

THE ENVIRONMENT

Introduction

While the Chinese government pointed to areas of progress in environmental protection and enforcement during the Commission's 2016 reporting year,¹ air,² water,³ and soil pollution⁴ challenges remained and continued to be a source of public discontent.⁵ The Chinese government and Communist Party took regulatory⁶ and policy action⁷ to increase environmental protection and combat climate change; however, officials continued to tightly control media reporting and commentary on the environment,⁸ and extralegally detained environmental⁹ and statistics bureau officials.¹⁰ A former energy official alleged that Chinese authorities used torture to force him to confess to corruption.¹¹ Official government and media reports indicated that there were some improvements in public participation,¹² yet authorities continued to harass, and in some cases detain, environmental advocates.¹³ U.S.-China cooperation on environmental and climate change issues continued.¹⁴

Health Effects and Economic Costs of Pollution

Chinese and international media reports focusing on air pollution this past year revealed that the problem remains severe, with ongoing economic¹⁵ and public health¹⁶ implications. Government-published statistics from 2015 indicated that 80 percent of monitored cities failed to meet national air quality standards,¹⁷ and one international study estimated that 1.6 million premature deaths per year in China were linked to air pollution.¹⁸ According to one Chinese researcher, the government's current emissions reduction targets are inadequate and "more aggressive policies are urgently needed."¹⁹ The Chinese Academy of Environmental Planning estimated that the costs of pollution in China were 3.5 percent of GDP as of 2010, totaling 1.54 trillion yuan (approximately US\$238 billion),²⁰ while a non-profit institution estimated the costs of air pollution in China as totaling at least 6.5 percent of GDP (approximately US\$442 billion).²¹

Air Pollution in Beijing Municipality: "Red Alerts" and Changing Benchmarks
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<p>In one example of costly government action taken this past year, authorities in Beijing municipality issued air pollution "red alerts" from December 8 to 10²² and December 19 to 22, 2015,²³ implementing emergency measures such as shutting down schools, prohibiting the driving of cars, and advising Beijing residents to wear face masks outside.²⁴ In February 2016, however, authorities raised the threshold for "red alerts."²⁵ One Chinese environmental expert noted that if the threshold had not been raised, the number of "red alerts" per year would have resulted in "high social and economic cost[s]."²⁶</p>

Air Pollution in Beijing Municipality: “Red Alerts” and Changing Benchmarks—Continued

Chinese and international experts have expressed concern that Chinese government reporting on air pollution is misleading and that authorities have “manipulated” public information on air quality “in order to influence people’s expectations.”²⁷ In September 2013, for example, the Beijing municipal government set a target that fine particulate concentrations would decrease by around 25 percent from 2012 levels by 2017.²⁸ In 2015, the Beijing government reported improvement in the city’s annual fine particulate concentrations compared to 2014 levels.²⁹ Beijing’s fine particulate concentration levels, however, had not improved from the original 2012 benchmark.³⁰

Media and research reports this past year also showed that water and soil pollution in China remained areas of significant concern.³¹ In April 2016, the Ministry of Water Resources reported that nearly 50 percent of ground water was of “extremely bad” quality and another 30 percent was “bad.”³² According to a prominent Chinese environmental expert, water designated as “bad” is not safe for human contact.³³ With regard to soil pollution in China, a senior government official cautioned that the problem is “serious,” stating “it’s not easy to be optimistic.”³⁴ In May 2016, the State Council issued an Action Plan for Soil Pollution Prevention and Control with a goal that 90 percent of polluted land would be safe for use by 2020.³⁵

Environmental Censorship and Environmental Emergencies

During this reporting year, Chinese authorities continued to censor reporting (“guide public opinion”) on the environment and environmental emergencies.³⁶ In February 2016, China’s Minister of Environmental Protection, Chen Jining, avoided answering a question about the March 2015 film “Under the Dome,” which examined air pollution in China and received over 200 million views in China before authorities ordered its removal.³⁷ Chen had previously praised the film.³⁸ During the annual meetings of the National People’s Congress and Chinese People’s Political Consultative Conference in March 2016, the Central Propaganda Department reportedly prohibited Chinese media from reporting on the smog.³⁹ Chinese authorities also restricted reporting on environmental emergencies, including the August 2015 explosion of a hazardous goods warehouse in Tianjin municipality,⁴⁰ the December 2015 landslide in Shenzhen municipality,⁴¹ and widespread flooding across China in summer 2016.⁴² In 2015, the officially reported number of “environmental emergencies” declined to 330,⁴³ down from 471 in 2014 and 712 in 2013.⁴⁴

Anticorruption Campaign Targeting Environmental Officials

During the reporting year, Chinese authorities extralegally detained and investigated senior environmental and statistics bureau officials for alleged corruption-related offenses, and one former energy official alleged that he had been tortured. In November 2015, Minister of Environmental Protection Chen Jining said that China

“must strengthen the legal construction over environmental protection and protect the environment in a lawful manner.”⁴⁵ Chinese authorities, however, utilized *shuanggui* procedures⁴⁶ to investigate officials for corruption in cases involving alleged offenses that may have affected the environment and statistical data.⁴⁷ *Shuanggui* is an extralegal form of detention used for Party officials that violates Chinese law⁴⁸ and contravenes international standards on arbitrary detention.⁴⁹ [For more information on *shuanggui*, see Section II—Criminal Justice.] In February 2016, a former senior National Energy Administration official alleged that government authorities tortured him to confess to corruption.⁵⁰ Recent examples from the anticorruption campaign included:

- **Zhang Lijun.** In July 2015, Party authorities detained Zhang Lijun, a former Vice Minister of the Ministry of Environmental Protection.⁵¹ His detention reportedly was linked to accepting bribes to manipulate state emissions standards to permit the sale of vehicles that would not otherwise have complied with emissions standards.⁵² In December, Party authorities expelled Zhang from the Party.⁵³
- **Wang Bao’an.** In January 2016, Party authorities detained the Director of the National Bureau of Statistics of China (NBS) Wang Bao’an.⁵⁴ Although some media reports indicated that Wang’s detention may have been due to his previous work at the Ministry of Finance,⁵⁵ other reports noted that Wang’s detention raised questions about the government’s energy and economic reporting.⁵⁶ In February, state-run news agency Xinhua reported that the Central Commission for Discipline Inspection had found that “some leading [NBS] cadres” were “seeking personal gains through abuse of powers including data fabrication.”⁵⁷ Wang previously met with a senior U.S. energy official to discuss cooperation regarding energy statistics work.⁵⁸
- **Xu Yongsheng.** In February 2016, Xu Yongsheng, a former deputy director of the National Energy Administration, reportedly claimed during his trial at the Beijing No. 1 Intermediate People’s Court that authorities had used torture to force him to sign a confession.⁵⁹ Authorities alleged that Xu, who was first detained in May 2014, had accepted 5.6 million yuan (approximately US\$800,000) from eight state-owned enterprises in exchange for licenses for 27 power plants.⁶⁰

Progress and Challenges in Environmental Enforcement

Official reports indicated that amid ongoing challenges, authorities strengthened environmental enforcement in some areas. For example, according to the Supreme People’s Court, Chinese courts concluded 78,000 civil and 19,000 criminal environmental cases in 2015.⁶¹ The criminal cases concluded represented an increase of 18.8 percent over 2014.⁶² According to the Ministry of Environmental Protection (MEP), in 2015, environmental authorities punished 191,000 firms for violating environmental regulations and fined polluters 4.25 billion yuan (approximately US\$654 million)—a 34-percent increase over 2014.⁶³ MEP reportedly faced challenges in collecting fines from state-owned enterprises and other politi-

cally connected companies.⁶⁴ In some cases, MEP attempted to put pressure on provincial and local officials by summoning them to Beijing⁶⁵ to discuss environmental violations and pollution in person.⁶⁶ MEP also continued to implement 2015 revisions⁶⁷ to the PRC Environmental Protection Law (EPL) that allow for the imposition of daily fines for violating emissions standards. A Chinese expert, however, criticized MEP for issuing daily fines in an insufficient number of cases.⁶⁸ In one example that drew national criticism,⁶⁹ in March 2016, local environmental officials in Gaoyou city, Yangzhou municipality, Jiangsu province, penalized the Guangming Chemical Plant with a fine of 603 yuan (approximately US\$92) after it reportedly released pollution into the water in violation of legal standards, causing significant fish deformities.⁷⁰

Local government officials showed concern about the cost of environmental protection against the backdrop of a slowing economy and overcapacity.⁷¹ In one example, the mayor of Shijiazhuang municipality in Hebei province reportedly criticized environmental protection efforts, lamenting that government measures, including those taken against inefficient industry and heavily polluting industry, had cost the city government 12 billion yuan (approximately US\$1.8 billion) in revenue due to decreased industrial production.⁷²

Regulatory Developments

During the reporting year, there were some encouraging environmental regulatory developments, but also areas of significant concern.⁷³ In October 2015, the Chinese government reportedly announced plans to revise the PRC Environmental Impact Assessment Law and the Regulations on Planning Environmental Impact Assessments.⁷⁴ In December 2015, the National People's Congress (NPC) released draft revisions to the PRC Wild Animal Protection Law.⁷⁵ Experts in China and abroad raised concerns⁷⁶ that the draft revisions could provide a legal basis for animal exploitation for the purposes of captive breeding, Chinese traditional medicine, and wildlife shows.⁷⁷ In July 2016, the NPC passed an amended PRC Wild Animal Protection Law.⁷⁸ An international non-governmental organization described the amended law as a "missed opportunity" and expressed concern that the amendment provides a legal basis for the sale of products from endangered species including tigers and elephants.⁷⁹ Amid serious concerns about air quality in China,⁸⁰ the PRC Air Pollution Prevention and Control Law, which the NPC passed on August 29, 2015, took effect on January 1, 2016.⁸¹

Public Participation and Harassment of Environmental Advocates

The revised PRC Environmental Protection Law (EPL), which took effect on January 1, 2015, provided a stronger legal basis for public participation in environmental public interest lawsuits,⁸² yet citizens continued to face obstacles in their pursuit of environmental justice.⁸³ According to one Chinese law professor, Chinese courts showed "major progress" in 2015 in their acceptance of 53 environmental public interest lawsuits.⁸⁴ In October 2015, in the first case filed under the revised EPL, the Nanping Intermediate

People's Court in Nanping municipality, Fujian province, issued a 1.46 million yuan (US\$230,000) verdict against a quarry for illegally dumping waste material in a suit brought by the environmental non-governmental organizations (NGOs) Friends of Nature and Fujian Green Home.⁸⁵ In January 2016, the Supreme People's Court upheld a judgment greater than 160 million yuan (US\$26 million) in water pollution litigation brought by the Taizhou City Environmental Protection Association, a government-organized NGO, against six chemical companies in Taizhou municipality, Jiangsu province.⁸⁶

Chinese authorities detained and harassed some environmental advocates who challenged government actions on the environment. Examples from the past reporting year included:

- In November 2015, the Panjin Intermediate People's Court in Panjin municipality, Liaoning province, reportedly upheld a first-instance judgment that imposed a 12-year prison sentence on environmentalist Tian Jiguang for extortion, embezzlement, and misappropriation of funds.⁸⁷ Tian is the founder and leader of the Panjin City Association of Volunteers for the Protection of the Spotted Seal. Chinese authorities reportedly detained him in October 2013 for a blog post he wrote criticizing water pollution by a state-owned enterprise.⁸⁸ In April 2016, the Panjin Intermediate People's Court issued a decision accepting a retrial request filed by Tian's wife; however, during the retrial the prior judgment remained effective.⁸⁹
- The Chinese public also expressed their frustrations in a number of environmental protests during the reporting year. In October 2015, Chinese authorities detained a large number of people during protests outside a cement factory in Guangdong province.⁹⁰ In March 2016, authorities in Urad (Wulate) Middle Banner, Inner Mongolia Autonomous Region, reportedly detained 20 protesters for giving interviews to foreign reporters about their efforts to protect their grazing lands.⁹¹ In April 2016, parents in Changzhou municipality, Jiangsu, protested and environmental groups filed litigation concerning a school built next to three chemical factories that reportedly illegally dumped hazardous substances near a school site, allegedly causing some students to become seriously ill.⁹² In June 2016, two individuals were detained for protesting a waste incineration plant in Ningxiang county, Changsha municipality, Hunan province.⁹³ In August 2016, thousands of people reportedly protested government-approved plans to build a nuclear processing plant in Lianyungang municipality, Jiangsu.⁹⁴

Climate Change and International Cooperation

This past year, although China remained the largest emitter of carbon dioxide, the Chinese government committed to increasing efforts to address climate change and environmental protection. In 2015, China was the largest source of carbon dioxide emissions in the world,⁹⁵ and the National Bureau of Statistics of China (NBS) reportedly released revised data indicating that China's annual coal consumption over the past decade had been as much as 17 per-

cent greater than previously reported.⁹⁶ In March 2016, as part of the 13th Five-Year Plan, Chinese authorities announced a 2020 target for total energy consumption.⁹⁷ According to one media report,⁹⁸ the target announced in March 2016⁹⁹ represented an increase from an official target announced in November 2014.¹⁰⁰ In 2015, China's power sector reportedly added 64 gigawatts of coal-fired generating capacity, compared to an increase of around 35 gigawatts in 2014, after central government officials transferred approval authority over new power plants to local governments.¹⁰¹

During this reporting year, the governments of the United States and China closely cooperated on climate change and environmental protection, including the following examples:

- In June 2016, 39 of the 120 reported outcomes of the eighth round of the U.S.-China Strategic and Economic Dialogue Strategic Track were related to cooperation on climate change and energy (27 outcomes) and cooperation on environmental protection (12 outcomes).¹⁰²
- In September 2015, during Chinese President Xi Jinping's visit to Washington, D.C., President Barack Obama and President Xi issued a joint statement reaffirming their commitment to addressing climate change.¹⁰³
- In April 2016, China signed the Paris Agreement under the United Nations Framework Convention on Climate Change.¹⁰⁴ The Chinese government submitted, in June 2015, an Intended Nationally Determined Contribution to the United Nations Framework Convention on Climate Change for the Paris Agreement to "lower carbon dioxide emissions per unit of Gross Domestic Product by 60–65 percent from the 2005 level" by 2030.¹⁰⁵

Notes to Section II—The Environment

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⁷National People’s Congress, PRC Outline of the 13th Five-Year Plan for National Economic and Social Development [Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shisan ge wunian guihua gangyao], issued 17 March 16.

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¹⁶Robert A. Rohde and Richard A. Muller, “Air Pollution in China: Mapping of Concentrations and Sources,” PLOS ONE, Vol. 10(8), 20 August 15; Li Jing, “80 Per Cent of Groundwater in China’s Major River Basins Is Unsafe for Humans, Study Reveals,” South China Morning Post, 12 April 16; Li Jing and Ting Yan, “Parents Unconvinced as Chinese Authorities Pledge Investigations Into Soil Blamed for Students’ Health Problems, Including Cancer,” South China Morning Post, 19 April 16.

¹⁷Greenpeace, “A Summary of the 2015 Annual PM2.5 City Rankings,” 20 January 16; “Ministry Says China Air Quality ‘Improved’ in 2015,” Xinhua, reprinted in *Global Times*, 4 February 16.

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³⁰*Ibid.*

³¹Li Jing, “80 Per Cent of Groundwater in China’s Major River Basins Is Unsafe for Humans, Study Reveals,” *South China Morning Post*, 12 April 16; Ministry of Water Resources, “Groundwater Quality Monthly Report” [Dixia shui dongtai yuebao], April 2016, 1; Ben Blanchard, “Amid ‘Serious’ Situation, China Eyes Soil Pollution Law in 2017,” *Reuters*, 9 March 16.

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³³Li Jing, “80 Per Cent of Groundwater in China’s Major River Basins Is Unsafe for Humans, Study Reveals,” *South China Morning Post*, 12 April 16. See also Ministry of Water Resources, “Groundwater Quality Monthly Report” [Dixia shui dongtai yuebao], April 2016.

³⁴Ben Blanchard, “Amid ‘Serious’ Situation, China Eyes Soil Pollution Law in 2017,” *Reuters*, 9 March 16.

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⁴⁵Chen Jining, Ministry of Environmental Protection, “Reforming Eco-Environmental Protection Institutional Setup and Upgrading Environmental Treatment Capacity Remarks Made at the 2015 Annual General Meeting of China Council for International Cooperation on Environment and Development,” 9 November 15.

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