

THE ENVIRONMENT

Environmental Challenges

During the Commission's 2015 reporting year, reports of widespread and severe environmental challenges confronting China focused on soil,¹ air,² marine,³ and surface and groundwater pollution,⁴ as well as the potential effects of pollution on citizens' health.⁵ Although the number of pollution incidents reportedly declined in 2014 compared to 2013, authorities had to respond to hundreds of environmental accidents throughout the year.⁶ One such incident involved pollution from a mining company that contaminated a reservoir in Chongqing municipality, which affected the drinking water supply for 50,000 people.⁷ In addition, environmental authorities acknowledged that the relocation of polluting industries to less developed areas—known as dirty migration—and inadequate environmental protection in rural villages remain problematic.⁸ Reports noted increasing numbers of pollution sources in villages,⁹ which have left rural residents more vulnerable to the effects of pollution over time when compared with urban residents.¹⁰

*Growing Public Concern, Environmental Protests,
and Official Suppression*

Amid these serious environmental challenges, Chinese citizens have become more environmentally aware and concerned about pollution.¹¹ For example, after hundreds of millions of viewers reportedly watched Chinese journalist Chai Jing's online documentary on air pollution, "Under the Dome,"¹² authorities ordered its removal from the Internet.¹³ As environmental awareness has grown, authorities have sought to promote the "orderly development" of public participation in the environmental sector,¹⁴ including the supervision of environmental legal enforcement.¹⁵ In July 2015, the Ministry of Environmental Protection issued the Measures for Public Participation in Environmental Protection,¹⁶ which reaffirm existing provisions providing for participation in rulemaking.¹⁷ The Measures, however, narrow the scope of public participation¹⁸ and pre-participation information-sharing requirements for officials when compared with an earlier draft of the Measures.¹⁹ The new Measures also provide for the supervision of "illegal behavior,"²⁰ and for the first time provide for "participation" in the "implementation" of administrative licenses and punishments.²¹ The Measures do not, however, specifically provide for the supervision of environmental protection agencies or main emissions of key polluting work units as stipulated in the April draft of the Measures.²²

LIMITS TO OFFICIAL TOLERANCE

During this reporting year, authorities in some locations attempted to silence environmental advocates. Authorities in Zhoutie township, Yixing city, Wuxi municipality, Jiangsu province, continue to monitor, restrict the movements of, and interfere with the livelihood of environmentalist Wu Lihong, a long-term advocate of cleaning up pollution in Lake Tai in Jiangsu.²³ Authorities sentenced Wu to three years in prison in 2007 on reportedly trumped-up charges of extortion and fraud after a torture-induced confes-

sion.²⁴ In March 2015, authorities in Guangzhou municipality, Guangdong province, administratively detained a woman for 14 days for reposting information on social media about a group of mothers concerned about air pollution.²⁵ Also in March, authorities in Xi'an municipality, Shaanxi province, detained Zhang Hui and Feng Honglian for a day after they held up placards with anti-pollution slogans in public.²⁶

Citizen anti-pollution protests in some locations throughout the year were censored and ended with authorities' violent suppression, including the detention, injury, or death of protesters in several known cases. Nationally, the number of environmentally focused "mass incidents" (large-scale protests) reportedly has increased annually by 29 percent on average since 1996,²⁷ and pollution problems have been among the primary triggers of "mass incidents."²⁸ The Commission observed authorities' efforts to silence expression of environmental grievances and to violently suppress anti-pollution protests in the Inner Mongolia,²⁹ Tibet,³⁰ and Xinjiang Uyghur Autonomous Regions,³¹ as well as in Shanghai municipality,³² and Guangdong,³³ Hubei,³⁴ Hebei,³⁵ Sichuan,³⁶ Anhui,³⁷ Fujian,³⁸ Shanxi,³⁹ Hunan,⁴⁰ and Qinghai provinces.⁴¹ The status of individuals detained by authorities for participating in these environment-related protests remains unclear.

Underdeveloped Court System

This past year, reports highlighted Chinese authorities' progress in building an environmental court system. In total, by March 2015, there were 382 environmental courts of various types at or below the intermediate court level in 18 provinces,⁴² compared to 5 courts in 2 provinces operating on a trial basis in 2009.⁴³ High courts, however, are just beginning to establish special environmental tribunals,⁴⁴ following the lead and directive of the Supreme People's Court.⁴⁵ As of March 2015, high courts in only 11 provinces had created such tribunals.⁴⁶ Despite growth in the number of environmental courts, the trend in past years has been that courts hear a low number of environmental cases.⁴⁷ In 2014, however, courts adjudicated 16,000 cases related to environmental offenses, 8.5 times more than the previous year, and courts adjudicated 3,331 civil lawsuits, a more than 50-percent increase over the previous year.⁴⁸

News reports also highlighted problems affecting environmental litigation processes and barriers to utilizing the courts to resolve environmental grievances.⁴⁹ Local government officials in some locations continue to interfere with environmental judicial cases⁵⁰ and pressure citizens not to file environmental lawsuits.⁵¹ In one example, in March 2015, a court in Hengyang municipality, Hunan province, initially accepted lawsuits brought against Hengyang Meilun Chemical Company by 53 parents of children who suffered from high blood lead levels.⁵² Subsequently, local officials reportedly used threats, intimidation tactics, and court delays to pressure the parents to withdraw their legal complaints.⁵³ When the open trial began in June, only 13 plaintiffs remained.⁵⁴

Public Interest Litigation: Opportunities and Limits

The Supreme People’s Court (SPC) and the central government took steps to establish a legal framework to make it easier for environmental organizations to file environmental public interest lawsuits under prescribed circumstances,⁵⁵ ending a multi-year debate regarding the establishment of such a system.⁵⁶ The revised PRC Environmental Protection Law, which took effect in January 2015, and the SPC Interpretation on Certain Issues Related to Application of the Law in Environmental Civil Public Interest Litigation, issued the same month, clarified provisions of the PRC Civil Procedure Law related to environmental public interest lawsuits.⁵⁷ During this reporting period, central government and judicial authorities also issued several documents that have the potential to further strengthen the legal foundation for environmental public interest litigation.⁵⁸ In addition, central authorities plan to explore the establishment of systems for procuratorates to raise public interest lawsuits.⁵⁹ Prior to these efforts, few public interest lawsuits related to the environment made it into the courts; between 2000 and 2013, courts heard fewer than 60 environmental public interest lawsuits.⁶⁰ Local procuratorates, administrative agencies, and other government organizations filed most of them,⁶¹ while environmental “social organizations” filed only eight lawsuits (just over 13 percent).⁶²

Despite these developments, reports note that numerous challenges to environmental public interest litigation remain. Most environmental organizations reportedly do not meet the criteria to file environmental public interest lawsuits⁶³—only about 700 of the 7,000 registered environmental “social organizations” fulfill the requirements.⁶⁴ In addition, Chinese estimates assert that of these 700 groups, fewer than 30 groups have the capacity⁶⁵ and less than 2 percent are willing to file such lawsuits.⁶⁶ Other reported challenges to a functioning environmental public interest law system include:

- Courts’ reluctance to accept lawsuits⁶⁷ and Chinese government and Communist Party pressure on courts not to accept lawsuits;⁶⁸
- Difficulties with determining losses in environmental cases;⁶⁹ and
- Hurdles faced by environmental groups when filing environmental public interest lawsuits, including difficulty obtaining evidence,⁷⁰ lack of qualified legal and scientific personnel,⁷¹ and shortage of material and financial resources.⁷²

Regulatory Developments and Challenges to Rule of Law

The Communist Party Central Committee and the State Council signaled their support for strengthening rule of law in the environmental sector within the larger context of efforts to “maintain social stability”⁷³ and to build an “ecological civilization” as part of achieving the “Chinese dream.”⁷⁴

In line with these commitments, central authorities continued to build China’s environmental protection regulatory framework, although gaps remain.⁷⁵ Throughout the reporting period, authorities drafted or were in the process of drafting or revising numerous

laws, measures, and plans related to soil,⁷⁶ air,⁷⁷ and water pollution⁷⁸ and wildlife protection.⁷⁹ Official policy statements and initiatives also focused on energy development,⁸⁰ green gross domestic product,⁸¹ environmental emergencies,⁸² environmental protection taxes,⁸³ liability insurance,⁸⁴ public-private partnerships to fund environmental protection projects,⁸⁵ property rights over natural assets,⁸⁶ corporate social responsibility,⁸⁷ and the devolution of power for approving additional categories of environmental impact assessments to provincial authorities.⁸⁸ In addition, on November 11, 2014, the U.S. and Chinese governments made a joint announcement regarding their respective pledges to address their greenhouse gas emissions.⁸⁹ The Chinese government pledged to cap total coal consumption at approximately 4.2 billion tons by 2020, peak greenhouse gas emissions around 2030, and “make best efforts to peak early”⁹⁰

PLEDGES TO IMPROVE LAW ENFORCEMENT

During the Commission’s 2015 reporting year, authorities reiterated pledges⁹¹ to improve legal enforcement in the environmental sector. In October 2014, the Party Central Committee emphasized a “focus on carrying out comprehensive law enforcement in [the areas of] . . . resources and the environment . . . ,”⁹² including building regulatory structures to restrain exploitative behavior, strengthening producers’ legal liability for environmental protection, and substantially raising the costs of violating the law.⁹³ In November 2014, the State Council General Office issued a circular⁹⁴ that reportedly will facilitate the implementation of the PRC Environmental Protection Law.⁹⁵ The circular includes provisions that stipulate “zero tolerance” toward illegal pollution emissions and dumping, allow for public disclosure of “blacklists” naming violators,⁹⁶ specify that local officials should abolish all policies that have hindered enforcement of environmental laws,⁹⁷ and mandate improved professional standards for environmental enforcement personnel.⁹⁸

ENFORCEMENT, ACCOUNTABILITY, AND IMPLEMENTATION

Throughout this reporting year, sources noted some positive developments in legal enforcement of environmental laws and regulations. In 2014, authorities investigated 20 percent more environmental and natural resources violations than in 2013⁹⁹ and handed out 83,195 administrative penalty decisions, a 25.5-percent increase over 2013.¹⁰⁰ In one landmark case, authorities levied the largest fines to date against six polluting firms in Jiangsu province, which one Chinese expert said is “a signal that the use of public interest litigation to impose higher costs on polluting firms is now normal.”¹⁰¹ A February 2015 Xinhua article reported that in 2014, public security officials “arrested” six times as many individuals associated with environmental crimes nationally as in the previous year.¹⁰² This development follows a June 2013 judicial interpretation clarifying the application of criminal provisions to environmental violations¹⁰³ and a December 2013 opinion that outlined closer cooperation between the environmental protection and public security ministries in enforcing environmental laws.¹⁰⁴

These largely positive developments notwithstanding, official accountability mechanisms in the environmental sector remain underdeveloped. In March 2015, Chen Jining, the new Minister of Environmental Protection, noted that mechanisms for incorporating environmental protection into government officials' professional assessments are still in a trial phase.¹⁰⁵ One news article noted that Lanzhou municipality, Gansu province, and Shandong and Guizhou provinces are piloting various types of government environmental auditing systems.¹⁰⁶ During this process, they have faced several challenges, including determining values of waterways and other natural resources, quantifying baselines from which to measure performance, coordinating audits among multiple ministries, and creating "corruption-proof" audit procedures.¹⁰⁷

Media reports from the past year indicated that corruption within environmental agencies¹⁰⁸ and related state-owned enterprises¹⁰⁹ remained a problem. Environmental impact assessment (EIA) agencies came under public scrutiny after an October 2014 investigation by Southern Weekend found that, of the over 5,000 registered EIA engineers in 11 provinces, 16 percent could be falsely registered.¹¹⁰ In February 2015, central Chinese Communist Party anticorruption officials reportedly reprimanded the Ministry of Environmental Protection (MEP) for a series of problems including interfering in EIAs.¹¹¹ In August 2015, reports highlighted concerns over official improprieties associated with the August 12 explosions in Tianjin municipality.¹¹²

Implementation challenges, lax enforcement of environmental laws and policies, and data falsification remained problematic, hindering the development of the rule of law in the environmental protection sector. In November 2014, an MEP official noted that enforcement of environmental laws and regulations has not been sufficiently strict.¹¹³ Moreover, in some places, government officials have limited the number of inspections environmental departments can undertake and prohibited environmental protection officials from directly imposing fines on companies.¹¹⁴ Chinese official and media sources noted other problems with data falsification,¹¹⁵ lax implementation,¹¹⁶ and enforcement,¹¹⁷ and an international scientific journal pointed out that officials face challenges putting the recently revised PRC Environmental Protection Law into practice.¹¹⁸

Noncompliance with environmental laws and regulations also remained problematic. A State Council circular issued in November 2014 noted difficulties with environmental supervision and legal enforcement in some locations and pointed out that environmental violations occurred frequently.¹¹⁹ Numerous news reports carried stories of industry- or company-specific instances of noncompliance.¹²⁰ One environmental non-governmental organization reported that as of early December 2014, 1,069 companies, about 40 percent of all the companies listed on Chinese stock exchanges, had unfavorable environmental records.¹²¹ Official documents noted instances of disregard for environmental enforcement personnel, violence against environmental officials, and resistance to authorized inspections.¹²²

Environmental Transparency: Advances and Setbacks

During this reporting year, Chinese media highlighted measures intended to improve transparency. These measures included a major Chinese Communist Party decision issued in October 2014 that reiterated the call for the general advancement of open government affairs,¹²³ and a State Council opinion that called for greater transparency regarding legal enforcement.¹²⁴ In March and April 2015, environmental authorities announced that 338 cities were disclosing real-time environmental monitoring data¹²⁵ and issued plans to establish a unified platform to disclose environmental impact assessment information.¹²⁶

Official censorship, however, persisted. In March 2015, authorities reportedly ordered some media outlets to remove articles discussing an online documentary about air pollution—“Under the Dome”¹²⁷—and later required them to remove the video from websites.¹²⁸ In other examples, in 2015, central and local officials censored information about and prohibited news sites from independently reporting on the August 12 explosions in Tianjin municipality,¹²⁹ local authorities reportedly tried to limit independent reporting of anti-pollution protests in the Inner Mongolia Autonomous Region,¹³⁰ and central officials sought to censor information regarding the explosion of a paraxylene (PX) chemical factory in Fujian province.¹³¹ A “relevant government department” reportedly told the creator of an air quality data phone application that he had to stop providing data collected by the U.S. Embassy in Beijing municipality around the time of U.S. President Barack Obama’s visit to China and the Asia-Pacific Economic Cooperation summit in November 2014.¹³²

In addition, Chinese citizens continued to face obstacles in accessing environmental information from government agencies.¹³³ In one example, after the World Health Organization reported in March 2015 that glyphosate, an ingredient in Monsanto’s herbicide Roundup, was “classified as probably carcinogenic to humans,”¹³⁴ three individuals sued the Ministry of Agriculture (MOA) for refusing an open government information request for access to a 27-year-old toxicology report on Roundup.¹³⁵ This case followed a Beijing court’s ruling against lawyer Huang Leping, who sought to compel the MOA to disclose information on the importation of genetically modified (GM) crops and the Chinese government’s plans for domestic cultivation of GM crops.¹³⁶

Notes to Section II—The Environment

¹ See, e.g., “Pollution and Health in China: Confronting the Human Crisis,” *China Dialogue*, 7 September 14; He Guangwei, “Special Report: The Victims of China’s Soil Pollution Crisis,” *China Dialogue*, 30 June 14; Cherie Chan, “Soil Contamination Found Near Huge Mine in Western China,” *New York Times*, Sinosphere (blog), 12 June 14; Cui Zheng, “China Draft Proposes Tougher Curbs on Soil Pollution,” *China Dialogue*, 29 January 15; Wu Jingjing, “Ministry of Environmental Protection: China Plans To Use Six or Seven Years To Curb the Trend of Worsening Soil Pollution” [Huanbaobu: zhongguo ni yong liu qi nian shijian ezhi turang wuran ehua qushi], *Xinhua*, 11 July 15.

² “Ministry of Environmental Protection: Serious Air Pollution Affects 560,000 Square Kilometers in October” [Huanbaobu: 10 yue zhong wuran yingxiang mianji da 56 wan pingfang gongli], *Beijing Youth Daily*, reprinted in *Xinhua*, 26 October 14; Li Jing, “670,000 Smog-Related Deaths a Year: The Cost of China’s Reliance on Coal,” *South China Morning Post*, 5 November 14; “Smog Causes Lung Cancer: Lawmaker,” *Xinhua*, 30 October 14; “Chen Jining Answers Journalists’ Questions With Regard to Comprehensively Strengthening Environmental Protection” [Chen jining jiu quanmian jiaqiang huanjing baohu da jizhe wen], *National People’s Congress*, 7 March 15.

³ See, e.g., State Oceanic Administration, “2014 Bulletin on the Status of China’s Marine Environment” Issued” [“2014 nian zhongguo haiyang huanjing zhuangkuang gongbao” fabu], 11 March 15; Beth Walker, “Most of China’s Coastal Waters Heavily Polluted,” *China Dialogue*, 11 March 15; Robert Lee Hotz, “Which Countries Create the Most Ocean Trash?” *Wall Street Journal*, 12 February 15.

⁴ See, e.g., State Council, “Water Pollution Prevention and Control Action Plan” [Shui wuran fangzhi xingdong jihua], reprinted in Ministry of Environmental Protection, 2 April 15; “Nationally, the Water Quality in More Than a Tenth of Water Sources Does Not Meet Standards, Water Departments Detail Reasons” [Quanguo shuiyuan di shuizhi yu yicheng wei dabiao shuili bumen xiang jie qiyin], *Xinhua*, 19 November 14.

⁵ See, e.g., Li Jing, “670,000 Smog-Related Deaths a Year: The Cost of China’s Reliance on Coal,” *South China Morning Post*, 5 November 14; “Pollution and Health in China: Confronting the Human Crisis,” *China Dialogue*, 7 September 14.

⁶ Ministry of Environmental Protection (MEP), “MEP Bulletin on the Basic Situation of Sudden Environmental Incidents in 2014” [Huanjing baohu bu tongbao 2014 nian tufa huanjing shijian jiben qingkuang], 23 January 15.

⁷ Du Ximeng, “Public Report on the Results of the Investigation Into the Qianzhangyan Reservoir Pollution Incident: 50,000 People Facing Drinking Water Problems” [Qianzhangyan shuiku shou wuran shijian diaocha jieguo gongbu zhi 5 wan ren yin shui kunnan], *China Broadcast Network*, reprinted in *Xinhua*, 21 January 15.

⁸ “Chen Jining Answers Journalists’ Questions With Regard to Comprehensively Strengthening Environmental Protection” [Chen jining jiu quanmian jiaqiang huanjing baohu da jizhe wen], *National People’s Congress*, 7 March 15.

⁹ *Ibid.*

¹⁰ Liu Hongqiao, “China Set To Miss Safe Rural Drinking Water Targets,” *China Dialogue*, 5 March 15; Rachel Lu, “China’s Real Inconvenient Truth: Its Class Divide,” *Foreign Policy*, 6 March 15; He Guangwei, “Special Report: The Victims of China’s Soil Pollution Crisis,” *China Dialogue*, 30 June 14; Luna Lin, “Chinese Countryside Facing More Serious Drinking Water Crisis Than Cities,” *China Dialogue* (blog), 7 May 14; Gao Jianghong, “Scholar Says Water Quality Situation Is a Disaster, But Worse Are State Secrets” [Xuezheng cheng shuizhi qingkuang hen zaogao dan duo zao shi guojia jimi], *21st Century Business Herald*, reprinted in *Sina*, 27 April 14.

¹¹ Liu Jingqi, “Is the Distance From Participation to Public Interest Near or Far?” [Canyu li gongyi shi jin haishi yuan?], *China Environmental News*, 2 September 14; Daniel K. Gardner, “China’s Environmental Awakening,” *New York Times*, 14 September 14; “China’s Environmental Supervision Is Grim, People’s Reaction Is Strong” [Woguo huanjing jianguan xingshi yanjun baixing fanying qianglie], *PRC Central People’s Government*, 9 December 14.

¹² Heng Shao, “Only in China: Why a Smog Documentary Sent Chinese Stocks Soaring to Trading Limit,” *Forbes*, 2 March 15; Ben Beaumont-Thomas, “Smash-Hit Chinese Pollution Doc Under the Dome Taken Offline by Government,” *Guardian*, 10 March 15.

¹³ Ben Beaumont-Thomas, “Smash-Hit Chinese Pollution Doc Under the Dome Taken Offline by Government,” *Guardian*, 9 March 15; “Minitrue: Delete ‘Under the Dome,’” *China Digital Times*, 7 March 15.

¹⁴ See, e.g., Ministry of Environmental Protection, Measures for Public Participation in Environmental Protection [Huanjing baohu gongzhong canyu banfa], issued 13 July 15, effective 1 September 15, art. 1.

¹⁵ State Council General Office, Circular Regarding Strengthening Environmental Supervision and Law Enforcement [Guanyu jiaqiang huanjing jianguan zhifa de tongzhi], issued 12 November 14.

¹⁶ Ministry of Environmental Protection, Measures for Public Participation in Environmental Protection [Huanjing baohu gongzhong canyu banfa], issued 13 July 15, effective 1 September 15, art. 1.

¹⁷ *Ibid.*, art. 2. Other previous laws, regulations, and measures already stipulate that citizens may participate in rulemaking and in environmental impact assessments. See, e.g., Ministry of Environmental Protection, Guiding Opinion Regarding Advancing Public Participation in Environmental Protection [Guanyu tuijin huanjing baohu gongzhong canyu de zhidao yijian], issued 22 May 14, reprinted in *Ecology Net*, item 4(1–4).

¹⁸ Ministry of Environmental Protection, Circular Regarding Public Solicitation of Comments on the “Measures for Public Participation in Environmental Protection (Provisional)” (Comment Solicitation Draft) [Guanyu “huanjing baohu gongzhong canyu banfa (shixing)” (zhengqiu yijian

gao) gongkai zhengqiu yijian de tongzhi], 13 April 15, art. 3(3); Ministry of Environmental Protection, Measures for Public Participation in Environmental Protection [Huanjing baohu gongzhong canyu banfa], issued 13 July 15, effective 1 September 15. The draft measures issued in April 2015 stipulated for the first time that citizens may participate in the investigation and management of some serious environmental incidents, but this stipulation was not included in the final measures issued in July.

¹⁹Ibid., arts. 8, 10. The April 2015 draft of the measures stipulated that environmental officials should use channels convenient for the public when disclosing related environmental information. Such information would include background on the project or issue, possible environmental impacts, and information regarding the necessity for and feasibility of the project or issue. Ibid., art. 5. In contrast, the final version of the measures do not stipulate that officials must use channels convenient for the public when disclosing information. Rather, officials are only required to provide information on the background of the project or issue, the time period for accepting suggestions, the methods by which the public may submit opinions and suggestions, and the methods of contacting the relevant agency.

²⁰Ministry of Environmental Protection, Measures for Public Participation in Environmental Protection [Huanjing baohu gongzhong canyu banfa], issued 13 July 15, effective 1 September 15, art. 2.

²¹Ibid.

²²Ministry of Environmental Protection, Circular Regarding Public Solicitation of Comments on the “Measures for Public Participation in Environmental Protection (Provisional)” (Comment Solicitation Draft) [Guanyu “huanjing baohu gongzhong canyu banfa (shixing)” (zhengqiu yijian gao) gongkai zhengqiu yijian de tongzhi], 13 April 15, arts. 3(4), 16, 17.

²³Andrew Jacobs, “Despite Persecution, Guardian of Lake Tai Spotlights China’s Polluters,” *New York Times*, 23 November 14. See also CECC, 2007 Annual Report, 10 October 07, 138–40. For more information on Wu Lihong, see the Commission’s Political Prisoner Database record 2007-00162.

²⁴Ibid. See also CECC, 2007 Annual Report, 10 October 07, 138–40.

²⁵Brian Wu, “China Wants Cleaner Air Without an Environmental Movement,” *Science Times*, 16 March 15.

²⁶Verna Yu, “Two Held for Pollution Protest Released, Activists Say,” *South China Morning Post*, 11 March 15; Tom Phillips, “China Arrests Anti-Smog Campaigners,” *Telegraph*, 9 March 15.

²⁷“Environmental Dispute Litigation Difficulties Urgently Need To Change, Ecological Justice Reforms Enter a Window of Opportunity” [Huanjing jiufen susong nan jidai gaibian shengtai sifa gaige jinru chuankou qi], *Economic Information Daily*, reprinted in *Xinhua*, 8 October 14.

²⁸Luna Lin, “China’s Water Pollution Will Be More Difficult To Fix Than Its Dirty Air,” *China Dialogue* (blog), 17 February 14; Benjamin Haas and Henry Sanderson, “China Outsourcing Smog to West Region Stirs Protest,” *Bloomberg*, 6 March 14; “Chinese Anger Over Pollution Becomes Main Cause of Social Unrest,” *Bloomberg*, 6 March 13. For a discussion of mass incidents in general, including environmental incidents, see Chen Rui, “2012 Mass Incident Research Report” [2012 nian quntixing shijian yanjiu baogao], *Legal Daily*, 27 December 12, sec. 3. See also “Reported PRC Civil Disturbances in 2012,” *Open Source Center*, 7 May 13, 12–13.

²⁹See, e.g., “Residents of ‘Cancer Village’ Protest Air, Water Pollution,” *Boxun*, 24 November 14; “Dozens Held After Pollution Protests in China’s Inner Mongolia,” *Radio Free Asia*, 6 April 15; Ben Blanchard, “One Reported Dead After Pollution Protest in Northern China,” *Reuters*, reprinted in *New York Times*, 6 April 15; Simon Denyer, “In China’s Inner Mongolia, Mining Spells Misery for Traditional Herders,” *Washington Post*, 7 April 15; Simon Denyer, “In China, a Tug of War Over Coal Gas: Cleaner Air but Worse for the Climate,” *Washington Post*, 5 May 15.

³⁰“Tibetans Arrested After Mining Protest in Kham Gonjo,” *Voice of America*, 1 May 15. In April 2015, authorities reportedly detained 10 Tibetans in Gongjue (Gonjo) county, Changdu (Chamdo) prefecture, Tibet Autonomous Region, after a protest against a government mining and road-building project near a local sacred mountain.

³¹“Polluting Factories Wreak Havoc in Xinjiang’s Once-Fertile Township,” *Radio Free Asia*, 5 November 14. Dirty migration reportedly affected ethnic minority residents in the Xinjiang Uyghur Autonomous Region, where authorities reportedly told those affected that they were barred from petitioning for the closure of several factories.

³²Liu Qin, “Shanghai Residents Throng Streets in ‘Unprecedented’ Anti-PX Protest,” *China Dialogue*, 2 July 15. The number of protesters reportedly peaked at 50,000. Celia Hatton, “Armed Police Move in Against Chinese Anti-Plant Protesters,” *BBC, China Blog* (blog), 29 June 15. In the last week of June 2015, residents in Jinshan district, Shanghai municipality, took to the streets in a multi-day protest because they believed the government planned to build a paraxylene (PX) plant or refinery in the area, already home to numerous chemical plants. After six days, police broke up the protests, reportedly detaining dozens of people. John Ruwitch, “Shanghai Chemical Plant Protesters Warned To End Demonstrations,” *Reuters*, 29 June 15. Authorities reportedly warned the protesters to end their demonstrations and called the protests illegal. The *Jinshan News* reportedly ran an editorial claiming that unnamed persons were rumor-mongering, committing libel and instigation, and had “seriously disrupted the productive life of the Jinshan people . . . , hurting normal social order.” Vivienne Zeng, “Shanghai Government Struggles To Get Environmental Protesters Off the Street,” *Hong Kong Free Press*, 29 June 15. Authorities reportedly censored news of the protests.

³³Chris Buckley, “In Southern China, Residents Wary of the Government Protest a Plan To Burn Waste,” *New York Times*, 14 September 14. Authorities reportedly detained two dozen people in Boluo county, Huizhou municipality, Guangdong province, during multiple demonstrations involving thousands of people against a trash incinerator. “Police Detain ‘At Least 10’ in Clashes With Pollution Protesters in China’s Guangdong,” *Radio Free Asia*, 15 April 15. In April

2015, authorities in a village near Qingyuan municipality, Guangdong, reportedly detained 10 people following a conflict that broke out during a protest against pollution they believed was linked to an iron works plant.

³⁴Liu Qin, “China’s Top Court May Lean on Local Govt To Enforce Environmental Law,” *China Dialogue*, 11 February 15. A source reported in February 2015 that authorities in Wuhan municipality, Hubei province, had detained local residents who protested against pollution from trash incinerators. The courts declined to accept a case brought by residents in the area. Xi Fanchao, “Wuhan Residents’ Lawsuit Against Guodingshan Trash Incinerator Related to Pollution Accepted, Compensation of 7 Yuan” [Wuhan jumin gao guodingshan laji fenuhuichang wuran huo li’an, suopei 7 yuan], *The Paper*, 18 April 15. The local court eventually accepted the environmental case.

³⁵“Tangshan Villagers’ Protest of Polluting Businesses Sets Off Clashes, More Than Ten Arrested and Many Beaten” [Tangshan cunmin kangyi wuran qiye baofa chongtu shi yu ren bei zhua duo ren bei da], *Radio Free Asia*, 19 April 15.

³⁶“Thousands Protest, Riot in China’s Sichuan After Coking Plant Leak,” *Radio Free Asia*, 14 April 15. In April 2015, thousands of people joined a multi-day demonstration against a toxic gas leak in Neijiang city, Sichuan province. Police reportedly detained “more than a dozen” people, and authorities censored news about the protest.

³⁷“More Than 20 Villagers Detained Blocking Imposed Construction of a Chemical Plant in Kouzi Township in Fuyang, Anhui” [Anhui fuyang kouzi zhen qiang zheng jianzao huagongchang cunmin zulan ershi yu ren bei zhua], *Radio Free Asia*, 27 March 15. In March 2015, authorities detained several protesters demonstrating against a chemical plant in Anhui, but reports did not indicate if police took further action.

³⁸“Over a Thousand Villagers Demonstrate; Concerned That Pharmaceutical Company Is Polluting the Environment” [Qian duo cunmin shiwei you yaochang wuran huanjing], *Radio Free Asia*, 17 March 15. In March 2015, authorities reportedly detained more than 20 villagers in Fuzhou municipality, Fujian province, who joined a protest with more than 1,000 people who were demonstrating against the construction of a pharmaceutical factory.

³⁹“Pollution Protest Actions Occur One After Another, Huilong Villagers in Shanxi Surround Polluting Aluminum Plant” [Kangyi wuran xingdong ciqibifu shanxi huilong cunmin weidu paiwu lu chang], *Radio Free Asia*, 20 April 15. In April 2015, authorities in Huilong village, Jiaokou county, Luliang municipality, Shanxi province, detained more than 10 people who had joined a multi-day protest of several hundred people demonstrating against pollution linked to an aluminum plant.

⁴⁰Tom Phillips, “Inside China’s Toxic Village of Widows,” *Telegraph*, 16 February 15. A villager from a polluted village outside of Zhuzhou city, Hunan province, reportedly stated that police maintained a presence at the village’s entrance out of concern that the villagers would protest against pollution or that journalists would try to report on health impacts that the villagers alleged were due to pollution.

⁴¹“Tibetans Decry Pollution, Damage to Land From Chinese Mining,” *Radio Free Asia*, 20 January 15. In January, authorities in a Tibetan autonomous area in Qinghai province reportedly took a man into custody after he represented villagers and raised complaints regarding mining pollution.

⁴²Xi Jianrong, “Environmental Enforcement From Weak to Strong, Judiciary Actively Involved” [Huanbao zhifa you ruo zhuan qiang sifa jiji jieru], *Legal Daily*, 3 March 15.

⁴³See, e.g., Linden Ellis, “Giving the Courts Green Teeth: Current Developments in Environmental Enforcement in China,” *Woodrow Wilson International Center for Scholars, China Environment Forum*, 22 October 08.

⁴⁴Wu Bin, “22 Provincial-Level High Courts Have Not Established Environmental and Resources Trial Mechanisms” [22 sheng ji gaoyuan wei she huanjing ziyuan shenpan jigou], *Southern Metropolitan Daily*, 20 September 14; Li Zenghui, “Hebei Province High Court Establishes Environmental Protection Tribunal” [Hebei sheng gaoyuan chengli huanjing baohu shenpan ting], *People’s Daily*, 19 March 15; Zhu Guoliang, “Jiangsu High Court Establishes Environment and Resources Tribunal” [Jiangsu gaoyuan zu jian huanjing ziyuan shenpan ting], *Xinhua*, 4 December 14.

⁴⁵Bao Xiaodong et al., “(Green Times) Environmental Public Interest Litigation, Where Are Crucial Points of Reform? Dialogue With SPC Environmental and Resources Tribunal Presiding Judge Zheng Xuelin” [(Luse shijian) huanjing gongyi susong, gaige guanjian zai na duihua zuigaofa huanjing ziyuan shenpan tingzhang zheng xuelin], *Southern Weekend*, 26 September 14; David Stanway, “China Supreme Court Appoints Top Environmental Judge,” *Reuters*, 30 June 14. See also “SPC Establishes Environmental and Resources Tribunal in Response to New Expectations of the Judiciary, Mainly Trying Environmental Pollution and Natural Resources Civil Cases” [Zuigaofa chengli huanzi shenpan ting huiying sifa xin qidai zhu shen huanjing wuran ziran ziyuan min an], *Legal Daily*, 4 July 14; CECC, 2014 Annual Report, 9 October 14, 129; Gu Min, “Jiangsu Province High People’s Court Adds Environmental and Resources Tribunal” [Jiangsu sheng gaoji renmin fayuan zengshe huanjing ziyuan shenpan ting], *Xinhua*, reprinted in *Sina*, 19 October 14.

⁴⁶Wu Bin, “22 Provincial-Level High Courts Have Not Established Environmental and Resources Trial Mechanisms” [22 sheng ji gaoyuan wei she huanjing ziyuan shenpan jigou], *Southern Metropolitan Daily*, 20 September 14; “Hebei Province High Court Establishes Environmental Protection Tribunal” [Hebei sheng gaoyuan chengli huanjing baohu shenpan ting], *People’s Daily*, 19 March 15; Zhu Guoliang, “Jiangsu High Court Establishes Environment and Resources Tribunal” [Jiangsu gaoyuan zu jian huanjing ziyuan shenpan ting], *Xinhua*, 4 December 14.

⁴⁷Bao Xiaodong et al., “(Green Times) Environmental Public Interest Litigation, Where Are Crucial Points of Reform? Dialogue With SPC Environmental and Resources Tribunal Presiding Judge Zheng Xuelin” [(Luse shijian) huanjing gongyi susong, gaige guanjian zai na duihua zuigaofa huanjing ziyuan shenpan tingzhang zheng xuelin], *Southern Weekend*, 26 Sep-

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⁴⁸Zhou Qiang Gives Supreme People’s Court Work Report” [Zhou qiang zuo zuigao renmin fayuan gongzuo baogao], Caixin, 12 March 15; Te-Ping Chen, “China Sees Surge in Court Cases Against Polluters,” Wall Street Journal, 12 March 15.

⁴⁹Bao Xiaodong et al., “(Green Times) Environmental Public Interest Litigation, Where Are Crucial Points of Reform? Dialogue With SPC Environmental and Resources Tribunal Presiding Judge Zheng Xuelin” [(Luse shijian) huanjing gongyi susong, gaige guanjian zai na duihua zuigaofa huanjing ziyuan shenpaning tingzhang zheng xuelin], Southern Weekend, 26 September 14; “Environmental Public Interest Litigation Will Have Operational Rules of Procedure” [Huanjing gonggong susong jiang you ke caozuoxing chengxu guize], Legal Daily, 12 November 14; “Current Problems and Remedies in Environmental and Resources Type Cases” [Dangqian huanjing ziyuan lei anjian cunzai de wenti yu duice], People’s Court News, reprinted in Tianjin Court Net, 13 November 14; Yang Xueying, “How Pollution Victims Have Power” [Wuran shouhaizhe ruhe you lilian], Dazhong Daily, reprinted in Center for Legal Aid to Pollution Victims, China University of Political Science and Law, 14 May 15; Christopher Beam, “China Tries a New Tactic To Combat Pollution: Transparency,” New Yorker, 6 February 15; Zhang Chun, “Growing Pains for China’s New Environmental Courts,” China Dialogue, 17 June 15. Previous reports illustrate the ongoing nature of these barriers. See, e.g., Feng Jun, “Citizens Fight Haze” [Minjian kang mai], Southern Metropolitan Daily, 10 March 14; Rachel E. Stern, “Poor Rural Residents in China Seen as Easy Target for Environmental Lawsuits,” China Dialogue, 24 April 13; Hu Zhonghua, “The Limitations to China’s Environmental Public Interest Litigation System” [Woguo huanjing gongyi susong zhidu de xiandu], Journal of the Wuhan University of Technology (Social Science Edition), Vol. 24, No. 6, reprinted in China Environment and Resources Law Network, 26 November 12.

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⁵²Xue Xiaolin, “Withdrawing Legal Complaint Is Current Trend in Hunan Children’s Lead Poisoning Cases, Working Group: If Not Withdrawn Then Will Withhold Subsistence Allowance” [Hunan ertong xue qian an xian che su chao gongzuozu: bu che quxiao dibao], The Paper, reprinted in Tencent, 14 May 15.

⁵³Ibid.

⁵⁴Alexandra Harney, “Pollution Trial Offers Rare Glimpse Into a Chinese Courtroom,” Reuters, 13 June 15; Xue Xiaolin, “Withdrawing Legal Complaint Is Current Trend in Hunan Children’s Lead Poisoning Cases, Working Group: If Not Withdrawn Then Will Withhold Subsistence Allowance” [Hunan ertong xue qian an xian che su chao gongzuozu: bu che quxiao dibao], The Paper, reprinted in Tencent, 14 May 15.

⁵⁵Barbara Finamore, “How China’s Top Court Is Encouraging More Lawsuits Against Polluters,” National Resources Defense Council, Switchboard Blog (Barbara Finamore’s blog), 26 January 15.

⁵⁶Kong Lingyu, “The Years-Long Debate Over Environmental Public Interest Litigation Comes to an End” [Huanjing gongyi susong zhenglun shu nianzhong luodi], Caixin, 7 January 15.

⁵⁷PRC Civil Procedure Law [Zhonghua renmin gongheguo minshi susong fa], passed 9 April 91, amended 28 October 07, 31 August 12, effective 1 January 13, art. 55; PRC Environmental Protection Law [Zhonghua renmin gongheguo huanjing baohu fa], passed 26 December 89, amended 24 April 14, effective 1 January 15, art. 58. See also Supreme People’s Court, Interpretation Regarding Certain Issues Related to Application of the Law in Environmental Civil Public Interest Litigation [Guanyu shenli huanjing minshi gongyi susong anjian shiyong falu ruogan wenti de jieshi], issued 6 January 15; CECC, 2014 Annual Report, 9 October 14, 128–29. For a general overview of the SPC Interpretation, see Susan Finder, “Why the Supreme People’s Court Is Harnessing the NGO ‘Genie,’” Supreme People’s Court Monitor (blog), 26 January 15.

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⁵⁹Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jueding], issued 23 October 14, item 4(2.5). See also Chinese Communist Party Central Committee, “CCP Central Committee Decision Concerning Some Major Questions in Comprehensively Moving Governing the Country According to the Law Forward,” translated in China Copyright and Media (blog), 28 October 14, item 4(2.5); “China To Pilot Reform on Public Interest Litigations,” Xinhua, 21 May 15.

⁶⁰“Environmental Dispute Litigation Difficulties Urgently Need To Change, Ecological Justice Reforms Enter a Window of Opportunity” [Huanjing jiufen susong nan jidai gaibian shengtai sifa gaige jinru chuankou qi], Economic Information Daily, reprinted in Xinhua, 8 October 14.

⁶¹Ibid.

⁶²Ibid.

⁶³Ibid. “Wang Ming: NGOs Need To Improve Their Professional Standards in Environmental Public Interest Litigation” [Wang ming: NGO huanjing gongyi susong xu tigao zhuanye shuizhun], China Charity Alliance, 10 March 15.

⁶⁴Yang Fenglin, “Environmental Public Interest Litigation Not Subject to Regional Restrictions” [Huanjing gongyi susong bu shou diyu xianzhi], Jinghua News, 7 January 15. For more information on these criteria, see Supreme People’s Court, Interpretation Regarding Certain Issues Related to Application of the Law in Environmental Civil Public Interest Litigation [Guanyu shenli huanjing minshi gongyi susong anjian shiyong falu ruogan wenti de jieshi], issued 6 January 15, effective 7 January 15.

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⁶⁶“Wang Ming: NGOs Need To Improve Their Professional Standards in Environmental Public Interest Litigation” [Wang ming: NGO huanjing gongyi susong xu tigao zhuanye shuizhun], China Charity Alliance, 10 March 15.

⁶⁷Chang Jiwen, “New Environmental Protection Law Encounters Implementation Problems” [Xin huanbao fa zaoyu shishi nanti], Economic Information Daily, 8 April 15; Yang Fenglin, “Environmental Public Interest Litigation Not Subject to Regional Restrictions” [Huanjing gongyi susong bu shou diyu xianzhi], Jinghua News, 7 January 15; “Tenggeli Desert Pollution Public Interest Case Not Accepted, Plaintiff Declared Ineligible To File Lawsuit” [Tenggeli shamo wuran gongyi susong wei bei shouli yuangao bei zhi meiyou qisu zige], China National Radio, 23 August 15. In this example, a court in the Ningxia Hui Autonomous Region did not accept a public interest lawsuit brought by an environmental group against eight companies suspected of dumping pollutants in a desert area because the group did not specifically state in its charter that its scope of work included public interest litigation.

⁶⁸Chang Jiwen, “New Environmental Protection Law Encounters Implementation Problems” [Xin huanbao fa zaoyu shishi nanti], Economic Information Daily, 8 April 15.

⁶⁹Bao Xiaodong et al., “(Green Times) Environmental Public Interest Litigation, Where Are Crucial Points of Reform? Dialogue With SPC Environmental and Resources Tribunal Presiding Judge Zheng Xuelin” [(Luse shijian) huanjing gongyi susong, gaige guanjian zai na duihua zuigaofa huanjing ziyuan shenpaning tingzhang zheng xuelin], Southern Weekend, 26 September 14.

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⁷¹Tong Ke’nan, “Does Environmental Public Interest Litigation Appear Satisfactory?” [Huanjing gongyi susong kanshangqu hen mei?], China Environmental News, 11 March 15.

⁷²Ibid. “Environmental Dispute Litigation Difficulties Urgently Need To Change, Ecological Justice Reforms Enter a Window of Opportunity” [Huanjing jiufen susong nan jidai gaibian shengtai sifa gaige jinru chuankou qi], Economic Information Daily, reprinted in Xinhua, 8 October 14.

⁷³Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14, items 1.3, 5(4.4). In November 2014, the Party Central Committee emphasized an “imperative to have the rule of law play a greater role in leading and standardizing practices in order to realize . . . ecological welfare.” The Committee called on authorities to “strengthen governance over key problems such as . . . harm to the ecological environment,” within the broader context of efforts to “guard against, diffuse, and control problems influencing social stability.”

⁷⁴Chinese Communist Party Central Committee and State Council, Opinion on Accelerating Advancement in Building an Ecological Civilization [Guanyu jiakuai tuijin shengtai wenming jianshe de yijian], issued 25 April 15, reprinted in Xinhua, 5 May 15.

⁷⁵Wang Kunting, “Promote Ecological Transformation of Laws and Regulations” [Tuijin falu fagui shengtaihua], China Environmental News, 10 December 14.

⁷⁶Chen Liping, “Drafting Work Proceeding Steadily” [Qicao gongzuo zhengzai jiji wen bu tuijin], Legal Daily, 19 January 15. This article discusses the status of a possible soil pollution prevention and control law. “Soil Environmental Quality Standard’ Revision Draft Open for Public Comment” [“Turang huanjing zhiliang biaozhun” xiuding cao’an gongkai zhengqiu yijian], China Environmental News, 15 January 15; Cui Zheng, “China Draft Proposes Tougher Curbs on Soil Pollution,” China Dialogue, 29 January 15. Authorities issued a draft of the new soil pollution standards in January that places greater limits on pollutants.

⁷⁷State Council Legislative Affairs Office, PRC Air Pollution Prevention and Control Law (Amendment Draft for Public Comment) [Zhonghua renmin gongheguo daqi wuran fangzhi fa (xiuding cao’an zhengqiu yijian gao)], issued 9 September 14.

⁷⁸State Council, “Water Pollution Prevention and Control Action Plan” [Shui wuran fangzhi xingdong jihua], issued 2 April 15, reprinted in Ministry of Environmental Protection, 16 April 15. The plan outlines concrete water pollution control targets and introduces new plans for public-private project funding arrangements. See also Ministry of Environmental Protection and Ministry of Finance, Implementing Opinion on Advancing Government and Social Capital Cooperation in the Area of Water Pollution Prevention and Control [Guanyu tuijin shui wuran fangzhi lingyu zhengfu he shehui ziben hezuo de shishi yijian], issued 9 April 15; Xie Jiali, “Ex-

planation of “Ten Water Articles: Where Is the Funding Coming From To Implement the ‘Ten Water Articles?’” [Jiedu “shui shi tiao”: luoshi “shui shi tiao” zijin cong nali lai?], China Environmental News, 5 May 15.

⁷⁹“Changes to Wildlife Protection Law on Horizon, NPC Deputy Says,” Caixin, 13 March 15. The National People’s Congress’s Standing Committee has put revisions to the PRC Wildlife Protection Law on the 2015 legislative agenda.

⁸⁰State Council General Office, “Energy Development Strategic Action Plan (2014–2020)” [Nengyuan fazhan zhanlue xingdong jihua (2014–2020 nian)], issued 19 November 14.

⁸¹Ministry of Environmental Protection, “Accelerate and Advance Construction of an Ecological Civilization, Effectively Push Forward Implementation of New ‘Environmental Protection Law,’ Ministry of Environmental Protection Relaunches Research on Green GDP” [Jiakuai tuijin shengtai wenming jianshe you xiao tuidong xin “huanbao fa” luoshi huanjing baohubu chongqi luse GDP yanjiu], 30 March 15. The MEP relaunched research on green GDP with the aim of establishing new pilot projects by 2017. Huang Jijun, “Green Development Report Regarded as Settling the Development Debt” [Luse fazhan baogao suanqing fazhan zhang], China Environmental News, 13 May 15.

⁸²Ministry of Environmental Protection, Sudden Environmental Incident Investigation and Management Measures [Tufa huanjing shijian diaocha chuli banfa], issued 15 December 14, effective 1 March 15. While Article 17 of the Measures stipulates that environmental protection bureaus should release to the public information about sudden environmental incidents, Article 6 stipulates that such information may not be released without approval from the leader of the environmental incident investigative group. State Council General Office, National Plan on Emergency Preparedness for Environmental Sudden Incidents [Guojia tufa huanjing shijian yingji yu an], issued 29 December 14, reprinted in PRC Central People’s Government, 3 February 15. The plan, revised from a 2005 version, includes provisions regarding providing timely information to higher level authorities and the public, as well as for “guiding public opinion.”

⁸³“Environmental Protection Tax Takes Shape in a Draft Proposal, National People’s Congress Finance and Economic Committee Recommends Deliberation as Soon as Possible” [Huanjing baohu shuifa xingcheng cao’an gao quanguo renda caijing wei jianyi jinzao tiquing shenyi], Xinhua, 3 November 14; Kathy Chen and David Stanway, “China Issues Draft Environmental Tax Law,” Reuters, reprinted in New York Times, 10 June 15; Kong Lingyu, “Amid Worsening Pollution, Gov’t Moves Toward Law on Ecotaxes,” Caixin, 19 March 15. Such a tax would replace many pollution fees but may mean less revenue for environmental departments to reduce pollution, and some environmentalists are concerned that the taxation officials do not know enough about pollution issues.

⁸⁴“China: 28 Provinces in Environmental Liability Insurance Trials,” Asian Insurance Review, 4 June 15.

⁸⁵Xie Jiali, “Explanation of ‘Ten Water Articles’: Where Is the Funding Coming From To Implement the ‘Ten Water Articles?’” [Jiedu “shui shi tiao”: luoshi “shui shi tiao” zijin cong nali lai?], China Environmental News, 5 May 15.

⁸⁶Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14, item 2(4.7). According to Item 2(4.7), “Build and complete legal structures for property rights over natural assets, perfect legal structures in the area of State land exploitation and protection, formulate and perfect laws and regulations for ecological compensation, the prevention of soil, water, and air pollution, and the protection of the maritime ecological environment, to stimulate the construction of an ecological civilization.”

⁸⁷Ibid., item 2(4.2). See also Chinese Communist Party Central Committee, “CCP Central Committee Decision Concerning Some Major Questions in Comprehensively Moving Governing the Country According to the Law Forward,” translated in China Copyright and Media (blog), 28 October 14, item 2(4.2).

⁸⁸Kou Jiangze and Deng Xu, “Authority To Approve EIAs Given to Lower Levels, How To Seize Effective Control” [Huanping shenpi quan xiafang, ruhe jie zhuguan hao], People’s Daily, 6 May 15. Officials are devolving authority to approve 6 additional project categories of environmental impact assessments to provincial authorities in addition to the existing 25 categories. For information on previous measures, see Ministry of Environmental Protection, “Announcement Regarding Ministry of Environmental Protection Delegation of Authority To Examine and Approve Environmental Impact Assessment Documents for Certain Construction Projects” [Huanjing baohubu guanyu xiafang bufen jianshe xiangmu huanjing yingxiang pingjia wenjian shenpi quanxian de gonggao], 15 November 13. This announcement states that the Ministry of Environmental Protection will delegate authority to provincial governments to assess and approve environmental impact assessments (EIA) for certain projects. Ministry of Environmental Protection, “Government Information Disclosure Guide for Construction Project Environmental Impact Assessments (Provisional)” [“Jianshe xiangmu huanjing yingxiang pingjia zhengfu xinxi gongkai zhinan (shixing)”], 14 November 13, item 4(1.6). This document guides authorities’ disclosure of full EIA reports and other documents. Ministry of Environmental Protection, Circular Regarding Earnestly Strengthening Environmental Impact Assessment Supervision and Administration Work [Guanyu qieshi jiaqiang huanjing yingxiang pingjia jiandu guanli gongzuo de tongzhi], issued 15 November 13. This circular seeks to strengthen the supervision and administration of EIAs.

⁸⁹Office of the Press Secretary, The White House, “Fact Sheet: U.S.-China Joint Announcement on Climate Change and Clean Energy Cooperation,” 11 November 14.

⁹⁰Ibid.; Office of the Press Secretary, The White House, “U.S.-China Joint Announcement on Climate Change,” 12 November 14; World Resources Institute, “Taking Stronger Action on Climate Change: China and the United States,” ChinaFAQs, 6 February 15, 2; Shannon Tiezzi, “In New Plan, China Eyes 2020 Energy Cap,” The Diplomat, 20 November 14.

⁹¹Chinese Communist Party Central Committee, Decision on Certain Major Issues Regarding Comprehensively Deepening Reforms [Zhonggong zhongyang guanyu quanmian shenhua gaige ruogan zhongda wenti de jue ding], issued 12 November 13. The Decision urged authorities to “strengthen grassroots law enforcement in . . . environmental protection” (item 31). State Council, Certain Opinions on Promoting Fair Market Competition and Maintaining the Normal Market Order [Guanyu cujin shichang gongping jingzheng weihu shichang zhengchang zhixu de ruogan yijian], issued 8 July 14.

⁹²Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14, item 3(3.2). See also Chinese Communist Party Central Committee, “CCP Central Committee Decision Concerning Some Major Questions in Comprehensively Moving Governing the Country According to the Law Forward,” translated in China Copyright and Media (blog), 28 October 14, item 3(3.2).

⁹³Ibid., item 2(4.7); Ibid., item 2(4.7).

⁹⁴State Council General Office, Circular Regarding Strengthening Environmental Supervision and Law Enforcement [Guanyu jiaqiang huanjing jianguan zhifa de tongzhi], issued 12 November 14.

⁹⁵“State Council General Office Demands ‘Zero Tolerance’ for Environmental Violations, Experts: Reflects Determination To Control Environmental Pollution” [Guo ban yaogiu dui huanjing weifa “ling rongren” zhuanjia: tixian zhili huanjing wuran juexin], China National Radio, 28 November 14.

⁹⁶State Council General Office, Circular Regarding Strengthening Environmental Supervision and Law Enforcement [Guanyu jiaqiang huanjing jianguan zhifa de tongzhi], issued 12 November 14, art. 5.

⁹⁷Ibid., art. 11.

⁹⁸Yang Yiping, “Strict Law Enforcement Is Necessary To Guarantee Law Is Substantial and Reaches the Ground” [Yange zhifa caineng baozhang falu jianshi luodi], China Environmental News, 23 December 14; State Council General Office, Circular Regarding Strengthening Environmental Supervision and Law Enforcement [Guanyu jiaqiang huanjing jianguan zhifa de tongzhi], issued 12 November 14, art. 14.

⁹⁹Supreme People’s Procuratorate, “Cao Jianming Gives the Supreme People’s Procuratorate Work Report” [Cao jianming zuo zuigao renmin jianchayuan gongzuo baogao], reprinted in Caixin, 12 March 15; Te-Ping Chen, “China Sees Surge in Court Cases Against Polluters,” Wall Street Journal, 12 March 15.

¹⁰⁰Tong Ke’an, “Bulletin on the Status of Administrative Penalties and Environmental Criminal Cases Handed Over Last Year” [Tongbao qunian xingzheng chufa he huanjing fanzui anjian yi song qingkuang], China Environmental News, 15 April 15.

¹⁰¹Zhang Chun, “China’s Polluters Hit With Biggest-Ever Fines,” China Dialogue (blog), 6 January 15.

¹⁰²“Chinese Police See Soaring Environmental Crimes,” Xinhua, 6 February 15.

¹⁰³Supreme People’s Court and Supreme People’s Procuratorate, Interpretation of Certain Issues Related to Laws Applicable in Criminal Cases of Environmental Pollution [Guanyu banli huanjing wuran xingshi anjian shiyong falu ruogan wenti de jieshi], issued 8 June 13, effective 19 June 13. For more information on the Interpretation, see CECC, 2013 Annual Report, 10 October 13, 125.

¹⁰⁴Wang Erde, “Within Half a Year, 247 Environmental Criminal Cases Filed” [Bannian nei huanjing xing’an li’an 247 qi], 21st Century Business Herald, reprinted in China Environmental News, 4 December 13.

¹⁰⁵“Chen Jining Answers Journalists’ Questions With Regard to Comprehensively Strengthening Environmental Protection” [Chen jining jiu quanmian jiaqiang huanjing baohu da jizhe wen], National People’s Congress, 7 March 15.

¹⁰⁶Chang Chun, “China Trials Environmental Audits To Hold Officials to Account,” China Dialogue, 18 June 15.

¹⁰⁷Ibid.

¹⁰⁸Ben Blanchard and Judy Hua, “China Slates Environment Ministry After Graft Probe,” Reuters, 10 February 15.

¹⁰⁹Guo Yongfang, “70 Listed Companies Caught in Anticorruption Storms—Natural Resources Companies Accounted for About One in Four” [70 jia shangshi gongci juan ru fanfu fengbao ziyou lei zhan si fen zhi yi zuoyou], Beijing News, reprinted in Caijing, 9 February 15.

¹¹⁰Bao Xiaodong, “Five Thousand EIA Engineers, More Than 16 Percent? Violate the Law? Search for ‘Shadow EIA Engineers’” [Wu qian huanpingshi, wei gui gaoda 16%? souxun “yingzi huanpingshi”], Southern Weekend, 17 October 14.

¹¹¹Ben Blanchard and Judy Hua, “China Slates Environment Ministry After Graft Probe,” Reuters, 10 February 15.

¹¹²Niu Jiwei et al., “Xinhua Exclusive Gets to the Bottom of Rui Hai Company: Who Is the Mystery Person in Control?” [Xinhua dujia qidi rui hai gongsi: shei shi shenmi kongzhi ren?], Xinhua, 19 August 15; “China Explosions: Potent Chemical Mix Behind Tianjin Blasts,” BBC, 15 August 15.

¹¹³“State Council General Council Demands ‘Zero Tolerance’ for Environmental Violations, Experts: Reflects Determination To Control Environmental Pollution” [Guo ban yaogiu dui huanjing weifa “ling rongren” zhuanjia: tixian zhili huanjing wuran juexin], China National Radio, 28 November 14.

¹¹⁴Ibid.

¹¹⁵“338 Cities’ Environmental Monitoring Data Released in Real Time, Pollution Sources Have Nowhere To Hide” [338 ge chengshi huanjing jiance shuju shishi fabu wuranyuan wuchugangshen], People’s Daily, 2 April 15. In 2015, an official investigation into 72 monitoring stations in 12 provincial-level areas reportedly found that some local governments had directed en-

vironmental monitoring stations to fake monitoring data. Yang Weihang, “China Will Launch Special Investigation To Crack Down on ‘Falsification’ of Air Quality Monitoring Data” [Zhongguo jiang kaizhan zhuanxiang jiancha yanda kongqi zhiliang jiance shuju “zao jia”], Xinhua, 1 April 15; Liu Shixin, “Some Locations Still Fake Environmental Monitoring Data” [Bufen difang rengcun huanjing jiance shuju zaojia], China Youth Daily, 2 April 15.

¹¹⁶Wan Ganjiang and Chen Liezi, “What Bottlenecks Are There in the Implementation of the New Environmental Protection Law?” [Xin huanbaofa shishi zhong cunzai na xie pingjing?], China Environmental News, 8 April 15; Chang Jiwen, “New Environmental Protection Law Encounters Implementation Problems” [Xin huanbaofa zaoyu shishi nantil], Economic Information Daily, 8 April 15.

¹¹⁷Ministry of Environmental Protection, “Ministry of Environmental Protection Bulletin on Progress Since the New Environmental Protection Law Went into Effect, New Leadership To Place More Importance on Environmental Rule by Law” [Huanjing baohu bu tongban xin “huanbao fa” shengxiao yilai jinzhuan qingkuang xin lingdao banzi jiang geng jia zhongshi huanjing fazhi], 2 March 15; Li Jing, “China’s Pollution High on Agenda for Country’s Top Political Consultation Body,” South China Morning Post, 3 March 15; State Council General Office, Circular Regarding Strengthening Environmental Supervision and Law Enforcement [Guanyu jiaqiang huanjing jianguan zhifa de tongzhi], issued 12 November 14.

¹¹⁸Bao Zhang and Cong Cao, “Policy: Four Gaps in China’s New Environmental Law,” Nature, 21 January 15.

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