

Revamped environmental law raises hope for cleanup in China

March 15 2015, by Jack Chang



In this March 6, 2015 photo, residents wear masks for protection during a polluted day in Beijing. Since China launched a sweeping legal reform in January that toughens environmental penalties and allows more groups to sue polluters, Chinese have been rushing to test out the new laws and, in some cases, have taken industries to task for fouling their surroundings. (AP Photo/Ng Han Guan)

People in China who want to take industries to task for fouling their surroundings have been rushing to file complaints and lawsuits this year in a test of legal reforms that toughen environmental penalties and make

clear that many public-interest groups have the right to sue.

Environmental watchdogs say people have filed hundreds of complaints with local governments under the new law launched in January, taking advantage of requirements that authorities respond to environmental complaints or risk having the cases be bumped up to higher levels of government. State media reports say at least one complaint resulted in immediate action, when authorities in eastern Shandong province shut down the coal furnace of a rubber factory that had bothered neighbors.

Environmental groups also have filed six [lawsuits](#) that have been accepted by Chinese courts, compared with one allowed during the same period last year. The new cases deal with everything from deforestation to illegal dumping by chemical plants, according to Zhang Boju, executive director of the nonprofit group Friends of Nature, which wrote two of the lawsuits. With a 300,000 yuan (\$48,000) grant from Chinese e-commerce powerhouse Alibaba, Friends of Nature has set up a special fund to help other groups prepare their own lawsuits.

In a country where officials often act above the law while willfully ignoring whole swaths of regulations, many Chinese fed up with environmental neglect say the reforms appear to be making a difference. Still, experts say, their success will depend on the continued receptiveness of the courts and local officials under pressure to curb the country's notorious pollution problems.

"The law brought predictability to the process, where before there was no certainty about what we could do," Zhang said. "We plan to do more cases and we're helping other environmental groups do that as well."

Over the past three decades, Chinese leaders have prioritized economic development over environmental protections—and watched China's skies fill with toxic haze while an estimated 55 percent of its

groundwater became unsafe for human use.

Public worries about China's pollution woes were recently highlighted with the release of an online documentary called "Under the Dome" that detailed the health and social costs of Chinese environmental degradation. It received hundreds of millions of views in just a few days, before Chinese censors removed it from streaming sites.

Over the past year, Chinese leaders have repeated that they are serious about cleaning up China's air, water and soil. They've acknowledged that the country's pollution woes are not only a central source of social instability but, with China the world's biggest emitter of carbon dioxide, also a linchpin in the global effort to avoid catastrophic climate change.



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During China's annual legislative sessions, which end Sunday, China's new environment minister, Chen Lijing, has said the government is committed to making full use of the reforms, and will commit itself to putting into effect environmental protections and inspections.

"A new law can't become a paper tiger," Chen said March 7 in Beijing. "We want to let it become a weapon with steel teeth."

Among its provisions, the revised law specifies what kind of social organizations can file environmental lawsuits, with requirements including at least five years of experience in environmental public interest activities and registration with the government. About 700 groups qualify under the law, according to a report by the All-China Environment Federation, a quasi-governmental coalition that has filed two lawsuits this year.

The law allows authorities to impose fines for each day violations occur, rather than one-time fines, and requires officials to encourage "self-governing grass-roots organizations," volunteers and others to help publicize and enforce environmental laws.

The country has also launched a special environmental branch of its Supreme People's Court to hear high-level cases and help oversee a network of lower-level environmental tribunals.

"In the previous law, it was a development-based approach, and now the purpose is to construct an ecological civilization," said Ran Ran, an international studies assistant professor at Renmin University in Beijing. "It's a more balanced approach."

Despite the new tools, the reforms don't address a central contradiction in China's largely state-controlled economy: that the governments being asked to punish polluters are often the same ones that own the companies doing the polluting, said Benjamin van Rooij, a professor of U.S.-China business and law at the University of California at Irvine.



In this March 7, 2015 photo, China's Environment Minister Chen Jining answers a reporter's question during a press conference in Beijing. Since China launched a sweeping legal reform in January that toughens environmental penalties and allows more groups to sue polluters, Chinese have been rushing to test out the new laws and, in some cases, have taken industries to task for fouling their surroundings. (AP Photo/Mark Schiefelbein)

"The laws are not going to be a force to push for a green agenda or to even deal with the widespread violation of laws that still exist," Van

Rooij said. "So for me, you need more than a change in law. You need political change."

Local groups, however, are hopeful. Friends of Nature said that only one of the four lawsuits they had filed before the reforms took effect was accepted over the past five years, compared to the two filed later and accepted in the first two months of this year. Compared to legal systems in the U.S. or Europe, Chinese courts accept fewer lawsuits in general, and plaintiffs are often put off by paying high legal fees.

Ada Kong, a senior campaigner with the environmental group Greenpeace in China, said she's already seen an attitude change this year among local officials who have in the past been largely hostile to most Chinese citizens or groups calling out polluters.



In this March 6, 2015 photo, a Chinese man wears a mask for protection against pollution as he cycles past cars on the road of Beijing. Since China launched a sweeping legal reform in January that toughens environmental penalties and

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Just days into the new year, Greenpeace filed a complaint with a city in the northeastern province of Liaoning about wastewater discharged by a zinc smelter. After stalling for a few weeks, the city began checking back regularly with Greenpeace to give progress reports, Kong said.

Recently, the city said the wastewater problem had been resolved. Kong said her group has yet to verify that claim, but added that officials' attitudes have "changed to become more helpful."

"I think it's the [law](#) and the government," she said. "They're paying more attention to this now."



In this March 7, 2015 photo, China's Environment Minister Chen Jining listens to a reporter's question during a press conference in Beijing. Since China launched a sweeping legal reform in January that toughens environmental penalties and allows more groups to sue polluters, Chinese have been rushing to test out the new laws and, in some cases, have taken industries to task for fouling their surroundings. (AP Photo/Mark Schiefelbein)

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