

# *Amendment to the “Air Pollution and Prevention Law”*

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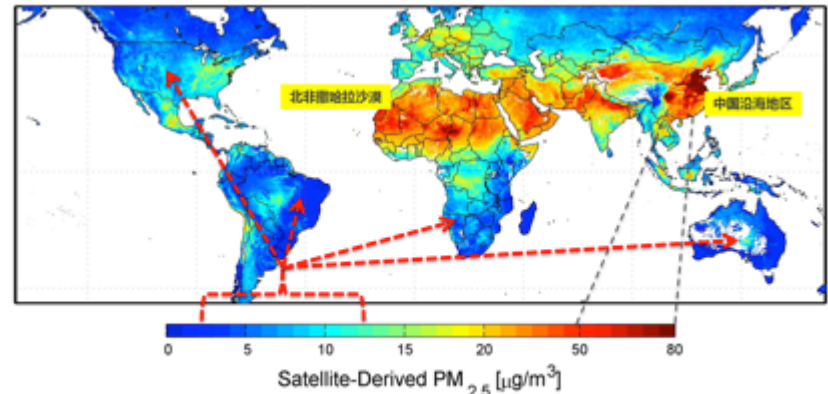
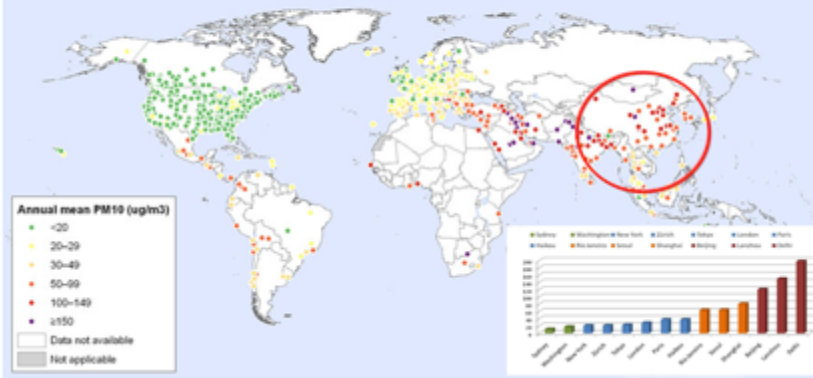
18<sup>th</sup>, Sep. 2014

Beijing

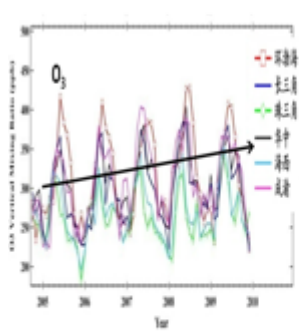
# I. Background

China's regional compound air pollution is extremely severe.

WHO公布了世界1082个城市2008-2010年可吸入颗粒物年均浓度分布，我国32个省会城市参与排名，最好的是海口，排名第814位，其余均在890位以后，北京排名相当靠后，列1035位



2001-2006年PM<sub>2.5</sub>浓度平均值 (Source: NASA, 2010年)

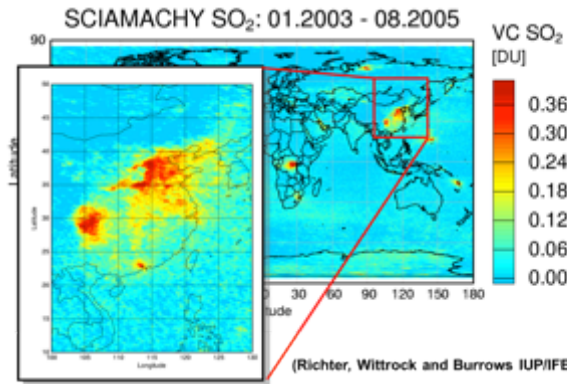


2013年京津冀臭氧污染  
日最大8小时平均浓度超标率

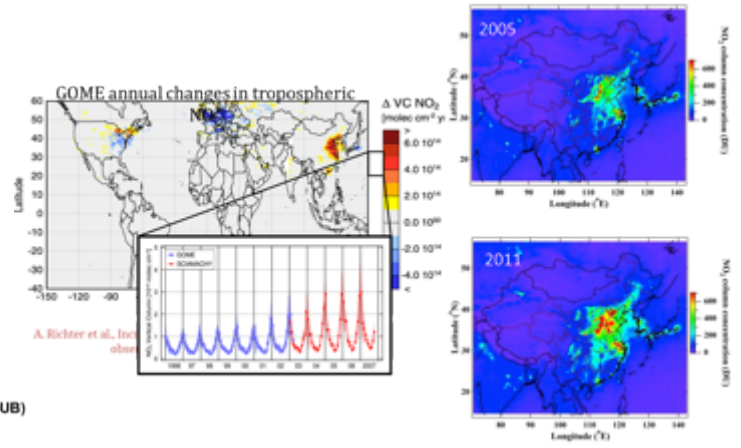
- 5月份: 40.7%
- 6月份: 49.7%
- 7月份: 40.7%
- 8月份: 44.5%
- 9月份: 24.6%

8月份平均超标19.6天, 其中臭氧超标9.5天, PM2.5超标8.1天

典型地区大气氧化性持续增强



(Richter, Wittrock and Burrows IUP/IFE-UB)



# Beijing-Tianjin-Hebei is the top priority of regional air pollution prevention and control in China!

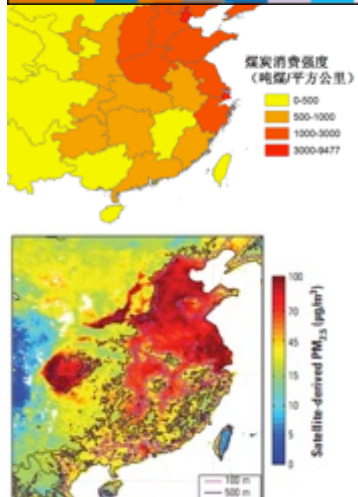
Jan 2013-May 2014

last ten positions of monthly urban air quality in 74 cities

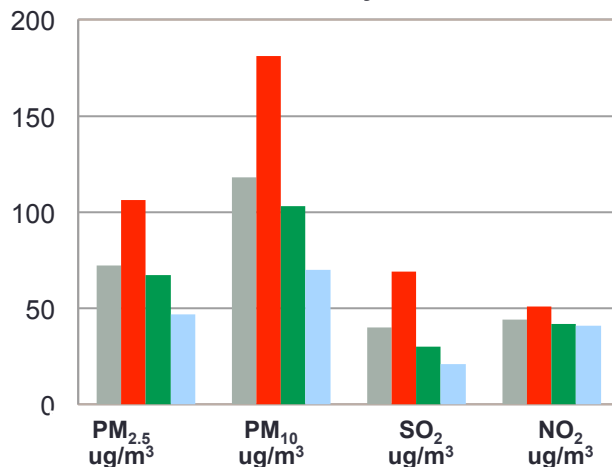
2013年												2014年					
1月	2月	3月	4月	5月	6月	7月	8月	9月	10月	11月	12月	1月	2月	3月	4月	5月	
邢台	石家庄	唐山	石家庄	石家庄	唐山	唐山	邢台	邢台	石家庄	石家庄	邢台	邢台	邢台	邢台	邢台	邢台	邢台
石家庄	邢台	石家庄	邢台	唐山	石家庄	邯郸	唐山	石家庄	邢台	保定	石家庄	石家庄	石家庄	唐山	唐山	唐山	唐山
保定	保定	西安	唐山	邢台	邢台	石家庄	石家庄	唐山	保定	邢台	邯郸	保定	保定	唐山	石家庄	南京	南京
邯郸	西安	成都	邯郸	邯郸	邯郸	济南	济南	邯郸	邯郸	唐山	保定	邯郸	唐山	保定	济南	邯郸	邯郸
廊坊	邯郸	邢台	西安	济南	保定	邢台	邯郸	济南	唐山	邯郸	衡水	衡水	邯郸	邯郸	邯郸	石家庄	石家庄
衡水	乌鲁木齐	保定	保定	保定	衡水	天津	天津	衡水	济南	济南	西安	衡水	衡水	保定	衡水	衡水	衡水
济南	济南	西宁	济南	郑州	济南	保定	衡水	保定	哈尔滨	太原	唐山	廊坊	廊坊	天津	惠州	惠州	惠州
唐山	衡水	邯郸	西宁	北京	天津	兰州	西安	廊坊	衡水	廊坊	淮安	成都	衡水	济南	青岛	济南	济南
北京	唐山	廊坊	太原	衡水	郑州	郑州	保定	天津	西安	乌鲁木齐	南京	西安	济南	乌鲁木齐	北京	镇江	镇江
郑州	郑州	太原	郑州	天津	太原	衡水	廊坊	西安	武汉	衡水	武汉	武汉	北京	沈阳	廊坊	保定	保定

In the first half of 2014, 74 cities only had 11.7-97.2% of days reaching designated standards, with an average PM2.5 concentration of 70µg/m3, down by 7.9% year on year; the average PM10 concentration is 115µg/m3, down by 6.5% year on year; the average NO2 concentration is 44µg/m3, holding the line of that of last year; the average concentration of SO2 is 36µg/m3, down by 16.3% year on year; the average daily CO concentration at the 95th percentile is 2.2mg/m3, down by 15.4% year on year; the average 8-hour maximum O3 concentration at the 90th percentile is 142µg/m3, up by 6.8% year on year.

Top 10 cities with relatively poor air quality in the first half of 2014 include Xingtai, Shijiazhuang, Baoding, Tangshan, Handan, Hengshui, Jinan, Langfang, Xi'an and Tianjin.

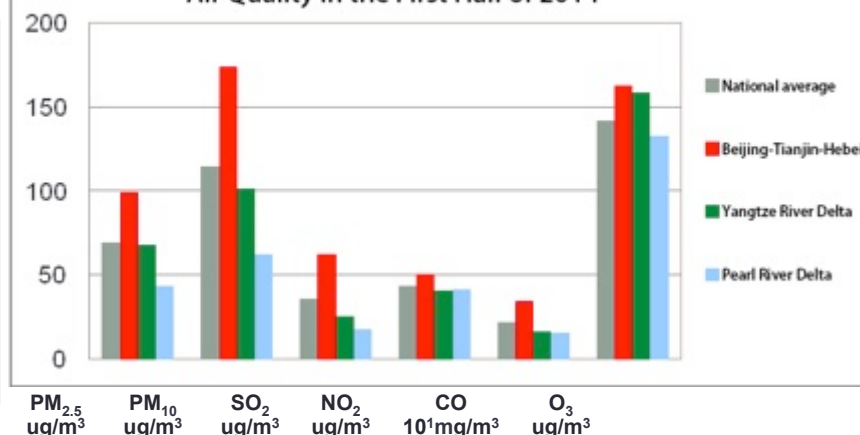


Air Quality in 2013

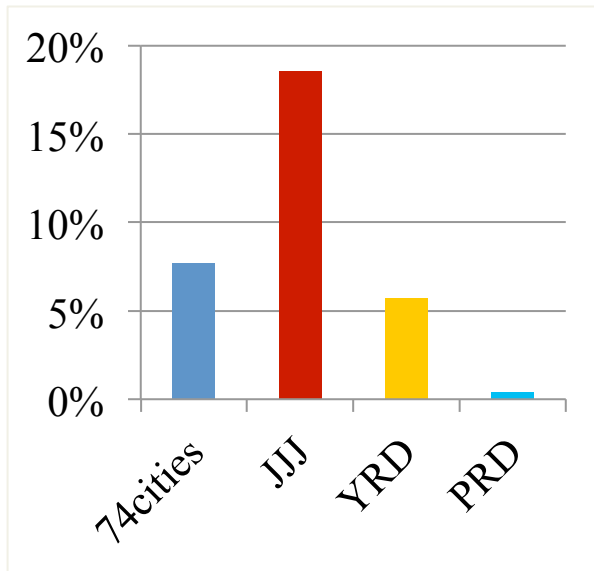


Note: CO data is the average daily concentration at the 95th percentile and O3 data is the average 8-hour maximum concentration at the 90th percentile

Air Quality in the First Half of 2014

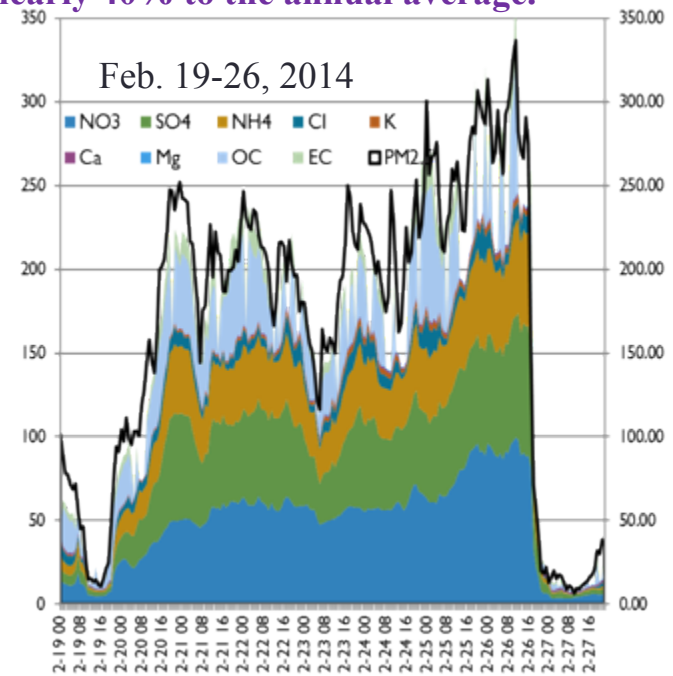
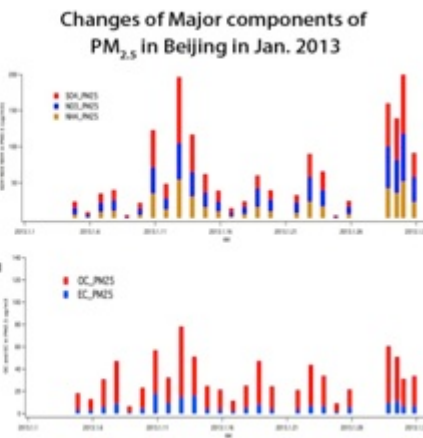
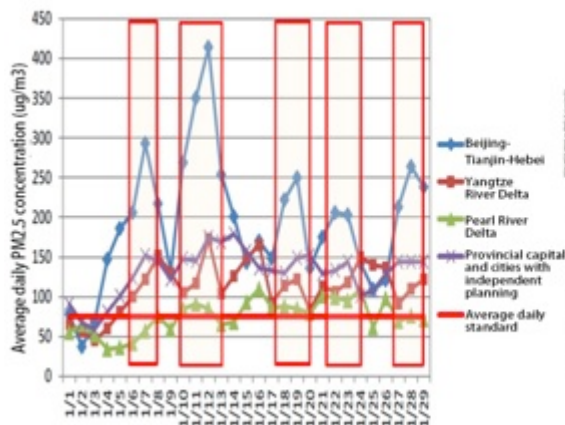


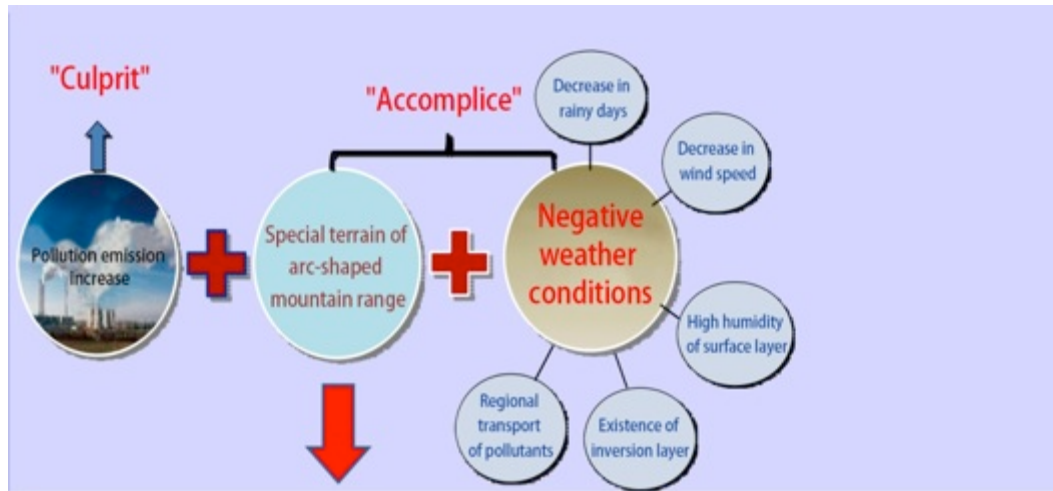
# Proportion of days with PM<sub>2.5</sub> heavy pollution in 2013



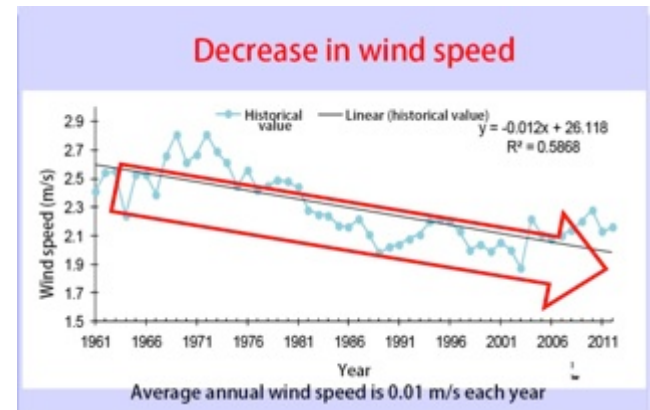
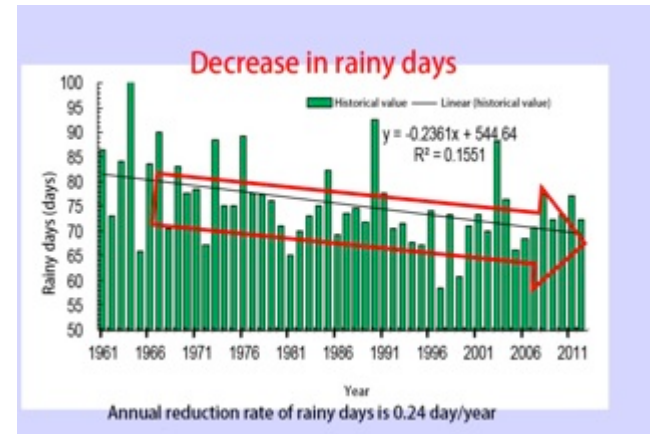
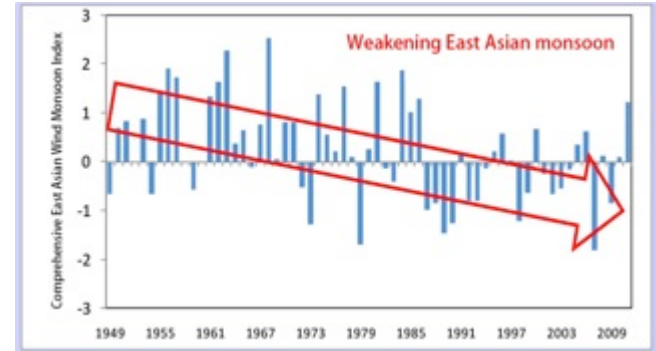
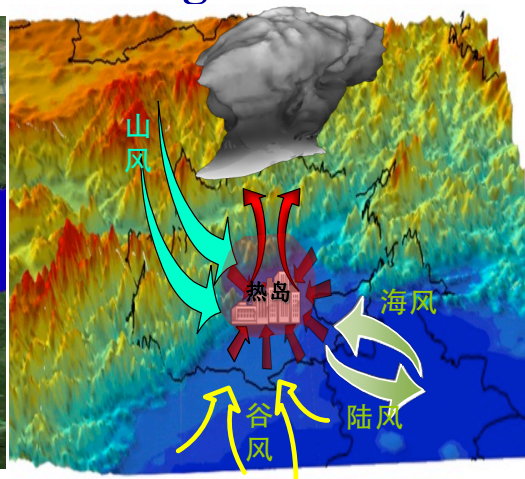
In Beijing-Tianjin-Hebei region, the proportion of days with PM<sub>2.5</sub> heavy pollution in 2013 stood as high as 19%, that of the Yangtze River Delta, Pearl River Delta is 6% and 0.4% respectively, and the average figure of 74 cities is 8%.

PM<sub>2.5</sub> heavy pollution days contributes larger to annual average : Beijing had altogether 59 heavy pollution days (15.9%) in 2013, and the daily average is 218 ug/m<sup>3</sup>, with a contribution of nearly 40% to the annual average.

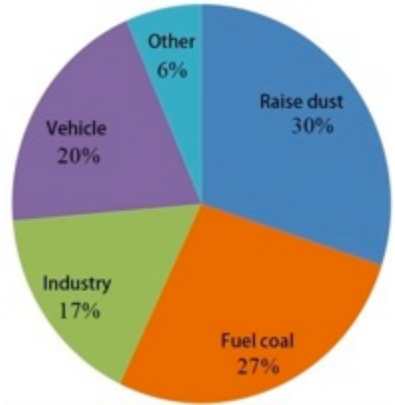
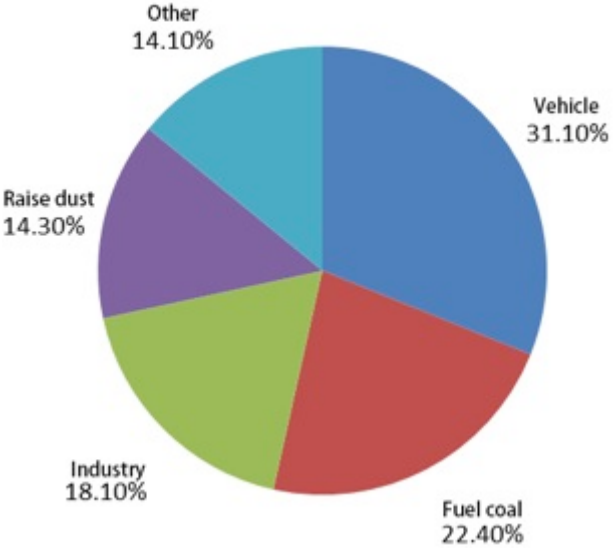




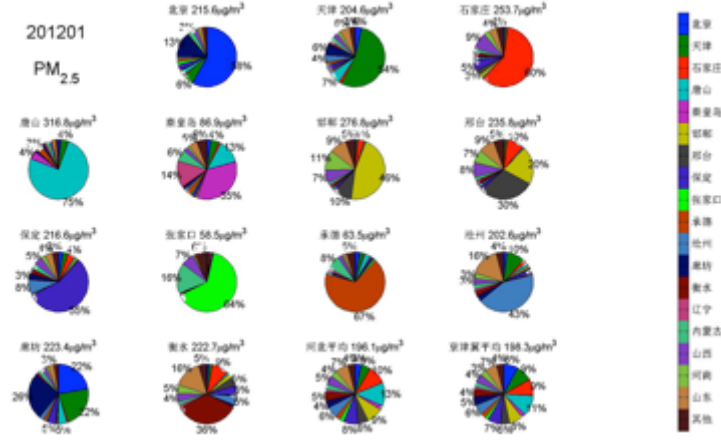
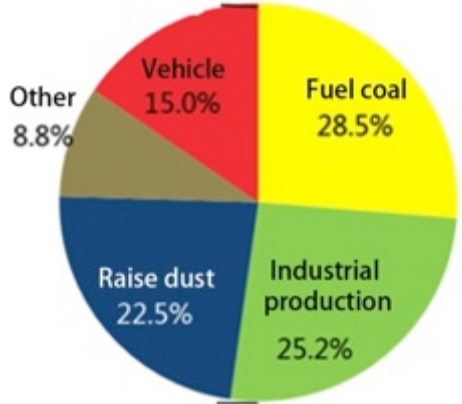
**Special terrain + geographical environment → airflow stagnation, increased temperature inversion and pollution to convergence zone**



# Complicated sources of air pollution



Beijing | Tianjin  
Shijiazhuang



- 北京
- 天津
- 石家庄
- 唐山
- 秦皇岛
- 邯郸
- 邢台
- 保定
- 张家口
- 承德
- 沧州
- 廊坊
- 衡水
- 临沂
- 济南
- 西安
- 太原
- 呼和浩特
- 其他

## The CPC Central Committee and the State Council have attached great importance to air pollution

On May 11, 2010, nine ministries and commissions, including the MEP, jointly produced the *Guidance for Promoting Joint Air Pollution Prevention and Control and Improving Regional Air Quality*.

On Feb. 29, 2012, the *Ambient Air Quality Standard* (GB3095-2012) was promulgated.

On Dec. 5, 2012, the *12th Five-Year Plan on Air Pollution Prevention and Control in Key Regions* was released.

On Sept. 12, 2013, the State Council issued the *Action Plan for Air Pollution Prevention and Control*.

On Sept. 23, 2013, 6 provinces and cities and 7 ministries and commissions jointly released the *Rules for the Implementation of the Action Plan for Air Pollution and Control in Beijing-Tianjin-Hebei and Surrounding Regions*

On Oct. 23, 2013, 6 provinces and cities, and 7 ministries and commissions in Beijing-Tianjin-Hebei and surrounding regions worked together to build the Coordination Mechanism for Air Pollution Prevention and Control in Beijing-Tianjin-Hebei and Surrounding Regions

*Beijing Clean Air Action Plan (2013-2017), Tianjin Clean Air Action Plan and Plan of Hebei Province for the Implementation of the Action Plan for Air Pollution Prevention and Control*

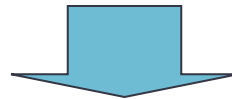
On April 24, 2014, the 8<sup>th</sup> Meeting of the 12<sup>th</sup> Standing Committee of the National People's Congress adopted the *Amendment to the Environmental Protection Law and the amendment to the Air Pollution Prevention and Control Law* has been listed as China's Class A legislation plan.

# Amending the *Air Pollution Prevention and Control Law*

Evolution of the *Air Pollution Prevention and Control Law*

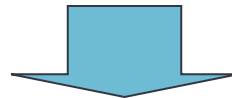
## *Air Pollution Prevention and Control Law (1988)*

was adopted at the 22th meeting of the 6<sup>th</sup> National People's Congress on Sept. 5, 1987 and put into effect as of June 1, 1988.



## *Air Pollution Prevention and Control Law (1995)*

was proposed to be amended at the 15<sup>th</sup> meeting of the 8<sup>th</sup> National People's Congress proposed on Aug. 29, 1995.



## *Air Pollution Prevention and Control Law (2000)*

was amended at the 15<sup>th</sup> meeting of the 9<sup>th</sup> National People's Congress on Apr. 29, 2000 and put into effect as of Sept. 1, 2000.



## Issues in the existing *Air Pollution Prevention and Control Law*

- Air quality improvement should be the core in air quality management system.
- Government accountability for environmental quality isn't implemented.
- Pollution factors under control are relatively simple.
- The pollution permit system needs to be improved.
- Lack of regional coordination mechanism for air pollution prevention and control.
- Rules for vehicle pollution control are too general and the management is disjointed.
- Lack of response to heavy pollution weather.
- The cost for violation is too low to meet the urgent demand for the fight against illegal pollution discharge.

## Basic principles and objectives

- Attain air quality standard
- Cover all pollution sources and all pollutants
- Protect the health of the public and ecological environment

## Guiding ideology

- Connect with the “10 air pollution prevention and control measures” and newly-revised *Environmental Protection Law*
- Draw lessons from air pollution control laws of other countries

# Basic idea of amendment

## System first

- Straighten out management regime
- Make clear duties of governments at all levels
- Establish rigid evaluation system
- Strengthen the function of environmental protection departments in atmospheric environment supervision and management

## 7 combinations in parallel

- Combination of air pollution prevention and control with sound air quality protection
- Combination of air quality attainment and rapid and effective response to heavy pollution weather
- Combination of all-round facilitation and priorities
- Combination of short-term and long-term goals
- Combination of regional and industrial pollution control
- Combination of administrative supervision and market regulation
- Combination of air pollution prevention and control and fulfillment of international conventions

# Amendment suggestions

## (1) Establish target-oriented air quality responsibility system



China adopts the target-oriented air quality protection responsibility system and evaluation system with air quality improvement at the core.

The superior people's government considers the completion of environmental protection target as the content of evaluation and appraisal on the performance of lower level people's government and the leaders.

The evaluation results are made available to the public.

**(2) Add new product quality standards and requirement**

**Fuel oil, petroleum coke**

**Sulfur content, olefin and aromatic hydrocarbon, etc.**



**Fuel coal**

**Sulfur content, ash content, etc.**



**Paint and other VOCs-containing products**

**VOCs content, etc.**



### (3) Improve pollution permit system

Shift from  
principle to  
refinement



Identify the principle of “no emission without permission”

Emphasize that pollution permit is the basis of legal pollution emission of enterprises, and also the legal guideline for environmental protection departments to launch environmental supervision on enterprises

Extend the scope from total quantity control zone to the entire country

Change the issuing body from government to environmental authority

Specify the content of pollution permit including discharging units and the issuing scope

## **(4) Establish the mechanism of joint air pollution prevention and control for key regions**

### **Designate regions**

MEP works with relevant departments in designating major air pollution regions based on the major functional zone targets, regional air quality and operational requirement for air pollution prevention and control, and submits the same to the State Council for approval.

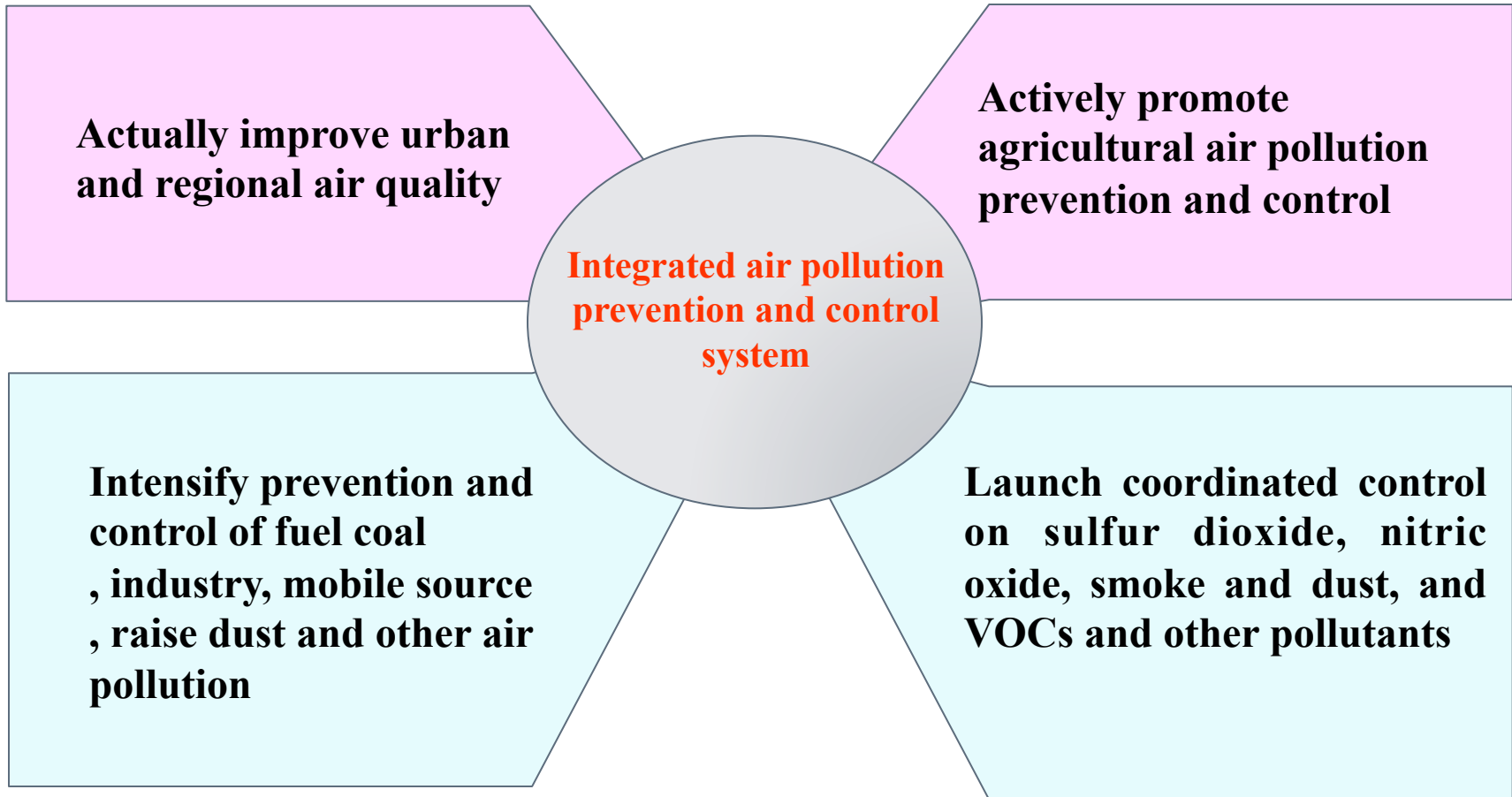
### **Set up institute**

Central government sets up the administration for air quality for major regions to coordinate and address regional protruding atmospheric environment issues.

### **Joint prevention and control**

To make consistent planning, standard, monitoring, supervision and management, organize the implementation of air pollution prevention and control managements, such as environmental assessment conference, joint law enforcement, information communication and sharing, early warning and emergency response.

**(5) Create the coordination system for multiple pollution monitoring and pollutants control**



## **(6) Strengthen information publicity and public involvement**

**Create an atmosphere of involvement in environment supervision and management of the entire community**

- **Environmental protection departments publicize environmental assessment on construction projects, administrative licensing, environmental statistics, administrative punishment, and collection of pollution charge, etc.**
- **Enterprises actively publicize environmental information and take responsibility for information**
- **Governments release enterprises' illegality information, and combine with integrated economic, financial and administrative means**
- **The public have the right to access to environmental information and supervise environmental protection work**
- **Reward-based reporting system is adopted for informing environmental pollution**



## (7) Enhance prevention and control of coal-caused air pollution

### Total quantity control

Government develops the medium and long-term targets for controlling total coal consumption to gradually reduce the proportion of coal in primary energy consumption and optimize the way of coal utilization.

### Coal quality management

China prohibits the production, import, sales and combustion of sub-standard coal, and key regions shall not import, market and use coal with more than 16% of ash content and 1% of sulfur content.

### Coal mining

Coal mines which exploit coal with high sulfur content and ash content shall build supporting coal washing and dressing facilities in the meantime.

### Control of fuel coal-caused pollution

Coal-fire power plant and other coal-burning units shall construct supporting dedusting, desulfuration, denitration and other emission reduction facilities, or take other measures controlling pollutant emission

## (8) Strengthen mobile source management with eco-label as the mainline



### Environmental examination qualification mark

**Identify model:** enterprises producing vehicle types specified in the notice shall paste the mark when new vehicles leave the factory

**New vehicle:** couldn't handle registration, operation and other formalities without pasting the mark

**In-use vehicle:** be prohibited from hitting the road without pasting the mark

**Management scope:** management requirements for vehicle, vessel, off-road mobile machinery, aircraft, and oil, transportation

## (9) Develop differentiated approaches to enhance prevention and control of dust pollution

Straighten out prevention and control system, require governments to make clear regulators of various types of dust



Type	Involved contents	Authorities
Construction	Strengthen enterprise responsibilities Integrate pollution fee into engineering cost, and submit deposit	Urban-rural construction and other departments
Traffic dust	Monitor transport vehicles to prevent material scattering Enhance management of road, plaza and other public places	Municipal utilities, public security, transport and other departments
dust of bare land	Bio-coverage and cultivation-free stubble field of bare farmland and rural wasteland Landscape or pave lines along the riverway and other bare surface	Municipal utilities, agricultural, state-land and other departments
dust of material pile	Store tightly, enclose, and effectively cover large coal pile and material pile; operate by areas, including landfill, absorption yard and other areas	Environmental protection department

## (10) Refine management and strengthen VOCs pollution prevention and control

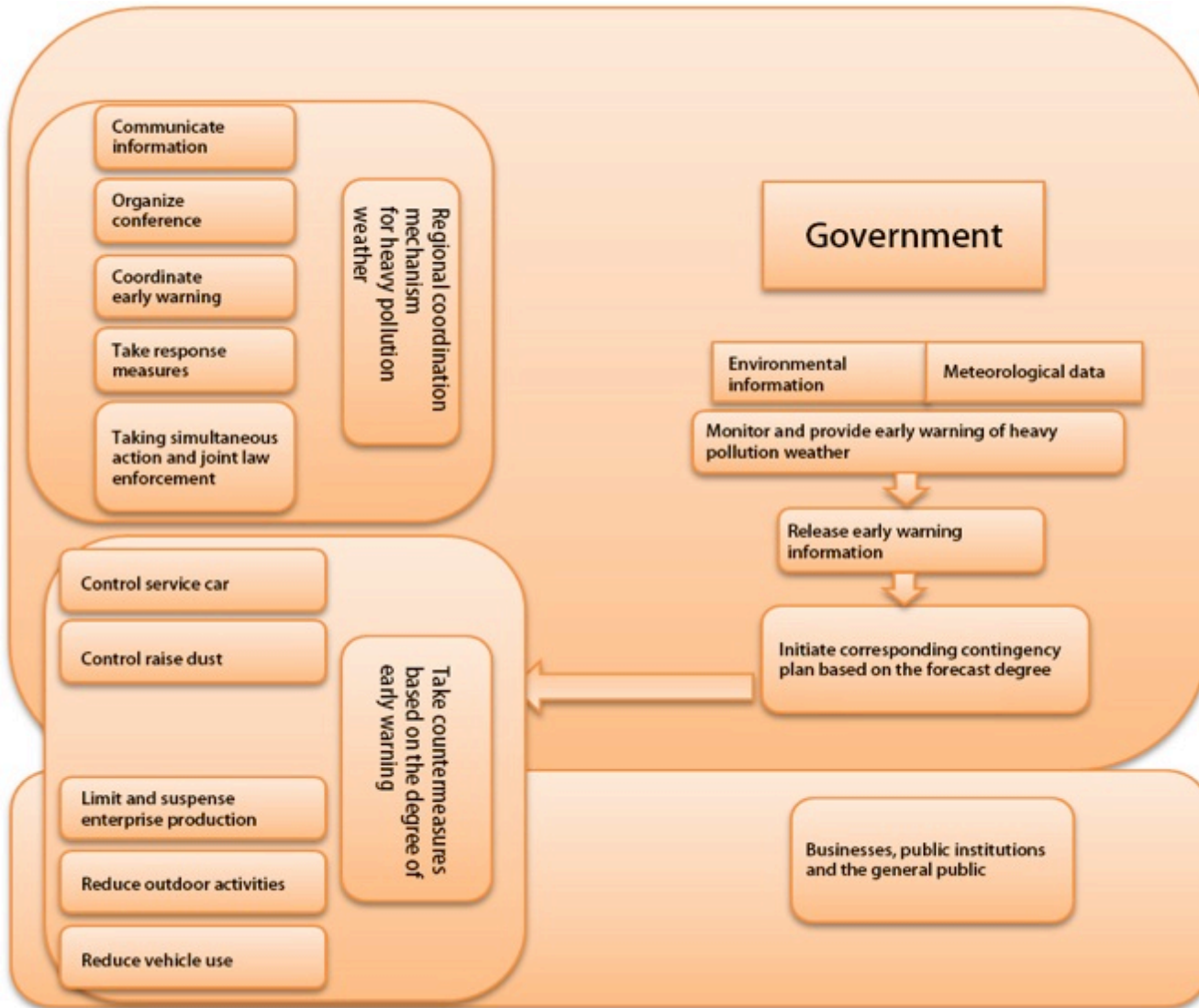
**Product standards:** in case of producing, marketing and using raw materials and products that contain VOCs, the VOCs content shall meet specific limits and standards.

**Requirements for prevention and control facilities:** production and service activities that generate VOC-containing waste gas shall be conducted in closed space or equipment, and pollution prevent and control facilities shall be installed and used according to relevant rules.

**Set up materials ledger:** industrial coating enterprises shall use low VOC-content paints, and set up ledger to record the usage, discard amount and direction of raw materials and accessories, and the content of VOCs.

**Leakage collection and disposal:** petroleum and chemical enterprises shall take measures to reduce the leakage of materials, collect and dispose of leaked materials in a timely way.

# (11) Develop heavy pollution day response system



## **(12) Largely increase illegal cost**

### **Bipartite punishment system**

Punish organizations and individuals (punishment on the basis of fully compensating the direct losses)

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### **Daily penalty**

Impose daily penalty on those failing to stop illegalities or rectify within specified timeframe after punishment

### **Evidence extension**

Online monitoring data and remote sensing detection result may be used as the evidence of administrative punishment

# Air Pollution Prevention and Control Law (amendment draft for comment)

## Solicit opinions from the general public



The screenshot shows the official website of the Legislative Affairs Office of the State Council of the P. R. of China. The header features the national emblem and the office's name in both Chinese and English. Below the header is a navigation bar with various menu items. The main content area is divided into several sections:

- 法规规章草案意见征集系统** (Regulations and Drafts Public Consultation System): A section for submitting opinions on draft regulations.
- 草案意见征集公告** (Draft Public Consultation Notice): A notice regarding the public consultation for the Air Pollution Prevention and Control Law (amendment draft).
- 法律法规** (Laws and Regulations): A section for accessing legal texts.
- 图片新闻** (Image News): A section for news items with accompanying images.
- 机构职能** (Institution Functions): A section detailing the office's organizational structure and functions.
- 政府法制信息公开** (Government Legal Information Disclosure): A section for disclosing government legal information.

The central focus is the public consultation notice for the **中华人民共和国大气污染防治法(修订草案征求意见稿)** (Draft for Public Consultation of the Amendment to the Air Pollution Prevention and Control Law of the P. R. of China). The notice is dated Sept. 9-Oct. 8, 2014.

Sept. 9-Oct. 8, 2014

(State Council Legislative Affairs  
Office released the amendment  
draft for comment on Sept. 9,  
2014)

Source governance and coordinated control.  
Integrated measures and highlighted priorities.  
Strengthened duties and strict management.  
Rooted in the present and looking to the future.

### 102 Articles in 8 Chapters

1. Make clear governments' environmental responsibilities.
2. Improve total emission control and pollution permit system.
3. Enhance air pollution prevention and control of major fields.
4. Highlight air pollution prevention and control of key regions.
5. Set up heavy pollution monitoring and early warning mechanism.
6. Improve legal liabilities and increase penalties.

## *Air Pollution Prevention and Control Law*

Chapter I General Provisions

Chapter II Standards and Planning for the Prevention and Control of Air Pollution

Chapter III Supervision over the Prevention and Control of Air Pollution

Chapter IV Measures for the Prevention and Control of Air Pollution

Section I Prevention and Control of Air Pollution by the Burning of Coal

Section II Prevention and Control of Air Pollution by Industries

Section III Prevention and Control of Pollutants Discharged by Motor Vehicles and Vessels

Section IV Prevention and Control of Raise Dust Pollution

Section V Prevention and Control of Other Air Pollution

Chapter V Joint Prevention and Control of Air Pollution in Major Regions

Chapter VI Response to Heavy Pollution Weather

Chapter VII Legal Responsibility

Chapter VIII Supplementary Provisions



**Thanks!**

**Looking forward to**

**your comments!**