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## Regulations on the Safe Management of Hazardous Chemicals in China

### **Decree No. 591 of the State Council of the People's Republic of China**

Regulations on the Control over Safety of Dangerous Chemicals have been revised by the 144<sup>nd</sup> Executive Meeting of the State Council on 16<sup>th</sup> February 2011.

We hereby issue this revised Regulations, which shall take effect as of 1<sup>st</sup> December 2011.

Premier: Wen Jiabao

2<sup>nd</sup> March 2011

(Decree No. 344 of the State Council of the People's Republic of China was issued on 26<sup>th</sup> January 2002, and revised by the 144<sup>nd</sup> Executive Meeting of the State Council on 16<sup>th</sup> February 2011)

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## Chapter I General Principles

Article 1 In order to strengthen the control over safety of dangerous chemicals, to prevent and reduce the accidents from dangerous chemicals, to guarantee the people's life and property safety, and to protect the environment, these Regulations are hereby enacted.

Article 2 The safety administration of production, storage, use, operation and transportation of dangerous chemicals were applied to this ordinance.

The disposal of the wasted dangerous chemicals shall be governed by the relevant laws, other administrative regulations and national provisions concerning about environmental safety.

Article 3 "Dangerous chemicals" as referred to herein include toxic chemicals and other chemicals which have the properties of poison, corrosion, explosion, burning and combustion supporting etc., and will be harmful for human body, facilities and environment.

The List of Dangerous Articles should be determined, promulgated and adjusted according with the identification and classification of their risk characteristics by the administrative department in charge of production safety supervision and management jointly with the administrative departments of industry and information technology, public security, environmental protection, health, quality supervision inspection and quarantine, transportation, railway, civil aviation and agriculture etc. of the State Council.

Article 4 The management of dangerous chemicals should adhere to safety and prevention first, comprehensive treatment approach to strengthen and implement the main responsibility of enterprises.

The personnel chiefly in charge of units that manufacture, store, use, deal in and transport of the dangerous chemicals (hereinafter referred to as the "units of dangerous chemicals") must guarantee the overall safety administration.

The units of dangerous chemicals shall meet the safety requirements of laws, administrative regulations, industrial standards, and establish and complete the management rules and regulations, job safety responsibility system, their employees must take part in the training for the relevant safety, legal and posts technical know-how. All employed persons shall be educated and trained, only those passing the examination may hold their posts; For qualified

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positions, only the persons having relevant certificates may hold the posts.

Article 5 Any units and personnel should not manufacture, deal in, use of the dangerous chemicals that their production, operation and use are banned by the State.

For the use of the dangerous chemicals that restricted by the provisions of the State, any units and persons should not violate the restrictions to use such chemicals.

Article 6 The relevant departments in charge of supervision and administration of the manufacture, storage, use, operation, transportation of dangerous chemicals (hereinafter referred to as the “departments in charge of supervision and administration of dangerous chemicals”) shall fulfill their responsibilities according to the following:

- (1) The administrative department in charge of safety production and supervision will be responsible for overall work for administration and supervision of safety of dangerous chemicals, organize the determination, publishing, adjustment of the catalogue of dangerous chemicals, examine the safety conditions of construction projects for new established, reconstructed, expanded production, and storage of dangerous chemicals (including the dangerous chemicals using long pipe delivery), be responsible for issuance of the licenses for safety production of dangerous chemicals, safety usage of dangerous chemicals, and operation of dangerous chemicals, and be responsible for registration of dangerous chemicals.
- (2) The public security organs shall be responsible for the public security control over dangerous chemicals, be responsible for the issuance of hyper-toxic chemical purchase licenses and road transportation passes for hyper-toxic chemicals, be responsible for supervision over the safety of the road transportation of dangerous chemicals
- (3) The administrative departments in charge of quality supervision, inspection and quarantine shall be responsible for the issuance of the manufacture licenses of dangerous chemicals and their packing materials as well as containers (excluding fix type large tank for dangerous chemicals, hereinafter as same ) to manufacture enterprises for industrial production, be responsible for the supervision over the quality of products, and be responsible for the inspection of import & export dangerous chemicals and their packages.
- (4) The administrative departments in charge of environmental protection shall be responsible for the supervision and administration of the disposal of wasted dangerous chemicals, be responsible for the identification of the environmental hazards and risks of dangerous chemicals, determination of the implementation of key

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environmental management of dangerous chemicals, be responsible for the environmental management of registration of dangerous chemicals and new chemicals; investigation of relevant chemical environmental pollution accidents and the ecological damage incidents according to detail responsibilities, be responsible for emergency environmental monitoring of the sites of dangerous chemical accidents .

- (5) The transport administrative department of the State shall be responsible for the licensing of highway and waterway transportation of dangerous chemicals, and the safety control of their means of transport, be responsible for qualification determining of drivers, sailors, loading and unloading management personnel, transport escorts, declares, and on-site container inspector from units for highway and waterway transportation of dangerous chemicals. The railway administrative department shall be responsible for the safety management of railway transportation for dangerous chemicals, be responsible for the qualification examination of carriers, consignor for dangerous chemicals and their means of transport. The civil aviation administrative department shall be responsible for the safety management of air transportation, air transportation enterprises and their means of transport.
- (6) The administrative departments in charge of health shall be responsible for the management of identification of toxicity of dangerous chemicals, and be responsible for organization and coordination of medical and health rescue of the personnel who are injured due to accidents of dangerous chemicals.
- (7) The administrations for industry and commerce shall, in accordance with the licenses of the relevant departments, issue the business licenses for units that manufacture, store, deal in, or transport dangerous chemicals, and investigate and deal with illegal acts of the procurement of dangerous chemicals for units that deal in dangerous chemicals.
- (8) The administrative departments in charge of post shall be responsible for the investigation and dealing with the behavior of sending dangerous chemicals by post.

Article 7 The relevant departments in charge of supervision and administration of dangerous chemicals may exercise the following powers in the course of supervision and examination according to law:

- (1) To enter into the operating sites of dangerous chemicals to make the spot examination, to learn the relevant information from the personnel concerned, and to inspect and copy relevant documents and information;
- (2) To order the parties concerned to eliminate the hidden risks of accidents of dangerous chemicals forthwith or within a specified time limit when such risks are discovered;

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- (3) To order the parties concerned to cease forthwith the use of facilities, equipment, apparatus, and means of transport that fails to meet the relevant laws, regulations, rules, and national standards, industrial standards based on evidence;
  - (4) To close down the sites which illegal produce, store, use, deal in dangerous chemicals after the approval by main responsible person from the relevant departments, to detain the dangerous chemicals that produce, store, use, deal in, and transport illegally and the raw materials, facilities, transport tools used to illegal produce, use, and transport dangerous chemicals;
  - (5) To make corrections on the spot, or to order the parties concerned to make corrections when finding the illegal acts.

The departments in charge of supervision and administration for dangerous chemicals shall take the works of supervision and examination according to law, the persons who responsible for supervision and examination shall not less than 2, and shall show their certificates; the relevant units and personnel shall coordinate to the supervision and examination according to law without refusal or hindrance.

Article 8 The people's governments higher than the county level shall establish the coordination systems for supervision and administration of safety of dangerous chemicals, to support, supervise the departments in charge of supervision and administration of safety of dangerous chemicals on duty according to laws, to coordinate, solve the important problems concerned in the management of supervision and administration of safety of dangerous chemicals.

The departments that in charge of the responsibility of supervision and administration of safety of dangerous chemicals shall coordinate to, cooperate mutually to strengthen the administrative work of supervision and administration of safety of dangerous chemicals according to law.

Article 9 Any unit and personnel may report the behaviors that against the Regulations to the departments in charge of the responsibility of supervision and administration of safety of dangerous chemicals. When the departments in charge of the responsibility of supervision and administration of safety of dangerous chemicals received the reports, they shall deal with timely; the concerns excluding with their responsibility shall be transferred to relevant departments to process timely.

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Article 10 The State encourage manufactures that produce dangerous chemicals and enterprises that use the dangerous chemicals to apply advanced technology, technique, facilities, and auto-control systems to benefit the improvement of the safety insurance level, the dangerous chemicals shall be encouraged to adopt special storage, uniform distribution and concentrate sales.

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## **Chapter II Safety of Manufacture and Storage**

Article 11 The Sate carries out the integrated management, rational distribution for manufacture and storage of dangerous chemicals.

The administrative departments in charge of industry and information technology of the State Council and other relevant departments shall in accordance with their responsibilities, be responsible for making the industrial planning and distribution of manufacture and storage of dangerous chemicals.

The organizers of people's governments at local level shall make the urban and rural planning, according to the local actual situation, allocate the appropriate areas to be specialized for the manufacture and storage of dangerous chemicals in accordance with the principle of ensuring safety.

Article 12 The construction projects for new established, reconstructed, expanded production, and storage of dangerous chemicals (hereinafter refer to "construction projects") shall be checked the safety conditions by administrative departments in charge of supervision of safety of manufacture.

The construction units shall proof the safety conditions of construction projects, and entrust the qualified agencies according to the State rules to evaluate the safety of construction projects, then send the reports of proofs of safety conditions and conclusions of evaluations of safety to the administrative departments for supervision of safety of manufacture setting up in local and people's governments at higher than the municipality level; The administrative departments for supervision of safety of manufacture shall issue the examination decisions within 45 days upon the receipt of the reports, and notify the construction units in writing. The detail proceedings shall be made by administrative department for supervision of safety of manufacture of the State Council.

The safety conditions of construction projects for new established, reconstructed, expanded storage and port of load

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and unload dangerous chemicals shall be inspected by port administrative departments according to the regulations of transport administrative department of the State Council.

Article 13 The units that manufacture, store the dangerous chemicals shall put highlight symbols for laid pipe that delivering the dangerous chemicals, and inspect, detect such pipes regularly.

Before starting the constructions that may concern the dangerous chemicals, the construction units shall notify the pipes belonging units in writing 7 days before the date of starting construction, and make the emergency plan together with the pipes belonging units, take the relevant protective measures for safety. The pipes belonging units shall assign specific persons to guidance the on-site safety protections for pipes.

Article 14 Before manufacturing, the manufacture enterprises for dangerous chemicals shall obtain the license of safety production permit for dangerous chemicals according to the regulation of safety production permit.

Whoever manufactures the dangerous chemicals that listed in industrial products catalogue with production permit required by the State shall obtain the license of national industrial products manufacture certificate according to the regulation of administrative items on People's Republic of China industrial products manufacture certificate. The departments in charge of issuance the license of safety production permit and industrial products manufacture certificate shall notify the conditions of issuance of licenses to the departments of industry and information technology, environment protection and public security at same level.

Article 15 Whoever manufactures dangerous chemicals shall supply the technical specifications for the safety of chemicals in full accord with dangerous chemicals produced, and affix or post the safety signs for chemicals in full accord with dangerous chemicals in the packing materials on the external packaging materials. The contents of safety specifications and safety signs shall meet the requirements of National standards.

When finding new hazard characteristics for dangerous chemicals manufactured, the manufacturing enterprises of dangerous chemicals shall make the public announcements forthwith, and modify the technical specifications for safety and the safety signs in time.

Article 16 Whoever manufacture dangerous chemicals engaging in implementation of key environmental management shall report the relevant environmental release information of this dangerous chemical to the

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departments in charge of environmental protection in accord with the regulations of departments of environmental protection of the State Council. The departments in charge of environmental protection may adopt corresponding acts to control environmental risks accordingly.

Article 17 The packaging of dangerous chemicals must accord with laws, regulations, rules and the requirements of national standards, industrial standards.

The materials of the package, containers of dangerous chemicals and the models, specifications, methods and unit quantity(weight) of the packing of dangerous chemicals shall be adapted to the nature and purposes of the packaged dangerous chemicals.

Article 18 Whoever manufacture packages, containers that listed in the industrial products catalogue of the State production permit for dangerous chemicals shall obtain China industrial products manufacture certificate in accord with the regulations of administrative items on People's Republic of China industrial products manufacture certificate; The produced packages, containers must be inspected by the State Council identified departments in charge of quality supervision, inspection and quarantine, only the approved products can be sold on the market.

The ships and their loading containers for shipment of dangerous chemicals shall be manufactured in accord with the regulations on National Survey of Ship, and only after checking by qualified ship inspection institutes with maritime administrative agencies, they can be put to use.

The packing materials, containers for repeated use shall be inspected before being used; When safety problems are found, it should be repaired or replaced. The corresponding records made by using units shall be made; the inspection records shall be kept for 2 years at least.

Article 19 The quantity of the installations manufacturing and storing dangerous chemicals constituting the serious hazard sources (excluding transport gas stations, filling stations) and the distance from the following places, facilities and areas must satisfy the national standards or the relevant provisions of the State:

- (1) Resident estates, commercial centers, parks, and other densely inhabited districts;
- (2) Schools, hospitals, cinemas, stadiums, gymnasiums, and other public facilities;
- (3) Water supply sources, water plants, and water source protection zones;
- (4) Stations, docks (excluding those authorized for loading and unloading of dangerous chemicals upon approval

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according to the relevant provisions of the State), airports, highways, railways, waterway main lines, wind booths, entrance, and exit of underground railways;

- (5) The basic farmland protection zones, grasslands, animal genetic resources conservation areas, animal scale husbandry zones (small husbandry zones), fishing waters, and bases to produce seeds, breeders, and offspring of aquatic products;
- (6) Rivers, lakes, places of historical interest and scenic spots, and natural protection zones;
- (7) Prohibited military zones and military control zones; and
- (8) Other areas, facilities, fields to be protected by laws and administrative regulations.

In case that the quantity of installations manufacturing dangerous chemicals that have been built, and the storage facilities that constitute the serious hazard sources does not fulfill the provisions of the preceding Paragraph, the administrative departments in charge of the overall work for the supervision and administration of safety of dangerous chemicals of the people's governments at the municipality level (with districts established within the municipality ) shall supervise the parties concerned to make rectification and improvement within the specified time limit. The change of the line of production, the stoppage of production, the move, or shutdown shall be reported to the people's governments at the same levels for approval, and carry out such activities upon approval.

The location that used to build the quantity of installations manufacturing dangerous chemicals shall avoid active earthquake fault and prone flood, geologic hazard areas.

"Serious hazard sources" as referred to herein means cells (including places and installations) in which the dangerous chemicals are manufactured, transported, used, or stored, or the wasted chemicals are disposed of, and the quantity of dangerous chemicals is equal to or exceeds the threshold quantity.

Article 20 Whoever manufactures, stores dangerous chemicals shall set up relevant safety facilities and equipments for inspecting, monitoring, ventilation, sun protection, temperature adjustment, fireproofing, fire control, explosion protection, pressure relief, poisoning prevention, neutralization, moisture prevention, lightening prevention, static electricity resistance, antiseptis, leak prevention, and reclamation dam protection or isolated operation in the working sites, according to the kind of the dangerous chemicals they manufactured, stored, and carry out the works of repairing, maintenance regularly to ensure the safety of the running of facilities and equipments according to National standards, industrial standards or relevant provisions of the State.

Whoever manufactures, stores dangerous chemicals shall set up visible warning signs in working sites and on safety

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facilities and equipments.

Article 21 Whoever manufactures, stores dangerous chemicals shall set up communication and alarm devices in working sites and ensure them in working conditions.

Article 22 The enterprises that manufacture and store dangerous chemicals shall conduct safety evaluation for its safety conditions of manufacturing once 3 years by qualified institutes with the provisions of the State, the latter shall submit the safety evaluation report. The contents of the safety evaluation report shall include the reform program for existing problems of safety manufacturing.

The enterprises that manufacture and store dangerous chemicals shall submit the safety evaluation report and the implementation of reform program to the administrative department in charge of work for the supervision and administration of safety of manufacturing of the people's government at the county level for record.

The enterprises that store the dangerous chemicals in port areas shall submit the safety evaluation report and the implementation of reform program to port administrative authority for record.

Article 23 The units that manufacture and store hyper-toxic chemicals, and the dangerous chemicals that can be used to manufacture explosives (hereafter refer to "explosive precursor dangerous chemicals) according to the provision of public security of the State Council shall record quantity and distribution details of hyper-toxic chemicals and explosive precursor dangerous chemicals their manufactured and stored, and take necessary safety precautions, guard the lost or stolen of high toxic chemicals and explosive precursor dangerous chemicals; In case of such things happened, the local public security shall be informed immediately.

The units that manufacture and store hyper-toxic chemicals shall set up the department of public security, and allocate full-time security personnel.

Article 24 The dangerous chemicals shall be stored within specialized warehouse, fields or specialized rooms (hereafter refer to as the "specialized warehouse"), and be administrated by the specially assigned personnel; The hyper-toxic chemicals and the other chemicals in quantity of storage causing significant dangerous sources shall be stored separately in special warehouse, and be subject to the system of double-person receiving and dispatching and double-person safekeeping.

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The storage means, methods, and the quantity stored must meet the national standards or relevant national provisions.

Article 25 The units storing dangerous chemicals shall establish the inspection and registration system for dangerous chemicals' entry into, and exit from warehouses.

The detail storage quantity, sites and management personnel conditions of hyper-toxic chemicals and the other chemicals in quantity of storage causing significant dangerous sources shall be submitted to the administrative department in charge of inspection at local county level (if the storage site is within port, the report shall be submitted to port administrative authority) and public security for record by storage units.

Article 26 The specialized warehouses for dangerous chemicals shall meet the requirements of the national standards and industrial standards, and prominent signs shall be set up. The specialized warehouses for storage of hype-toxic chemicals and explosive precursor dangerous chemicals shall set up relevant technical preventive measures in accord with the national provisions.

The units storing dangerous chemicals shall check and test regularly for the safety facilities and equipments of specialized warehouse storing dangerous chemicals.

Article 27 When units that manufacture, store dangerous chemicals change the line of production, halt production, shut down, or dissolved, they shall adopt the effective measures to timely dispose the manufacturing or storage equipment for dangerous chemicals and inventory products, and shall not discard the dangerous chemicals; The disposal proposal shall be submitted to the administrative department in charge of the overall work for the supervision and administration of safety of dangerous chemicals of the local people's government at the local county level, and the administrative department in charge of industry and information technology, environmental protection and the public security for record. The administrative department in charge of the overall work for the supervision and administration of safety of dangerous chemicals shall supervise and examine the disposal with the administrative department in charge of environmental protection and the public security. If no in compliance with the provisions was found, the disposal shall be ordered immediately.

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## Chapter III Safety of Use

Article 28 The use conditions (including technique) for units that use dangerous chemicals shall meet the requirements of law and administrative regulations, establish and improve the regulations on safety use and process of dangerous chemicals according to the kind, hazardous characteristics, amounts and ways of dangerous chemicals used, ensure the safety use of dangerous chemicals.

Article 29 The chemical enterprises that engage in manufacturing dangerous chemicals and the units that the amounts of dangerous chemicals used reach to the required number (excluding the enterprises that manufacture dangerous chemicals, the same below) shall obtain the license of safety use of dangerous chemicals in accord with this regulations.

The preceding paragraph of quantity standard of use of dangerous chemicals shall be determined and issued by the administrative department in charge of inspection for safety manufacturing of the State Council jointly with the administrative departments in charge of public security and agriculture.

Article 30 The chemical enterprises that apply for the license of safety use of dangerous chemicals shall meet the following conditions except meet the Article 28 provision of this regulation:

- (1) Having professional technical persons capable of use of dangerous chemicals;
- (2) Having management persons from the administrative departments for safety and specialized persons for safety;
- (3) Having emergency plan for hazardous chemical accidents and necessary emergency rescue equipments and facilities in accord with the national provisions;
- (4) Conducting safety evaluation in accord with laws.

Article 31 The applicants for the license of safety use of dangerous chemicals shall apply the application to the administrative department in charge of supervision of safety in dangerous chemicals at the municipality level (with districts), and submit the supporting documents for qualification as specified in Article 30 herein. The administrative departments in charge of supervision of safety of dangerous chemicals of the people's government at the municipality level (with districts) shall examine the supporting documents and make out approval or un-approval decisions upon

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the receipt of documents within 45 days. The relevant license shall be issued to approval applicants; and the unqualified applicants shall be informed in writing of the corresponding reasons.

The approval results of the license for safety use of dangerous chemicals issued by the administrative department in charge of supervision of safety for manufacturing shall be submit to the administrative department in charge of environmental protection and public security at same level.

Article 32 The provisions on whoever manufacture dangerous chemicals engaging in implementation of key environmental management as specified in Article 16 herein shall be applied to whoever manufacture dangerous chemicals engaging in implementation of key environmental management; The provisions as specified in Article 20, Article 21, 1 of Article 23, and Article 27 herein for the units manufacture and store dangerous chemicals shall be applied to the units that use dangerous chemicals; The provision as specified in Article 22 herein for the unit that manufacture and store dangerous chemicals shall be applied to the units that manufacture products with dangerous chemicals.

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## **Chapter IV Safety of Operation**

The licensing system is implemented for dealing in dangerous chemicals (including storage management, same as follows) by the State. Any unit and personnel shall not engage in dealing in dangerous chemicals without being approved.

The units manufacture dangerous chemicals set up in compliance with laws are allowed to sale the dangerous chemicals produced within their sites without meeting the requirement of obtaining the license for dealing in dangerous chemicals.

The port operators who obtain the license for port operating in accord with the Port Law of the People's Republic of China are allowed to engage storage management of dangerous chemicals within the port field without meeting the requirement of obtaining the license for dealing in dangerous chemicals.

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Article 34 The units that deal in dangerous chemicals shall meet following requirements:

- (1) It shall have premises in compliance with the national and industrial standards. Whoever store dangerous chemicals shall have storage facilities in compliance with the national and industrial standards.
- (2) The executive staff shall received the professional training and be qualified for holding their posts;
- (3) It shall have a healthy safety control system;
- (4) It shall have a specialized management personnel;
- (5) It shall have necessary emergency rescue equipments and facilities in compliance with the national standards for dangerous chemicals;
- (6) It shall fulfill with the other requirements of laws and regulations.

Article 25 In order to deal in hyper-toxic chemicals and explosive precursor dangerous chemicals, the applications shall be filed to the administrative departments in charge of supervision of the people's government at municipality level (with districts), in order to deal in other dangerous chemicals, the applications shall be filed to the administrative departments in charge of supervision of safety manufacture of the people's government at county level (the applications shall be filed to the administrative departments in charge of supervision of the people's government at municipality level (with districts) with whoever having storage facilities). The applicants shall submit the supporting documents for qualifications as specified in Article 34 herein. The administrative departments in charge of the overall work of supervision and administration of safety of dangerous chemicals of the people's governments at the municipality level (with districts) or at the county level shall upon the receipt of applications, examine the supporting documents submitted by the applicants and their business premises and storage facilities in accordance with the provisions herein. The approval or un-approval decisions shall be made within 30 days after the receipt of applications. The license for dealing in dangerous chemicals shall be issued to approval applicants; and the unqualified applicants shall be informed in writing of the corresponding reasons.

The approval results of the license for dealing in dangerous chemicals issued by the administrative department in charge of supervision of safety for manufacturing of the people's governments at the municipality level (with districts) or at the county level shall be submit to the administrative departments in charge of environmental protection and public security at same level timely.

The applicants shall engage in dealing in dangerous chemicals only after finish the registration at the administrative department for industry and commerce depending on the licenses for dealing in dangerous chemicals. When the other

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licenses shall be required for dangerous chemicals by the provisions of laws, regulations or the State Council, the applicants shall go through the registration formalities with the administrations for industry and commerce depending on other relevant licenses for dealing in dangerous chemicals.

Article 36 Enterprises that deal in dangerous chemicals, for the purpose to store such chemicals, shall abide by the relevant provisions in Chapter II herein. Shops of dangerous chemicals shall have no option but to store fractional-package dangerous chemicals for civil use.

Article 37 Enterprises that deal in dangerous chemicals shall not purchase such chemicals from units who fail to obtain the licenses for manufacturing and dealing in dangerous chemicals, and shall not deal in chemicals without specifications or labels of safety.

Article 38 Enterprises that obtain the licenses of safety manufacturing of dangerous chemicals and safety use of dangerous chemicals, the license for dealing in dangerous chemicals in accordance with laws shall purchase hyper-toxic chemicals and explosive precursor dangerous chemicals with relevant licenses. The enterprises that manufacture explosives for civil uses shall purchase explosive precursor dangerous chemicals with the license for manufacturing of explosives for civil uses.

The enterprises excluding in the preceding paragraph shall apply to the public security organs of the people's government at the county level for drawing the purchase credence, and purchase such chemicals depending on the purchase credence; when purchasing explosive precursor dangerous chemicals, they shall show the official use descriptions issued by such unit.

Individuals shall not purchase hyper-toxic chemicals (excluding the pesticides classified as hyper-toxic chemicals) and explosive precursor dangerous chemicals.

Article 39 In order to obtain the purchase credence for hyper-toxic chemicals, the applicants shall submit the following documents to public security of the people's government at the county level:

- (1) Copies of business license or legal representative certificate (certificate of registration);
- (2) The descriptions for the purpose of kind and quantity of hyper-toxic chemicals planning to purchase;
- (3) The descriptions for the applications of hyper-toxic chemicals;

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(4) The ID certificate of person on duty.

The public security of the people's government at the county level shall make the approval or un-approval decisions within 3 days upon the receipt of the preceding paragraph documents. The purchase credence for dangerous chemicals shall be issued to approval applicants; and the unqualified applicants shall be informed in writing of the corresponding reasons.

The administrative methods of purchase credence for hyper-toxic chemicals shall be made by the public security of the State Council.

Article 40 When the enterprises that manufacture or deal in dangerous chemicals sell out the hyper-toxic chemicals and explosive precursor dangerous chemicals, they shall inspect the purchaser's relevant licenses and supporting documents for qualification in accordance with the provisions specialized in 1 and 2 of Article 28, and shall not sell the hyper-toxic chemicals and explosive precursor dangerous chemicals to units without relevant purchase credence or supporting documents for qualification. When selling the hyper-toxic chemicals to units that holding the relevant purchase credence, the kind and quantity of products sold shall in accordance with the contents as specified on the licenses.

It's prohibited to sell hyper-toxic chemicals (excluding the pesticides classified as hyper-toxic chemicals) and explosive precursor dangerous chemicals to individuals.

Article 41 Enterprises that manufacture and deal in hyper-toxic chemicals and explosive precursor dangerous chemicals, when selling such chemicals, shall record names and addresses of purchase units, names and identity card numbers of purchasing personnel, as well as kind, quantity, and purposes of purchased hyper-toxic chemicals and explosive precursor dangerous chemicals. The sales records and the copies of purchasing personnel ID and relevant licenses or supporting documents for qualification shall be kept for one year at least.

The enterprises that sell or purchase the hyper-toxic chemicals and explosive precursor dangerous chemicals shall submit the information including the kind, quantity and distribution of sold or purchased hyper-toxic chemicals and explosive precursor dangerous chemicals to the public security of the people's governments at the county level within 5 days after selling out or purchasing for record, and the relevant data shall be input to computer system at same time.

Article 42 The enterprises that use the hyper-toxic chemicals and explosive precursor dangerous chemicals shall not

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lend and transfer the hyper-toxic chemicals and explosive precursor dangerous chemicals they purchased; In case of changing the line of production, halting production, relocating and shutting down, they shall transfer such chemicals to the units that having relevant licenses and supporting documents for qualification in accordance with 1 and 2 of Article 38, and shall report relevant things to the public security of the people's government at county level after finishing the transfer business.

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## **Chapter V Safety of Transportation**

Article 43 The enterprises that engage in transportation for dangerous chemicals through highway and waterway shall obtain the licenses for transportation of dangerous chemicals through highway and waterway according to the provisions of laws and regulations on transportation through highway and waterway, and shall go through the registration of administrative department of industry and commercial.

The enterprises that engage in transportation for dangerous chemicals through highway and waterway shall allocate specialized safety management personnel.

Article 44 The drivers, crewmen, loading and unloading management personnel, transport escorts, declarers, and on-site container stuffing inspectors from the enterprises that engage in transportation through highway and waterway shall take the examination by the administrative department of communication, only the persons who passed the examination can hold the qualification of the posts. The detail administrative methods shall established by administrative department of communication of the State Council.

The load and unload of the dangerous chemicals shall in accordance with standards, procedures and systems of safety operation, and shall be conduct under the command and control of on-site loading and unloading management personnel. The container stuffing operation of dangerous chemicals with waterway shall be conduct under the command and control of on-site container stuffing inspectors, and shall be in accordance with the requirements of regulation on stowage and isolation; The on-site container stuffing inspectors shall sign the packing certificate.

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Article 45 when transporting the dangerous chemicals, the relevant protections for safety shall be taken in accordance with the dangerous characteristics of dangerous chemicals, and necessary protective products and facilities for emergency rescue shall be also allocated.

The trough containers and other containers for transporting dangerous chemicals shall be sealed tightly to protect the dangerous chemicals from leakage and sparkle leakage because of the change of temperature, moisture or pressure; The overflow and pressure relief device shall be set accurately and be easy to work.

The drivers, crewmen, loading and unloading management personnel, transport escorts, declarers, and on-site container stuffing inspectors for transporting of dangerous chemicals shall understand the hazardous characteristics of the transported dangerous chemicals, the requirements for the use of packing materials and containers, and the disposal methods in case of emergency problems.

Article 46 For the transportation of dangerous chemicals through highways, consignors shall have no option but to entrust professional transportation enterprises that have the licenses to transport such chemicals in accordance with the laws to transport such chemicals.

Article 47 For the transportation of dangerous chemicals through highways, the loading weights of dangerous chemicals shall be in compliance with the approved load limits of the vehicles, no overload be allowed.

The safety requirements of the vehicles for transportation shall meet the requirements of the national standards, and the technical conditions of safety of the vehicles shall be inspected regularly in compliance with the national provisions.

The vehicles for transportation of dangerous chemicals shall hang or spray with the warning signs in compliance with the national provisions.

Article 48 For the transportation of dangerous chemicals through highways, the transport escorts shall be assigned, and all of the dangerous chemicals that being transported shall be under the supervision of such transport escorts at any moment.

In case of parking transport vehicles for dangerous chemicals for accommodation on the way or longer stay times needed in case of influences happened to normal transportation, the drivers and transport escorts shall take relevant protective measures of safety; For the transportation of hyper-toxic chemicals through highways, consignors shall

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also report to the local public security organs.

Article 49 The vehicles for transportation of dangerous chemicals shall not enter to the restricted thoroughfare for such vehicles without being approved by the public security organs. The restricted thoroughfare for vehicles that transport the dangerous chemicals shall be designated by the public security organs of the people's governments at the county level, and the obvious signs shall be also set up.

Article 50 For the transportation of hyper-toxic chemicals through highways, consignors shall apply to the public security organs of the people's governments at the county level of places of origin or destination for the highway transportation pass for hyper-toxic chemicals.

When apply for the highway transportation pass for hyper-toxic chemicals, the consignors shall submit following documents to the people's governments at the county level:

- (1) The description of the kind and quantity of hyper-toxic chemicals for transportation;
- (2) The description of the place of origin and destination, transit time and route;
- (3) The license of transportation for dangerous chemicals through highway of the consignors, the business certificate of the vehicles, and the supporting qualified documents for job of drivers and transport escorts;
- (4) The relevant licenses in accordance with the provisions specified in 1 and 2 of Article 38 herein, or the supporting documents for qualification of import and export issued by Customs.

The public security organs of the people's governments at the county level shall make out the approval or un-approval decisions within 7 days after the receipt of the preceding paragraph materials; the highway transportation pass for hyper-toxic chemicals shall be issued to qualified applicants; the unqualified applicants shall be informed in writing of the corresponding reasons.

The administrative methods for the highway transportation pass for hyper-toxic chemicals shall be established by the public security of the State Council.

Article 51 When hyper-toxic chemicals are lost, are stolen, are drained, or leak on the way of highway transportation, the drivers and transport escorts must take relevant warning measures and make reports to the local public security organs forthwith. The public security organs, upon the receipt of reports, shall notify other administrative departments of supervisions for safety manufacturing, environmental protection and public health forthwith, and these departments shall adopt the necessary safety measures.

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Article 52 The transportation of dangerous chemicals through waterways shall be compliance with the relevant laws, administrative regulations and provisions of the administrative departments in charge of communications of the State Council for safety transportation of dangerous materials through waterway.

Article 53 The administrative department of marine shall determine the relevant transporting conditions for transportation of dangerous chemicals by ships depending on the kind and hazardous characteristics of dangerous chemicals.

For chemicals that will be transported by ships with uncertain relevant transporting conditions shall be evaluated by qualified institutions with the administrative department of marine, after the relevant transporting conditions for safety transportation were clear and confirmed by the administrative department of marine, they can be delivered by ships.

Article 54 The transportation of hyper-toxic chemicals and other dangerous chemicals whose transportation has been prohibited by making use of shipping channels such as inland rivers with the national provisions shall be prohibited by making use of shipping channels such as inland rivers and other enclosed waters.

The transportation of hyper-toxic chemicals and other dangerous chemicals whose transportation has been prohibited with the national provisions by making use of shipping channels such as inland rivers excluding which in the preceding paragraph shall be prohibited.

The scope of hyper-toxic chemicals and other dangerous chemicals whose transportation has been prohibited by making use of shipping channels such as inland river shall be issued by the administrative departments of communication of the State Council jointly with the administrative departments of environmental protection, industry and information technology, and supervisions on safety manufacturing of the State Council depending on the factors including hazardous characteristics of the dangerous chemicals, the hazardous degrees of dangerous chemicals to human body and aquatic environment, and the degree of difficulty of eliminating the hazardous results.

Article 55 The dangerous chemicals other than those for transportation through shipping channels such as inland river as specified in Article 54 herein ( refer to as the dangerous chemicals that transported through shipping channels such as inland river) shall be conducted classified management by the administrative department of communications of the

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State Council depending on the hazardous characteristics of the dangerous chemicals, and the transportation way, regulation on package and protective measures of safety of all kinds of dangerous chemicals shall be specified and supervised.

Article 56 For the transportation of dangerous chemicals through shipping channels such as inland rivers, the carriers shall be the transportation enterprises with the license to transport such chemicals, no other units and individuals shall be such carriers. The consignors shall have an option but to entrust the water transportation enterprises with the license to transport such chemicals, no other units and individuals shall be responsible for this transportation.

Article 57 For the transportation of dangerous chemicals through shipping channels such as inland rivers, the ships for transportation shall be with the certificate of packing for dangerous chemicals Legally. The enterprises for transportation through shipping channels such as inland rivers shall set up the emergency plan for accidents of transportation of dangerous chemicals with ships depending on the hazardous characteristics of the dangerous chemicals that transported, and allocate adequate and effective rescue equipments and facilities for the transporting ships.

For the transportation of dangerous chemicals through shipping channels such as inland rivers, the owners or operators of the ships shall obtain the liability insurance certificate for ship pollution damage and proof document for financial guarantee. The copies of the liability insurance certificate for ship pollution damage and proof document for financial guarantee shall be carried on board.

Article 58 For the transportation of dangerous chemicals through shipping channels such as inland rivers, the materials, type, intensity and packing way of packages for dangerous chemicals shall in compliance with the requirements of the provisions on packages for dangerous chemicals that transported through waterway. If the amounts of dangerous chemicals that transported per ship have limits by the administrative department of communications of the State Council, the carriers shall transport the quantities in compliance with the provisions.

Article 59 The inland pier and berth for transportation works of dangerous chemicals shall be in compliance with the relevant national provisions of safety, they shall be kept prescribed distance away from intake place for drinking water with the relevant national provisions. The relevant units shall set up emergency plan for accidents of dangerous

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chemicals within pier and berth, and allocate adequate and effective rescue equipments and facilities for pier and berth.

The inland pier and berth for transportation works of dangerous chemicals shall be inspected by the administrative departments of communications according to the relevant national provisions, only the qualified inland pier and berth shall be put to use.

Article 60 When the ships carried the dangerous chemicals arrival or departure the inland port, the details of items name, their hazardous characteristics, packages and the times of arrival or departure the port of the dangerous chemicals, etc. shall be submitted to the administrative department of marine. The agree or disagree decision shall be made within the prescribed time by the administrative department of communications of the State Council, the reporter and the administrative department of marine shall be notified at same times.

The ships with the dangerous chemicals that shall sail in inland river, or pass the navigation structure, the applications shall be filed to the administrative department of communications, and they shall be accepted the management of such department.

Article 61 When the ships with the dangerous chemicals sailing, loading or parking within the inland river, the special warning signs shall be hung, and the special signals shall be visible in accord with provisions.

When the ships with the dangerous chemicals sailing in the inland river, the applications for pilotage shall be filed according to the provisions of the administrative department of communications of the State Council it shall be done so.

Article 62 When the ships with the dangerous chemicals sailing in the inland river, the law, administrative regulations and other national provisions on protection of source of drinking water shall be respected. The development of the inland river shall coordinate with the approved protection zone plan legally.

Article 63 When consigning dangerous chemicals, the consigners shall state the kind, quantity, hazardous characteristics and emergency measures for accidents of such chemicals to the carriers, proper packing the articles in compliance with the relevant provisions of the State shall be applied, and the relevant signs shall be affixed on the external of package.

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When the depressors or stabilizers need to be added for the transportation of dangerous chemicals, consignors shall add them upon the consignment, and inform the carriers.

Article 64 Consignors shall neither carry secretly dangerous chemicals in consigned common goods, nor withhold information about dangerous chemicals, nor report dangerous chemicals as common goods.

Any units and individuals shall neither consign dangerous chemicals or carry secretly dangerous chemicals in consigned post and express goods, nor withhold information about dangerous chemicals, nor report dangerous chemicals as common goods for post. The post office and express units shall not accept and post such goods. For involving violation of 1 and 2 of Article herein, the package of goods shall be opened to inspect by the administrative department of communications and post office legally.

Article 65 The transportation of dangerous chemicals through railways or by air shall be based on the relevant provisions of the administrative departments in charge of railways and civil aviation of the State Council.

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## **Chapter VI Registration of Dangerous Chemicals and Emergency Rescue of**

### **Accidents**

Article 66 The State carries out the system of registration of dangerous chemicals, and provides the technical and information support for the safety control over dangerous chemicals, accident prevention, and emergency rescue.

Article 67 Enterprises that manufacture or import dangerous chemicals, shall register dangerous chemicals with the organ responsible for registration of dangerous chemicals of the administrative department in charge of work of safety supervision and management of the State Council (hereinafter to be referred as registration organ of dangerous chemicals).

Registration of dangerous chemicals includes the following items:

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- (1) Classification and labeling information;
  - (2) Physical and chemical properties;
  - (3) Main purpose;
  - (4) Hazardous characteristics;
  - (5) Safety requirements on storage, use and transportation;
  - (6) Emergency measures in a dangerous situation.

For dangerous chemicals of the same kind manufactured or imported by the same Enterprise, registered once only. If enterprises that manufacture or import dangerous chemicals have found any new hazardous characteristic for its registered dangerous chemical, the alteration procedure for registration content shall be handled with the registration organ of dangerous chemicals.

The specific measures for registration of dangerous chemicals shall be formulated by the administrative department in charge of work of safety supervision and management of the State Council.

Article 68 The organ responsible for registration of dangerous chemicals shall regularly provide the information and data about registration of such chemicals to the administrative departments in charge of industry and information technology, environmental protection, public security, health, transportation, railway, quality supervision inspection and quarantine, etc.

Article 69 The administrative departments in charge of the work of safety supervision and management of the local people's governments at or above the county level shall jointly with other departments in charge of industry and information technology, environmental protection, public security, health, transportation, railway, quality supervision inspection and quarantine, etc. formulate the emergency pre-proposals on the basis of the actual situation in the region, and submit them to the people's governments at the same levels for approval.

Article 70 Units of dangerous chemicals shall formulate their own emergency pre-proposals, assign the emergency rescue personnel, be equipped with necessary emergency apparatus and equipment, and organize the drilling at regular intervals.

The pre-proposal for emergency rescue in case of dangerous chemical accidents shall be submitted to the administrative department in charge of the work safety supervision and management of the people's government at

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the municipality level (with districts) for record.

Article 71 In case of a dangerous chemical accident, the person chiefly in charge of the accident unit shall, in accordance with the emergency pre-proposal formulated by this unit, organize the rescue, and make a report to the local administrative department in charge of the work of safety supervision and management, and the environmental protection, public security and health administration organ; In case of a dangerous chemical accident occurred during the highway and waterway transportation, the drivers, crewmen or transport escorts shall report to the local administrative department in charge of the traffic and transportation also.

Article 72 In case of a dangerous chemical accident, the local people's government concerned shall organize the administrative departments in charge of the work of safety supervision and management, and the environmental protection, public security and health, traffic and transportation etc. forthwith, in accordance with the local emergency contingent proposals, organize the rescue without any delay or prevarication.

The local people's government and its departments concerned shall, in accordance with the following provisions, adopt the necessary measures to reduce the loss caused by the accident, and to prevent the accident from extending:

- (1) They shall organize the rescue and cure of the victims, organize the evacuation, or adopt other measures to protect other personnel in the hazard areas forthwith;
- (2) They shall promptly control the hazard sources, determine the properties of dangerous chemicals, hazard areas and extent of the accident.
- (3) They shall promptly adopt measures of enclosing, isolation, disinfections, etc. against the actual hazards caused to the human body, animals, plants, soil, water sources, and air caused by the accident and the contingent hazards;
- (4) They shall monitor and evaluate the environmental pollution and ecological destruction caused by the accident, and take the appropriate environmental pollution control and ecological restoration measures.

Article 73 Relevant units of dangerous chemicals shall provide the technical guidance and necessary assistance for the emergency rescue against accidents caused by dangerous chemicals.

Article 74 The administrative departments in charge of environmental protection of the people's government at the

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municipality level (with districts) shall announce in a unified way the information about the environmental pollution caused by dangerous chemical accidents.

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## **Chapter VII Legal Liability**

Article 75 Whoever, manufacturing, dealing in, or using dangerous chemicals that have been prohibited by government, shall be ordered to stop production, management and using activities, also imposed a fine of not less than RMB 200,000 but not more than RMB 500,000, the illegal gains, if any, shall be confiscated; Whoever commits a crime shall be prosecuted for criminal liability.

Whoever has the action specified in the preceding paragraph, shall be ordered to destroy the dangerous chemicals that manufactured, dealt in or used by itself with innocuous treatment.

Whoever uses the dangerous chemicals in violation of the State regulation about the restrictive provision on use of dangerous chemicals shall be treated in accordance with the provisions specified in the first paragraph of this article.

Article 76 Whoever conducts the construction, reconstruction or expansion of the projects that manufacture or store the dangerous chemicals without examination on safety conditions, shall be ordered to stop construction and make corrections within a specified time limit by the administrative department in charge of the work of safety supervision and management; If it fails to make corrections within the specified time limit, it shall be imposed a fine of not less than RMB 500,000 but not more than RMB 1,000,000; Whoever commits a crime shall be prosecuted for criminal liability.

Whoever conducts the construction, reconstruction or expansion of the port projects that store or load and unload the dangerous chemicals without examination on safety conditions, shall be punished in accordance with the provisions specified in the preceding paragraph by port administration.

Article 77 Whoever carries on the production of dangerous chemicals without obtaining production safety permit for dangerous chemicals according to laws, or carries on the production of dangerous chemicals and its packing

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materials or containers without obtaining industrial production permit according to law, shall be punished in accordance with the provisions specified in the “Regulations on Safety Production License” and “Regulation on the Administration of Production License for Industrial Products of the People's Republic of China” separately.

In violation of these Regulations, chemical enterprises using dangerous chemicals in production without the license of production safety permit for dangerous chemicals, shall be ordered to make corrections within a specified time limit, and imposed a fine of not less than RMB 100,000 but not more than RMB 200,000 by administrative department in charge of the work of safety supervision and management; If it fails to make corrections within the specified time limit, it shall be ordered to stop production for rectification.

Whoever, in violation of these Regulations, engaging in operation of dangerous chemicals without the license for dealing in dangerous chemicals, shall be ordered to stop business operations, the illegal operated dangerous chemicals and illegal gains, if any, shall be confiscated, and imposed a fine of not less than RMB 100,000 but not more than RMB 200,000; Whoever commits a crime shall be prosecuted for criminal liability.

Article 78 Whoever commits one of the following acts, shall be ordered to make corrections by the administrative department in charge of the work of safety supervision and management, and may concurrently be imposed a fine of less than RMB 50,000; Whoever refuses to correct, shall be imposed a fine of not less than RMB 50,000 but not more than RMB 100,000; In serious cases, it shall be ordered to stop production or operation for rectification:

- (1) For units that manufacture or store the dangerous chemicals, where it fails to set up the prominent sign for its dangerous chemical pipelines, or fails to inspect and test such pipelines at regular intervals;
- (2) For construction unit whose constructional operation may endanger the safety of pipelines for dangerous chemical, where it fails to notify the affiliation of pipelines in written form according to provision, or fails to formulate the emergency pre-proposals and take appropriate protective measures jointly with the affiliation of pipelines; or the affiliation of pipelines fails to assign specialists to provide on-the-spot guidance of security protection for pipelines;
- (3) For enterprises that manufacture dangerous chemicals, where it fails to provide the technical specifications for the safety of chemicals, or fails to affix or post the safety signs for chemicals in package (include external packaging materials);
- (4) For enterprises that manufacture dangerous chemicals, where it provides the technical specifications for the safety of chemicals that not in full accord with dangerous chemicals, or the safety signs for chemicals affixed or

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- posted in package (include external packaging materials) are not in full accord with dangerous chemicals contained in it, or the contents written on technical specifications and signs for the safety of chemicals do not meet the requirements of national standard;
- (5) For enterprises that manufacture dangerous chemicals, where it fails to make a public announcement forthwith, or revise its technical specifications and signs for safety of chemicals when finding that dangerous chemicals have new hazard characteristics;
  - (6) Where an enterprise that deals in dangerous chemicals without technical specifications or signs for safety of chemicals;
  - (7) Where packaging material, container material and models, specifications, methods, and unit quantity (weight) of the packaging of dangerous chemicals are not adapted to the properties and purposes of the packaged dangerous chemicals;
  - (8) For units that manufacture or store the dangerous chemicals, where it fails to set up prominent safety signs in the workshops and operation sites or on the safety facilities and equipments, or fails to set up communication or alarming installations in workshops and operation sites;
  - (9) For specialized warehouses for the dangerous chemicals, where it fails to assign the specialized personnel to manage, or hyper-toxic chemicals, and other dangerous chemicals that constitute serious hazard sources in quantity stored in them are not subject to the system of double-person receiving, dispatching, and safekeeping;
  - (10) For units that store the dangerous chemicals, where it fails to establish the check and register system for the dangerous chemicals' entry into, and exit from warehouses;
  - (11) Where it fails to set up prominent signs for specialized warehouses for the dangerous chemicals;
  - (12) For enterprises that manufacture or import the dangerous chemicals, where it fails to register the dangerous chemicals, or fails to handle the alteration procedure for registration content when they have found any new hazardous characteristic for its manufactured or imported dangerous chemicals.

For port operators who deal in the warehouse and storage business for dangerous chemicals, whoever has the action specified in the preceding paragraph, shall be punished by port administration according to the provisions specified in the preceding paragraph. For specialized warehouses storing hyper-toxic chemicals and explosive precursor dangerous chemicals, whoever fails to set up corresponding technical security facilities according to the concerned State regulations, shall be punished by the administrative department in charge of public security according to the

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provisions specified in the preceding paragraph.

For units that manufacture or store hyper-toxic chemicals and explosive precursor dangerous chemicals, whoever fails to set up the security and safeguard agency or assign the full-time public security personnel, shall be punished according to the “Regulations of Peace Order and Safeguard inside Enterprises and Institutes”.

Article 79 For enterprises that manufacture packing material and container for dangerous chemicals, whoever sells the packing material or container that not subject to inspection or not pass the inspection, shall be ordered to make corrections by the administrative department in charge of quality supervision inspection and quarantine, and concurrently imposed a fine of not less than RMB 100,000 but not more than RMB 200,000, the illegal gains, if any, shall be confiscated; Whoever refuses to correct, shall be ordered to stop production or operation for rectification; Whoever commits a crime shall be prosecuted for criminal liability.

Whoever puts ships without passing the inspection to use to transport dangerous chemicals and containers carried by them, shall be punished by the administrative department in charge of maritime affairs according to the provisions specified in the preceding paragraph.

Article 80 For units that manufacture, store and use dangerous chemicals, whoever commits one of the following acts, shall be ordered to make corrections by the administrative department in charge of work of safety supervision and management, and may concurrently be imposed a fine of not less than RMB 50,000 but not more than RMB 100,000; Whoever refuses to correct, shall be ordered to stop production or operation for rectification, up to the revocation of its concerned licenses by original license-issuing authorities, and shall be ordered to transact the alteration register for business scope or the business license shall be revoked; Where it violates the Criminal Law, the responsible personnel shall be prosecuted for criminal liability according to laws:

- (1) Failing to inspect the packing materials and containers for dangerous chemicals that are used repeatedly before the use;
- (2) Failing to set up the corresponding safety facilities and equipments in the workshops and operation sites according to the varieties and characteristics of dangerous chemicals manufactured or stored, or failing to maintain and protect them in accordance with the national and industrial standards or the relevant provisions of the State regularly;
- (3) Failing to make regular safety evaluation for safety conditions of production in accordance with the provisions

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of these regulations;

- (4) Failing to store dangerous chemicals within the specialized warehouses, or failing to store hyper-toxic chemicals, and other dangerous chemicals that constitute serious hazard sources in quantity separately within the specialized warehouses;
- (5) Where the storage means, methods, or the quantity stored do not meet the national standards or the relevant provisions of the State;
- (6) Where specialized warehouses used for dangerous chemicals that fail to satisfy the requirements of the national and industrial standards;
- (7) Failing to inspect the safety of facilities and equipments of such specialized warehouses for dangerous chemicals at regular intervals;

For port operators who deal in the warehouse and storage business for dangerous chemicals, whoever has the action specified in the preceding paragraph, shall be punished by port administration according to the provisions specified in the preceding paragraph.

Article 81 Whoever commits one of the following acts, shall be ordered to make corrections by the public security organ, and may concurrently be imposed a fine of less than RMB 10,000; Whoever refuses to correct, shall be imposed a fine of not less than RMB 10,000 but not more than RMB 50,000:

- (1) Where a unit that manufactures, stores and uses hyper-toxic chemicals or explosive precursor dangerous chemicals fails to record the quantity, flow direction of such chemicals manufactured, stored or used according to the facts;
- (2) Where a unit that manufactures, stores and uses hyper-toxic chemicals or explosive precursor dangerous chemicals fails to make reports forthwith to the local public security organ when finding that such dangerous chemicals are lost or stolen;
- (3) Where a unit that stores hyper-toxic chemicals fails to report the storage quantity, place and management personnel of such hyper-toxic chemicals to the public security organ of local people's government at the county level for record;
- (4) Where an enterprise that manufactures or deals in dangerous chemicals fails to record the names and addresses of units where purchase hyper-toxic chemicals and explosive precursor dangerous chemicals, names and identity

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card numbers of purchasing personnel , as well as varieties, quantity, purpose of purchased hyper-toxic chemicals and explosive precursor dangerous chemicals, or fails to keep the sale records and relevant materials for at least one year;

- (5) Where an enterprise that sells or purchases hyper-toxic chemicals and explosive precursor dangerous chemicals fails to report the varieties, quantity and flow direction of such chemicals within a specified time limit to the public security organ of local people's government at county level for record;
- (6) Where an enterprise that uses hyper-toxic chemicals and explosive precursor dangerous chemicals fails to report the related information to the public security organ of local people's government at county level when transferring the hyper-toxic chemicals and explosive precursor dangerous chemicals it purchased according to these regulations;

An enterprise that manufactures, stores dangerous chemicals or make use of dangerous chemicals to engage in production fails to submit the safety evaluation report and implementation of the rectification and improvement proposal to the administrative department in charge of work of safety supervision and management or port administration for record, or an enterprise that stores dangerous chemicals fails to report the information about the quantity, places, and management personnel of stored hyper-toxic chemicals and other dangerous chemicals that constitute serious hazard sources to the administrative department in charge of work of safety supervision and management or port administration for record, shall be punished by the two departments mentioned above according to the provisions specified in the preceding paragraph.

An enterprise that manufactures dangerous chemicals subjected to the key environmental management or make use of such chemicals to engage in production fails to report the related information to the administrative department in charge of environmental protection, shall be punished according to the provisions specified in 1 of this Article by the administrative department in charge of environmental protection.

Article 82 A unit of manufacturing, storing or using dangerous chemicals that fails to adopt the effective measures forthwith and appropriately to dispose of its manufacturing and storage installations for dangerous chemicals as well as inventory products, or discarding the dangerous chemicals when it changes the line of production, stops production or business, or is dissolved, shall be ordered to make corrections by the administrative department in charge of work of safety supervision and management, and imposed a fine of not less than RMB 50,000 but not more

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than RMB 100,000; Whoever commits a crime shall be prosecuted for criminal liability.

A unit of manufacturing, storing or using dangerous chemicals that fails to submit the disposal proposal on its manufacturing and storage installations for dangerous chemicals as well as inventory products to the authorities concerned, shall be ordered to make corrections, and imposed a fine of less than RMB 10,000; Whoever refuses to correct, shall be imposed a fine of not less than RMB 10,000 but not more than RMB 50,000.

Article 83 For enterprises that deal in dangerous chemicals, whoever purchases dangerous chemicals from enterprises illegally engaging in production and operation of dangerous chemicals without license, shall be ordered to make corrections by the administration for industry and commerce, and imposed a fine of not less than RMB 100,000 but not more than RMB 200,000; Whoever refuses to correct, shall be ordered to stop operation for rectification, or revoke its license for dealing in dangerous chemicals by the original license-issuing authorities, and shall be ordered to transact the alteration register for business scope or the business license shall be revoked by the administration for industry and commerce.

Article 84 For enterprises that manufacture, deal in dangerous chemicals, whoever commits one of the following acts, shall be ordered to make corrections by the administrative department in charge of work of safety supervision and management, the illegal gains, if any, shall be confiscated, and imposed a fine of not less than RMB 100,000 but not more than RMB 200,000; Whoever refuses to correct, shall be ordered to stop production and operation for rectification, or revoke its license for safety production permit for dangerous chemicals and license for dealing in dangerous chemicals by the original license-issuing authorities, and shall be ordered to transact the alteration register for business scope or the business license shall be revoked by the administration for industry and commerce:

- (1) Selling hyper-toxic chemicals or explosive precursor dangerous chemicals to the units without relevant licenses or supporting documents specified in 1 and 2 of Article 38 herein;
- (2) Failing to sell hyper-toxic chemicals in accordance with the varieties, quantity stated in the license for purchasing hyper-toxic chemicals;
- (3) Selling hyper-toxic chemicals (except pesticides classified as hyper-toxic chemicals), explosive precursor dangerous chemicals to individuals.

A unit without related licenses or supporting documents specified in the first and second Paragraph of Article 38

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herein that purchases hyper-toxic chemicals and explosive precursor dangerous chemicals, or individuals whoever purchases hyper-toxic chemicals(except pesticides classified as hyper-toxic chemicals) and explosive precursor dangerous chemicals, shall be confiscated of its purchased chemicals by the public security organ, and may concurrently be imposed a fine of less than RMB 5,000.

A unit of making use of hyper-toxic chemicals and explosive precursor dangerous chemicals that lends such chemicals it purchased, or transfers them to the units without related licenses or supporting documents specified in the first and second Paragraph of Article 38 herein, or transfers hyper-toxic chemicals(except pesticides classified as hyper-toxic chemicals) and explosive precursor dangerous chemicals to individuals, shall be ordered to make corrections by the public security organ, and imposed a fine of not less than RMB 100,000 but not more than RMB 200,000; Whoever refuses to correct, shall be ordered to stop production and operation for rectification.

Article 85 Whoever engages in the highway or waterway transportation of dangerous chemicals without obtaining highway transportation permit or waterway transportation permit for dangerous goods according to law, shall be punished according to relevant laws and regulations on highway and waterway transportation.

Article 86 Whoever commits one of the following acts, shall be ordered to make corrections by the administrative department in charge of traffic and transport, and imposed a fine of not less than RMB 50,000 but not more than RMB 100,000; whoever refuses to correct, shall be ordered to stop production and operation for rectification; Whoever commits a crime shall be prosecuted for criminal liability:

- (1) Where any of drivers, crewmen, loading and unloading management personnel, transport escorts, declarers and spot examiners for container packing of enterprises that transport dangerous chemicals by highway or waterway holds their post without professional qualification;
- (2) Where the transportation of dangerous chemicals fails to adopt corresponding protective measures according to the hazard characteristics of dangerous chemicals, or fails to equip the necessary protective appliances and emergency apparatus;
- (3) Using ships without obtaining Certificate of Fitness according to law for transport dangerous chemicals through inland rivers;
- (4) Where carriers that transport dangerous chemicals through inland rivers violate the restrictive provisions on quantity of dangerous chemicals transported per ship stipulated by the administrative department in charge of

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traffic and transport of the State Council;

- (5) Where an inland river wharf or quay berth used for transportation of dangerous chemicals fails to satisfy the requirements of the related national safety standards, or fails to keep the safe distance from intake point of drinking water according to the State provisions, or is put to use without approval of the administrative department in charge of traffic and transport;
- (6) Where a consigner, when consigning dangerous chemicals, fails to state the varieties, quantity, hazard characteristics of dangerous chemicals and emergency measures in a dangerous situation to the carrier, or fails to pack the consigned dangerous chemicals appropriately and set up corresponding signs in external package according to the relevant provisions of State;
- (7) Where a consigner fails to add depressors or stabilizers that need to be added upon the consignment when transporting dangerous chemicals, or fails to inform the carrier of related information.

Article 87 Whoever commits one of the following acts, shall be ordered to make corrections by the administrative department in charge of traffic and transport, and imposed a fine of not less than RMB 100,000 but not more than RMB 200,000, the illegal gains, if any, shall be confiscated; Whoever refuses to correct, shall be ordered to stop production and operation for rectification; Whoever commits a crime shall be prosecuted for criminal liability:

- (1) Where a consigner entrusts enterprises without obtaining highway transportation permit or waterway transportation permit for dangerous goods according to law to transport dangerous chemicals;
- (2) Transporting hyper-toxic chemicals, and other dangerous chemicals through inland rivers that have been prohibited by the provisions of State to transport dangerous chemicals through enclosed waters of inland river;
- (3) Transporting hyper-toxic chemicals through inland rivers that have been prohibited by the provisions of State to transport hyper-toxic dangerous chemicals and other dangerous chemicals through inland rivers;
- (4) Where a consignor carries secretly dangerous chemicals in consigned common goods, or withholds information about dangerous chemicals, or report dangerous chemicals as common goods.

Whoever carries secretly dangerous chemicals in mail matters and expresses, or reports dangerous chemicals as common goods for post, shall be inflicted with security administration punishment; Whoever commits a crime shall be prosecuted for criminal liability.

Where a postal enterprise or express logistic accepts and posts dangerous chemicals, shall be punished according to

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Postal Law of the People's Republic of China.

Article 88 Whoever commits one of the following acts, shall be ordered to make corrections by the public security organ, and imposed a fine of not less than RMB 50,000 but not more than RMB 100,000; If acts constitute the violation of security administration, shall be inflicted with security administration punishment; If it commits a crime shall be prosecuted for criminal liability:

- (1) Where the weight of dangerous chemicals loaded exceeds the approved loading weight of transport vehicle;
- (2) Where the safety specifications of vehicles used for transportation of dangerous chemicals fail to meet the requirements of national standards;
- (3) Where a vehicle that transport dangerous chemicals enters into areas with no thoroughfare for transport vehicles for dangerous chemicals without the approval of the public security organ;
- (4) Transporting hyper-toxic chemicals through highway without highway transportation permit for hyper-toxic chemicals.

Article 89 Whoever commits one of the following acts, shall be ordered to make corrections by the public security organ, and imposed a fine of not less than RMB 10,000 but not more than RMB 50,000; Whose acts constitute the violation of security administration, shall be inflicted with security administration punishment:

- (1) Using a vehicle to transport dangerous chemicals without hanging or spraying warning signs on it, or the warning signs hung or sprayed fail to satisfy the requirements of national standards;
- (2) Transporting dangerous chemicals through highway without assigning transport escorts;
- (3) Where any of drivers and transport escorts fails to make reports to the local public security organ in case of long-term parking on the way of transportation of hyper-toxic explosive precursor dangerous chemicals;
- (4) Where hyper-toxic chemicals and explosive precursor dangerous chemicals transported are lost, stolen, robbed, drained, or leak on the way of transportation through highway, any of drivers and transport escorts fails to adopt the necessary caution and security measures, or fails to make reports to the local public security organ.

Article 90 For an enterprise that transports dangerous chemicals through highway, whoever bears full liability or major liability in a traffic accident if occurred, shall be ordered to eliminate the hidden safety risks, any of transport vehicles that fails to eliminate the hidden safety risks, shall be forbidden to run on the way.

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Article 91 Whoever commits one of the following acts, shall be ordered to make corrections by the administrative department in charge of traffic and transport; Whoever refuses to correct, shall be imposed a fine of not less than RMB 10,000 but not more than RMB 50,000::

- (1) Where an enterprise that transports dangerous chemicals through highway and waterway fails to assign full-time safety management personnel;
- (2) Where a unit that manages the inland river wharf and quay berth used for transportation of dangerous chemicals fails to formulate the emergency rescue pre-proposals for accidents of dangerous chemicals, or fails to equip enough and effective emergency rescue apparatus and equipments for wharf and quay berth.

Article 92 Whoever commits one of the following acts, shall be punished according to the provisions specified in Regulations on the Administration of Traffic Safety on Inland Waters of the People's Republic of China:

- (1) Where an enterprise that transports dangerous chemicals through inland rivers fails to formulate emergency rescue pre-proposals for dangerous chemicals accidents occurred in the transportation ships, or fails to equip enough and effective emergency rescue apparatus and equipments for transportation ship;
- (2) Where the owner or operator of ships used for transportation of dangerous chemicals through inland rivers fails to obtain the liability insurance certificate for pollution damages arising from ships or certificate of financial guarantee;
- (3) Where an enterprise that uses ships to load and transport dangerous chemicals fails to report the related information to the administrative department in charge of maritime affairs in advance and obtain its approval for the ships' entry into and exit from inland port;
- (4) Where a ship that used to load and transport dangerous chemicals, when shipping, loading and unloading or berthing, fails to be hanged specialized warning signs on it, or fails to show specific signals according to provisions, or fails to apply for pilotage according to provisions.

Whoever engages in the loading and unloading, and ship-to-ship transfer operation of dangerous chemicals in ports, fails to make the reports to port administration and obtain its approval, shall be punished according to Port Law of the People's Republic of China.

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Article 93 Whoever forges, mutilates, or hires, lends, transfers the Safety Production Permit for Dangerous Chemicals and Industrial Products Production Permit, or makes use of such Permits forged or mutilated, shall be punished according to Regulations on Work Safety License and Regulations on the Administration of Production License for Industrial Products of the People's Republic of China separately.

Whoever forges, mutilates, or hires, lends, transfers other licenses specified herein, or makes use of other licenses forged or mutilated specified herein, shall be imposed a fine of not less than RMB 100,000 but not more than RMB 200,000 by original issuing and administrative authorities of licenses involved separately, the illegal gains, if any, shall be confiscated; Whose acts constitute the violation of security administration, shall be inflicted with security administration punishment; Whoever commits a crime shall be prosecuted for criminal liability.

Article 94 Where a unit of dangerous chemicals fails to organize the rescue forthwith in case of an accident caused by dangerous chemicals, or fails to make reports to the administrative departments concerned, the person chiefly in charge shall be punished according to Regulations on the Reporting, Investigation and Disposition of Work Safety.

A unit of dangerous chemicals in which a dangerous chemical accident occurs, causing the personal injury or death, or property loss shall bear the liability for compensation according to law.

Article 95 In case of an accident caused by dangerous chemicals, if the local people's government and relevant departments concerned fail to organize the rescue forthwith, or fail to adopt the necessary emergency rescue measures to reduce the loss hereof, and to prevent the accident from extending, the persons chiefly in charge with responsibilities and other directly responsible personnel shall be punished according to law; Whoever commits a crime shall be prosecuted for criminal liability.

Article 96 If the staff of the relevant departments in charge of supervision and administration on safety of dangerous chemicals, in case of abusing their authorities, neglecting their duties, practising favoritism and committing irregularities, commits a crime, shall be prosecuted for criminal liability; If does not constitute a criminal charge, shall be punished according to law.

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## Chapter VIII Supplementary Rules

Article 97 These Regulations shall be applicable to the control over safety of chemicals subject to control, dangerous chemicals belonging to medicines, and pesticides, unless it is otherwise provided by the law and administrative regulation.

These Regulations shall not be applicable to the control over safety of explosives for civil use, fireworks and firecrackers, radioactive articles, nuclear energy materials and dangerous chemicals used in scientific research and production for purpose of national defence.

Where the control over safety of gas is otherwise provided by the law and administrative regulation, its implementation shall be in accordance with these provisions.

Where containers for dangerous chemicals are belong to special equipment, the control over safety of such container shall be in accordance with the law and administrative regulation on special equipment safety.

Article 98 The control over import and export of dangerous chemicals shall be implemented in accordance with the laws, administrative regulations and administrative or local rules related to foreign trade; The control over safety of storage, use, operation, and transportation of imported dangerous chemicals shall be governed by these Regulations.

The environmental management registration on dangerous chemicals and new chemical substances, shall be implemented according to the laws, administrative regulations and administrative or local rules related to environmental protection. Charges provided for in relevant regulations of the State for the environmental management registration of dangerous chemicals shall be collected.

Article 99 Any of the derelict dangerous chemicals found or picked up by the publics, shall be took over by the public security organ. Where dangerous chemicals that took over by the public security organ or confiscated by the relevant departments according to law need to be handled with harmless treatment, it shall be delivered to the qualified professional units organized by the administrative department in charge of environmental protection to handle, or shall be delivered to the relevant manufacture enterprise of such dangerous chemicals to handle. Charges for handling shall be burdened by State finance.

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Article 100 For chemicals whose hazard characteristics are not yet determined, the determination of its physical risks, environmental risks and toxicological characteristics shall be organized by the administrative department in charge of work of safety supervision and management, environmental protection, and health of the State Council respectively. If a modification of List of Dangerous Chemicals is required according to the results of determination, it shall be dealt with in accordance with 2 of Article 3 herein.

Article 101 For chemical enterprises that engage in production by making use of dangerous chemicals before the implementation of these regulations, whoever needs to obtain the license of Safety Use Permit for Dangerous Chemicals according to the regulations herein, shall apply for the license of Safety Use Permit for Dangerous Chemicals within the time limit specified by the administrative department in charge of work of safety supervision and management.

Article 102 The Regulation herein shall take effect as of 1st December 2011.

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