

**Law of the People's Republic of China on the Prevention and Control of Environment Pollution  
Caused by Solid Wastes (2020 Revision)**  
中华人民共和国固体废物污染环境防治法(2020修订)

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The Law of the People's Republic of China on the Prevention and Control of Environment Pollution Caused by Solid Wastes, as revised and adopted at the 17th Session of the Standing Committee of the Thirteenth National People's Congress of the People's Republic of China on April 29, 2020, is hereby issued and shall come into force on September 1, 2020.

《中华人民共和国固体废物污染环境防治法》已由中华人民共和国第十三届全国人民代表大会常务委员会第十七次会议于2020年4月29日修订通过，现予公布，自2020年9月1日起施行。

President of the People's Republic of China: Xi Jinping

中华人民共和国主席 习近平

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Law of the People's Republic of China on the Prevention and Control of Environment Pollution Caused by Solid Wastes

中华人民共和国固体废物污染环境防治法

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Chapter I General Provisions

第一章 总则

**Article 1** This Law is enacted for the purposes of protecting and improving the ecology and environment, preventing and controlling environmental pollution by solid wastes, safeguarding public health, maintaining ecological safety, advancing the construction of ecological civilization, and promoting the sustainable development of economy and society.

**第一条**

为了保护和改善生态环境，防治固体废物污染环境，保障公众健康，维护生态安全，推进生态文明建设，促进经济社会可持续发展，制定本法。

**Article 2** This Law applies to the prevention and control of environmental pollution by solid wastes.

**第二条** 固体废物污染环境的防治适用本法。

This Law shall not be applicable to the prevention and control of marine environmental pollution by solid wastes or of environmental pollution by radioactive solid wastes.

固体废物污染海洋环境的防治和放射性固体废物污染环境的防治不适用本法。

**Article 3** The state shall promote green development methods and facilitate the development of cleaner production and circular economy.

**第三条**

国家推行绿色发展方式，促进清洁生产和循环经济发展。

The state shall advocate a simple, moderate, green and low-carbon lifestyle and guide the public in actively participating in the prevention and control of environmental pollution by solid wastes.

国家倡导简约适度、绿色低碳的生活方式，引导公众积极参与固体废物污染环境防治。

**Article 4** The prevention and control of environmental pollution by solid wastes shall be in adherence to the principles of reduction, recycling and harmlessness.

**第四条**

固体废物污染环境防治坚持减量化、资源化和无害化的原则。

Any entity or individual shall take measures to reduce solid waste production, promote the comprehensive utilization of solid wastes, and diminish the harmfulness of solid wastes.

任何单位和个人都应当采取措施，减少固体废物的产生量，促进固体废物的综合利用，降低固体废物的危害性。

**Article 5** The prevention and control of environmental pollution by solid wastes shall be in adherence to the principle of liability for pollution.

**第五条** 固体废物污染环境防治坚持污染担责的原则。

Any entity or individual that produces, collects, stores, transports, utilizes, or treats solid wastes shall take measures to prevent or reduce environmental pollution caused by solid wastes, and be liable for resultant environmental

产生、收集、贮存、运输、利用、处置固体废物的单位和个人，应当采取措施，防止或者减少固体废物对环境的污染，对所造成的环境污染依法承担责任。

pollution in accordance with the law.

**Article 6** The state shall implement a consumer waste sorting system.

Consumer waste sorting shall be in adherence to the principles of government promotion, public participation, urban and rural coordination, suiting measures to local conditions, and simplicity.

**Article 7** Local people's governments at all levels shall be responsible for the prevention and control of environmental pollution by solid wastes in their respective administrative areas.

The state shall implement a target responsibility system and evaluation and assessment system for the prevention and control of environmental pollution by solid wastes and incorporate the achievement in the target for the prevention and control of environmental pollution by solid wastes into the content of evaluation and assessment.

**Article 8** People's governments at all levels shall strengthen their leadership in the prevention and control of environmental pollution by solid wastes and organize, coordinate, and urge the relevant departments' performance of their duties of supervision and administration of prevention and control of environmental pollution by solid wastes according to the law.

Provinces, autonomous regions, and municipalities directly under the Central Government may negotiate for the establishment of an inter-administrative area joint prevention and control mechanism for environmental pollution by solid wastes to coordinate plan development, facility construction, and transfer of solid wastes.

**Article 9** The ecology and environment department of the State Council shall exercise unified supervision and administration of the nationwide prevention and control of environmental pollution by solid wastes. The development and reform, industry and information technology, natural resources, housing and urban-rural development, transport, agriculture and rural affairs, commerce, health, customs, and other departments of the State Council shall be responsible for the supervision and administration of prevention and control of environmental pollution by solid wastes within their respective duties.

The ecology and environment departments of local people's governments shall exercise unified supervision and administration of prevention and control of environmental pollution by solid wastes in their respective administration areas. The development and reform, industry and information technology, natural resources, housing and urban-rural development, transport, agriculture and rural affairs, commerce, health, and other departments of local people's governments shall be responsible for the supervision and administration of prevention and control of environmental pollution by solid wastes within their respective duties.

**第六条** 国家推行生活垃圾分类制度。

生活垃圾分类坚持政府推动、全民参与、城乡统筹、因地制宜、简便易行的原则。

**第七条**

地方各级人民政府对本行政区域固体废物污染环境防治负责。

国家实行固体废物污染环境防治目标责任制和考核评价制度，将固体废物污染环境防治目标完成情况纳入考核评价的内容。

**第八条**

各级人民政府应当加强对固体废物污染环境防治工作的领导，组织、协调、督促有关部门依法履行固体废物污染环境防治监督管理职责。

省、自治区、直辖市之间可以协商建立跨行政区域固体废物污染环境的联防联控机制，统筹规划制定、设施建设、固体废物转移等工作。

**第九条**

国务院生态环境主管部门对全国固体废物污染环境防治工作实施统一监督管理。国务院发展改革、工业和信息化、自然资源、住房城乡建设、交通运输、农业农村、商务、卫生健康、海关等主管部门在各自职责范围内负责固体废物污染环境防治的监督管理工作。

地方人民政府生态环境主管部门对本行政区域固体废物污染环境防治工作实施统一监督管理。地方人民政府发展改革、工业和信息化、自然资源、住房城乡建设、交通运输、农业农村、商务、卫生健康等主管部门在各自职责范围内负责固体废物污染环境防治的监督管理工作。

**Article 10** The state shall encourage and support scientific research, technological development, advanced technology promotion and science dissemination in relation to the prevention and control of environmental pollution by solid wastes and strengthen scientific and technological support for the prevention and control of environmental pollution by solid wastes.

**Article 11** State agencies, social organizations, enterprises and public institutions, basic mass self-governing organizations, and the news media shall strengthen publicity, education, and science dissemination with regard to the prevention and control of environmental pollution by solid wastes and heighten public awareness of prevention and control of environmental pollution by solid wastes.

Schools shall disseminate knowledge and give education about consumer waste sorting and the prevention and control of environmental pollution by other solid wastes.

**Article 12** People's governments at all levels shall, in accordance with the relevant provisions issued by the state, commend and reward entities and individuals that have made outstanding achievements in the prevention and control of environmental pollution by solid wastes and related comprehensive utilization activities.

## Chapter II Supervision and Administration

**Article 13** People's governments at or above the county level shall incorporate the prevention and control of environmental pollution by solid wastes into their national economic and social development plans and ecological and environmental protection plans, take effective measures to reduce solid waste production, promote the comprehensive utilization of solid wastes, and reduce the harmfulness of solid wastes, and minimize the amount of solid waste landfill.

**Article 14** The ecology and environment department of the State Council shall, in conjunction with the relevant departments of the State Council, formulate solid waste identification standards and procedures and national technical standards for the prevention and control of environmental pollution by solid wastes in accordance with national environmental quality standards and national economic and technical conditions.

**Article 15** The standardization department of the State Council shall, in conjunction with the development and reform, industry and information technology, ecology and environment, agriculture and rural affairs, and other departments of the State Council, formulate standards for the comprehensive utilization of solid wastes.

The comprehensive utilization of solid wastes shall conform to the laws and regulations on the ecology and environment and to technical standards for the prevention and control of environmental pollution by solid wastes. The

### 第十条

国家鼓励、支持固体废物污染环境防治的科学研究、技术开发、先进技术推广和科学普及，加强固体废物污染环境防治科技支撑。

### 第十一条

国家机关、社会团体、企事业单位、基层群众性自治组织和新闻媒体应当加强固体废物污染环境防治宣传教育和科学普及，增强公众固体废物污染环境防治意识。

学校应当开展生活垃圾分类以及其他固体废物污染环境防治知识普及和教育。

### 第十二条

各级人民政府对在固体废物污染环境防治工作以及相关的综合利用活动中做出显著成绩的单位和个人，按照国家有关规定给予表彰、奖励。

## 第二章 监督管理

### 第十三条

县级以上人民政府应当将固体废物污染环境防治工作纳入国民经济和社会发展规划、生态环境保护规划，并采取有效措施减少固体废物的产生量、促进固体废物的综合利用、降低固体废物的危害性，最大限度降低固体废物填埋量。

### 第十四条

国务院生态环境主管部门应当会同国务院有关部门根据国家环境质量标准和国家经济、技术条件，制定固体废物鉴别标准、鉴别程序和国家固体废物污染环境防治技术标准。

### 第十五条

国务院标准化主管部门应当会同国务院发展改革、工业和信息化、生态环境、农业农村等主管部门，制定固体废物综合利用标准。

综合利用固体废物应当遵守生态环境法律法规，符合固体废物污染环境防治技术标准。使用固体废物综合利用产物应当符合国家规定的用途、标准。

use of the product of comprehensive utilization of solid wastes shall conform to the purposes and standards prescribed by the state.

**Article 16** The ecology and environment department of the State Council shall establish a national information platform for the prevention and control of environmental pollution by hazardous wastes and other solid wastes in conjunction with the relevant departments of the State Council and advance monitoring and information technology-based tracing throughout the collection, transfer, and treatment of solid wastes, among others.

**Article 17** The construction of projects that produce, store, use, and treat solid wastes shall be performed with environmental impact assessment conducted as legally required and in compliance with the relevant provisions issued by the state concerning the management of environmental protection in respect of construction projects.

**Article 18** The facilities for the prevention and control of environmental pollution by solid wastes required to be built as ancillaries determined in the environmental impact assessment document of a construction project shall be designed, built and put into operation at the same time as the main part of the project. The preliminary design of the construction project shall, as required by the environmental protection design standards, incorporate the prevention and control of environmental pollution by solid wastes into the environmental impact assessment document and implement the measures for the prevention and control of environmental pollution and ecological damage by solid wastes and the investment estimates for facilities for the prevention and control of environmental pollution by solid wastes.

The construction employer shall, as required by the relevant laws and regulations, conduct acceptance inspection of the facilities for the prevention and control of environmental pollution by solid wastes built as ancillaries, prepare an acceptance inspection report, and disclose it to the public.

**Article 19** An entity or any other producer or trader that collects, stores, transports, utilizes, or treats solid waste shall strengthen the management and maintenance of relevant facilities, equipment, and sites to ensure their normal operation and use.

**Article 20** An entity or any other producer or trader that produces, collects, stores, transports, utilizes, or treats solid waste shall take measures to prevent the scattering, run-off, and seepage of solid wastes, as well as other measures against environmental pollution, and shall not dump, stack, discard, or shed solid wastes without permission.

Any entity or individual shall be prohibited from dumping, stacking or storing solid wastes in a river, lake, canal, channel, or reservoir, or its beach and sloping bank below the high-water mark, or any other place specified by any law or regulation.

#### 第十六条

国务院生态环境主管部门应当会同国务院有关部门建立全国危险废物等固体废物污染环境防治信息平台，推进固体废物收集、转移、处置等全过程监控和信息化追溯。

#### 第十七条

建设产生、贮存、利用、处置固体废物的项目，应当依法进行环境影响评价，并遵守国家有关建设项目环境保护管理的规定。

#### 第十八条

建设项目的环境影响评价文件确定需要配套建设的固体废物污染环境防治设施，应当与主体工程同时设计、同时施工、同时投入使用。建设项目的初步设计，应当按照环境保护设计规范的要求，将固体废物污染环境防治内容纳入环境影响评价文件，落实防治固体废物污染环境和破坏生态的措施以及固体废物污染环境防治设施投资概算。

建设单位应当依照有关法律法规的规定，对配套建设的固体废物污染环境防治设施进行验收，编制验收报告，并向社会公开。

#### 第十九条

收集、贮存、运输、利用、处置固体废物的单位和其他生产经营者，应当加强对相关设施、设备和场所的管理和维护，保证其正常运行和使用。

#### 第二十条

产生、收集、贮存、运输、利用、处置固体废物的单位和其他生产经营者，应当采取防扬散、防流失、防渗漏或者其他防止污染环境的措施，不得擅自倾倒、堆放、丢弃、遗撒固体废物。

禁止任何单位或者个人向江河、湖泊、运河、渠道、水库及其最高水位线以下的滩地和岸坡以及法律法规规定的其他地点倾倒、堆放、贮存固体废物。

**Article 21** In ecological protection red line areas, permanent basic farmland concentration areas and other areas that require special protection, the construction of centralized industrial solid waste and hazardous waste storage, utilization, and treatment facilities and sites and consumer waste landfills shall be prohibited.

**Article 22** To transfer any solid waste from the administrative area of a province, autonomous region, or municipality directly under the Central Government for storage or treatment, one shall apply for approval to the ecology and environment department of the province, autonomous region, or municipality directly under the Central Government from which the solid wastes are to be transferred, which shall grant its approval within a specified time limit after consulting with and obtaining permission from the ecology and environment department of the province, autonomous region, or municipality directly under the Central Government where the solid wastes are to be accepted. No transfer may be performed without approval.

The transfer of any solid waste from the administrative area of a province, autonomous region, or municipality directly under the Central Government for utilization shall be filed with the ecology and environment department of the province, autonomous region, or municipality directly under the Central Government from which the solid wastes are to be transferred. The ecology and environment department of the people's government of the province, autonomous region, or municipality directly under the Central Government from which the solid wastes are to be transferred shall give notice of the filing information to the ecology and environment department of the province, autonomous region, or municipality directly under the Central Government where the solid wastes are to be accepted.

**Article 23** It is forbidden to dump, pile up or treat any solid waste from abroad within the territory of China.

**Article 24** The state shall gradually achieve zero solid waste imports, and the ecology and environment department of the State Council shall organize the implementation in conjunction with commerce, development and reform, customs, and other departments of the State Council.

**Article 25** Where the customs suspects that imported goods are solid wastes, it may commission a specialized institution to perform attribute identification and exercise management according to the law based on the identification conclusion.

**Article 26** Ecology and environment departments, their environmental law enforcement agencies, and other departments charged with the duty of supervision and administration of prevention and control of environmental pollution by solid wastes shall have the power to conduct on-site inspection of entities and other activities and other producers and traders engaged in the

#### 第二十一条

在生态保护红线区域、永久基本农田集中区域和其他需要特别保护的区域内，禁止建设工业固体废物、危险废物集中贮存、利用、处置的设施、场所和生活垃圾填埋场。

#### 第二十二条

转移固体废物出省、自治区、直辖市行政区域贮存、处置的，应当向固体废物移出地的省、自治区、直辖市人民政府生态环境主管部门提出申请。移出地的省、自治区、直辖市人民政府生态环境主管部门应当及时商经接受地的省、自治区、直辖市人民政府生态环境主管部门同意后，在规定期限内批准转移该固体废物出省、自治区、直辖市行政区域。未经批准的，不得转移。

转移固体废物出省、自治区、直辖市行政区域利用的，应当报固体废物移出地的省、自治区、直辖市人民政府生态环境主管部门备案。移出地的省、自治区、直辖市人民政府生态环境主管部门应当将备案信息通报接受地的省、自治区、直辖市人民政府生态环境主管部门。

#### 第二十三条

禁止中华人民共和国境外的固体废物进境倾倒、堆放、处置。

#### 第二十四条

国家逐步实现固体废物零进口，由国务院生态环境主管部门会同国务院商务、发展改革、海关等主管部门组织实施。

#### 第二十五条

海关发现进口货物疑似固体废物的，可以委托专业机构开展属性鉴别，并根据鉴别结论依法管理。

#### 第二十六条

生态环境主管部门及其环境执法机构和其他负有固体废物污染环境防治监督管理职责的部门，在各自职责范围内有权对从事产生、收集、贮存、运输、利用、处置固体废物等活动的单位和其他生产经营者进行现场检查。被检查者

production, collection, storage, transportation, utilization, and treatment of solid wastes within their respective duties. The inspectees shall truthfully report and provide necessary information.

When on-site inspection is conducted, such measures as monitoring on the spot, collecting samples and consulting or printing materials relating to the prevention and control of environmental pollution by solid wastes may be adopted. Inspectors shall show their identification papers when they conduct on-the-spot inspection. Any trade secret known in the course of on-site inspection shall be kept confidential.

**Article 27** Under any of the following circumstances, the ecology and environment department and other departments charged with the duty of supervision and administration of prevention and control of environmental pollution by solid wastes may freeze or detain illegally collected, stored, transported, utilized, and treated solid wastes, facilities, equipment, sites, tools, and articles:

(1) Possibly resulting in the extinction, concealment or illegal transfer of evidence.

(2) Resulting in or possibly resulting in serious environmental pollution.

**Article 28** Ecology and environment departments shall establish a credit record system for entities and other producers and traders that produce, collect, store, transport, utilize, and treat solid wastes in conjunction with relevant departments and incorporate relevant credit records into the National Credit Information Sharing Platform.

**Article 29** The ecology and environment departments of people's governments at the districted-city level shall, in conjunction with housing and urban-rural development, agriculture and rural affairs, health, and other departments, regularly release information on the types, production, capacity for treatment, and utilization and treatment status of solid wastes, among others.

Entities that produce, collect, store, transport, utilize, and treat solid wastes shall promptly disclose to the public information on the prevention and control of environmental pollution by solid wastes in accordance with the law and voluntarily accept social supervision.

Entities that use and treat solid wastes shall make facilities and sites accessible to the public in accordance with the law to raise public awareness of and participation in environmental protection.

**Article 30** People's governments at or above the county level shall incorporate the prevention and control of environmental pollution by industrial solid wastes, consumer wastes, hazardous wastes and other solid wastes into annual reports on environmental conditions and the attainment of

应当如实反映情况，并提供必要的资料。

实施现场检查，可以采取现场监测、采集样品、查阅或者复制与固体废物污染环境防治相关的资料等措施。检查人员进行现场检查，应当出示证件。对现场检查中知悉的商业秘密应当保密。

### 第二十七条

有下列情形之一的，生态环境主管部门和其他负有固体废物污染环境防治监督管理职责的部门，可以对违法收集、贮存、运输、利用、处置的固体废物及设施、设备、场所、工具、物品予以查封、扣押：

(一) 可能造成证据灭失、被隐匿或者非法转移的；

(二) 造成或者可能造成严重环境污染的。

### 第二十八条

生态环境主管部门应当会同有关部门建立产生、收集、贮存、运输、利用、处置固体废物的单位和其他生产经营者信用记录制度，将相关信用记录纳入全国信用信息共享平台。

### 第二十九条

设区的市级人民政府生态环境主管部门应当会同住房城乡建设、农业农村、卫生健康等主管部门，定期向社会发布固体废物的种类、产生量、处置能力、利用处置状况等信息。

产生、收集、贮存、运输、利用、处置固体废物的单位，应当依法及时公开固体废物污染环境防治信息，主动接受社会监督。

利用、处置固体废物的单位，应当依法向公众开放设施、场所，提高公众环境保护意识和参与程度。

### 第三十条

县级以上人民政府应当将工业固体废物、生活垃圾、危险废物等固体废物污染环境防治情况纳入环境状况和环境保护目标完成情况年度报告，向本级人民代表大会或者人民

environmental protection goals and report to the people's congresses at the same level or their standing committees.

**Article 31** Any entity or individual shall have the right to report entities or individuals that cause environmental pollution by solid wastes.

Ecology and environment departments and other departments charged with the duty of supervision and administration of prevention and control of environmental pollution by solid wastes shall release the reporting methods related to the prevention and control of environmental pollution by solid wastes, so as to facilitate public reporting.

A department receiving a report shall process it in a timely manner and keep confidential the information relating to the informant; and, if a non-anonymous report is verified, rewards shall be given.

If an informant reports the entity with which he or she works, the entity may not retaliate against the informant by canceling or modifying the labor contract, or other means.

### Chapter III Industrial Solid Wastes

**Article 32** The ecology and environment department of the State Council shall, in conjunction with the development and reform, industry and information technology, and other departments of the State Council, define the degree of industrial solid wastes' harm to and impact on public health and the ecology and environment, work out technical policies regarding the prevention and control thereof, and organize the dissemination of advanced production techniques and equipment for the prevention and control of environmental pollution by industrial solid wastes.

**Article 33** The industry and information technology department of the State Council shall, jointly with other relevant departments of the State Council, organize the research on, development and promotion of the production techniques and equipment that reduce the production and harm of industrial solid wastes, and issue a list of outdated production techniques and equipment that produce industrial solid wastes severely polluting the environment subject to time-limited obsolescence.

Any producer, seller, importer, or user shall stop producing, selling, importing, or using equipment on the list specified in the preceding paragraph within the time limit prescribed by the industry and information technology department of the State Council in conjunction with the relevant departments of the State Council. Any adopter of production techniques shall stop adopting the techniques on the list specified in the preceding paragraph within the time limit prescribed by the industry and information technology department of the State Council in conjunction with the relevant departments of the State Council.

代表大会常务委员会报告。

### 第三十一条

任何单位和个人都有权对造成固体废物污染环境的单位和个人进行举报。

生态环境主管部门和其他负有固体废物污染环境防治监督管理职责的部门应当将固体废物污染环境防治举报方式向社会公布，方便公众举报。

接到举报的部门应当及时处理并对举报人的相关信息予以保密；对实名举报并查证属实的，给予奖励。

举报人举报所在单位的，该单位不得以解除、变更劳动合同或者其他方式对举报人进行打击报复。

### 第三章 工业固体废物

#### 第三十二条

国务院生态环境主管部门应当会同国务院发展改革、工业和信息化等主管部门对工业固体废物对公众健康、生态环境的危害和影响程度等作出界定，制定防治工业固体废物污染环境的技术政策，组织推广先进的防治工业固体废物污染环境的生产工艺和设备。

#### 第三十三条

国务院工业和信息化主管部门应当会同国务院有关部门组织研究开发、推广减少工业固体废物产生量和降低工业固体废物危害性的生产工艺和设备，公布限期淘汰产生严重污染环境的工业固体废物的落后生产工艺、设备的名录。

生产者、销售者、进口者、使用者应当在国务院工业和信息化主管部门会同国务院有关部门规定的期限内分别停止生产、销售、进口或者使用列入前款规定名录中的设备。生产工艺的采用者应当在国务院工业和信息化主管部门会同国务院有关部门规定的期限内停止采用列入前款规定名录中的工艺。



Obsolete equipment on the time-limited obsolescence list shall not be transferred to another person for use.

**Article 34** The industry and information technology department of the State Council shall, in conjunction with the development and reform, ecology and environment, and other departments of the State Council, regularly release an orientation catalog of technology, techniques, and equipment for and products of the comprehensive utilization of industrial solid wastes, organize the assessment of the comprehensive utilization of industrial solid wastes, and promote the comprehensive utilization of industrial solid wastes.

**Article 35** Local people's governments at or above the county level shall formulate plans for the prevention and control of environmental pollution by industrial solid wastes, organize the construction of facilities for the centralized treatment of industrial solid wastes, among others, and promote the prevention and control of environmental pollution by industrial solid wastes.

**Article 36** An entity that produces industrial solid wastes shall establish and improve a responsibility system for the prevention and control of environmental pollution throughout the process of the production, collection, storage, transportation, utilization, and treatment of industrial solid wastes, keep an industrial solid waste management journal, faithfully recording the types, quantity, destination, storage, utilization, and treatment of industrial solid wastes produced, achieve the traceability and availability of inspection of industrial solid wastes, and take measures for the prevention and control of environmental pollution by industrial solid wastes.

The placing of industrial solid wastes in consumer waste collection facilities shall be prohibited.

**Article 37** Where an entity that produces industrial solid wastes commissions another person to transport, utilize, or treat the industrial solid wastes, it shall verify the eligibility and technical capabilities of the commissioned party, sign a written contract as legally required, and stipulate the requirements for pollution prevention and control in the contract.

The commissioned party, when transporting, utilizing, and treating industrial solid wastes, shall comply with the pollution prevention and control requirements in accordance with the provisions of the relevant laws and regulations and the contract and notify the entity that produces the industrial solid wastes of the transportation, utilization and treatment.

If an entity that produces industrial solid waste violates the provisions of the first paragraph of this Article, it shall be jointly and severally liable with the commissioned party that causes environmental pollution and ecological damage, in addition to punishment under the relevant laws and regulations.

**Article 38** An entity that produces industrial solid wastes shall implement

列入限期淘汰名录被淘汰的设备，不得转让给他人使用。

#### 第三十四条

国务院工业和信息化主管部门应当会同国务院发展改革、生态环境等主管部门，定期发布工业固体废物综合利用技术、工艺、设备和产品导向目录，组织开展工业固体废物资源综合利用评价，推动工业固体废物综合利用。

#### 第三十五条

县级以上地方人民政府应当制定工业固体废物污染环境防治工作规划，组织建设工业固体废物集中处置等设施，推动工业固体废物污染环境防治工作。

#### 第三十六条

产生工业固体废物的单位应当建立健全工业固体废物产生、收集、贮存、运输、利用、处置全过程的污染环境防治责任制度，建立工业固体废物管理台账，如实记录产生工业固体废物的种类、数量、流向、贮存、利用、处置等信息，实现工业固体废物可追溯、可查询，并采取防治工业固体废物污染环境的措施。

禁止向生活垃圾收集设施中投放工业固体废物。

#### 第三十七条

产生工业固体废物的单位委托他人运输、利用、处置工业固体废物的，应当对受托方的主体资格和技术能力进行核实，依法签订书面合同，在合同中约定污染防治要求。

受托方运输、利用、处置工业固体废物，应当依照有关法律法规的规定和合同约定履行污染防治要求，并将运输、利用、处置情况告知产生工业固体废物的单位。

产生工业固体废物的单位违反本条第一款规定的，除依照有关法律法规的规定予以处罚外，还应当与造成环境污染和生态破坏的受托方承担连带责任。

#### 第三十八条

cleaner production review as legally required, reasonably select and utilize raw materials, energy and other resources, adopt advanced production techniques and equipment, reduce industrial solid waste production, and diminish the harm of industrial solid wastes.

**Article 39** An entity that produces industrial solid wastes shall obtain a pollutant discharge permit. Specific measures and implementation steps for licensing pollution discharge shall be specified by the State Council.

An entity that produces industrial solid wastes shall provide the local ecology and environment department with information on the type, quantity, destination, storage, utilization, and treatment of industrial solid wastes, among others, as well as specific measures to reduce the production of industrial solid wastes and boost comprehensive utilization and comply with the provisions on the licensing administration system for pollution discharge.

**Article 40** An entity that produces industrial solid wastes shall utilize industrial solid wastes based on economic and technical conditions; and for industrial solid wastes temporarily not utilized or not susceptible to utilization, the entity that produces industrial solid wastes shall build storage facilities and sites as required by the ecology and environment and other departments of the State Council and perform safe and classification-based storage, or take measures for harmless treatment. For the storage of industrial solid wastes, protective measures that meet national environmental protection standards shall be adopted.

The construction of facilities and sites for storing and treating industrial solid wastes shall comply with national environmental protection standards.

**Article 41** Where an entity that produces industrial solid wastes is to be terminated, measures for preventing and controlling pollution shall be taken before its termination to the facilities and sites for storing and treating industrial solid wastes, and the untreated industrial solid wastes shall be disposed properly to prevent environmental pollution.

If an entity that produces industrial solid wastes has been altered, the altered entity shall, pursuant to state provisions about the environmental protection, carry out the safety treatment or take effective measures for untreated industrial solid wastes and the storage and treatment facilities and sites thereof so as to ensure the safe function of such facilities and sites. Where the parties concerned have, prior to the alteration, otherwise stipulated the assumption of responsibilities for preventing and controlling pollution by industrial solid wastes and the facilities and sites for storage and treatment, such stipulations shall prevail. However, the responsibilities of the parties concerned to prevent and control pollution shall not be exempted.

The expenses, incurred from the safety treatment of untreated industrial solid wastes and the storage and treatment facilities and sites of the entities that have been terminated prior to April 1, 2005, shall be borne by the relevant

产生工业固体废物的单位应当依法实施清洁生产审核，合理选择和利用原材料、能源和其他资源，采用先进的生产工艺和设备，减少工业固体废物的产生量，降低工业固体废物的危害性。

### 第三十九条

产生工业固体废物的单位应当取得排污许可证。排污许可的具体办法和实施步骤由国务院规定。

产生工业固体废物的单位应当向所在地生态环境主管部门提供工业固体废物的种类、数量、流向、贮存、利用、处置等有关资料，以及减少工业固体废物产生、促进综合利用的具体措施，并执行排污许可管理制度的相关规定。

### 第四十条

产生工业固体废物的单位应当根据经济、技术条件对工业固体废物加以利用；对暂时不利用或者不能利用的，应当按照国务院生态环境等主管部门的规定建设贮存设施、场所，安全分类存放，或者采取无害化处置措施。贮存工业固体废物应当采取符合国家环境保护标准的防护措施。

建设工业固体废物贮存、处置的设施、场所，应当符合国家环境保护标准。

### 第四十一条

产生工业固体废物的单位终止的，应当在终止前对工业固体废物的贮存、处置的设施、场所采取污染防治措施，并对未处置的工业固体废物作出妥善处置，防止污染环境。

产生工业固体废物的单位发生变更的，变更后的单位应当按照国家有关环境保护的规定对未处置的工业固体废物及其贮存、处置的设施、场所进行安全处置或者采取有效措施保证该设施、场所安全运行。变更前当事人对工业固体废物及其贮存、处置的设施、场所的污染防治责任另有约定的，从其约定；但是，不得免除当事人的污染防治义务。

对2005年4月1日前已经终止的单位未处置的工业固体废物及其贮存、处置的设施、场所进行安全处置的费用，由有关人民政府承担；但是，该单位享有的土地使用权依法转

people's governments, however if the land use right of the said entity has been transferred according to law, the transferee thereof shall undertake the expenses for the treatment. Where the parties concerned have other stipulations, such stipulations shall prevail. However, the responsibilities of the parties concerned to prevent and control pollution shall not be exempted.

**Article 42** A mining enterprise shall adopt scientific mining methods and techniques for mineral separation so as to reduce the production and storage of tailings, coal gangue, waste rock and other mining solid wastes.

The state shall encourage the use of advanced techniques to comprehensively utilize solid mining wastes such as tailings, coal gangue, and waste rock.

After a facility for storing tailings, coal gangue, waste rock, and other mining solid wastes ceases to be used, the mining enterprise shall, according to the provisions on environmental protection, among others, issued by the state, cap the site to prevent environmental pollution and ecological destroy.

#### Chapter IV Consumer Wastes

**Article 43** Local people's governments at or above the county level shall expedite the establishment of a consumer waste management system for classification-based placement, collection, transportation, and treatment and achieve the effective coverage of the consumer waste sorting system.

Local people's governments at or above the county level shall establish a coordination mechanism for consumer waste sorting and strengthen and coordinate the building of the capacity for the management of consumer waste sorting.

People's governments at all levels and their relevant departments shall organize publicity on consumer waste sorting, educate and direct the public to get into the habit of sorting consumer wastes, and urge and guide consumer waste sorting.

**Article 44** Local people's governments at or above the county level shall systematically improve the fuel structure, develop clean energy, and reduce the production of solid wastes such as fuel residues.

The relevant departments of local people's governments at or above the county level shall strengthen the management of the process of product production and circulation, avoid excessive packaging, organize the marketing of clean vegetables, and reduce the production of consumer wastes.

**Article 45** Local people's governments at or above the county level shall make overall arrangements for the construction of urban and rural consumer waste collection, transportation, and treatment facilities, site the facilities, improve the level of comprehensive utilization and harmless treatment of consumer wastes, promote the industrialization of the collection and

让的, 应当由土地使用权受让人承担处置费用。当事人另有约定的, 从其约定; 但是, 不得免除当事人的污染防治义务。

#### 第四十二条

矿山企业应当采取科学的开采方法和选矿工艺, 减少尾矿、煤矸石、废石等矿业固体废物的产生量和贮存量。

国家鼓励采取先进工艺对尾矿、煤矸石、废石等矿业固体废物进行综合利用。

尾矿、煤矸石、废石等矿业固体废物贮存设施停止使用后, 矿山企业应当按照国家有关环境保护等规定进行封场, 防止造成环境污染和生态破坏。

#### 第四章 生活垃圾

##### 第四十三条

县级以上地方人民政府应当加快建立分类投放、分类收集、分类运输、分类处理的生活垃圾管理系统, 实现生活垃圾分类制度有效覆盖。

县级以上地方人民政府应当建立生活垃圾分类工作协调机制, 加强和统筹生活垃圾分类管理能力建设。

各级人民政府及其有关部门应当组织开展生活垃圾分类宣传, 教育引导公众养成生活垃圾分类习惯, 督促和指导生活垃圾分类工作。

##### 第四十四条

县级以上地方人民政府应当有计划地改进燃料结构, 发展清洁能源, 减少燃料废渣等固体废物的产生量。

县级以上地方人民政府有关部门应当加强产品生产和流通过程管理, 避免过度包装, 组织净菜上市, 减少生活垃圾的产生量。

##### 第四十五条

县级以上人民政府应当统筹安排建设城乡生活垃圾收集、运输、处理设施, 确定设施厂址, 提高生活垃圾的综合利用和无害化处置水平, 促进生活垃圾收集、处理的产业化发展, 逐步建立和完善生活垃圾污染环境防治的社会服务

treatment of consumer wastes, and gradually establish and improve a social service system for the prevention and control of environmental pollution by consumer wastes.

The relevant departments of local people's governments at or above the county level shall make overall plans, reasonably arrange recovery, sorting, and packing establishments, and promote the recycling of consumer wastes.

**Article 46** Local people's governments at all levels shall strengthen the prevention and control of environmental pollution by consumer wastes in rural areas and protect and improve the rural living environment.

The state shall encourage the reduction of rural consumer wastes at source. Urban-rural fringes, densely populated rural areas, and other places with conditions shall establish an urban-rural area integrated consumer waste management system; and other rural areas shall actively explore a consumer waste management model, suit measures to local conditions, and utilize or properly treat consumer wastes at convenient location or in situ.

**Article 47** The environmental health departments of people's governments at or above the districted-city level shall formulate standards for the construction and operation of facilities and sites for cleaning, collecting, storing, transporting, and treating consumer wastes, issue a guiding catalog for consumer waste sorting, and strengthen supervision and administration.

**Article 48** The environmental health and other departments of local people's governments at or above the county level shall organize the cleaning, collection, transportation, and treatment of urban and rural consumer wastes, and may, by bidding or other means, select entities with good conditions to engage in the cleaning, collection, transportation, and treatment of consumer wastes.

**Article 49** Entities, households, and individuals that produce consumer wastes shall perform their obligations to reduce at source and place by classification consumer wastes in accordance with the law and be responsible as producers of consumer wastes.

Any entity or individual shall place consumer wastes by classification in designated places according to the law. The dumping, littering, stacking, or incineration of consumer wastes at will shall be prohibited.

Government agencies and public institutions, among others, shall play a demonstrating and leading role in consumer waste sorting.

The consumer wastes that have been placed by classification shall be collected, transported and treated by classification as required.

**Article 50** The cleaning, collection, transportation, and treatment of urban and rural consumer wastes shall conform to the provisions on the administration of environmental protection and environmental health issued

体系。

县级以上地方人民政府有关部门应当统筹规划, 合理安排回收、分拣、打包网点, 促进生活垃圾的回收利用工作。

#### 第四十六条

地方各级人民政府应当加强农村生活垃圾污染环境的防治, 保护和改善农村人居环境。

国家鼓励农村生活垃圾源头减量。城乡结合部、人口密集的农村地区和其他有条件的地方, 应当建立城乡一体的生活垃圾管理系统; 其他农村地区应当积极探索生活垃圾管理模式, 因地制宜, 就近就地利用或者妥善处理生活垃圾。

#### 第四十七条

设区的市级以上人民政府环境卫生主管部门应当制定生活垃圾清扫、收集、贮存、运输和处理设施、场所建设运行规范, 发布生活垃圾分类指导目录, 加强监督管理。

#### 第四十八条

县级以上地方人民政府环境卫生等主管部门应当组织对城乡生活垃圾进行清扫、收集、运输和处理, 可以通过招标等方式选择具备条件的单位从事生活垃圾的清扫、收集、运输和处理。

#### 第四十九条

产生生活垃圾的单位、家庭和个人应当依法履行生活垃圾源头减量和分类投放义务, 承担生活垃圾产生者责任。

任何单位和个人都应当依法在指定的地点分类投放生活垃圾。禁止随意倾倒、抛撒、堆放或者焚烧生活垃圾。

机关、事业单位等应当在生活垃圾分类工作中起示范带头作用。

已经分类投放的生活垃圾, 应当按照规定分类收集、分类运输、分类处理。

#### 第五十条

清扫、收集、运输、处理城乡生活垃圾, 应当遵守国家有关环境保护和环境卫生管理的规定, 防止污染环境。

by the state, so as to prevent environmental pollution.

Harmful wastes separated and collected in a centralized manner from consumer wastes shall be hazardous wastes and managed as such.

**Article 51** Businesses engaged in public transportation shall clean and collect consumer wastes produced in the course of transportation in a timely manner.

**Article 52** Farmer's markets and agricultural product wholesale markets, among others, shall strengthen environmental health management, maintain environmental health and cleanliness, and promptly clean, collect by classification, and properly treat wastes produced.

**Article 53** Entities engaged in the development of new urban areas, conversion of old urban areas, development and construction of residential communities, or construction of villages and towns and the operators and managers of public facilities and sites such as airports, docks, stations, parks, shopping malls, and stadiums shall build supporting consumer waste collection facilities in accordance with the provisions on environmental health issued by the state.

Local people's governments at or above the county level shall coordinate the effective connection of consumer waste public transshipment and treatment facilities with the collection facilities specified in the preceding paragraph and strengthen the integration of the classification-based consumer waste collection and transportation system and the renewable resource recovery system in planning, construction, operation, and other aspects.

**Article 54** The substances recovered from consumer wastes shall be used in accordance with the purposes and standards prescribed by the state, and shall not be used to produce products that may endanger human health.

**Article 55** The construction of consumer waste treatment facilities and sites shall conform to the environmental protection and environmental health standards specified by the ecology and environment department of the State Council and the housing and urban-rural development department of the State Council.

Neighboring areas shall be encouraged to coordinate the construction of consumer waste treatment facilities to promote the joint construction and sharing of consumer waste treatment facilities across administrative areas.

The unauthorized closing, non-use or removal of consumer waste treatment facilities and sites shall be prohibited; and if closing, non-use or removal is compellingly necessary, confirmation shall be obtained with the approval of the environmental health department of local municipal and county-level people's governments in consultation with local ecology and environment departments, and measures to prevent environmental pollution shall be

从生活垃圾中分类并集中收集的有害垃圾，属于危险废物的，应当按照危险废物管理。

#### 第五十一条

从事公共交通运输的经营单位，应当及时清扫、收集运输过程中产生的生活垃圾。

#### 第五十二条

农贸市场、农产品批发市场等应当加强环境卫生管理，保持环境卫生清洁，对所产生的垃圾及时清扫、分类收集、妥善处理。

#### 第五十三条

从事城市新区开发、旧区改建和住宅小区开发建设、村镇建设的单位，以及机场、码头、车站、公园、商场、体育场馆等公共设施、场所的经营管理单位，应当按照国家有关环境卫生的规定，配套建设生活垃圾收集设施。

县级以上地方人民政府应当统筹生活垃圾公共转运、处理设施与前款规定的收集设施的有效衔接，并加强垃圾分类收运体系和再生资源回收体系在规划、建设、运营等方面的融合。

#### 第五十四条

从生活垃圾中回收的物质应当按照国家规定的用途、标准使用，不得用于生产可能危害人体健康的产品。

#### 第五十五条

建设生活垃圾处理设施、场所，应当符合国务院生态环境主管部门和国务院住房城乡建设主管部门规定的环境保护和环境卫生标准。

鼓励相邻地区统筹生活垃圾处理设施建设，促进生活垃圾处理设施跨行政区域共建共享。

禁止擅自关闭、闲置或者拆除生活垃圾处理设施、场所；确有必要关闭、闲置或者拆除的，应当经所在地的市、县级人民政府环境卫生主管部门商所在地生态环境主管部门同意后核准，并采取防止污染环境的措施。

adopted.

**Article 56** A consumer waste treatment entity shall install and use monitoring equipment in accordance with the relevant provisions issued by the state to monitor pollutant discharge in real time and disclose data on pollutant discharge to the public in real time. The monitoring equipment shall be connected to the monitoring equipment of the local ecology and environment department.

**Article 57** The environmental health departments of local people's governments at or above the county level shall be responsible for organizing the resource-oriented and harmless treatment of kitchen wastes.

Entities and other producers and traders that produce and collect kitchen wastes shall hand over kitchen wastes to entities with appropriate qualifications for harmless treatment.

Livestock and poultry farms and communities shall be prohibited from feeding kitchen wastes without harmless treatment to livestock and poultry.

**Article 58** Local people's governments at or above the county level shall establish a consumer waste treatment charges system in accordance with the principle of charges payable by producers.

Local people's governments at or above the county level, when formulating fee rates for consumer waste treatment, shall, based on local actual circumstances, in light of the condition of consumer waste sorting, reflect differentiated management such as classification-based pricing and metering charges and fully request public comments. Fee rates for consumer waste treatment shall be released.

Consumer waste treatment charges shall be used exclusively for the collection, transportation and treatment, among others, of consumer wastes, and shall not be misappropriated for any other purpose.

**Article 59** Provinces, autonomous regions, municipalities directly under the Central Government, and districted cities and autonomous prefectures may formulate local specific measures for the administration of consumer wastes in light of actual circumstances.

Chapter V Construction Wastes, Agricultural Solid Wastes, etc.

**Article 60** Local people's governments at or above the county level shall strengthen the prevention and control of environmental pollution by construction wastes and establish a classification-based treatment system for construction wastes.

Local people's governments at or above the county level shall formulate a plan for the prevention and control of environmental pollution by construction wastes, covering reduction at source, classification-based

#### 第五十六条

生活垃圾处理单位应当按照国家有关规定，安装使用监测设备，实时监测污染物的排放情况，将污染排放数据实时公开。监测设备应当与所在地生态环境主管部门的监控设备联网。

#### 第五十七条

县级以上地方人民政府环境卫生主管部门负责组织开展厨余垃圾资源化、无害化处理工作。

产生、收集厨余垃圾的单位和其他生产经营者，应当将厨余垃圾交由具备相应资质条件的单位进行无害化处理。

禁止畜禽养殖场、养殖小区利用未经无害化处理的厨余垃圾饲喂畜禽。

#### 第五十八条

县级以上地方人民政府应当按照产生者付费原则，建立生活垃圾处理收费制度。

县级以上地方人民政府制定生活垃圾处理收费标准，应当根据本地实际，结合生活垃圾分类情况，体现分类计价、计量收费等差别化管理，并充分征求公众意见。生活垃圾处理收费标准应当向社会公布。

生活垃圾处理费应当专项用于生活垃圾的收集、运输和处理等，不得挪作他用。

#### 第五十九条

省、自治区、直辖市和设区的市、自治州可以结合实际，制定本地方生活垃圾具体管理办法。

### 第五章 建筑垃圾、农业固体废物等

#### 第六十条

县级以上地方人民政府应当加强建筑垃圾污染环境的防治，建立建筑垃圾分类处理制度。

县级以上地方人民政府应当制定包括源头减量、分类处理、消纳设施和场所布局及建设等在内的建筑垃圾污染环境防治工作规划。

treatment, and the layout and construction of consumption facilities and sites, among others.

**Article 61** The state shall encourage the use of advanced technologies, techniques, equipment and administration measures, advance the reduction of construction wastes at source, and establish a construction waste recycling system.

Local people's governments at or above the county level shall promote the application of products of comprehensive utilization of construction wastes.

**Article 62** The environmental health departments of local people's governments at or above the county level shall be responsible for the prevention and control of environmental pollution by construction wastes, establish a whole-process management system for construction wastes, regulate the production, collection, storage, transportation, utilization, and treatment of construction wastes, advance comprehensive utilization, strengthen the construction of construction waste treatment facilities and sites, guarantee treatment safety, and prevent environmental pollution.

**Article 63** A project construction contractor shall prepare a construction waste treatment plan, take pollution prevention and control measures, and make a filing with the environmental health department of the local people's government at or above the county level.

A project construction contractor shall promptly remove and transport construction wastes and other solid wastes produced during the construction of the project and utilize or treat them as required by the environmental health department.

A project construction contractor shall not dump, litter or stack construction wastes produced in the process of project construction without authorization.

**Article 64** The agriculture and rural affairs departments of people's governments at or above the county level shall be responsible for guiding the construction of an agricultural solid waste recycling system, encouraging and directing relevant entities and other producers and traders to collect, store, transport, utilize, and treat agricultural solid wastes as legally required, strengthening supervision and administration, and preventing environmental pollution.

**Article 65** Entities and other producers and traders that produce agricultural solid wastes such as straw, waste agricultural film, and pesticide packaging wastes shall take recycling and other measures to prevent environmental pollution.

For large-scale livestock and poultry farming, livestock and poultry manure and other solid wastes produced during the farming process shall be promptly collected, stored, utilized or treated to avoid environmental

#### 第六十一条

国家鼓励采用先进技术、工艺、设备和管理措施，推进建筑垃圾源头减量，建立建筑垃圾回收利用体系。

县级以上地方人民政府应当推动建筑垃圾综合利用产品应用。

#### 第六十二条

县级以上地方人民政府环境卫生主管部门负责建筑垃圾污染环境防治工作，建立建筑垃圾全过程管理制度，规范建筑垃圾产生、收集、贮存、运输、利用、处置行为，推进综合利用，加强建筑垃圾处置设施、场所建设，保障处置安全，防止污染环境。

#### 第六十三条

工程施工单位应当编制建筑垃圾处理方案，采取污染防治措施，并报县级以上地方人民政府环境卫生主管部门备案。

工程施工单位应当及时清运工程施工过程中产生的建筑垃圾等固体废物，并按照环境卫生主管部门的规定进行利用或者处置。

工程施工单位不得擅自倾倒、抛撒或者堆放工程施工过程中产生的建筑垃圾。

#### 第六十四条

县级以上人民政府农业农村主管部门负责指导农业固体废物回收利用体系建设，鼓励和引导有关单位和其他生产经营者依法收集、贮存、运输、利用、处置农业固体废物，加强监督管理，防止污染环境。

#### 第六十五条

产生秸秆、废弃农用薄膜、农药包装废弃物等农业固体废物的单位和其他生产经营者，应当采取回收利用和其他防止污染环境的措施。

从事畜禽规模养殖应当及时收集、贮存、利用或者处置养殖过程中产生的畜禽粪污等固体废物，避免造成环境污染。

pollution.

The incineration of straw in the open air in densely populated areas, around airports, near arteries of transportation, and in other areas designated by local people's governments shall be prohibited.

The state shall encourage research and development, production, sale, and use of agricultural film degradable and harmless in the environment.

**Article 66** The state shall establish an extended producer responsibility system for electrical and electronic products, lead storage batteries, and automotive traction batteries.

The producers of electrical and electronic products, lead storage batteries, automotive traction batteries, and other products shall, as required, establish a used product recovery system that fits the sales of the products by themselves, authorization or other means, disclose the system to the public, and achieve effective recovery and utilization.

The state shall encourage producers of products to create ecological designs and promote resource recycling.

**Article 67** The state shall implement a multi-channel recovery and centralized treatment system for waste electrical and electronic products, among others.

It shall be prohibited to deliver waste motor vehicles and ships, among others, to enterprises or individuals that do not meet the prescribed conditions for recovery or dismantlement.

The dismantlement, utilization and treatment of waste electrical and electronic products as well as waste motor vehicles and ships, among others, shall conform to the relevant laws and regulations, with measures taken to prevent environmental pollution.

**Article 68** The design and manufacture of products and packaging shall conform to the provisions on cleaner production issued by the state. The standardization department of the State Council shall organize the formulation of relevant standards based on national economic and technical conditions, the condition of prevention and control of environmental pollution by solid wastes, and technical requirements of products, so as to prevent excessive packaging from causing environmental pollution.

Producers and traders shall comply with the mandatory standards that limit excessive packaging of goods and avoid excessive packaging. The market regulation departments of local people's governments at or above the county level and relevant departments shall, in accordance with their respective duties, strengthen the supervision and administration of excessive packaging.

Enterprises that produce, sell, and import products and packaging that are

禁止在人口集中地区、机场周围、交通干线附近以及当地人民政府划定的其他区域露天焚烧秸秆。

国家鼓励研究开发、生产、销售、使用在环境中可降解且无害的农用薄膜。

#### 第六十六条

国家建立电器电子、铅蓄电池、车用动力电池等产品的生产者责任延伸制度。

电器电子、铅蓄电池、车用动力电池等产品的生产者应当按照规定以自建或者委托等方式建立与产品销售量相匹配的废旧产品回收体系，并向社会公开，实现有效回收和利用。

国家鼓励产品的生产者开展生态设计，促进资源回收利用。

#### 第六十七条

国家对废弃电器电子产品等实行多渠道回收和集中处理制度。

禁止将废弃机动车船等交由不符合规定条件的企业或者个人回收、拆解。

拆解、利用、处置废弃电器电子产品、废弃机动车船等，应当遵守有关法律法规的规定，采取防止污染环境的措施。

#### 第六十八条

产品和包装物的设计、制造，应当遵守国家有关清洁生产的规定。国务院标准化主管部门应当根据国家经济和技术条件、固体废物污染环境防治状况以及产品的技术要求，组织制定有关标准，防止过度包装造成环境污染。

生产经营者应当遵守限制商品过度包装的强制性标准，避免过度包装。县级以上地方人民政府市场监督管理部门和有关部门应当按照各自职责，加强对过度包装的监督管理。

生产、销售、进口依法被列入强制回收目录的产品和包装



included in the compulsory recovery catalog according to the law shall recover the products and packaging in accordance with the relevant provisions issued by the state.

E-commerce, express delivery, food delivery, and other industries shall give priority to the adoption of reusable and easily recyclable packaging, optimize the packaging of items, reduce the use of packaging, and actively recycle packaging. The commerce, post and other departments of local people's governments at or above the county level shall strengthen supervision and administration.

The state shall encourage and direct consumers to use green packaging and reduced packaging.

**Article 69** The state shall prohibit and restrict the production, sale, and use of non-degradable plastic bags and other disposable plastic products according to the law.

The owners of goods retail sites, e-commerce platform enterprises, express delivery enterprises, and food delivery enterprises shall report the use and recovery of disposable plastic products such as plastic bags to the commerce, post and other departments in accordance with the relevant provisions issued by the state.

The state shall encourage and guide the reduced use and active recovery of plastic bags and other disposable plastic products and promote the application of recyclable, easily recyclable and degradable alternative products.

**Article 70** Tourism, accommodation and other industries shall promote the involuntary provision of disposables in accordance with the relevant provisions issued by the state.

Offices such as government agencies, enterprises and public institutions shall use products, equipment and facilities conducive to environmental protection and reduce the use of disposable office supplies.

**Article 71** The maintenance and operations entities for urban sewage treatment facilities or sludge treatment entities shall safely treat sludge, ensure that treated sludge meets relevant national standards, track and record the destination, use, and usage, among others, of sludge, and report to urban drainage departments and ecology and environment departments.

The urban drainage departments of people's governments at or above the county level shall incorporate sludge treatment facilities into their urban drainage and sewage treatment plans, promote the concurrent construction of sludge treatment facilities and sewage treatment facilities, and encourage collaborative treatment. Sewage treatment fee rates and compensation scope shall cover sludge treatment costs and the normal operating costs of sewage

物的企业，应当按照国家有关规定对该产品和包装物进行回收。

电子商务、快递、外卖等行业应当优先采用可重复使用、易回收利用的包装物，优化物品包装，减少包装物的使用，并积极回收利用包装物。县级以上地方人民政府商务、邮政等主管部门应当加强监督管理。

国家鼓励和引导消费者使用绿色包装和减量包装。

### 第六十九条

国家依法禁止、限制生产、销售和使用不可降解塑料袋等一次性塑料制品。

商品零售场所开办单位、电子商务平台企业和快递企业、外卖企业应当按照国家有关规定向商务、邮政等主管部门报告塑料袋等一次性塑料制品的使用、回收情况。

国家鼓励和引导减少使用、积极回收塑料袋等一次性塑料制品，推广应用可循环、易回收、可降解的替代产品。

### 第七十条

旅游、住宿等行业应当按照国家有关规定推行不主动提供一次性用品。

机关、企业事业单位等的办公场所应当使用有利于保护环境的产品、设备和设施，减少使用一次性办公用品。

### 第七十一条

城镇污水处理设施维护运营单位或者污泥处理单位应当安全处理污泥，保证处理后的污泥符合国家有关标准，对污泥的流向、用途、用量等进行跟踪、记录，并报告城镇排水主管部门、生态环境主管部门。

县级以上人民政府城镇排水主管部门应当将污泥处理设施纳入城镇排水与污水处理规划，推动同步建设污泥处理设施与污水处理设施，鼓励协同处理，污水处理费征收标准和补偿范围应当覆盖污泥处理成本和污水处理设施正常运营成本。

treatment facilities.

**Article 72** The unauthorized dumping, stacking, discarding, and shedding of sludge generated by urban sewage treatment facilities and treated sludge shall be prohibited.

The entry of sludge with heavy metal or other toxic and harmful substances in excess of standards into agricultural land shall be prohibited.

For dredging water bodies, the sediment produced in the process of dredging shall be treated in accordance with the relevant provisions issued by the state so as to prevent environmental pollution.

**Article 73** All types of laboratories at all levels and the entities establishing such laboratories shall strengthen the management of solid wastes produced by the laboratories and collect, store, transport, utilize, and treat laboratory solid wastes as legally required. The laboratory solid wastes that are hazardous wastes shall be managed as such.

#### Chapter VI Hazardous Wastes

**Article 74** The provisions of this Chapter shall be applicable to the prevention and control of environmental pollution by hazardous wastes. Where it is not covered by this Chapter, other relevant provisions of this Law shall be applicable.

**Article 75** The ecology and environment department of the State Council shall, in conjunction with other relevant departments of the State Council, formulate a national list of hazardous wastes and lay down unified criteria and methods for identifying hazardous waste, distinguishing marks, and requirements for the administration of identification entities. The national list of hazardous wastes shall be adjusted dynamically.

The ecology and environment department of the State Council shall, based on the harm characteristics and production of hazardous wastes, scientifically assess their environmental risks, exercise grade and classification-based administration, establish an informatized regulatory system, and manage and share data and information on the transfer of hazardous wastes by informatized means.

**Article 76** The people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall arrange for relevant departments to prepare plans for the construction of centralized hazardous waste treatment facilities and sites, scientifically assess demand for hazardous waste treatment, reasonably lay out centralized hazardous waste treatment facilities and sites, and ensure the proper treatment of hazardous wastes within their respective administrative areas.

For the preparation of plans for the construction of centralized hazardous waste treatment facilities and sites, comments shall be requested from

#### 第七十二条

禁止擅自倾倒、堆放、丢弃、遗撒城镇污水处理设施产生的污泥和处理后的污泥。

禁止重金属或者其他有毒有害物质含量超标的污泥进入农用地。

从事水体清淤疏浚应当按照国家有关规定处理清淤疏浚过程中产生的底泥，防止污染环境。

#### 第七十三条

各级各类实验室及其设立单位应当加强对实验室产生的固体废物的管理，依法收集、贮存、运输、利用、处置实验室固体废物。实验室固体废物属于危险废物的，应当按照危险废物管理。

#### 第六章 危险废物

#### 第七十四条

危险废物污染环境的防治，适用本章规定；本章未作规定的，适用本法其他有关规定。

#### 第七十五条

国务院生态环境主管部门应当会同国务院有关部门制定[国家危险废物名录](#)，规定统一的危险废物鉴别标准、鉴别方法、识别标志和鉴别单位管理要求。[国家危险废物名录](#)应当动态调整。

国务院生态环境主管部门根据危险废物的危害特性和产生数量，科学评估其环境风险，实施分级分类管理，建立信息化监管体系，并通过信息化手段管理、共享危险废物转移数据和信息。

#### 第七十六条

省、自治区、直辖市人民政府应当组织有关部门编制危险废物集中处置设施、场所的建设规划，科学评估危险废物处置需求，合理布局危险废物集中处置设施、场所，确保本行政区域的危险废物得到妥善处置。

编制危险废物集中处置设施、场所的建设规划，应当征求有关行业协会、企业事业单位、专家和公众等方面的意见

relevant industry associations, enterprises, public institutions, experts, the public, and other parties.

Neighboring provinces, autonomous regions, and municipalities directly under the Central Government may engage in regional cooperation and coordinate the construction of regional centralized hazardous waste treatment facilities and sites.

**Article 77** A distinguishing mark of hazardous wastes shall be put on the containers and packages of hazardous wastes as well as on the facilities and sites for collection, storage, transportation, utilization and treatment of hazardous wastes as required.

**Article 78** An entity that produces hazardous wastes shall work out a plan for managing hazardous wastes in accordance with the relevant provisions issued by the state; and keep a hazardous waste management journal, faithfully recording relevant information, and report the types, production, destination, storage, treatment and other relevant information to the local ecology and environment department through the National Hazardous Waste Information Management System.

The plan for managing hazardous wastes as mentioned in the preceding paragraph shall contain measures for reducing the production and harm of hazardous wastes and for storing, utilizing and treating hazardous wastes. The said plan shall be filed with the ecology and environment department of the local people's government at or above the county level in the place where the entity that produces hazardous wastes is located.

If an entity that produces hazardous wastes has obtained a pollutant discharge permit, the provisions of the pollutant discharge permit administration system shall apply.

**Article 79** An entity that produces hazardous wastes shall store, utilize, and treat hazardous wastes in accordance with the relevant provisions issued by the state and environmental protection standards, and shall not dump or stack the hazardous wastes without authorization.

**Article 80** An entity engaged in the business activities of collecting, storing, utilizing or treating hazardous wastes shall apply for a permit in accordance with the relevant provisions issued by the state. Specific measures for the administration of permits shall be formulated by the State Council.

It shall be prohibited to engage in the business activities of collecting, storing, utilizing or treating hazardous wastes without a permit or in violation of the provisions of the permit.

It shall be prohibited to provide or entrust hazardous wastes to an entity or any other producer or trader without a permit to engage in collection, storage, utilization, and treatment.

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相邻省、自治区、直辖市之间可以开展区域合作，统筹建设区域性危险废物集中处置设施、场所。

#### 第七十七条

对危险废物的容器和包装物以及收集、贮存、运输、利用、处置危险废物的设施、场所，应当按照规定设置危险废物识别标志。

#### 第七十八条

产生危险废物的单位，应当按照国家有关规定制定危险废物管理计划；建立危险废物管理台账，如实记录有关信息，并通过国家危险废物信息管理系统向所在地生态环境主管部门申报危险废物的种类、产生量、流向、贮存、处置等有关资料。

前款所称危险废物管理计划应当包括减少危险废物产生量和降低危险废物危害性的措施以及危险废物贮存、利用、处置措施。危险废物管理计划应当报产生危险废物的单位所在地生态环境主管部门备案。

产生危险废物的单位已经取得排污许可证的，执行排污许可管理制度的规定。

#### 第七十九条

产生危险废物的单位，应当按照国家有关规定和环境保护标准要求贮存、利用、处置危险废物，不得擅自倾倒、堆放。

#### 第八十条

从事收集、贮存、利用、处置危险废物经营活动的单位，应当按照国家有关规定申请取得许可证。许可证的具体管理办法由国务院制定。

禁止无许可证或者未按照许可证规定从事危险废物收集、贮存、利用、处置的经营活动。

禁止将危险废物提供或者委托给无许可证的单位或者其他生产经营者从事收集、贮存、利用、处置活动。

**Article 81** Hazardous wastes shall be collected and stored separately according to their different characteristics. It shall be prohibited to collect, store, transport and treat mixed hazardous wastes of incompatible nature that have not undergone safety treatment.

For the storage of hazardous wastes, protective measures in conformity with national environmental protection standards shall be adopted. It shall be prohibited to store hazardous wastes mixed with nonhazardous wastes.

An entity engaged in the business activities of collecting, storing, utilizing and treating hazardous wastes shall not store hazardous wastes for more than one year; and if the extension of the time limit is compellingly necessary, a report shall be made to the ecology and environment department for approval, unless otherwise provided by the laws and administrative regulations.

**Article 82** For the transfer of hazardous wastes, an electronic or paper transfer form for hazardous wastes shall be filled in and circulated in accordance with the relevant provisions issued by the state.

Where hazardous wastes are to be transferred to another province, autonomous region, or municipality directly under the Central Government, an application shall be filed with the ecology and environment department of the people's government of the province, autonomous region, or municipality directly under the Central Government from which the hazardous wastes are transferred. The ecology and environment department of the people's government of the province, autonomous region, or municipality directly under the Central Government from which the hazardous wastes are transferred shall, in timely consultation with and with the approval of the ecology and environment department of the people's government of the province, autonomous region, or municipality directly under the Central Government where the hazardous wastes are accepted, approve the transfer of the hazardous wastes within the prescribed time limit and give notice of the approval information to the ecology and environment department and the transport department of the relevant province, autonomous region or municipality directly under the Central Government. No transfer may be performed without approval.

For the administration of the transfer of hazardous wastes, administration and control shall be exercised throughout, efficiency shall be improved, and specific measures shall be formulated by the ecology and environment department of the State Council in conjunction with the transport department and public security department of the State Council.

**Article 83** Whoever transports hazardous wastes shall adopt measures for the prevention and control of environmental pollution and observe state regulations on the control of transportation of hazardous goods.

It shall be prohibited to carry hazardous wastes and passengers in the same

### 第八十一条

收集、贮存危险废物，应当按照危险废物特性分类进行。禁止混合收集、贮存、运输、处置性质不相容而未经安全性处置的危险废物。

贮存危险废物应当采取符合国家环境保护标准的防护措施。禁止将危险废物混入非危险废物中贮存。

从事收集、贮存、利用、处置危险废物经营活动的单位，贮存危险废物不得超过一年；确需延长期限的，应当报经颁发许可证的生态环境主管部门批准；法律、行政法规另有规定的除外。

### 第八十二条

转移危险废物的，应当按照国家有关规定填写、运行危险废物电子或者纸质转移联单。

跨省、自治区、直辖市转移危险废物的，应当向危险废物移出地省、自治区、直辖市人民政府生态环境主管部门申请。移出地省、自治区、直辖市人民政府生态环境主管部门应当及时商经接受地省、自治区、直辖市人民政府生态环境主管部门同意后，在规定期限内批准转移该危险废物，并将批准信息通报相关省、自治区、直辖市人民政府生态环境主管部门和交通运输主管部门。未经批准的，不得转移。

危险废物转移管理应当全程管控、提高效率，具体办法由国务院生态环境主管部门会同国务院交通运输主管部门和公安部门制定。

### 第八十三条

运输危险废物，应当采取防止环境污染的措施，并遵守国家有关危险货物运输管理的规定。

禁止将危险废物与旅客在同一运输工具上载运。

transport vehicle.

**Article 84** When sites, facilities, equipment as well as containers, packages and other articles for the collection, storage, transportation, utilization, and treatment of hazardous wastes are to be used for other purposes, they shall be put to use only after they have been treated to eliminate pollution according to the relevant provisions issued by the state.

**Article 85** The entities producing, collecting, storing, transporting, using or treating hazardous wastes shall formulate accident precautions and emergency plans in accordance with the law and file them with the local ecology and environment department and other departments charged with the duty of supervision and administration of prevention and control of environmental pollution by solid wastes; and the ecology and environment department and other departments charged with the duty of supervision and administration of prevention and control of environmental pollution by solid wastes shall conduct inspections.

**Article 86** The entities that have caused severe environmental pollution by hazardous wastes due to accidents or other unexpected events shall immediately take measures to eliminate or reduce the danger and damage of environmental pollution, promptly inform the entities and residents that may be harmed by the pollution, report to the local ecology and environment department and other relevant departments, and accept investigation and punishment.

**Article 87** When severe environmental pollution by hazardous wastes has happened or may happen as proved by evidences, thus threatening the safety of the lives and properties of residents, the ecology and environment department or any other department charged with the duty of supervision and administration of prevention and control of environmental pollution by solid wastes shall immediately report to relevant departments of the people's governments at the corresponding level and the next higher level. The people's government shall take effective measures to eliminate or reduce the danger and damage. Relevant people's governments, where necessary, may order to stop operations that cause or may cause accidents of environmental pollution.

**Article 88** Prior to the decommissioning of a key centralized hazardous waste treatment facility or site, the operating entity shall take pollution prevention and control measures with respect to the facility or site in accordance with the relevant provisions issued by the state. Funds shall be allowed for its decommissioning in advance, included in the investment estimates or cost of production, and earmarked for the decommissioning of the key centralized hazardous waste treatment facility or site. Specific allowance and administration measures shall be formulated by the finance department and price department of the State Council in conjunction with the ecology and environment department of the State Council.

#### 第八十四条

收集、贮存、运输、利用、处置危险废物的场所、设施、设备和容器、包装物及其他物品转作他用时，应当按照国家有关规定经过消除污染处理，方可使用。

#### 第八十五条

产生、收集、贮存、运输、利用、处置危险废物的单位，应当依法制定意外事故的防范措施和应急预案，并向所在地生态环境主管部门和其他负有固体废物污染防治监督管理职责的部门备案；生态环境主管部门和其他负有固体废物污染防治监督管理职责的部门应当进行检查。

#### 第八十六条

因发生事故或者其他突发性事件，造成危险废物严重污染环境的单位，应当立即采取有效措施消除或者减轻对环境的污染危害，及时通报可能受到污染危害的单位和居民，并向所在地生态环境主管部门和有关部门报告，接受调查处理。

#### 第八十七条

在发生或者有证据证明可能发生危险废物严重污染环境、威胁居民生命财产安全时，生态环境主管部门或者其他负有固体废物污染防治监督管理职责的部门应当立即向本级人民政府和上一级人民政府有关部门报告，由人民政府采取防止或者减轻危害的有效措施。有关人民政府可以根据需要责令停止导致或者可能导致环境污染事故的作业。

#### 第八十八条

重点危险废物集中处置设施、场所退役前，运营单位应当按照国家有关规定对设施、场所采取污染防治措施。退役的费用应当预提，列入投资概算或者生产成本，专门用于重点危险废物集中处置设施、场所的退役。具体提取和管理办法，由国务院财政部门、价格主管部门会同国务院生态环境主管部门规定。

**Article 89** It shall be prohibited to transfer hazardous waste in transit across the territory of the People's Republic of China.

**Article 90** Medical wastes shall be managed in accordance with the national list of hazardous wastes. Local people's governments at or above the county level shall strengthen capacity building for centralized treatment of medical wastes.

The health, ecology and environment, and other departments of people's governments at or above the county level shall strengthen the supervision and administration of the collection, storage, transportation, and treatment of medical wastes within their respective duties to prevent harm to public health and environmental pollution.

Health care institutions shall collect medical wastes produced by them by classification in accordance with the law and hand them over to centralized medical waste treatment entities. Centralized medical waste treatment entities shall collect, transport and treat medical wastes in a timely manner.

Health care institutions and centralized medical waste treatment entities shall take effective measures to prevent the run-off, leakage, seepage, and spread of medical wastes.

**Article 91** When the epidemic of a major infectious disease or any other emergency occurs, people's governments at or above the county level shall holistically coordinate the work such as the collection, storage, transportation, and treatment of medical wastes and other hazardous wastes and guarantee the required vehicles, sites, and treatment facilities and protective materials. The health, ecology and environment, environmental health, transportation, and other departments shall coordinate, cooperate and perform their emergency response duties according to the law.

## Chapter VII Guarantee Measures

**Article 92** The relevant departments of the State Council, local people's governments at or above the county level, and their relevant departments, when preparing national spatial plans and related special plans, shall coordinate the needs for the construction of transfer, centralized treatment, and other facilities for solid wastes such as consumer wastes, construction wastes, and hazardous wastes, and guarantee the land use for transfer, centralized treatment, and other facilities.

**Article 93** The state shall adopt economic and technical policies and measures conducive to the prevention and control of environmental pollution by solid wastes, encourage relevant parties to take measures conducive to the prevention and control of environmental pollution by solid wastes, strengthen the training and guidance of workers engaged in the prevention and control of environmental pollution by solid wastes, and promote the specialized and large-scale development of the industry of prevention and

**第八十九条** 禁止经中华人民共和国过境转移危险废物。

## 第九十条

医疗废物按照[国家危险废物名录](#)管理。县级以上地方人民政府应当加强医疗废物集中处置能力建设。

县级以上人民政府卫生健康、生态环境等主管部门应当在各自职责范围内加强对医疗废物收集、贮存、运输、处置的监督管理，防止危害公众健康、污染环境。

医疗卫生机构应当依法分类收集本单位产生的医疗废物，交由医疗废物集中处置单位处置。医疗废物集中处置单位应当及时收集、运输和处置医疗废物。

医疗卫生机构和医疗废物集中处置单位，应当采取有效措施，防止医疗废物流失、泄漏、渗漏、扩散。

## 第九十一条

重大传染病疫情等突发事件发生时，县级以上人民政府应当统筹协调医疗废物等危险废物收集、贮存、运输、处置等工作，保障所需的车辆、场地、处置设施和防护物资。卫生健康、生态环境、环境卫生、交通运输等主管部门应当协同配合，依法履行应急处置职责。

## 第七章 保障措施

### 第九十二条

国务院有关部门、县级以上地方人民政府及其有关部门在编制国土空间规划和相关专项规划时，应当统筹生活垃圾、建筑垃圾、危险废物等固体废物转运、集中处置等设施建设需求，保障转运、集中处置等设施用地。

### 第九十三条

国家采取有利于固体废物污染环境防治的经济、技术政策和措施，鼓励、支持有关方面采取有利于固体废物污染环境防治的措施，加强对从事固体废物污染环境防治工作人员的培训和指导，促进固体废物污染环境防治产业专业化、规模化发展。

control of environmental pollution by solid wastes.

**Article 94** The state shall encourage and support the joint research by scientific research entities, solid waste production entities, solid waste utilization entities, and solid waste treatment entities, among others, research and develop new technologies for the comprehensive utilization and centralized treatment of solid wastes, and promote technological advances for the prevention and control of environmental pollution by solid wastes.

**Article 95** People's governments at all levels shall strengthen the prevention and control of environmental pollution by solid wastes and arrange necessary funds for the following matters in accordance with the principle of division of powers:

- (1) Scientific research and technological development for the prevention and control of environmental pollution by solid wastes.
- (2) Consumer waste sorting.
- (3) Construction of centralized solid waste treatment facilities.
- (4) Emergency treatment of medical wastes and other hazardous wastes produced during emergencies such as the epidemic of a major infectious disease.
- (5) Other matters related to the prevention and control of environmental pollution by solid wastes.

For the use of funds, performance management and audit supervision shall be strengthened to ensure the effectiveness of the use of funds.

**Article 96** The state shall encourage and support social forces' participation in the prevention and control of environmental pollution by solid wastes and provide policy support in accordance with the relevant provisions issued by the state.

**Article 97** The state shall develop green finance and encourage financial institutions to increase credit extension to projects for the prevention and control of environmental pollution by solid wastes.

**Article 98** One engaged in the prevention and control of environmental pollution by solid wastes such as the comprehensive utilization of solid wastes may enjoy tax incentives in accordance with the provisions of the laws and administrative regulations.

The state shall encourage and recommend all sectors of society to donate property to the prevention and control of environmental pollution by solid wastes and grant tax incentives in accordance with the provisions of the laws and administrative regulations.

**Article 99** An entity that collects, stores, transports, utilizes, or treats

#### 第九十四条

国家鼓励和支持科研单位、固体废物产生单位、固体废物利用单位、固体废物处置单位等联合攻关，研究开发固体废物综合利用、集中处置等的新技术，推动固体废物污染环境防治技术进步。

#### 第九十五条

各级人民政府应当加强固体废物污染环境的防治，按照事权划分的原则安排必要的资金用于下列事项：

- (一) 固体废物污染环境防治的科学研究、技术开发；
- (二) 生活垃圾分类；
- (三) 固体废物集中处置设施建设；
- (四) 重大传染病疫情等突发事件产生的医疗废物等危险废物应急处置；
- (五) 涉及固体废物污染环境防治的其他事项。

使用资金应当加强绩效管理和审计监督，确保资金使用效益。

#### 第九十六条

国家鼓励和支持社会力量参与固体废物污染环境防治工作，并按照国家有关规定给予政策扶持。

#### 第九十七条

国家发展绿色金融，鼓励金融机构加大对固体废物污染环境防治项目的信贷投放。

#### 第九十八条

从事固体废物综合利用等固体废物污染环境防治工作的，依照法律、行政法规的规定，享受税收优惠。

国家鼓励并提倡社会各界为防治固体废物污染环境捐赠财产，并依照法律、行政法规的规定，给予税收优惠。

#### 第九十九条

hazardous wastes shall purchase environmental pollution liability insurance in accordance with the relevant provisions issued by the state.

**Article 100** The state shall encourage entities and individuals to purchase and use products of comprehensive utilization and reusable products.

People's governments at or above the county level and their relevant departments shall give priority to procuring products of comprehensive utilization and reusable products in the process of government procurement.

## Chapter VIII Legal Liability

**Article 101** Where an ecology and environment department or any other department charged with the duty of supervision and administration of prevention and control of environmental pollution by solid wastes violates the present Law and has any of the following acts, the people's government at the corresponding level or the relevant department of a higher people's government shall order the taking of corrective action and take disciplinary action against the directly responsible person in charge and other directly responsible persons:

- (1) Failing to grant an administrative license or approval document in accordance with the law.
- (2) Harboring any illegal act.
- (3) Failing to effect seizure or detainment according to the law.
- (4) Failing to investigate and punish any illegal act discovered or reported.
- (5) Otherwise committing abuse of power, negligence of duty, favoritism or any other illegal act.

For any failure to make an administrative punishment decision required by this Law, a higher competent department may directly make an administrative punishment decision.

**Article 102** Where, in violation of the provisions of this Law, any of the following acts is committed, the ecology and environment department shall order the taking of corrective action, impose a fine, and confiscate illegal income; and if the circumstances are serious, the ecology and environment department may order suspension of business or close-down, with the approval of the people's government with the authority to approve:

- (1) An entity that produces, collects, stores, transports, utilizes, or treats solid wastes fails to promptly disclose to the public information on the prevention and control of environmental pollution by solid wastes in accordance with the law.

收集、贮存、运输、利用、处置危险废物的单位，应当按照国家有关规定，投保环境污染责任保险。

### 第一百条

国家鼓励单位和个人购买、使用综合利用产品和可重复使用产品。

县级以上人民政府及其有关部门在政府采购过程中，应当优先采购综合利用产品和可重复使用产品。

## 第八章 法律责任

### 第一百零一条

生态环境主管部门或者其他负有固体废物污染环境防治监督管理职责的部门违反本法规定，有下列行为之一，由本级人民政府或者上级人民政府有关部门责令改正，对直接负责的主管人员和其他直接责任人员依法给予处分：

- (一) 未依法作出行政许可或者办理批准文件的；
- (二) 对违法行为进行包庇的；
- (三) 未依法查封、扣押的；
- (四) 发现违法行为或者接到对违法行为的举报后未予查处的；
- (五) 有其他滥用职权、玩忽职守、徇私舞弊等违法行为的。

依照本法规定应当作出行政处罚决定而未作出的，上级主管部门可以直接作出行政处罚决定。

### 第一百零二条

违反本法规定，有下列行为之一，由生态环境主管部门责令改正，处以罚款，没收违法所得；情节严重的，报经有批准权的人民政府批准，可以责令停业或者关闭：

- (一) 产生、收集、贮存、运输、利用、处置固体废物的单位未依法及时公开固体废物污染环境防治信息的；



(2) A consumer waste treatment entity fails to install and use monitoring equipment in accordance with the relevant provisions issued by the state to monitor pollutant discharge in real time and disclose data on pollutant discharge to the public.

(3) Transferring obsolete equipment on the time-limited obsolescence list to another for use.

(4) In an ecological protection red line area, permanent basic farmland concentration area, or any other area that requires special protection, constructing any centralized industrial solid waste or hazardous waste storage, utilization, and treatment facility or site or consumer waste landfill.

(5) Transferring solid wastes from the administrative area of a province, autonomous region or municipality directly under the Central Government for storage and treatment without approval.

(6) Transferring solid wastes from the administrative area of a province, autonomous region or municipality directly under the Central Government for utilization without filing.

(7) Dumping, stacking, discarding, or shedding industrial solid wastes, or failing to take corresponding precautions, causing the scattering, run-off, or seepage of industrial solid wastes, or other environmental pollution.

(8) An entity that produces industrial solid wastes fails to keep a solid waste management journal and maintain truthful records.

(9) An entity that produces industrial solid wastes violates the provisions of this Law and commissions another person to transport, utilize, or treat the industrial solid wastes.

(10) For the storage of industrial solid wastes, failing to adopt protective measures that meet national environmental protection standards.

(11) An entity or any other producer or trader violates other requirements for solid waste management, pollute the environment and damage the ecology.

Any of the acts in subparagraphs (1) through (8) in the preceding paragraph is punishable by a fine of not less than 50,000 yuan nor more than 200,000 yuan; any of the acts in subparagraphs (2), (3), (4), (5), (6), (9), (10), and (11) in the preceding paragraph is punishable by a fine of not less than 100,000 yuan nor more than 1 million yuan; and the act in subparagraph (7) in the preceding paragraph is punishable by a fine of not less than one time nor more than three times the required cost of treatment, or of not less than one time nor more than three times 100,000 yuan, if the required cost of treatment is less than 100,000 yuan. If any relevant law or administrative regulation provides otherwise for the punishment of the act in subparagraph (11) in the preceding paragraph, the relevant law or administrative regulation shall apply.

(二) 生活垃圾处理单位未按照国家有关规定安装使用监测设备、实时监测污染物的排放情况并公开污染排放数据的;

(三) 将列入限期淘汰名录被淘汰的设备转让给他人使用的;

(四) 在生态保护红线区域、永久基本农田集中区域和其他需要特别保护的区域内,建设工业固体废物、危险废物集中贮存、利用、处置的设施、场所和生活垃圾填埋场的;

(五) 转移固体废物出省、自治区、直辖市行政区域贮存、处置未经批准的;

(六) 转移固体废物出省、自治区、直辖市行政区域利用未备案的;

(七) 擅自倾倒、堆放、丢弃、遗撒工业固体废物,或者未采取相应防范措施,造成工业固体废物扬散、流失、渗漏或者其他环境污染的;

(八) 产生工业固体废物的单位未建立固体废物管理台账并如实记录的;

(九) 产生工业固体废物的单位违反本法规定委托他人运输、利用、处置工业固体废物的;

(十) 贮存工业固体废物未采取符合国家环境保护标准的防护措施的;

(十一) 单位和其他生产经营者违反固体废物管理其他要求,污染环境、破坏生态的。

有前款第一项、第八项行为之一,处五万元以上二十万元以下的罚款;有前款第二项、第三项、第四项、第五项、第六项、第九项、第十项、第十一项行为之一,处十万元以上一百万元以下的罚款;有前款第七项行为,处所需处置费用一倍以上三倍以下的罚款,所需处置费用不足十万元的,按十万元计算。对前款第十一项行为的处罚,有关法律、行政法规另有规定的,适用其规定。

**Article 103** Where, in violation of the provisions of this Law, supervisory inspection is refused or obstructed by delaying, mobbing, or detaining law enforcement officials, or falsehood is made when supervisory inspection is undergone, the ecology and environment department or any other department charged with the duty of supervision and administration of prevention and control of environmental pollution by solid wastes shall order the taking of corrective action and impose a fine of not less than 50,000 yuan nor more than 200,000 yuan; and the directly responsible person in charge and other directly responsible persons shall be fined not less than 20,000 yuan nor more than 100,000 yuan.

**Article 104** Where, in violation of the provisions of this Law, industrial solid wastes are produced without a pollutant discharge permit obtained in accordance with the law, the ecology and environment department shall order the taking of corrective action, or restriction on production, or suspension of production for overhaul, and impose a fine of not less than 100,000 yuan nor more than 1 million yuan; and if the circumstances are serious, the ecology and environment department shall order suspension of business or close-down, with the approval of the people's government with the authority to approve.

**Article 105** Where, in violation of the provisions of this Law, a producer or trader fails to comply with the mandatory standards that limit excessive packaging of goods, the market regulation department or the relevant department of the local people's government at or above the county level shall order the taking of corrective action; if the producer or trader refuses to take corrective action, the producer or trader shall be fined not less than 2,000 yuan nor more than 20,000 yuan; and if the circumstances are serious, the producer or trader shall be fined not less than 20,000 yuan nor more than 100,000 yuan.

**Article 106** Where, in violation of the provisions of this Law, the provisions on the prohibition or restriction of the use of non-degradable plastic bags and other disposable plastic products fail to be complied with, or the use of plastic bags and other disposable plastic products fails to be reported in accordance with the relevant provisions issued by the state, the commerce, post, and other departments of local people's governments at or above the county level shall order the taking of corrective action and impose a fine of not less than 10,000 yuan nor more than 100,000 yuan.

**Article 107** Where livestock or poultry is farmed on a large scale without the timely collection, storage, utilization or treatment of livestock or poultry manure and other solid wastes produced in the course of farming, the ecology and environment department shall order the taking of corrective action, and may impose a fine of not more than 100,000 yuan; and if the circumstances are serious, the ecology and environment department shall order suspension of business or close-down, with the approval of the people's

### 第一百零三条

违反本法规定，以拖延、围堵、滞留执法人员等方式拒绝、阻挠监督检查，或者在接受监督检查时弄虚作假的，由生态环境主管部门或者其他负有固体废物污染环境防治监督管理职责的部门责令改正，处五万元以上二十万元以下的罚款；对直接负责的主管人员和其他直接责任人员，处二万元以上十万元以下的罚款。

### 第一百零四条

违反本法规定，未依法取得排污许可证产生工业固体废物的，由生态环境主管部门责令改正或者限制生产、停产整治，处十万元以上一百万元以下的罚款；情节严重的，报经有批准权的人民政府批准，责令停业或者关闭。

### 第一百零五条

违反本法规定，生产经营者未遵守限制商品过度包装的强制性标准的，由县级以上地方人民政府市场监督管理部门或者有关部门责令改正；拒不改正的，处二千元以上二万元以下的罚款；情节严重的，处二万元以上十万元以下的罚款。

### 第一百零六条

违反本法规定，未遵守国家有关禁止、限制使用不可降解塑料袋等一次性塑料制品的规定，或者未按照国家有关规定报告塑料袋等一次性塑料制品的使用情况的，由县级以上地方人民政府商务、邮政等主管部门责令改正，处一万元以上十万元以下的罚款。

### 第一百零七条

从事畜禽规模养殖未及时收集、贮存、利用或者处置养殖过程中产生的畜禽粪污等固体废物的，由生态环境主管部门责令改正，可以处十万元以下的罚款；情节严重的，报经有批准权的人民政府批准，责令停业或者关闭。

government with the authority to approve.

**Article 108** Where, in violation of the provisions of this Law, a maintenance and operations entity for urban sewage treatment facilities or sludge treatment entity fails to track and record the destination, use, and usage, among others, of sludge, or the treated sludge fails to meet the relevant standards issued by the state, the urban drainage department shall order the taking of corrective action and give a warning; if serious consequences are caused, a fine of not less than 100,000 yuan nor more than 200,000 yuan shall be imposed; and if corrective action is refused, the urban drainage department may appoint an entity capable of remediation to perform remediation at the expense of the violator.

If, in violation of the provisions of this Law, sludge produced or treated by an urban sewage treatment facility is dumped, stacked, discarded, or shed without authorization, the urban drainage department shall order the taking of corrective action, impose a fine of not less than 200,000 yuan nor more than 2 million yuan, and impose a fine of not less than 20,000 yuan nor more than 100,000 yuan on the directly responsible person in charge and other directly responsible persons; if serious consequences are caused, a fine of not less than 2 million yuan nor more than 5 million yuan shall be imposed, and a fine of not less than 50,000 yuan nor more than 500,000 yuan shall be imposed on the directly responsible person in charge and other directly responsible persons; and if corrective action is refused, the urban drainage department may appoint an entity capable of remediation to perform remediation at the expense of the violator.

**Article 109** Where, in violation of the provisions of this Law, obsolete equipment is produced, sold, imported or used, or an obsolete production technique is adopted, the department designated by the local people's government at or above the county level shall order the taking of corrective action, impose a fine of not less than 100,000 yuan nor more than 1 million yuan, and confiscate illegal income; and if the circumstances are serious, the department designated by the local people's governments at or above the county level shall offer an opinion and order suspension of business or close-down, with the approval of the people's government with the authority to approve.

**Article 110** Where, after a facility for storing tailings, coal gangue, waste rock, and other mining solid wastes ceases to be used, the site fails to be capped according to the provisions on environmental protection issued by the state, the ecology and environment department shall order the taking of corrective action and impose a fine of not less than 200,000 yuan nor more than 1 million yuan.

**Article 111** Where, in violation of the provisions of this Law, any of the following acts is committed, the environmental health department of the local people's government at or above the county level shall order the taking

#### 第一百零八条

违反本法规定，城镇污水处理设施维护运营单位或者污泥处理单位对污泥流向、用途、用量等未进行跟踪、记录，或者处理后的污泥不符合国家有关标准的，由城镇排水主管部门责令改正，给予警告；造成严重后果的，处十万元以上二十万元以下的罚款；拒不改正的，城镇排水主管部门可以指定有治理能力的单位代为治理，所需费用由违法者承担。

违反本法规定，擅自倾倒、堆放、丢弃、遗撒城镇污水处理设施产生的污泥和处理后的污泥的，由城镇排水主管部门责令改正，处二十万元以上二百万元以下的罚款，对直接负责的主管人员和其他直接责任人员处二万元以上十万元以下的罚款；造成严重后果的，处二百万元以上五百万元以下的罚款，对直接负责的主管人员和其他直接责任人员处五万元以上五十万元以下的罚款；拒不改正的，城镇排水主管部门可以指定有治理能力的单位代为治理，所需费用由违法者承担。

#### 第一百零九条

违反本法规定，生产、销售、进口或者使用淘汰的设备，或者采用淘汰的生产工艺的，由县级以上地方人民政府指定的部门责令改正，处十万元以上一百万元以下的罚款，没收违法所得；情节严重的，由县级以上地方人民政府指定的部门提出意见，报经有批准权的人民政府批准，责令停业或者关闭。

#### 第一百一十条

尾矿、煤矸石、废石等矿业固体废物贮存设施停止使用后，未按照国家有关环境保护规定进行封场的，由生态环境主管部门责令改正，处二十万元以上一百万元以下的罚款。

#### 第一百一十一条

违反本法规定，有下列行为之一，由县级以上地方人民政府环境卫生主管部门责令改正，处以罚款，没收违法所得

of corrective action, impose a fine, and confiscate illegal income:

- (1) Dumping, littering, stacking, or incinerating consumer wastes at will.
- (2) Closing down, leaving idle or dismantling facilities or sites for treating consumer wastes without approval.
- (3) A project construction contractor fails to prepare and file a construction waste treatment plan, or fails to promptly remove the solid wastes produced in the process of construction.
- (4) A project construction contractor dumps, litters or stacks construction wastes produced in the process of project construction without authorization, or fails to utilize or treat solid wastes produced in the process of project construction as required.
- (5) An entity or any other producer or trader that produces or collects kitchen wastes fails to hand over kitchen wastes to entities with appropriate qualifications for harmless treatment.
- (6) A livestock or poultry farm or community feeds kitchen wastes without harmless treatment to livestock or poultry.
- (7) Discarding or shedding consumer wastes en route in the process of transportation.

An entity that commits any of the acts in subparagraphs (1) and (7) in the preceding paragraph shall be fined not less than 50,000 yuan nor more than 500,000 yuan; an entity that commits any of the acts in subparagraphs (2) through (6) in the preceding paragraph shall be fined not less than 100,000 yuan nor more than 1 million yuan; and an individual that commits any of the acts in subparagraphs (1), (5), and (7) in the preceding paragraph shall be fined not less than 100 yuan nor more than 500 yuan.

Where, in violation of the provisions of this Law, consumer wastes fail to be placed in a designated place by classification, the environmental health department of the local people's government at or above the county level shall order the taking of corrective action; and if the circumstances are serious, a fine of not less than 50,000 nor more than 500,000 yuan shall be imposed, in the case of an entity, or a fine shall be imposed as legally required, in the case of an entity.

**Article 112** Where, in violation of the provisions of this Law, any of the following acts is committed, the ecology and environment department shall order the taking of corrective action, impose a fine, and confiscate illegal income; and if the circumstances are serious, the ecology and environment department may order suspension of business or close-down, with the approval of the people's government with the authority to approve:

- (1) Failing to install distinguishing marks of hazardous waste as required.

:

- (一) 随意倾倒、抛撒、堆放或者焚烧生活垃圾的;
- (二) 擅自关闭、闲置或者拆除生活垃圾处理设施、场所的;
- (三) 工程施工单位未编制建筑垃圾处理方案报备案,或者未及时清运施工过程中产生的固体废物的;
- (四) 工程施工单位擅自倾倒、抛撒或者堆放工程施工过程中产生的建筑垃圾,或者未按照规定对施工过程中产生的固体废物进行利用或者处置的;
- (五) 产生、收集厨余垃圾的单位和其他生产经营者未将厨余垃圾交由具备相应资质条件的单位进行无害化处理的;
- (六) 畜禽养殖场、养殖小区利用未经无害化处理的厨余垃圾饲喂畜禽的;
- (七) 在运输过程中沿途丢弃、遗撒生活垃圾的。

单位有前款第一项、第七项行为之一,处五万元以上五十万元以下的罚款;单位有前款第二项、第三项、第四项、第五项、第六项行为之一,处十万元以上一百万元以下的罚款;个人有前款第一项、第五项、第七项行为之一,处一百元以上五百元以下的罚款。

违反本法规定,未在指定的地点分类投放生活垃圾的,由县级以上地方人民政府环境卫生主管部门责令改正;情节严重的,对单位处五万元以上五十万元以下的罚款,对个人依法处以罚款。

#### 第一百一十二条

违反本法规定,有下列行为之一,由生态环境主管部门责令改正,处以罚款,没收违法所得;情节严重的,报经有批准权的人民政府批准,可以责令停业或者关闭:

- (一) 未按照规定设置危险废物识别标志的;

(2) Failing to formulate a hazardous waste management plan or report information on hazardous wastes in accordance with the relevant provisions issued by the state.

(3) Dumping or stacking hazardous wastes without authorization.

(4) Providing or entrusting hazardous wastes to an entity or any other producer or trader without a permit for business activities.

(5) Failing to fill in or circulate forms for transferring hazardous wastes according to the relevant provisions issued by the state, or transferring hazardous wastes without approval.

(6) Failing to store, utilize, or treat hazardous wastes in accordance with national environmental protection standards, or mixing hazardous wastes with non-hazardous wastes for storage.

(7) Collecting, storing, transporting and treating mixed hazardous wastes of incompatible nature without safety treatment.

(8) Carrying hazardous wastes and passengers in a same transport vehicle.

(9) Using, without the treatment to eliminate pollution, sites, facilities, equipment or containers, packages or other articles for collecting, storing, transporting or disposing hazardous wastes for other purposes.

(10) Failing to adopt corresponding precautions and causing the scattering, run-off, or seepage of hazardous wastes or other environmental pollution.

(11) Discarding or shedding hazardous wastes en route in the course of transportation.

(12) Failing to formulate a precaution against hazardous waste accidents and emergency plan.

(13) Failing to keep a hazardous waste management journal and maintain truthful records in accordance with the relevant provisions issued by the state.

Any of the acts in subparagraphs (1), (2), (5), (6), (7), (8), (9), (12), and (13) in the preceding paragraph is punishable by a fine of not less than 100,000 nor more than 1 million yuan; and any of the acts in subparagraphs (3), (4), (10), and (11) in the preceding paragraph is punishable by a fine of not less than three times nor more than five times the required cost of treatment, or of not less than three times nor more than five times 200,000 yuan, if the required cost of treatment is less than 200,000 yuan.

**Article 113** Where, in violation of the provisions of this Law, a hazardous waste producer fails to take corrective action as ordered because of its failure to treat the hazardous wastes produced by it as required, the ecology and environment department shall organize treatment on the account of the

(二) 未按照国家有关规定制定危险废物管理计划或者申报危险废物有关资料的;

(三) 擅自倾倒、堆放危险废物的;

(四) 将危险废物提供或者委托给无许可证的单位或者其他生产经营者从事经营活动的;

(五) 未按照国家有关规定填写、运行危险废物转移联单或者未经批准擅自转移危险废物的;

(六) 未按照国家环境保护标准贮存、利用、处置危险废物或者将危险废物混入非危险废物中贮存的;

(七) 未经安全性处置,混合收集、贮存、运输、处置具有不相容性质的危险废物的;

(八) 将危险废物与旅客在同一运输工具上载运的;

(九) 未经消除污染处理,将收集、贮存、运输、处置危险废物的场所、设施、设备和容器、包装物及其他物品转作他用的;

(十) 未采取相应防范措施,造成危险废物扬散、流失、渗漏或者其他环境污染的;

(十一) 在运输过程中沿途丢弃、遗撒危险废物的;

(十二) 未制定危险废物意外事故防范措施和应急预案的;

(十三) 未按照国家有关规定建立危险废物管理台账并如实记录的。

有前款第一项、第二项、第五项、第六项、第七项、第八项、第九项、第十二项、第十三项行为之一,处十万元以上一百万元以下的罚款;有前款第三项、第四项、第十项、第十一项行为之一,处所需处置费用三倍以上五倍以下的罚款,所需处置费用不足二十万元的,按二十万元计算。

### 第一百一十三条

违反本法规定,危险废物产生者未按照规定处置其产生的危险废物被责令改正后拒不改正的,由生态环境主管部门组织代为处置,处置费用由危险废物产生者承担;拒不承

hazardous waste producer, at its expense; and any refusal to pay the cost of treatment shall be punishable by a fine of not less than one time nor more than three times the cost of treatment.

**Article 114** Where the business activity of collecting, storing, utilizing, or treating hazardous wastes is conducted without a permit, the ecology and environment department shall order the taking of corrective action, impose a fine of not less than 1 million yuan nor more than 5 million yuan, and order suspension of business or close-down, with the approval of the people's government with the authority to approve; and a fine of not less than 100,000 yuan nor more than 1 million yuan shall be imposed on the legal representative, main person in charge, directly responsible person in charge and other responsible persons.

Where the business activity of collecting, storing, utilizing, or handling hazardous wastes fails to be conducted in accordance with the provisions of the permit, the ecology and environment department shall order the taking of corrective action, restrict production or suspend production for overhaul, and impose a fine of not less than 500,000 yuan nor more than 2 million yuan; a fine of not less than 50,000 yuan nor more than 500,000 yuan shall be imposed on the legal representative, main person in charge, directly responsible person in charge and other responsible persons; and if the circumstances are serious, the ecology and environment department shall order suspension of business or close-down, with the approval of the people's government with the authority to approve, and the issuing authority may suspend the permit.

**Article 115** Where, in violation of the provisions of this Law, solid wastes are brought from overseas into the territory of the People's Republic of China, the Customs shall order the solid wastes to be resented and impose a fine of not less than 500,000 yuan nor more than 5 million yuan.

The carrier and the importer shall be jointly and severally liable the resending and treatment of the solid wastes specified in the preceding paragraph.

**Article 116** Where, in violation of the provisions of this Law, hazardous wastes are transferred in transit across the territory of the People's Republic of China, the Customs shall order the solid wastes to be resented and impose a fine of not less than 500,000 yuan nor more than 5 million yuan.

**Article 117** With regard to illegally imported solid wastes, the ecology and environment department of the people's government at or above the provincial level shall submit a treatment opinion to the Customs according to the law, and the Customs shall make a punishment decision in accordance with the provisions of Article 115 of this Law; and if environmental pollution has been caused, the ecology and environment department of the people's government at or above the provincial level shall order the importer

担代为处置费用的，处代为处置费用一倍以上三倍以下的罚款。

#### 第一百一十四条

无许可证从事收集、贮存、利用、处置危险废物经营活动的，由生态环境主管部门责令改正，处一百万元以上五百万元以下的罚款，并报经有批准权的人民政府批准，责令停业或者关闭；对法定代表人、主要负责人、直接负责的主管人员和其他责任人员，处十万元以上一百万元以下的罚款。

未按照许可证规定从事收集、贮存、利用、处置危险废物经营活动的，由生态环境主管部门责令改正，限制生产、停产整治，处五十万元以上二百万元以下的罚款；对法定代表人、主要负责人、直接负责的主管人员和其他责任人员，处五万元以上五十万元以下的罚款；情节严重的，报经有批准权的人民政府批准，责令停业或者关闭，还可以由发证机关吊销许可证。

#### 第一百一十五条

违反本法规定，将中华人民共和国境外的固体废物输入境内的，由海关责令退运该固体废物，处五十万元以上五百万元以下的罚款。

承运人对前款规定的固体废物的退运、处置，与进口者承担连带责任。

#### 第一百一十六条

违反本法规定，经中华人民共和国过境转移危险废物的，由海关责令退运该危险废物，处五十万元以上五百万元以下的罚款。

#### 第一百一十七条

对已经非法入境的固体废物，由省级以上人民政府生态环境主管部门依法向海关提出处理意见，海关应当依照本法第一百一十五条的规定作出处罚决定；已经造成环境污染的，由省级以上人民政府生态环境主管部门责令进口者消除污染。

to eliminate the pollution.

**Article 118** Whoever, in violation of this Law, has caused an accident of environmental pollution by solid wastes shall be fined in accordance with the provisions of paragraph 2 of this Article and ordered to take remediation measures within a time limit by the ecology and environment department, in addition to assuming compensatory liability under the law; and if a serious or extraordinarily serious accident of environmental pollution by solid wastes is caused, the ecology and environment department may also order close-down, with the approval of the people's government with the authority to approve.

For an ordinary or relatively serious accident of environmental pollution by solid wastes, the fine shall be not less than one time nor more than three times the direct economic loss resulting from the accident; and for a serious or extraordinarily serious accident of environmental pollution by solid wastes, the fine shall be not less than three times nor more than five times the direct economic loss resulting from the accident, and the legal representative, main person in charge, directly responsible person in charge and other responsible persons shall be subject to a fine of not more than 50% of the income obtained from the entity for the previous year.

**Article 119** Where an entity or any other producer or trader that discharges solid wastes in violation of the provisions of this Law is fined and ordered to take corrective action, the administrative agency that makes the punishment decision in accordance with the law shall organize a re-inspection and impose a daily fine for each day during which the illegal act continues as discovered, in accordance with the provisions of the Environmental Protection Law of the People's Republic of China.

**Article 120** Where, in violation of the provisions of this Law, any of the following acts is committed and is not criminally punishable, the public security authority shall detain the legal representative, main person in charge, directly responsible person in charge and other responsible persons for not less than ten days nor more than 15 days; and if the circumstances are relatively minor, they shall be detained for not less than five days nor more than ten days:

- (1) Dumping, stacking, discarding, or shedding solid wastes without authorization, causing serious consequences.
- (2) In an ecological protection red line area, permanent basic farmland concentration area, or any other area that requires special protection, constructing any centralized industrial solid waste or hazardous waste storage, utilization, and treatment facility or site or consumer waste landfill.
- (3) Providing or entrusting hazardous wastes to an entity or any other producer or trader without a permit for stacking, utilization and treatment.
- (4) Engaging in the business activity of collecting, storing, utilizing, or

#### 第一百一十八条

违反本法规定，造成固体废物污染环境事故的，除依法承担赔偿责任外，由生态环境主管部门依照本条第二款的规定处以罚款，责令限期采取治理措施；造成重大或者特大固体废物污染环境事故的，还可以报经有批准权的人民政府批准，责令关闭。

造成一般或者较大固体废物污染环境事故的，按照事故造成的直接经济损失的一倍以上三倍以下计算罚款；造成重大或者特大固体废物污染环境事故的，按照事故造成的直接经济损失的三倍以上五倍以下计算罚款，并对法定代表人、主要负责人、直接负责的主管人员和其他责任人员处上一年度从本单位取得的收入百分之五十以下的罚款。

#### 第一百一十九条

单位和其他生产经营者违反本法规定排放固体废物，受到罚款处罚，被责令改正的，依法作出处罚决定的行政机关应当组织复查，发现其继续实施该违法行为的，依照《[中华人民共和国环境保护法](#)》的规定按日连续处罚。

#### 第一百二十条

违反本法规定，有下列行为之一，尚不构成犯罪的，由公安机关对法定代表人、主要负责人、直接负责的主管人员和其他责任人员处十日以上十五日以下的拘留；情节较轻的，处五日以上十日以下的拘留：

- (一) 擅自倾倒、堆放、丢弃、遗撒固体废物，造成严重后果的；
- (二) 在生态保护红线区域、永久基本农田集中区域和其他需要特别保护的区域内，建设工业固体废物、危险废物集中贮存、利用、处置的设施、场所和生活垃圾填埋场的；
- (三) 将危险废物提供或者委托给无许可证的单位或者其他生产经营者堆放、利用、处置的；
- (四) 无许可证或者未按照许可证规定从事收集、贮存、

handling hazardous wastes without a permit or without complying with the provisions of the permit.

(5) Transferring hazardous wastes without approval.

(6) Failing to adopt precautions and causing the scattering, run-off, or seepage of hazardous wastes or other serious consequences.

**Article 121** Where environmental pollution and ecological damage by solid wastes cause harm to the national interest and public interest, the relevant agencies and organizations may sue in the people court according to the Environmental Protection Law of the People's Republic of China, the Civil Procedure Law of the People's Republic of China, the Administrative Litigation Law of the People's Republic of China, and other laws.

**Article 122** Where environmental pollution and ecological damage by solid wastes cause material loss to the state, the local people's government at or above the districted-city level or a department or institution appointed by it shall organize the negotiation with the entity or other producer or trader that causes the environmental pollution and ecological damage and require it to bear compensatory liability; and if no agreement is reached in the negotiation, a suit may be filed with the people's court.

For the solid wastes seized in the process of enforcement actions, with respect to which no responsible person can be determined, or which cannot be resented, local people's governments at or above the county level shall organize the treatment.

**Article 123** Where any violation of the provisions of this Law constitutes a violation of public security administration, the public security authority shall imposed public security administration punishment according to the law; if the violation is criminally punishable, the violator shall be held criminally liable in accordance with the law; and if personal or property damage is caused, the violator shall assume civil liability according to the law.

#### Chapter IX Supplementary Provisions

**Article 124** For the purposes of this Law, the following terms mean:

(1) "Solid waste" means articles and substances in solid, semi-solid state or gaseity in containers that are produced in the production, living and other activities and have lost their original use values or are discarded or abandoned though haven't yet lost use values, and articles and substances that are included into the management of solid wastes upon the strength of administrative regulations, except articles and substances which have been processed and treated harmlessly, meet compulsory national product quality standards, and pose no danger to public health and ecological safety, or are determined not to be solid wastes according to the solid waste identification standards and identification procedures.

利用、处置危险废物经营活动的;

(五) 未经批准擅自转移危险废物的;

(六) 未采取防范措施,造成危险废物扬散、流失、渗漏或者其他严重后果的。

#### 第一百二十一条

固体废物污染环境、破坏生态,损害国家利益、社会公共利益的,有关机关和组织可以依照《[中华人民共和国环境保护法](#)》、《[中华人民共和国民事诉讼法](#)》、《[中华人民共和国行政诉讼法](#)》等法律的规定向人民法院提起诉讼。

#### 第一百二十二条

固体废物污染环境、破坏生态给国家造成重大损失的,由设区的市级以上地方人民政府或者其指定的部门、机构组织与造成环境污染和生态破坏的单位和其他生产经营者进行磋商,要求其承担损害赔偿责任;磋商未达成一致的,可以向人民法院提起诉讼。

对于执法过程中查获的无法确定责任人或者无法退运的固体废物,由所在地县级以上地方人民政府组织处理。

#### 第一百二十三条

违反本法规定,构成违反治安管理行为的,由公安机关依法给予治安管理处罚;构成犯罪的,依法追究刑事责任;造成人身、财产损害的,依法承担民事责任。

#### 第九章 附则

**第一百二十四条** 本法下列用语的含义:

(一) 固体废物,是指在生产、生活和其他活动中产生的丧失原有利用价值或者虽未丧失利用价值但被抛弃或者放弃的固态、半固态和置于容器中的气态的物品、物质以及法律、行政法规规定纳入固体废物管理的物品、物质。经无害化加工处理,并且符合强制性国家产品质量标准,不会危害公众健康和生态安全,或者根据固体废物鉴别标准和鉴别程序认定为不属于固体废物的除外。



(2) "Industrial solid waste" means solid waste discharged in industrial production activities.

(3) "Consumer waste" means solid waste discharged from everyday life or from services provided to everyday life as well as the solid waste that is regarded as consumer waste under laws and administrative regulations.

(4) "Construction wastes" means waste soil, waste materials, and other solid wastes produced in the process of construction employers and construction contractors constructing, converting, expanding, and demolishing various buildings, structures, and piping, among others, as well as that of residents decorating and remodeling their properties.

(5) "Agricultural solid wastes" means solid wastes produced during agricultural production activities.

(6) "Hazardous waste" means solid waste that is included in the national list of hazardous waste or identified to be dangerous according to the identification criteria and methods of hazardous waste as prescribed by the State.

(7) "Storage" refers to an activity that temporarily places solid waste into specific facilities or sites.

(8) "Utilization" means an activity that distills substances as raw materials or fuels from solid waste.

(9) "Treatment" means activities conducted to reduce the quantity or volume of the discharged solid wastes, reduce or eliminate their dangerous composition through incineration or other methods that can change the physical, chemical or biological characteristics of the solid waste, or activities conducted ultimately to put solid wastes in landfills that meet the requirements of environmental protection, from which the solid waste shall never be taken back again.

**Article 125** This Law shall apply to the prevention and control of pollution by liquid wastes. However, the prevention and control of pollution by waste water discharged into a water body shall be governed by relevant laws other than this Law.

**Article 126** This Law shall come into force on September 1, 2020.

(二) 工业固体废物，是指在工业生产活动中产生的固体废物。

(三) 生活垃圾，是指在日常生活中或者为日常生活提供服务的活动中产生的固体废物，以及法律、行政法规规定视为生活垃圾的固体废物。

(四) 建筑垃圾，是指建设单位、施工单位新建、改建、扩建和拆除各类建筑物、构筑物、管网等，以及居民装饰装修房屋过程中产生的弃土、弃料和其他固体废物。

(五) 农业固体废物，是指在农业生产活动中产生的固体废物。

(六) 危险废物，是指列入[国家危险废物名录](#)或者根据国家规定的危险废物鉴别标准和鉴别方法认定的具有危险特性的固体废物。

(七) 贮存，是指将固体废物临时置于特定设施或者场所中的活动。

(八) 利用，是指从固体废物中提取物质作为原材料或者燃料的活动。

(九) 处置，是指将固体废物焚烧和用其他改变固体废物的物理、化学、生物特性的方法，达到减少已产生的固体废物数量、缩小固体废物体积、减少或者消除其危险成分的活动，或者将固体废物最终置于符合环境保护规定要求的填埋场的活动。

#### 第一百二十五条

液态废物的污染防治，适用本法；但是，排入水体的废水的污染防治适用有关法律，不适用本法。

**第一百二十六条** 本法自2020年9月1日起施行。



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