

CEF Panel on Trends in Strengthening Environmental Law in China

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China Environmental Law Initiative





月季花
一番花信一番春
半属东风半属君
惟有此花开不败
一年在古四时春







Increased U.S. Attention to China's Environment

- Multiple drivers, including SED
 - High-level engagement across a range of issues
 - Includes a framework for long-term cooperation on Energy and Environment
 - Recognizes Environment as a critical strategic & economic issue



Evolution of Environmental Law

- U.S.:
 - 70s Control pollution and remedy past contamination
 - 80s Assess and Manage Risks
 - 90s Pollution Prevention
 - 00s Focus on Sustainability
- China:
 - 90s-00s All of the above



savills
第一太平戴維





**Environmental
Law and Policy
-- Implement
and Enforce**



China's Environmental Laws

- Since Rio China has enacted environmental laws e.g. air, water, renewable energy, etc.
- Challenges -- how well do the laws spell out:
 - Mandates?
 - Implementing mechanisms?
 - Roles and relationships?
 - Public participation?
 - Checks on government?





China's Ambitious Legislative Agenda

- Open Government Information (08)
- Water Pollution Control Law (08)
 - Draft Permitting Regulations (pending)
- Air Pollution Control Law (2010?)
- Chemicals
- Soil Pollution / Contaminated Sites
- New policies to address pollution:
 - Bank credit, export licenses, polluter blacklists, SO₂ cap and trade



China - Institutional Changes

- Elevation to Ministry
- Regional Offices
- Increased attention to:
 - Access to information
 - Public role
 - Implementation mechanisms
 - Compliance and Enforcement



US: Range of Legal and Policy Tools

- Impact Assessment
- Risk Assessment & Risk Management
- Standard-setting
- Facility-Specific Permits
- Market Based Instruments
- Pollution Prevention



Lessons Learned

- Multipollutant Approach?
- Long-term Planning?
- Permitting System?
- Clear Roles?
 - → Incentives / Oversight
- Role of Public?



U.S. - Permitting System

- Permits with facility-specific pollutant limits & monitoring and reporting requirements
- Permit decisions link to planning, allocation
- Permit process includes clear federal, state and public roles

Cascading Environmental Requirements

- ❑ National Standards and State and/or Local Standards
- ❑ Facility-specific Application via Permits
- ❑ Enforcement





U.S. - State and Federal Roles

- Federal rules set the floor
- Authorize states to implement
 - States typically can be more stringent
- Ongoing Federal Role
 - Training and grants
 - Review programs
 - Can object to permits
- Both federal and state governments can enforce

Warmly Welcome CHINA-US Cooperation Project Working Team

苏州市污染源信息管理及自动监控系统

总体目标

基于地理信息系统平台的污染源综合信息管理系统

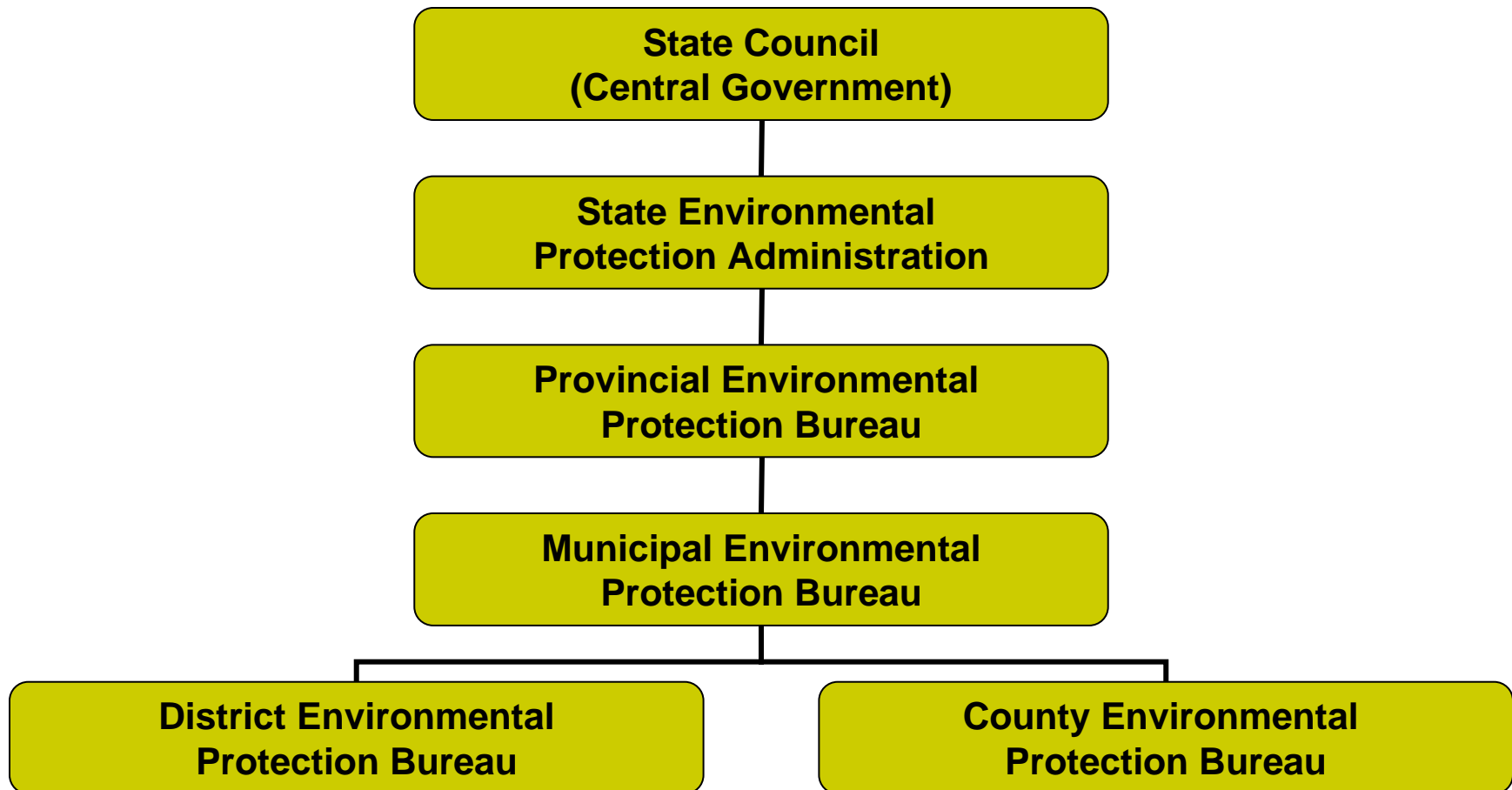
全市污染负荷85%以上的污染源全部实现联网监控

全市污染负荷90%以上的污染源信息进入监控系统





Government Structure for Environmental Protection





Office of General Counsel

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EPA - China Environmental Law Program

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Program Description

China has been working with great determination in recent years to develop, implement, and enforce a solid environmental law framework. Chinese officials face critical challenges in effectively implementing the laws, clarifying the roles of their national and provincial governments, and strengthening the operation of their legal system.

After meeting with Chinese environmental officials in Beijing, Shanghai, and Guangzhou in September, 2007, EPA General Counsel Roger Martella decided to encourage a continuing dialogue between the U.S. and China on environmental law by launching the EPA-China Environmental Law Program. The goals of the program include:

- Sharing EPA's legal experience and expertise to help improve China's environmental health.
- Sharing information useful to U.S. entities with business or other stakes in how China addresses environmental issues.







Strengths

- Focusing on environment as they develop: “scientific concept of development” and “harmonious society”
- “3 Simultaneous”: Design, construction and operation of pollution controls
- Environment Integrated into Economic Planning such as Five Year Plan
- Increased focus on environment, ambitious legislative agenda, & increased attention to implementation mechanisms.

爱护环境

人人有责

Environment to be cared by all.