

Provisions on the Management of Environment Monitoring Quality

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Provisions on the Management of Environment Monitoring Quality

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Chapter I General Provisions

Article 1 The present Provisions are formulated in accordance with the “Environmental Protection Law of the People’s Republic of China” as well as other relevant laws and regulations for the purpose of enhancing the management level of environment monitoring quality, regulating the work of environment monitoring quality management, guaranteeing the accuracy and reliability of the monitoring data and information, and providing a scientific and accurate basis for environmental administration and governmental decision-making.

Article 2 The present Provisions shall be applicable to the environment monitoring centers (stations) at all levels and the radiating environment monitoring institutions within the environmental protection sector (hereinafter uniformly referred to as environment monitoring institutions).

Article 3 The term “work of environment monitoring quality management” shall refer to all the activities and measures implemented in the whole process of environment monitoring for guaranteeing the typicality, accuracy, precision, comparability and entirety of monitoring data and information, including quality planning, quality guaranty, quality control, quality improvement and quality supervision, etc.

Article 4 Environment monitoring quality management is an important part of the work of environment monitoring, which shall permeate the whole process of the monitoring work.

Chapter II Institutions and Duties Thereof

Article 5 The administrative department of environmental protection of the State Council shall conduct uniform administration of the work of environment monitoring quality management. Each local administrative department of environmental protection shall have the leading and administering duties in the work of environment monitoring quality management within its jurisdiction. The environment monitoring institutions at each level shall, under the leadership of the administrative department of environmental protection at the same level, provide guidance to the work of environment monitoring quality management of the environment monitoring institutions at lower levels.

Article 6 The environment monitoring institution at each level shall be responsible for the monitoring data it has issued. It shall actively accept the guidance of the environment monitoring institution at a higher level on the work of environment monitoring quality management, and take active part in technical research on environment monitoring quality management, monitoring eligibility certification, eligibility certificate assessment before taking a position, quality

management appraisal and review, information exchange, trainings for the staff, etc., and shall continuously improve the environment monitoring quality.

Article 7 The environment monitoring institution at each level shall have a quality management institution or quality management staff, clarify its/their duties, and shall have necessary special experiment conditions.

The main duties of a quality management institution (or its staff) shall be as follows:

- (1) Taking charge of supervising and administering various monitoring activities of its environment monitoring institution and the establishment, effective operation and continuous improvement of the quality management system, and earnestly guaranteeing the quality of the work of environment monitoring;
- (2) Organizing and carrying out quality control assessment, capacity verification, comparison, method verification, quality supervision, measurement traceability, measurement transmission, and other quality management work, and assessing the results thereof;
- (3) Taking charge of handling the applications for assessment of the work of the environment monitoring staff of its environment monitoring institution before taking a position, and conducting the daily management; for a national or provincial environment monitoring institution, it shall organize and implement the assessment of the work of the staff of the environment monitoring institution at the lower level on their certificates for their positions;
- (4) Establishing environment monitoring standards, technical norms and provisions, and a dynamic information base on the quality management work;
- (5) Organizing and implementing technical trainings and exchanges concerning environment monitoring technologies and quality management;
- (6) Organizing the supervision and inspections on the monitoring quality and quality management of the environment monitoring institution at the lower level;
- (7) Taking charge of gathering information on the quality management of its environment monitoring institution and summarizing the work thereon;
- (8) Participating in the monitoring activities involving disputes such as environmental pollution events, environmental pollution arbitration, complaints of users, cases on environmental disputes, monitoring upon entrustment of judicial organs, and so on.

Chapter III Contents of the Work

Article 8 The environment monitoring institutions at each level shall, in light of the requirements of the “Standards for Construction of Environment Monitoring Stations (for Trial Implementation)” and the “Standards for Construction of Radiating Environmental Supervision Stations (for Trial Implementation)” promulgated by the State Environmental Protection Administration, carry out capacity construction, improve the base of environment monitoring quality management in respect of staff, apparatus, equipment, and laboratory environment, etc.

Article 9 The environment monitoring institutions at each level shall lawfully obtain the eligibility necessary for providing data, and shall, within the permitted scope, carry out the work of environment monitoring so as to guarantee the legality and effectiveness of the monitoring data.

Article 10 The persons who engage in the monitoring, data assessment, quality management and other relevant monitoring activities shall have passed the assessment and certification of the administrative department of environmental protection at the national or provincial level or its authorized department, and obtained the qualification certificate for working on their positions. The environment monitoring apparatuses in use shall have been affirmed by the state metrological department or its authorized entity in light of the relevant requirements or have been adjusted pursuant to the prescribed procedures. The standard substance in use shall be a certificated standard substance or can be traced to the state reference substance.

Article 11 The environment monitoring institutions at each level shall establish and improve a quality management system, so as to conduct the quality management work according to the prescribed procedures, establish archival files for it, and regulate it with rules and norms, and guarantee the effective operation of the system.

Article 12 Quality management shall be conducted in the whole process including the layout of environment monitoring sites, the sampling, the on-site tests, the sample preparations, the analysis tests, the data appraisals, the comprehensive reports and the data transmissions, etc.

(1) A monitoring site shall be established on the basis of the object for monitoring, the nature of pollutant and the specific conditions according to national standards, industrial standards as well as relevant technical norms and provisions promulgated by the relevant department of the state, so that the typicality and entirety of the monitoring information can be guaranteed.

(2) The frequency, time and method of sampling shall be determined in light of the requirements on the object for monitoring and the method of analysis, according to national standards, industrial standards as well as relevant technical norms and provisions promulgated by the relevant department of the state, so that the monitoring information can accurately reflect the actual situation, fluctuation scope and change rule of the object for monitoring.

(3) The collection, transport, preservation, handover, preparation and analysis test of a sample shall be in strictly compliance with the operational rules, so as to guarantee the quality of the sample.

(4) The methods under national standards or industrial standards shall be adopted in priority for the on-site tests and the sample analysis tests; when it is necessary to adopt international standards or the standards of any foreign country, the equivalence or adaptability inspection shall be made, and the inspection results shall be kept in the archives of the environment monitoring institution concerned.

(5) The monitoring data, the information and the comprehensive report shall, in view of the different objects for monitoring, be assessed and analyzed according to corresponding national or local standards or in a corresponding assessment method.

(6) The data transmission shall guarantee the consistency and reproducibility of all information.

Article 13 The environment monitoring institution at each level shall actively carry out and attend the quality management activities such as quality control assessment, capacity verification, comparison and method verification, etc., and shall control the internal quality by way of taking cipher sample, explicit code sample, blank sample, parallel sample or by way of marked recovery, etc.

Article 14 A report system shall be applied to quality management. The environment monitoring institutions at a lower level shall, in the end of each year, submit to the administrative department of environmental protection at the same level and the environment monitoring institution at the next higher level its quality management summary of the present year and the such a summary of each environment monitoring institution within its jurisdiction, and shall meanwhile submit its quality management work plan of the next year to the environment monitoring institution at the next higher level.

Article 15 The check of users' objections to environment monitoring data, the arbitration regarding the complaints concerning environment monitoring quality, and the settlement of the environment monitoring quality accidents, etc. shall be organized by the administrative department of environmental protection, under whose leadership the investigation shall be made and the evidence shall be collected.

Chapter IV Guaranty of Expenses

Article 16 The environment monitoring quality management expenses (including public service expenses, work expenses and equipment purchase costs, etc.) shall be guaranteed, and must be used for the specified purposes.

Chapter V Penalties

Article 17 Whoever violates the present Provisions by committing any of the following acts shall be ordered by the local or the superior administrative department of environmental protection to make a correction within a time limit, while the relevant entity and the persons held liable shall be penalized.

- (1) He declares the monitoring data accomplished by a person who has not obtained a qualification certificate for working on his position;
- (2) He has caused a major quality accident;
- (3) He fabricates or alters the monitoring data, or incites someone else to fabricate or alter the monitoring data.

Chapter VI Supplementary Provisions

Article 18 The administrative department of environmental protection of each province, autonomous region, or municipality directly under the Central Government may formulate detailed implementation rules in accordance with the present Provisions.

Article 19 The power and responsibility to interpret the present Provisions shall remain with the State Environmental Protection Administration.

Article 20 The present Provisions shall come into force on the date of promulgation. The former “Provisions on the Administration of Guaranty of Environment Monitoring Quality (for Trial Implementation)” shall be repealed simultaneously.