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The Regulation on the Safety Management of Hazardous Chemicals, as revised, was adopted at the 144th executive meeting of the State Council on February 16, 2011, which is hereby promulgated, and shall come into force on December 1, 2011.

Premier: Wen Jiabao

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Regulation on the Safety Management of Hazardous Chemicals

(Promulgated on January 26, 2002 by Order No. 344 of the State Council of the People's Republic of China and Revised and Adopted at the 144th executive meeting of the State Council on February 16, 2011)

Chapter I General Provisions

Article 1 This Regulation is formulated to strengthen the safety management of hazardous chemicals, prevent and reduce hazardous chemical accidents, guarantee the life and property safety of the general public, and protect the environment.

Article 2 This Regulation shall apply to the safety management of the production, storage, use, dealing and transport of hazardous chemicals.

The disposal of waste hazardous chemicals shall be governed by the relevant laws, administrative regulations and other provisions of the state on environmental protection.

Article 3 For the purpose of this Regulation, the term “hazardous chemicals” refers to the highly toxic chemicals and other chemicals which are toxic, corrosive, explosive, flammable or combustion-supporting and can harm people, facilities or the environment.

The catalogue of hazardous chemicals shall be determined, pronounced and properly adjusted by the work safety department together with the industry and information technology department, the public security department, the environmental protection department, the health department, the quality supervision, inspection and quarantine department, the transport department, the railway department, the civil aviation department and the agricultural department under the State Council in light of the standards for the property identification and classification of hazardous chemicals.

Article 4 The safety management of hazardous chemicals shall stick to the guidelines of safety first, giving priority to prevention and realizing comprehensive control, and tighten and effectuate the status of enterprises as the main body to assume responsibilities.

The chief person-in-charge of an entity producing, storing, using, dealing or transporting hazardous chemicals (hereinafter referred to as “hazardous chemical entity”) shall assume the overall responsibility for the safety management of hazardous chemicals of the entity.

A hazardous chemical entity shall satisfy the safety conditions prescribed by laws and administrative regulations and those required by the national and industrial standards, establish and improve the safety management rules and the position-based safety responsibility system, and provide safety education, legal education and on-the-job technical training to employees. Employees shall accept

education and training, and may not hold office until they have passed the relevant examination. Positions with eligibility requirements shall be held by persons who have obtained the required eligibilities.

Article 5 No entity or individual may produce, deal or use hazardous chemicals the production, trading or use of which has been prohibited by the state.

If the state has restrictive provisions on the use of hazardous chemicals, no entity or individual may use them in violation of such restrictive provisions.

Article 6 The departments responsible for the safety regulation of the production, storage, use, trading and transport of hazardous chemicals (hereinafter referred to as “safety regulatory departments of hazardous chemicals”) shall fulfill their duties according to the following provisions:

1. Safety regulatory departments shall be responsible for the overall safety regulation of hazardous chemicals, organize the formulation, publication and adjustment of the catalogue of hazardous chemicals, check the safety conditions of building, renovating and enlarging construction projects for producing and storing hazardous chemicals (including those for transporting hazardous chemicals through long-distance pipelines), issue upon examination hazardous chemical production safety permits, safety permits for the use of hazardous chemical and permits for the business operation of hazardous chemicals, and be responsible for the registration of hazardous chemicals.

2. Public security organs shall be responsible for the public safety management of hazardous chemicals, issuance, upon examination, of permits for the purchase of highly toxic chemicals and passes for the road transport of highly toxic chemicals , and the road traffic safety management of vehicles carrying hazardous chemicals .

3. Quality supervision, inspection and quarantine departments shall be responsible for issuing licenses for manufacturing industrial products to enterprises producing hazardous chemicals and the packages and containers thereof (not including fixed-type large storage tanks for hazardous chemicals, hereafter the same), overseeing the quality of their products and inspecting the import and export of hazardous chemicals and the packages thereof.

4. Environmental protection departments shall oversee and regulate the disposal of waste hazardous chemicals, organize the environmental harm appraisal and the environmental risk evaluation of

hazardous chemicals, determine which hazardous chemicals shall be subject to prioritized environmental management, shall take charge of the environmental management registration of hazardous chemicals and new chemical substances, investigate into the relevant environmental pollution accidents and ecological damage incidents of hazardous chemicals within the scope of their duties, and be responsible for the emergency environmental monitoring at the scene of hazardous chemical accidents.

5. Transport departments shall be responsible for the licensing of the road transport and water transport of hazardous chemicals and the safety management of transport vehicles, oversee the water transport safety of hazardous chemicals, and certify the drivers, seamen, loading and unloading management personnel, transport escorts, declaration personnel and spot container piling inspectors of the enterprises engaged in the road or water transportation of hazardous chemicals. The railway departments shall be responsible for the safety management of the transport of hazardous chemicals by railway, the examination and approval of the qualification of carriers and shippers of hazardous chemicals by railway, and the safety management of transport vehicles. The civil aviation departments shall be responsible for the safety management of the air transport of hazardous chemicals, air transport enterprises and the transport vehicles thereof.

6. Health departments shall be responsible for the management of the toxicity identification of hazardous chemicals and the organization and coordination of the medical treatment of the injured or dead in hazardous chemical accidents.

7. Industry and commerce departments shall issue business licenses to enterprises producing, storing, dealing in and transporting hazardous chemicals upon the strength of the permits issued by the relevant departments and investigate into the illegal purchases of hazardous chemicals committed by enterprises operating hazardous chemicals.

8. Postage departments shall be responsible for investigating and inspecting the mailing and delivery of hazardous chemicals.

Article 7 A safety regulatory department of hazardous chemicals may take the following measures in the process of supervision and inspection:

1. Entering the work places of hazardous chemicals to make on-site inspections, questioning the relevant entities and persons of the relevant situation, and consulting and copying the relevant documents or materials;

2. If discovering any hidden risk of hazardous chemical accidents, ordering the liable party to eliminate it immediately or within a certain time limit;

3. Ordering the liable party to immediately stop using the facilities, equipment, devices, apparatus and transport vehicles that fail to conform to the relevant laws, administrative regulations or rules or fail to reach the national or industrial standards;
4. Upon the approval of the person-in-charge of the department, closing the places used for the illegal production, storage, use or dealing of hazardous chemicals, and seizing illegally produced, stored, used, traded or transported hazardous chemicals as well as the raw materials, equipment and transport vehicles used for the illegal production, use and transport of hazardous chemicals; and
5. If discovering any illegal act that endangers the safety of hazardous chemicals, correcting it on the spot or ordering the liable party to correct within a certain time limit.

A safety regulatory department of hazardous chemicals shall assign at least two supervisors or inspectors for a supervision or inspection task. The supervisors or inspectors shall produce their law enforcement certificates. The relevant entities and individuals shall be cooperative as long as the supervision or inspection is made by the legal procedure, and may not refuse or impede it.

Article 8 The people's governments at or above the county level shall establish a coordination mechanism for the safety regulation of hazardous chemicals, provide support for and urge the safety regulatory departments of hazardous chemicals to fulfill duties, and coordinate in solving the major problems existing in the safety regulation of hazardous chemicals.

The safety regulatory departments of hazardous chemicals shall cooperate with each other and strengthen the safety regulation of hazardous chemicals.

Article 9 All entities and individuals have the right to report the violations of this Regulation to the safety regulatory departments of hazardous chemicals. The safety regulatory departments of hazardous chemicals shall handle them and transfer those not within their scope of functions and duties to the competent departments without delay.

Article 10 The state encourages enterprises producing hazardous chemicals and enterprises using hazardous chemicals in production to adopt advanced technologies, techniques, equipment and automatic control systems which are good for improving the safety level and to store hazardous chemicals in a special manner, deliver them in a unified way and distribute them in a centralized way.

Chapter II Production and Storage Safety

Article 11 The state shall make overall plans and reasonable arrangements for the production and storage of hazardous chemicals.

The industry and information technology department and other relevant departments under the State Council shall be responsible for the planning and layout of the production and storage of hazardous chemicals in different sectors.

In the process of making urban and rural planning, the local people's governments shall, under the principle of guaranteeing safety, designate certain areas exclusively for the production and storage of hazardous chemicals in light of the local actualities.

Article 12 Work safety departments shall be responsible for checking the safety conditions of building, renovating and enlarging construction projects for producing and storing hazardous chemicals (hereinafter referred to as “construction projects”).

A construction entity shall study the safety conditions of its construction project, commission an agency with the qualifications required by the state to make a safety evaluation on the project, and make a report on the safety study and the safety evaluation to the work safety department of the people's government at or above the level of districted city at the locality of the construction project. The work safety department shall make a decision within 45 days after receiving the report and notify the construction entity of the decision in writing. The specific measures shall be formulated by the work safety administration under the State Council.

Port administrative departments shall be responsible for checking the safety conditions of building, renovating and enlarging port construction projects for storing, loading and uploading hazardous chemicals pursuant to the provisions of the transport department under the State Council.

Article 13 Entities producing or storing hazardous chemicals shall set up obvious signs for the pipelines they lay down for transporting hazardous chemicals and inspect and check such pipelines on a regular basis.

Before starting a construction operation that may endanger the safety of a hazardous chemicals pipeline, the construction entity shall notify in writing the entity which owns the pipeline at least 7 days beforehand, make an emergency plan with the said entity, and take corresponding safety protection measures. The entity which owns the pipeline shall designate special personnel to provide safety protection guidance on the scene.

Article 14 A hazardous chemical producing enterprise shall, before production, obtain a safety permit for producing hazardous according to the Regulation on Work Safety Licenses.

Enterprises producing any of the hazardous chemicals as listed in the catalogue of industrial products whose production is subject to the production licensing system of the state shall obtain a permit for the production of industrial products according to the Regulation of the People's Republic of China on Permits for the Production of Industrial Products.

Departments responsible for issuing permits for the safe production of hazardous chemicals and permits for the production of industrial products shall notify the industry and information technology departments, the environmental protection departments and the public security organs at the same level of the issuance of such permits in a timely manner.

Article 15 A hazardous chemicals producing enterprise shall provide the technical specifications of chemical safety commensurate with the hazardous chemicals it produces, and affix or hang on the packages (including external packing cases) of hazardous chemicals a chemical safety label consistent with the packed hazardous chemicals. The contents of the safety technical specifications and the safety label shall conform to the requirements of the national standards.

A hazardous chemicals producing enterprise shall, if discovering that the hazardous chemicals it produces contain any new dangerous property, immediately make an announcement thereon and revise the safety technical specifications and the safety label of the chemical product.

Article 16 Enterprises producing hazardous chemicals whose production is subject to prioritized environmental management shall report the discharge of such chemicals into the environment and other relevant information to the environmental protection departments according to the provisions of the environmental protection department under the State Council. The environmental protection departments may take corresponding environmental risk control measures in light of the actual situations.

Article 17 The packages of hazardous chemicals shall conform to the provisions of laws, administrative regulations and rules as well as the requirements of national standards and industrial standards.

The material used to make packages and containers of a hazardous chemical as well as the packaging model, specifications, packaging method and per-unit mass (weight) shall be commensurate with the properties and uses of the hazardous chemical.

Article 18 Enterprises producing packages and containers for hazardous chemicals whose production is subject to production licensing by the state shall obtain a permit for the production of industrial products according to the Regulation of the People's Republic of China on the Permit for the Production of Industrial Products. Packages and containers of hazardous chemicals they produce may not leave factory for distribution until they have passed the examination of the inspection institutions recognized by the quality supervision, inspection and quarantine department under the State Council.

Ships transporting hazardous chemicals and the containers they are equipped with shall be produced according to the ship inspection norms of the state, and shall not be put into use until they have passed the examination of the ship inspection institutions recognized by the maritime administration.

For repeatedly used packages and containers of hazardous chemicals, users shall check them before each use and, if discovering any hidden safety problem, repair or replace them. Users shall take records of the use of the packages and containers and keep records for at least 2 years.

Article 19 The devices for producing hazardous chemicals and the storage facilities of large quantities of hazardous chemicals which constitute a major source of danger (excluding transport vehicles used as petrol and gas stations) shall keep afar from the following premises, establishments and areas as required by the relevant state provisions:

1. Residential areas, commercial centers, parks and other densely populated premises;
2. Schools, hospitals, cinemas, theatres, gymnasiums and other public utilities;
3. Drinking water sources, water plants and water-source reserves;
4. Stations, docks (excluding those approved for the loading and unloading of hazardous chemicals), airports, telecommunications trunks, telecommunications centers, railway lines, arterial road traffic lines, arterial water traffic lines, subway ventilation pavilions and subway entries and exits;
5. Protective zones of basic farmland, basic rangeland, livestock and poultry genetic resource conservation areas, large-scale raising plants (communities) of livestock and poultry, fishing zones, and the production bases of seeds, breeders and aquatic fingerlings;
6. Rivers, lakes, famous scenic sites and nature reserves;
7. Forbidden military zones and military control zones; and
8. Other sites, establishments and areas as specified by any law or administrative regulation.

Where any existing device for producing hazardous chemicals or storage facility of large quantities of hazardous chemicals which constitute a major source of danger fails to conform to the preceding paragraph, the work safety department of the local people's government at the level of districted city shall, together with other relevant departments, oversee the rectification process of the entity to which the device or facility belongs within a prescribed time; whether it needs to change the line of production, stop production, be relocated or close down shall be decided and implemented by the people's government at the same level

In selecting the site of a storage facility of large quantities of hazardous chemicals which constitute a major source of danger, it is required to stay away from seismic active faults and areas prone to floods or geological hazards.

For the purpose of this Regulation, the term “major source of danger” refers to cells (including sites and facilities) that produce, store, use or transport hazardous chemicals, the quantities of which amount to or exceed the threshold quantity.

Article 20 An entity producing or storing hazardous chemicals shall, according to the category and dangerous properties of the hazardous chemicals it produces or stores, set up monitoring, controlling, ventilation, sun-proof, temperature-controlled, fireproof, fire fighting, blast-proof, pressure discharging, poison-proof, neutralizing, moisture-proof, lightening-proof, static-proof, antiseptis, and anti-leakage safety facilities or equipment, such as protection dams and segregated operations, etc. at the work places, and maintain them on a routine basis according to the national standards, industrial standards or relevant state provisions so as to guarantee the normal functioning thereof.

An entity producing or storing hazardous chemicals shall set up eye-catching safety warning signs on its work places and safety facilities or equipment.

Article 21 Entities producing or storing hazardous chemicals shall set up telecommunications and alarm devices at their work places and guarantee the availability thereof.

Article 22 An enterprise producing or storing hazardous chemicals shall hire an institution with the qualifications required by the state to make a safety evaluation on its work safety conditions once every three years and make a safety evaluation report after that. Such a safety evaluation report shall cover the problems existing in the current work safety conditions and a schedule for correction.

An enterprise producing or storing hazardous chemicals shall submit the safety evaluation report and the implementation of the rectification schedule to the work safety department of the local people's government at the county level for archival purposes. An enterprise storing hazardous chemicals in a port area shall submit the safety evaluation report and the implementation of the rectification plan to the port administrative department for archival purposes.

Article 23 An entity producing or storing highly toxic chemicals or hazardous chemicals as set forth by the public security department of the State Council that can be used to produce explosives shall truthfully record the quantity and destination of highly toxic chemicals or hazardous chemicals that can be used to produce explosives, take necessary safety protection measures to prevent them from being lost or stolen, and, if discovering that any of them is missing or stolen, immediately report to the local public security organ.

An entity producing or storing highly toxic chemicals or hazardous chemicals that can be used to produce explosives shall set up a security body equipped with full-time security guards.

Article 24 Hazardous chemicals shall be stored at designated warehouses, sites or store rooms (hereinafter referred to as "designated warehouses") and managed by designated persons. Highly toxic chemicals and other hazardous chemicals stored in large quantities which constitute a major source of

danger shall be stored in designated warehouses separately, the acceptance, distribution and safekeeping of which shall be under the charge of two persons.

The way the hazardous chemicals are stored and the quantity thereof shall conform to the national standards or the relevant state provisions.

Article 25 Entities storing hazardous chemicals shall establish inspection and registration systems for the entry and exit of hazardous chemicals.

A storage entity shall report the storage quantity, place and management personnel of highly toxic chemicals and other hazardous chemicals stored in large quantities which constitute a major source of danger it has stored to the work safety department of the local people's government at the county level (or the port administrative department if they are stored at a port area) and the public security organ for archival purposes.

Article 26 The designated warehouses of hazardous chemicals shall conform to the national and industrial standards and be equipped with eye-catching signs. For the designated warehouses used to store highly toxic chemicals and hazardous chemicals which can be used to produce explosives, technical protective facilities shall be established according to the relevant state provisions.

An entity storing hazardous chemicals shall regularly inspect and check the safety devices or equipment of its designated warehouses for hazardous chemicals.

Article 27 Where an entity producing or storing hazardous chemicals changes its production line, stops production, closes its business operations or is dissolved, it shall take effective measures to timely and properly dispose of its hazardous chemicals producing apparatus and storing facilities as well as the hazardous chemicals stored by it, and may not discard any hazardous chemicals at will. The disposal plan shall be submitted to the work safety department, the industry and information technology department, the environment protection department and the public security organ of the local people's government at the county level for archival purposes. The work safety department shall, together with the environmental protection department and the public security organ, oversee and inspect the disposal process and, if discovering that the entity fails to dispose as required, order it to dispose of them immediately.

Chapter III Use Safety

Article 28 An entity using hazardous chemicals shall guarantee that its conditions for use (and techniques) conform to laws, administrative regulations, national standards and industrial standards, and establish and improve the safety management rules and safe operation rules for hazardous chemicals according to the category, dangerous properties, dosage of the hazardous chemicals it uses as well as how it is used so as to guarantee the use safety thereof.

Article 29 A chemical enterprise which uses hazardous chemicals in its production in an amount of a certain quantity (except for a hazardous chemical producing enterprise, hereinafter the same) shall obtain a permit for the safe use of hazardous chemicals under this Regulation.

The quantitative criteria for hazardous chemicals as mentioned in the preceding paragraph shall be determined and announced by the work safety department together with the public security department and the agricultural department under the State Council.

Article 30 To apply for a permit for the safe use of hazardous chemicals , a chemical enterprise shall meet the following conditions in addition to those set forth in Article 28 of this Regulation:

1. Having designated technical personnel qualified for the hazardous chemicals used by the entity;
2. Having a safety management body and full-time safety management personnel;
3. Having an emergency response plan for hazardous chemical accidents and necessary apparatus and equipment for emergency rescue as required by the relevant state provisions; and
4. Having conducted a safety evaluation as required by law.

Article 31 To apply for a permit for the safe use of hazardous chemicals, a chemical enterprise shall file an application with the work safety department of the local people's government at the level of city divided into districts and submit materials proving that it meets the conditions as set forth in Article 30 of this Regulation. The work safety department of the local people's government at the level of city divided into districts shall examine the application materials and, within 45 days after receiving them, make a decision of approval or disapproval. In the case of approval, it shall issue a permit for the safe

use of hazardous chemicals; in the case of disapproval, it shall notify the applicant in writing and make a justification.

A work safety department shall report the issuance of permits for the safe use of hazardous chemicals to the environmental protection department and the public security department at the same level in a timely manner.

Article 32 Provisions of Article 16 of this Regulation governing enterprises that produce hazardous chemicals subject to prioritized environmental management shall be applicable to enterprises using hazardous chemicals subject to prioritized environmental management for production activities; provisions of Articles 20, 21, 23 (1) and 27 governing entities producing or storing hazardous chemicals shall be applicable to entities using hazardous chemicals; and provisions of Article 22 governing enterprises producing or storing hazardous chemicals shall be applicable to enterprises using hazardous chemicals in production.

Chapter IV Operational Safety

Article 33 The state applies a licensing system to the business operations (including storage, hereinafter the same) of hazardous chemicals. Without approval, no entity or individual may engage in the business operations of hazardous chemicals.

A lawfully formed hazardous chemical producing enterprise is not required to get a hazardous chemical business operation permit for selling the hazardous chemicals it produce within its factory area.

A port operator that has obtained a port operation permit under the Port Law of the People's Republic of China is not required to get a hazardous chemical business operation permit for storing hazardous chemicals within the port area.

Article 34 An enterprise engaged in the business operations of hazardous chemicals shall meet the following conditions:

1. Having business places which conform to the national and industrial standards and, for one storing hazardous chemicals, having storage facilities which conform to the national and industrial standards;
2. Having employees who have accepted professional technical trainings and passed the relevant examinations;
3. Having sound safety management rules;
4. Having full-time safety management personnel;
5. Having an emergency response plan for hazardous chemical accidents and necessary apparatus and equipment for emergency rescue as required by the relevant state provisions; and
6. Other conditions as set forth by any law or regulation.

Article 35 An enterprise engaged in the business operations of highly toxic chemicals or hazardous chemicals which can be used to produce explosives shall apply to the work safety department of the local people's government at the level of city divided into districts; an enterprise engaged in the business operations of other hazardous chemicals shall apply to the work safety department of the local people's government at the county level (or the work safety department of the local people's government at the level of city divided into districts if it has storage facilities). The applicant shall submit evidentiary materials as set forth in Article 34 of this Regulation. The work safety department of the local people's government at the level of city divided into districts or at the county level shall examine the application materials, make on-site inspections to the business place and storage facilities of the applicant and, within 30 days after receiving the application materials, make a decision of approval or disapproval. In the case of approval, it shall issue a hazardous chemical business operation permit to the applicant; in the case of disapproval, it shall notify the applicant in writing and make a justification.

The work safety department of a people's government at the level of city divided into districts or at the county level shall timely report the hazardous chemical business operation permits it issued to the environmental protection department and the public security organ at the same level.

An applicant shall not carry out business operations of hazardous chemicals until it has completed the formalities at the industry and commerce department upon the strength of the hazardous chemical business operation permit. If any law, administrative regulation or provision of the State Council requires a permit from any other relevant department for the business operations of hazardous chemicals, the applicant shall also hold the required permit when handling formalities at the industry and commerce department.

Article 36 To store hazardous chemicals, a hazardous chemical dealing enterprise shall abide by the provisions of Chapter II of this Regulation with regard to the storage of hazardous chemicals. Hazardous chemical stores can only hold hazardous chemicals in small packets for civil use.

Article 37 A hazardous chemical dealing enterprise may not purchase hazardous chemicals from any enterprise which is unlawfully engaged in the production or business operations of hazardous chemicals, or deal with hazardous chemicals without the chemical safety technical instructions or chemical safety labels.

Article 38 An enterprise which has obtained a permit for the safe production of hazardous chemicals, a permit for the safe use of hazardous chemicals or a hazardous chemical business operation permit shall purchase highly toxic chemicals or hazardous chemicals which can be used to produce explosives upon the strength of the said permit. An enterprise producing explosives for civil use shall purchase hazardous chemicals which can be used to produce explosives upon the strength of a permit for producing explosives for civil use.

To purchase highly toxic chemicals, an entity other than the aforesaid enterprises shall apply to the public security organ of the local people's government at the county level for obtaining a permit to purchase highly toxic chemicals; to purchase hazardous chemicals which can be used to produce explosives, it shall justify the lawfulness of the use of such chemicals.

No individual may purchase highly toxic chemicals (except for highly toxic agricultural chemicals) or hazardous chemicals which can be used to produce explosives.

Article 39 To obtain a permit to purchase highly toxic chemicals, an applicant shall submit the following materials to the public security organ of the local people's government at the county level:

1. A photocopy of its business license or legal person certificate (registration certificate);
2. An explanation on the category and quantity of the highly toxic chemicals it intends to purchase;
3. An explanation on the uses of the highly toxic chemicals; and
4. The identity certificate of the handling person.

The public security organ of the local people's government at the county level shall make a decision of approval or disapproval within 3 days after receiving the above-mentioned materials. In the case of approval, it shall issue to the applicant a permit for the purchase of highly toxic chemicals; in the case of disapproval, it shall notify the applicant in writing and make a justification.

The measures for the administration of highly toxic chemical purchase permits shall be formulated by the public security department under the State Council.

Article 40 In the process of selling highly toxic chemicals or hazardous chemicals which can be used to produce explosives, an enterprise that produces or sells hazardous chemicals shall check the permits or evidentiary materials required under Paragraphs 1 and 2, Article 38 of this Regulation. It is prohibited to sell highly toxic chemicals or hazardous chemicals which can be used to produce explosives to the entities which do not have the required permits or certificates. Those who have a permit for the purchase of highly toxic chemicals shall, when purchasing highly toxic chemicals, stick to the category and quantity of highly toxic chemicals as indicated in the permit.

It is prohibited to sell highly toxic chemicals (except for highly toxic agricultural chemicals) or hazardous chemicals which can be used to produce explosives to any individual person.

Article 41 An enterprise that produces or sells hazardous chemicals shall, in the process of selling highly toxic chemicals or hazardous chemicals which can be used to produce explosives, truthfully record the name and address of the purchasing entity, the name and identity card number of the handling person as well as the category, quantity and purpose of uses of the purchased highly toxic chemicals or hazardous chemicals which can be used to produce explosives. The sales records, photocopies of the identity certificates of handling persons, and photocopies of the relevant permits or evidentiary materials shall be kept for at least one year.

An entity selling or purchasing highly toxic chemicals or hazardous chemicals which can be used to produce explosives shall, within 5 days after a sale or purchase, report the category, quantity and destination of the highly toxic chemicals or hazardous chemicals it has sold or purchased to the public security organ of the local people's government at the county level for archival purposes and enter such information into the computer system.

Article 42 An entity using highly toxic chemicals or hazardous chemicals which can be used to produce explosives may not lend or transfer the highly toxic chemicals or hazardous chemicals that it has purchased; where it really needs to transfer them due to change of production line, stop of production, relocation or closedown, it may only transfer them to an entity that has a permit or certificate as required by Paragraph 1 or 2, Article 38 of this Regulation, and shall after that report the relevant information to the public security organ of the local people's government at the county level in a timely manner.

Chapter V Transport Safety

Article 43 To engage in the road transport or water transport of hazardous chemicals, one shall obtain a permit for the road or water transport of hazardous chemicals pursuant to the relevant laws and administrative regulations on road transport or water transport, and handle the registration formalities at the industry and commerce department.

Enterprises engaged in the road or water transport of hazardous chemicals shall be equipped with full-time safety management personnel.

Article 44 The drivers, crewmen, loading and unloading management personnel, escorting personnel, declaration personnel, and spot container packaging inspectors of hazardous chemical road transport enterprises and water transport enterprises shall pass the examination of the transport departments and obtain the required practicing qualifications. The specific measures shall be formulated by the transport department under the State Council.

The loading and unloading of hazardous chemicals shall be in conformity with the safe operation standards, rules and procedures and be conducted under the on-scene command or supervision of loading and unloading management personnel. Containers of hazardous chemicals for water transport shall be piled under the on-scene command or supervision of spot container piling inspectors and in conformity with the piling and isolation standards or requirements. After the piling of containers is done, spot container piling inspectors shall sign a container piling certificate.

Article 45 In the transport of hazardous chemicals, safety protection measures shall be taken and necessary protective appliances and emergency rescue apparatus shall be provided according to the dangerous properties of the hazardous chemicals.

Tanks and other containers used to transport hazardous chemicals shall be sealed tightly enough to prevent seepage or spillage due to fluctuations in temperature, moisture or pressure in the process of transport; the excess flow and pressure relief devices of tanks and other containers shall be precise and agile.

The drivers, crewmen, loading and unloading management personnel, escorting personnel, declaration personnel, and spot container piling inspectors concerned in the transport of hazardous chemicals shall have good knowledge of the dangerous properties of the hazardous chemicals they transport, the requirements on the use of the packages or containers thereof and the emergency response measures in the case of any danger.

Article 46 To transport hazardous chemicals by road, the consigner shall consign them to a carrier which has lawfully obtained a permit for road transport of hazardous goods.

Article 47 To transport hazardous chemicals by road, it is required to stick to the approved load of the transport vehicle in the transport of hazardous chemicals. It is prohibited to transport hazardous chemicals beyond the approved load.

The transport vehicles of hazardous chemicals shall meet the safety technical conditions of the national standards and accept the safety technical tests on a regular basis according to the relevant provisions of the state.

There shall be warning signs hanging or sprayed on the transport vehicles of hazardous as required by the national standards.

Article 48 To transport hazardous chemicals by road, escorting personnel shall be assigned so as to make sure that the hazardous chemicals transported are under the surveillance of the escorting personnel.

Where it is necessary to park the transport vehicle for a long time for purposes of accommodation or anything else that affects the normal transport process, the driver and the escorting personnel shall take corresponding safety protection measures; if the transported goods are highly toxic chemicals or hazardous chemicals which can be used to produce explosives, they shall also report to the local public security organ.

Article 49 Without the approval of the public security organ, a hazardous chemical transport vehicle may not enter into zones which hazardous chemicals transport vehicles are prohibited to pass. The zones which hazardous chemicals transport vehicles are prohibited to pass shall be delimited by the public security organs of the people's government at the county level, where obvious signs shall be set up.

Article 50 To transport highly toxic chemicals by road, a consigner shall apply to the public security organ of the people's government at the county level at the place of departure or destination for a road transport pass for highly toxic chemicals.

To apply for a road transport pass for highly toxic chemicals, a consigner shall submit the following materials to the public security organ of the people's government at the county level:

1. A description of the variety and quantity of the highly toxic chemicals to be transported;
2. An account of the place of departure, place of destination, time of transportation and transport route;
3. Certificates proving that the carrier has obtained a road transport permit for hazardous goods, the transport vehicle has obtained an operation certificate and the driver and the escorting personnel have obtained the required qualifications for their positions; and
4. The relevant permits as set forth in Paragraph 1 or 2, Article 38 of this Regulation for the purchase of highly toxic chemicals, or the import and export certificates issued by the customs administration.

The public security organ of the people's government at the county level shall make a decision of approval or disapproval within 7 days after receiving the application materials. In the case of approval, it shall issue a road transport pass for highly toxic chemicals; in the case of disapproval, it shall notify the applicant in writing and make a justification.

The measures for the administration of road transport passes for highly toxic chemicals shall be formulated by the public security department under the State Council.

Article 51 Where highly toxic chemicals or chemicals which can be used to produce explosives are lost, stolen, robbed, spilled or leaked in the course of road transport, the driver or escorting personnel shall immediately take necessary warning and safety measures and report it to the local public security organ. The local public security organ shall, in light of the actualities, notify the work safety department, environmental protection department and health department. The relevant departments shall take necessary emergency response measures.

Article 52 To transport hazardous chemicals by water, it is required to abide by the laws, administrative regulations and the provisions of the transport department under the State Council on the water transport safety of hazardous goods.

Article 53 The maritime safety administrations shall determine the safe transport conditions of the ships used for transporting hazardous chemicals according to the variety and dangerous properties of hazardous chemicals.

If the safe transport conditions of the chemicals to be transported by ship are undetermined, they may not be consigned for shipment until the safe transport conditions are determined by an institution recognized by the Maritime Safety Administration upon evaluation and are acknowledged by the maritime safety administration.

Article 54 It is prohibited to transport by inland enclosed waters highly toxic chemicals, or other hazardous chemicals prohibited by the state from transport by inland waters.

It is prohibited to transport by other inland waters than those mentioned in the preceding paragraph highly toxic chemicals or other hazardous chemicals prohibited by the state from transport by inland waters.

The scope of highly toxic chemicals or other hazardous chemicals prohibited from transport by inland waters shall be determined and pronounced by the transport department together with the environmental protection department, the industry and information technology department and the work safety department under the State Council according to the dangerous properties of hazardous

chemicals, the extent of harm that could be done on human body and the water environment, the difficulty to eliminate the harm and other factors.

Article 55 The transport department under the State Council shall, according to the dangerous properties of hazardous chemicals, exercise classified management to the hazardous chemicals to be transported by inland rivers other than those mentioned in Article 54 of this Regulation, set forth provisions on the mode of transport, packaging specifications and safety protection measures for different varieties of hazardous chemicals, and oversee the implementation thereof.

Article 56 Hazardous chemicals to be transported by inland river shall be consigned to water transport enterprises which have lawfully obtained a permit for water transport of hazardous goods. No other entity or individual may accept hazardous chemicals for carriage. A shipper shall consign hazardous chemicals to a water transport enterprise which has lawfully obtained a permit for water transport of hazardous goods, and may not consign them to any other entity or individual.

Article 57 Only ships with a certificate of load worthiness of hazardous chemicals can be used to transport hazardous chemicals by inland waterways. A water transport enterprise shall, according to the dangerous properties of the hazardous chemicals to be transported, make an emergency rescue plan for hazardous chemical accidents and prepare sufficient and efficient emergency rescue apparatus and devices for the transport ships.

The owner or operator of a ship used to transport hazardous chemicals by inland waters shall obtain a certificate of liability insurance for vessel-induced pollution damage or a financial guarantee proof, the duplicate of which shall be carried with the ship.

Article 58 To transport hazardous chemicals by inland waters, the packaging materials, type, strength and method of packing hazardous chemicals shall conform to the packaging norms for hazardous chemicals transported by waterways. If the transport department under the State Council have any restrictive provisions on the quantity of hazardous chemicals allowed for a single vessel, carriers must abide by such provisions.

Article 59 An inland dock or berth used for transporting hazardous chemicals shall conform to the relevant national safety norms and keep a safe distance required by the state from a drinking water intake. The management entity of the dock or berth shall make an emergency response plan for hazardous chemical accidents and prepare sufficient and efficient emergency rescue apparatus and devices for the dock or berth.

An inland dock or berth used for transporting hazardous chemicals shall not be put into use until it has passed the examination of the transport department according to the relevant state provisions.

Article 60 Before entering or exiting an inland port, a ship carrying hazardous chemicals shall report the name, dangerous properties and package of the hazardous chemicals, the entry or exit time and other relevant information to the maritime safety administration beforehand. The maritime safety administration shall make a decision of approval or disapproval within the time limit prescribed by the transport department under the State Council, and notify the applicant and the port administrative department. A regular ship, a ship of regular navigation route or a ship carrying a regular type of goods may make reports on a regular basis.

Before loading, unloading or barging hazardous chemicals at an inland port, it is required to report the name, dangerous properties and package of the hazardous chemicals, the time and location of operation and other relevant information to the port administrative department. The port administrative department shall make a decision of approval or disapproval within the time limit prescribed by the transport department under the State Council, and notify the applicant and the maritime safety administration.

Where a ship carrying hazardous chemicals in an inland river needs to pass a structure used for the passage of ships, it is required to report to the transport department beforehand and accept the administration thereof.

Article 61 Ships carrying hazardous chemicals shall hang up a special warning sign and show special signals when navigating, loading or unloading or berthing in an inland river.

Ships carrying hazardous chemicals shall apply for navigation when sailing in an inland river if it is required under the provisions of the transport department under the State Council.

Article 62 Ships carrying hazardous chemicals by inland rivers shall abide by the laws, administrative regulations and other state provisions on the protection of drinking water sources. The inland waterway development planning shall be concerted with the drinking water source reserve planning.

Article 63 When consigning hazardous chemicals, the consignor shall describe to the carrier the variety, quantity and dangerous properties of the hazardous chemicals consigned for shipment as well as the emergency response measures in the case of any danger, properly pack up the hazardous chemicals consigned for shipment and put labels on the external packages thereof according to the relevant state provisions.

A consignor of hazardous chemicals shall add inhibitors or stabilizers to hazardous chemicals if necessary and notify the carrier of the relevant information.

Article 64 No consignor may hide hazardous chemicals among ordinary goods for shipment, or falsely claim them as ordinary goods.

No entity or individual may mail any hazardous chemical, hide hazardous chemicals among mails or express mails, or falsely claim hazardous chemicals as ordinary goods for delivery. Postal enterprises and express delivery enterprises may not accept any hazardous chemicals.

In the case of a suspected violation of Paragraph 1 or 2 of this Article, the transport department or postal department may open the article concerned for examination.

Article 65 The safety management of railway or air transport of hazardous chemicals shall be governed by the laws, administrative regulations and rules on railway or air transport.

Chapter VI Registration of Hazardous Chemicals and Emergency Rescue of Hazardous Chemical Accidents

Article 66 The state employs the registration system for hazardous chemicals and provides technical and information support for the safety management of hazardous chemicals and the prevention and emergency rescue of hazardous chemical accidents.

Article 67 Hazardous chemicals producing or import enterprises shall register their hazardous chemicals with the hazardous chemicals registration body of the work safety department under the State Council (hereinafter referred to as “hazardous chemical registration body”).

The following information about hazardous chemicals shall be registered:

1. Classification and label;
2. Physical properties and chemical properties;
3. Primary purposes of use;
4. Hazardous properties;
5. Storage, use and transport safety requirements; and
6. Emergency response measures in the case of any emergency.

A same variety of hazardous chemicals produced or imported by a same enterprise shall not be repeatedly registered. A hazardous chemicals producing or import enterprise shall, if discovering any new hazardous property in the hazardous chemicals it produces or imports, immediately modify the registered contents with the hazardous chemical registration body.

The specific measures for the registration of hazardous chemicals shall be formulated by the work safety department of the State Council.

Article 68 The hazardous chemicals registration body shall provide regular information and data about the registration of hazardous chemicals to the departments of industry and information technology, environmental protection, public security, health, transport, railway, quality supervision, inspection and quarantine, etc.

Article 69 The work safety departments of the local people's governments at or above the county level shall, together with the departments of industry and information technology, environmental protection, public security, health, transport, railway, quality supervision, inspection and quarantine, etc., make emergency response plans for hazardous chemical accidents in light of the local actualities and submit them to the people's governments at the same level for approval.

Article 70 An entity dealing with hazardous chemicals shall make an emergency response plan for hazardous chemical accidents, arrange emergency rescue personnel and necessary emergency rescue apparatus and equipment, and organize emergency rescue rehearsals on a regular basis.

An entity dealing with hazardous chemicals shall submit its emergency response plan for hazardous chemical accidents to the work safety department of the local people's government at the level of city divided into districts for archival purposes.

Article 71 Where any hazardous chemical accident occurs, the chief person-in-charge of the entity that causes the accident shall immediately organize rescue according to its hazardous chemical emergency response plan and report it to the local work safety department, environmental protection department, public security department and health department; where any hazardous chemical accident occurs in the course of road or water transport, the driver, crewmen or escorting personnel shall report it to the transport department at the place where the accident occurs.

Article 72 Where any hazardous chemical accident occurs, the local people's government concerned shall immediately organize the departments of work safety, environmental protection, public security, health, transport, etc. to organize rescue according to the emergency response plan for hazardous chemical accidents in that region, and may not defer the rescue or shuffle responsibilities.

The local people's government and the relevant departments thereof shall, pursuant to the following provisions, take necessary emergency measures to minimize losses from the accident and prevent the overspread or aggravation of the accident:

1. Immediately organizing the rescue and treatment of the injured, evacuating other persons in the damage zone or taking other measures to protect them;
2. Immediately controlling the source of hazard, and determining the properties of hazardous chemicals as well as the damage zone and extent of harm of the accident;

3. Immediately taking measures such as closing, quarantine and sterilization according to the accident's actual harm and possible harm on human body, animals, plants, soil, water sources and atmosphere; and

4. Monitoring and assessing the environmental pollution and ecological damage caused by the accident, and taking corresponding measures for pollution control and ecological rehabilitation.

Article 73 Hazardous chemical entities concerned shall provide technical guidance and necessary assistance for the emergency rescue of hazardous chemical accidents.

Article 74 Where any hazardous chemical accident causes any environmental pollution, the environmental protection department of the people's government at or above the level of city divided into districts shall release the relevant information in a unified way.

Chapter VII Legal Responsibility

Article 75 Where any entity produces, sells or uses any hazardous chemicals the production, sells or use of which is prohibited by the state, the work safety department shall order it to stop production, sale or use, impose a fine of 200,000 yuan up to 500,000 yuan, confiscate the illegal gains, if any and, if it constitutes any crime, subject the liable party to criminal responsibility.

For a violation mentioned in the preceding paragraph, the work safety department shall also order the entity to make innocuous treatment of the hazardous chemicals produced, sold or used by it.

Any entity using hazardous chemicals in violation of the restrictive provisions of the state on the use of hazardous chemicals shall be handled under Paragraph 1 of this Article.

Article 76 Where any entity or individual builds, renovates or enlarges any construction project for producing or storing hazardous chemicals without passing the check on safety conditions, the work safety department shall order it/him to stop construction and rectify within a certain time limit; and

shall, if it/he fails to do so, impose a fine of 500,000 up to 1 million yuan; if any crime is constituted, subject the liable party to criminal responsibility.

Where any entity or individual builds, renovates or enlarges any port construction project for storing or loading and unloading hazardous chemicals without passing the check on safety conditions, the port administrative department shall punish the liable party pursuant to the preceding paragraph.

Article 77 Any entity or individual engaged in the production of hazardous chemicals without a permit for the safe production of hazardous chemicals or the production of hazardous chemicals and the packages and containers thereof without a permit for the production of industrial products shall be punished under the Regulation on Regulation on Work Safety Licenses and the Regulation of the People's Republic of China on the Administration of Production Licenses for Industrial Products.

Where any chemical enterprise, in violation of this Regulation, uses hazardous chemicals for production activities without a permit for the safe use of hazardous chemicals, the work safety department shall order it to correct within a certain time limit, impose a fine of 100,000 up to 200,000 yuan upon it and, if it fails to correct within the prescribed time, order it to suspend production for rectification.

Where any entity is engaged in the business operations of hazardous chemicals without a hazardous chemical business operation permit, the work safety department shall order it to stop business operations, confiscate the hazardous chemicals involved in the illegal operations and the illegal gains, impose a fine of 100,000 up to 200,000 yuan and, if any crime is constituted, subject the liable party to criminal responsibility.

Article 78 Under any of the following circumstances, the work safety department shall order the offender to correct, and may impose a fine of not more than 50,000 yuan; if it refuses to correct, impose a fine of 50,000 up to 100,000 yuan; and if the circumstances are serious, order it to discontinue production or business operation for rectification:

1. A hazardous chemical producing or storing entity fails to set up distinct signs for hazardous chemical pipelines laid down by it, or fails to inspect or check them on a regular basis;
2. For any construction operation that may endanger the safety of a hazardous chemical pipeline, the construction entity fails to notify the entity to which the pipeline belongs in writing, or fails to make an emergency response plan or take corresponding safety protection measures together with the entity to which the pipeline belongs, or the entity to which the pipeline belongs fails to assign specialized personnel to provide guidance for protecting the safety of the pipeline on the scene;

3. A hazardous chemical producing enterprise fails to provide safety technical instructions for hazardous chemicals produced by it or fails to affix or hang a chemical safety label on the packages (including external packing cases) of the hazardous chemicals;
4. The chemical safety technical instructions provided by a hazardous chemical producing enterprise are incommensurate with the hazardous chemicals produced by it, or the chemical safety label affixed or hanging on the packages (including external packing cases) are inconsistent with the hazardous chemicals therein, or the chemicals safety technical instructions or chemicals safety label fail to reach the national standards;
5. After discovering any new dangerous property in the hazardous chemicals it produces, the hazardous chemical producing enterprise fails to immediately pronounce it, or fails to revise its chemical safety technical instructions or chemical safety label;
6. A hazardous chemical dealing enterprise deals in hazardous chemicals without the chemical safety technical instructions or chemical safety label;
7. The material of the packages or containers of hazardous chemicals, or the model, specifications or method of packaging or the unit mass (weight) is incommensurate with the properties and uses of hazardous chemicals contained therein;
8. An entity producing or storing hazardous chemicals fails to set up obvious safety warning signs at the work place and on the safety devices or equipment, or fails to set up telecommunications and alarm devices at the work place;
9. A designated warehouse for hazardous chemicals is not managed by designated personnel, or the acceptance, distribution and safekeeping of the highly toxic chemicals or other hazardous chemicals stored in large quantities which constitute a major source of danger are not under the charge of two persons;
10. An entity storing hazardous chemicals fails to establish inspection and registration systems for the entry/exit of hazardous chemicals into/from warehouses;
11. No distinct sign is set up for a warehouse designated for hazardous chemicals; or
12. A hazardous chemical producing or import enterprise fails to register the hazardous chemicals it produces or imports, or fails to modify the registration after discovering any new dangerous property in the hazardous chemicals it produces or imports.

Where any port operator engaged in the storage of hazardous chemicals falls under any of the circumstances described in the preceding paragraph, the port administrative department shall impose a punishment under the preceding paragraph. Where any entity fails to set up technical protective facilities for a warehouse designated for highly toxic chemicals or hazardous chemicals which can be used to produce explosives as required by the relevant provisions of the state, the public security organ shall punish it under the preceding paragraph.

Where any entity producing or storing highly toxic chemicals or hazardous chemicals which can be used to produce explosives fails to set up a security body or arrange full-time security guards, it shall be punished under the Regulation on Internal Security and Safeguard for Enterprises and Public Institutions.

Article 79 Where any enterprise producing packages or containers of hazardous chemicals sells any packages or containers that have not been tested yet or fail to pass the test, the quality supervision, inspection and quarantine department shall order it to correct, impose a fine of 100,000 up to 200,000 yuan upon it, and confiscate the illegal gains if any; if it refuses to correct, order it to discontinue production or business operation for rectification; if any crime is constituted, subject the liable party to criminal responsibility.

Where any entity puts into use any ship used for carrying hazardous chemicals which has not passed test yet or puts into use any of the containers it is equipped with, it shall be punished by the maritime safety administration under the preceding paragraph.

Article 80 Where any entity producing, storing or using hazardous chemicals is under any of the following circumstances, the work safety department shall order it to correct and impose a fine of 50,000 up to 100,000 yuan upon it; if it refuses to correct, order it to discontinue production or business operation for rectification or even have its permit revoked by the permit-issuing organ, and the industry and commerce department shall order it to modify the registered scope of business or revoke its business license; if any crime is constituted, the liable persons shall be subject to criminal responsibility:

1. Failing to inspect repeatedly used packages or containers of hazardous chemicals beforehand;
 2. Failing to set up safety devices or facilities at the work place according to the variety and dangerous properties of the hazardous chemicals it produces or stores, or failing to regularly service the safety devices or facilities according to the national standards, the industrial standards and the relevant provisions of the state;
 3. Failing to regularly evaluate its work safety conditions as required by this Regulation;
 4. Failing to store hazardous chemicals in designated warehouses, or failing to separately store highly toxic chemicals or other hazardous chemicals stored in large quantities which constitute a major source of danger in designated warehouses;
 5. Failing to store hazardous chemicals in accordance with the national standards or the relevant provisions of the state regarding the ways, methods or quantities;
 6. Its designated warehouses of hazardous chemicals fail to reach the national or industrial standards;
- or

7. Failing to regularly check or inspect the safety devices or facilities of the designated warehouses of hazardous chemicals.

Where any port operator engaged in the storage of hazardous chemicals falls under any of the circumstances described in the preceding paragraph, the port administrative department shall impose a punishment under the preceding paragraph.

Article 81 Where anyone is under any of the following circumstances, the public security organ shall order it to correct, and may impose a fine of up to 10,000 yuan; if it refuses to correct, impose a fine of 10,000 up to 50,000:

1. An entity producing, storing or using highly toxic chemicals or hazardous chemicals which can be used to produce explosives fails to truthfully keep records of the quantity and destination of the highly toxic chemicals or hazardous chemicals it produces, stores or uses;
2. An entity producing, storing or using highly toxic chemicals or hazardous chemicals which can be used to produce explosives fails to immediately report to the public security organ after discovering that any of the highly toxic chemicals or hazardous chemicals is missing or stolen;
3. An entity storing highly toxic chemicals fails to report the quantity of highly toxic chemicals, the place where they are stored as well as management personnel to the public security organ of the local people's government at the county level for archival purposes;
4. An entity producing or dealing hazardous chemicals fails to truthfully record the name and address of the entities that purchased highly toxic chemicals or hazardous chemicals which can be used to produce explosives, the name and identity card number of the handling persons and the variety, quantity and purpose of the purchase or fails to keep the sales records and the relevant materials for at least one year;
5. An entity selling or purchasing highly toxic chemicals or hazardous chemicals which can be used to produce explosives fails to report the variety, quantity and destination of the chemicals it sold or purchased to the public security organ of the local people's government at the county level for archival purposes within the prescribed time; or
6. An entity using highly toxic chemicals or hazardous chemicals which can be used to produce explosives fails to report the relevant information to the public security organ of the local people's government at the county level after transferring the chemicals it has purchased under this Regulation.

Where an entity producing or storing hazardous chemicals or using hazardous chemicals for production fails to submit a safety evaluation report and report the implementation of the rectification plan to the work safety department or the port administrative department for archival purposes, or where an entity storing hazardous chemicals fails to report the quantity of the chemicals stored and the locality thereof as well as the management personnel to the work safety department or the port

administrative department for archival purposes, the work safety department or the port administrative department shall respectively impose a punishment under the preceding paragraph.

Where an enterprise producing hazardous chemicals subject to prioritized environmental management or using hazardous chemicals subject to prioritized environmental management for production fails to report the relevant information to the environmental protection department as required, the environmental protection department shall impose a punishment under Paragraph 1 of this Article.

Article 82 Where an entity producing, storing or using hazardous chemicals fails to take effective measures to timely and properly disposal of its production apparatus or storage facilities of hazardous chemicals as well as the hazardous chemicals in stock, or discards hazardous chemicals after changing its line of business, stopping production, closing business or dissolution, the work safety department shall order it to correct, impose a fine of 50,000 up to 100,000 yuan and, if any crime is constituted, subject the liable party to criminal responsibility.

Where an entity producing, storing or using hazardous chemicals, after changing its line of business, stopping production, closing business or dissolution, fails to submit its plan for disposal of its production apparatus or storage facilities of hazardous chemicals as well as the hazardous chemicals in stock to the competent departments for archival purposes as required by this Regulation, the competent departments shall respectively order it to correct, and may impose a fine of not more than 10,000 yuan; if it refuses to correct, impose a fine of 10,000 up to 50,000 yuan.

Article 83 Where an enterprise dealing in hazardous chemicals purchases hazardous chemicals from an entity illegally engaged in the production or business operations of hazardous chemicals without a prescribed permit, the industry and commerce department shall order it to correct, and impose a fine of 100,000 up to 200,000 yuan upon it; if it refuses to correct, order it to stop business operations for rectification or even have its hazardous chemical business operation permit revoked by the organ which issued it, and order it to modify the registered scope of business or revoke its business license.

Article 84 Where an enterprise producing or dealing in hazardous chemicals falls under any of the following circumstances, the work safety department shall order it to correct, confiscate the illegal gains and impose a fine of 100,000 up to 200,000 yuan; if it refuses to correct, the work safety department shall order it to stop production or business for rectification or even revoke its hazardous chemical production safety permit or hazardous chemical business operation permit, and the industry and commerce department shall order it to modify the registered scope of business or revoke its business license:

1. Selling highly toxic chemicals or hazardous chemicals which can be used to produce explosives to an entity without a permit or certificate as mentioned in Paragraph 1 or 2, Article 38 of this Regulation;
2. Failing to stick to the variety or quantity indicated in the permit for the purchase of highly toxic chemicals in the process of selling highly toxic chemicals; or
3. Selling highly toxic chemicals (except for highly toxic agricultural chemicals) or hazardous chemicals which can be used to produce explosives to individuals.

Where any entity without a permit or certificate as mentioned in Paragraph 1 or 2, Article 38 of this Regulation purchases highly toxic chemicals or hazardous chemicals which can be used to produce explosives, or any individual purchases highly toxic chemicals (except for highly toxic agricultural chemicals) or hazardous chemicals which can be used to produce explosives, the public security organ shall confiscate the purchased chemicals, and may also impose a fine of not more than 5000 yuan.

Where an entity using highly toxic chemicals or hazardous chemicals which can be used to produce explosives lends or transfers the chemicals it has purchased to an entity without a permit or certificate as mentioned in Paragraph 1 or 2, Article 38 of this Regulation, or transfers the highly toxic chemicals (except for highly toxic agricultural chemicals) or hazardous chemicals which can be used to produce explosives it has purchased to an individual, the public security organ shall order it to correct, impose a fine of 100,000 up to 200,000 yuan and, if it refuses to correct, order it to stop production or business operations for rectification.

Article 85 Any entity engaged in the road or water transport of hazardous chemicals without legally obtaining a permit for the road transport of hazardous goods or a permit for the water transport of hazardous goods shall be punished under the relevant laws and administrative regulations on road transport and water transport respectively.

Article 86 Under any of the following circumstances, the transport department shall order the liable party to correct and impose a fine of 50,000 up to 100,000 yuan; if it refuses to correct, order it to stop production or business operations for rectification; and if any crime is constituted, subject the liable party to criminal responsibility:

1. Any driver, crewman, loading and unloading manager, transport escort, declaration person or spot container piling inspector of a hazardous chemicals road or water transport enterprise assumes position without the required qualifications;

2. Failing to take safety protection measures according to the dangerous properties of the hazardous chemicals or failing to prepare necessary protective appliances and emergency rescue apparatus in the course of transporting hazardous chemicals;
3. Using a vessel without a certificate of fitness for the carriage of hazardous chemicals to transport hazardous chemicals by inland waterways;
4. A carrier that transports hazardous chemicals by inland waterways violates the restrictive provisions of the transport department under the State Council on the quantity of hazardous chemicals allowed for a single vessel;
5. Any inland dock or berth used for the transport of hazardous chemicals fails to conform to the relevant safety norms of the state, or fails to keep a safe distance required by the state from a drinking water intake, or is put into use before passing the examination of the transport department;
6. The consignor fails to explain to the carrier the variety, quantity and dangerous properties of the hazardous chemicals consigned for shipment as well as the emergency response measures in the case of any danger, or fails to properly pack up the hazardous chemicals consigned for shipment according to the relevant provisions of the state and put labels on the external packages; or
7. The consignor fails to add inhibitors or stabilizers or fails to notify the carrier of the relevant information when it is required to add inhibitors or stabilizers to the hazardous chemicals consigned for shipment.

Article 87 Under any of the following circumstances, the transport department shall order the liable party to correct, impose a fine of 100,000 up to 200,000 yuan, and confiscate the illegal gains, if any; if it refuses to correct, order it to stop production or business operations for rectification; if any crime is constituted, subject the liable party to criminal responsibility:

1. Consigning hazardous chemicals to an enterprise without a lawfully obtained permit of the road transport of hazardous goods or a permit for the water transport of hazardous goods;
2. Transporting by inland enclosed waters highly toxic chemicals, or other hazardous chemicals prohibited by the state for transport by inland waters;
3. Transporting by inland waters highly toxic chemicals or other hazardous chemicals prohibited by the state from transport by inland waters; or
4. Secretly carrying hazardous chemicals among ordinary goods, or falsely claiming hazardous chemicals as ordinary goods.

Anyone who mixes any hazardous chemicals in mail or express mail or consigns any hazardous chemicals as ordinary goods shall be given a public security punishment or, if any crime is constituted, be subject to criminal responsibility.

Any postal or express enterprise which accepts hazardous chemicals for delivery shall be punished under the Postal Law of the People's Republic of China.

Article 88 Under any of the following circumstances, the public security organ shall order it to correct and impose a fine of 50,000 up to 100,000 yuan; if it constitutes a violation against public order control, give it a public security punishment; if any crime is constituted, subject the liable party to criminal responsibility:

1. Carrying hazardous chemicals beyond the approved load capacity of the vehicle;
2. Using vehicles whose safety technical conditions fail to meet the national standards to transport hazardous chemicals;
3. Vehicles carrying hazardous chemicals enter into zones which hazardous chemicals transport vehicles are prohibited to pass without approval of the public security organ;
4. Transporting highly toxic chemicals by road without a pass for road transport of highly toxic chemicals.

Article 89 Under any of the following circumstances, the public security organ shall order it to correct and impose a fine of 10,000 up to 50,000 yuan; if it constitutes a violation of public order control, give it a public security punishment:

1. No warning sign hangs or is sprayed on a vehicle carrying hazardous chemicals, or the warning sign on it fails to meet the national standards;
2. No escorting person is arranged for the road transport of hazardous chemicals;
3. Where it needs to park a vehicle that carries highly toxic chemicals or chemicals which can be used to produce explosives for a long time in the course of transport, the driver or escorting person fails to report it to the public security organ; or
4. Where any highly toxic chemicals or chemicals which can be used to produce explosives are missing, stolen, taken by force, flows or leaks in the course of road transport, the driver or escorting person fails to take necessary warning or safety measures or report it to the public security organ.

Article 90 For a hazardous chemicals road transport enterprise which takes full or primary liability for a road accident, the public security organ shall order it to eliminate the hidden safety hazards. Without eliminating the hidden safety hazards, no hazardous chemicals transport vehicle may run on road.

Article 91 Where anyone is under any of the following circumstances, the transport department shall order it to correct, and may impose a fine of not more than 10,000 yuan; if it refuses to correct, impose a fine of 10,000 up to 50,000 yuan:

1. An enterprise engaged in road or water transport of hazardous chemicals is not equipped with full-time safety management personnel; or
2. The management entity of an inland dock or berth used for the transport of hazardous chemicals fails to make an emergency rescue plan for hazardous chemical accidents, or fails to prepare sufficient and effective emergency rescue apparatus and devices for the dock or berth.

Article 92 Under any of the following circumstances, the party concerned shall be punished under the Regulation of the People's Republic of China on the Traffic Safety Management on Inland Waters:

1. A water transport enterprise which carries hazardous chemicals by inland waters fails to make an emergency rescue plan for hazardous chemical accidents for the transport ship, or fails to prepare sufficient and effective emergency rescue apparatus and devices for the transport ship;
2. The owner or operator of a ship carrying hazardous chemicals by inland waters fails to obtain a certificate of liability insurance for vessel-induced pollution damages or a financial guarantee proof;
3. A ship carrying hazardous chemicals fails to report the relevant matters to the maritime safety administration and obtain its approval before entering or exiting an inland port; or
4. A ship carrying hazardous chemicals fails to hang up a special warning sign, fails to send special signals or fails to apply for navigation as required in the course of sailing, loading or unloading or berthing in an inland river.

Anyone that loads, unloads or transships hazardous chemicals at a port without reporting to the port administrative department and obtaining its approval beforehand shall be punished under the Port Law of the People's Republic of China.

Article 93 Anyone that forges, alters, leases, lends or transfers any permit for the safe production of hazardous chemicals or for the production of industrial products, or uses any forged or altered permit shall be punished under the Regulation on Work Safety Licenses and the Regulation of the People's Republic of China on the Administration of Production License for Industrial Products, respectively.

Where any party forges, alters, leases, lends or transfers any other permit as mentioned in this Regulation, or uses any other permit as mentioned in this Regulation that has been forged or altered,

the permit issuing organ shall impose a fine of not more than 100,000 up to 200,000 yuan, and confiscate the illegal gains, if any; if it constitutes a violation against public order control, give it a public security punishment; if any crime is constituted, subject the liable party to criminal responsibility.

Article 94 Where the chief person-in-charge of a hazardous chemical entity where a hazardous chemical accident occurs fails to immediately organize rescue or report to the relevant department, a punishment shall be imposed under the Regulation on the Reporting, Investigation and Handling of Work Safety Accidents.

Where a hazardous chemical accident occurs in a hazardous chemical entity and causes personal injury or property loss, the hazardous chemical entity shall assume the responsibility for compensation.

Article 95 Where, after a hazardous chemical accident occurs, the local people's government and the relevant department thereof fail to immediately organize rescue or fail to take necessary emergency response measures to reduce losses and prevent the overspread or aggravation of the accident, disciplinary actions shall be taken against the directly liable person-in-charge and other directly liable persons; if any crime is constituted, the liable party shall be subject to criminal responsibility.

Article 96 Where any functionary of a hazardous chemical safety regulatory department abuses its power, neglects its duties, or engages in malpractice for personal gains in the hazardous chemical safety regulatory work, if any crime is constituted, he/she shall be subject to criminal responsibility; if no crime is constituted, a disciplinary action shall be taken against him/her.

Chapter VIII Supplementary Provisions

Article 97 The safety management of chemicals subject to control as well as drugs and pesticides which fall within the category of hazardous chemicals shall be governed by this Regulation. If there are different provisions in any law or administrative regulation, such provisions shall apply.

The safety management of explosives for civil use, fireworks and crackers, radioactive substances, nuclear substances and hazardous chemicals used for scientific research and production for national defense shall not be governed by this Regulation.

If there are different provisions in any law or administrative regulation on the safety management of fuel gas, such provisions shall apply.

The safety management of hazardous chemical containers which are treated as special equipment shall be governed by laws and administrative regulations on the safety of special equipment.

Article 98 The import and export management of hazardous chemicals shall be governed by laws, administrative regulations and rules on foreign trade; and the safety management of the storage, use, dealing and transport of import hazardous chemicals shall be governed by this Regulation.

The environmental management registration of hazardous chemicals and new chemical substances shall be governed by the laws, administrative regulations and rules on environmental protection. Fees shall be charged according to the relevant state provisions for the environmental management registration of hazardous chemicals.

Article 99 Unclaimed hazardous chemicals discovered or collected by the general public shall be taken over by the public security organs. Hazardous chemicals taken over by the public security organs or confiscated by other relevant departments shall be transferred to the environmental protection departments which shall organize specialized entities approved by it to make innocuous treatment on them, or transferred to the hazardous chemicals producing enterprises concerned for treatment. The treatment expenses shall be paid by the national finance.

Article 100 In case the dangerous property of a chemical has not been determined, the work safety department, the environmental protection department and the health department of the State Council shall organize expert examinations on the physical danger, environmental hazards and toxicological characteristics of the chemical, respectively. The catalogue of hazardous chemicals shall be adjusted under Paragraph 2, Article 3 of this Regulation if it is required according the expert examination results.

Article 101 Chemical enterprises which have already been engaged in the production of hazardous chemicals before this Regulation comes into force shall apply for obtaining a permit for the safe use of hazardous chemicals within the time limit as prescribed by the work safety department of the State Council if it is required by this Regulation.

Article 102 This Regulation shall come into force on December 1, 2011.