

【Title】 Measures for Information Report of Environmental Emergencies [Effective]

【法规标题】 突发环境事件信息报告办法 [现行有效]

【法宝引证码】 CLI.4.150114(EN)

Date Issued: 04-18-2011

发布日期： 2011-04-18

Effective date: 05-01-2011

生效日期： 2011-05-01

Issuing authority: Ministry of Environmental Protection 发布部门： 环境保护部

Area of law: Environmental Protection

类别： 环境保护

Order of the Ministry of Environmental Protection

(No.17)

Measures for Information Report of Environmental Emergencies

The Measures for Information Report of Environmental Emergencies, as deliberated and adopted at the first executive meeting 2011 of the Ministry of Environmental Protection on March 24, 2011, are hereby promulgated and shall come into force on May 1, 2011.

Minister of Environmental Protection Zhou Shengxian

April 18, 2011

Measures for Information Report of Environmental Emergencies

Article 1 To regulate the information report of environmental emergencies and improve the capability of environmental protection departments to cope with environmental emergencies, these Measures are formulated in accordance with the Emergency Response Law of the People's Republic of China, the

Overall State Contingency Plans for Public Emergencies, the State Contingency Plans for Environmental Emergencies and the provisions of relevant laws and regulations.

Article 2 These Measures shall apply to the information report of the environmental protection departments on environmental emergencies.

Environmental emergencies are classified into 4 levels, extremely serious (Level I), very serious (Level II), serious (Level III) and ordinary (Level IV).

The information report of environmental nuclear and radiation emergencies shall be governed by the relevant laws and regulations of nuclear safety.

Article 3 The environmental protection departments of the people's governments at the level of a city divided into districts or at the county level at the locality of environmental emergencies shall immediately verify the environmental emergencies after finding or learning of it, and preliminarily confirm the nature and category of environmental emergencies.

As for an environmental emergency preliminarily confirmed as ordinary (Level IV) or serious (Level III), the environmental protection department of the people's government at the level of a city divided into districts or at the county level at the locality of the environmental emergency shall report to the environmental protection departments of the people's governments at the same level and at the next higher level within 4 hours.

As for an environmental emergency preliminarily confirmed as very serious (Level II) or extremely serious (Level I), the environmental protection departments of the people's governments at the level of a city divided into districts or at the county level at the locality of the environmental emergency shall report to the environmental protection department of the people's government at the same level and at the provincial level within 2 hours, as well as to the Ministry of Environmental Protection. The environmental protection department of the people's government at the provincial level shall verify the emergency after receiving it and report it to the Ministry of Environmental Protection within an hour.

Where the level of an environmental emergency changes in the process of handling, the information shall be reported according to the level after the change.

Article 4 In case any of the following environmental emergencies occurs for which the level cannot be confirmed for the time being, the environmental protection department of the people's government at the level of a city divided into districts or at the county level at the locality of the environmental emergency shall report as per the procedures for environmental emergencies of very serious (Level II) or extremely serious (Level I):

1. Causing impact or possible impact on drinking water source reserve areas;
2. Relating to residential areas densely populated, schools, hospitals and other sensitive areas and sensitive groups of people;
3. Relating to heavy metal pollution or metalloid pollution;
4. Causing any possible trans-provincial or transnational impact;
5. Causing mass incidents or relatively large social impact due to environmental pollution; and
6. Other environmental emergencies that are considered necessary to be reported by the environmental protection departments of the local people's governments.

Article 5 Where an environmental protection department of the people's government at a higher level learns of an environmental emergency prior to an environmental protection department of the people's government at a lower level, it may require the environmental protection department of the people's government at a lower level to verify it and report the corresponding information. The environmental protection department of the people's government at a lower level shall report it in accordance with the provisions of these Measures.

Article 6 The relevant information of an environmental emergency shall be reported to the General Duty Office of the Ministry of Environmental Protection, and be simultaneously reported to the Office of the Leading Group for Environmental Emergency Command of the Ministry of Environmental Protection. The Office of the Leading Group for Environmental Emergency Command of the Ministry

of Environmental Protection shall inform the relevant departments and bureaus within the Ministry of the relevant information, where it is necessary.

Article 7 The Ministry of Environmental Protection shall, after receiving the report of a very serious (Level II) or extremely serious (Level I) environmental emergency or any other environmental emergency necessary to be reported from the environmental protection department of the people's government at a lower level, timely report it to the General Duty Office of the State Council and the Secretariat of the General Office of the CPC Central Committee.

Article 8 Where an environmental emergency has involved or may involve an adjacent administrative region, the environmental protection department at the locality of the environmental emergency shall timely inform the environmental protection department of the people's government at the same level of the adjacent region, and put forward its suggestions to the people's government at this level for informing the people's government of the adjacent region. The informed environmental protection department shall timely investigate into the situation, and report the information of the environmental emergency in accordance with the provisions of Articles 3 and 4 of these Measures.

Article 9 An environmental protection department of the people's government at a higher level shall, after receiving the report of an environmental emergency submitted by an environmental protection department of the people's government at a lower level in the form of telephone, truthfully and accurately keep good records, and require the environmental protection department of the people's government at a lower level to timely report the written information.

As for an environmental emergency whose information is not clear or incomplete in elements, the environmental protection department of the people's government at a higher level shall require the environmental protection department of the people's government at a lower level to timely verify and supplement the information.

Article 10 The environmental protection departments of the people's governments at or above the county level shall establish environmental emergency information files, and submit monthly, quarterly, semi-annual and annual reports on environmental emergencies within their respective administrative regions and the statistics thereof to the environmental protection departments of the people's governments at the next higher level in accordance with the relevant provisions. The

environmental protection departments of the people's governments at the next higher level shall regularly bulletin the reports and the statistics thereof.

Article 11 The relevant confidentiality provisions of the state shall be observed in the reporting of environmental emergencies involving state secrets.

Article 12 The report on environmental emergencies shall be divided into an initial report, continued report and result report.

An initial report is the first report after finding or learning of an environmental emergency; a continued report shall be submitted at any time after making a thorough investigation of the relevant basic information and developments of the emergency; a result report shall be submitted after the handling of the environmental emergency is completed.

Article 13 An initial report on an environmental emergency shall cover the time and place of occurrence, the source of information, the cause and nature of the emergency, the basic process, the major pollutants and amount, monitoring data, human injuries, conditions about the impact on drinking water source areas and other environmentally sensitive points, the trend of emergency development, the handling of the emergency, the measures to be taken as well as a proposal for the next-step work, other preliminary information, and the schematics of distribution of environmentally sensitive points that may be affected by the environmental emergency shall be provided.

A continued report shall cover the progresses of emergency response on the basis of the initial report.

A result report shall, on the basis of the initial report and the continued report, cover the measures for, process and results of the handling of the environmental emergency, potential or indirect damages of the environmental emergency as well as the losses, social impact, residual problems after handling, accountability and other detailed information.

Article 14 The information of environmental emergencies shall be reported in writing by means of fax, network, mail, hand delivery, etc.; in urgent situations, an initial report may be made over telephone, but a written report shall be timely supplemented.

A written report shall state the reporting entity of the environmental emergency, the report issuer, the contact person, contact information, etc., and the maps, pictures as well as relevant multimedia materials shall be provided as much as possible.

Article 15 Whoever delays, falsifies, conceals or omits any information of an environmental emergency in the information report on the environmental emergency shall be circulated a notice of criticism; where any consequences are caused, the directly liable person in charge and other directly liable persons shall be imposed sanctions according to law and discipline; and if a crime is constituted, he shall be transferred to the judicial organ for criminal investigation according to law.

Article 16 The power to interpret these Measures shall remain with the Ministry of Environmental Protection.

Article 17 These Measures shall come into force on May 1, 2011. The Measures for Information Report of Environmental Emergencies by Environmental Protection Departments (for Trial Implementation) (No.50 [2006] of the Ministry of Environmental Protection) shall be abolished simultaneously.

Annex:

Standards for Classification of Environmental Emergencies

According to the seriousness and degree of urgency of emergencies, environmental emergencies shall be classified into four levels, i.e. extremely serious (Level I), very serious (Level II), serious (Level III) and ordinary (Level IV).

1. Extremely serious (Level I) environmental emergencies

It is an extremely serious environmental emergency if it is under any of the following circumstances:

(1) Directly causing the death of more than 10 persons or intoxication of more than 100 persons as a result of the environmental pollution;

(2) More than 50,000 persons shall be evacuated or transferred as a result of the environmental pollution;

(3) Causing direct economic losses of more than 100,000,000 yuan as a result of the environmental pollution;

(4) Causing the loss of regional ecological functions or the extinction of species under key national protection as a result of the environmental pollution;

(5) Causing the interruption of centralized water drawing from drinking water source areas of a city at or above the prefecture level as a result of the environmental pollution;

(6) Causing a serious and widespread radioactive contamination because Classes I and II radioactive sources are out of control; serious nuclear accidents occurred to nuclear facilities for which onsite emergency measures need to be taken, or the impact of accidental radiological consequences may be spread to adjacent provinces and overseas, or nuclear events above Level III according to the “International Nuclear Event Scale (INES)”; nuclear accidents occurred to nuclear facilities in Taiwan which are above Level IV according to the “International Nuclear Event Scale (INES)”; nuclear accidents occurred to nuclear facilities in neighboring countries which are above Level IV according to the “International Nuclear Event Scale (INES)”; or

(7) Environmental emergencies crossing national boundaries.

2. Very serious (Level II) environmental emergencies

It is a very serious environmental emergency if it is under any of the following circumstances:

(1) Directly causing the death of 3 persons up to 10 persons or intoxication of 50 persons up to 100 persons as a result of the environmental pollution;

(2) 10,000 up to 50,000 persons shall be evacuated or transferred as a result of the environmental pollution;

(3) Causing direct economic losses of 20,000,000 yuan up to 100,000,000 yuan as a result of the environmental pollution;

(4) Causing partial loss of regional ecological functions or the death of a large number of wild animals and plants under key national protection as a result of the environmental pollution;

(5) Causing the interruption of centralized water drawing from drinking water source areas of a city at or above the county level as a result of the environmental pollution;

(6) Heavy metal pollution or explosion, leakage and other event occurs in the process of production, storage, transportation and use of hazardous chemicals, or an environmental emergency caused by dumping, piling up, discarding or scattering hazardous wastes occurring in a key state river basin, national nature reserve, famous scenic sites or residential area, hospital, school or other sensitive area;

(7) Any Class I or Class II radioactive source is lost, stolen or out of control, which causes an environmental impact, or events occurring to nuclear facilities and uranium mine smelting facilities which reach the status of site emergency, or import cargoes are seriously out of the limits on radiation;
or

(8) Environmental emergencies crossing boundaries of provinces (autonomous regions or municipalities directly under the Central Government).

3. Serious (Level III) environmental emergencies

It is a serious environmental emergency if it is under any of the following circumstances:

(1) Directly causing the death of less than 3 persons or intoxication of 10 persons up to 50 persons as a result of the environmental pollution;

(2) 5,000 up to 10,000 persons shall be evacuated or transferred as a result of the environmental pollution;

(3) Causing direct economic losses of 5,000,000 yuan up to 20,000,000 yuan as a result of the environmental pollution;

(4) Causing damages to any species of animals and plants under key national protection as a result of the environmental pollution;

(5) Causing the interruption of centralized water drawing from drinking water source areas of a village or town as a result of the environmental pollution;

(6) Any Class III radioactive source is lost, stolen or out of control, which causes any environmental impact; or

(7) Environmental emergencies crossing boundaries of prefectures.

4. Ordinary (Level IV) environmental emergencies

Environmental emergencies other than extremely serious environmental emergencies, very serious environmental emergencies and serious environmental emergencies.