

Regulations on the Administration of National Environmental Monitoring

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Article type: Translated

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Chapter 1 General Provisions

Article 1 This Regulations is formulated in accordance with Article 26 of the Environmental Protection Law of the People's Republic of China (for trial implementation) which states that the environmental protection Administration under the State Council shall "organize the environmental monitoring, investigate into and keep well informed of the national environmental status quo and the trends of development and provide advice on improvement", and the Decision of the State Council on Strengthening Environmental Protection during the Period of National EconomicAdjustment.

Article 2 The task of environmental monitoring is to carry out regular monitoring of the various elements in the environment, perceive and analysis the environmental quality and the trends of development; monitor the discharge of pollutants by relevant units in a surveillant manner; support the government departments in the implementation of environmental laws and standards and the comprehensive environmental management work by providing accurate and reliable monitoring data and information; and carry out research in environmental testing technologies and promote the development of environmental monitoring technologies.

Article 3 The environmental monitoring administration shall be carried out under the unified planning, organization and coordination of the competent departments of environmental protection administration at all levels. Environmental testing sectors of every department, enterprise and institution shall participate in the environmental monitoring networks organized by the competent departments of environmental protection administration.

Chapter II Environmental Monitoring Organs

Article 4 The Ministry of Urban and Rural Construction and Environmental Protection shall establish the national environmental monitoring administration organs; the environmental protection departments of provinces, autonomous regions, municipalities directly under the Central Government and major municipalities under the provinces shall establish monitoring divisions and sections; and the environmental protection departments below the municipal level shall also establish corresponding environmental monitoring branches or assign special personnels in charge of environmental monitoring.

Article 5 The national environmental protection system includes four levels of environmental monitoring stations;□

First-level station: of China National environmental monitoring Centen;

Second-level station: provincial level environmental monitoring central stations established by provinces, autonomous regions and municipalities directly under the Central Government; □

Third-level station: municipal level environmental monitoring stations (or central stations) established by municipalities under the provinces, (establishment of monitoring stations by the administrative prefectures and leagues is not regulated here, and will be decided after the Institutions Adjustment); and Forth-level station: environmental monitoring stations established by counties, banners, county-level municipalities and districts of the municipalities.

Article 6 The environmental monitoring stations are under the leadership of environmental protection departments at the same level. They shall follow the instruction of environmental monitoring stations at the next higher level.

Article 7 The construction scale and furnishment of major instruments and devices of the environmental monitoring stations shall be decided according to the attached list and the local conditions. □

The establishment and scale of environmental monitoring stations of the departments, enterprises and institutions shall be decided by the competent departments.□

Article 8 The environmental monitoring stations are scientific and technological institutions, and are empowered to carry out supervision and inspection of actions causing environmental pollution and damages as authorized by the competent departments. The operating expenses of environmental monitoring stations shall be incorporated into the local financial budget at the same level, and the annual expenses for each person shall not be less than 3,000 to 3,500 Yuan.

Chapter III Duties and Functions

Article 9 Major duties of the competent departments of environmental protection administration at all levels in environmental monitoring include:□

1. Steering environmental monitoring work within their jurisdiction and issuing environmental monitoring tasks;□
2. Formulating plans for environmental monitoring and the construction and development of environmental monitoring stations networks and overseeing their implementation;□
3. Formulating environmental monitoring rules, operation systems, professional performance merit system, personnel training program and monitoring technical standards;□
4. Organizing and coordinating the work of environmental monitoring networks within their jurisdiction and being responsible for arranging the comprehensive environmental investigation and quality analysis;□
5. Organizing the editing of monthly reports and annual reports of environmental monitoring and reports on environmental quality;□
6. Organizing the examination of environmental monitoring technical plans and appraise the results, and analyzing the theories of environmental quality appraisal and their practical value; and □
7. Organizing national or international environmental monitoring technological cooperation and experience

exchanges.

Article 10 Major duties of the headquarters of China's environmental monitoring are:

1. Participating in the formulation of the national environmental monitoring plans and annual plans;□

2. Issuing professional and technical directions to the environmental monitoring stations, being responsible for the organization and coordination in the operation of the national environmental monitoring network, and organizing environmental monitoring technological exchanges and environmental monitoring technicians' trainings and professional performance examination;□

3. Organizing the research in statistical and analysis methods of environmental monitoring data, being responsible for the collection, accumulation, filing and gathering of the national environmental monitoring data and materials, editing the national environmental monitoring almanacs, editing the environmental pollution charts, comprehensive analysis of the national environmental quality status, and regularly reporting to the Ministry of Urban and Rural Construction and Environmental Protection;□

4. Being responsible for the quality of the national environmental monitoring, organizing the research of new technologies and new methods in environmental monitoring, organizing the research, manufacture, and distribution of standard reference materials in the environmental monitoring, and choosing the environmental monitoring instruments and devices for unified use by the whole country;□

5. Undertaking the national comprehensive environmental investigations and severe pollution accidents investigation, and being responsible for technical arbitration of disputes arising from major environmental pollution accidents in China and international environmental disputes; □

6. Participating in the formulation and revision of the national environmental standards and technical standards;□

7. Participating in the editing of the national environmental quality reports; and □

8. As commissioned by the Ministry of Urban and Rural Construction and Environmental Protection, participating in the examination of environmental impact statements of the national major new construction, reconstruction and expansion projects, and monitoring the environmental impact of the elimination projects.□

Article 11 Major functions of provincial level environmental monitoring central stations include:□

1. Participating in the formulation of local environmental monitoring plans and annual plans;□

2. Collecting, accumulating, filing and gathering local environmental monitoring data and materials to provide basic data for monitoring reports, and editing local environmental pollution almanacs; □

3. Issuing professional and technical directions to environmental monitoring stations at lower levels, being responsible for the organization and coordination in the operation of local environmental monitoring networks, organizing local environmental monitoring technological exchange, training and professional performance examination of environmental monitoring technicians at lower levels;□

4. Being responsible for the quality of local environmental monitoring; □

5. Undertaking local comprehensive environmental investigations and technical arbitration of environmental pollution disputes; 6. Participating in the formulation and revision of local environmental standards and technical standards, undertaking tasks in the formulation, revision and verification of the national environmental standards and providing proof data;□

7. Undertaking local environmental quality evaluation and monitoring technical research, and participating in editing local environmental quality reports; and

8. As commissioned by the competent departments of environmental protection administration, participating in the investigation of pollution accidents and examination of environmental impact statements, and monitoring the

environmental impact of the elimination projects.□

Article 12 Main functions of municipal level environmental monitoring stations include:

1. Carrying out regular monitoring of the quality status of the air, water body, soil, life-forms, noise, radioactivity and other environmental elements in accordance with the unified requirements of the State, analyzing, gathering, accumulating and filing the environmental monitoring data, and regularly submitting reports on local environmental quality status and the dynamic of pollution to the competent departments of environmental protection administration at the same level and monitoring stations at the next higher level;□

2. Conducting regular or irregularly surveillant examination of the local pollutants discharging units, establishing and completing the pollution sources archives, in order to provide monitoring data for strengthening pollution control and collecting pollutants discharge fees. The pollutants discharge collection administration units shall establish no testing branches;□

3. Participating in the formulation of local environmental monitoring plans and fulfilling the monitoring tasks necessary for the competent administrative departments in environmental management;□

4. Being responsible for the local environmental quality evaluation, participating in editing local environmental quality reports and editing local environmental monitoring almanacs;

5. Being responsible for organization and coordination of local monitoring networks and organizing technical exchange and the training of technicians;□

6. Researching into problems in field operation, sampling, spots allocation, transportation of samples, storage, analysis and testing and other important technological links, in order to promote the development of monitoring technologies;□

7. Undertaking the verification tasks of the national and local environmental standards, technical standards, new environmental testing technologies and new methods, and participating in the formulation and revision of local environmental standards; and

8. Participating in investigation of local pollution accidents and being responsible for the technical arbitration of environmental pollution disputes.□

Article 13 Major functions of environmental monitoring stations at the county, banner, county-level municipality and district of municipalities are:□

1. Formulating monitoring plans and conducting regular monitoring of the quality status of various local environmental elements of in accordance with the unified national requirements, regularly submitting monitoring data to stations at higher levels and editing local environmental quality reports;□

2. Conducting regular and irregular monitoring of the local pollutants discharging units, establishing pollution sources archives, supervising and examining the observation of the environmental laws and standards by the units, for the purpose of providing monitoring data for the collecting of pollutants discharge fees and other environmental management;

3. Fulfilling various monitoring tasks necessary for the competent departments of environmental administration in environmental management;□

4. Participating in investigation of local pollution accidents in order to provide monitoring data for the arbitration of environmental pollution disputes; and □

5. Publicizing guidelines and policies of environmental protection, organizing and mobilizing the citizens to take part in environmental supervision activities and organizing the non-governmental environmental monitoring networks.□

Article 14 Major functions of the various professional monitoring organizations under the departments (maritime or river basin monitoring organizations included) include:□

1. Participating in the formulation of environmental monitoring plans of their own systems or departments;□

2. Participating in the national or local environmental monitoring networks and conducting environmental

monitoring of the fields and scope under their jurisdiction; organizing the environmental monitoring networks of their own systems or river basins;

3. Participating in the formulation and revision of environmental standards assigned to their own departments or regions, and providing basis for the formulation or revision, and participating in discussion and examination of the national or local environmental standards;□

4. Participating in investigating of major pollution accidents occurring in the system, and examining the observation of the environmental laws and standards by their affiliated units;□

5. Participating in the environmental impact assessment of the new construction, reconstruction and expansion construction projects of units in the system or department;

6. Gathering the environmental monitoring data and materials of the systems or water basins, drawing the pollution dynamic charts and establishing pollution sources archives;

7. The monitoring stations of enterprises and institutions are responsible for regularly monitoring of pollutants discharge of their own units, and shall get timely knowledge about the pollutants discharge status and trend of development of their own units. While submitting the monitoring data and materials to the competent departments, these monitoring stations shall report to the local monitoring stations. The monitoring organs of all the units shall participate in local monitoring networks;□

8. Organizing monitoring technologies research of their own departments and industries, training of technical personnel and organizing technical exchange; and□

9. Environmental monitoring stations of the sanitary, hydraulic, maritime and other departments shall, besides being responsible for the special environmental monitoring of their own systems, coordinate with local environmental monitoring stations to participate in investigation of major pollution accidents organized by the competent departments of environmental protection administration.□

Chapter IV Management of Monitoring Stations

Article 15 The monitoring stations at all levels shall carry out the system of station directors' division of work with corresponding responsibility under the leadership of the Party Committee (Party branches) of the CCP.

The station directors shall be chosen from professional technicians.

Article 16 The personnel structure of the monitoring station shall be mainly professional technicians, and the proportion of technical operators shall not be less than 80 percent of the total.

The proportion of technicians at or above the middle level among the technical operators shall be: not less than 50 percent in the first-and second-level stations; not less than 30 in the third-level stations; and there shall be at least one or two technicians in the fourth-level stations.

Article 17 The technical title affairs of monitoring technicians (including laboratory analysis, research and management) shall be carried out in accordance with the Provisional Rules on the Technical Titles of Environmental Protection Cadres promulgated by the Environmental Protection Leading Group under the State Council and the Scientific and Technological Cadres' Bureau under the State Council.

The monitoring technicians shall be equally treated as the technicians in the environmental R & D units.

Article 18 The State establishes the environmental supervisors system. The monitoring stations at all levels shall be equipped with environmental supervisors. Employees at the monitoring stations shall be granted the environmental supervisor certificates of different levels upon passing the qualification test. The environmental supervisor certificates shall be made and granted by the Ministry of Urban and Rural Construction and Environmental Protection.

The environmental supervisors are representatives of the environmental monitoring stations in the monitoring,

supervision and inspection of pollution discharge and environmental quality damage and impact by units and individuals. □

Article 19 The State shall design uniforms for environmental monitoring employees. Environmental monitoring employees shall wear uniforms in monitoring, supervision and inspection. Environmental supervisors shall wear supervisor badges. □

Article 20 The monitoring stations shall be dutiful in monitoring quality administration, guaranteeing the accuracy and reliability of monitoring data and materials. □

Article 21 The monitoring data, materials and results belong to the State. No individual shall be authorized to plunder them. Without permission of the competent departments, no individuals or units are allowed to cite or publish the monitoring data and materials that have not been officially publicized. The management of confidential data and materials shall be strictly pursuant to the confidential regulations. Provision of the monitoring data, materials and results to the outside shall undergo the procedure of examination and approval. □

The environmental monitoring data, materials, various reports and important monitoring technical results shall be equally treated as other environmental scientific research achievements and shall participate in scientific research achievements certifications. □

Article 22 The environmental monitoring stations shall strengthen the management of monitoring instruments and devices, establish and complete the regulations for the use and management of instruments, devices and medicines and reagents, and timely report the major accidents to the competent departments. □

The vehicles for monitoring are special equipment for environmental monitoring and scientific research and shall not be used otherwise. □

Article 23 The administrative and logistic affairs of the environmental monitoring stations shall serve the monitoring operation. The station directors shall be authorized to punish those deliberately making things difficult for

operators and creating obstacles for the monitoring operation.□

Article 24 The operators in touch with poisonous and pernicious materials and engaging in investigation, analysis, sampling and management of pollution resources shall enjoy labor protection treatment and subsidies. □

Chapter V Environmental Monitoring Networks□

Article 25 The environmental monitoring networks are set up according to Document No. 27 (81) of the State Council which states that "the environmental protection departments shall take the lead to organize and closely coordinate the monitoring forces of all relevant departments in establishing the national monitoring networks."□

Article 26 The national environmental monitoring networks are categorized as the state, provincial and municipal networks.□

The environmental monitoring administration agencies under the competent departments of environmental protection administration at all levels shall be in charge of the organization and administration of the environmental monitoring networks. The headquarters of China's Environmental Monitoring Station, the provincial level environmental monitoring central stations and the municipal level environmental monitoring stations shall take the lead in the operation of the state, provincial and municipal networks respectively.□

Environmental monitoring networks shall be established for the major river systems, seas and agriculture, and are second level networks within the state network. □

The state environmental monitoring network shall consist of the provincial level environmental monitoring central stations, the special environmental monitoring stations of the departments of the state and leading units of monitoring networks of the river systems and seas. The provincial and municipal monitoring networks shall consist of the corresponding units.□

The member units within the environmental monitoring networks shall be cooperative partners, and their

professional and administrative subordinate relations shall not be changed.□

Detailed information about the division of labor and working rules and regulations of the member units in the environmental monitoring networks shall be found in the working rules of the environmental monitoring networks. The working rules of the environmental monitoring networks shall be formulated by the Ministry of Urban and Rural Construction and Environmental Protection.

Article 27 The environmental monitoring networks shall unite and coordinate with each other, carry out monitoring activities, gather, integrate and analysis data and information, and provide basic data and materials for comprehensive reports on environmental quality to the governments. □

Chapter VI Reporting Field□

Article 28 Environmental monitoring shall follow the system of monthly reporting, annually reporting and regularly editing of environmental quality reports.□

Presently the monthly monitoring report mainly reports one thing at a time, and shall gradually change toward a combination of one report about one thing and regular report and fix forms.□

In regions where automatic continuous monitoring stations are established, the system of daily report shall be established, with monitoring data and environmental quality status reported daily in unified forms.□

Article 29 The competent departments of environmental protection administration shall submit environmental monitoring monthly reports, annual reports and environmental quality reports to the people's governments at the same level and competent departments of environmental protection administration at higher levels. □

The environmental monitoring stations shall regularly provide the basic data and materials for the reports as required by the competent departments of environmental protection administration. The stations shall annually edit the monitoring almanacs. While almanacs and related data are submitted to the competent departments, copies of them shall be sent to the monitoring stations at higher levels.□

Article 30 The Urban and Rural Construction and Environmental Protection Departments (Bureaus) of provinces, autonomous regions and municipalities directly under the Central Government are authorized to formulate detailed implementation rules in the accordance with this Regulations.□

Article 31 This Regulations shall enter into force on the date of promulgation. The attached lists of construction scale, personnel structure and equipment of instruments and devices are formal contents of this Rules.

Article 32 [(WT)] This Regulations shall be interpreted by the Ministry of Urban and Rural Construction and Environmental Protection.

(This English version is for your reference only. In case any discrepancy exists between the Chinese and English context, the Chinese version shall prevail.)