs (2), (4), (5) or (7) of the preceding paragraph that causes serious consequences shall be punished with a fine of not less than RMB 200,000 yuan but not more than RMB 2,000,000 yuan.

**Article 87** Where an organization or individual, in violation of this Law, releases sewage and sludge containing heavy metals or other toxic and hazardous substances in excess of limits, or dredged sediments, tailings or slag that may cause soil contamination to the agricultural land, the competent department of ecology and environment under the local people's government shall order it to rectify and pay a fine of not less than RMB100,000 yuan but not more than RMB 500,000 yuan; in serious cases, the fine shall be not less than RMB500,000 yuan but not more than RMB 2,000,000 yuan, and the case could be handed over to public security authorities, where the persons directly in charge and other directly responsible persons could be held in custody for more than 5 days but less than 15 days. Illegal gains, if any, shall be confiscated.

**Article 88** Where a producer, seller or user of agricultural inputs, in violation of this Law, fails to promptly collect the packaging waste of fertilizers and other agricultural inputs or agricultural films according to relevant regulations, or fails to promptly deliver the packaging waste of fertilizers to specialized institutions or organizations for environmentally sound treatment, the department of agriculture and rural affairs of the local people's government shall order it to rectify and pay a fine of not less than RMB 10,000 yuan but not more than RMB 100,000 yuan; where the user of agricultural inputs is an individual, the fine shall be not less than RMB 200 yuan but not more than RMB 2,000 yuan.

**Article 89** Where an organization or individual, in violation of this Law, uses industrial solid waste, domestic waste or contaminated soil containing heavy metals or other toxic and hazardous substances in excess of limits in land reclamation, the competent department of ecology and environment under the local people's government shall order it to rectify and pay a fine of not less than RMB 100,000 yuan but not more than RMB 1,000,000 yuan. Illegal gains, if any, shall be confiscated.

**Article 90** Where a unit entrusted to conduct soil contamination investigation, risk assessment, effect assessment of risk control, and effect assessment of remediation, in violation of this Law, produces a false investigation report, risk assessment report, effect assessment report on risk control, or effect assessment report on remediation, the competent department of ecology and environment under the local people's government shall punish it with a fine of not less than RMB100,000 but not more than RMB 500,000 yuan; in serious cases, it shall be prohibited from engaging in the said businesses, and punished by a fine of not less than RMB 500,000 yuan but not more than RMB 1,000,000 yuan. Illegal gains, if any, shall be confiscated.

Where the said unit in the preceding paragraph produces a false report, the competent department of ecology and environment under the local people's government shall impose a fine of not less than RMB 10,000 yuan but not more than RMB 50,000 yuan on the person directly in charge and other directly responsible persons; in serious cases, they shall be

prohibited from engaging in the said businesses for ten years; if the case is serious enough to constitute a crime, they shall be prohibited from engaging in the said businesses permanently. Where a unit said in the first paragraph of this Article colludes with the entrusting party to produce false reports, causing physical injury or property damage to others, it shall bear joint and several liability with the entrusting party.

**Article 91** When this Law is violated in any of the following circumstances, the competent department of ecology and environment under the local people's government shall order the violator to rectify and pay a fine of not less than RMB 100,000 yuan but not more than RMB 500,000 yuan; in serious cases, the fine shall be not less than RMB 500,000 yuan but not more than RMB 1,000,000 yuan. Illegal gains, if any, shall be confiscated; the person directly in charge and other persons directly responsible shall be punished by a fine of not less than RMB 5,000 yuan but not more than RMB 20,000 yuan.

(1)the topsoil stripped during construction is not collected or stored separately;

(2)the activities for risk control and remediation causes new contamination to the soil and the surrounding environment;

(3)in case of transferring the contaminated soil, the transport time, means, route, quantity, destination, and final disposal measures are not reported in advance to the competent departments of ecology and environment of the origin and destination localities; or

(4)projects irrelevant to risk control and remediation are started on the construction land plots that fail to meet the risk control and remediation targets identified in the soil contamination risk assessment report.

**Article 92** Where the person liable for soil contamination or the land use right holder, in violation of this Law, fails to implement the ex-post management according to relevant regulations, the competent department of ecology and environment or other departments responsible for supervision and administration of soil contamination prevention and control under the local people's government shall order it to rectify and pay a fine of not less than RMB 10,000 yuan but not more than RMB 50,000 yuan; in serious cases, the fine shall be not less than RMB 50,000 yuan but not more than RMB 500,000 yuan.

**Article 93** Where the inspected unit, in violation of this Law, refuses to cooperate or employs trickery during the inspection, the competent department of ecology and environment or other departments responsible for supervision and management of soil contamination prevention and control under the local people's government shall order it to rectify and pay a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan; the person directly in charge and other persons directly responsible shall be punished by a fine of not less than RMB 5,000 yuan but not more than RMB 20,000 yuan.

**Article 94** Where the person liable for soil contamination or the land use right holder, in violation of this Law, commits any of the following acts, the competent department of ecology

and environment or other departments responsible for supervision and administration of soil contamination prevention and control under the local people's government shall order it to rectify and pay a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan; if it fails to rectify, a fine of not less than RMB 200,000 yuan but not more than RMB 1,000,000 yuan shall be imposed, and a third party shall be entrusted to perform the rectification with costs and expenses borne by the person liable for soil contamination or the land use right holder; the person directly in charge and other persons directly responsible shall be punished by a fine of not less than RMB 5,000 yuan but not more than RMB 20,000 yuan.

- (1) failing to investigate the soil contamination status according to the regulations;
- (2) failing to carry out soil contamination risk assessment according to the regulations;
- (3) failing to take measures for risk control according to the regulations;
- (4) failing to carry out remediation according to the regulations; or
- (5) failing to entrust another unit to assess the effects upon completion of the activities for risk control and remediation.

Where the person liable for soil contamination or the land use right holder commits any of the acts in Subparagraphs (3) or (4) of the preceding paragraph and the circumstances are serious, the competent department of ecology and environment or other departments responsible for supervision and administration of soil contamination prevention and control under the local people's governments may transfer the case to the public security authority, where the person directly in charge and other persons directly responsible shall be held in custody for not less than 5 days but not more than 15 days.

**Article 95** When this Law is violated in any of the following circumstances, the relevant departments under the local people's government shall order the violator to rectify; if it fails to rectify, a fine of not less than RMB 10,000 yuan but not more than RMB 50,000 yuan shall be imposed.

- (1) an organization under priority supervision for soil contamination fails to submit its work plan for soil contamination prevention and control to the competent departments of ecology and environment and industry and information technology under the local people's government for the record according to the regulations;
- (2) the person liable for soil contamination or the land use right holder fails to submit the soil remediation plan or effect assessment report to the competent departments of ecology and environment, agriculture and rural affairs, forestry and grassland under the local people's government for the record according to the regulations; or
- (3) the land use right holder fails to submit the investigation report on soil contamination status to the competent department of ecology and environment under the local people's government for the record according to the regulations.

**Article 96** Those who contaminate soil and cause physical injury or property damage to others shall be subject to the tort liability according to law.

Where the person liable for soil contamination cannot be identified, and the land use right holder fails to perform his obligation of risk control and prevention of soil contamination according to the provisions of this Law and causes physical injury or property damage to others, the land use right holder shall assume the tort liability according to law.

The parties to civil disputes arising from soil contamination may either apply for mediation to the competent department of ecology and environment and other competent departments under the local people's government or file a lawsuit with a people's court.

**Article 97** Where national or public interests are damaged by soil contamination, the relevant authorities and organizations may file a lawsuit with a people's court according to the provisions of the Environmental Protection Law of the People's Republic of China, the Civil Procedure Law of the People's Republic of China, the Administrative Procedure Law of the People's Republic of China and other laws.

**Article 98** Any violation to this Law that constitutes a violation of public security administration shall be given a public security administration penalty by the public security authority; if it is serious enough to constitute a crime, the violator shall be investigated for criminal responsibility in accordance with the law.

#### **Chapter VII Supplementary Provision**

**Article 99** This Law shall go into effect on January 1, 2019.