

**Order of the Ministry of Environmental Protection
No.22**

**Measures for the Registration of Hazardous Chemicals for
Environmental Management (Provisional)**

The Measures for the Registration of Hazardous Chemicals for Environmental Management (Provisional) , which were adopted after deliberation at the Ministerial Meeting of the Ministry of Environmental Protection on July 4th, 2012, are hereby promulgated and shall come into force on March 1st, 2013.

Minister of the Ministry of Environmental Protection

October 10th , 2012

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**Measures for the Registration of Hazardous Chemicals for Environmental
Management (Provisional)**

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Chapter One General Provisions

Article 1 The present Measures are formulated in accordance with the *Environmental Protection Law of the People's Republic of China, Regulations on Safety Management of Hazardous Chemicals* and other relevant laws and regulations for purposes of strengthening the environmental management of hazardous chemicals, preventing and reducing the harmful impact on the environment and human health, guarding against environmental risks and implementing international conventions.

Article 2 The present Measures shall apply to any one producing hazardous chemicals or using hazardous chemicals in production activities (hereinafter referred to as "the production and use of hazardous chemicals") within the territory of the People's Republic of China, as well as any one importing or exporting hazardous chemicals.

The term "hazardous chemicals" as mentioned herein shall refer to those acute toxic chemicals and other chemicals enlisted in the national "Hazardous Chemicals Catalogue" according to the *Regulations on Safety Administration of Hazardous Chemicals*.

Article 3 Environmental protection departments under the State Council shall define hazardous chemicals for priority environmental management, formulate and promulgate a *list of Hazardous Chemicals for Priority Environmental Management* based on the hazard properties and environmental risk levels of the hazardous chemicals, and update it in time.

Article 4 Environmental protection departments under the State Council shall be responsible for organizing and supervising over the work for the registration of hazardous chemicals for environmental management nationwide.

The environmental protection departments of the local people's governments at or above the county level shall conduct the registration work within areas under their jurisdiction.

The environmental protection departments of the local people's governments at or above the county level may entrust their affiliated chemicals environmental management agency with the registration work.

Article 5 Any entity or individual shall have the right to report acts in violation of regulations of the present Measure. The environmental protection departments shall handle it timely according to law if the reported matter is within their capacity; otherwise, the report shall be forwarded to the relevant department in time.

Chapter 2 Registration for Production and Use

Article 6 Companies engaged in the production and use of hazardous chemicals shall, based on the regulations of the Measures, submit the application of environmental management registration, and receive the registration certificate for the production and use of hazardous chemicals for environmental management (hereinafter referred to as "registration certificate for production and use").

Newly-built, rebuilt or expanded projects producing or using hazardous chemicals shall register for environmental management of hazardous chemicals before the final acceptance of the project.

Article 7 If the submitted substance belongs to hazardous chemicals for priority environmental management, the registration certificate for production and use shall be approved and issued from the environmental protection departments at the provincial level; Otherwise, registration certificates shall be approved and issued from the environmental protection departments at the municipal level.

Article 8 Registration of the environmental administration of hazardous chemicals for production and use shall be executed through the following procedures:

(1) Companies engaged in the production and use of hazardous chemicals shall submit their application documents for registration to the environmental protection departments at the county level;

(2) The environmental protection departments at the county level shall check the registration documents within 5 working days after receiving the documents of the registration units, and report documents in conformity with the requirements to the issuing agency at the level of the city with districts;

(3) The environmental protection departments at the municipal level shall examine the registration documents within 15 working days after receiving the documents from the environmental protection departments at the county level, and approve and issue registration certificate for production and use to those whose documents are in conformity with the requirements. For those applying for registration of hazardous chemicals for priority environmental management, the environmental protection departments at the municipal level shall inspect and verify on the site, write preliminary examination comments and sign their names within 5 working days and report to the environmental protection departments at the provincial level. The on-site inspection and verification time is excluded in the preliminary examination time limit;

(4) Upon the time of receiving the registration documents and preliminary examination comments, the environmental protection departments at the provincial level shall organize experts to conduct technological reviews, and, within 10 working days, approve and issue registration certificate for production and use to those whose documents are in conformity with the requirements. The technological review time is excluded in the examination and approval time limit.

The registration certificate for production and use issued by the environmental protection departments at the municipal level or at the provincial level shall be transferred to the environmental protection departments at the county level, and then handed over to companies in time.

Companies producing and using both hazardous chemicals of priority environmental management and other hazardous chemicals shall apply through the procedure for the registration of hazardous chemicals for priority environmental management.

Article 9 Companies shall submit the following documents for registration for production and use of hazardous chemicals and shall be responsible for the authenticity, accuracy and completeness of such documents:

(1) Environmental management registration form mainly including basic company information, environmentally sensitive areas in the region, type, quantity, label, hazard property category, uses, operational method of the hazardous chemicals in production and use, chemical safety data sheet, environmental risk prevention and control measures, information on the release of characteristic chemical pollutants as well as information on the disposal of waste hazardous chemicals;

(2) The approval document of environment impact assessment;

(3) Plans for environment emergency responses;

(4) Environment monitoring report conducted by the company itself or the entrusted environmental monitor agency under the jurisdiction of administrative authority of environment protection or non-official environmental monitor agency verified by administrative authority of environment protection at provincial level.

Production units founded before the implementation of the present Measures should also submit completion acceptance of environment protection facilities, pollutant emission permit, information on the company's clean production and other relevant documents.

Article 10 Companies engaged in the production and use of priority hazardous chemicals for environmental management shall conduct environmental risk assessment of priority hazardous chemicals, entrust the agencies that have corresponding qualifications for making appraisals of the environmental impact assessment to compile the environmental risk assessment report, and submit the report when applying for registration.

Article 11 Compilation of the environmental risk assessment report shall be executed in accordance with the relevant requirements of the environmental protection departments under the State Council. The entrusted agencies shall assess the environmental risk and prevention and control measures of the priority hazardous chemicals for environmental management, reach a conclusion on the assessment and clarify the environmental risk regulatory level of the company. The entrusted agencies shall be responsible for the assessment conclusion.

Environmental protection departments under the State Council may select the best compilation agencies, make a recommended name list and release it to the public.

Individuals in charge of the compilation shall receive the environmental risk assessment report compilation training and pass relevant tests organized by the environmental protection departments at or above the provincial level.

Article 12 The registration certificate for production and use shall state clearly the basic information of the enterprise, variety, production and use information as well as the environment management requirements of hazardous chemicals.

The registration certificate for production and use includes an original and a duplicate which have the equal legal effect.

Companies shall engage in the production and use of hazardous chemicals according to the requirements of the registration certificate. Counterfeiting, transforming and transfer of registration certificate are forbidden.

Article 13 The term of validity of the registration certificate is 3 years.

Companies shall, according to the stipulations of Article 8, submit supporting documents and apply for making changes of registration within 30 days after the registered items are changed within the validity period.

Article 14 Companies that continue to be engaged in the production and use of hazardous chemicals shall, according to regulations of applying for registration stipulated in Chapter 2 of the Measures, submit application for a renewal of the certificate to extend the term of validity 3 months before the certificate of registration expires.

Article 15 Companies using or producing hazardous chemicals shall report to the environmental protection departments timely when they find out new hazard properties of hazardous chemicals.

Chapter 3 Registration for Import and Export

Article 16 Should hazardous chemicals for import and export are enlisted in the *List of Chemicals Strictly Restricted for Import or Export by China*, companies shall first register for import and export of hazardous chemicals for environmental management through the environmental protection departments under the State Council, and present relevant documents to the customs offices for handling the formalities of customs declaration and examination.

Article 17 Companies shall submit the following documents for registration for import and export of hazardous chemicals and shall be responsible for the authenticity, accuracy and completeness of such documents:

- (1) application form for registration for import and export of hazardous chemicals for environmental management;
- (2) a copy of the business license;
- (3) import and export qualification documents;
- (4) import and export contract;
- (5) registration certificate for import and export of hazardous chemicals for domestic production and use(draft) ;
- (6) domestic purchase and sales contract for import and export of hazardous chemicals(draft) ;
- (7) other documents required by the environmental protection departments under the State Council.

Article 18 Environmental protection departments under the State Council shall entrust their affiliated chemicals environmental management agencies to undertake the specific registration work for import and export of hazardous chemicals.

Companies applying for registration of import and export of hazardous chemicals for environmental management shall submit their application to chemicals environmental management agencies affiliated to the environmental protection departments under the State Council.

Upon accepting the application, chemicals environmental management agencies affiliated to the environmental protection departments under the State Council shall write

preliminary examination comments within 5 working days and report to environmental protection departments under the State Council along with the application documents of the company.

Environmental protection departments under the State Council shall decide whether or not to approve the application within 15 working days; in case of disapproval, reasons shall be stated.

Article 19 Throughout the registration procedure, the environmental protection departments under the State Council shall comply with requirements of *Convention on International Prior Informed Consent Procedure for Certain Trade Hazardous Chemicals and Pesticides in International Trade Rotterdam*, *Stockholm Convention on Persistent Organic Pollutants* and other relevant international conventions to fulfill their obligations such as prior informed consent.

Chapter 4 Supervision and Management

Article 20 Companies engaged in the production and use of priority hazardous chemicals that have acquired the registration certificate shall fill the release and transfer report of hazardous chemicals for priority environmental management, and prevention and control management plan for environmental risks, and then submit them to the environmental protection department at the county level before January 31 every year.

The release and transfer report of hazardous chemicals for priority environmental management shall include information on the release, disposal and recycling of priority hazardous chemicals and characteristic pollutants, as well as relevant calculation data and so on.

The prevention and control management plan for environmental risks shall include major processing adjustment measures to reduce the release of priority hazardous chemicals and characteristic pollutants, pollution prevention and treatment plan, prevention and control management measures for environmental risks and capacity building scheme.

Article 21 Companies using or producing hazardous chemicals for priority environmental management should monitor any release of priority hazardous chemicals and characteristic pollutants in accordance with the requirements of the environment protection departments and technical standards of national environment monitoring.

In the lack of monitor competency, company may entrust the environmental monitor agency under the jurisdiction of administrative authority of environment protection or non-official environmental monitor agency verified by administrative authority of environment protection at provincial level to conduct the monitoring.

Article 22 Companies using or producing hazardous chemicals shall release an annual report before January each year on environmental management of hazardous chemicals, disclosing information of the previous year to the public about the variety and hazard properties of the produced and used hazardous chemicals, release of the relevant pollutants, facts about accidents and pollution prevention and control measures.

Companies using or producing hazardous chemicals for priority environmental management should additionally disclose release and transfer information of priority hazardous chemicals and characteristic pollutants, as well as the monitoring results.

Article 23 Companies using or producing hazardous chemicals shall establish a hazardous chemicals ledger to record the variety, production and use volume, sales destination, sources of supply, as well as environmental management documents including information on the pollutant release, environment monitoring and so on. Companies shall keep the record on a long-term basis.

Companies using and producing priority hazardous chemicals should conduct self-inspection against any environmental risks regularly according to the requirements of the environmental risk assessment report. Upon any risk, companies must correct it immediately and maintain inspection records properly.

Article 24 The environmental protection departments above the county level shall supervise, inspect and conduct supervisory monitor work against companies using or producing hazardous chemicals.

The supervision and inspection shall cover the implementation of the environmental management requirements stated on the registration certificate, prevention and control measures required by the environmental risks assessment report and prevention and control management plan for environmental risks, as well as information on release and transfer of priority hazardous chemicals and environment monitoring results.

Article 25 An environmental protection department may, according to regulations of Article 7 of *Regulations on Safety Management of Hazardous Chemicals*, take the following measures in the process of supervision and inspection:

(1) Entering the work places of hazardous chemicals to make on-site inspections, questioning the relevant entities and persons of the relevant situation, and consulting and copying the relevant documents or materials;

(2) If discovering any hidden risk of hazardous chemical accidents, ordering the liable party to eliminate it immediately or within a certain time limit;

(3) Ordering the liable party to immediately stop using the facilities, equipment, devices, apparatus and transport vehicles that fail to conform to the relevant laws, administrative regulations or rules or fail to reach the national or industrial standards;

(4) Upon the approval of the person-in-charge of the department, closing the places used for the illegal production and use of hazardous chemicals, and seizing illegally produced and used hazardous chemicals as well as the raw materials and equipment used for the illegal production and use of hazardous chemicals;

(5) If discovering any illegal act that endangers the environmental safety of hazardous chemicals, correcting it on the spot or ordering the liable party to correct within a certain time limit.

An environmental protection department shall assign at least two supervisors or inspectors for a supervision or inspection task. The supervisors or inspectors shall product their law enforcement certificates. The relevant entities and individuals shall be

cooperative as long as the supervision or inspection is made by the legal procedure, and may not refuse or impede it.

Article 26 The environmental protection department at the county level shall, by the end of February every year, collect information on the issuing of the registration certificate for production and use within its jurisdiction and the release and transfer data of priority hazardous chemicals, and then report the information upwards until the report reaches the environmental protection department at the provincial level.

The environmental protection department at the provincial level shall, by March 31 of every year, gather information and report to the environmental protection departments under the State Council, and announce the name list of companies that have acquired the registration certificate for production and use within its jurisdiction during the previous year.

Environmental protection departments under the State Council shall announce to the public the information on registration for import and export of hazardous chemicals, and inform the environmental protection department at the provincial level on a regular basis.

Article 27 Environmental protection departments under the State Council shall build a national environmental management database of hazardous chemicals and may entrust their affiliated chemicals environmental management agencies to collect and analyze relevant information on the registration certificate for production and use as well as the release and transfer data of priority hazardous chemicals.

Article 28 Higher level environmental protection departments shall supervise and inspect the registration work of their subordinate agencies. Upon any problems, they shall investigate, verify and handle them immediately.

Article 29 Environmental protection departments at or above county level shall announce to the public in time the information about the penalties inflicted on companies engaged in the production and use or import and export of hazardous chemicals.

In serious cases, environmental protection departments may refuse to approve and issue pollutant emission permit to the companies engaged in the production and use or import and export of hazardous chemicals, refuse to pass the verification of environmental protection of the listed companies, and notify relevant financial and securities regulatory authority.

Chapter 5 Legal Liabilities

Article 30 Should companies using or producing hazardous chemicals fail to register for environmental management, they are subject to remedy and a fine of less than RMB 10,000 by administrative authorities of environmental protection above county level. If the company refuses, the fine will be raised to RMB 10,000 to 30,000.

Should companies engaged in the production and use of priority hazardous chemicals for environmental management fail to register for environmental management or report transfer and release information or the prevention and control management plan for environmental risks in accordance with the Measures, a punishment shall be imposed

by the environmental protection departments at or above county level according to stipulations of Article 81 of *Regulations on Safety Management of Hazardous Chemicals*.

Should companies engaged in the import and export of hazardous chemicals fail to register for environmental management in accordance with the Measures, environmental protection departments at or above county level shall order it to make a correction, impose a fine of up to 10,000yuan; If company refuses, the fine will be raised to RMB 10,000 to 30,000; in serious cases, environmental protection departments under the State Council shall refuse their application for registration within three years.

Should companies have illegal acts as described in Paragraphs 3 of the present Article, a punishment may be imposed by the Customs according to relevant regulations.

Article 31 Should companies engaged in the production and use or import and export of hazardous chemicals fail to declare truthfully relevant information or should fake material, deception, bribery or other improper means be found throughout the registration process, environmental protection departments at or above county level shall order it to make a correction, impose a fine of 20,000yuan up to 30,000yuan; If the company has acquired the registration certificate for production and use or the registration certificate for import and export, the registration certificates shall be revoked; If any crime is constituted, they shall be transferred to judicial institutions and criminal liabilities shall be pursued according to law.

Should companies fail to produce or use hazardous chemicals in compliance with the requirements of the registration certificate, or counterfeit, transform or transfer registration certificate, environmental protection departments at or above county level shall order it to make a correction, impose a fine of 10,000yuan up to 30,000yuan; If any crime is constituted, they shall be transferred to judicial institutions and criminal liabilities shall be pursued according to law.

Article 32 Should companies engaged in producing and using hazardous chemicals for priority environmental management fail to conduct monitoring in accordance with the regulations of the Measures, environmental protection departments at or above county level shall order it to make a correction, impose a fine of up to 30,000yuan; Companies that fail to monitor and keep the original record of released industrial sewage shall be punished according to the stipulations of Article 72(3) of *Water Pollution Prevention and Control Law of the People's Republic of China*.

Article 33 Should companies engaged in producing and using hazardous chemicals fail to disclose relevant information in accordance with the regulations of the Measures, environmental protection departments at or above county level shall order it to make a correction, impose a fine of up to 30,000yuan.

Article 34 Should companies engaged in producing and using hazardous chemicals fail to establish the hazardous chemicals ledger or environmental management information document in accordance with the regulations of the Measures, environmental protection departments at or above county level shall order it to make a correction, impose a fine of up to 10,000yuan.

Should companies engaged in producing and using priority hazardous chemicals for environmental management fail to conduct self-inspection of environmental risks and keep the record on a regular basis in accordance with the requirements of the environmental risk assessment report, environmental protection departments at or above county level shall order it to make a correction, impose a fine of up to 10,000yuan.

Article 35 Should agency entrusted to draw up environmental risk assessment report of hazardous chemicals neglects its duties or practices any frauds, and causes inconsistency between the report and the facts, environmental protection departments at or above provincial level shall order it to make a correction, impose a fine of up to 30,000yuan, and make an announcement; In serious cases, remove its name from the recommended name list.

Article 36 If any personnel of relevant administrative department are in violation of these regulations, derelict in their duties, abuse their authority practice favoritism or commit irregularities, they shall be disciplined according to law. If their acts constitute crimes, they shall be transferred to judicial institutions and criminal liabilities shall be pursued according to law.

Chapter 6 Supplementary Provisions

Article 37 Application form of registration for environmental management, registration certificate of environmental management, release and transfer report of priority hazardous chemicals, as well as sample, filling requirement and relevant technical guide of environmental risks management plan and other documents shall be formulated uniformly by the environmental protection departments under the State Council.

Article 38 Environmental protection departments under the State Council may define and promulgate a list of hazardous chemicals that need no registration for environmental management based on the hazard properties and environmental risk levels of the hazardous chemicals.

Article 39 Production units founded before the implementation of the present Measures shall go through the registration procedure within three years counting from the date of the implementation of the Measures.

Article 40 The environmental management registration of hazardous chemicals shall be charged in accordance to relevant national rule.

Article 41 Environmental protection departments under the State Council shall be held responsible for the interpretation of the Measures.

Article 42 This Measures shall come into force on March 1,2013.