

【Title】 Regulation on the Safety Management of Hazardous Chemicals(2011 Revision)[现行有效]

【法规标题】 危险化学品安全管理条例(2011 修订) [Effective]

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(第 591 号)

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
March 2, 2011

[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)

《[危险化学品安全管理条例](#)》已经 2011 年 2 月 16 日国务院第 144 次常务会议修订通过，现将修订后的《[危险化学品安全管理条例](#)》公布，自 2011 年 12 月 1 日起施行。

总理 温家宝
二〇一一年三月二日

[危险化学品安全管理条例](#)

(2002 年 1 月 26 日中华人民共和国国务院令 第 344 号公布 2011 年 2 月 16 日国务院第 144 次常务会议修订通过)

Chapter I General Provisions

第一章 总 则

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.

第一条 为了加强危险化学品的安全管理，预防和减少危险化学品事故，保障人民群众生命财产安全，保护环境，制定本条例。

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.

第二条 危险化学品生产、储存、使用、经营和运输的安全管理，适用本条例。废弃危险化学品的处置，依照有关环境保护的法律、行政法规和国家有关规定执行。

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.

第三条 本条例所称危险化学品，是指具有毒害、腐蚀、爆炸、燃烧、助燃等性质，对人体、设施、环境具有危害的剧毒化学品和其他化学品。

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

危险化学品目录，由国务院安全生产监督管理部门会同国务院工业和信息化部、公安、环境保护、卫生、质量监督检验检疫、交通运输、铁路、民用航空、农业主管部门，根据化学品危险特性的鉴别和分类标准确定、公布，并适时调整。

第四条 危险化学品安全管理，应当坚持安全第一、预防为主、综合治理的方针，强化和落实企业的主体责任。

生产、储存、使用、经营、运输危险化学品的单位（以下统称危险化学品单位）的主要负责人对本单位的危险化学品安全管理工作全面负责。

危险化学品单位应当具备法律、行政法规规定和国家标准、行业标准要求的安全条件，建立、健全安全管理规章制度和岗位安全责任制度，对从业人员进行安全教育、法制教育和岗位技术培训。从业人员应当接受教育和培训，考核合格后上岗作业；对有资格要求的岗位，应当配备依法取得相应资格的人员。

第五条 任何单位和个人不得生产、经营、使用国家禁止生产、经营、使用的危险化学品。

国家对危险化学品的使用有限制性规定的，任何单位和个人不得违反限制性规定使用危险化学品。

第六条 对危险化学品的生产、储存、使用、经营、运输实施安全监督管理的有关部门（以下统称负有危险化学品安全监督管理职责的部门），依照下列规定履行职责：

（一）安全生产监督管理部门负责危险化学品安全监督管理综合工作，组织确定、公布、调整危险化学品目录，对新建、改建、扩建生产、储存危险化学品（包括使用长输管道输送危险化学品，下同）的建设项目进行安全条件审查，

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

核发危险化学品安全生产许可证、危险化学品安全使用许可证和危险化学品经营许可证，并负责危险化学品登记工作。

（二）公安机关负责危险化学品的公共安全管理，核发剧毒化学品购买许可证、剧毒化学品道路运输通行证，并负责危险化学品运输车辆的道路交通安全管理。

（三）质量监督检验检疫部门负责核发危险化学品及其包装物、容器（不包括储存危险化学品的固定式大型储罐，下同）生产企业的工业产品生产许可证，并依法对其产品质量实施监督，负责对其进出口危险化学品及其包装实施检验。

（四）环境保护主管部门负责废弃危险化学品处置的监督管理，组织危险化学品的环境危害性鉴定和环境风险程度评估，确定实施重点环境管理的危险化学品，负责危险化学品环境管理登记和新化学物质环境管理登记；依照职责分工调查相关危险化学品环境污染事故和生态破坏事件，负责危险化学品事故现场的应急环境监测。

（五）交通运输主管部门负责危险化学品道路运输、水路运输的许可以及运输工具的安全管理，对危险化学品水路运输安全实施监督，负责危险化学品道路运输企业、水路运输企业驾驶人员、船员、装卸管理人员、押运人员、申报人员、集装箱装箱现场检查员的资格认定。铁路主管部门负责危险化学品铁路运输的安全管理，负责危险化学品铁路运输承运人、托运人的资质审批及其运输工具的安全管理。民用航空主管部门负责危险化学品航空运输以及航空运输企业及其运输工具的安全管理。

（六）卫生主管部门负责危险化学品毒性鉴定的管理，负责组织、协调危险化学品事故受伤人员的医疗卫生救援工作。

（七）工商行政管理部门依据有关部门的许可证件，核发危险化学品生产、储存、经营、运输企业营业执照，查处危险化学品经营企业违法采购危险化学品

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 product 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

的行为。

(八) 邮政管理部门负责依法查处寄递危险化学品的行为。

第七条 负有危险化学品安全监督管理职责的部门依法进行监督检查，可以采取下列措施：

(一) 进入危险化学品作业场所实施现场检查，向有关单位和人员了解情况，查阅、复制有关文件、资料；

(二) 发现危险化学品事故隐患，责令立即消除或者限期消除；

(三) 对不符合法律、行政法规、规章规定或者国家标准、行业标准要求的设施、设备、装置、器材、运输工具，责令立即停止使用；

(四) 经本部门主要负责人批准，查封违法生产、储存、使用、经营危险化学品的场所，扣押违法生产、储存、使用、经营、运输的危险化学品以及用于违法生产、使用、运输危险化学品的原材料、设备、运输工具；

(五) 发现影响危险化学品安全的违法行为，当场予以纠正或者责令限期改正。

负有危险化学品安全监督管理职责的部门依法进行监督检查，监督检查人员不得少于 2 人，并应当出示执法证件；有关单位和个人对依法进行的监督检查应当予以配合，不得拒绝、阻碍。

第八条 县级以上人民政府应当建立危险化学品安全监督管理工作协调机制，支持、督促负有危险化学品安全监督管理职责的部门依法履行职责，协调、解决危险化学品安全监督管理工作中的重大问题。

负有危险化学品安全监督管理职责的部门应当相互配合、密切协作，依法加强对危险化学品的安全监督管理。

第九条 任何单位和个人对违反本条例规

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 unloading hazardous chemicals pursuant to the provisions of the transport department under the State Council.

定的行为，有权向负有危险化学品安全监督管理职责的部门举报。负有危险化学品安全监督管理职责的部门接到举报，应当及时依法处理；对不属于本部门职责的，应当及时移送有关部门处理。

第十条 国家鼓励危险化学品生产企业和使用危险化学品从事生产的企业采用有利于提高安全保障水平的先进技术、工艺、设备以及自动控制系统，鼓励对危险化学品实行专门储存、统一配送、集中销售。

第二章 生产、储存安全

第十一条 国家对危险化学品的生产、储存实行统筹规划、合理布局。

国务院工业和信息化主管部门以及国务院其他有关部门依据各自职责，负责危险化学品生产、储存的行业规划和布局。

地方人民政府组织编制城乡规划，应当根据本地区的实际情况，按照确保安全的原則，规划适当区域专门用于危险化学品的生产、储存。

第十二条 新建、改建、扩建生产、储存危险化学品的建设项目（以下简称建设项目），应当由安全生产监督管理部门进行安全条件审查。

建设单位应当对建设项目进行安全条件论证，委托具备国家规定的资质条件的机构对建设项目进行安全评价，并将安全条件论证和安全评价的情况报告报建设项目所在地设区的市级以上人民政府安全生产监督管理部门；安全生产监督管理部门应当自收到报告之日起 45 日内作出审查决定，并书面通知建设单位。具体办法由国务院安全生产监督管理部门制定。

新建、改建、扩建储存、装卸危险化学品的港口建设项目，由港口行政管理部门按照国务院交通运输主管部门的规定进行安全条件审查。

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

第十三条 生产、储存危险化学品的单位，应当对其铺设的危险化学品管道设置明显标志，并对危险化学品管道定期检查、检测。

进行可能危及危险化学品管道安全的施工作业，施工单位应当在开工的7日前书面通知管道所属单位，并与管道所属单位共同制定应急预案，采取相应的安全防护措施。管道所属单位应当指派专门人员到现场进行管道安全保护指导。

第十四条 危险化学品生产企业进行生产前，应当依照《[安全生产许可证条例](#)》的规定，取得危险化学品安全生产许可证。

生产列入国家实行生产许可证制度的工业产品目录的危险化学品的企业，应当依照《[中华人民共和国工业产品生产许可证管理条例](#)》的规定，取得工业产品生产许可证。

负责颁发危险化学品安全生产许可证、工业产品生产许可证的部门，应当将其颁发许可证的情况及时向同级工业和信息化主管部门、环境保护主管部门和公安机关通报。

第十五条 危险化学品生产企业应当提供与其生产的危险化学品相符的化学品安全技术说明书，并在危险化学品包装（包括外包装件）上粘贴或者拴挂与包装内危险化学品相符的化学品安全标签。化学品安全技术说明书和化学品安全标签所载明的内容应当符合国家标准的要求。

危险化学品生产企业发现其生产的危险化学品有新的危险特性的，应当立即公告，并及时修订其化学品安全技术说明书和化学品安全标签。

第十六条 生产实施重点环境管理的危险化学品的企业，应当按照国务院环境保护主管部门的规定，将该危险化学品向环境中释放等相关信息向环境保护主管部门报告。环境保护主管部门可以根据情况采取相应的环境风险控制措施。

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

第十七条 危险化学品的包装应当符合法律、行政法规、规章的规定以及国家标准、行业标准的要求。

危险化学品包装物、容器的材质以及危险化学品包装的型式、规格、方法和单件质量（重量），应当与所包装的危险化学品的性质和用途相适应。

第十八条 生产列入国家实行生产许可证制度的工业产品目录的危险化学品包装物、容器的企业，应当依照《[中华人民共和国工业产品生产许可证管理条例](#)》的规定，取得工业产品生产许可证；其生产的危险化学品包装物、容器经国务院质量监督检验检疫部门认定的检验机构检验合格，方可出厂销售。

运输危险化学品的船舶及其配载的容器，应当按照国家船舶检验规范进行生产，并经海事管理机构认定的船舶检验机构检验合格，方可投入使用。

对重复使用的危险化学品包装物、容器，使用单位在重复使用前应当进行检查；发现存在安全隐患的，应当维修或者更换。使用单位应当对检查情况作出记录，记录的保存期限不得少于2年。

第十九条 危险化学品生产装置或者储存数量构成重大危险源的危险化学品储存设施（运输工具加油站、加气站除外），与下列场所、设施、区域的距离应当符合国家有关规定：

（一）居住区以及商业中心、公园等人员密集场所；

（二）学校、医院、影剧院、体育场（馆）等公共设施；

（三）饮用水源、水厂以及水源保护区；

（四）车站、码头（依法经许可从事危险化学品装卸作业的除外）、机场以及通信干线、通信枢纽、铁路线路、道路交通干线、水路交通干线、地铁风亭以及地铁站出入口；

（五）基本农田保护区、基本草原、畜

(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, lightning-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

禽遗传资源保护区、畜禽规模化养殖场（养殖小区）、渔业水域以及种子、种畜禽、水产苗种生产基地；

（六）河流、湖泊、风景名胜区、自然保护区；

（七）军事禁区、军事管理区；

（八）法律、行政法规规定的其他场所、设施、区域。

已建的危险化学品生产装置或者储存数量构成重大危险源的危险化学品储存设施不符合前款规定的，由所在地设区的市级人民政府安全生产监督管理部门会同有关部门监督其所属单位在规定期限内进行整改；需要转产、停产、搬迁、关闭的，由本级人民政府决定并组织实施。

储存数量构成重大危险源的危险化学品储存设施的选址，应当避开地震活动断层和容易发生洪灾、地质灾害的区域。

本条例所称重大危险源，是指生产、储存、使用或者搬运危险化学品，且危险化学品的数量等于或者超过临界量的单元（包括场所和设施）。

第二十条 生产、储存危险化学品的单位，应当根据其生产、储存的危险化学品的种类和危险特性，在作业场所设置相应的监测、监控、通风、防晒、调温、防火、灭火、防爆、泄压、防毒、中和、防潮、防雷、防静电、防腐、防泄漏以及防护围堤或者隔离操作等安全设施、设备，并按照国家标准、行业标准或者国家有关规定对安全设施、设备进行经常性维护、保养，保证安全设施、设备的正常使用。

生产、储存危险化学品的单位，应当在其作业场所和安全设施、设备上设置明显的安全警示标志。

第二十一条 生产、储存危险化学品的单位，应当在其作业场所设置通信、报警装置，并保证处于适用状态。

第二十二条 生产、储存危险化学品的企业，应当委托具备国家规定的资质条件的机构，对本企业的安全生产条件每 3

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.

年进行一次安全评价，提出安全评价报告。安全评价报告的内容应当包括对安全生产条件存在的问题进行整改的方案。

生产、储存危险化学品的企业，应当将安全评价报告以及整改方案的落实情况报所在地县级人民政府安全生产监督管理部门备案。在港区内储存危险化学品的企业，应当将安全评价报告以及整改方案的落实情况报港口行政管理部门备案。

第二十三条 生产、储存剧毒化学品或者国务院公安部门规定的可用于制造爆炸物品的危险化学品（以下简称易制爆危险化学品）的单位，应当如实记录其生产、储存的剧毒化学品、易制爆危险化学品的数量、流向，并采取必要的安全防范措施，防止剧毒化学品、易制爆危险化学品丢失或者被盗；发现剧毒化学品、易制爆危险化学品丢失或者被盗的，应当立即向当地公安机关报告。生产、储存剧毒化学品、易制爆危险化学品的单位，应当设置治安保卫机构，配备专职治安保卫人员。

第二十四条 危险化学品应当储存在专用仓库、专用场地或者专用储存室（以下统称专用仓库）内，并由专人负责管理；剧毒化学品以及储存数量构成重大危险源的其他危险化学品，应当在专用仓库内单独存放，并实行双人收发、双人保管制度。

危险化学品的储存方式、方法以及储存数量应当符合国家标准或者国家有关规定。

第二十五条 储存危险化学品的单位应当建立危险化学品出入库核查、登记制度。

对剧毒化学品以及储存数量构成重大危险源的其他危险化学品，储存单位应当将其储存数量、储存地点以及管理人员的情况，报所在地县级人民政府安全生产监督管理部门（在港区内储存的，报港口行政管理部门）和公安机关备案。

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 ,

第二十六条 危险化学品专用仓库应当符合国家标准、行业标准的要求，并设置明显的标志。储存剧毒化学品、易制爆危险化学品的专用仓库，应当按照国家有关规定设置相应的技术防范设施。

储存危险化学品的单位应当对其危险化学品专用仓库的安全设施、设备定期进行检测、检验。

第二十七条 生产、储存危险化学品的单位转产、停产、停业或者解散的，应当采取有效措施，及时、妥善处置其危险化学品生产装置、储存设施以及库存的危险化学品，不得丢弃危险化学品；处置方案应当报所在地县级人民政府安全生产监督管理部门、工业和信息化主管部门、环境保护主管部门和公安机关备案。安全生产监督管理部门应当会同环境保护主管部门和公安机关对处置情况进行监督检查，发现未依照规定处置的，应当责令其立即处置。

第三章 使用安全

第二十八条 使用危险化学品的单位，其使用条件（包括工艺）应当符合法律、行政法规的规定和国家标准、行业标准的要求，并根据所使用的危险化学品的种类、危险特性以及使用量和使用方式，建立、健全使用危险化学品的安全管理规章制度和安全操作规程，保证危险化学品的安全使用。

第二十九条 使用危险化学品从事生产并且使用量达到规定数量的化工企业（属于危险化学品生产企业的除外，下同），应当依照本条例的规定取得危险化学品安全使用许可证。

前款规定的危险化学品使用量的数量标准，由国务院安全生产监督管理部门会同国务院公安部门、农业主管部门确定并公布。

第三十条 申请危险化学品安全使用许可

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

证的化工企业，除应当符合本条例第二十八条的规定外，还应当具备下列条件：

- (一) 有与所使用的危险化学品相适应的专业技术人员；
- (二) 有安全管理机构和专职安全管理人员；
- (三) 有符合国家规定的危险化学品事故应急预案和必要的应急救援器材、设备；
- (四) 依法进行了安全评价。

第三十一条 申请危险化学品安全使用许可证的化工企业，应当向所在地设区的市级人民政府安全生产监督管理部门提出申请，并提交其符合本条例第三十条规定条件的证明材料。设区的市级人民政府安全生产监督管理部门应当依法进行审查，自收到证明材料之日起 45 日内作出批准或者不予批准的决定。予以批准的，颁发危险化学品安全使用许可证；不予批准的，书面通知申请人并说明理由。

安全生产监督管理部门应当将其颁发危险化学品安全使用许可证的情况及时向同级环境保护主管部门和公安机关通报。

第三十二条 本条例第十六条关于生产实施重点环境管理的危险化学品的企业的规定，适用于使用实施重点环境管理的危险化学品从事生产的企业；第二十条、第二十一条、第二十三条第一款、第二十七条关于生产、储存危险化学品的单位的规定，适用于使用危险化学品的单位；第二十二条关于生产、储存危险化学品的企业的规定，适用于使用危险化学品从事生产的企业。

第四章 经营安全

第三十三条 国家对危险化学品经营（包括仓储经营，下同）实行许可制度。未经许可，任何单位和个人不得经营危险化学品。

依法设立的危险化学品生产企业在其厂

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

区范围内销售本企业生产的危险化学品，不需要取得危险化学品经营许可。依照《[中华人民共和国港口法](#)》的规定取得港口经营许可证的港口经营人，在港区内从事危险化学品仓储经营，不需要取得危险化学品经营许可。

第三十四条 从事危险化学品经营的企业应当具备下列条件：

- (一) 有符合国家标准、行业标准的经营场所，储存危险化学品的，还应当有符合国家标准、行业标准的储存设施；
- (二) 从业人员经过专业技术培训并经考核合格；
- (三) 有健全的安全管理规章制度；
- (四) 有专职安全管理人员；
- (五) 有符合国家规定的危险化学品事故应急预案和必要的应急救援器材、设备；
- (六) 法律、法规规定的其他条件。

第三十五条 从事剧毒化学品、易制爆危险化学品经营的企业，应当向所在地设区的市级人民政府安全生产监督管理部门提出申请，从事其他危险化学品经营的企业，应当向所在地县级人民政府安全生产监督管理部门提出申请（有储存设施的，应当向所在地设区的市级人民政府安全生产监督管理部门提出申请）。申请人应当提交其符合本条例第三十四条规定条件的证明材料。设区的市级人民政府安全生产监督管理部门或者县级人民政府安全生产监督管理部门应当依法进行审查，并对申请人的经营场所、储存设施进行现场核查，自收到证明材料之日起 30 日内作出批准或者不予批准的决定。予以批准的，颁发危险化学品经营许可证；不予批准的，书面通知申请人并说明理由。

设区的市级人民政府安全生产监督管理部门和县级人民政府安全生产监督管理部门应当将其颁发危险化学品经营许可证的情况及时向同级环境保护主管部门和公安机关通报。

申请人持危险化学品经营许可证向工商行政管理部门办理登记手续后，方可从

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.

事危险化学品经营活动。法律、行政法规或者国务院规定经营危险化学品还需要经其他有关部门许可的，申请人向工商行政管理部门办理登记手续时还应当持相应的许可证件。

第三十六条 危险化学品经营企业储存危险化学品的，应当遵守本条例第二章关于储存危险化学品的规定。危险化学品商店内只能存放民用小包装的危险化学品。

第三十七条 危险化学品经营企业不得向未经许可从事危险化学品生产、经营活动的企业采购危险化学品，不得经营没有化学品安全技术说明书或者化学品安全标签的危险化学品。

第三十八条 依法取得危险化学品安全生产许可证、危险化学品安全使用许可证、危险化学品经营许可证的企业，凭相应的许可证件购买剧毒化学品、易制爆危险化学品。民用爆炸物品生产企业凭民用爆炸物品生产许可证购买易制爆危险化学品。

前款规定以外的单位购买剧毒化学品的，应当向所在地县级人民政府公安机关申请取得剧毒化学品购买许可证；购买易制爆危险化学品的，应当持本单位出具的合法用途说明。

个人不得购买剧毒化学品（属于剧毒化学品的农药除外）和易制爆危险化学品。

第三十九条 申请取得剧毒化学品购买许可证，申请人应当向所在地县级人民政府公安机关提交下列材料：

- （一）营业执照或者法人证书（登记证书）的复印件；
- （二）拟购买的剧毒化学品品种、数量的说明；
- （三）购买剧毒化学品用途的说明；
- （四）经办人的身份证明。

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

县级人民政府公安机关应当自收到前款规定的材料之日起 3 日内, 作出批准或者不予批准的决定。予以批准的, 颁发剧毒化学品购买许可证; 不予批准的, 书面通知申请人并说明理由。

剧毒化学品购买许可证管理办法由国务院公安部门制定。

第四十条 危险化学品生产企业、经营企业销售剧毒化学品、易制爆危险化学品, 应当查验本条例第三十八条第一款、第二款规定的相关许可证件或者证明文件, 不得向不具有相关许可证件或者证明文件的单位销售剧毒化学品、易制爆危险化学品。对持剧毒化学品购买许可证购买剧毒化学品的, 应当按照许可证载明的品种、数量销售。

禁止向个人销售剧毒化学品(属于剧毒化学品的农药除外)和易制爆危险化学品。

第四十一条 危险化学品生产企业、经营企业销售剧毒化学品、易制爆危险化学品, 应当如实记录购买单位的名称、地址、经办人的姓名、身份证号码以及所购买的剧毒化学品、易制爆危险化学品的品种、数量、用途。销售记录以及经办人的身份证明复印件、相关许可证件复印件或者证明文件的保存期限不得少于 1 年。

剧毒化学品、易制爆危险化学品的销售企业、购买单位应当在销售、购买后 5 日内, 将所销售、购买的剧毒化学品、易制爆危险化学品的品种、数量以及流向信息报所在地县级人民政府公安机关备案, 并输入计算机系统。

第四十二条 使用剧毒化学品、易制爆危险化学品的单位不得出借、转让其购买的剧毒化学品、易制爆危险化学品; 因转产、停产、搬迁、关闭等确需转让的, 应当向具有本条例第三十八条第一

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

款、第二款规定的相关许可证件或者证明文件的单位转让，并在转让后将有关情况及时向所在地县级人民政府公安机关报告。

第五章 运输安全

第四十三条 从事危险化学品道路运输、水路运输的，应当分别依照有关道路运输、水路运输的法律、行政法规的规定，取得危险货物道路运输许可、危险货物水路运输许可，并向工商行政管理部门办理登记手续。

危险化学品道路运输企业、水路运输企业应当配备专职安全管理人员。

第四十四条 危险化学品道路运输企业、水路运输企业的驾驶人员、船员、装卸管理人员、押运人员、申报人员、集装箱装箱现场检查员应当经交通运输主管部门考核合格，取得从业资格。具体办法由国务院交通运输主管部门制定。

危险化学品的装卸作业应当遵守安全作业标准、规程和制度，并在装卸管理人员的现场指挥或者监控下进行。水路运输危险化学品的集装箱装箱作业应当在集装箱装箱现场检查员的指挥或者监控下进行，并符合积载、隔离的规范和要求；装箱作业完毕后，集装箱装箱现场检查员应当签署装箱证明书。

第四十五条 运输危险化学品，应当根据危险化学品的危险特性采取相应的安全防护措施，并配备必要的防护用品和应急救援器材。

用于运输危险化学品的槽罐以及其他容器应当封口严密，能够防止危险化学品在运输过程中因温度、湿度或者压力的变化发生渗漏、洒漏；槽罐以及其他容器的溢流和泄压装置应当设置准确、起闭灵活。

运输危险化学品的驾驶人员、船员、装卸管理人员、押运人员、申报人员、集装箱装箱现场检查员，应当了解所运输

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 hazards 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;

的危险化学品的危险特性及其包装物、容器的使用要求和出现危险情况时的应急处置方法。

第四十六条 通过道路运输危险化学品的，托运人应当委托依法取得危险货物道路运输许可的企业承运。

第四十七条 通过道路运输危险化学品的，应当按照运输车辆的核定载质量装载危险化学品，不得超载。

危险化学品运输车辆应当符合国家标准要求的安全技术条件，并按照国家有关规定定期进行安全技术检验。

危险化学品运输车辆应当悬挂或者喷涂符合国家标准要求的警示标志。

第四十八条 通过道路运输危险化学品的，应当配备押运人员，并保证所运输的危险化学品处于押运人员的监控之下。

运输危险化学品途中因住宿或者发生影响正常运输的情况，需要较长时间停车的，驾驶人员、押运人员应当采取相应的安全防范措施；运输剧毒化学品或者易制爆危险化学品的，还应当当地公安机关报告。

第四十九条 未经公安机关批准，运输危险化学品的车辆不得进入危险化学品运输车辆限制通行的区域。危险化学品运输车辆限制通行的区域由县级人民政府公安机关划定，并设置明显的标志。

第五十条 通过道路运输剧毒化学品的，托运人应当向运输始发地或者目的地县级人民政府公安机关申请剧毒化学品道路运输通行证。

申请剧毒化学品道路运输通行证，托运人应当向县级人民政府公安机关提交下列材料：

（一）拟运输的剧毒化学品品种、数量的说明；

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

(二) 运输始发地、目的地、运输时间和运输路线的说明;

(三) 承运人取得危险货物道路运输许可、运输车辆取得营运证以及驾驶人员、押运人员取得上岗资格的证明文件;

(四) 本条例第三十八条第一款、第二款规定的购买剧毒化学品的相关许可证件,或者海关出具的进出口证明文件。县级人民政府公安机关应当自收到前款规定的材料之日起7日内,作出批准或者不予批准的决定。予以批准的,颁发剧毒化学品道路运输通行证;不予批准的,书面通知申请人并说明理由。剧毒化学品道路运输通行证管理办法由国务院公安部门制定。

第五十一条 剧毒化学品、易制爆危险化学品在道路运输途中丢失、被盗、被抢或者出现流散、泄漏等情况的,驾驶人员、押运人员应当立即采取相应的警示措施和安全措施,并向当地公安机关报告。公安机关接到报告后,应当根据实际情况立即向安全生产监督管理部门、环境保护主管部门、卫生主管部门通报。有关部门应当采取必要的应急处置措施。

第五十二条 通过水路运输危险化学品的,应当遵守法律、行政法规以及国务院交通运输主管部门关于危险货物水路运输安全的规定。

第五十三条 海事管理机构应当根据危险化学品的种类和危险特性,确定船舶运输危险化学品的相关安全运输条件。拟交付船舶运输的化学品的相关安全运输条件不明确的,应当经国家海事管理机构认定的机构进行评估,明确相关安全运输条件并经海事管理机构确认后,方可交付船舶运输。

第五十四条 禁止通过内河封闭水域运输剧毒化学品以及国家规定禁止通过内河

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

运输的其他危险化学品。

前款规定以外的内河水域，禁止运输国家规定禁止通过内河运输的剧毒化学品以及其他危险化学品。

禁止通过内河运输的剧毒化学品以及其他危险化学品的范围，由国务院交通运输主管部门会同国务院环境保护主管部门、工业和信息化部、安全生产监督管理部门，根据危险化学品的危险特性、危险化学品对人体和水环境的危害程度以及消除危害后果的难易程度等因素规定并公布。

第五十五条 国务院交通运输主管部门应当根据危险化学品的危险特性，对通过内河运输本条例第五十四条规定以外的危险化学品（以下简称通过内河运输危险化学品）实行分类管理，对各类危险化学品的运输方式、包装规范和安全防护措施等分别作出规定并监督实施。

第五十六条 通过内河运输危险化学品，应当由依法取得危险货物水路运输许可的水路运输企业承运，其他单位和个人不得承运。托运人应当委托依法取得危险货物水路运输许可的水路运输企业承运，不得委托其他单位和个人承运。

第五十七条 通过内河运输危险化学品，应当使用依法取得危险货物适装证书的运输船舶。水路运输企业应当针对所运输的危险化学品危险特性，制定运输船舶危险化学品事故应急救援预案，并为运输船舶配备充足、有效的应急救援器材和设备。

通过内河运输危险化学品的船舶，其所有人或者经营者应当取得船舶污染损害责任保险证书或者财务担保证明。船舶污染损害责任保险证书或者财务担保证明的副本应当随船携带。

第五十八条 通过内河运输危险化学品，危险化学品包装物的材质、型式、强度以及包装方法应当符合水路运输危险化学品包装规范的要求。国务院交通运输

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

主管部门对单船运输的危险化学品数量有限制性规定的，承运人应当按照规定安排运输数量。

第五十九条 用于危险化学品运输作业的内河码头、泊位应当符合国家有关安全规范，与饮用水取水口保持国家规定的距离。有关管理单位应当制定码头、泊位危险化学品事故应急预案，并为码头、泊位配备充足、有效的应急救援器材和设备。

用于危险化学品运输作业的内河码头、泊位，经交通运输主管部门按照国家有关规定验收合格后方可投入使用。

第六十条 船舶载运危险化学品进出内河港口，应当将危险化学品的名称、危险特性、包装以及进出港时间等事项，事先报告海事管理机构。海事管理机构接到报告后，应当在国务院交通运输主管部门规定的时间内作出是否同意的决定，通知报告人，同时通报港口行政管理部门。定船期、定航线、定货种的船舶可以定期报告。

在内河港口内进行危险化学品的装卸、过驳作业，应当将危险化学品的名称、危险特性、包装和作业的时间、地点等事项报告港口行政管理部门。港口行政管理部门接到报告后，应当在国务院交通运输主管部门规定的时间内作出是否同意的决定，通知报告人，同时通报海事管理机构。

载运危险化学品的船舶在内河航行，通过过船建筑物的，应当提前向交通运输主管部门申报，并接受交通运输主管部门的管理。

第六十一条 载运危险化学品的船舶在内河航行、装卸或者停泊，应当悬挂专用的警示标志，按照规定显示专用信号。载运危险化学品的船舶在内河航行，按照国务院交通运输主管部门的规定需要引航的，应当申请引航。

第六十二条 载运危险化学品的船舶在内

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;

河航行，应当遵守法律、行政法规和国家其他有关饮用水水源保护的规定。内河航道发展规划应当与依法经批准的饮用水水源保护区划定方案相协调。

第六十三条 托运危险化学品的，托运人应当向承运人说明所托运的危险化学品的种类、数量、危险特性以及发生危险情况的应急处置措施，并按照国家有关规定对所托运的危险化学品妥善包装，在外包装上设置相应的标志。

运输危险化学品需要添加抑制剂或者稳定剂的，托运人应当添加，并将有关情况告知承运人。

第六十四条 托运人不得在托运的普通货物中夹带危险化学品，不得将危险化学品匿报或者谎报为普通货物托运。

任何单位和个人不得交寄危险化学品或者在邮件、快件内夹带危险化学品，不得将危险化学品匿报或者谎报为普通物品交寄。邮政企业、快递企业不得收寄危险化学品。

对涉嫌违反本条第一款、第二款规定的，交通运输主管部门、邮政管理部门可以依法开拆查验。

第六十五条 通过铁路、航空运输危险化学品的安全管理，依照有关铁路、航空运输的法律、行政法规、规章的规定执行。

第六章 危险化学品登记与事故应急救援

第六十六条 国家实行危险化学品登记制度，为危险化学品安全管理以及危险化学品事故预防和应急救援提供技术、信息支持。

第六十七条 危险化学品生产企业、进口企业，应当向国务院安全生产监督管理部门负责危险化学品登记的机构（以下简称危险化学品登记机构）办理危险化学品登记。

危险化学品登记包括下列内容：

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

- (一) 分类和标签信息;
- (二) 物理、化学性质;
- (三) 主要用途;
- (四) 危险特性;
- (五) 储存、使用、运输的安全要求;
- (六) 出现危险情况的应急处置措施。

对同一企业生产、进口的同一品种的危险化学品, 不进行重复登记。危险化学品生产企业、进口企业发现其生产、进口的危险化学品有新的危险特性的, 应当及时向危险化学品登记机构办理登记内容变更手续。

危险化学品登记的具体办法由国务院安全生产监督管理部门制定。

第六十八条 危险化学品登记机构应当定期向工业和信息化、环境保护、公安、卫生、交通运输、铁路、质量监督检验检疫等部门提供危险化学品登记的有关信息和资料。

第六十九条 县级以上地方人民政府安全生产监督管理部门应当会同工业和信息化、环境保护、公安、卫生、交通运输、铁路、质量监督检验检疫等部门, 根据本地区实际情况, 制定危险化学品事故应急预案, 报本级人民政府批准。

第七十条 危险化学品单位应当制定本单位危险化学品事故应急预案, 配备应急救援人员和必要的应急救援器材、设备, 并定期组织应急救援演练。

危险化学品单位应当将其危险化学品事故应急预案报所在地设区的市级人民政府安全生产监督管理部门备案。

第七十一条 发生危险化学品事故, 事故单位主要负责人应当立即按照本单位危险化学品应急预案组织救援, 并向当地安全生产监督管理部门和环境保护、公安、卫生主管部门报告; 道路运输、水路运输过程中发生危险化学品事故的, 驾驶人员、船员或者押运人员还应当向

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

事故发生地交通运输主管部门报告。

第七十二条 发生危险化学品事故，有关地方人民政府应当立即组织安全生产监督管理、环境保护、公安、卫生、交通运输等有关部门，按照本地区危险化学品事故应急预案组织实施救援，不得拖延、推诿。

有关地方人民政府及其有关部门应当按照下列规定，采取必要的应急处置措施，减少事故损失，防止事故蔓延、扩大：

（一）立即组织营救和救治受害人员，疏散、撤离或者采取其他措施保护危害区域内的其他人员；

（二）迅速控制危害源，测定危险化学品的性质、事故的危害区域及危害程度；

（三）针对事故对人体、动植物、土壤、水源、大气造成的现实危害和可能产生的危害，迅速采取封闭、隔离、洗消等措施；

（四）对危险化学品事故造成的环境污染和生态破坏状况进行监测、评估，并采取相应的环境污染治理和生态修复措施。

第七十三条 有关危险化学品单位应当为危险化学品事故应急救援提供技术指导和必要的协助。

第七十四条 危险化学品事故造成环境污染的，由设区的市级以上人民政府环境保护主管部门统一发布有关信息。

第七章 法律责任

第七十五条 生产、经营、使用国家禁止生产、经营、使用的危险化学品的，由安全生产监督管理部门责令停止生产、经营、使用活动，处 20 万元以上 50 万元以下的罚款，有违法所得的，没收违法所得；构成犯罪的，依法追究刑事责任。

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

有前款规定行为的，安全生产监督管理部门还应当责令其所生产、经营、使用的危险化学品进行无害化处理。

违反国家关于危险化学品使用的限制性规定使用危险化学品的，依照本条第一款的规定处理。

第七十六条 未经安全条件审查，新建、改建、扩建生产、储存危险化学品的建设项目的，由安全生产监督管理部门责令停止建设，限期改正；逾期不改正的，处 50 万元以上 100 万元以下的罚款；构成犯罪的，依法追究刑事责任。未经安全条件审查，新建、改建、扩建储存、装卸危险化学品的港口建设项目的，由港口行政管理部门依照前款规定予以处罚。

第七十七条 未依法取得危险化学品安全生产许可证从事危险化学品生产，或者未依法取得工业产品生产许可证从事危险化学品及其包装物、容器生产的，分别依照《[安全生产许可证条例](#)》、《[中华人民共和国工业产品生产许可证管理条例](#)》的规定处罚。

违反本条例规定，化工企业未取得危险化学品安全使用许可证，使用危险化学品从事生产的，由安全生产监督管理部门责令限期改正，处 10 万元以上 20 万元以下的罚款；逾期不改正的，责令停产整顿。

违反本条例规定，未取得危险化学品经营许可证从事危险化学品经营的，由安全生产监督管理部门责令停止经营活动，没收违法经营的危险化学品以及违法所得，并处 10 万元以上 20 万元以下的罚款；构成犯罪的，依法追究刑事责任。

第七十八条 有下列情形之一的，由安全生产监督管理部门责令改正，可以处 5 万元以下的罚款；拒不改正的，处 5 万元以上 10 万元以下的罚款；情节严重的，责令停产停业整顿：

(一) 生产、储存危险化学品的单位未

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

对其铺设的危险化学品管道设置明显的标志, 或者未对危险化学品管道定期检查、检测的;

(二) 进行可能危及危险化学品管道安全的施工作业, 施工单位未按照规定书面通知管道所属单位, 或者未与管道所属单位共同制定应急预案、采取相应的安全防护措施, 或者管道所属单位未指派专门人员到现场进行管道安全保护指导的;

(三) 危险化学品生产企业未提供化学品安全技术说明书, 或者未在包装(包括外包装件)上粘贴、拴挂化学品安全标签的;

(四) 危险化学品生产企业提供的化学品安全技术说明书与其生产的危险化学品不相符, 或者在包装(包括外包装件)粘贴、拴挂的化学品安全标签与包装内危险化学品不相符, 或者化学品安全技术说明书、化学品安全标签所载明的内容不符合国家标准要求的;

(五) 危险化学品生产企业发现其生产的危险化学品有新的危险特性不立即公告, 或者不及时修订其化学品安全技术说明书和化学品安全标签的;

(六) 危险化学品经营企业经营没有化学品安全技术说明书和化学品安全标签的危险化学品的;

(七) 危险化学品包装物、容器的材质以及包装的型式、规格、方法和单件质量(重量)与所包装的危险化学品的性质和用途不相适应的;

(八) 生产、储存危险化学品的单位未在作业场所和安全设施、设备上设置明显的安全警示标志, 或者未在作业场所设置通信、报警装置的;

(九) 危险化学品专用仓库未设专人负责管理, 或者对储存的剧毒化学品以及储存数量构成重大危险源的其他危险化学品未实行双人收发、双人保管制度的;

(十) 储存危险化学品的单位未建立危险化学品出入库核查、登记制度的;

(十一) 危险化学品专用仓库未设置明显标志的;

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;

(十二) 危险化学品生产企业、进口企业不办理危险化学品登记, 或者发现其生产、进口的危险化学品有新的危险特性不办理危险化学品登记内容变更手续的。

从事危险化学品仓储经营的港口经营人有前款规定情形的, 由港口行政管理部门依照前款规定予以处罚。储存剧毒化学品、易制爆危险化学品的专用仓库未按照国家有关规定设置相应的技术防范设施的, 由公安机关依照前款规定予以处罚。

生产、储存剧毒化学品、易制爆危险化学品的单位未设置治安保卫机构、配备专职治安保卫人员的, 依照《[企业事业单位内部治安保卫条例](#)》的规定处罚。

第七十九条 危险化学品包装物、容器生产企业销售未经检验或者经检验不合格的危险化学品包装物、容器的, 由质量监督检验检疫部门责令改正, 处 10 万元以上 20 万元以下的罚款, 有违法所得的, 没收违法所得; 拒不改正的, 责令停产停业整顿; 构成犯罪的, 依法追究刑事责任。

将未经检验合格的运输危险化学品的船舶及其配载的容器投入使用的, 由海事管理机构依照前款规定予以处罚。

第八十条 生产、储存、使用危险化学品的单位有下列情形之一的, 由安全生产监督管理部门责令改正, 处 5 万元以上 10 万元以下的罚款; 拒不改正的, 责令停产停业整顿直至由原发证机关吊销其相关许可证件, 并由工商行政管理部门责令其办理经营范围变更登记或者吊销其营业执照; 有关责任人员构成犯罪的, 依法追究刑事责任:

(一) 对重复使用的危险化学品包装物、容器, 在重复使用前不进行检查的;

(二) 未根据其生产、储存的危险化学品的种类和危险特性, 在作业场所设置相关安全设施、设备, 或者未按照国家标准、行业标准或者国家有关规定对安

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

全设施、设备进行经常性维护、保养的；

（三）未依照本条例规定对其安全生产条件定期进行安全评价的；

（四）未将危险化学品储存在专用仓库内，或者未将剧毒化学品以及储存数量构成重大危险源的其他危险化学品在专用仓库内单独存放的；

（五）危险化学品的储存方式、方法或者储存数量不符合国家标准或者国家有关规定的；

（六）危险化学品专用仓库不符合国家标准、行业标准的要求的；

（七）未对危险化学品专用仓库的安全设施、设备定期进行检测、检验的。

从事危险化学品仓储经营的港口经营人有前款规定情形的，由港口行政管理部门依照前款规定予以处罚。

第八十一条 有下列情形之一的，由公安机关责令改正，可以处1万元以下的罚款；拒不改正的，处1万元以上5万元以下的罚款：

（一）生产、储存、使用剧毒化学品、易制爆危险化学品的单位不如实记录生产、储存、使用的剧毒化学品、易制爆危险化学品的数量、流向的；

（二）生产、储存、使用剧毒化学品、易制爆危险化学品的单位发现剧毒化学品、易制爆危险化学品丢失或者被盗，不立即向公安机关报告的；

（三）储存剧毒化学品的单位未将剧毒化学品的储存数量、储存地点以及管理人员的情况报所在地县级人民政府公安机关备案的；

（四）危险化学品生产企业、经营企业不如实记录剧毒化学品、易制爆危险化学品购买单位的名称、地址、经办人的姓名、身份证号码以及所购买的剧毒化学品、易制爆危险化学品的品种、数量、用途，或者保存销售记录和相关材料的时间少于1年的；

（五）剧毒化学品、易制爆危险化学品的销售企业、购买单位未在规定的时限内将所销售、购买的剧毒化学品、易制

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

爆危险化学品的品种、数量以及流向信息报所在地县级人民政府公安机关备案的；

（六）使用剧毒化学品、易制爆危险化学品的单位依照本条例规定转让其购买的剧毒化学品、易制爆危险化学品，未将有关情况向所在地县级人民政府公安机关报告的。

生产、储存危险化学品的企业或者使用危险化学品从事生产的企业未按照本条例规定将安全评价报告以及整改方案的落实情况报安全生产监督管理部门或者港口行政管理部门备案，或者储存危险化学品的单位未将其剧毒化学品以及储存数量构成重大危险源的其他危险化学品的储存数量、储存地点以及管理人员的情况报安全生产监督管理部门或者港口行政管理部门备案的，分别由安全生产监督管理部门或者港口行政管理部门依照前款规定予以处罚。

生产实施重点环境管理的危险化学品的企业或者使用实施重点环境管理的危险化学品从事生产的企业未按照规定将相关信息向环境保护主管部门报告的，由环境保护主管部门依照本条第一款的规定予以处罚。

第八十二条 生产、储存、使用危险化学品的单位转产、停产、停业或者解散，未采取有效措施及时、妥善处置其危险化学品生产装置、储存设施以及库存的危险化学品，或者丢弃危险化学品的，由安全生产监督管理部门责令改正，处5万元以上10万元以下的罚款；构成犯罪的，依法追究刑事责任。

生产、储存、使用危险化学品的单位转产、停产、停业或者解散，未依照本条例规定将其危险化学品生产装置、储存设施以及库存危险化学品的处置方案报有关部门备案的，分别由有关部门责令改正，可以处1万元以下的罚款；拒不改正的，处1万元以上5万元以下的罚款。

第八十三条 危险化学品经营企业向未经许可违法从事危险化学品生产、经营活

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

动的企业采购危险化学品的，由工商行政管理部门责令改正，处10万元以上20万元以下的罚款；拒不改正的，责令停业整顿直至由原发证机关吊销其危险化学品经营许可证，并由工商行政管理部门责令其办理经营范围变更登记或者吊销其营业执照。

第八十四条 危险化学品生产企业、经营企业有下列情形之一的，由安全生产监督管理部门责令改正，没收违法所得，并处10万元以上20万元以下的罚款；拒不改正的，责令停产停业整顿直至吊销其危险化学品安全生产许可证、危险化学品经营许可证，并由工商行政管理部门责令其办理经营范围变更登记或者吊销其营业执照：

(一) 向不具有本条例第三十八条第一款、第二款规定的相关许可证件或者证明文件的单位销售剧毒化学品、易制爆危险化学品的；

(二) 不按照剧毒化学品购买许可证载明的品种、数量销售剧毒化学品的；

(三) 向个人销售剧毒化学品（属于剧毒化学品的农药除外）、易制爆危险化学品的。

不具有本条例第三十八条第一款、第二款规定的相关许可证件或者证明文件的单位购买剧毒化学品、易制爆危险化学品，或者个人购买剧毒化学品（属于剧毒化学品的农药除外）、易制爆危险化学品的，由公安机关没收所购买的剧毒化学品、易制爆危险化学品，可以并处5000元以下的罚款。

使用剧毒化学品、易制爆危险化学品的单位出借或者向不具有本条例第三十八条第一款、第二款规定的相关许可证件的单位转让其购买的剧毒化学品、易制爆危险化学品，或者向个人转让其购买的剧毒化学品（属于剧毒化学品的农药除外）、易制爆危险化学品的，由公安机关责令改正，处10万元以上20万元以下的罚款；拒不改正的，责令停产停业整顿。

第八十五条 未依法取得危险货物道路运输

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

transport permit, dangerous goods waterway transport permit, dangerous chemicals road transport, waterway transport, respectively in accordance with the relevant laws, administrative regulations of road transport, waterway transport, laws, administrative regulations of road transport, waterway transport respectively.

第八十六条 有下列情形之一的，由交通运输主管部门责令改正，处5万元以上10万元以下的罚款；拒不改正的，责令停产停业整顿；构成犯罪的，依法追究刑事责任：

（一）危险化学品道路运输企业、水路运输企业的驾驶人员、船员、装卸管理人员、押运人员、申报人员、集装箱装箱现场检查员未取得从业资格上岗作业的；

（二）运输危险化学品，未根据危险化学品的危险特性采取相应的安全防护措施，或者未配备必要的防护用品和应急救援器材的；

（三）使用未依法取得危险货物适装证书的船舶，通过内河运输危险化学品的；

（四）通过内河运输危险化学品的承运人违反国务院交通运输主管部门对单船运输的危险化学品数量的限制性规定运输危险化学品的；

（五）用于危险化学品运输作业的内河码头、泊位不符合国家有关安全规范，或者未与饮用水取水口保持国家规定的安全距离，或者未经交通运输主管部门验收合格投入使用的；

（六）托运人不向承运人说明所托运的危险化学品的种类、数量、危险特性以及发生危险情况的应急处置措施，或者未按照国家有关规定对所托运的危险化学品妥善包装并在外包装上设置相应标志的；

（七）运输危险化学品需要添加抑制剂或者稳定剂，托运人未添加或者未将有关情况告知承运人的。

第八十七条 有下列情形之一的，由交通运输主管部门责令改正，处10万元以上20万元以下的罚款，有违法所得的，没收违法所得；拒不改正的，责令停产停业整顿；构成犯罪的，依法追究刑事责

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

任:

(一) 委托未依法取得危险货物道路运输许可、危险货物水路运输许可的企业承运危险化学品的;

(二) 通过内河封闭水域运输剧毒化学品以及国家规定禁止通过内河运输的其他危险化学品的;

(三) 通过内河运输国家规定禁止通过内河运输的剧毒化学品以及其他危险化学品的;

(四) 在托运的普通货物中夹带危险化学品, 或者将危险化学品谎报或者匿报为普通货物托运的。

在邮件、快件内夹带危险化学品, 或者将危险化学品谎报为普通物品交寄的, 依法给予治安管理处罚; 构成犯罪的, 依法追究刑事责任。

邮政企业、快递企业收寄危险化学品的, 依照《[中华人民共和国邮政法](#)》的规定处罚。

第八十八条 有下列情形之一的, 由公安机关责令改正, 处 5 万元以上 10 万元以下的罚款; 构成违反治安管理行为的, 依法给予治安管理处罚; 构成犯罪的, 依法追究刑事责任:

(一) 超过运输车辆的核定载质量装载危险化学品的;

(二) 使用安全技术条件不符合国家标准要求的车辆运输危险化学品的;

(三) 运输危险化学品的车辆未经公安机关批准进入危险化学品运输车辆限制通行的区域的;

(四) 未取得剧毒化学品道路运输通行证, 通过道路运输剧毒化学品的。

第八十九条 有下列情形之一的, 由公安机关责令改正, 处 1 万元以上 5 万元以下的罚款; 构成违反治安管理行为的, 依法给予治安管理处罚:

(一) 危险化学品运输车辆未悬挂或者喷涂警示标志, 或者悬挂或者喷涂的警示标志不符合国家标准要求的;

(二) 通过道路运输危险化学品, 不配备押运人员的;

(三) 运输剧毒化学品或者易制爆危险

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

化学品途中需要较长时间停车，驾驶人员、押运人员不向当地公安机关报告的；

（四）剧毒化学品、易制爆危险化学品在道路运输途中丢失、被盗、被抢或者发生流散、泄露等情况，驾驶人员、押运人员不采取必要的警示措施和安全措施，或者不向当地公安机关报告的。

第九十条 对发生交通事故负有全部责任或者主要责任的危险化学品道路运输企业，由公安机关责令消除安全隐患，未消除安全隐患的危险化学品运输车辆，禁止上道路行驶。

第九十一条 有下列情形之一的，由交通运输主管部门责令改正，可以处1万元以下的罚款；拒不改正的，处1万元以上5万元以下的罚款：

（一）危险化学品道路运输企业、水路运输企业未配备专职安全管理人员的；

（二）用于危险化学品运输作业的内河码头、泊位的管理单位未制定码头、泊位危险化学品事故应急救援预案，或者未为码头、泊位配备充足、有效的应急救援器材和设备的。

第九十二条 有下列情形之一的，依照《[中华人民共和国内河交通安全管理条例](#)》的规定处罚：

（一）通过内河运输危险化学品的水路运输企业未制定运输船舶危险化学品事故应急救援预案，或者未为运输船舶配备充足、有效的应急救援器材和设备的；

（二）通过内河运输危险化学品的船舶的所有人或者经营人未取得船舶污染损害责任保险证书或者财务担保证明的；

（三）船舶载运危险化学品进出内河港口，未将有关事项事先报告海事管理机构并经其同意的；

（四）载运危险化学品的船舶在内河航行、装卸或者停泊，未悬挂专用的警示标志，或者未按照规定显示专用信号，或者未按照规定申请引航的。

未向港口行政管理部门报告并经其同

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.

意，在港口内进行危险化学品的装卸、过驳作业的，依照《[中华人民共和国港口法](#)》的规定处罚。

第九十三条 伪造、变造或者出租、出借、转让危险化学品安全生产许可证、工业产品生产许可证，或者使用伪造、变造的危险化学品安全生产许可证、工业产品生产许可证的，分别依照《[安全生产许可证条例](#)》、《[中华人民共和国工业产品生产许可证管理条例](#)》的规定处罚。

伪造、变造或者出租、出借、转让本条例规定的其他许可证，或者使用伪造、变造的本条例规定的其他许可证的，分别由相关许可证的颁发管理机关处 10 万元以上 20 万元以下的罚款，有违法所得的，没收违法所得；构成违反治安管理行为的，依法给予治安管理处罚；构成犯罪的，依法追究刑事责任。

第九十四条 危险化学品单位发生危险化学品事故，其主要负责人不立即组织救援或者不立即向有关部门报告的，依照《[生产安全事故报告和调查处理条例](#)》的规定处罚。

危险化学品单位发生危险化学品事故，造成他人人身伤害或者财产损失的，依法承担赔偿责任。

第九十五条 发生危险化学品事故，有关地方人民政府及其有关部门不立即组织实施救援，或者不采取必要的应急处置措施减少事故损失，防止事故蔓延、扩大的，对直接负责的主管人员和其他直接责任人员依法给予处分；构成犯罪的，依法追究刑事责任。

第九十六条 负有危险化学品安全监督管理职责的部门的工作人员，在危险化学品安全监督管理工作中滥用职权、玩忽职守、徇私舞弊，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予处分。

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 government 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.

第九十七条 监控化学品、属于危险化学品的药品和农药的安全管理，依照本条例的规定执行；法律、行政法规另有规定的，依照其规定。

民用爆炸物品、烟花爆竹、放射性物品、核能物质以及用于国防科研生产的危险化学品的安全管理，不适用本条例。

法律、行政法规对燃气的安全管理另有规定的，依照其规定。

危险化学品容器属于特种设备的，其安全管理依照有关特种设备安全的法律、行政法规的规定执行。

第九十八条 危险化学品的进出口管理，依照有关对外贸易的法律、行政法规、规章的规定执行；进口的危险化学品的储存、使用、经营、运输的安全管理，依照本条例的规定执行。

危险化学品环境管理登记和新化学物质环境管理登记，依照有关环境保护的法律、行政法规、规章的规定执行。危险化学品环境管理登记，按照国家有关规定收取费用。

第九十九条 公众发现、捡拾的无主危险化学品，由公安机关接收。公安机关接收或者有关部门依法没收的危险化学品，需要进行无害化处理的，交由环境保护主管部门组织其认定的专业单位进行处理，或者交由有关危险化学品生产企业进行处理。处理所需费用由国家财政负担。

第一百条 化学品的危险特性尚未确定的，由国务院安全生产监督管理部门、国务院环境保护主管部门、国务院卫生主管部门分别负责组织对该化学品的物理危险性、环境危害性、毒理特性进行鉴定。根据鉴定结果，需要调整危险化学品目录的，依照本条例第三条第二款的规定办理。

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.

第一百零一条 本条例施行前已经使用危险化学品从事生产的化工企业，依照本条例规定需要取得危险化学品安全使用许可证的，应当在国务院安全生产监督管理部门规定的期限内，申请取得危险化学品安全使用许可证。

第一百零二条 本条例自 2011 年 12 月 1 日起施行。

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