



Regulation on the Prevention and Control of Pollution from Large-scale Breeding of Livestock and Poultry

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INTRODUCTION

This Regulation is to prevent and control pollution from livestock and poultry breeding, boost the comprehensive utilization and harmless treatment of livestock and poultry wastes, protect and improve environment, and guarantee the physical health of the general public.

Chapter I General Provisions

Article 1 This Regulation is formulated to prevent and control pollution from livestock and poultry breeding, boost the comprehensive utilization and harmless treatment of livestock and poultry wastes, protect and improve environment, guarantee the physical health of the general public, and promote the sustainable and healthy development of the livestock husbandry.

Article 2 This Regulation shall apply to the prevention and control of pollution from breeding in livestock and poultry farms and breeding areas.

The scale standards for livestock and poultry farms and breeding areas shall be determined in accordance with the status of development of the livestock husbandry and the requirements of prevention and control of pollution from livestock and poultry breeding.

This Regulation shall not apply to the prevention and control of pollution from grazing and breeding in pasture areas.

Article 3 The prevention and control of pollution from livestock and poultry breeding shall take an overall consideration of the needs for protecting environment and promoting the development of the livestock husbandry, adhere to the principle of “focusing on prevention and combining prevention with control”, and make overall plans and reasonable arrangements, conduct comprehensive utilization and give encouragement and guidance.

Article 4 The people's governments at all levels shall strengthen the organization and leadership of the prevention and control of pollution from livestock and poultry breeding, take effective measures to increase capital investments, and support the prevention and control of pollution from livestock and poultry breeding and the comprehensive utilization of livestock and poultry wastes.

Article 5 The environmental protection departments of the people's government at or above the county level shall be responsible for the unified supervision and administration of the prevention and control of pollution from livestock and poultry breeding.

The agriculture and animal husbandry departments of the people's governments at or above the county level shall be responsible for guiding and serving the comprehensive utilization of livestock and poultry wastes.

The administrative departments of circular economy development of the people's governments at or above the county level shall be responsible for organizing and coordinating the work concerning the circular economy of livestock and poultry breeding.

Other relevant departments of the people's governments at or above the county level shall, according to the provisions of this Regulation and their respective responsibilities, undertake the relevant work concerning the prevention and control of pollution from livestock and poultry breeding.

The people's governments at the township level shall assist the relevant departments in effectively conducting the prevention and control of pollution from livestock and poultry breeding within their respective administrative regions.

Article 6 Those engaging in the livestock and poultry breeding as well as the comprehensive utilization and harmless treatment of livestock and poultry wastes shall comply with the requirements of the state for the prevention and control of pollution from livestock and poultry breeding, and be subject to the supervision and inspection by the competent authorities according to law.

Article 7 The state shall encourage and support the scientific and technological research and equipment research and development for the prevention and control of pollution from livestock and poultry breeding and the comprehensive utilization and harmless treatment of livestock and poultry wastes. The people's governments at all levels shall support the promotion of advanced and applicable technologies, and promote the improvement of the prevention and control of pollution from livestock and poultry breeding.

Article 8 All entities and individuals are entitled to report the violations of this Regulation to the environmental protection departments and other departments of the people's governments at or above the county level. The departments that receive such reports shall immediately conduct investigation and handle the violations.

The entities and individuals that have made outstanding contributions to the prevention and control of pollution from livestock and poultry breeding shall be commended and rewarded in accordance with the relevant provisions of the state.

Chapter II Prevention

Article 9 The agriculture and animal husbandry departments of the people's governments at or above the county level shall prepare the livestock husbandry development plans, and report such plans to the people's government at the same level or the departments authorized by them for approval and implementation. Livestock husbandry development plans shall take an overall consideration of the environmental carrying capacity and the requirements of the prevention and control of pollution from livestock and poultry breeding, make rational layout, and scientifically determine the varieties, scale and total quantity of livestock and poultry breeding.

Article 10 The environmental protection departments of the people's governments at or above the county level shall, in conjunction with the agriculture and animal husbandry departments, prepare the plans for the prevention and control of pollution from livestock and poultry breeding, and report such plans to the people's government at the same level or the departments authorized by them for approval and implementation. The plans for the prevention and control of pollution from livestock and poultry breeding shall be integrated with livestock husbandry development plans, take an overall consideration of the production layout of livestock and poultry breeding, specify the objectives, tasks and key areas of the prevention and control of pollution from livestock and poultry breeding, clarify the construction of key pollution control facilities and such pollution prevention and control measures as comprehensive utilization of wastes.

Article 11 It is forbidden to construct livestock and poultry farms and breeding areas within the following areas:

- (1) Conservation areas of drinking water sources and scenic spots.
- (2) Core areas and buffer areas of natural protection areas.
- (3) Areas of urban residents, areas of culture, education and scientific research, and other population intensive areas.
- (4) Other breeding-prohibited areas as prescribed by laws and regulations.

Article 12 The new construction, reconstruction and expansion of livestock and poultry farms and breeding areas shall comply with the livestock husbandry development plans and the plans for the prevention and control of pollution from livestock and poultry breeding, satisfy the conditions for animal epidemic prevention, and conduct environmental impact assessment. The large-scale livestock and poultry farms and breeding areas which may have a major impact on environment shall prepare environmental impact reports, and other livestock and poultry farms and breeding areas shall fill out environmental impact registration forms. The management catalogues for large-scale livestock and poultry farms and breeding areas shall be determined by the competent department on environmental protection under the State council by consulting with the competent department on agriculture and animal husbandry under the State Council.

The key points of environmental impact assessment shall include: the varieties and quantity of the wastes generated from livestock and poultry breeding, the plans and measures for the comprehensive utilization and harmless treatment of wastes, the consumption and disposal of wastes, the direct discharges of wastes into environment, the possible impacts of such wastes on water bodies, soils and other environmental factors as well as on human health, and the plans and measures for controlling and reducing the impact, among others.

Article 13 Livestock and poultry farms and breeding areas shall, according to the breeding scales and the needs for pollution prevention and control, establish corresponding livestock and poultry manure as well as sewage and rainwater separation facilities, livestock and poultry manure and sewage storage facilities, and other comprehensive utilization and harmless treatment facilities for manure anaerobic digestion and stack retting, organic fertilizer processing, biogas preparation, biogas residue and biogas slurry separation and transport, sewage treatment, and disposal of livestock and poultry corpse, among others. The livestock and poultry farms and breeding areas which have authorized others to conduct comprehensive utilization and harmless treatment of livestock and poultry wastes on their

behaves may not establish comprehensive utilization and harmless treatment facilities by themselves.

The livestock and poultry farms and breeding areas which fail to establish the supporting facilities for pollution prevention and control, establish by themselves the unqualified supporting facilities, or fail to authorize others to conduct comprehensive utilization and harmless treatment of livestock and poultry wastes on their behalf shall not be put into production or use.

The livestock and poultry farms and breeding areas which establish by themselves the supporting facilities for pollution prevention and control shall ensure the normal operation of such facilities.

Article 14 Scientific feeding modes and wastes treatment technologies and other effective measures shall be taken during the livestock and poultry breeding activities so as to reduce the output of livestock and poultry wastes and the discharges of such wastes into environment.

Chapter III Comprehensive Utilization and Treatment

Article 15 The state shall encourage and support the comprehensive utilization of livestock and poultry wastes by taking such measures as return of manure to fields, preparation of biogas and manufacture of organic fertilizer.

Article 16 The state shall encourage and support the consumption and utilization of livestock and poultry wastes by integrating planting and breeding, and promote the utilization of on-spot and nearby livestock and poultry manure, sewage and other wastes.

Article 17 The state shall encourage and support the construction of relevant supporting facilities for wastes comprehensive utilization, such as preparation of biogas, and production of organic fertilizer, among others, and for biogas residue and biogas slurry transport and application and biogas power generation, among others.

Article 18 When livestock and poultry manure, sewage, biogas residue and biogas slurry, among others, are used as fertilizers, such fertilizers shall be applicable for the absorptive capacity of the land, and effective measures shall be taken to eliminate the microorganisms which may spread infectious diseases and prevent them from polluting environment and spreading diseases.

Article 19 During the activities for livestock and poultry breeding and treatment of livestock and poultry wastes, livestock and poultry manure, livestock and poultry corpse and sewage, among others, shall be collected, stored and cleared and transported in a timely manner to prevent odors and the seepage and leakage of livestock and poultry wastes.

Article 20 The discharge of processed livestock and poultry wastes into environment shall comply with the pollutant discharge standards and total volume control indicators as prescribed by the state and local areas. The untreated livestock and poultry wastes may not be directly discharged into environment.

Article 21 The epidemic-infected livestock and poultry and their excrement, epidemic livestock and poultry products, corpse of the livestock and poultry that died of illness or of uncertain causes and other wastes generated from the breeding of diseased livestock and poultry shall be subject to such harmless treatment as burying, chemical treatment and burning in accordance with the relevant laws and regulations and the provisions of the

competent department on agriculture and animal husbandry under the State Council, and may not be disposed of at will.

Article 22 Livestock and poultry farms and breeding areas shall report for record purposes, on a regular basis, the varieties and scale of livestock and poultry breeding and the information on the production, discharge and comprehensive utilization of livestock and poultry wastes to the environment production departments of the people's governments at the county level. The environment production departments shall send at regular intervals the copy of the recorded information to the agriculture and animal husbandry departments at the same level

Article 23 The environment production departments of the people's governments at or above the county level shall, according to their functions, supervise and inspect the prevention and control of pollution from livestock and poultry breeding, and intensify the monitoring on the environmental pollution from livestock and poultry breeding.

The people's governments at the township level and grassroots self-governing organizations shall timely stop and report any environmental pollution from livestock and poultry breeding discovered by them.

Article 24 For severely-polluted livestock and poultry breeding intensive areas, the people's governments at the municipal or county level shall prepare the comprehensive treatment plans, and control the pollution from livestock and poultry breeding by taking such measures as organizing the construction of the comprehensive utilization and harmless treatment facilities for livestock and poultry wastes and relocating in a planned way or shutting down the livestock and poultry farms.

Article 25 Where any existing livestock and poultry farms do need to be shut down or relocated due to the adjustments to livestock husbandry development plans, overall plans for land utilization and urban and rural planning or the definition of breeding-prohibited areas, or the comprehensive control of the severely-polluted livestock and poultry breeding intensive areas, which resulted in economic losses to livestock and poultry farmers, the local people's governments at or above the county level shall be compensated according to law.

Chapter IV Incentive Measures

Article 26 The people's governments at or above the county level shall take such measures as demonstration and reward to support large-scale and standardized livestock and poultry breeding, support the livestock and poultry farms and breeding areas in conducting standardized transformation and the construction and improvement of pollution prevent and control facilities, and encourage the transformation from decentralized breeding to intensive breeding.

Article 27 The local people's governments at or above the county level shall, in the process of organizing the preparation of the overall plans for land utilization, make an overall arrangement, include the land used for large-scale livestock and poultry breeding into planning, and ensure the land used for breeding.

The state shall encourage the implementation of large-scale and standardized livestock and poultry breeding by utilizing waste land and such unused land as barren hills, valleys, hillocks and desolated beaches.

The land used for livestock and poultry breeding shall be administered as farmland, and the land used for production facilities and the land for necessary pollution prevention and control and other ancillary facilities shall be determined in accordance with the relevant provisions of the state.

Article 28 The livestock and poultry farms and breeding areas that construct and improve the facilities for prevention and control of pollution from livestock and poultry breeding may apply for environmental protection and other relevant financial support, including interest subsidies for pollution treatment loans, in accordance with the provisions of the state.

Article 29 The livestock and poultry farms and breeding areas that conduct the prevention and control of pollution from livestock and poultry breeding and engage in the production and operation of organic fertilizer products by utilizing livestock and poultry waste and other activities for the comprehensive utilization of livestock and poultry wastes may enjoy the relevant preferential tax policies as prescribed by the state.

Article 30 The livestock and poultry farms and breeding areas that produce organic fertilizer products by utilizing livestock and poultry wastes may enjoy the chemical fertilizer transport capacity arrangements and other support policies of the state, and those purchasing and using organic fertilizer products may enjoy the subsidies not lower than those as prescribed by the state for chemical fertilizer use and other preferential policies.

The power used by running the facilities for prevention and control of pollution from livestock and poultry breeding in livestock and poultry farms and breeding areas shall be priced at the amount of the power consumed by agriculture.

Article 31 The state shall encourage and support the biogas power generation, self-generation of power for self-use, and access of surplus electricity quantity to power grid by utilizing livestock and poultry wastes. Power grid enterprises shall, in accordance with laws and the relevant provisions of the state, provide non-discriminatory power grid access services for biogas power generation, and purchase the total volume of surplus electricity quantity which are within their power grid coverage area and meet the grid connection technical standards. The livestock and poultry farms and breeding areas which generate power by biogas by utilizing livestock and poultry wastes shall enjoy the preferential policies on the grid purchase prices as prescribed by the state according to law, and those making biogas by utilizing livestock and poultry wastes or further making natural gas shall enjoy the preferential policies on new energy according to law.

Article 32 The local people's governments at all levels may, in light of the actual circumstances of local areas, subsidize the expenditures by livestock and poultry farms and breeding areas for the consultation on the environmental impact of construction projects.

Article 33 The state shall encourage and support the concentrated harmless treatment of the corpse of epidemic-infected livestock and poultry and the livestock and poultry that died of illness or of uncertain causes, and give appropriate subsidies to the handling expenses and breeding losses in accordance with the relevant provisions of the state.

Article 34 Where the pollutant discharge by any livestock and poultry farms and breeding areas complies with the pollutant discharge standards and total volume control indicators as prescribed by the state and local areas, and such livestock and poultry farms and breeding areas voluntarily conclude with environmental protection departments the agreements regarding further reducing discharge quantity of pollutants, the people's governments at the

county level shall reward the livestock and poultry farms and breeding areas in accordance with the relevant provisions of the state, and give priority to incorporating them into the scope of the relevant financial support for environmental protection and livestock and poultry breeding and development as arranged by the people's governments at or above the county level.

Article 35 The livestock and poultry farmers which voluntarily build comprehensive utilization and harmless treatment facilities and take measures to reduce pollutant discharges may enjoy the relevant Incentive and support policies in accordance with the provisions of this Regulation.

Chapter V Legal Liabilities

Article 36 Where any environmental protection departments, agriculture and animal husbandry departments and other relevant departments of the people's governments at all levels fail to perform their duties in accordance with the provisions of this Regulation, the persons who are directly in charge and other directly responsible persons shall be punished in accordance with the law. Where the persons who are directly in charge and other directly responsible persons constitute any crime, they shall be subject to criminal liability in accordance with the law.

Article 37 Where any entity or individual builds any livestock and poultry farm or breeding area within a breeding-prohibited area in violation of the provisions of this Regulation, the environmental protection department of the local people's governments at or above the county level shall order it or him to cease the violation of law, and, if it or he refuses to stop the violation thereof, impose on it or him a fine of not less than 30,000 yuan but not more than 100,000 yuan, and report its or his violation to the people's government at or above the county level for ordering the demolition or shutdown thereof. Where any entity or individual builds any livestock and poultry farm or breeding area in a conservation area of drinking water source, the environmental protection department of the local people's governments at or above the county level shall order it or him to cease the violation of law, impose a fine of not less than 100,000 yuan but not more than 500,000 yuan, report its or his violation to the people's government with the approval authority for approval, and order it or him to dismantle or shut down the livestock and poultry farm or breeding area.

Article 38 Where any livestock and poultry farm or breeding area, in violation of the provisions of this Regulation, fails to conduct environmental impact assessment that shall be conducted in accordance with the law, the environmental protection department which has the authority to examine and approve the environmental impact assessment documents of this project shall order it to stop the construction, and undergo the relevant formalities within a prescribed time limit. If it fails to do so, a fine of not less than 50,000 yuan but not more than 200,000 yuan shall be imposed.

Article 39 Where any livestock and poultry farms or breeding areas are put into production or use when they, in violation of the provisions of this Regulation, fail to establish the supporting facilities for pollution prevention and control, establish by themselves the unqualified supporting facilities, or fail to authorize others to conduct comprehensive utilization and harmless treatment of livestock and poultry wastes on their behalves, or the supporting facilities for pollution prevention and control constructed by them fail to operate

normally, the environmental protection departments of the people's governments at or above the county level shall order the cessation of the production or use thereof, and may impose a fine of not more than 100,000 yuan.

Article 40 Where any entities or individuals have any of the following conducts in violation of the provisions of this Regulation, the environmental protection departments of the local people's governments at or above the county level shall order them to stop the violations of law, take treatment measures to eliminate pollution within a prescribed time limit, and punish them in accordance with the relevant provisions of the Water Pollution Prevention and Control Law of the People's Republic of China and the Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Wastes:

(1) Using livestock and poultry wastes as fertilizers, which go beyond the absorptive capacities of the land and thereby result in environmental pollution.

(2) Failing to take effective measures while engaging in the livestock and poultry breeding or the treatment of livestock and poultry wastes, which results in the seepage and leakage of livestock and poultry wastes.

Article 41 Where the discharge of any livestock and poultry wastes does not meet the pollutant discharge standards and total volume control indicators as prescribed by the state and local areas, or any livestock and poultry wastes are directly discharged into environment without undergoing harmless treatment, the environmental protection departments of the local people's governments at or above the county level shall order the treatment thereof within a prescribed time limit and may impose a fine of not more than 50,000 yuan. The environmental protection departments of the local people's governments at or above the county level shall, after making the decision on treatment within a prescribed time limit, timely verify the implementation of the rectification measures in conjunction with the agriculture and animal husbandry departments of the people's governments at the same level, and publicize the verification results to the general public.

Article 42 Where any entity or individual fails to conduct harmless treatment of epidemic-infected livestock and poultry and diseased livestock and poultry wastes, the animal health supervision institution shall order it or him to conduct the harmless treatment thereof. Necessary treatment expenses shall be paid by the violator and a fine of not more than 3,000 yuan may be imposed upon it or him:

Chapter VI Supplementary Provisions

Article 43 The specific scale standards for livestock and poultry farms and breeding areas shall be determined by provincial people's governments, and be reported to the competent department on environmental protection and the competent department on agriculture and animal husbandry under the State Council for recordation.

Remark: This regulation will greatly promote the sustainable and healthy development of the livestock husbandry of China.

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