

Administrative Measures for the Safety of Places of Origin of Agricultural Product

Full text

Chapter I General Provisions

Article 1 For the purposes of strengthening the administration of places of origin of agricultural products, improving the conditions of the places of origin and ensuring the safety of places of origin, these Measures are formulated in accordance with the Law of the People's Republic of China on Agricultural Product Quality Safety.

Article 2 The term "places of origin of agricultural products" refers to the relevant regions, in which the plants, animals and microbes as well as their products are produced. The term "safety of places of agricultural products" means that the quality of the soil, water body and atmosphere environment of the places of origin of agricultural products meet the requirements for the production of agricultural products of safe quality.

Article 3 The Ministry of Agriculture shall be responsible for the supervision and administration of the safety of places of origin of agricultural products. The agriculture administrative departments of the people's governments at the county level and above shall be responsible for the demarcation, supervision and administration of the places of origin of agricultural products within their respective administrative area.

Chapter II Monitoring and Evaluation of Places of Origin

Article 4 An agriculture administrative department of the people's government at the county level or above shall establish a sound system of monitoring the safety of places of origin of agricultural products, intensify the investigation, monitoring and evaluation of the safety of places of origin of agricultural products, work out annual reports on the status and development trend of the safety of places of origin of agricultural products and submit the said reports to the agriculture administrative department of the next higher level for archival purposes.

Article 5 An agriculture administrative department of the people's government at the province level or above shall set up state-level and province-level monitoring points in the following areas so as to monitor the dynamic changes of the safety of places of origin of agricultural products and direct the administration and production of the safety of places of origin of agricultural products.

- (1)The production areas of agricultural products around industrial and mining enterprises;
- (2)The sewage irrigation areas;
- (3)The production areas of agricultural products in suburbs of big and medium cities;
- (4)The production areas of important agricultural products; and

(5)Other areas necessary to be monitored.

Article 6 The technical norms such as the relevant national standards shall be observed in the investigation, monitoring and evaluation of the safety of places of origin of agricultural products. The establishment, change and revocation of a monitoring point shall be subject to expert evaluation.

Article 7 An agriculture administrative department at the county level or above shall strengthen the collection of information about the safety of places of origin of agricultural products and shall establish complete monitoring archives of the safety of places of origin of agricultural products. The monitoring archives shall exactly record the changes of the status of the safety of places of origin of agricultural products and shall preserve such records for a long time.

Chapter III Demarcation and Adjustment of Prohibited Production Areas

Article 8 If the toxic and harmful substances in a place of origin of agricultural products do not meet the standards on the safety of places of origin and if they cause that the toxic and harmful substances in the agricultural products do not meet the agricultural product quality safety standards, it shall be demarcated as a prohibited agricultural product production area. An areas prohibited to produce edible agricultural products may produce non-edible agricultural products.

Article 9 In case of the circumstance as mentioned in Article 8 of these Measures, the agriculture administrative department of the people's government at the county level or above shall put forward a suggestion on the demarcation of prohibited production area and shall submit it to the agriculture administrative department at the province level. The agriculture administrative department at the province level shall organize an expert evaluation, and report the following materials to the people's government for approval and make an announcement upon approval.

- (1)The monitoring result of the safety of place of origin and the testing result of agricultural products;
- (2)The report on the monitoring and evaluation of the safety of place of origin, including analyses of the pollution causes, pertinence between the place of origin and the agricultural product pollution, evaluation method and conclusion;
- (3)The report of expert evaluation; and
- (4)The suggestions on the agricultural production structure and the relevant settlement measures.

Article 10 After the demarcation of a prohibited production area, the nature of the cultivation land or basic farm shall not be changed. The compensation standards on the requisition of farm land shall not be lowered.

Article 11 The agriculture administrative department of the people's government at the county level shall erect a signpost in a prohibited production area, which shall indicate the location of the prohibited production area, boundaries, area, types of agricultural products prohibited to be produced, main pollutants, approval entity, date of erection of the signpost, etc.

No entity or individual may illegally move away or destroy any signpost.

Article 12 After the safety status of prohibited production area is improved and meets the relevant standards, the agriculture administrative department of the people's government at the county level or above shall timely put forward an adjustment suggestion. The adjustment of a prohibited production area shall be made in accordance with Article 9 of these Measures. Where a prohibited production area is adjusted, the content of the signpost shall be changed or the signpost shall be removed.

Article 13 An agriculture administrative department of the people's government at the county level or above shall timely submit the results of demarcation and adjustment of the prohibited agricultural product production areas within its administrative area to the Ministry of Agriculture for archival purposes.

Chapter IV Protection of Places of Origin

Article 14 An agriculture administrative department of the people's government at the county level or above shall popularize the clean production technologies and methods and develop dynamic agriculture.

Article 15 An agriculture administrative department of the people's government at the county level or above shall work out a plan on the pollution prevention and protection of places of origin of agricultural products and integrate it into its plan on development of agriculture and rural economy.

Article 16 An agriculture administrative department of the people's government at the county level or above shall take biological, chemical and engineering measures to recover and administer a prohibited agricultural product production area or any other agricultural product production area in which the toxic and harmful substances do not satisfy the standards on the origin of places.

Article 17 An agriculture administrative department of the people's government at the county level or above shall take measures to intensify the scientific research, technology popularization and publicity and training regarding the recovery and administration of polluted places of origin.

Article 18 The environmental impact evaluation document on an agricultural construction project shall, upon examination and approval of the agriculture administrative department of the people's government at the county level or above, be submitted to the relevant department for examination and approval. Where any established enterprise or project pollutes a place of origin of agricultural products, the agriculture administrative department of the local people's government shall apply with the people's government at the same level for taking measures to decrease or eliminate the pollution damage.

Article 19 No entity or individual may produce, fish or gather any prohibited edible agricultural products from or establish production base of agricultural products in any prohibited production area.

Article 20 Any entity or individual is prohibited to emit or dump any exhaust gas, waste water, solid waste or any other toxic or harmful substance to any place of origin of agricultural products. It is prohibited to pile, store or dispose any industrial solid waste in any place of origin of agricultural products. Where industrial solid waste is piled, stored or disposed around any place of origin of agricultural products, effective measures shall be taken to prevent any damage to the safety of place of origin of agricultural products.

Article 21 Where an entity or individual offers or uses urban trash, sewage sludge or any other solid waste as agricultural water or fertilizer, it shall make innocuous treatment of the said solid waste and shall make it conform to the relevant standards of the state.

Article 22 An agricultural product producer shall reasonably use fertilizer, pesticide, veterinary medicine, feed, feed additive, agricultural films and other agricultural inputs. It is prohibited to use any agricultural input which is clearly banned by the state or is obsolete or is unlicensed. An agricultural product producer shall timely eliminate, re-collect agricultural films, packing materials of agricultural inputs, etc. so as to prevent them from polluting the environment of place of origin of agricultural products.

Chapter V Supervision and Inspection

Article 23 An agriculture administrative department at the county level or above shall be responsible for the supervision and inspection of the safety of places of origin of agricultural products. Where an agriculture administrative law enforcer performs the supervision and inspection duties, he shall show his administrative law enforcement certificate to the entity or individual to be inspected. The relevant entity or individual shall faithfully provide the pertinent information and materials, shall not reject the inspection or provide any false information.

Article 24 Where an agriculture administrative department of the people's government at the county level or above finds that a place of origin of agricultural products is endangered by pollution, it shall order the entity or individual causing such pollution to take measures to reduce or eliminate the pollution. If the said entity or individual refuses to do so, that shall be reported to the people's government at the same level to punish it (him). Where any pollution accident takes place in a place of origin of agricultural products, the agriculture administrative department of the people's government at the county level or above shall investigate and deal with it. For any emergency of pollution to the agricultural environment, it shall be tackled according to the plan on the emergencies of pollution to the agricultural environment.

Article 25 The operating funds for the monitoring, supervision and inspection of the safety of places of origin shall be integrated into the annual budget of the agriculture administrative department of the people's government at the same level. No entity or individual inspected may be charged any fee for the monitoring, supervision and inspection of the safety of places of origin.

Article 26 Any prohibited production area, which is demarcated by violating the Law of the People's Republic of China on the Agricultural Product Quality Safety and these Measures, shall be null and void. Where anyone violates these Measures because of illegally moving away or destroying the signpost of any prohibited production area, the agriculture administrative department of the local people's government at the county level or above shall order it to make a correction and may fine it (him) 1, 000 yuan or less. Any other violator of these Measures shall be punished in accordance with the relevant laws and regulations.

Chapter VI Supplementary Provisions

Article 27 These Measures shall come into force as of November 1, 2006.