

THE ENVIRONMENT

China's Pollution Challenges and Health Concerns

During the Commission's 2014 reporting year, widespread and severe environmental challenges continued to confront China and to threaten citizens' health,¹ including soil, air, water, and other pollution problems. Environmental problems reportedly have led to increasing migration by China's wealthy to less polluted areas in China or to locations outside the country.² Soil pollution in China has been linked to food safety concerns both domestically and internationally.³ Results of a national soil pollution survey showed that over 19 percent of arable land soil samples collected from across China were contaminated.⁴ The survey also showed that over 36 percent of the soil samples collected from sites around hundreds of heavy polluting industries exhibited contamination.⁵ This figure is significant given that according to one study, approximately 110 million Chinese people live within one kilometer of "key" polluting enterprises⁶ (in 2014, there were 14,410 total "key" enterprises).⁷ Air pollution incidents in several locations led authorities to take actions such as closing schools, canceling flights, and closing highways because of low visibility.⁸ Chinese citizens,⁹ as well as U.S. scientists and authorities and South Korean officials, expressed concern about China's air pollution, which has crossed international boundaries.¹⁰

During this reporting year, news articles chronicled a number of environmental accidents in China that affected drinking water supplies,¹¹ highlighting both transparency issues and ongoing challenges in maintaining drinking water quality. At a United Nations meeting in May 2014, a representative of the Chinese government asserted that over 98 percent of China's city residents have access to "safe drinking water,"¹² although it is uncertain whether he was referring to all urban areas. One report cited official statistics indicating that in 2012, 95.3 percent of the drinking water in 113 "key" cities met quality standards, but pointed out that officials did not disclose drinking water quality from thousands of other cities.¹³ The same report cited a source asserting that only about half of urban drinking water met standards.¹⁴ Rural residents reportedly face more formidable challenges in accessing safe drinking water than their urban counterparts.¹⁵ A Ministry of Land Resources survey indicated that 280 million people in China still use unsafe drinking water.¹⁶

In addition, dirty migration, whereby polluting industries move to less developed areas, remains a problem. Environmental protection efforts have lagged behind and information disclosure has been lower in less developed areas.¹⁷ This situation is problematic because it potentially leaves rural residents more vulnerable to the effects of pollution.¹⁸ A news source reported that relocated power plants to the Xinjiang Uyghur Autonomous Region (XUAR) have affected public health.¹⁹ The largely minority populations in the XUAR and other regions face serious political risks if they speak out in opposition to such polluting projects.²⁰ For example, court authorities in Biru county, Tibet Autonomous Region, sentenced three environmentalists to respective prison terms of 3, 9, and 13 years for allegedly leading a public demonstration against pollution

from mining activities.²¹ [For more information on these three cases, see Section V—Tibet.]

Regulatory Developments and Challenges to Rule of Law and Accountability

Party leaders' speeches²² and provisions in a major planning document suggest that central authorities have raised the priority of regulating threats to environmental quality. During the Third Plenum of the 18th National Congress of the Chinese Communist Party Central Committee in November 2013,²³ the Party issued a major planning document, the Central Committee Third Plenum Decision on Certain Major Issues Regarding Comprehensively Deepening Reforms (the Decision), which contained provisions in support of environmental protection, including provisions to strengthen enforcement.²⁴ The Decision's provisions highlighted the following objectives: publishing environmental information in a timely manner, strengthening public supervision, and strictly implementing a compensation payments system for ecological or environmental damage,²⁵ among several other goals.²⁶

REVISIONS TO THE ENVIRONMENTAL PROTECTION LAW: STRENGTHS
AND WEAKNESSES

In April 2014, the National People's Congress Standing Committee passed substantial revisions to the Environmental Protection Law (EPL), the first revisions since 1989,²⁷ further suggesting that central authorities have raised the priority of regulating threats to the environment.²⁸ Implementation will be a key determinant for the success of the revised EPL as it is for other regulatory measures.²⁹ If duly implemented, the revised EPL provisions could have positive effects,³⁰ some of which are mentioned below.

1. Certain articles in the revised EPL have the potential to improve transparency, by:
 - a. Codifying at the level of law the requirement that relevant departments shall (*yingdang*) make full environmental impact assessment (EIA) reports available to the public, except for information that is considered a state or company secret.³¹
 - b. Stipulating that "key" polluting entities should make public the names and amounts of pollutants they emit along with other related details.³²
 - c. Specifying that if "key" polluting industries do not disclose or disclose false "environmental information," then environmental protection authorities may, through orders, fines, and exposure, compel them to do so.³³
2. Provisions from the revised EPL listed below have the potential to address lax implementation and enforcement, and reduce noncompliance:
 - a. Article 6 stipulates greater responsibility of local government officials for environmental quality.³⁴
 - b. Article 26 codifies into law the inclusion of environmental protection targets as criteria in same-level performance evaluations of environmental protection departments and for performance evaluations of lower level governments and officials.³⁵

- c. Article 44 specifies that environmental authorities can put on hold approvals for polluting projects in a region if that region is out of compliance with total emission control targets or has not met nationally determined environmental quality targets.³⁶
- d. Article 43 allows authorities to collect environmental taxes in some cases instead of pollution emission fees, which remain a policy option, but amounts have been too low to have the desired impact.³⁷
- e. Article 59 provides for authorities to impose daily fines on polluting entities under certain conditions.³⁸

In addition, the EPL revisions may also improve public oversight of environmental affairs by allowing a narrow, select range of environmental groups to file public interest lawsuits, although limitations and questions remain. Article 58 provides that environmental “social organizations” (*shehui zuzhi*) may bring public interest lawsuits only if the group (1) is registered with a civil affairs bureau at a municipal-level city or above, (2) has been involved in environmental protection public interest activities continuously for five years, and (3) has not broken the law.³⁹ Experts point out that there is too much ambiguity in the language about which groups will be allowed to file lawsuits and suggest further clarification is needed.⁴⁰ Given this ambiguity, there is no certainty that authorities will allow groups without close ties to government agencies to file public interest lawsuits.

Some Chinese and international experts welcomed the revision of the EPL;⁴¹ however, some mentioned remaining deficiencies, such as the need for a central platform to facilitate citizen access to information, and an assessment mechanism to assist in monitoring environmental health.⁴² In addition, environmental officials still cannot order a polluting entity to halt operations other than on a temporary basis without approval from the local government.⁴³ Under the revised EPL, environmental officials can compel “key” polluting industries to disclose pollution emissions and other information, but this authority does not appear to extend to the vast majority of enterprises.⁴⁴

ADDITIONAL INSTITUTIONAL AND REGULATORY DEVELOPMENTS

In addition to revising the EPL, authorities took additional steps to strengthen the environmental protection regulatory framework. In November 2013, the Ministry of Environmental Protection issued three important documents that sought to delegate authority to approve, strengthen supervision over, and guide information disclosure regarding environmental impact assessments (EIA).⁴⁵ In June 2014, the Supreme People’s Court established the Environment and Resources Tribunal to offer “unified guidance and coordination” to China’s 134 environmental courts.⁴⁶ Central and environmental authorities continued to revise several major environmental laws;⁴⁷ discuss far-reaching institutional changes;⁴⁸ and draft new laws and plans to address soil contamination,⁴⁹ institute environmental taxes,⁵⁰ and raise awareness of environmental health.⁵¹ In addition, central and environmental authorities instituted an air pollution target responsibility system in provincial-level areas;⁵² issued a guiding opinion⁵³ and began to draft na-

tional rules that will guide public participation in environmental protection;⁵⁴ discussed revamping and expanding pollution permit markets;⁵⁵ and planned to expand carbon exchange market pilot projects,⁵⁶ including launching trial operation of a national unified carbon market in 2016 in select provinces and cities.⁵⁷

AUTHORITIES INCREASED CRIMINAL ENFORCEMENT ACTIONS

During the 2014 reporting period, authorities increased criminal enforcement actions in addition to strengthening the environmental protection regulatory framework. In June 2013, court and procuratorate authorities issued an interpretation that clarified the application of the PRC Criminal Law to environmental cases,⁵⁸ and between June and December 2013, security agencies reportedly investigated and handled 247 environmental criminal cases, equivalent to the total number of cases handled in the previous 10 years.⁵⁹ The Ministries of Environmental Protection and Public Security issued a joint opinion in December 2013 that outlined closer cooperation between the two ministries in enforcing environmental laws,⁶⁰ and by early December, eight provinces and cities had established joint enforcement mechanisms.⁶¹

NONCOMPLIANCE AND CORRUPTION

Rule of law in the environmental sector will require more than new or revised laws and regulations, as noncompliance and corruption remain problematic. A survey published in 2014 by several Chinese non-governmental organizations about real-time online air pollution monitoring results from a sampling of China's "key" enterprises for air emissions found that most companies surveyed were in compliance only 30 to 45 percent of the time.⁶² An official source indicated that in 2013, environmental protection enforcement personnel found nearly 10,000 infractions of the law and other hazards and risks during environmental inspections.⁶³ Corruption and disregard for the law reportedly are widespread in the environmental sector⁶⁴ and in some cases, they have been linked to pollution accidents.⁶⁵

UNRELIABLE LEGAL REMEDIES

Despite improved environmental legislation and increased application of criminal sanctions, significant challenges hinder the development of the rule of law in the area of environmental protection, including ongoing barriers faced by citizens in accessing the courts.⁶⁶ During this reporting year, for example, in February 2014, Li Guixin, a resident of Hebei province, tried to file a lawsuit related to air pollution against the Shijiazhuang Municipal Environmental Protection Bureau (EPB).⁶⁷ While domestic media touted Li's efforts as the first lawsuit by an individual against an EPB,⁶⁸ Li did not get his day in court because no court would accept the case.⁶⁹ In addition, a Chinese news article reported that Li was subject to pressure from "all sides," including from his lawyer, who decided to drop Li as a client.⁷⁰

Another case illustrating the obstacles citizens faced in their efforts to access the courts concerns the April 2014 major benzene chemical spill in Lanzhou municipality, Gansu province.⁷¹ Five citi-

zens filed a lawsuit over the spill, but a court did not accept the lawsuit and, without providing a written response, stated that the litigants did not meet the criteria to sue, citing legal provisions related to public interest cases.⁷² Sources cite assertions that the court's reasoning is problematic because the citizens were filing the case as individuals directly harmed by the spill, so the case should not have been considered a public interest case.⁷³ The Supreme People's Court responded to questions about the lower court's decision not to accept the lawsuit by stating that the court where a plaintiff files should be the court that makes the determination to accept or reject the case.⁷⁴

POLLUTION AND MASS INCIDENTS

Pollution and environmental degradation problems are among the primary triggers of environmental mass incidents.⁷⁵ For example, in May 2014, authorities in Hangzhou municipality, Zhejiang province, reportedly detained at least 53 people linked to their participation in a mass protest⁷⁶ against a waste incinerator, and 7 others for "spreading rumors" about the protest.⁷⁷ In another example, on March 30, 2014, thousands of people joined a peaceful protest against a paraxylene (PX) plant in Maoming municipality, Guangdong province,⁷⁸ that eventually turned violent.⁷⁹ Human Rights Watch called upon Chinese authorities to launch an investigation into possible excessive use of force in Maoming.⁸⁰ Officials administratively detained 26 people and criminally detained 18 others on unspecified charges.⁸¹ One resident reportedly said citizens had not been consulted about the project.⁸² News articles reported instances of censorship,⁸³ deletion of journalists' photographs,⁸⁴ and journalists being blocked from entering the city⁸⁵ or being required to have a special permit.⁸⁶ The government and some schools and employers pressured workers and students to support the plant and not to participate in the demonstrations.⁸⁷

Environmental Transparency: Advances and Setbacks

During the 2014 reporting period, Chinese and international media reported that Chinese authorities had made advances in environmental transparency. A Chinese NGO research report indicated that in more than 100 cities, disclosure of air quality data had improved since 2011.⁸⁸ As of January 2014, 179 cities had started to disclose to the public real-time information on air quality.⁸⁹ Also in January, a national environmental measure came into force requiring "key enterprises and scaled livestock and poultry farms" to self-monitor and disclose air, water, noise, and other pollution emissions data.⁹⁰ The measure also required enterprises that have automated monitoring systems to disclose emissions data on a real-time basis.⁹¹ A January 2014 preliminary evaluation of compliance with the measure indicated some positive results.⁹² In April 2014, authorities made available to the public limited general data from a sample-based national survey on soil pollution,⁹³ following a previous refusal to release it on the grounds that the data was a "state secret."⁹⁴ While the disclosure represents a step forward, the general and incomplete nature of the information hinted that officials may be reluctant to move toward full disclosure.⁹⁵

During the reporting year, censorship persisted and citizens continued to face obstacles in accessing environmental information from governmental agencies. In February 2014, sources reported that Chinese officials fired an editor from the Finance Channel of Chinese Central Television (CCTV) for allowing posts complaining about the air quality in Beijing municipality on the channel's official Sina Weibo microblog, and ordered CCTV not to report on Beijing's air pollution.⁹⁶ Chinese officials reportedly deleted references to a Shanghai Academy of Social Sciences research study, which was cited by several news media, that said "Beijing is not livable."⁹⁷ As China accelerates its development of nuclear power,⁹⁸ a source reported on the lack of transparency and some unease regarding communication and cooperation on safety issues at the Taishan nuclear plant under construction in Guangdong province.⁹⁹ Other sources highlighted instances in which officials denied environmental information requests. For example, in one case, officials denied a request for information on pollution emission fees collected by environmental officials across the country,¹⁰⁰ and in another case, information regarding environmental impact assessment results and emissions data related to an incinerator in Hangzhou municipality, Zhejiang province.¹⁰¹ One international source noted that requests for information about the implementation of China's Green Credit Directive (the Directive) sent to six Chinese banks went unanswered.¹⁰² Chinese banks are required under the Directive to evaluate the social and environmental impacts of their international project loans.¹⁰³

Notes to Section II—The Environment

¹See, e.g., "China Suspends Officials After Lead Poisoning in Hunan Children," Radio Free Asia, 17 June 14; Cheng Lu and Li Yahong, "China Raises Alert Against Surging Cancer Crisis," Xinhua, 19 April 14; Tom Phillips, "Toxic Smog Threatens Millions of Chinese Lives," Telegraph, 18 February 14; "China Says Air Pollution Affecting Physical, Mental Health of Citizens," Agence France-Presse, reprinted in Shanghai Daily, 6 November 13; Xie Haitao and Liu Hongqiao, "Huai River Cancer" [Hualhe aizheng], Caixin, 30 September 13; "China Has Over 200 'Cancer Villages' Due to Water Pollution: Expert," Caijing, 18 September 13; "China Tackles the Health Effects of Air Pollution," Lancet, 14 December 13; Darren Wee, "Ex-Health Minister Endorses Finding China's Smog Kills 350,000 a Year," South China Morning Post, 7 January 14.

²Han Yuting, "Environmental Migration" [Huanjing yimin], Economic Observer, 9 February 14.

³Wang Yue, "Polluted Farmland Leads to Chinese Food Security Fears," Chinadialogue, 7 January 14; Didi Kirsten Tatlow, "After 'Cadmium Rice,' Now 'Lead' and 'Arsenic Rice,'" New York Times, Sinosphere (blog), 30 April 14; Liu Hongqiao, "The Polluted Legacy of China's Largest Rice-Growing Province," Chinadialogue, 30 May 14. For information on food safety and China, including the linkage between food safety and pollution and the implications for the United States, see Jason J. Czarnecki et al., *Global Environmental Law: Food Safety & China*, 25 *Geo. Int'l Env'tl. L. Rev.*, 261 (2013), last visited 26 June 14, 261–262, 266, 271; Forum on Health, Environment and Development, Working Group on Food Safety, "Food Safety in China: A Mapping of Problems, Governance and Research," February 2014, chap. 3.4.

⁴Ministry of Environmental Protection and Ministry of Land and Resources, "Report of the National Soil Pollution Conditions Survey" [Quanguo turang wuran zhuangkuang diaocha gongbao], 17 April 14, 1, 3; Angel Hsu and William Miao, "Soil Pollution in China Still a State Secret Despite Recent Survey," Scientific American (blog), 18 June 14. The authors explain the methodology of the sample survey and the limited nature of the data disclosed by officials.

⁵Ministry of Environmental Protection and Ministry of Land and Resources, "Report of the National Soil Pollution Conditions Survey" [Quanguo turang wuran zhuangkuang diaocha gongbao], 17 April 14, 3–5.

⁶Jin Yu, "280 Million Residents Use Unsafe Drinking Water" [2.8 yi jumin shiyong bu anquan yinyong shui], Beijing News, 15 March 14.

⁷The Ministry of Environmental Protection designates the exact number of the "key" polluting enterprises that it targets for monitoring. The number of "key" polluting enterprises varies every year. See Ministry of Environmental Protection, Circular Regarding the National 2014 List of Key Enterprises [To Be] Monitored [Guanyu yinfa 2014 nian guojia zhongdian jiankong qiye mingdan de tongzhi], issued 26 December 13; Ministry of Environmental Protection, Circular Regarding the National 2013 List of Key Enterprises [To Be] Monitored [Guanyu yinfa 2013 nian guojia zhongdian jiankong qiye mingdan de tongzhi], issued 22 March 13; Ministry of Environmental Protection, Circular Regarding the "National 2012 List of Key Enterprises [To Be]

Monitored” [Guanyu yinfa 2012 nian “guojia zhongdian jiankong qiye mingdan” de tongzhi], issued 31 December 11; Ministry of Environmental Protection, Circular Regarding the “National 2011 List of Key Enterprises [To Be] Monitored” [Guanyu yinfa 2011 nian “guojia zhongdian jiankong qiye mingdan” de tongzhi], issued 25 March 11.

⁸Edward Wong, “Response to a City’s Smog Points to a Change in Chinese Attitude,” *New York Times*, 24 October 14; “Super Smog in Northern Chinese City of Harbin Closes Schools, Cancels Flights and Halts Buses,” Associated Press, reprinted in *Washington Post*, 21 October 13; “China Cancels Flights, Closes Roads Due to Pollution,” Agencia EFE, reprinted in *Global Post*, 6 October 13; “Third Day of Serious Smog in Beijing Forces Highway Closures,” *Voice of America*, 7 October 13; Edward Wong, “‘Airpocalypse’ Smog Hits Beijing at Dangerous Levels,” *New York Times*, Sinosphere (blog), 16 January 14; Gu Ruizhen, “Course of Events in Serious Pollution (Incidents) in Beijing, Tianjin, Hebei, and Surrounding Areas” [Jing jin ji ji zhoubian dichu fasheng kongqi zhong wuran guocheng], *Xinhua*, 14 April 14; “China Chases Renewable Energy as Coast Chokes on Air,” *Wall Street Journal*, *China Real Time Report* (blog), 6 December 13; “Shanghai Cloaked in Smog as Air Pollution Hits Dangerous Peak,” *South China Morning Post*, 2 December 13.

⁹David Stanway, “Complaints About Air Pollution in China’s Capital Double in Five Months,” *Reuters*, 14 June 14; Pew Research Center, “Environmental Concerns on the Rise in China, Many Also Worried About Inflation, Inequality, Corruption,” 19 September 13, 1. The Pew survey found that between 2008 and 2013 citizen concern over air quality and water pollution increased by 16 and 12 percent, respectively.

¹⁰US, S. Korea Voice Concerns Over Drifting Smog From China,” *Want China Times*, 5 December 13; Jonathan Kaiman, “China’s Air Pollution Leading to More Erratic Climate for US, Say Scientists,” *Guardian*, 15 April 14. According to the *Guardian* article, the National Academy of Sciences found that China’s air pollution may be making Pacific Ocean storms more intense.

¹¹Norihiko Shirouzu and Judy Hua, “Crude Oil Leak Blamed for China Water Contamination,” *Reuters*, 12 April 14; Yin Yue and Gao Shengke, “Lanzhou Benzene Crisis Highlights Water Safety Issues,” *Caijing*, 23 April 14; “Wuhan Han River Ammonia Nitrate [Levels] Exceed Standards, Affects Water Use for More Than 300,000 People” [Wuhan hanjiang shuizhi andan chaobiao 30 yu wan ren yong shui shou yingxiang], *Southern Weekend*, 24 April 14; “Overturned Tanker Truck Leads to ‘Water Crisis,’ Eight Tons of Tetrachloroethane Flows Into Fuchun River” [Cao guanche ce fan yinfa “shui weiji” 8 dun si lu yiwan liuru fuchunjiang], *Southern Weekend*, 19 May 14.

¹²Introductory Statement by H.E. Ambassador Wu Hailong, Head of the Delegation of the People’s Republic of China at the Review of the Second Periodic Report of China on the Implementation of the International Covenant on Economic, Social and Cultural Rights, 8 May 14.

¹³Gao Jianghong, “Scholar Says Water Quality Situation Is a Disaster, but Worse Are State Secrets” [Xuezhe cheng shuizhi qingkuang hen zaogao dan duo zao shi guojia jimi], *21st Century Business Herald*, reprinted in *Sina*, 27 April 14.

¹⁴*Ibid.*

¹⁵Luna Lin, “Chinese Countryside Facing More Serious Drinking Water Crisis Than Cities,” *Chinadialogue*, 7 May 14.

¹⁶Jin Yu, “280 Million Residents Use Unsafe Drinking Water” [2.8 yi jumin shiyong bu anquan yinyong shui], *Beijing News*, 15 March 14.

¹⁷“Ministry of Environmental Protection: Rural Pollution Emissions Account for ‘Half of the Country’s Pollution’ [Huanbaobu: nongcun wuran paifang yi zhan zhongguo “banbi jiangshan”], *China Youth Daily*, 3 June 11. Institute of Public and Environmental Affairs (IPE) and Natural Resources Defense Council, “Open Environmental Information: Taking Stock: The 2011 Pollution Information Transparency Index (PITI), Third Annual Assessment of Environmental Transparency in 113 Chinese Cities,” 16 January 12, 2. The IPE study indicates the level of information disclosure has been lower in inland and western provinces than in coastal areas. Liu Xiaoxing, “Don’t Let Rural Environment Become a Forgotten Corner” [Bie rang nongcun huanjing cheng bei yiwang jiaolu], *China Environmental News*, 11 March 13. According to an official cited in the *China Environmental News* report, only 2.8 percent of China’s over 600,000 villages are included in comprehensive environmental control efforts.

¹⁸He Guangwei, “Special Report: The Victims of China’s Soil Pollution Crisis,” *Chinadialogue*, 30 June 14; Luna Lin, “Chinese Countryside Facing More Serious Drinking Water Crisis Than Cities,” *Chinadialogue*, 7 May 14; Gao Jianghong, “Scholar Says Water Quality Situation Is a Disaster, but Worse Are State Secrets” [Xuezhe cheng shuizhi qingkuang hen zaogao dan duo zao shi guojia jimi], *21st Century Business Herald*, reprinted in *Sina*, 27 April 14. This article cites official figures from 2012 that indicate a lower percentage of drinking water meets standards in rural areas than in urban areas.

¹⁹“China Outsourcing Smog to West Region Stirs Protest,” *Bloomberg*, 6 March 14.

²⁰*Ibid.*

²¹“China Jails Three Tibetans Over Anti-Mining Protest,” *Radio Free Asia*, 23 December 13; Tibetan Centre for Human Rights and Democracy, “Diru Crackdown: Three Tibetans Sent to Prison for Up to 13 Years, Singer Gets 9 Years in Prison,” 23 December 13. For more information on the protest, see CECC, *Annual Report 2013*, 10 October 13, 184. For more information on the individuals sentenced, see the Commission’s Political Prisoner Database records 2014-00010 on Choekyab, 2014-00009 on Trinle Tsekar, and 2014-00011 on Tselha.

²²“Two Sessions Exclusive Release: Government Work Report” [Lianghui shouquan fabu: zhengfu gongzuo baogao], *Xinhua*, 14 March 14. In the 2014 Government Work Report, Premier Li Keqiang emphasized that China should “declare war on pollution.” Zhang Qiulu, “2013 National Meeting of Environmental Department and Bureau Heads Concludes” [2013 nian guanguo huanbao ting juzhang huiyi bimul], *China Environment News*, reprinted in Ministry of Environmental Protection, 19 August 13. In a speech that reiterated the words of President Xi Jinping, Zhou Shengxian, Minister of Environmental Protection, said that China should “promote environmental protection to optimize economic development” and “use environmental pro-

tection as a mechanism to make economic structural adjustments and transform development patterns . . . ,” and that “protecting the ecological environment is protecting productivity and improving the ecological environment is developing productivity.”

²³Xinhua Insight: Why the CPC’s Third Plenary Session Is Important,” Xinhua, 30 August 13. According to Xinhua, traditionally, central Party officials use the third meeting of a new Party congress to issue plans for key policy changes.

²⁴Chinese 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], reprinted in Xinhua, 15 November 13. The Decision urged authorities to “increase the weight of resource consumption, environmental damage, ecological benefits . . .” in assessing development progress (sec. 4(14)). It also said China would “enhance the duties of local governments” in environmental protection (sec. 4(15)) and “strengthen grass-roots law enforcement in . . . environmental protection” (sec. 9(31)).

²⁵Ibid.

²⁶Ibid. For more information on other objectives of the decision, see the Decision, secs. 5(18), 14(51–54).

²⁷PRC Environmental Protection Law [Zhonghua renmin gongheguo huanjing baohu fa], passed 26 December 89, amended 24 April 14, effective 1 January 15.

²⁸Benjamin Van Rooij and Alex Wang, “China’s Pollution Challenge,” *New York Times*, 19 May 14.

²⁹“China Voice: New Environmental Law Needs Thorough Enforcement,” Xinhua, 29 April 14; Michelle Ker and Kate Logan, “New Environmental Law Targets China’s Local Officials,” *Chinadialogue*, 28 April 14; Benjamin Van Rooij and Alex Wang, “China’s Pollution Challenge,” *New York Times*, 19 May 14; “Enforcement Key to China’s Battle on Pollution,” *Wall Street Journal*, 6 March 14; Yin Pumin, “Saving the Ecosystem,” *Beijing Review*, 22 May 14.

³⁰Barbara Finamore, “New Weapons in the War on Pollution: China’s Environmental Protection Law Amendments,” *Switchboard Blog* (Barbara Finamore’s blog), 24 April 14.

³¹PRC Environmental Protection Law [Zhonghua renmin gongheguo huanjing baohu fa], passed 26 December 89, amended 24 April 14, effective 1 January 15, art. 56. In November 2013, authorities issued a revised Government Information Disclosure Guide for Construction Project Environmental Impact Assessments (provisional) that, among other items, mandated that authorities proactively disclose information about environmental impact assessment (EIA) processes and full EIA reports to the public after exclusion of information considered to be a state secret, a company secret, or information that involves state security, public safety, economic safety, and social stability. See 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, secs. 1(4), 4(1.6). See also Ministry of Environmental Protection (MEP), “To Promote the Reform of EIA Approval and the Functional Transformation, MEP Continuously Releases Three Documents To Delegate Approval Authorities, Intensify Information Disclosure, and Strengthen Supervision of EIA,” 18 December 13.

³²PRC Environmental Protection Law [Zhonghua renmin gongheguo huanjing baohu fa], passed 26 December 89, amended 24 April 14, effective 1 January 15, art. 55.

³³Ibid., art. 62.

³⁴Ibid., art. 6.

³⁵Ibid., art. 26. For more information on the evolution of the environmental target responsibility system see, Anna Brettell, “A Survey of Environmental Deterrence in China’s Evolving Regulatory Framework,” in *Chinese Environmental Governance: Dynamics, Challenges, and Prospects in a Changing Society*, eds. Bingqiang Ren and Huisheng Shou (New York: Palgrave Macmillan, 2013), 41–47; Li Xuan, “Analysis of the ‘12th Five-Year’ Plan Outline: ‘12th Five-Year’ Plan Strengthens Environmental Protection Evaluation Guiding Function” [“Shierwu” guihua gangyao jiedu “shier wu” guihua huanbao kaohe yindao zuoyong], *China Environmental News*, 26 April 11; Alex L. Wang, “The Search for Sustainable Legitimacy: Environmental Law and Bureaucracy in China,” *Harvard Environmental Law Review*, Vol. 37, No. 2 (2013), 386–391, 398–429.

³⁶PRC Environmental Protection Law [Zhonghua renmin gongheguo huanjing baohu fa], passed 26 December 89, amended 24 April 14, effective 1 January 15, art. 44.

³⁷Ibid., art. 43; Zheng Meng, “Environmental Tax on the Horizon,” *Caijing*, 11 March 14. For more information about the ineffectiveness of pollution levies, see Li Jing, “Delays Mount for New Green Levies,” *South China Morning Post*, 12 December 13.

³⁸PRC Environmental Protection Law [Zhonghua renmin gongheguo huanjing baohu fa], passed 26 December 89, amended 24 April 14, effective 1 January 15, art. 59. For a reference to the shift to daily fines, see Barbara Finamore et al., “New Weapons in the War on Pollution: China’s Environmental Protection Law Amendments,” *Switchboard Blog* (Barbara Finamore’s blog), 24 April 14.

³⁹PRC Environmental Protection Law [Zhonghua renmin gongheguo huanjing baohu fa], passed 26 December 89, amended 24 April 14, effective 1 January 15, art. 58.

⁴⁰Ouyang Yanqin, “Environmental Protection Law Revisions Passed, Limited Relaxation of Public Interest Lawsuit Restrictions” [Huanbao fa xiuding an tongguo gongyi susong youxian fangkai], *Caixin*, 24 April 14; “Environmental Protection Rights Defense Dilemma: High Costs of Public Interest Litigation, Resolving Disputes Are Time-Consuming” [Huanbao weiquan kunjing: gongyi susong chengben gao jie jue ju fen hao shi chang], *Xinhua*, reprinted in *China News*, 5 June 14.

⁴¹Barbara Finamore et al., “New Weapons in the War on Pollution: China’s Environmental Protection Law Amendments,” *Switchboard Blog* (Barbara Finamore’s blog), 24 April 14; Yin Pumin, “Saving the Ecosystem,” *Beijing Review*, 22 May 14; Christina Larson, “China Gives Teeth, Finally, to Beijing’s New ‘War on Pollution,’” *Bloomberg*, 28 April 14.

⁴²Christina Larson, “China Gives Teeth, Finally, to Beijing’s New ‘War on Pollution,’” Bloomberg, 28 April 14; Yin Pumin, “Saving the Ecosystem,” Beijing Review, 22 May 14; Geraldine Ding, “China’s New Pollution Rules Help Curb Official Interference,” ABC News, 26 April 14.

⁴³PRC Environmental Protection Law [Zhonghua renmin gongheguo huanjing baohu fa], passed 26 December 89, amended 24 April 14, effective 1 January 15, art. 60.

⁴⁴Ibid., arts. 55, 62. The Ministry of Environmental Protection (MEP) designates the exact number of the “key” polluting enterprises that it targets for monitoring. The number of “key” polluting enterprises varies every year. See, e.g., Ministry of Environmental Protection, Circular Regarding the National 2014 List of Key Enterprises [To Be] Monitored [Guanyu yinfa 2014 nian guojia zhongdian jiankong qiye mingdan de tongzhi], issued 26 December 13; Ministry of Environmental Protection, Circular Regarding the National 2013 List of Key Enterprises [To Be] Monitored [Guanyu yinfa 2013 nian guojia zhongdian jiankong qiye mingdan de tongzhi], issued 22 March 13; Ministry of Environmental Protection, Circular Regarding the “National 2012 List of Key Enterprises [To Be] Monitored” [Guanyu yinfa “2012 nian guojia zhongdian jiankong qiye mingdan” de tongzhi], issued 31 December 11; Ministry of Environmental Protection, Circular Regarding the “National 2011 List of Key Enterprises [To Be] Monitored” [Guanyu yinfa “2011 nian guojia zhongdian jiankong qiye mingdan” de tongzhi], issued 25 March 11.

⁴⁵Ministry 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 (MEP) 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)], issued 14 November 13, sec. 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.

⁴⁶David Stanway, “China Supreme Court Appoints Top Environmental Judge,” Reuters, 30 June 14. See also “Supreme People’s Court Establishes Environment and Resources Tribunal in Response to New Expectations of the Judiciary, Mainly Trying Environmental Pollution and Natural Resources Civil Cases” [Zuigao fa chengli huanzi shenpanting huiying cifa xin qidai zhu shen huanjing wuran ziran ziyuan min an], Legal Daily, 4 July 14.

⁴⁷“12th National People’s Congress Standing Committee Legislative Plan” [Shier jie guanguo renda changweihui lifa guihua], Xinhua, reprinted in National People’s Congress, 31 October 13. This October report indicated that the State Council is reviewing draft revisions to the PRC Water Pollution Prevention and Control Law and the PRC Air Pollution Prevention and Control Law, and that the National People’s Congress and the Natural Resources and Environmental Protection Committee are reviewing the PRC Soil Pollution Prevention and Control Law, among several other laws related to environmental protection.

⁴⁸Zhang Ke, “Environmental Protection Super Ministry System Reform Is Steadily Advancing, Will Implement Independent and Unified Supervision” [Huanbao da buzhi gaige wenbu tuijin jiang shixing duli tongyi jianguan], First Financial Daily, reprinted in Sina, 11 February 14; “Foreign Media: China Considering Organizational Restructuring, Authority of the Ministry of Environmental Protection May Expand” [Waimei: zhongguo yunniang jigou chong zu huanbaobu huo kuo quan], China Daily, reprinted in Haiwai Net, 12 February 14.

⁴⁹“Xinhua Insight: No Sure Cure for China’s Soil Pollution,” Xinhua, 29 April 14. The Xinhua article indicates authorities are drafting a soil pollution law. “Ministry of Environmental Protection Deliberated and Passed Soil Pollution Prevention and Control Action Plan, Concept Stock Soars” [Huanbaobu shenyi tongguo turang wuran fangzhi xingdong jihua gainian guwang tengfei], Securities Times, 19 March 14; Qin Feifei, “Ministry of Environmental Protection Deliberated and Passed ‘Soil Pollution Prevention and Control Action Plan’” [Huanbaobu shenyi bing tongguo “turang wuran fangzhi xingdong jihua”], Shanghai Securities News, reprinted in Xinhua, 20 March 14. According to the Securities Times, Xinhua, and Shanghai Securities News articles, in March, the Ministry of Environmental Protection (MEP) passed in principle a soil pollution action plan and has forwarded the plan to the State Council for review. MEP also established six related pilot projects. Angel Hsu and Andrew Moffat, “China’s Soil Pollution Crisis Still Buried in Mystery,” Chinadialogue, 4 August 14. According to the Chinadialogue posting, authorities anticipate releasing the soil pollution plan by the end of the year.

⁵⁰“Billions in Environmental Taxes Flowing, Heavy and Highly Polluting Industries Take Major Pounding” [Qian yi huanjing shui yuchu zhonggongye gao wuran gao paifang hangye shou chongji da], International Finance News, reprinted in Xinhua, 3 December 13; Zhao Jing and Yang Ye, “Environmental Taxes Enter the ‘Fast Lane’” [Huanjing shui kaizheng jinru “kuai chedao”], Economic Information, 10 October 13. The October report indicated that the proposal for an environmental tax sent up to the State Council was on the “fast track.”

⁵¹Ministry of Environmental Protection, “Chinese Citizens’ Environmental and Health Literacy (Provisional)” [Zhongguo gongmin huanjing yu jiankang suyang (shixing)], September 2013.

⁵²Angel Hsu, “Provinces in China Commit to Air Pollution Targets,” Angel Hsu’s blog, 12 February 14.

⁵³Ministry of Environmental Protection, Guiding Opinion Regarding Advancing Public Participation in Environmental Protection [Guanyu tuijin huanjing baohu gongzhong canyu de zhidao yijian], reprinted in Environment and Ecology Net, issued 22 May 14; “Promoting Public Participation in Environmental Protection Innovation in Environmental Governance Models—Analysis

of ‘Guiding Opinion Regarding Advancing Public Participation in Environmental Protection’ [Tuidong huanbao gongzhong canyu chuanguangxin huanjing zhili moshi—jiedu “guanyu tuijin huanjing baohu gongzhong canyu de zhidao yijian”], China Environment News, 31 July 14.

⁵⁴Yang Ye, “Enterprise Environmental Violations Could Face Substantive Public Accountability” [Huanjing weifa qiye huo mianling minzhong shizhi wenze], Economic Information, 5 August 14. According to the Economic Information article, on August 4, authorities began drafting the Measures for Public Participation in Environmental Protection and at the earliest, may issue it at the end of the year.

⁵⁵“Xinhua Insight: China’s Pollution Permit Market Must Be Revamped,” Xinhua, 7 April 14. According to Xinhua, authorities are discussing problems with the current pollution permit trading pilot projects and the Ministry of Finance announced plans to set up a national permit trading system. David Stanway and Kathy Chen, “China Mulls National Pollution Permit Trading System,” Reuters, 10 January 14. According to the Reuters article, authorities will issue proposals for new pollution permit trading projects.

⁵⁶Coco Liu, “China’s Ambitious Cap-and-Trade Plan Rolls Down a Long, Bumpy Runway,” Environment and Energy Publishing, ClimateWire, 23 May 14. The article notes that before the end of the decade, Chinese authorities plan to open more pilot projects in cities and provinces. Kathy Chen and David Stanway, “Update 2—China Completes Pilot Carbon Market Rollout, But Take Up Uncertain,” Reuters, 19 June 14.

⁵⁷Li Xueyu, “National Unified Carbon Market 2016 Trial Run Some Provinces and Cities To Enter Market First” [Quanguo tongyi tan shi 2016 nian shi yunxing jubu sheng shi xian ruchang], 21st Century Business Herald, 2 September 14. This article indicates that authorities plan to launch trial operation of a national unified carbon market in 2016 with some provinces and cities participating first. “World’s Biggest Carbon Trading Market?” Public Radio International, Living on Earth, 5 September 14.

⁵⁸Supreme People’s Court and Supreme People’s Procuratorate, “Supreme People’s Court and Supreme People’s Procuratorate Interpretation of Certain Issues Related to Laws Applicable in Criminal Cases of Environmental Pollution” [Zuigao renmin fayuan, zuigao renmin jianchayuan guanyu banli huanjing wuran xingshi anjian shiyong falu ruogan wenti de jieshi], issued 17 June 13, effective 19 June 13.

⁵⁹Wang 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 Environment Net, 4 December 13.

⁶⁰Ibid.

⁶¹Ibid.

⁶²Kathy Chen and Stian Rekev, “China’s Big Polluters Exceed Emission Limits—Report,” Reuters, 16 January 14. For detailed information about the case studies examining real-time data on emissions from key enterprises, see Institute of Public and Environmental Affairs et al., “Real-Time Disclosure Begins: Blue Sky Roadmap Report II” [Qidong shishi gongkai: lantian luxiantu II], 14 January 14, 35, 40–84. According to the Blue Sky report, researchers surveyed 2,506 of the 4,181 “key” enterprises listed for air emissions in 2013. See subsection China’s Pollution Challenges and Health Concerns in the Blue Sky report for citations to the Ministry of Environmental Protection lists of key state-monitored enterprises from 2011–2014.

⁶³Ministry of Environmental Protection, “Report on 2013 China Environmental Conditions” [2013 Zhongguo huanjing zhuangkuang gongbao], 27 May 14, Preface.

⁶⁴Elizabeth Economy, “China Wakes Up to Its Environmental Catastrophe,” Bloomberg Businessweek, 13 March 14; Li Jing, “Ex-Minister Blames China’s Pollution Mess on Lack of Rule of Law,” South China Morning Post, 21 January 13. According to Qu Geping, the former Minister of the National Environmental Protection Administration, the strategy of coordinating growth with conservation was not implemented “because there was no supervision of governments. It is because the power [sic] is still above the law.” William Kazer and Kersten Zhang, “China’s Environmental Protection Racket,” Wall Street Journal, China Real Time Report (blog), 1 February 13; Hou Shasha, “Last Year 4,843 Government Officials at County Level or Above Were Investigated” [Qunian 4843 ming xianchu ji yishang guanyuan bei chachu], Beijing Daily, 7 January 12.

⁶⁵An Baijie, “Thousands of Officials Punished,” China Daily, 11 January 14; Lu Boan, “Guangxi He River Water Pollution Case Verdict, Former Environmental Monitoring Team Leader Sentenced to Six Years” [Guangxi hejiang shui wuran shijian an yishen huanjing jiancha yuan zhuiduzhang bei pan liu nian], Xinhua, 19 March 14. The Xinhua news report cited one example. In March 2014, authorities sentenced an environmental protection official to six years’ imprisonment on a corruption charge, reportedly for accepting bribes to renew a pollution permit to a mining operation and ignoring the company’s role in a water pollution incident. The official also accepted a second bribe after finding out the mine caused a water pollution incident along the He River in Guangxi Zhuang Autonomous Region.

⁶⁶For previous examples, see, e.g., Rachel E. Stern, “Poor Rural Residents in China Seen As Easy Target for Environmental Lawsuits,” Chinadialogue, 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.

⁶⁷Feng Jun, “Citizens Fight Haze” [Minjian kang mai], Southern Metropolitan Daily, 10 March 14. Li’s requests were that the EPB fulfill its duty to reduce air pollution, compensate him 10,000 yuan in economic damages, and pay the court costs associated with the lawsuit.

⁶⁸Ming Hui, “Resident of Shijiazhuang Sues Environmental Protection Bureau Over Air Pollution in First Case of Its Kind” [Shijiazhuang shimin yin kongqi wuran zhuanggao huanbaoju wei quanguo shouli], China National Radio, 25 February 14; Feng Jun, “Citizens Fight Haze” [Minjian kang mai], Southern Metropolitan Daily, 10 March 14.

⁶⁹“Hebei Resident Sues Gov’t Over Heavy Air Pollution,” China Internet Information Center, reprinted in All-China Women’s Federation, 25 February 14; Feng Jun, “Citizens Fight Haze” [Minjian kang mai], Southern Metropolitan Daily, 10 March 14.

⁷⁰Feng Jun, “Citizens Fight Haze” [Minjian kang mai], Southern Metropolitan Daily, 10 March 14.

⁷¹Sui-Lee Wee, “China Blames France’s Veolia for Tap Water Pollution,” Reuters, 16 April 14; Yin Yue and Gao Shengke, “Lanzhou Benzene Crisis Highlights Water Safety Issues,” *Caijing*, 23 April 14; Sui-Lee Wee, “Chinese Court Dismisses Water Pollution Lawsuit,” Reuters, 15 April 14; Sui-Lee Wee, “Chairman of Lanzhou Veolia Apologizes After Water Pollution in China,” Reuters, 23 April 14. The spill forced authorities to shut down the water supply for some residents and warn others not to drink the water.

⁷²Sui-Lee Wee, “Chinese Court Dismisses Water Pollution Lawsuit,” Reuters, 15 April 14; “Benzene Levels in Drinking Water Exceeded Limits for At Least Eight Days, Lanzhou Residents and Lawyer Sue Water Company” [Yinyong ben chaobiao zilaishui zhishao ba tian lanzhou shimin, lushi qisu zilaishui gongsi], Radio Free Asia, 15 April 14. For information on who is allowed to file public interest lawsuits, see PRC 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.

⁷³Wang Shichuan, “Water Pollution Incident, Public Interest Litigation Reason for Difficulties Moving Forward” [Shui wuran shijian, gongyi susong weihe buluweijian], China Youth Daily, reprinted in Xi’an Evening News, 16 April 14; “Benzene in Drinking Water Exceeded Limits for At Least Eight Days, Lanzhou Residents and Lawyer Sue Water Company” [Yinyong ben chaobiao zilaishui zhishao ba tian lanzhou shimin, lushi qisu zilaishui gongsi], Radio Free Asia, 15 April 14.

⁷⁴Yuan Dingbo, “Supreme People’s Court Responds to Refusal To Accept and Try Lanzhou Water Pollution Lawsuit, The Decision To Accept an Individual Lawsuit Rests With the Court Where a Plaintiff Files the Case” [Zuigao fa huiying lanzhou shui wuran shijian qisu wei shouli gean shouli you yuangao qisu fayuan ding], Legal Daily, 4 July 14.

⁷⁵Luna Lin, “China’s Water Pollution Will Be More Difficult To Fix Than Its Dirty Air,” Chinadialogue (blog), 17 February 14; “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. The information presented in Legal Daily is a summary of a longer report. The Legal Daily does not provide information about the methodology and other important information in the longer report. Environmental incidents reportedly comprised a relatively small percentage of the incidents examined (8.9 percent). See also “Reported PRC Civil Disturbances in 2012,” Open Source Center, 7 May 13, 12–13.

⁷⁶“China Focus: Hangzhou Protest Tests China’s Governing Capacity,” Xinhua, 14 May 14.

⁷⁷“China Arrests 53 for Environmental Protest Turned Violent,” Voice of America, 12 May 14; Rights Defense Network, “The Yuhang District, Hangzhou Protest Incident Against the Building of ‘Trash Incinerator’: Officials Say 53 People Have Been Criminally Detained; People Say Over 100 Have Been Detained” [Hangzhou yuhang qu kangyi jian “laji fenshao dianzhan” shijian guanfang cheng 53 ren bei xingju, minjian cheng 100 duo ren bei zhuabu], 12 May 14; “Violent Protest Against Hangzhou Trash Incinerator Project Forces Its Postponement” [Hangzhou laji fenshao chang xiangmu zao baoli kangyi beipo tuichi], BBC, 11 May 14.

⁷⁸Jennifer Duggan, “China Petrochemical Plant May Be Halted After Protests,” Guardian, 1 April 14. The number of protesters on the first day was estimated to have been more than 1,000. “China: Anti-PX Protests Raise Social Tension, Impede PX Production,” Open Source Center, 16 April 14. This report cited sources indicating there may have been as many as 10,000 people at one point during the protests.

⁷⁹Ibid.; “Ten Thousand Protest Construction of PX Plant in Maoming, Suppression Leads to Bloody Clash, Authorities’ Announcement Refuted” [Maoming wanren kangyi jian PX xiangmu zao zhenya niang liuxue chongtu dangju tonggao bei fanbo], Radio Free Asia, 31 March 14.

⁸⁰Human Rights Watch, “China: Investigate Police Violence at Eco-Protests,” 1 April 14; “Police Detain 18 Over China Chemical Plant Protest,” Associated Press, reprinted in Washington Post, 3 April 14. According to the Associated Press article, the Maoming deputy police chief stated that the police may have unintentionally harmed bystanders.

⁸¹“Maoming Government Holds Closed-Door Press Conference As Thousands Protest in Front of City Government [Building], Authorities Say 15 Injured and 44 Criminal Suspects Are Being Investigated” [Maoming bimen kai xinwenhui wan ren shi fu qian kangyi dangju cheng 15 ren shoushang chachu xianfan 44 ren], Radio Free Asia, 3 April 14.

⁸²“Chinese Police Fire Tear Gas in Clashes Over PX Plant,” Radio Free Asia, 31 March 14.

⁸³Patrick Boehler, “Violence, Arrests in Guangdong City of Maoming As Locals Rally Against Petrochemical Plant,” South China Morning Post, 31 March 14; Human Rights Watch, “China: Investigate Police Violence at Eco-Protests,” 1 April 14; “China’s Censors Block Details on Environmental Protest,” Voice of America, 4 April 14; Demetri Sevastopulo and Lucy Hornby, “Chinese Environmental Protest Broken Up,” Financial Times, 31 March 14.

⁸⁴“Maoming Government Holds Closed-Door Press Conference as Thousands Protest in Front of City Government [Building], Authorities Say 15 Injured and 44 Criminal Suspects Are Being Investigated” [Maoming bimen kai xinwenhui wanren shi zheng qian kangyi dangju cheng 15 ren shoushang chachu xianfan 44 ren], Radio Free Asia, 03 April 14.

⁸⁵Jennifer Duggan, “China Petrochemical Plant May Be Halted After Protests,” Guardian, 1 April 14.

⁸⁶“China’s Censors Block Details on Environmental Protest,” Voice of America, 4 April 14.

⁸⁷“China: Maoming Police Violently Suppress Anti-PX Protests,” Open Source Center, 2 April 14; “Minister of Education Does Not Deny Forcing Students To Support PX Project for Their Own Safety” [Wu foren bi xuesheng cheng PX jiaoyu juzhang: weihu anquan], Ming Pao, 4 April

14; Demetri Sevastopulo and Lucy Hornby, “Chinese Environmental Protest Broken Up,” *Financial Times*, 31 March 14; “Prohibited From Leaving Campus, Forced To Sign Pledge of Support for Chemical Project, The Maoming Demonstrations Incite Students To Boycott Class” [Buzhun lixiao bi qian zhichi huagong chengnuoshu maoming shiwei yinbao xuesheng bake], *Apple Daily*, 3 April 14.

⁸⁸Institute of Public and Environmental Affairs (IPE) et al., “Real-Time Disclosure Begins: Blue Sky Roadmap Report II” [Qidong shishi gongkai: lantian luxiantu II], 14 January 14, 1. For additional information about specific components of emergency notification plans and the locations that have established them, see pages 17–21 of the IPE report.

⁸⁹*Ibid.*, 5.

⁹⁰Ministry of Environmental Protection, Measures for Supervision Monitoring and Information Disclosure By Key State-Monitored Enterprises (Provisional) [Guojia zhongdian jiankong qiye wuranyuan jianduxing jiance ji xinxi gongkai banfa (shixing)], issued 30 July 13, effective 1 January 14, arts. 2, 4–9. “Transparency in the Haze,” *Economist*, 8 February 14. For more information about the classification of key enterprises, see Institute of Public and Environmental Affairs et al., “Real-Time Disclosure Begins: Blue Sky Roadmap Report II” [Qidong shishi gongkai: lantian luxiantu II], 14 January 14, 34–35.

⁹¹Ministry of Environmental Protection, Measures for Supervision Monitoring and Information Disclosure By Key State-Monitored Enterprises (Provisional) [Guojia zhongdian jiankong qiye wuranyuan jianduxing jiance ji xinxi gongkai banfa (shixing)], issued 30 July 13, effective 1 January 14, art. 20.

⁹²Institute of Public and Environmental Affairs et al., “Real-Time Disclosure Begins: Blue Sky Roadmap Report II” [Qidong shishi gongkai: lantian luxiantu II], 14 January 14, 40–43.

⁹³Ministry of Environmental Protection and Ministry of Land and Resources, “Report on National Soil Pollution Conditions Survey” [Quanguo turang wuran zhuangkuang diaocha gongbao], 17 April 14. For information on the total percentage of land contaminated, see page 1 of the report and page 3 for the percentage of arable land contaminated.

⁹⁴Authorities refused to release the data in response to a citizen’s open government information request. For information on the request and the government’s response, see Li Yanjie and Xu Hao, “Lawyer Applies for Information on China’s National Survey of Soil Pollution” [Lushi shenqing gongkai quanguo turang wuran qingkuang diaocha xinxi], *China Business Review*, reprinted in *China Transparency*, 3 February 13; Tania Branigan, “Chinese Pollution Study ‘Blocked on Grounds of State Secrecy,’” *Guardian*, 26 February 13; “Ministry of Environmental Protection Indicates Methodology of Soil Pollution Survey Factor in Not Disclosing Data on Prevention and Control Measures” [Huanbaobu gaozhi turang wuran diaocha fangfa chengyin fangzhi cuoshi shuju bu gongkai], *Sina Blog* (Dong Zhengwei’s blog), 25 February 13; “Information Disclosure Request to Ministry of Environmental Protection for National Survey Data of Soil Pollution Conditions and Prevention and Control Methods” [Shenqing huanbaobu xinxi gongkai quanguo turang wuran zhuangkuang diaocha shuju he fangzhi fangfa], *Sina Blog* (Dong Zhengwei’s blog), 2 February 13; “Administrative Reconsideration Requests Ministry of Environmental Protection To Disclose Information on Soil Pollution Survey Data” [Xingzheng fuyi qingqiu huanbaobu gongkai turang wuran diaocha shuju xinxi], *Sina Blog* (Dong Zhengwei’s blog), 27 February 13. For background information on soil contamination as a state secret, see CECC, 2013 Annual Report, 10 October 13, 129.

⁹⁵Angel Hsu and William Miao, “Soil Pollution in China Still a State Secret Despite Recent Survey,” *Scientific American* (blog), 18 June 14. This source notes that the survey was narrow in scope and that officials disclosed only limited and general data from the survey. Officials did not disclose to the public any of the raw data collected, including full information on the sampling sites and the levels of contamination at those sites.

⁹⁶Dan Levin, “In Beijing, Complaints About Smog Grow Louder and Retaliation Grows Swift-er,” *New York Times*, *Sinosphere* (blog), 25 February 14.

⁹⁷“Beijing Is Unfit for Human Habitation’ ‘Government Don’t Feign Blindness’ First Circulated, Then Deleted” [“Beijing bu yiju” “zhengfu bie zhuangxia” zaoyu xian zhuan hou shan], *Deutsche Welle*, 18 February 14; Edward Wong, “China To Reward Cities and Regions Making Progress on Air Pollution,” *New York Times*, 13 February 14.

⁹⁸“News Analysis: China To Accelerate Nuclear Power Development,” *Xinhua*, 16 June 14.

⁹⁹Tara Patel and Benjamin Haas, “Nuclear Regulators ‘Overwhelmed’ as China Races To Launch World’s Most Powerful Reactor,” *Bloomberg*, 19 June 14.

¹⁰⁰“Four Lawyers Have Not Received Responses to the Information Requests They Sent to 31 Provinces About Pollution Control Fees” [Si lushi xiang 31 sheng shenqing zhiwufei xinxi gongkai wei de huifu], *Securities Times Net*, reprinted in *Sina*, 13 December 13. Four lawyers did not receive any responses to their information requests regarding pollution emission fees sent to 31 provincial-level environmental agencies.

¹⁰¹Kong Lingyu, “NGO Sues Hangzhou EPB for Not Making Information Public, Loses Again” [NGO su hangzhou huanbaoju xinxi bu gongkai zai bai], *Caixin*, 17 June 14.

¹⁰²David Hill, “What Good Are China’s Green Policies If Its Banks Don’t Listen?” *Guardian*, 16 May 14.

¹⁰³*Ibid.*