



中华人民共和国国务院令  
第 591 号

《危险化学品安全管理条例》已经 2011 年 2 月 16 日国务院第 144 次常务会议修订通过，现将修订后的《危险化学品安全管理条例》公布，自 2011 年 12 月 1 日起施行。

总理 温家宝

二〇一一年三月二日

**The Regulations on the Control over Safety of Dangerous Chemicals of the People's Republic of China was revised and passed at the 144th Executive meeting of the State Council on February 16, 2011, is hereby enacted. It is effective from on December 1, 2011.**

**Premier Wen Jiabao**

**March 2nd 2011**

## **Chapter I General Principles**

**Article 1** In order to strengthen the safe management of Dangerous Chemicals, to prevent and reduce hazardous chemical accidents, to guarantee the safety of human life and property and to protect the environment, these Regulations are hereby enacted.

**Article 2** The safe management for production, storage, use, operation and transportation of hazardous chemicals is governed by these Regulations. The disposal of waste Dangerous Chemicals within the territory of the People's Republic of China shall be governed by the relevant environmental protection laws, administrative regulations and relevant national provisions.

**Article 3** 'Dangerous Chemicals' refers to highly toxic and other chemicals hazardous to the human body, facilities and the environment which have toxic, corrosive, explosive, combustive and combustion-supporting properties. The Catalogue of Dangerous Chemicals shall be determined, promulgated and timely adjusted by the administrative departments in charge of the supervision and administration of safe production under the State Council along with the administrative departments in charge of industry and information technology, public security, environmental protection, health, quality supervision and inspection and quarantine, traffic control, railway, civil aviation, and administrative departments on agriculture under the State Council.

**Article 4** The safe management of Dangerous Chemicals should be carried out in accordance with the principles of safety first, prevention foremost, a policy of comprehensive treatment and the strengthening and implementation of the main responsibilities of enterprises. The personnel primarily in charge of units that manufacture, store, use, operated with and transport Dangerous Chemicals (hereinafter referred to as the "hazardous chemical units") must assume overall responsibilities for safe management activities for the Dangerous Chemicals of the unit. The Dangerous Chemicals units should possess the safety qualifications as specified in law, administrative regulations, national standards and industrial standards and establish and improve the safe management rules and regulations and job-related safety responsibility system and carry out the safety education, legal education and job-related technical training for personnel. The personnel

should receive education and training, and only those passing the examination may hold their posts. For posts with qualification requirements, the persons with corresponding qualifications should be staffed according to the law.

**Article 5** Units and individuals may not produce, operate with or use hazardous chemicals banned for production, operation or use by the state. For Dangerous Chemicals with restricted use determined by the State, units and individuals may not violate the restrictive provisions relating to the use of the Dangerous Chemicals.

**Article 6** The relevant departments in charge of supervision and administration of the manufacture, storage, use, operation and transportation of Dangerous Chemicals (hereinafter referred to as the departments in charge of management responsibilities over the safety supervision of Dangerous Chemicals) shall fulfill their responsibilities according to the following provisions:

(1) The administrative departments in charge of the supervision and administration for the safe production of Dangerous Chemicals shall be responsible for the comprehensive work of safety supervision and administration of Dangerous Chemicals, organize determination, promulgation and adjustment of catalogue on chemical articles, and examine the safety conditions for construction projects for establishment, reconstruction, and expansion and storage of Dangerous Chemicals (including transportation of hazardous chemicals with long distance pipeline, hereinafter inclusive), be responsible for the issuance of permits for the safe production of hazardous chemicals, safe use permits for hazardous chemicals and business licenses for operation with Dangerous Chemicals, and be responsible for the registration of Dangerous Chemicals.

(2) The public security authorities shall be responsible for the public security control of Dangerous Chemicals, for the issuance of highly toxic chemical purchase licenses, for the administration of highway transportation passes for highly toxic chemicals, and be responsible for safe management of hazardous chemical highway transportation.

(3) The administrative departments in charge of the quality supervision, inspection and quarantine control shall be responsible for the issuance of manufacturing licenses for Dangerous Chemicals and their packaging materials and containers (not including fixed type large storage tanks for the storage of Dangerous Chemicals), be responsible for the supervision over the quality of these products according to the law, be responsible for the inspection of packing materials and containers of Dangerous Chemicals, and shall be responsible for the supervision and examination of the import and export of Dangerous Chemicals and their packaging.

(4) The administrative departments in charge of environmental protection shall be responsible for the supervision and administration of the disposal of hazardous chemical waste, the organization of the appraisal of environmental damage of Dangerous Chemicals, the assessment of the environment risk level, determination of Dangerous Chemicals under key environmental management; be responsible for the registration for the environmental management of Dangerous Chemicals and for registration of the environmental management of new chemical substances; be responsible for the investigation of relevant hazardous chemical pollution accidents and the ecological damage in accordance with the division of their responsibilities; be responsible for the emergency monitoring of the sites of hazardous chemical accidents, and be responsible for the supervision and examination of the aforementioned matters.

(5) The administrative departments in charge of transportation shall be responsible for the highway transportation and water transportation of Dangerous Chemicals, the safety supervision of transportation of hazardous chemicals by water and the qualification of highway transportation enterprises for Dangerous Chemicals, drivers of water transportation units, ship crew,

handling management staff, escorts, declarers, and site inspectors of packing container. The administrative departments in charge of railway are responsible for safe management of railway transportation of Dangerous Chemicals, and be responsible for qualification approval of railway transportation consigners and carriers and the safe management of transportation tools. The administrative departments for civil aviation are responsible for safe management over airway transportation of dangerous goods and aviation transportation units and the transportation tools.

(6) The administrative departments in charge of health shall be responsible for the appraisal of the toxicity of Dangerous Chemicals, and organizing and coordinating the medical rescue of the personnel who are injured due to accidents involving Dangerous Chemicals.

(7) The administrations for industry and commerce shall, in accordance with the approval or licenses by the relevant departments, issue the business licenses for units that produce, store, operate with and transport Dangerous Chemicals, and investigate and deal with behaviors of illegal procurement of Dangerous Chemicals by enterprises engaged in the operation with Dangerous Chemicals.

(8) The administrative departments in charge of postage shall be responsible for the supervision and examination of Dangerous Chemicals sent by post.

**Article 7** The relevant departments in charge of supervision and administration of hazardous chemical units in accordance with these Regulations may exercise the following powers in the course of supervision and examination in accordance with the law:

(1) Enter operating sites of Dangerous Chemicals to make spot examinations, and to acquire information, access and copy relevant documents and materials from relevant units and persons;

(2) Order the parties concerned to eliminate the hidden dangers of accidents involving Dangerous Chemicals immediately or within a specified time limit when such risks are discovered;

(3) Order the parties concerned to immediately cease using facilities, equipment, apparatus, and means of transport that fail to meet the relevant laws, regulations, rules, and national standards and industry standards.

(4) By approval of the primary responsible person of the department concerned, close down the workplace involved in the illegal production, storage, use, management of Dangerous Chemicals in the workplace, seize the Dangerous Chemicals involved in the illegal production, storage, use, operation and transportation in addition to the raw materials, equipment and transportation tools used for the illegal production, use and transport of the Dangerous Chemicals;

(5) Make rectifications on the spot, or order the parties concerned to make rectifications when discovery of the illegal acts. The departments responsible for the safety supervision and administration of Dangerous Chemicals shall supervise and inspect in accordance with the law. The supervisors and inspectors may not be fewer than two people, and should present the enforcement certificates. The units and individuals concerned shall cooperate with the supervisions and inspections and may not refuse or hinder them.

**Article 8** The people's government at or above the county level should establish the mechanism for the coordination of the supervision and administration of Dangerous Chemicals, support and supervise the departments in accordance with the law to perform their duties and responsibilities of safety supervision and administration of Dangerous Chemicals and coordinate and solve the major existing problems with the safety supervision and administration work of Dangerous Chemicals. The departments with responsibilities of safety supervision and administration of Dangerous Chemicals should cooperate and work closely with each other, to

strengthen safety supervision and administration of Dangerous Chemicals in accordance with the law.

**Article 9** Units or individuals in violation of the provisions of these Regulations scan be reported to the department with responsibilities for the safety supervision and administration of relevant Dangerous Chemicals. The administrative department in charge of safety supervision and administration of Dangerous Chemicals in receipt of the report shall handle it in due time in accordance with the law; for duties not belonging to the department, they should be timely transferred to relevant departments for handling.

**Article 10** The State shall encourage manufacturers of Dangerous Chemicals and enterprises using Dangerous Chemicals engaged in production to adopt advanced technology, process, equipment and automatic control systems which are conducive to improving the safety control level and encourage specialized storage, uniform distribution and centralized sales for Dangerous Chemicals.

## Chapter 2 Production and Storage Safety

**Article 11** The State shall carry out the unified planning and rational arrangements for the production and storage of Dangerous Chemicals. The administrative department for industry and information technology under the State Council and other concerned departments under the State Council shall carry out the industrial planning and layout for the production and storage of Dangerous Chemicals in accordance with their respective responsibilities. The local people's government shall organize the preparation of urban and rural planning and plan appropriate zones specialized in the production and storage of Dangerous Chemicals.

**Article 12** Newly constructed, renovated or expanded construction projects for the production and storage of Dangerous Chemicals ((hereinafter referred to as construction projects) should be examined by the administrative department in charge of supervision and administration of safe production for safe production conditions. The construction unit should carry out safety conditions demonstrations on the construction project, entrust institutions with qualifications as prescribed by the state to carry out safety evaluations on construction projects, and report the safety condition demonstration and the conditions on the safety evaluation to the administrative department in charge of safe production supervision with the people's government at or above municipal level where the construction project is situated; the administrative department in charge of safe production supervision and administration should make a decision on the examination within 45 days upon receiving the report, and notify the construction unit in writing. The specific methods shall be formulated by the administrative department in charge of production safety supervision and administration under the State Council. Newly constructed, renovated or expanded port construction projects for the storage and handling of Dangerous Chemicals shall be examined for their safety condition by the port administrative department in line with the regulations of the administrative department for transportation under the State Council.

**Article 13** Units for the production and storage of Dangerous Chemicals should install prominent signs for hazardous chemical pipelines it installs and carry out periodic inspections and tests on the hazardous chemical pipelines. For any construction operation that may endanger the safety of the hazardous chemical pipelines, the construction unit should notify the unit to whom the pipeline belongs to in writing 7 days before the start of work, formulate the emergency plan

together with the pipeline-belonging unit, and take the corresponding safety protection measures. The pipeline-belonging unit shall designate special persons to give safety protection guidance on the pipelines of the site.

**Article 14** Before an enterprise producing Dangerous Chemicals starts production, it should obtain a hazardous chemical production license in accordance with the provisions in the ‘Regulations on Safe Production Licenses’. Any enterprise that produces hazardous chemicals listed in the industrial product catalogue implemented with production license system by the State should obtain a production license for industrial products in accordance with the ‘Regulation for the Management of Production Licenses for Industrial Products of the People’s Republic of China’. The administrative department in charge of issuing licenses for production of dangerous goods and licenses for the production of industrial products should timely inform the administrative department on industry and information technology, the administrative department for environmental protection and public security authorities on the situation of approved licenses.

**Article 15** Hazardous chemical manufacturers should provide corresponding material safety data sheets (SDS) for hazardous chemicals it produces, and paste or tie safety labeling for corresponding Dangerous Chemicals inside the package. All content stated in the material safety data sheet (SDS) and the safety labeling for chemicals should meet the requirements in the national standards. When a manufacturer finds any new hazardous characteristics of the Dangerous Chemicals it produces, it should make an announcement immediately and timely revise the SDS and safety labeling for the chemicals.

**Article 16** Any enterprise engaging in the production of key environmentally managed Dangerous Chemicals should report the information to the administrative department for environmental protection such as releasing the Dangerous Chemicals to the environment in accordance with the provisions of the competent department for environmental protection under the State Council.

The competent department for environmental protection can take appropriate environmental risk control measures in light of the specific circumstances.

**Article 17** The packaging of Dangerous Chemicals shall comply with the provision in the law, administrative regulations and rules and national and industry standards. The packaging of Dangerous Chemicals, materials for containers and the packaging type, specifications, methods, and unit mass (weight) should be consistent with the nature and the intended use of Dangerous Chemicals packaged.

**Article 18** Enterprises that produce packaging and containers for dangerous goods in the industrial product catalogue under the production license system of the State should receive a production license in accordance with the PRC Management ‘Regulations on Production License of Industrial Products’; the packaging and containers for the dangerous goods produced by the enterprises should pass the inspection of inspection institutions recognized by the Quality Supervision, Inspection and Quarantine Department of the State Council before leaving the factory for sale. The ships carrying Dangerous Chemicals and the loading containers should be manufactured in accordance with national codes for ship inspection, and pass the inspection by ship inspection bodies recognized by the maritime authorities before being put into use. For reusable packages and containers for dangerous goods, the unit in use of the packaging should check before repeated use; once any potential hazard is found, the packages and containers in question shall be repaired or replaced. The unit in use of the packaging should record the inspection results and record-keeping period shall not be less than 2 years.

**Article 19** Production units for dangerous goods or storage facilities with storage quantities great

enough to constitute a major hazard source (gasoline stations and gas filling stations for transportation vehicles excluded) and the distances with from the following premises, facilities and zones shall comply with relevant provisions of the state:

- (1) Residential areas and commercial centers, parks and other crowded places; (2) Schools, hospitals, theaters, stadiums and other public facilities;
- (3) Drinking water sources, water plants and water protected areas;
- (4) Stations, wharfs (except those permitted for loading and unloading of Dangerous Chemicals in accordance with the law), airports and communications lines, communication hubs, railway lines, highway trunk lines, waterway trunk lines, subway air kiosks and subway station entrances;
- (5) Basic farmland protection areas, basic grasslands, livestock and poultry genetic resource conservation areas, large-scale livestock farms (farming districts), fisheries area, seeds, animal husbandry and aquatic seed production bases;
- (6) Rivers, lakes, scenery spots and natural reserves;
- (7) Prohibited military zones and military control zones;
- (8) Other places, facilities and zones as specified by laws and administrative regulations.

When any unit already built for the production of Dangerous Chemicals or facility for the storage of Dangerous Chemicals in quantities great enough to constitute a major hazard source fails to meet the preceding provisions, the department for supervision and administration of safe production with the municipal people's government in the district where the unit or facility is located shall work together with concerned departments in supervising the concerned unit to undergo rectifications within a specified period. When any change in production, shutdown, relocation or closure is required, the local people's government shall make the decision and organize its implementation. The siting for facilities for the storage of Dangerous Chemicals in quantity constituting major hazard sources should avoid active seismic faults and areas susceptible to floods and geological disasters. The term 'Major Hazard' as referred to in these Regulations refers to the production, storage, use or handling of Dangerous Chemicals with the quantity of Dangerous Chemicals equal to or exceeding the critical quantity of the unit (including sites and facilities).

**Article 20** Units producing and storing Dangerous Chemicals should establish safety facilities for the monitoring, supervision, ventilation, sun protection, temperature regulation, fire prevention, firefighting, anti-explosion, pressure relief, anti-poisoning, neutralization, anti-moisture, anti-lightning, anti-static electricity, anti-corrosion, anti-leakage and protection dike or isolation operations in the workplace in accordance with the types and hazardous characteristics of the Dangerous Chemicals of production and storage; Regular maintenance and upkeep on safety facilities and equipment in accordance with national standards, industry standards or the relevant provisions of the State should be carried out and normal operation of safety facilities and equipment should be ensured. Units producing and storing Dangerous Chemicals should affix prominent safety warning signs in its workplace and on its safety facilities and equipment.

**Article 21** Units producing and storing Dangerous Chemicals should install communication and alarm devices in its workplace and ensure their good working condition.

**Article 22** Enterprises for production and storage of Dangerous Chemicals should entrust qualified institutions, as specified by the State, to conduct safety evaluations on the safe production conditions of the enterprise once every 3 years and then present safety evaluation report. The safety evaluation report shall incorporate the plan for correcting the problems existing in the safe

production conditions. Enterprises producing and storing Dangerous Chemicals should file its safety evaluation report and the implementation of its rectification plan to the administrative department in charge of supervision and administration of safe production to the people's government in the county where the enterprise is located for filing. Enterprises storing Dangerous Chemicals within the port area should file its safety evaluation report and the implementation of its rectification plan with the port administrative department.

**Article 23** Units producing and storing highly toxic chemicals or Dangerous Chemicals that can be used for making explosive products as stipulated by the public security department under the State Council (hereinafter referred to as explosion-prone Dangerous Chemicals) should truthfully record the quantity and flow direction of the highly toxic chemicals or explosion-prone Dangerous Chemicals under its production and storage and take necessary safety precautions to prevent the highly toxic chemicals and explosion-prone Dangerous Chemicals from being lost or stolen. If any highly toxic chemicals or explosion-prone Dangerous Chemicals are found to be lost or stolen, the unit should immediately report to the local public security authority. Units producing and storing highly toxic chemicals and explosion-prone Dangerous Chemicals should set up a security system with full-time security personnel.

**Article 24** Dangerous Chemicals should be stored in specialized warehouses, dedicated sites or dedicated storage rooms (hereinafter referred to as dedicated warehouses) and be managed by dedicated personnel. Highly toxic chemicals and any other Dangerous Chemicals in storage quantities constituting a major hazard source should be stored separately in dedicated warehouses and adopt a system of two-persons receiving and dispatching and two-person safekeeping system. The storage modes, methods and storage quantities of Dangerous Chemicals should meet the national standards or relevant state regulations.

**Article 25** Units storing Dangerous Chemicals should establish the warehouse-in/out and registration system. For highly toxic chemicals and any other Dangerous Chemicals in storage quantities constituting a major hazard source, the storing unit should report its storage quantity, storage location and the management personnel to the safe production supervision and administration departments (when stored in the port area, report to the port administrative department) and public security authority of the county level of the people's local government.

**Article 26** The dedicated warehouses for Dangerous Chemicals should meet the requirements of the national standards and industry standards and install prominent signs. Exclusive warehouses for the storage of highly toxic chemicals and explosion-prone Dangerous Chemicals should install its technical protection facilities in accordance with relevant provisions of the State. Units storing Dangerous Chemicals should carry out regular testing and inspection of safety facilities and equipment of the warehouses dedicated to Dangerous Chemicals.

**Article 27** In the cases of change in production line, production suspension, shutdown or dissolution, units producing and storing Dangerous Chemicals should take effective measures to timely and appropriately dispose of its Dangerous Chemicals production devices and storage facilities and the Dangerous Chemicals in storage and may not discard the Dangerous Chemicals. The disposal plan shall be submitted to the safe production supervision and administration department and the industry and information technology department, the environmental protection department and the public security authority of the county level of the local people's government. The safe production supervision and administration department shall work together with the environmental protection authority and the public security authority to supervise and inspect the disposal conditions, and order the unit in question to dispose immediately of any chemicals not disposed of in compliance with the provisions.

## Chapter 3 Safe Use

**Article 28** Any unit using Dangerous Chemicals shall ensure its use conditions (including technological process) is in compliance with the laws, administrative regulations, national standards and industry standards and based on the type of Dangerous Chemicals, its hazardous properties and the use volume and methods, establish and improve the use of Dangerous Chemicals safe management regulations and safe operation in order to guarantee the safety use of the Dangerous Chemicals.

**Article 29** Chemical enterprises (not belonging to hazardous chemical manufacturers, the same below) engaged in production with Dangerous Chemicals and with quantities of use reaching specified quantities should obtain a safety permit for the use of hazardous chemicals in accordance with the provisions in these Regulations. The quantity standard for use of Dangerous Chemicals as specified in the preceding paragraph shall be determined and published by the administrative department in charge of supervision and administration of safe production under the State Council and the public security department and agricultural department under the State Council.

**Article 30** An enterprise applying for a safety permit for the use of Dangerous Chemicals must also meet the following conditions in addition to those as specified in Article 28 in these Regulations:

- (1) Possess professional technicians compatible for the Dangerous Chemicals in use;
- (2) Have a safe management mechanism and full-time safe management personnel;
- (3) Have an emergency plan for hazardous chemicals and necessary emergency rescue apparatuses and equipment that meet the requirements of the State;
- (4) Have a safety evaluation performed in accordance with the law.

**Article 31** Chemical enterprises applying for a safety permit for the use of Dangerous Chemicals should file an application to the administrative department in charge of supervision and administration of safe production with the municipal people's government in the locality, and submit the evidence materials meeting the conditions as specified in the provisions in Article 30 in these Regulations. The municipal people's government in the locality shall decide on whether to grant approval within 45 days upon receiving the evidence materials. The administrative department in charge of supervision and administration of safe production should timely report the conditions on its issuing permits for safety use of Dangerous Chemicals to the environmental protection department and the public security authority the same level.

**Article 32** The provisions in Article 16 of these Regulations for manufacturers implemented with key environment management are applicable to the enterprises engaged in production of Dangerous Chemicals and implemented with key environment management. The provisions on units producing and storing Dangerous Chemicals in Article 20, Article 21, Clause 1 under Article 23, and Article 27 are applicable to units using hazardous chemicals. The provisions on enterprises producing and storing Dangerous Chemicals in Article 22 are applicable to enterprises engaged in production using Dangerous Chemicals.

## Chapter 4 Management Safety



**Article 33** The State shall implement the licensing system for operations involving Dangerous Chemicals (including warehousing operation, the same below). Any unit or individual may not engage in Dangerous Chemicals without permission. Hazardous chemical manufacturers legally established do not need to obtain operating licenses for the Dangerous Chemicals produced on their own. Port operators who have obtained port operation licenses in accordance with the provisions in the Port Law of the People's Republic of China do not need to obtain a license for the operating with hazardous chemicals when engaged in warehousing operations with Dangerous Chemicals in port areas.

**Article 34** Enterprises operating with Dangerous Chemicals must fulfill the following qualifications:

- (1) The operation premises should comply with the national standards and industry standards. For enterprises storing Dangerous Chemicals, the warehousing facilities should comply with the national standards and industry standards;
- (2) The personnel must be subject to professional technical training and have passed the examinations;
- (3) It should have well-established rules and regulations on safe management; (4) It should have full-time safe management staff;
- (5) It should have an emergency plan for hazardous chemical accidents and necessary emergency rescue apparatus and equipment in compliance with the state regulations;
- (6) Other conditions as stipulated by laws and regulations.

**Article 35** Enterprises operating with highly toxic chemicals and explosion-prone Dangerous Chemicals should file an application to the administrative department in charge of supervision and administration of safe production with the municipal people's government of the locality established within the district. Enterprises operating with other Dangerous Chemicals should file an application to the administrative department in charge of supervision and administration of safe production with the people's government at the county level of the locality (enterprises with storage facilities should apply to the department for supervision and administration of safe production of the municipal people's government of the locality established with districts). The applicant should submit the certified materials meeting the conditions as specified in Article 34 of these Regulations. The administrative departments in charge of supervision and administration of safe production with the municipal people's government of the locality established with districts or the administrative department in charge of supervision and administration of safe production with the people's government at county level of the locality should conduct an examination in accordance with the law, and conduct a site verification of the business place and storage facilities of the applicant, and make a decision on whether to grant approval for the application within 30 days upon receiving the \*certified materials. If approved, then a business license for Dangerous Chemicals can be issued; and if not approved, notification of the result in writing to the applicant and state reasons accordingly should be sent. The administrative department in charge of supervision and administration of safe production with the municipal people's government (with districts) of the locality or the administrative department in charge of supervision and administration of safe production with the people's government at county level of the locality should timely report the situation on its issuance of business licenses for Dangerous Chemicals to the environmental protection department and the public security authority of the same level. The applicant has to present the business license and go through the formalities for registration with the administrative department for industry and commerce before engaging in business activities with Dangerous Chemicals. When permission for operating with Dangerous Chemicals from other concerned departments is required in accordance with the laws, administrative regulations or the stipulations of the State Council, the applicant should also present the appropriate license documents when handling registration formalities with the administrative

department in charge of industry and commerce.

**Article 36** For the storage of hazardous chemicals, enterprises operating with Dangerous Chemicals should comply with the provisions on the storage of Dangerous Chemicals in Chapter 2 of these Regulations. Dangerous Chemicals stores can only keep Dangerous Chemicals in small packages for civilian purpose.

**Article 37** Enterprises operating with Dangerous Chemicals may not procure Dangerous Chemicals from enterprises engaged in production and operating activities on Dangerous Chemicals without permission, nor engage in operations with the Dangerous Chemicals without Material Safety Data Sheets or with chemicals without safety labeling.

**Article 38** Enterprises which have legally obtained a safe production licenses for Dangerous Chemicals, licenses on the safe use of Dangerous Chemicals, and business licenses for Dangerous Chemicals shall buy highly toxic chemicals and explosion-prone Dangerous Chemicals using the relevant license. Enterprises engaged in the production of explosives for civil use shall buy explosion-prone Dangerous Chemicals against presentation of license for production of explosives for civil use. When any unit other than that specified in the preceding provision procures highly toxic chemicals, it should obtain a permit for procuring highly toxic chemicals from the local public security authority under the county-level government of the locality. For units procuring explosion-prone Dangerous Chemicals, the legal use instructions issued by the supplier should be held. Individuals may not purchase toxic chemicals (with the exception of highly toxic chemicals for pesticides) and explosion-prone Dangerous Chemicals.

**Article 39** When applying for a permit for procurement of highly toxic chemicals, the applicant should submit the following materials to the public security authority of the county-level people's government of the locality:

- (1) Photocopies of its business license or legal certificate (registration certificate);
- (2) Explanation on the types and quantity of highly toxic chemicals to be procured;
- (3) Explanation of the use of the highly toxic chemicals to be procured;
- (4) Identification certification of the person handling the application;

The public security authority under the county-level people's government should make a decision on whether to grant approval for the application within 3 days from the date when the materials specified in the preceding provision are received, and issue the document of approval for procuring highly toxic chemicals. Otherwise, it shall notify the rejected applicants and state the reasons in writing. The administrative methods for licenses to buy highly toxic chemicals shall be formulated by the public security department under the State Council.

**Article 40** When any manufacturing enterprise or operation enterprise sells highly toxic chemicals, the relevant licenses or certifying documents should be examined as specified in Clause 1 and Clause 2 under Article 38 in these Regulations, and may not sell highly toxic chemicals and explosion-prone hazardous chemicals to units without relevant licenses or certifying documents. For enterprises with a license for buy highly toxic chemicals, the highly toxic chemicals should be sold according to the type and quantity as stated in the license. Highly toxic chemicals (with the exception of highly toxic chemicals for pesticides) and explosion-prone Dangerous Chemicals are prohibited from being sold to individuals.

**Article 41** When any manufacturing enterprise or operation enterprise sells highly toxic chemicals or explosion-prone Dangerous Chemicals, it should truthfully record the name and address of the buying unit, the name and ID card No. of the handling person, and the type, quantity and purpose of highly toxic chemicals and explosion-prone Dangerous Chemicals being bought. The sales record and a photocopy of the ID card of the handling person, the

photocopies of the relevant licenses or the certifying documents shall be kept for at least 1 year. The selling unit and buying unit of highly toxic chemicals and explosion-prone Dangerous Chemicals should report the type, quantity and flow direction of the highly toxic chemicals and explosion-prone Dangerous Chemicals sold and bought to the public security authority of the county-level people's government in the locality, and be inputted into the computer system within five days sold and bought.

**Article 42** Units using highly toxic chemicals and explosion-prone Dangerous Chemicals may not borrow or transfer any of its purchased highly toxic chemicals and explosion-prone Dangerous Chemicals. When any transfer is unavoidable due to change in the line of production, shutdown and relocation or closure, the transfer should go to only the units that have relevant licenses or certifying documents as specified in Clause 1 and Clause 2 of Article 38 in these Regulations, and the relevant circumstances have to be timely reported to the public security authority of the county-level people's government in the locality.

## Chapter 5 Transportation Safety

**Article 43** Those engaged in highway transportation and water transport of Dangerous Chemicals should obtain a license for highway transportation of dangerous goods, and a license for water transportation of dangerous goods should the registration formalities should be processed with the industrial and commercial administration department in accordance with the applicable provisions in laws and administrative regulations on highway transportation and water transportation. Enterprises engaged in highway transportation and water transportation of Dangerous Chemicals should be staffed with full-time safe management persons.

**Article 44** The drivers, crew, loading and unloading management staff, escort staff, declaration staff and site inspectors of container packing for highway transportation and water transportation enterprises of Dangerous Chemicals should pass examination by the department in charge of transportation and receive a professional qualification. The specific measures are developed by the administrative department in charge of communication under the State Council. The loading and unloading operations of Dangerous Chemicals should comply with the safety operating standards, procedures and systems, and be carried out under site command or supervision of the management personnel for handling. The container packing operations for the water transport of Dangerous Chemicals should be carried out under the command or supervision of site inspector for container packing, and meet the codes and requirements for stowage and segregation. After the packing operation is completed, the site inspector for container packing should sign the packing certificate.

**Article 45** For the transportation of Dangerous Chemicals, safety protection measures should be taken in accordance with the hazardous characteristics of the hazardous chemicals, and necessary protective equipment and emergency rescue equipment must be equipped. Trough containers and other containers used for transporting hazardous chemicals shall be sealed tight, and can prevent Dangerous Chemicals from seepage and leakage of Dangerous Chemicals due to change in temperature, humidity or pressure during transportation. The overflow and pressure relief devices for trough tanks and other containers should be set correctly and opened and closed flexibly. The drivers, shipmen, loading and unloading management personnel, and transport escorts and declaring personnel for transporting Dangerous Chemicals, and site inspectors for container packing should understand the hazardous characteristics of the Dangerous Chemicals and the use requirements for packages and vessels, and the emergency disposal methods when dangerous situations occur.

**Article 46** For Dangerous Chemicals transported by highway, the consignor should entrust enterprises for the transportation that have legally obtained licenses for the highway transportation of dangerous goods.

**Article 47** For Dangerous Chemicals transported by highway, the Dangerous Chemicals should be loaded in quantities in accordance with the rated loading weight of transportation vehicles. The vehicles for transporting Dangerous Chemicals shall meet the safety technology conditions as required in the national standards, and be subject to safety technology inspections at regular intervals in accordance with the relevant provisions of the State. The vehicles for transporting Dangerous Chemicals should hang or sprayed on warning signs as required in national standards.

**Article 48** The Dangerous Chemicals transported by highway shall be equipped with transport escorts, and guaranteed that the transportation of Dangerous Chemicals is carried out under the supervision of the transport escorts. When a long stop-time of the vehicle is required due to mid-way lodging or any circumstances influencing normal transportation, the driver and transport escort should take appropriate safety precautions. When highly toxic chemicals or explosion-prone Dangerous Chemicals are transported, the matter should also be reported to the local public security authority.

**Article 49** Without approval of the public security authority, vehicles transporting Dangerous Chemicals may not enter restricted access areas. Restricted access areas for Dangerous Chemicals shall be designated by the public security authority of the county-level people's government, and erected with prominent signs.

**Article 50** For the transportation of highly toxic chemicals by highway, the consignor shall apply to the public security authorities of the people's governments at the county level of places of departure and destination for a highway transportation pass for highly toxic chemicals. In order to apply for the highway transportation pass for highly toxic chemicals, a consignor shall submit the following materials to the public security authority of the county-level people's government:

- (1) A statement of the type and quantity of the highly toxic Dangerous Chemicals involved;
- (2) Descriptions on places of departure and destination, transportation times and transportation route;
- (3) The highway transportation permit for dangerous goods by the consignor, the operation certificate obtained for the transportation vehicles and the documents certifying the job qualifications of the drivers and the transport escorts;
- (4) Licenses related to purchase of highly toxic chemicals as specified in Clause 1 and Clause 2 in

Article 38 under these Regulations, or import and export documents issued by Customs. The public security authorities of the county-level people's government should make a decision on whether to grant approval within 7 days upon receiving the materials as specified in the preceding provision. If approved, the highway transportation pass for highly toxic chemicals should be issued; if not approved, notification to the rejected applicant in writing and explanation the reasons shall be provided. The public security authority of the State Council shall formulate the methods for the administration of the highway transportation pass for highly toxic chemicals.

**Article 51** Where highly toxic chemicals and explosion-prone Dangerous Chemicals are lost, stolen, robbed or spilled or leaked on the way of highway transportation, the driver and the transportation escort should immediately take the appropriate warning measures and safety measures and report to the local public security authority. After receiving the report, the public security authority shall notify the safety supervision and administration, environmental protection

authorities and health authorities within the shortest practical time in light of the actual circumstances. The relevant departments should take the necessary emergency measures.

**Article 52** The transportation of hazardous chemicals by water should be carried out in compliance with laws, administrative regulations and the regulations on safety of water transportation of dangerous goods by the administrative departments in charge of transportation under the State Council.

**Article 53** The maritime administration should determine the relevant safety transportation conditions of ships transporting Dangerous Chemicals on the basis of the types and hazardous characteristics of the Dangerous Chemicals. When any safety transportation conditions for the chemicals to be delivered for shipping is uncertain, the relevant safety transportation conditions shall be assessed by an agency recognized by the state maritime administration to be clearly defined, and be confirmed by the maritime administration before delivery to transportation by ship.

**Article 54** The transportation of highly toxic chemicals and other Dangerous Chemicals whose transportation has been prohibited by the administrative department in charge of communications of the State Council shall be prohibited to make use of shipping channels such as inland rivers and other enclosed waters. Highly toxic chemicals and other Dangerous Chemicals that are banned for transportation by inland river are prohibited from transportation by inland water other than that as specified in the preceding provision. The ranges of highly toxic chemicals and other hazardous chemicals prohibited for inland river transportation are determined and published by the administrative departments in charge of transportation under the State Council together with the administrative department in charge of environmental protection, the administrative department in charge of industry and information technology, and the administrative department in charge of supervision and administration of safe production in accordance with the hazardous characteristics of the Dangerous Chemicals, the hazard level of the chemicals to the human body and water environment and the difficulty level in eliminating the harmful consequences.

**Article 55** The administrative departments in charge of transportation should implement classification management of hazardous chemicals transported through inland river transportation, outside of those regulated by in Article 54 of these Regulations (hereinafter referred to as hazardous chemicals through inland river transportation), on basis of the hazardous characteristics of Dangerous Chemicals, and stipulate the transportation mode, packaging code and safety protection measures respectively for each type of Dangerous Chemicals and supervise the implementation of the same.

**Article 56** Dangerous Chemicals transported through inland river should be transported by a water transportation enterprise that has obtained a waterway transportation license in accordance with the law, and may not be transported by other units and individuals. The consignor should entrust a water transportation enterprise that has obtained a waterway transportation license in accordance with the law for carriage and may not entrust other units or individuals for carriage.

**Article 57** Dangerous Chemicals transported through inland water transportation should be transported with ships that have obtained a certificate of fitness for dangerous goods in accordance with the law. The water transportation enterprise should formulate the emergency rescue pre-proposal for accidents from transportation of Dangerous Chemicals for transporting ships in light of the hazardous characteristics of the Dangerous Chemicals being transported, and provide adequate and effective emergency rescue apparatuses and equipment for transportation vessels. For ships transporting Dangerous Chemicals through inland water, the owner or operator should obtain the insurance certificate for damage liability from ship pollution or financial guarantee certificate. The

copies of insurance certification for damage liability from ship pollution or financial guarantee certificate should be accompanied with the ship.

**Article 58** When Dangerous Chemicals are transported through inland river, the materials, types, strength and packaging method for packages of Dangerous Chemicals should meet the requirements in specification for package of hazardous chemicals transported by waterway. Where the administrative department in charge of communication under the State Council has restrictive provisions on the quantity of Dangerous Chemicals transported by single ship, the consignor should arrange for the quantity of transportation as stipulated.

**Article 59** The inland port and berths used for transportation of Dangerous Chemicals should meet the relevant national safety codes, and be kept a distance away from water intake sources for drinking water as stipulated by the State. The relevant management units should develop the emergency plan for accidents on Dangerous Chemicals of the inland river port and berths, and equip adequate and effective emergency rescue apparatuses and equipment for the port and berths. The inland port and berths used for transportation for the operation with Dangerous Chemicals may not be put into use before passing inspection by the administrative department in charge of communication in accordance with the applicable regulations of the state.

**Article 60** When ships carry Dangerous Chemicals for departure from and arrival at an inland port, the name of Dangerous Chemicals, hazardous characteristics, packaging and time of departure and arrival at ports should be reported to the marine administration in advance. Upon receiving the report, the marine administration should make a decision on whether to agree within the time as specified by the administrative department in charge of communication under the State Council and notify the reporting person, and also notify the port administrative department. The ships with fixed ship, scheduled route and specified cargos can be timely reported. For loading and unloading and transshipment operations of Dangerous Chemicals in inland ports, the matters e.g. name of Dangerous Chemicals, hazardous characteristics, packaging and operation time and location should be reported to the port administrative department. After receiving the report, the port administrative department should make a decision on whether to agree within the time as stipulated by the administrative department in charge of communication under the State Council and notify the reporting person as well as informing the maritime administration. When any ship carrying Dangerous Chemicals navigates in inland rivers and pass the ship-crossing structures, it should declare to the administrative department in charge of communication, and accept management by the administrative department in charge of communication.

**Article 61** When a ship carrying Dangerous Chemicals navigates, loads and unloads or berths at an inland river, a special warning sign should be hung on the ship and a special signal displayed as stipulated. When a ship carrying Dangerous Chemicals needs piloting in accordance with stipulations of the administrative department in charge of communication under the State Council when navigating in an inland river, it should apply for piloting.

**Article 62** When a ship carrying Dangerous Chemicals navigates in an inland river, it should observe the laws and regulations and the regulations on protection of drinkable water sources of the country in question. The development planning of the inland river course should be compatible with the plans defined for the approved protection zone for drinkable water source.

**Article 63** Consigners, when consigning Dangerous Chemicals, shall state the item names, quantities, hazards, and emergency disposal measures in case of dangerous conditions of the chemicals to the carriers, and appropriately package the consigned Dangerous Chemicals in accordance with the applicable stipulations of the State, and affix corresponding signs on the outside package. When depressors or stabilizers need to be added for the transportation of

Dangerous Chemicals, consignors shall add them to the consignment, and inform the carriers.

**Article 64** Consignors shall neither secretly carry Dangerous Chemicals in consigned common goods, nor withhold information about Dangerous Chemicals, nor report Dangerous Chemicals as common goods. Units and individuals shall not send Dangerous Chemicals by post, carry secretly such chemicals in mail and express post, withhold information about such chemicals, report such chemicals as common goods for post. When suspected violation of provisions in Clause 1 and 2 of this provision, the administrative department in charge of communication and the postal administration can unpack it for inspection in accordance with the law.

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

## **Chapter 6 Registration of Dangerous Chemicals and Emergency Rescue for accidents**

**Article 66** The State shall implement the system for the registration of Dangerous Chemicals, and provide the technical and informational support for the safety control of Dangerous Chemicals, accident prevention, and emergency rescue.

**Article 67** Enterprises that manufacture or import Dangerous Chemicals should register the Dangerous Chemicals with the authority for the registration of Dangerous Chemicals under the State Council (hereinafter referred to as the registration authority for Dangerous Chemicals). The registration of Dangerous Chemicals consists of the following items:

- (1) Classification and label information;
- (2) Physical and chemical properties;
- (3) Main uses;
- (4) Hazardous characteristics;
- (5) Safety requirements for storage, use and transportation;
- (6) Emergency disposal measures when dangerous circumstances occur.

The registration of Dangerous Chemicals of the same type produced and imported by a same enterprise should not be duplicated. When enterprises that produce and import Dangerous Chemicals find new hazardous characteristics associated with any of its produced and imported Dangerous Chemicals, it should go through the formalities for change of registration with the registration authority for Dangerous Chemicals. The specific measures for the registration of Dangerous Chemicals are formulated by the administrative department for supervision and administration of safe production under the State Council.

**Article 68** The authority responsible for the registration of Dangerous Chemicals shall provide the data and information about the registration of the chemicals to the administrative departments in charge of industry and information technology, environmental protection, public security, health, communication, railway and quality supervision and inspection and quarantine.

**Article 69** The administrative departments in charge of the supervision and administration of safe production of Dangerous Chemicals of the local people's governments at or above the county level shall jointly work with other departments concerned at the same levels including administrative departments in charge of industry and information technology, environmental protection, public security, health, communication, railway and quality supervision and

inspection and quarantine, and formulate the emergency rescue pre-proposals on accidents with Dangerous Chemicals, and implement them upon approval of the people's governments at the same levels.

**Article 70** Hazardous chemical units shall formulate their own emergency rescue pre-proposals, assign the emergency rescue personnel, be equipped with necessary emergency apparatus and equipment, and organize emergency drills at regular intervals. The pre-proposal for emergency rescue in case of hazardous chemical accidents shall be submitted to the administrative department in charge of the supervision and administration of safe production of Dangerous Chemicals of the people's government at the municipality level (with districts) for record.

**Article 71** In case of a hazardous chemical accident, the person primarily in charge of the unit involved shall, in accordance with the emergency rescue pre-proposal formulated by the unit, organize the rescue, and make a report to the local administrative department in charge of the overall work for the supervision and administration of safe production of Dangerous Chemicals, the administrative department in charge of environmental protection, the public security authority and the administrative department in charge of health respectively. When hazardous chemical accidents occur during highway transportation and waterway transportation, the driver, the ship crew or transport escort should also report to the administrative department in charge of communication at the place where the accident took place.

**Article 72** In case of a hazardous chemical accident, the local people's government concerned shall immediately organize the administrative department in charge of the overall work for the supervision and administration of safety production of Dangerous Chemicals, and the administrative department in charge of environmental protection, the public security authority, health and communication for rescue without any delay or prevarication and in accordance with the local emergency rescue contingent proposals.

The local people's government and its departments concerned shall, in accordance with the following provisions, adopt the necessary measures for the emergency disposal, reduction of loss caused by the accident, and to prevention of the accident from prolonging and escalate:

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

**Article 73** Enterprises that manufacture hazardous chemicals must provide the technical guidance and necessary assistance for the emergency rescue against accidents caused by Dangerous Chemicals.

**Article 74** The administrative departments in charge of environmental protection of the people's government at the municipality level (with districts) shall announce the information about the environmental protection caused by hazardous chemical accidents in a unified approach.



## Chapter 7 Legal Liability

**Article 75** Whoever produces, operates or uses Dangerous Chemicals banned for production, operation and use by the State, the administrative department in charge of supervision and administration of the safe production shall order the offender to stop activities on production, operation and use, and impose a fine of no less than 200, 000 CNY and not more than 500, 000 CNY. Illegal gains, if any, shall be confiscated. Whoever commits a crime shall be prosecuted for criminal liability according to the law. Whoever commits one of the preceding provisions, the administrative department in charge of supervision and administration of the safe production should order the offender to make biologically safe disposal of the Dangerous Chemicals it produces, operates and uses. Whoever uses hazardous chemicals and violates restrictive provisions on the use of Dangerous Chemicals shall be handled with in accordance with provisions in Paragraph 1 of this Article.

**Article 76** If any construction project for the construction, renovation and expanded for the production and storage of Dangerous Chemicals is carried out without the examination of safety conditions, the administrative department in charge of supervision and administration of safe production shall order the offender to stop construction and make rectifications within a specified time limit. The failure to rectify within the specified time limit is liable to a fine of not less than 500, 000 CNY and not more than 1 million CNY. Whoever commits a crime shall be prosecuted for criminal liability. For port construction projects for newly constructed, renovated and expanded for storage and loading and unloading of Dangerous Chemicals, the port administrative department shall impose a fine in accordance with provisions in the preceding paragraphs.

**Article 77** Whoever engages in production of Dangerous Chemicals without obtaining a license for safe production of Dangerous Chemicals or engages in the production of Dangerous Chemicals and packages and containers without obtaining a license for production of industrial products will constitute a violation according to the Regulation on Work Safety Licenses and the Regulation of the People's Republic of China on the Administration of Production License for Industrial Products. Whoever, in violation of these Regulations, engages in production using Dangerous Chemicals without obtaining a license for safety use of Dangerous Chemicals, the administrative department in charge of supervision and administration of safe production shall order them to correct within a specified time limit, and impose a fine in amount of not less than 100, 000CNY and not more than 200, 000 CNY. Failing to rectify within the specified time limit, the offender shall be order to suspend production until rectification. Whoever, in violation of these Regulations, engages in the operation with Dangerous Chemicals without obtaining business a license for Dangerous Chemicals, the administrative department in charge of supervision and administration of safe production shall order them to stop business activities, confiscate the Dangerous Chemicals involved in illegal operation and the illegal gains, and impose a fine of not less than 100, 000CNY and not more than 200, 000CNY. Whoever commits a crime shall be prosecuted for criminal liability.

**Article 78** Whoever, in violation of these Regulations, commits one of the following acts, the administrative department in charge of supervision and administration of safe production shall order them to rectify, and can impose of a fine of not more than 50, 000CNY. If the offender refuses to rectify, the offender shall be imposed with a fine of not less than 50, 000CNY and not more than 100, 000CNY, and in serious circumstances, be ordered to stop production for rectification.

(1) Units manufacturing and storing Dangerous Chemicals that fail to install prominent marks on the hazardous chemical pipes it installs, or fails to make periodical inspections and tests on hazardous chemical pipes;

(2) For construction operations possibly endangering the safety of hazardous chemical pipes, construction units that fail to notify the unit to which the pipe belongs in writing as stipulated, or fails to jointly develop emergency pre-proposal together with the unit to which the pipe belongs, take corresponding safety protection measures, or the unit to which the pipe belongs fails to designate dedicated persons to the site for guidance on safety protection of pipes;

(3) When the Dangerous Chemicals manufacturer fails to provide safety data sheets on chemicals, or fails to paste or hang safety labeling for chemicals on the package (including outer package parts);

(4) The safety data sheet on chemicals provided by the Dangerous Chemicals manufacturer is inconsistent with the Dangerous Chemicals it manufactures, or the chemical safety labeling pasted or hanged on the package (including outside package parts) is inconsistent with the Dangerous Chemicals inside package, or the contents stated in the safety data sheet on chemicals and the safety labeling for chemicals fail to meet the requirements in national standards;

(5) The Dangerous Chemicals manufacturer does not announce immediately upon finding any new hazardous characteristics on the Dangerous Chemicals it produces, or fails to timely revise the safety data sheet on chemicals and the safety labeling for chemicals;

(6) Enterprises operating with Dangerous Chemicals without safety data sheets on chemicals and safety labeling for chemicals;

(7) Using material of packages and containers, models, specifications, methods, and unit quantity (weight) of the packaging of Dangerous Chemicals not adapted to the properties and purposes of the packaged Dangerous Chemicals;

(8) Units manufacturing or storing Dangerous Chemicals that fail to install obvious safety warning signs in the workplace and safety facilities and equipment, or fail to install communication and alarm devices in the workplace;

(9) Specialized warehousing for Dangerous Chemicals is not assigned with full-time person for management, or with highly toxic chemicals in storage or other hazardous chemicals in storage quantities constituting major hazard source that practice a double-person receiving and dispatching and double-person preservation system;

(10) Units storing hazardous chemicals that fail to establish hazardous chemicals a warehouse-in/out verification and registration system;

(11) The special warehousing for Dangerous Chemicals is not established with prominent signs; (12) Any Dangerous Chemicals manufacturer and importing enterprises that do not register its Dangerous Chemicals, or is found not to go through the formalities on change of the registration of Dangerous Chemicals after finding new hazardous characteristics with the Dangerous Chemicals it manufactures or imports. When any port operator engaged in warehousing operations with Dangerous Chemicals is involved in any circumstances specified in the preceding provisions, the port administrative department shall penalize violations in accordance with the preceding paragraphs. Any specialized warehouse storing highly toxic chemicals and explosion-prone Dangerous Chemicals that fail to install the corresponding technical protection facilities in accordance with relevant state regulations, the public security authority shall penalize in accordance with the preceding paragraphs. If any unit manufacturing or storing highly toxic chemicals and explosion-prone Dangerous Chemicals does not set up its security organization or equip full-time security staff, the unit shall be penalized in accordance with the Regulation on Internal Security and Safeguard for Enterprises and Public Institutions.

**Article 79** If any manufacturer manufacturing packages and containers of Dangerous Chemicals

sells packages and containers for Dangerous Chemicals that have not been inspected or have failed to pass inspection, the administrative department in charge of quality supervision, inspection and quarantine shall order it to make rectifications, and impose a fine of not less than 100,000 CNY and not more than 200,000 CNY. The illegal gains, if any, shall be confiscated. If it fails to make the rectifications with the specified time limit, it shall be ordered to stop business or stop operations until rectification. Whoever commits a crime shall be prosecuted for criminal liability according to the law. For any ship and its loaded containers for transporting Dangerous Chemicals that fail to pass the inspection, the maritime administration shall penalize in accordance with provisions in the preceding paragraphs.

**Article 80** When any unit manufacturing, storing or using Dangerous Chemicals commits one of the following acts, the administrative department in charge of supervision and administration of safe production shall order the unit to make rectifications, and impose a fine of not less than 50,000 CNY but not more than 100,000 CNY. If it fails to make rectifications with the specified time limit, it shall be ordered to stop business or stop operation until rectification up to the original license-issuing authorities revoke its license as related, and the administration for industry and commerce orders it to handle formalities on registration change of its operation scope or revocation of its business license. Where it violates the Criminal Law, the related responsible person shall be prosecuted for criminal liability according to the laws.

- (1) The packing materials and containers for repeated use are not inspected before being used.
- (2) Safety facilities and equipment are not installed in workplace in accordance with the types and hazardous characteristics of the Dangerous Chemicals under its manufacture and storage, or the safety devices and equipment are not routinely maintained and up-kept in accordance with the national standards, industry standards or relevant national regulations;
- (3) Safety evaluations are not carried out on its safe production conditions at regular intervals in accordance with these Regulations;
- (4) Dangerous Chemicals are not stored in specialized warehouses, or the highly toxic chemicals and other Dangerous Chemicals that constitute serious hazard sources in quantities are not stored separately in the specialized warehouse.
- (5) The storage mode, method or storage quantities of Dangerous Chemicals do not meet the national standard or relevant state regulations;
- (6) The specialized warehouse for Dangerous Chemicals fails to meet the requirements in national standards and industry standards;
- (7) The safety facilities and equipment in specialized warehouse for Dangerous Chemicals is not tested and inspected at regular intervals; When port operators engaged in warehousing operations with hazardous chemicals has any circumstance as specified in the preceding provisions, the port administrative department shall penalize in accordance with the preceding paragraphs.

**Article 81** In case of any of the following circumstances, the public security authority shall order the offender to make rectifications, and can impose a fine of not more than 10,000 CNY. If the offender refuses to make rectifications, it will be imposed a fine of not less than 10,000 CNY and not more than 50,000 CNY:

- (1) Where a unit that manufactures, stores and uses highly toxic chemicals and explosion-prone Dangerous Chemicals fails to truthfully record the quantity and flow direction of highly toxic chemicals and explosion-prone Dangerous Chemicals involved in its production, storage and use;

(2) Where a unit that manufactures, stores and uses highly toxic chemicals and explosion-prone hazardous chemicals fails to report to the public security authority when the highly toxic chemicals and explosion-prone Dangerous Chemicals are lost or stolen;

(3) Where a unit storing highly toxic chemicals do not report the quantity, storage locations, and management personnel of stored highly toxic chemicals to the local public security authority of the county-level people's government of the locality for record;

(4) Where a Dangerous Chemicals manufacturer or management enterprise does not truthfully record the name and address of the unit buying the highly toxic chemicals and explosion-prone Dangerous Chemicals being bought, the name and ID card No. of the handling person, and the type, quantity and purpose of highly toxic chemicals and explosion-prone Dangerous Chemicals being bought; and the sales record and a photocopy of the ID card of the handling person, the photocopies of the relevant licenses or the certifying documents are kept for less than 1 year.

(5) Sales units and buying units of highly toxic chemicals and explosion-prone Dangerous Chemicals that fail to report the type, quantity and flow direction of the highly toxic chemicals and explosion-prone Dangerous Chemicals sold and bought to the public security authority of the county-level people's government in the locality for record.

(6) Units using highly toxic chemicals and explosion-prone Dangerous Chemicals that do not report the relevant circumstances to the public security authority of the county-level people's government of the locality after borrowing or transferring any of its bought highly toxic chemicals and explosion-prone Dangerous Chemicals in accordance with these Regulations. Where an enterprise for production and storage of hazardous chemicals or enterprise engaged in production of hazardous chemicals fails to file its safety evaluation report and the implementation of a rectification plan to the administrative department in charge of supervision and administration of safe production business to the administrative department in charge of supervision and administration of safe production or the port administrative department for record in accordance with these Regulations; or a unit storing Dangerous Chemicals that fail to report the storage quantity, storage location of the highly toxic chemicals and other Dangerous Chemicals constituting major hazard source in quantity and the management persons to the administrative department in charge of the supervision and administration of safe production or the port administrative department for record in accordance with these Regulations shall be penalized respectively in accordance with the preceding paragraphs.

Where any Dangerous Chemicals manufacturer of key environmental managed Dangerous Chemicals or enterprise engaged in manufacturing using key environmental managed Dangerous Chemicals that doesn't report relevant information to the administrative department in charge of environmental protection as stipulated in the regulation, the administrative department in charge of environmental protection shall penalize in accordance with the provisions in paragraph of this Article.

**Article 82** In case of change in production line, production suspension, shutdown or dissolution, units producing and storing Dangerous Chemicals that fail to take effective measures to timely and appropriately dispose of its Dangerous Chemicals production devices and storage facilities and the Dangerous Chemicals in storage, or discard the Dangerous Chemicals, then the administrative department in charge of supervision and administration of safe production shall order the offender to make rectifications, and impose a fine of not less than 50, 000CNY and not more than 100, 000CNY. Whoever commits a crime shall be prosecuted for criminal liability according to law. Where in case of change in production line, production suspension, shutdown or dissolution, the unit for production, storage and use of Dangerous Chemicals fails to report the disposal plan on Dangerous Chemicals production device and storage facilities and the Dangerous

Chemicals in storage to the concerned department for record, the concerned department shall order the offender respectively to make rectifications, and impose a fine of not more than 10, 000CNY. If the offender refuses to make rectifications, it will be imposed a fine of not less than 10, 000CNY and not more than 50, 000CNY:

**Article 83** When an enterprise engaged in operation of Dangerous Chemicals buys Dangerous Chemicals from enterprises illegally carrying out production and operation activities of Dangerous Chemicals without permission, the administrative department in charge of industry and commerce shall order the unit to correct, and impose a fine of not less than 100,000 CNY but not more than 200,000 CNY. If it fails to make rectifications within a specified time limit, it shall be ordered to stop business or stop operations for rectification until the original license-issuing authorities revoke its license for the operation with Dangerous Chemicals, and the administration for industry and commerce orders it to handle formalities on registration change of its operation scope or revocation of its business license.

**Article 84** When any Dangerous Chemicals manufacturer or enterprise engaged in the operation with Dangerous Chemicals commits one of the following acts, the administrative department in charge of supervision and administration of safe production shall order the unit to correct, and impose a fine of not less than 100,000 CNY but not more than 200,000CNY. If it fails to make rectifications with the specified time limit, it shall be ordered to stop business or stop operation until rectification up to the original license-issuing authorities revoke its license for safety production of Dangerous Chemicals, and the license for the operation with Dangerous Chemicals, and the administration for industry and commerce orders it to handle formalities on registration change of its operation scope or revocation of its business license.

(1) When selling any highly toxic chemicals and explosion-prone Dangerous Chemicals to any unit not holding any relevant license or certifying documents as specified in Clause 1 and Clause 2 under Article 38 in these Regulations;

(2) Sell highly toxic chemicals in type and quantity not as stated in the license;

(3) When selling any highly toxic chemicals (except for pesticides belonging to highly toxic chemicals) and explosion-prone Dangerous Chemicals to individuals. When any unit not holding any relevant license or certifying documents as specified in Clause 1 and Clause 2 under Article

38 in these Regulations buys any highly toxic chemicals and explosion-prone Dangerous Chemicals, or individual buys highly toxic chemicals (except for pesticides belonging to highly toxic chemicals) and explosion-prone Dangerous Chemicals, the public security authority shall confiscate the highly toxic chemicals and explosion-prone Dangerous Chemicals bought and can concurrently impose a fine of not more than 5,000CNY. When any unit using highly toxic chemicals and explosion-prone hazardous chemicals borrows or transfers any of its bought highly toxic chemicals and explosion-prone Dangerous Chemicals to any unit that does not have relevant licenses or certifying documents as specified in Clause 1 and Clause 2 of Article 38 in these Regulations, or transfers any of its bought highly toxic chemicals (except for pesticides belonging to highly toxic chemicals) and explosion-prone hazardous chemicals to any individual, the public security authority shall order the offender to make rectifications, and impose a fine of not less than 100,000 CNY and not more than 200, 000CNY. If the offender refuses to make rectifications, it will be ordered to stop business or stop operation for rectification.

**Article 85** Those engaged in highway transportation and water transport of Dangerous Chemicals without obtaining a license for the highway transportation of dangerous goods and water transportation of dangerous goods should be penalized respectively in accordance with the provisions in the laws and administrative regulations on highway transportation and water

transportation.

**Article 86** In case of any of the following circumstances, the administrative department in charge of communication shall order the offender to make rectifications, and impose a fine of not less than 50, 000 CNY and not more than 100, 000 CNY. If the offender refuses to make rectifications, it will be ordered to stop business or stop operation for correction. Whoever commits a crime shall be prosecuted for criminal liability according to the law.

(1) The drivers, crew, loading and unloading management staff, transport escorts, declaration staff and site inspectors of container packing for highway transportation enterprises and water transportation enterprises of Dangerous Chemicals who work in their posts without passing the professional qualification examination.

(2) For the transportation of hazardous chemicals, the safety protection measures are not adopted in accordance with the hazardous characteristics of the Dangerous Chemicals, and necessary protective equipment and emergency rescue equipment are not equipped.

(3) Where Dangerous Chemicals are transported by inland river transportation using ships that haven't obtained the waterway transportation licensing in accordance with the law;

(4) Where the carrier transporting Dangerous Chemicals through inland river transports Dangerous Chemicals in violation of restrictive provisions on quantity for Dangerous Chemicals transported with single ship as stipulated by the administrative department in charge of communication under the State Council;

(5) Where the inland port and berths used for transportation of Dangerous Chemicals fail to meet the relevant national safety codes, and fail to keep the safe distance from the water intake sources for drinking water as stipulated by the State, or put into use without passing acceptance by the administrative unit in charge of communication.

(6) Where a consigner, when consigning Dangerous Chemicals, does not state the item names, quantity, hazards, and emergency disposal measures in case of dangerous conditions of such chemicals to the carriers, nor package appropriately the consigned Dangerous Chemicals in accordance with the applicable stipulations of the State, nor affix corresponding signs on the outside package;

(7) When the depressors or stabilizers needed for the transportation of Dangerous Chemicals, and consignor does not add them to the consignment, nor inform the carriers.

**Article 87** In case of any of the following circumstances, the administrative department in charge of communication shall order the offender to make rectifications, and imposes a fine of not less than 100, 000 CNY and not more than 200, 000 CNY. Illegal gains, if any, shall be confiscated. If the offender refuses to make rectifications, it will be ordered to stop business or stop operation for rectification. Whoever commits a crime shall be prosecuted for criminal liability according to the law.

(1) For Dangerous Chemicals transported by highway, the consignor does not entrust enterprises that have legally obtained licenses for highway transportation of dangerous goods for transportation;

(2) Where highly toxic chemicals are transported through inland enclosed water and other Dangerous Chemicals are transported through inland rivers whose transportation has been prohibited by the State stipulations;

(3) Where highly toxic chemicals and other Dangerous Chemicals are transported through inland

rivers whose transportation has been prohibited by the State stipulations;

(4) Where a consignor secretly carries Dangerous Chemicals in consigned common goods, or withholds information about Dangerous Chemicals, or report Dangerous Chemicals as common goods. Where any unit or individual sends Dangerous Chemicals by post, or secretly carry such chemicals in mails and expresses, or withhold information about such chemicals, or report such chemicals as common goods for post, the offender shall receive punishment by the security administration. Whoever commits a crime shall be prosecuted for criminal liability according to the law. Where any postal enterprise or courier express enterprise receives and delivers Dangerous Chemicals, the offender will be punished in accordance with the Postal Law of the People's Republic of China.

**Article 88** In case of any of the following circumstances, the public security authority shall order the offender to make rectifications, and can impose a fine of not less than 50, 000 CNY and not more than 100, 000 CNY. Whoever commits an act against security administration shall receive punishment by the security administration. Whoever commits a crime shall be prosecuted for criminal liability according to law.

- (1) Where Dangerous Chemicals are loaded in quantities exceeding the rated loading weight of transportation vehicles;
- (2) Where the vehicles for transporting Dangerous Chemicals fail to meet the safety technology conditions as required in the national standards;
- (3) Where vehicles transporting Dangerous Chemicals enter restricted access areas without approval of the public security authority;
- (4) Highly toxic chemicals are transported by highway without obtaining the transportation pass for highly toxic chemicals;

**Article 89** In case of any of the following circumstances, the public security authority shall order the offender to make rectifications, and can impose a fine of not less than 10, 000 CNY and not more than 50, 000CNY. Whoever commits an act against security administration shall receive punishment by the security administration.

- (1) The vehicles for transporting Dangerous Chemicals are not hung or sprayed with warning signs as required in the national standards; or hanged or sprayed with warning signs not meeting the requirements in the national standards;
- (2) A transport escort is not allocated when transporting Dangerous Chemicals by highway;
- (3) When a long stop-time of the vehicle is required in during the transport of the highly toxic chemicals or explosion-prone Dangerous Chemicals, and the driver and transport escort do not report to the local public security authority.
- (4) Where highly toxic chemicals and explosion-prone hazardous chemicals are lost, stolen, robbed or spilled or leaked on the way of highway transportation, and the driver and the transportation escort does not immediately take appropriate warning measures and safety measures, nor report to the local public security authority.

**Article 90** For enterprises undertaking highway transportation of hazardous chemicals that assume total or main responsibilities in a traffic accident, the public security authority shall order the enterprise to eliminate safety hazards and any vehicle transporting Dangerous Chemicals is prohibited from driving on the highways before eliminating safety hazards.

**Article 91** In case of any of the following circumstances, the administrative department in charge

of communication shall order the offender to make rectifications, and impose a fine of not more than 10, 000 CNY. If the offender refuses to make rectifications, it will be imposed a fine of not less than 10, 000CNY and not more than 50, 000CNY.

(1) Enterprise engaged in highway transportation and water transportation of Dangerous Chemicals is not staffed with full-time safe management persons.

(2) The relevant management units do not develop an emergency plan for accidents with Dangerous Chemicals of inland river ports and berths, or do not equip the port and berths with adequate and effective emergency rescue apparatuses and equipment.

**Article 92** In case of any of the following circumstances, punishment shall be given in accordance with the Regulations of the People's Republic of China Concerning the Administration of Traffic Safety on Inland Waters:

(1) Water transportation enterprises that transport Dangerous Chemicals through inland rivers that do not formulate the emergency rescue pre-proposal for accidents for the transportation of Dangerous Chemicals for transporting ships, or do not provide adequate and effective emergency rescue apparatuses and equipment for the transportation vessels.

(2) For ships transporting Dangerous Chemicals through inland water, the owner or operator does not obtain the insurance certificate for damage liability from ship pollution or financial guarantee certificate.

(3) When a ship carries Dangerous Chemicals for departing from and arriving at an inland port and it does not report the relevant matters to the marine administration in advance.

(4) When a ship carrying Dangerous Chemicals navigate, load and unload or berth in the inland river, the ship is not hung with special warning signs, nor displays special signals as stipulated, nor apply for piloting as per stipulations. For any loading and unloading and transshipment operation on Dangerous Chemicals in the inland port without reporting to and consent from the port administrative department, the offender will be punished in accordance with the Port Law of the People's Republic of China.

**Article 93** For forging, alteration or rental, borrowing or transfer of license for safe production of Dangerous Chemicals or license for production of industrial products, or use of any forged or altered license for safe production of Dangerous Chemicals or license for production of industrial products, the offender shall be punished respectively in accordance with the provisions in the Regulations on Production Safety Licenses and the PRC Regulation for Management of Industrial Product Production License. For forging, alteration or rental, borrowing or transfer of license for other licenses as specified in these Regulations, or use of any forged or altered other licenses as specified in these Regulations, the offender shall be imposed a fine of not less than 100, 000CNY and not more than 200, 000CNY by the agency of issuance and administration of related licenses. Illegal gains, if any, shall be confiscated. Whoever commits a crime shall be prosecuted for criminal liability according to the law.

**Article 94** Where a unit of Dangerous Chemicals fails to organize the rescue in case of an accident caused by Dangerous Chemicals, and fails to make reports to the concerned department, the person primarily in charge with liability shall be punished in accordance with the Regulations on the Reporting, Investigation and Disposition of Work Safety Accidents. A unit of Dangerous Chemicals in which a hazardous chemical accident occurs, causing the personal injury or death, or property loss shall bear the liability for compensation according to the law.

**Article 95** In case of a hazardous chemical accident, the local people's government and other



departments concerned does not organize and implement the rescue, or not adopt the necessary emergency disposal measures to reduce the loss caused by the accident, and prevent the accident from extending, the persons primarily in charge with responsibilities and other directly responsible personnel shall be imposed sanctions in accordance with the law. Whoever commits a crime shall be prosecuted for criminal liability according to the law.

**Article 96** Where any working staff within administrative department in charge of supervision and administration of Dangerous Chemicals abuses power, neglects duty or commits illegalities for personal gains during supervision and administration of safety of Dangerous Chemicals, the staff shall be prosecuted for criminal liability in accordance with the law if a crime is constituted. If the case is not serious enough to constitute a crime, the staff shall be given sanctions in accordance with law.

## Chapter 8 Supplementary Rules

**Article 97** These Regulations shall be applicable to the control over safety of Dangerous Chemicals subject to control belonging to medicines, and pesticides, unless it is otherwise provided by the laws and administrative regulations. These Regulations shall not be applicable to the control over safety of explosives, fireworks, radioactive articles and nuclear energy materials for civilian use and Dangerous Chemicals for defense research and production. Where the safe management of urban gas is otherwise stipulated in laws and administrative regulations, the laws and administrative regulations shall apply. Where the Dangerous Chemicals belong to special equipment, its safe management shall be carried out in accordance with laws and administrative regulation on safety of special equipment.

**Article 98** The relevant provisions in laws, administrative rules and regulations on foreign trade shall be applicable to the control over import and export of Dangerous Chemicals, and the storage, use, operation and transportation of imported Dangerous Chemicals shall be governed by these Regulations. The registration for the environmental management of Dangerous Chemicals and registration on environmental management of new chemical substances shall be carried out in accordance with laws and administrative rules and regulations on environmental protection. The registration of the environmental management of Dangerous Chemicals shall be charged as per the relevant stipulations of the State.

**Article 99** Unowned Dangerous Chemicals found or picked up by general public shall be taken over by the public security authority. Where Dangerous Chemicals received by public security authority or confiscated by relevant departments require biologically safe disposal, the Dangerous Chemicals shall be handed over to the administrative department in charge of environmental protection for organizing disposal by the professional unit authorized by it, or handed over to relevant Dangerous Chemicals manufacturer for disposal. The costs required for the disposal are borne by the financial subsidies of the State.

**Article 100** Where the hazardous characteristics of chemicals are undefined, the administrative department in charge of supervision and administration of safe production under the State Council, the administrative in charge of environmental protection under the State Council and the administrative in charge of health under the State Council shall respectively organize the appraisal of the physical hazards, environmental hazards and toxicological properties of the chemicals. When the Dangerous Chemicals catalogue needs adjustment in accordance with the appraisal results, the formalities shall be handled as specified in Paragraph 2, Article 3 in these Regulations.

**Article 101** Where chemical enterprises already engaged in production with Dangerous Chemicals

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before implementation of these Regulations need to obtain license for safety use of Dangerous Chemicals in accordance with these Regulations, the enterprises needs to apply for license for safety use of hazardous chemicals within the time limit specified by the administrative department in charge of supervision and administration of safe production under the State Council.

**Article 102** These Regulations shall take effect as of December 1<sup>st</sup> 2011.