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 threaten citizens’ health, 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. Soil pollution in China has been linked to food safety concerns both domestically and internationally. Results of a national soil pollution survey showed that over 19 percent of arable land soil samples collected from across China were contaminated. The survey also showed that over 36 percent of the soil samples collected from sites around hundreds of heavy polluting industries exhibited contamination. This figure is significant given that according to one study, approximately 110 million Chinese people live within one kilometer of “key” polluting enterprises (in 2014, there were 14,410 total “key” enterprises). Air pollution incidents in several locations led authorities to take actions such as closing schools, canceling flights, and closing highways because of low visibility. Chinese citizens, as well as U.S. scientists and authorities and South Korean officials, expressed concern about China’s air pollution, which has crossed international boundaries.

During this reporting year, news articles chronicled a number of environmental accidents in China that affected drinking water supplies, 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,” 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. The same report cited a source asserting that only about half of urban drinking water met standards. Rural residents reportedly face more formidable challenges in accessing safe drinking water than their urban counterparts. A Ministry of Land Resources survey indicated that 280 million people in China still use unsafe drinking water.

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. This situation is problematic because it potentially leaves rural residents more vulnerable to the effects of pollution. A news source reported that relocated power plants to the Xinjiang Uyghur Autonomous Region (XUAR) have affected public health. The largely minority populations in the XUAR and other regions face serious political risks if they speak out in opposition to such polluting projects. 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. [For more information on these three cases, see Section V—Tibet.]

Regulatory Developments and Challenges to Rule of Law and Accountability

Party leaders’ speeches 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, 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. 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, among several other goals.

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, further suggesting that central authorities have raised the priority of regulating threats to the environment. Implementation will be a key determinant for the success of the revised EPL as it is for other regulatory measures. If duly implemented, the revised EPL provisions could have positive effects, 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.
   b. Stipulating that “key” polluting entities should make public the names and amounts of pollutants they emit along with other related details.
   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.

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.
   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.
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; discussed revamping and expanding pollution permit markets; and planned to expand carbon exchange market pilot projects, including launching trial operation of a national unified carbon market in 2016 in select provinces and cities.

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, 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. 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, and by early December, eight provinces and cities had established joint enforcement mechanisms.

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. 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. Corruption and disregard for the law reportedly are widespread in the environmental sector and in some cases, they have been linked to pollution accidents.

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. 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). While domestic media touted Li’s efforts as the first lawsuit by an individual against an EPB, Li did not get his day in court because no court would accept the case. 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.

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. 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. 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. 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.

POLLEN AND MASS INCIDENTS

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

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. As of January 2014, 179 cities had started to disclose to the public real-time information on air quality. 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. The measure also required enterprises that have automated monitoring systems to disclose emissions data on a real-time basis. A January 2014 preliminary evaluation of compliance with the measure indicated some positive results. In April 2014, authorities made available to the public limited general data from a sample-based national survey on soil pollution following a previous refusal to release it on the grounds that the data was a “state secret.” 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.
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. 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.” As China accelerates its development of nuclear power, 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. 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, and in another case, information regarding environmental impact assessment results and emissions data related to an incinerator in Hangzhou municipality, Zhejiang province. 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. Chinese banks are required under the Directive to evaluate the social and environmental impacts of their international project loans.

Notes to Section II—The Environment


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


4 Ministry 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.

5 Ministry 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.


7 The 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 [Quanyu yinfa 2014 nian guojia zhongdian jiankong qye mingdan de tongzhi], issued 26 December 13; Ministry of Environmental Protection, Circular Regarding the National 2013 List of Key Enterprises [To Be] Monitored [Quanyu yinfa 2013 nian guojia zhongdian jiankong qye mingdan de tongzhi], issued 22 March 13; Ministry of Environmental Protection, Circular Regarding the “National 2012 List of Key Enterprises [To Be]
Monitored” [Guanyu yinf 2012 nian “guojia zhongdian jiankong qiye mingdan” de tongzh], issued 31 December 11; Ministry of Environmental Protection, Circular Regarding the “National 2011 List of Key Enterprises (To Be) Monitored” [Guanyu yinf 2011 nian “guojia zhongdian jiankong qiye mingdan” de tongzh], issued 25 March 11.


David Stawarz, “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.

US, S. Korea Voice Concerns Over Drifting Smog From China.” Want China Times, 5 December 13; Jonathan Kaiman, “China’s Air Pollut; 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.

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China 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 nóngshì huánjìng chéng bì fàngguò jìnjiān], 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.

Mingyu Bi, “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.

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

20 Ibid.


22 Introduction: Government Work Report” [Li keqiang tongzhi de tongzh], 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.”

25“Xinhua 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.

26Chinese Communist Party Central Committee, “Decision on Certain Major Issues RegardingComprehensively Deepening Reforms” (Zhonggong zhongyang guanyu quannian shenhuang gaige ruogan zhongda wenti de jueding), 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 grassroots law enforcement in . . . environmental protection” (sec. 9(31)).

27Ibid. For more information on other objectives of the decision, see the Decision, secs. 5(18), 14(51–54).

28PRC Environmental Protection Law [Zhonghua renmin gongheguo huanjing baohu fa], passed 26 December 89, amended 24 April 14, effective 1 January 15.


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 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 grassroots law enforcement in . . . environmental protection” (sec. 9(31)).

32Ibid, art. 6.


34PRC Environmental Protection Law [Zhonghua renmin gongheguo huanjing baohu fa], passed 26 December 89, amended 24 April 14, effective 1 January 15, art. 55.


36PRC Environmental Protection Law [Zhonghua renmin gongheguo huanjing baohu fa], passed 26 December 89, amended 24 April 14, effective 1 January 15, art. 58.


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.

40Ouyang Yanqin, “Environmental Protection Law Revisions Passed, Limited Relaxation of Public Interest Lawsuit Restrictions” (Huanbaofa xi xi deng tongguo gongyi susong youxian fanqika), Caixin, 24 April 14; “Environmental Protection Rights Defense Dilemma: High Costs of Public Interest Litigation, Resolving Disputes Are ‘Time-Consuming’” (Huanbaoweiquan kunjing: gongyi susong chengben gao jiejue jiufen hao shi chang [Huanbao weiquan jiejue jihuan gongyisheng xiaoshou])


43PRC Environmental Protection Law [Zhonghua renmin gongheguo huanjing baohu fa], passed 26 December 59, 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 qiey mindgan de tongzhi], issued 26 December 13; Ministry of Environmental Protection, Circular Regarding the National 2015 List of Key Enterprises [To Be] Monitored [Guanyu yinfa 2015 nian guojia zhongdian jiankong qiey mindgan 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 qiey mindgan 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 qiey mindgan 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 baobu guanxiao xiafang bufen jianshe xiangmu huanjing yangxiang pingjia wenjian shenpi quanzuan 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 yangxiang 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公元 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 Environmental and Resources Tribunal in Response to New Expectations of the Judiciary, Mainly Trying Environmental Pollution and Natural Resources Civil Cases” [Zhonggou fa chengli huanjing wuran ziran ziyuan min an], Legal Daily, 4 July 14.

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48Zhang Ke, “Environmental Protection Super Ministry System Reform Is Steadily Advancing, Will Implement Independent and Unified Supervision” [Huanbao da buzhi gaige wenbu tuijin tongguo turang wuran fangzhi xingdong jihua gainian guwang sheng huanjing wuran ziran ziyuan min an], Legal Daily, 4 July 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 Draft” [Huanbao baobu zhonggou turang wuran fangzhi xingdong jihua su chaosuo], 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 Being In Revealed Mystery,” Chinadialogue, 4 August 14. According to the Chinadialogue posting, authorities anticipate releasing the soil pollution plan by the end of the year.

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

52Angela 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 tujin huanjing shui shou zhengfu xinxi gongkai su chaosuo], issued 22 May 14; “Promoting Public Participation in Environmental Protection Innovation in Environmental Governance Models—Analysis
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Li Xueyu, “National Unified Carbon Market 2016 Trial Run Some Provinces and Cities To Enter Market First” [Guanggu tongyi tan shi 2016 nian shi yunxing jubu sheng shi xian ruchang], 21st Century Business Herald, 2 September 14. This article indicates that authorities
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yuan zhidui zhidu 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'
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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.

For 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 Limit-
ations to China’s Environmental Public Interest Litigation System” [Wogou 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.

Feng Jun, “Citizens Fight Haze” [Minjian kang mai], Southern Metropolitain 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.

Ming Hui, “Resident of Shijiazhuang Sues Environmental Protection Bureau Over Air Pollu-
tion in First Case of Its Kind” [Shijiazhuang shimin yin konqi wuran zhuanggao huanbaoju
wei guanyu fu ruan], China National Radio, 26 February 14; Feng Jun, “Citizens Fight Haze”
[Minjian kang mai], Southern Metropolitain 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 Hate” [Minjiang kang mai], Southern Metropolitan Daily, 10 March 14.

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

71 Sui-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.

72 Sui-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 chaoxiao zailiaohui zhishao ba tian lanzhou shimin, lushi qiu zailiaohui gongsi], Radio Free Asia, 15 April 14. For information on who is allowed to file public interest lawsuits, see PRC Civil Procedure Law, [Zhanghua renmin gongheguo minshi susong fa], passed 9 April 91, amended 28 October 07, 31 August 12, effective 1 January 13, art. 55.

73 Wang Shichuan, “Water Pollution Incident, Public Interest Litigation Reason for Difficulties Moving Forward” [Shui wuran shijian, ga yu sow niang liuxue chongtu dangju tonggao bei fanbo], Radio Free Asia, 31 March 14. According to the Associated Press article, the Maoming deputy police chief stated that the police may have unintentionally harmed bystanders.

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75 Luna 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, 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.


78 Jennifer 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.


80 Human 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.


82 “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.

83 “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.


93 “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 Hate” [Minjiang kang mai], Southern Metropolitan Daily, 10 March 14.


84 Institute 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 IPR report.

85 Ibid., 5.


87 Ministry 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.


89 Ministry of Environmental Protection and Ministry of Land and Resources, “Report on National Soil Pollution Conditions Survey” [Quanguo turang wuran zhuangkuang diaocha quanbu xinxi], 25 February 14. 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.

90 Authorities 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 shengqing gongkai quanguo turang wuran qingkuang diaocha xinxi], China Business Review, reprinted in Sina, 13 December 13. Four lawyers did not receive any responses to their information requests regarding pollution emission fees (Si lushi xiang 31 sheng shengqing zhizhewei xinxi gongkai weidai huafi, Securities Times Net, reprinted in Sina, 25 February 14). See also, “Ministry of Environmental Protection Indicates Methodology of Soil Pollution Survey Factor in Not Disclosing Data on Prevention and Control Methods” [Shengqing huanbaobu xinxi gongkai quanguo turang wuran zhuangkuang diaocha xinxi], Sina Blog (Dong Zhengwei’s blog), 25 February 13.


92 Ministry of Environmental Protection and Ministry of Land and Resources, “Report on National Soil Pollution Conditions Survey” [Quanguo turang wuran zhuangkuang diaocha xinxi], Sina Blog (Dong Zhengwei’s blog), 27 February 14. For background information on soil contamination as a state secret, see CECC, 2013 Annual Report, 1 October 13, 129.

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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 shengqing zhizhewei xinxi gongkai weidai huafi, 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.

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