

**FINAL NEW PRC AIR LAW  
ON AIR POLLUTION  
PREVENTION AND CONTROL**

**China Clean Air Updates**

English Translation

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# PRC Law on Air Pollution Prevention and Control

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### China Clean Air Updates

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## Chapter I General Provisions

**Article 1** *People's Republic of China on Air Pollution Prevention and Control* ("the Law") is formulated for the purpose of protecting and improving the environment, preventing and controlling air pollution, safeguarding public health, promoting the ecological infrastructure development and facilitating sustainable economic and society growth.

**Article 2** The Law, with the goal of improving atmospheric environmental air quality, insists on treating emissions at their sources, prioritizing planning processes, transforming economic development, optimizing industrial structure and distribution and adjusting energy structures to prevent and control air pollution.

The law comprehensively addresses the prevention and control of air pollution from coal, industries, motor vehicles and vessels, fugitive dust, agriculture as well as other pollution sources; promotes joint regional air pollution prevention and control to collaborate efforts to reduce air pollutants such as particulate matter, sulphur dioxide, nitrogen oxide, volatile organic compounds, ammonia and greenhouse gases.

**Article 3** The people's governments (hereafter referred to as "governments") at or above county level shall integrate air pollution prevention and control efforts into national economic and social development planning, as well as increase financial investment to support air pollution prevention and control.

Local governments at various levels shall be responsible for ambient air quality within their respective jurisdictions. They shall formulate plans and take actions to control or gradually reduce the emissions of air pollutants, so that the ambient air quality improves gradually and meets stipulated standards.

**Article 4** The competent department of environmental protection administration under the State Council, in conjunction with other relevant departments of the State Council, shall assess the status for reaching targets to improve ambient air quality and key tasks to control air pollution in provinces, autonomous regions and municipalities in accordance with the provisions of the State Council. Governments of provinces, autonomous regions and municipalities shall establish and implement assessment methods to test performances within their respective jurisdictions. Assessment results shall be announced to the public.

**Article 5** The competent environmental protection administration of local government at or above county level shall supervise and manage, in a standardized manner, air pollution prevention and control.

Other relevant administrative departments of local governments at or above county level shall supervise and administrate, within their respective scopes of duties, air pollution prevention and control.

**Article 6** The state encourages and supports scientific and technological research on the prevention and control of air pollution, to expand efforts to analyze air pollution sources and changes, promote advanced and applicable air pollution prevention and control technologies and tools, and facilitate lab-to-market processes to fully utilize science and technology to support air pollution prevention and control.

**Article 7** Enterprises, institutions, and other producers and operators shall implement effective pollution control measures to prevent and reduce air pollution. They shall bear the liability for air quality damages that they have caused in accordance to the Law.

Citizens shall become more aware of protecting the environment, live low-carbon, frugal lifestyles and conscientiously fulfill obligations to protect air quality.

## Chapter II Air Pollution Prevention and Control Standards and Attainment Plans to Achieve Them within Allotted Time

**Article 8** The competent department of environmental protection administration under the State Council or local governments of provinces, autonomous regions and municipalities shall develop ambient air quality standards, for the purpose of safeguarding public health and protecting ecological environment, while taking economic and social development into account scientifically and reasonably.

**Article 9** The competent department of environmental protection administration under the State Council or local governments of provinces, autonomous regions and municipalities shall develop air pollutant emission standards according to ambient air quality standards, as well as national economic and technology development conditions.

**Article 10** Ambient air quality standards and air pollutant emission standards shall be set with expert review, as well as consultation from relevant departments, industry associations, enterprises, institutions and the public.

**Article 11** The competent environmental protection administration of local government at or above the province level should publish ambient air quality standards and air pollutant emission standards on its website, available to the public to access and download for free.

**Article 12** Efforts to meet ambient air quality standards and air pollutant emission standards should be assessed regularly, and should be revised in a timely manner according to assessment results.

**Article 13** Quality standards for products containing volatile organic compounds such as fuel coal, petroleum coke, biomass fuels, and paints as well as for products such as fireworks, firecrackers and boilers should have explicit requirements addressing atmospheric protection.

Quality standards for fuel oil should be developed in accordance with requirements of national air pollutants control, and should be interrelated and simultaneously implemented with national emission standards for motor vehicles, vessels and non-road mobile machinery.

The above-mentioned non-road mobile machinery refers to any mobile machinery equipped with an engine, as well as industrial transportation equipment.

**Article 14** Any government of cities not meeting national ambient air quality standards shall prepare an attainment plan in time to meet standards within the allotted time, and take stricter control measures to meet national standards in accordance to the time limit prescribed by the State Council or governments at or above the province level.

Urban attainment plans to meet ambient air quality standards within allotted time shall be prepared with consultation from relevant industry associations, enterprises, institutions, experts and the public.

**Article 15** Urban ambient air quality attainment plans to achieve targets within allotted time shall be announced to the public, and air quality attainment plans in municipalities and cities that have districts shall be submitted to the competent department of environmental protection administration under the State Council for the record.

**Article 16** City and municipal governments shall annually report and publicly announce efforts to execute ambient air quality attainment plans, when reporting to the people's congress at the same level or its standing committee on local environmental conditions, as well as status for meeting environmental protection targets.

**Article 17** Urban ambient air quality attainment plans shall be assessed and revised in a timely manner according to the requirement of air pollution prevention and control, as well as to economic and technology development conditions.

## Chapter III Supervision and Administration of Air Pollution Prevention and Control

**Article 18** Enterprises, institutions and other producers and operators shall make an environmental impact assessment, following the law, when constructing a project that can affect the atmospheric environment, and publish its assessment documents. Units that discharge pollutants into the atmosphere shall meet air pollutants emission standards, and comply with key atmospheric pollutant total amount control requirements.

**Article 19** Enterprises, institutions and operational entities with centralized heating facilities, and those that discharge industrial waste gases, or toxic and hazardous air pollutants as stipulated in *Article 78* as well as other entities pursuant to pollution administrative permit system according to law, shall apply for a pollutant discharge permit. The State Council shall determine the application process and concrete implementation procedures.

**Article 20** Enterprises, institutions and other producers and operators discharging pollutants into atmosphere shall build emission vents according to relevant laws, administrative regulations and provisions of the competent department of environmental protection administration under the State Council.

It is prohibited to discharge pollutants without permission, forge or manipulate monitoring data, temporarily suspend production to purposefully evade on-site investigations, use emergency emission channels in non-emergency situations, or operate control facilities irregularly to evade supervision.

**Article 21** The state shall conduct total emission control of key air pollutants.

In conjunction with the competent department of economic affairs under the State Council, the competent department of environmental protection administration under the State Council shall submit total emission control targets for key air pollutants to the State Council for approval and issuance, after consulting other relevant departments of State Council and local governments of provinces, autonomous regions and municipalities.

Governments overseeing provinces, autonomous regions and municipalities shall control or cut down total emissions of key air pollutants within their respective jurisdictions according to total emission control targets as issued by the State Council.

The competent department of environmental protection administration under the State Council in conjunction with other relevant departments shall develop total emission targets and concrete measures to break down the targets by regions. Local governments of provinces, autonomous regions and municipalities shall determine the total emission control of other air pollutants, not including national key air pollutants, according to the need for air pollution prevention and control within their respective jurisdictions.

The states shall progressively implement trading policies for key air pollutants emission rights.

**Article 22** For regions that exceed national total emission targets of key air pollutants or could not achieve improvement objectives of ambient air quality as set by the state, the competent environmental protection administration of local government at or above the province level, shall, in conjunction with other relevant departments, interview the principal of the aforesaid governments and suspend examining and approving any environmental impact assessment document for any new construction project that would increase total regional emissions. The interview situation shall be announced to the public.

**Article 23** The competent department of environmental protection administration under the State Council shall formulate monitoring and evaluation regulations of ambient air quality and air pollution sources, organize efforts to construct and manage monitoring networks for national ambient air quality and air pollution sources, organize monitoring operations, and issue uniform updates on national ambient air quality conditions.

The competent environmental protection administration of local government at or above county level shall organize efforts to construct and manage monitoring networks for ambient air quality and air pollution sources within their respective jurisdictions, monitor ambient air quality and air pollution sources, and issue uniform updates on ambient air quality conditions within their respective jurisdictions.

**Article 24** Enterprises, institutions and other producers and operators shall monitor industrial waste gases and toxic and hazardous air pollutants as stipulated in *Article 78*, according to national regulations and monitoring guidance, and keep original monitoring records. Key pollutant discharging entities shall install and use automatic monitoring equipment for pollutant emissions, and the equipment shall be digitally connected to the competent environmental protection departments for surveillance to ensure normal equipment operation, and publicly publish emission data according to the Law. Concrete monitoring measures and criteria for key pollutant discharging entities shall be formulated by the competent department of environmental protection administration under the State Council.

The list of key pollutant discharging entities shall be determined by the competent environmental protection administration of local government at or above the level of cities that have districts, in conjunction with relevant departments, according to ambient air carrying capacities of their respective jurisdictions, total emission control requirements of key air pollutants, as well as the types, amounts, concentrations and other factors of air pollutants that are discharged by key entities. The list shall be publicly published to the public.

**Article 25** Key pollutant discharging entities shall be responsible for the validity and accuracy of their automatically monitored data. Upon finding abnormal data being transferred from automatic monitoring equipments of key pollutant discharging entities, the competent department of environmental protection administration shall promptly investigate the situation.

**Article 26** It is forbidden to encroach on, damage, move or change ambient air quality monitoring facilities and automatic monitoring equipment without proper authorization.

**Article 27** The state shall implement a system to eliminate backward production processes, backward equipments and products that severely pollute environmental air quality.

The competent department of economic affairs under the State Council, in conjunction with other relevant departments of the State Council shall determine deadlines for phasing out production processes, equipments and products that severely pollute the air environment and include plans into the state's comprehensive industrial policy directory.

Producers, importers, sellers and users shall stop the production, import, sale or use of any equipment and products listed in the directory in the aforesaid paragraph within allotted time. Users of phased-out production products shall stop using processes listed in that directory within allotted time.

Any equipment and products phased out shall be not transferred to others for use.

**Article 28** The competent department of environmental protection administration under the State Council, in conjunction with other departments concerned, shall establish and improve air pollution damage assessment systems.

**Article 29** The competent department of environmental protection administration, together with its entrusted environmental inspection agency and other departments that are responsible for supervising and managing environmental protection, are entitled to supervise and inspect pollutant discharging entities by means of on-site inspection and monitoring, automatic monitoring, remote-sensing monitoring and far infrared shooting. Entities under inspection shall give truthful reports of the situation and provide all necessary information. Departments, agencies and staff that are implementing the inspection shall keep business secrets of the inspected entities.

**Article 30** For enterprises, institutions and other producers and operators which cause or may cause serious air pollution and for those that lose or hide illegal evidence after discharging air pollutants against the Law, the competent department of environmental protection, together with other departments responsible for the supervision and management of environmental protection, may take coercive administrative measures such as seizing and distraining relevant equipment, facilities and articles.

**Article 31** The competent department of environmental protection administration, together with other departments responsible for the supervision and management of environmental protection, shall publish hotlines and e-mail addresses for public reports and complaints.

Upon receiving the report, relevant departments shall promptly respond and keep the informer's information confidential. For real-name reporting, feedback about the processing results shall be given to the informer; if the reported information is verified, the results shall be publicized in accordance with the law, and rewards shall be given to the informer.

If reported by its own staff, the entity shall not retaliate against the informer by means of such as terminating or changing labor contracts.

## Chapter IV Air Pollution Prevention and Control Measures

### Section 1 Prevention and control of pollution from coal and other energy sources

**Article 32** The relevant departments of the State Council and local governments at various levels shall take measures to gradually decrease the percentage of coal in primary energy consumption, and reduce air pollutant emissions in the production, use and transformation of coal, by adjusting energy structure and promoting clean energy production and use, as well as optimizing coal use and promoting clean coal.

**Article 33** The state shall promote coal washing to reduce sulphur and ash in coal and restrict mining high-sulphur and high-ash coal. For a newly established coal mine, supporting facilities for coal washing shall be constructed synchronously so that sulphur and ash content can meet stipulated standards after washing; for established coal mines, with the exception of those using low-sulphur and low-ash coal and those having met emission standards, supporting facilities for coal washing shall be constructed within allotted time.

It is prohibited to mine coal with toxic and hazardous substances that exceed stipulated standards, such as radioactive substances and arsenic.

**Article 34** The state shall take economic and technological policies and measures to promote the clean and efficient use of coal, as well as encourage and support the development and promotion of clean coal technologies.

The state shall encourage coal enterprises to explore and use coal-bed methane and coal gangue by reasonable and feasible technological measures. For those engaged in exploitation of coal-bed methane, coal-bed methane emissions should comply with relevant standards.

**Article 35** The state shall prohibit the importation, sale and use of coal which cannot meet quality standards, and encourage burning of high-quality coal.

When materials such as coal, coal gangue, coal cinder, coal ash are stored, the entities shall take measures to prevent fires and air pollution.

**Article 36** Local governments at various levels shall strengthen the management of civil bulk coal, ban the sale of bulk coal that fail to meet quality standards, encourage burning of high-quality and clean coal, and promote the use of stoves that conserve energy and protect the environment.

**Article 37** Oil refinery enterprise shall produce fuel oil in accordance to fuel quality standards.

It is prohibited to import, sell and burn petroleum coke that fail to comply with quality standards.

**Article 38** Municipal governments may designate and publish a list of fuel-forbidden areas that forbid high pollution fuels, and expand the scope of materials gradually according to ambient air quality improvement requirements. The directory of high pollution fuels shall be determined by the competent department of environmental protection administration under the State Council.

In fuel-forbidden areas, it is prohibited to sell and burn high pollution fuels, build new and expand facilities that burn high pollution fuels; for established facilities, high pollution fuels shall be substituted by other clean energy sources such as natural gas, shale gas, liquefied petroleum gas or electricity within the allotted time as prescribed by the local governments.

**Article 39** City development shall be planned as a whole: in coal-fired heating areas, combined heat and power generation, and central heating shall be promoted; in areas covered with central heating pipelines, no new distributed coal heating boilers shall be built or expanded; existing boilers that could not satisfy emission standards should be dismantled within the allotted time as prescribed by local governments.

**Article 40** The quality supervision department of government at or above the county level, in conjunction with the competent department of environmental protection administration, shall supervise and inspect

efforts to meet environmental protection standards and requirements in the process of boiler production, importation, sale and use. Boilers not in conformity with standards and requirements shall not be produced, imported, sold or used.

**Article 41** Coal-fired power plants and other coal-fired entities shall adopt clean production processes, install supporting devices for dust removal, desulfurization and denitrification, or take other measures like technological changes to control air pollutant emissions.

The state shall encourage coal-fired enterprises to adopt advanced technologies and facilities for comprehensive dust removal, desulfurization, denitrification and demercuration and so on to reduce air pollutants emissions.

**Article 42** Electric power dispatching shall give priority to power generation using clean energy to the power grid.

## Section 2 Prevention and control of industrial pollution

**Article 43** Enterprises working with iron and steel, building materials, non-ferrous metals, petroleum and chemicals that discharge dust, sulphuric oxide and nitrogen oxide in production processes, shall adopt clean production process, and install emission reducing devices for dust removal, desulfurization and denitrification, or take other measures such as technological reform to control air pollutant emissions.

**Article 44** If raw materials and products containing volatile organic compounds are produced, sold or used, volatile organic compound content shall meet quality standards or requirements.

The production, importation, sale and use of low toxic and low volatile organic solvents shall be encouraged.

**Article 45** Production and service activities that generate waste gas containing volatile organic compounds shall be conducted in confined spaces or inside sealed equipment, and facilities that prevent and control pollution shall be installed and used; if such activities cannot be conducted in confined spaces, control measures shall be taken to reduce volatile organic compounds emissions.

**Article 46** Industrial coating enterprises shall use paints containing low volatile organic compounds, and establish ledgers to record the usage amount, discarded amount, disposition of volatile organic compound content during the production of raw materials and auxiliary materials. The storage life of the ledger shall not be less than three years.

**Article 47** Petroleum, chemical and other enterprises producing or using organic solvents shall conduct daily maintenance of pipelines and equipment, reduce leakage of organic materials and collect and dispose of leaked materials in a timely manner.

For oil and gas storage centers, gasoline and gas stations, crude oil and refined oil wharves and transport vessels, oil tank trucks, gas tank trucks, etc, oil and gas recovery devices shall be installed and kept in good condition.

**Article 48** industries of iron and steel, building materials, non-ferrous metals, petroleum, chemicals, pharmaceuticals and mining shall be managed in a more precise manner and shall centralize recovery and treatment measures, in order to strictly control dust and gas pollutant emissions.

Industrial production enterprises shall adopt measures such as making airtight spaces, enclosures, covers, as well as cleaning and watering practices to reduce dust and gas pollutant emission generated during the course of storing, transporting, loading and unloading of internal materials.

**Article 49** Flammable gases generated by industrial production, landfill dumping or other activities shall be recycled. If recycling conditions are not met, pollution prevention and control process shall be conducted.

Any flammable gas recycling device that are not fully operational shall be promptly repaired or updated. If flammable gases need to be discharged when there are no functional recycling devices, flammable gases shall be fully burned or be treated with other air pollution control measures, where the gas shall be reported to the competent local department of environmental protection; additionally, the device shall be repaired or updated within the allotted time.



### **Section 3 Prevention and control of air pollution from motor vehicles, vessels and other non-road mobile sources**

**Article 50** The state shall advocate low-carbon and environment-friendly travel, control the number of motor vehicles based on city planning, develop urban public transport system and improve the proportion of public transportation users.

The state shall protect the environment and use new energy sources,

The state shall take measures through financing, taxation and procurement to promote motor vehicles, vessels and non-road mobile machinery that conserve energy and use new energy sources, as well as restrict the development of motor vehicles, vessels and non-road mobile machinery with high fuel consumption and high pollutant emission characteristics, to reduce fossil fuel consumption.

Local governments overseeing provinces, autonomous regions and municipalities may implement national motor vehicle emission standards ahead of schedule, in regions where conditions are satisfied, and report the situation to the competent department of environmental protection administration under the State Council for the record.

Municipal governments shall strengthen and improve urban traffic management, optimize road settings, and guarantee continuity and smoothness of pavement and non-motor vehicle lanes.

**Article 51** Pollutants discharged by motor vehicles, vessels and non-road mobile machinery shall not exceed stipulated emission standards.

It is prohibited to manufacture, import or sell motor vehicles, vessels and non-road mobile machinery with air pollutant emissions that exceed standards.

**Article 52** Producers of motor vehicles and non-road mobile machinery shall inspect emissions of newly produced motor vehicles and non-road mobile machinery. Only those passing the inspection can be sold. The inspection information should be published and open to the public.

The competent environmental protection administration of local government at or above the province level shall strengthen the supervision and inspection of emissions from newly produced and sold motor vehicles and non-road mobile machinery with on-site inspections, sample testing and other measures. Other governmental departments such as quality supervision, industrial and commercial administration shall actively collaborate with these efforts.

**Article 53** In-use motor vehicle exhaust shall be regularly inspected by motor vehicle emission testing institutions according to national or local relevant regulations. Only those vehicles passing the test shall be permitted to run on the road. For those failing to pass the test, the traffic administrative department of public security shall not issue them required technical inspection labels. The competent environmental protection administration of local government at or above county level may supervise and conduct random tests for pollutant emission conditions of in-use motor vehicles at their parking and repairing area. In cases where traffic is not affected, the related departments may supervise and conduct random tests for pollutant emission of moving motor vehicles with remote sensing technology, with coordination of relevant traffic administrative department of public security.

**Article 54** Institutions that test motor vehicle emissions shall obtain required certifications, use official testing tools, equipment, and protocols that are approved by the competent department of environmental protection administration under the State Council. Testing facilities and results shall be shared with the competent protection department online and in real-time. Motor vehicle emission testing institutions and their leadership personnel are responsible for the authenticity and accuracy of test data.

The competent environmental protection departments, as well as certification and accreditation administration departments, shall supervise and inspect emission testing conditions of testing institutions.

**Article 55** Enterprises that produce or import vehicles shall publicly release information on vehicle emissions testing results, emission control technology and maintenance technology of the produced or imported vehicles.

Entities that repair motor vehicles shall repair existing motor vehicles according to air pollution prevention and control requirements and relevant national technological specifications, so that motor

vehicles meet pollutant emission standards. Transportation departments and competent environmental protection departments shall strengthen supervision and management according to law.

Motor vehicle owners are prohibited to conduct fraudulent acts, such as temporarily changing exhaust pollution control devices of motor vehicles to pass vehicle emission tests. Motor vehicle repair entities are forbidden to provide repair services to motor vehicles as mentioned above. It is forbidden to destroy vehicle on-board diagnostic systems.

**Article 56** The competent department of environmental protection administration, together with other relevant departments of transportation, housing, urban-rural development, agriculture administration and water administration, shall supervise and inspect air pollutant emissions of non-road mobile machinery. If emissions exceed standards, the machinery shall not be used.

**Article 57** The state shall advocate environmentally-friendly travel, and encourage oil-fired vehicle drivers to turn off engines then they idle and park for more than three minutes to reduce emissions.

**Article 58** The state shall establish an environment protection recall system for motor vehicles and non-road mobile machinery.

Upon discovering that pollutant emissions of motor vehicles and non-road mobile machinery are exceeding standards because of design or production defects, or that are failing to satisfy durability requirements, enterprises responsible for their production and import shall recall vehicles. For enterprises failing to recall vehicles, the department of quality supervision under the State Council in conjunction with the competent department of environmental protection administration under the State Council, shall order the recall.

**Article 59** Existing heavy duty diesel vehicles and non-road mobile machinery that lack pollution control devices, or those with devices that do not conform to requirements, shall install necessary pollution control devices or be replaced by vehicles that conform to regulations.

**Article 60** Existing motor vehicles with emissions that exceed standards shall be repaired. Vehicles that still fail to meet emission standards after repairing or adopting pollution control technology shall mandatorily be scrapped. Owners of scrapped vehicles shall sell and deliver their items to enterprises that recover and dismantle vehicles, and those enterprises shall record, dismantle, and destroy the vehicle accordingly.

The state shall encourage and support efforts to scrap high emission motor vehicles, vessels and non-road mobile machinery ahead of time.

**Article 61** Municipal governments may, depending on local air quality, designate and publicly declare areas that prohibit the use of non-road vehicles with high pollution emissions.

**Article 62** Boats and other vessels shall have their engines and related equipment inspected by official testing entities. Vessels that pass the test and conform to emission standards shall be put into use.

**Article 63** Inland ships and sea-river vessels shall use general diesel fuels that conform to standards. After reaching ports, ocean-going vessels shall use marine fuel that meets pollutant control requirements.

For newly-built piers, on-shore power facilities shall be planned, designed and constructed; for the existing wharves, transformation of on-shore power facilities shall be gradually conducted. Vessels shall give priority to use on-shore power upon reaching ports.

**Article 64** The competent transportation department of the State Council may designate atmospheric pollutant emission control areas in coastal regions, where vessels entering the area are required to meet related vessel emission standards.

**Article 65** It is prohibited to produce, import and sell fuels for motor vehicles, vessels and non-road mobile machinery that fail to meet standards; it is prohibited to sell diesel oils and fuels that are not designated for motor vehicles to cars and motorcycles; and it is prohibited to sell residual oil and heavy oil to non-road mobile machinery, inland ships and sea-river vessels.

**Article 66** Hazardous substances such as motor oil, nitrogen oxide reducing agents, additives for fuels and lubricants as well as other additives should meet environment protection standards and their related requirements. These substances shall not compromise the effectiveness and durability of pollution control devices on vehicles and vessels, nor increase emissions of any new pollutant.

**Article 67** The state shall encourage civilian aircraft industries to control air pollution and to take effective measures to reduce air pollutant emissions during the design, production and use processes of civilian aircrafts.

#### **Section 4 Prevention and control of fugitive dust pollution**

**Article 68** Local governments at various levels shall improve construction and transport management to keep roads clean, control piles of material and muck, and expand green space, water surfaces, wetlands and road pavement to prevent and control fugitive dust pollution.

Relevant competent governmental departments overseeing housing and urban-rural development, urban appearance and environmental sanitation, transportation, and national land and resources shall conduct prevention and control work of fugitive dust pollution within their authority.

**Article 69** Construction entities shall include fugitive dust prevention and control expenses into project costs, as well as clarify and define dust prevention procedures and responsibilities in construction contracts. Construction entities shall formulate specific action plans for fugitive dust prevention and control.

Entities engaged in housing construction, municipal infrastructure construction, river channels improvement and building demolition shall be submitted to the supervision departments of fugitive dust prevention and control for the record.

Construction entities shall set sealed enclosures on construction sites and take dust prevention and reduction measures such as covering work sites, separating projects, separating construction schedules, sprinkling water, and washing sites and vehicles. Soil piles, engineering sludge and construction rubbish shall be cleaned on time, and those piled on-site shall be completely covered by dust screens. Engineering sludge and construction rubbish shall be recycled and reused.

Construction entities shall publish, on-site, information around fugitive dust control, such as prevention procedures, management personnel and supervision departments.

For any construction work that is temporarily halted, construction entities shall physically cover the operation area; if construction is stopped for more than three months, greening, pavement and coverage procedures shall be conducted.

**Article 70** Vehicles transporting coals, rubbishes, sludge, sandstone, earthwork, mortar and other loose or liquid materials shall be covered or treated to prevent fugitive dust caused by falling and spilling of materials. The aforementioned vehicles should take official, prescribed paths. While loading and unloading, measures to prevent and control fugitive dust pollution, such as sealing and water spraying, shall be taken.

Municipal governments shall increase cleanliness of roads, plazas, parking lots and other public places, and implement low-dust operation protocols such as clean power mechanized cleaning for roads to prevent fugitive dust pollution.

**Article 71** For municipal river channels, riversides, undeveloped public land as well as other urban grounds, greeneries or permeable pavement shall be constructed by relevant competent departments according to urban planning.

**Article 72** Materials likely to generate fugitive dust such as coal, coal gangue, coal cinder, coal ash, cement, lime, gypsum and loose soil shall be sealed and stored. If they cannot be sealed, fences not lower than the height of piled materials shall be set, and effective coverage measures shall be taken to prevent fugitive dust.

Wharves, mines, landfills and processing sites shall be constructed in established, defined zones, and effective measures shall be taken to prevent fugitive dust pollution.

## Section 5 Prevention and control of pollution from agriculture and other sources

**Article 73** Local governments at various levels shall promote agriculture production modernization, develop circular economies, support comprehensive waste treatment, and strengthen the control of air pollutants emitted by agricultural activities.

**Article 74** Producers and operators engaged in agricultural management shall improve fertilizer use, scientifically and reasonably apply fertilizer and pesticides according to relevant state regulations to reduce emissions of air pollutants such as ammonia and volatile organic compounds.

It is prohibited to spray toxic and high-toxicity pesticide to plants and flowers in areas that are densely inhabited by humans.

**Article 75** In farms and villages with poultry and livestock, by-products such as sewage, feces and dead poultry and livestock shall be collected, stored, transported and safely disposed in a timely manner in order to prevent malodorous gas emissions.

**Article 76** Governments at various levels, and their relevant agricultural administrative departments, shall encourage and support the use of advanced technologies, comprehensively use straw and leaves for fertilizer, feed, energy, industrial raw materials and edible fungi base stock and increase financial subsidies for straw recycling and collection machinery to return straw to agricultural fields.

Local governments at the county level shall organize and establish a service system to collect, store, transport and comprehensively use agricultural straw, and take measures such as financial subsidies to support rural collective organizations, farmers' professional cooperatives and enterprises to execute the aforementioned services.

**Article 77** Governments of provinces, autonomous regions and municipalities shall designate areas where it is prohibited to burn substances such as agricultural straws and fallen leaves in open spaces, generating smoke and dust pollution.

**Article 78** The competent department of environmental protection administration under the State Council, together with health administrative department of the State Council, shall publish a list of toxic and hazardous air pollutants and take necessary steps to manage public health risks, according to the air pollutant's potential damage and impact on human health and the environment.

Enterprises and institutions discharging toxic and hazardous air pollutants in the aforementioned list shall establish warning systems for environmental risk according to relevant state regulations; regularly monitor emission vents and surroundings, investigate and evaluate environmental risks, and take effective measures to prevent environmental damage.

**Article 79** Enterprises, institutions and other operators that discharge persistent organic pollutants into the atmosphere, as well as entities with waste combustion facilities shall, according to State regulations, adopt technologies and processes that reduce persistent organic pollutant emissions, and install purification devices to meet emission standards.

**Article 80** Enterprises, institutions and other producers and operators generating malodorous gases shall select sites scientifically, establish reasonable safety distances, install purification devices or take other measures to prevent malodorous gas emissions.

**Article 81** Food service industry operators that discharge cooking fumes shall install cooking fume purification facilities and run them regularly, or take other purification measures to meet emission standards and to avoid polluting nearby residents.

It is prohibited to construct, reconstruct and expand any food service project that generates cooking fumes, peculiar smells and waste gases in any residential building, commercial residential complexes and their neighbouring buildings without special vent pipes.

Entities and individuals shall not barbeque, or provide sites for open air barbecue in prohibited areas as determined by the local government.

**Article 82** It is prohibited to burn asphalt, linoleum, rubber, plastics, leather, rubbishes and other materials generating toxic, hazardous dust and malodorous gases in areas that are densely inhabited by humans and other legally designated protection areas.

It is prohibited to produce, sell and ignite fireworks that cannot meet quality standards. Entities or individuals shall not set off fireworks in locations and dates that are prohibited by municipal governments.

**Article 83** The state shall encourage and guide civilized and environmentally friendly worshipping acts.

Crematories shall set pollution prevention and control facilities such as dust removal devices and keep them in good use to prevent negative impacts on their surrounding environment.

**Article 84** Operators engaged with dry cleaning, motor vehicles repair and other services shall, according to national standards or requirements, set pollution prevention and control facilities such as odour and other waste gas treatment devices, and keep them in good condition to prevent negative impacts on the surrounding environment.

**Article 85** The state shall encourage and support efforts to produce and use substitutes for ozone depleting substances (ODS), to gradually reduce and eventually stop the production and use of ozone-depleting substances.

The state shall implement total emission control and quotas to manage the production, use, import and export of ozone depleting substances (ODS). The specific implementation method is developed by the State Council.

## Chapter V Joint Air Pollution Prevention and Control in Key Regions

**Article 86** The state shall establish a joint control mechanism to prevent and control of air pollution in key regions, and coordinate regional prevention and control work. The competent department of environmental protection administration under the State Council shall designate the China's key regions of air pollution prevention and control, according to major zoning plans, regional air quality conditions and diffusion transport patterns, and report them to the State Council for approval.

The relevant local governments of provinces, autonomous regions, and municipalities in these key air pollution control regions shall determine a government entity to lead these efforts and have joint meetings regularly, to meet requirements of having unified, standardized plans, targets, monitoring and prevention and control measures, while implementing air pollution prevention and control. Responsibilities shall be allocated and the competent department of environmental protection administration under the State Council shall strengthen guidance and supervision efforts.

Provinces, autonomous regions and municipalities shall designate key air pollution prevention and control regions within their respective jurisdictions as referenced in the aforementioned key regions.

**Article 87** The competent department of environmental protection administration under the State Council, together with other relevant departments of the State Council and local governments of provinces, autonomous regions and municipalities in national key air pollution control regions, shall plan pollution prevention and control strategies based on regional economic and social development and the atmospheric carrying capacity. Plans should define collaborative control objectives, optimize regional economic development, coordinate traffic management, develop clean energies and propose key prevention and control tasks and measures to promote regional ambient air quality improvements.

**Article 88** The competent department of economic affairs under the State Council, together with the competent department of environmental protection administration under the State Council, shall further improve requirements for environment protection, energy consumption, safety and quality standards in key regions, and consider industrial development practices and current ambient air quality conditions in key regions.

Local governments of provinces, autonomous regions and municipalities involved in these key regions shall implement stricter vehicle emission standards, standardize test methods and emission limits and supply vehicle fuels that meet quality standards.

**Article 89** When planning industrial parks, development zones and regional industrial development that are likely to increase air pollution in the key regions, environmental impact assessment shall be conducted according to law, and planning departments shall consult with other relevant competent

departments or local governments of provinces, autonomous regions and municipalities in these key regions.

When constructing projects in key air pollution control regions that may have serious environmental impacts on the ambient air quality of neighbouring provinces, autonomous regions and municipalities, relevant information shall be publicly announced and discussed.

Consulted opinions and how they are adopted shall be taken into consideration when reviewing and approving environmental impact assessment documents.

**Article 90** In key air pollution control regions, newly constructed, reconstructed or expanded coal consumption projects shall take measures to reduce or maintain total coal use.

**Article 91** In key air pollution control regions, the competent department of environmental protection administration under the State Council shall establish information sharing mechanisms to monitor ambient air quality and pollution sources, as well as analyse air pollution sources, trends and changes by adopting new technologies for monitoring and modelling, such as satellites, aerial surveyors and remote sensors. The information shall be released to the public.

**Article 92** The competent department of environmental protection administration under the State Council, together with relevant local governments of the provinces, autonomous regions and municipalities overseeing key air pollution control regions, can organize relevant departments to conduct joint law enforcement, multi-regional law enforcement and inter-departmental law enforcement.

## Chapter VI Counter Measures to Heavy Pollution Episodes

**Article 93** The state shall establish a monitoring and early warning system for heavy pollution episodes.

In key air pollution control regions, the competent department of environmental protection administration under the State Council shall establish a monitoring and early warning system for heavy pollution episodes, and unify grading metrics for early warnings. This shall be done together with relevant departments of the State Council, such as meteorological departments and local governments of the provinces, autonomous regions and municipalities in these key regions. Any probable occurrence of heavy pollution episodes in key regions shall be reported to local governments of relevant provinces, autonomous regions and municipalities.

The competent environmental protection administration of local governments of provinces, autonomous regions, municipalities, as well as cities that have districts shall establish monitoring and warning systems for heavy pollution episodes in their respective jurisdictions, together with other relevant entities at the same level like meteorological departments.

**Article 94** Governments at or above the county level shall integrate emergency response protocols for heavy pollution episodes into existing emergency management systems.

Local governments overseeing provinces, autonomous regions, municipalities, as well as cities that have districts and counties where heavy pollution episodes could take place shall prepare heavy pollution emergency plans, which shall be submitted to the competent environmental protection department that is one level higher for the record, and announced to the public.

**Article 95** Competent environmental protection administrations of local governments of provinces, autonomous regions and municipalities shall establish consulting mechanisms with meteorological departments to forecast ambient air quality. Any probable occurrence of heavy pollution episodes shall be reported to government entities at the same level in a timely manner. Governments of provinces, autonomous regions, municipalities and cities that have districts shall conduct comprehensive studies, determine early warning levels and issue warnings according to forecasts. Early warning levels shall be adjusted according to air quality changes. Any other organization or individual shall not issue, without authorization, early warning information around heavy pollution episodes.

After early warnings are issued, governments and relevant competent governmental departments shall inform the public to take health protection measures through channels like TV, broadcast, internet and short messages and guide public travel and other social activities.

**Article 96** Local governments at or above the county level shall, according to the early warning grade of heavy pollution episodes, execute emergency plans in a timely fashion, and may, according to emergency needs, take measures such as ordering relevant enterprises to stop or limit production, restricting vehicle transportation, forbidding the use of fireworks and firecrackers, stopping groundwork and construction and demolition of buildings, stopping open-air barbecues, stopping outdoor activities in kindergartens and schools, and implementing artificial weather modification.

After completing emergency plans, governments shall promptly evaluate the plans' execution to make modifications in due time.

**Article 97** Upon any sudden air pollution episodes, the government and relevant departments, along with relevant enterprises and institutions shall conduct emergency response according to the provisions of the *Emergency Response Law of the People's Republic of China* and the *Environmental Protection Law of the People's Republic of China*.

## Chapter VII Legal Liabilities

**Article 98** If any entity or individual, in violation of the Law, refuses to accept the supervision and inspection of the competent department of environmental protection administration, and its trusted environmental supervision institutions, or other departments in charge of supervision, such as refusing entries on-site, or practices fraud during supervision, the competent environmental protection administration of local government at or above the county level, or other departments in charge of environmental protection supervision and management shall order the entity or individual to make corrections, and fine them more than RMB 20,000 but less than RMB 200,000. Any act of violation of the administration of public security, will result in the entities being penalized by the public security organ in accordance with the law.

**Article 99** If any entity or individual commits any of the following acts in violation of the Law, the competent environmental protection administration of local government at or above the county level shall order the entity or individual to make corrections, limit or stop production processes. The entity or individual shall be fined of more than RMB 100,000 but less than RMB 1,000,000; severe cases shall be reported to the government body with authority to approve the entity's production suspension or shutdown:

- (1) Discharging pollutants without proper pollutant discharge permits;
- (2) Discharging pollutants that exceed air pollution emission standards or targets for total emission of key air pollutants;
- (3) Discharging pollutants by unofficial means to evade supervision.

**Article 100** If any entity or individual commits any of the following acts in violation of the Law, the competent environmental protection administration of local government at or above the county level shall order the entity or individual to make corrections, and impose fines of more than RMB 20,000 but less than RMB 200,000. If the entity or individual refuses to make corrections, the authorities shall order the entity to stop production for rectification:

- (1) Encroaching, damaging, moving or changing ambient air quality monitoring facilities or automatic air pollutants monitoring equipment without authorization;
- (2) Not monitoring industrial waste gases and toxic and hazardous air pollutants, and not keeping original monitoring records in accordance with regulations;
- (3) Not installing or using air pollution automatic monitoring equipment, or not digitally connecting with supervision equipment of the competent departments of environmental protection administration, or not keeping motoring equipment in good operation in accordance with regulations;
- (4) Not publicizing, or not truthfully publicizing automatic motoring data;
- (5) Not installing air pollutants vents in accordance with regulations.

**Article 101** If any entity or individual, in violation of the Law, produces, imports, sells, or uses any equipment and product that is prohibited in the national comprehensive industrial policy directory, adopts

any prohibited processes, or transfers any obsolete equipment and product to others for use, the competent department of economic affairs and the entry-exit inspection and quarantine institutions of the government at or above the county level shall order the entity or individual to make corrections, confiscate illegal proceeds, and fine the entity or individual more than one time but less than three times the related goods' value; if the entity or individual refuses to make corrections, the case shall be reported to the government with approval authority to suspend production or to shut down. If the importing act can be defined as smuggling, it shall be punished by Customs according to the law.

**Article 102** If any coal mine, in violation of the Law, does not construct supporting coal washing and filtering equipment in accordance with regulations, the competent energy department of the government at or above the county level shall order the mine to make corrections, and fine it more than RMB 100,000 but less than RMB 1,000,000; if the mine refuses to make corrections, it shall be reported to the government with approval authority to suspend its production or to shut the entity down.

If any mine violates the law by mining coal with toxic and hazardous substances such as radioactive substances and arsenic that exceed stipulated standards, the government at or above the county level shall order it to stop production or shut down as the authority stipulated by the State Council.

**Article 103** If any entity or individual commits any of the following acts in violation of the Law, the qualified supervision, industry and commerce administration departments of local government at or above the county level shall order the entity or individual to make corrections, confiscate raw materials, products and illegal income, and fine the entity or individual more than one time but less than three times of the value of goods:

- (1) Selling coal and petroleum coke that cannot meet quality standards;
- (2) Producing or selling raw materials and products with VOC content that fail to meet quality standards or requirements;
- (3) Producing and selling fuel oil used by motor vehicles, vessels and non-road mobile machines, engine oil, nitrogen oxide reducing agents, fuel and lubricant additives, and other additives that fail to meet quality standards;
- (4) Selling high pollution fuels in forbidden areas that prohibit the act of burning substances.

**Article 104** If any entity or individual commits any of the following acts in violation of the Law, the entry-exit inspection and quarantine institutions shall order the entity or individual to make corrections, confiscate raw materials, products and illegal income, and fine the entity or individual more than one time but less than three times of the value of goods; if the importing act can be defined as smuggling, the entity shall be punished by Customs:

- (1) Importing coals or petroleum coke that cannot meet quality standards;
- (2) Importing raw materials and products with VOC content that cannot meet quality standards or requirements;
- (3) Importing fuel oil used by motor vehicles, vessels and non-road mobile machines, engine oil, nitrogen oxides reducing agents, fuel and lubricant additives, and other additives that cannot meet quality standards.

**Article 105** If any entity, in violation of the Law, burns coal and petroleum coke that cannot meet quality standards, the competent environmental protection administration of local government at or above the county level shall order the entity to make corrections, and fine it more than one time but less than three times of the value of goods.

**Article 106** If any entity or individual, in violation of the Law, uses marine fuel oil that cannot meet quality standards, the maritime administration agency and the competent department of fisheries shall fine the entity or individual more than RMB10,000 but less than RMB100,000.

**Article 107** If any entity or individual, in violation of the Law, newly constructs or expands facilities that use high pollution fuels or those that do not stop using high pollution fuels in accordance with regulations in forbidden areas where burning is prohibited, constructs and expands a coal-fired heating boiler, or does not dismantle the constructed coal-fired heating boiler that fails to meet the emission standards in areas covered by urban central heating pipelines, the competent environmental protection administration of local government at or above the county level shall confiscate the facilities that use high pollution fuels,



organize dismantlement of the coal-fired heating boiler, and impose fines of more than RMB 20,000 but less than RMB 200,000.

If any entity or individual, in violation of the Law, produces, imports, sells or uses boilers that cannot meet specified standards or requirements, the quality supervision department and the competent environmental protection administration of local government at or above the county level shall order the entity or individual to make corrections, confiscate illegal income, and fine the entity or individual more than RMB 20,000 but less than RMB 200,000.

**Article 108** If any entity or individual commits any of the following acts in violation of the Law, the competent environmental protection administration of local government at or above the county level shall fine the entity or individual more than RMB 20,000 but less than RMB 200,000; if the entity or individual refuses to make corrections, the competent environmental protection administration shall order the entity or individual to stop production for rectification:

- (1) For production or services activities that produce volatile organic compounds: not operating in airtight spaces or equipment, not installing or using pollution prevention and control facilities according to regulations, or not taking emission reduction measures;
- (2) For any industrial coating enterprise: not using coating with low volatile organic compounds, or not establishing or not keeping ledgers;
- (3) For petroleum, chemical enterprises and any other enterprises that produces and uses organic solvents: not conducting daily maintenance of pipelines and equipments, or not reducing material leakage, or failing to collect leaking material in a timely manner;
- (4) For any oil and gas storage center, gasoline and gas station, oil tank truck or gas tank truck: not installing oil and gas recovery devices or not using such devices consistently according to regulations;
- (5) For industries of steel, building materials, non-ferrous metals, petroleum, chemical, pharmaceutical and mining: not using methods such as gathering, sealing, enclosing, covering, cleaning and sprinkling to control to reduce dust and gaseous pollutants;
- (6) Not recycling flammable gases generated by industrial production, waste landfill or other activities: not conducting acts to prevent and control pollution for non-recycling entities; or not repairing or updating flammable gases recovery and recycle equipment that cannot operate normally in a timely manner.

**Article 109** If any entity or individual, in violation of the Law, manufactures any vehicle or non-road mobile machinery that fails to meet pollutant emission standards, the competent environmental protection administration of local government at or above province level shall order the entity or individual to make corrections, confiscate illegal income, fine the entity or individual more than one time but less than three times of the value of goods, and confiscate and destroy the motor vehicles and non-road mobile machinery that are unable to meet emission standards; if the entity or individual refuses to make corrections, the authorities shall order to stop production for rectification, and the competent motor vehicles production department of the State Council shall order to stop production of this type of motor vehicle.

If manufacturing enterprises of motor vehicle and non-road mobile machinery, in violation of the Law, sell unqualified products as ones passing emission test by making false and shoddy engine and emission control equipment, the competent environmental protection administration of local government at or above the province level shall order the entity or individual to stop production for rectification, confiscate illegal income, fine the entity or individual more than one time but less than three times of the value of goods, and confiscate and destroy the motor vehicles and non-road mobile machinery that cannot meet emission standards, and the competent motor vehicles production department of the State Council shall order to stop production of this type of motor vehicle.

**Article 110** If any entity or individual, in violation of the Law, imports or sells any vehicle or non-road mobile machinery that fails to meet pollutant emission standards, the industrial and commercial administrative departments and the entry-exit inspection and quarantine institutions of the government at or above the county level shall confiscate illegal income, fine the entity or individual more than one time but less than three times of the value of related goods; and confiscate and destroy the vehicle of non-road mobile machinery that cannot meet stipulated pollutant emission standards. If the importing act can be defined as smuggling, the entity shall be punished by Customs.

If any vehicle or non-road mobile machinery sold fails to meet pollutant emission standards, the seller shall be responsible for repairing, replacing or accepting the return of goods; if any losses are incurred to the consumer buying the vehicle, the seller shall compensate for the losses.

**Article 111** If any entity or individual that manufactures or imports vehicles, in violation of the Law, fails to release public information around the vehicle emission test or emission control technology, the competent environmental protection administration of local government at or above province level shall order the entity or individual to make corrections and impose fines of more than RMB 50,000 but less than RMB 500,000.

If any entity or individual that manufactures or imports vehicles, in violation of the Law, fails to publicly release relevant maintenance technology information, the competent environmental protection administration of local government at or above the province level shall order the entity or individual to make corrections and impose fines of more than RMB 50,000 but less than RMB 500,000.

**Article 112** If any testing and supervision institution, in violation of the Law, forge an emission test result or issue a fake emission test report for vehicles or any non-road mobile machinery, the competent environmental protection administration of local government at or above the county level shall confiscate illegal incomes and impose fines of more than RMB 100,000 but less than RMB 500,000; in serious cases, the department in charge of accreditation shall revoke the testing qualifications of the institution.

Entities that forge the emission test results or issue the fake emission test reports of vessels shall be punished by the maritime administrative department according to the Law.

If any entity uses fraudulent methods such as temporarily replacing vehicle exhaust pollution control devices to pass vehicle emission tests, or destroying motor vehicle emission on-board diagnostic systems, the competent environmental protection administration of local government at or above the county level shall fine the owner 5,000 RMB, and fine the vehicle maintenance entity RMB 5,000 per motor vehicle.

**Article 113** Drivers who drive motor vehicles that fail to pass emission tests on the road in violation of the Law, shall be punished by the traffic administrative department of the public security organ according to the Law.

**Article 114** If any entity or individual, in violation of the Law, uses non-road mobile machinery that fails to meet emission standards and requirements, or uses heavy diesel vehicle and non-road mobile machinery without installing and replacing pollution control devices, the competent environmental protection administration of local government at or above the county level shall order the entity to make corrections and impose fines of RMB 5,000.

Those who use high emission non-road mobile machinery in forbidden areas, shall be punished by the competent environmental protection administration of local government according to the Law.

**Article 115** If any construction entity, in violation of the Law, commits any of the following acts, the competent departments such as housing and urban-rural construction department of the government at or above the county level shall order the entity or individual to make corrections, and fine the entity or individual more than RMB 10,000 but less than RMB 100,000; if the entity or individual refuses to make corrections, the competent departments shall order the entity or individual to stop production for rectification:

(1) Not setting hard enclosed fences on the construction sites, or not taking effective dust prevention and reduction measures such as coverage, segmental and optional constructions, sprinkling to suppress dust, washing grounds and vehicles;

(2) Not cleaning building earthwork, engineering mucks and construction rubbishes in time, or not covering with closed, dust-proofing nets;

If any construction entity, in violation of the Law, does not cover bare ground on construction land during times when work is temporarily halted, or fails to conduct greening, pavement and coverage treatment to any bare ground on construction land that has suspended work for more than three months, the competent departments such as housing and urban-rural construction department of government at or above the county level shall punish the entity according to the regulations in the aforesaid paragraph.

**Article 116** If any entity or individual, in violation of the Law, transports coals, rubbishes, mucks, dinas, earthwork, mortar and other bulk and liquid materials and fails to seal or take other measures to prevent

the dropping of materials, the supervision management department authorized by local government at or above the county level shall order the entity or individual to make corrections, and fine the entity more than RMB 2,000 but less than RMB 20,000; if the entity or individual refuses to make corrections, the vehicle shall not be driven on the road.

**Article 117** If any entity or individual, in violation of the Law, commits any of the following acts, the competent environmental protection administration of local government at or above the county level shall order the entity or individual to make corrections, and impose fines of more than RMB 10,000 but less than RMB 100,000; if the entity or individual refuses to make corrections, the competent environmental protection department shall order the entity or individual to shut down for rectification:

- (1) Not sealing materials that are prone to generate fugitive dust such as coal, coal gangue, coal cinder, coal ash, cement, lime, gypsum and sandy soil;
- (2) For materials prone to generate fugitive dust that cannot be sealed: not setting tight enclosures that are higher or equal to the height of piled materials which it surrounds, or not taking effective coverage measures to prevent fugitive dust;
- (3) Not taking methods such as sealing or sprinkling to control the fugitive dust emission when loading or unloading materials;
- (4) Not taking fire-proofing measures when storing materials such as coal, coal gangue, coal cinder and coal ash;
- (5) Not taking effective measures to prevent fugitive dust pollution in wharves, mines, landfills and processing sites;
- (6) For any enterprise or institution that discharges toxic and hazardous air pollutants in the list of toxic and hazardous air pollutants: failing to establish environmental risk early warning systems, or failings to regularly monitor its emission vents and surroundings, or failing to conduct environmental safety checks for hidden dangers and take effective measures to prevent environmental risk according to regulations;
- (7) For any enterprise, institution, and other producers and operators that discharge persistent organic pollutants as well as any entity that operates waste combustion facilities: not adopting technology and processes that reduce emissions of persistent organic pollutants, or not installing purification devices according to relevant state regulations;
- (8) Not taking measures to prevent the emission of malodorous substances.

**Article 118** If any operator in the food service industry that discharges cooking fumes does not install or consistently use cooking fume purification facilities, does not take any other cooking fume purification measures, or discharges cooking fumes that exceed the emission standards in violation of the Law, the supervision management department authorized by the local government at or above the county level shall order the operator to make corrections and impose fines of more than RMB 5,000 but less than RMB 50,000; if the operator refuses to make corrections, the supervision department shall order it to shut down for rectification.

If any entity or individual newly constructs, renovates or expands any food service project that generate cooking fumes, peculiar smells and waste gases in residential buildings, commercial and residential complexes and their adjacent buildings without special flue in violation of the Law, the supervision management department authorized by the local government at or above the county level shall order the entity or individual to make corrections; if the entity or individual refuses to make corrections, the supervision department shall make the entity or individual shut down, and fine the entity or individual more than RMB 10,000 but less than RMB 100,000.

If any entity or individual barbecues food in open air or provides sites for barbecuing food in open air in the time period or area forbidden by the government in violation of the Law, the supervision management department authorized by the government at or above the county level shall order the entity or individual to make corrections, confiscate barbecue tools and illegal incomes, and fine the entity or individual more than RMB 500 but less than RMB 20,000.

**Article 119** If any entity or individual, in violation of the Law, sprays toxic and high-toxicity pesticides to plants and flowers, or burns materials such as agricultural straws or fallen leaves, generating smoke and dust in open air, in areas that are densely inhabited by humans, the supervision management

department authorized by local government at or above the county level shall order the entity or individual to make corrections, and impose fines of more than RMB 500 but less than RMB 2,000.

If any entity or individual, in violation of the Law, burns asphalt, linoleum, rubber, plastics, leather, rubbishes and other materials, generating toxic and hazardous smoke and dust as well as malodorous gases in areas that are densely inhabited by humans, or in areas requiring special protection according to the laws, the competent environmental protection administration of local government at or above the county level shall order the entity or individual to make corrections, and fine related entities more than RMB 10,000 but less than RMB 100,000, or fine related individuals more than RMB 500 but less than RMB 2,000.

If any entity or individual set off fireworks in forbidden time periods and areas as announced by municipalities, the supervision department authorized by the government at or above the county level shall punish the entity or individual according to the Law.

**Article 120** If any entity or individual engaged in service activities such as dry cleaning and vehicle repair, in violation of the Law, does not establish pollution prevention and control facilities such as devices to capture odour and other waste gases, or does not keep facilities in good condition, therefore affecting surrounding environment, the competent department of environmental protection administration of the local government at or above the county level shall order the entity or individual to make corrections, and fine the entity or individual more than RMB 2,000 but less than RMB 20,000; if the entity or individual refuses to make corrections, the entity shall be ordered to shut down for rectification.

**Article 121** If any entity or individual arbitrarily issues information on heavy pollution episode to the public in violation of the Law, therefore causing behaviours that compromise public security, the public security organ shall impose punishments on the entity or individual.

If any entity or individual refuses to implement measures for heavy pollution episode emergency response such as stopping earthwork or of buildings on the construction site, the supervision and management department authorized by the government at or above the county level shall fine the entity or individual more than RMB 10,000 but less than RMB 100,000.

**Article 122** If any enterprise or institution causes an air pollution accident in violation of the Law, the competent environmental protection administration of local government at or above the county level shall fine the enterprise or institution as per *Paragraph 2* of this article; the aforesaid department may fine the executive officer and other persons directly liable less than 50% of the annual income obtained from the enterprise or institution in the preceding year.

If an ordinary or serious air pollution accident is caused, fines shall be calculated as more than one time but less than three times of direct losses incurred by the pollution accident; if a major or extraordinarily serious air pollution accident is caused, fines shall be calculated as per more than three times but less than five times of direct losses incurred by the pollution accident.

**Article 123** If any enterprise, institution and other producer and operator commits any of the following acts in violation of the Law, who is already fined and ordered to make corrections but refuses to do so, the administrative agency making the punishment decision may punish the entity or individual consecutively and daily, starting from the day after when corrections were ordered:

- (1) Discharging air pollutants without obtaining a pollutant discharge permit;
- (2) Discharging air pollutants that exceed pollutant emission standards or the total emission control target of key air pollutants;
- (3) Discharging air pollutants through unofficial means to evade supervision;
- (4) Not taking effective measures to prevent fugitive dust pollution during construction processes or while storing materials that are prone to generate fugitive dust.

**Article 124** Any entity or individual that retaliate against informers by means such as terminating or changing labor contracts, shall take liability in accordance with the regulations of related laws.

**Article 125** Any entity or individual causing damage to others by discharging air pollutants, shall take liability according to the related law.

**Article 126** If local governments at various levels, the competent environmental protection administration and other departments in charge of ambient air quality supervision of government at or

above the county level, and respective staff members abuse their powers, neglect duties, play favoritism, commit irregularities and practice fraud, punishments shall be imposed according to the Law.

**Article 127** Any entity or individual violating the Law to the point where it constitutes a crime, shall be prosecuted for criminal liabilities.

## Chapter VIII Supplementary Provisions

**Article 128** Air pollution from marine projects shall be controlled according to *People's Republic of China Marine Environmental Protection Law*.

**Article 129** The Law shall take effect as of January 1, 2016.