



Review the Evolution of Chinese Legislation on Air Pollution Prevention and Control

Hongxin Guo

Law School, Zhongnan University of Economics and Law, Wuhan, China

Email address:

ghxlaw@126.com

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Abstract: As the quality of the atmospheric environment continues to deteriorate, the demand for improving the quality of atmosphere environment sharply increases. The State Council of China issued the Air Pollution Action Plan 2013 to tackle the air pollution problem. Then the Air Pollution Control Law was revised in 2015 and 2018. The main purpose of this article is to introduce the evolution of Chinese legislation on air pollution prevention and control, analyze the regulation strategy change in the legislation of air pollution regulation, and evaluate the Air Pollution Control Law. From the analysis the article finds that the administrative agencies not only passively enforce the law but also take an active role in developing new rules and modifying inappropriate old rules. The strategies in the Air Pollution Control Law are effective to settle the air pollution problem in current China. The conclusion is that the core of the Air Pollution Control Law enforcement still comes from the administration. Such a regulation strategy can achieve good results in a short period of time under political pressure. The legislature needs to find other path from the long-term perspective of the air pollution control law.

Keywords: Quality of the Atmospheric Environment, Local Government, Responsibility, Air Pollution Control Law

1. Introduction

Over the last decades, China has been rapidly industrialized. Modern fortunes in China have been made mostly in the manufacturing and production sector, which has caused severe environmental consequences.[1] Although the modern fortunes have had positive effects on economic growth, they have affected the natural environment and human health.[2] Over the last decades China has become one of the world's largest polluters. Since 2006, China is the world's largest emitter of greenhouse gases, which has a big influence on global climate change. According to recent estimates, pollution causes 750,000 premature deaths annually in China.[3]

In 1987, China adopted the Law of the People's Republic of China on Prevention and Control of Air Pollution (hereinafter Air Pollution Control Law) which was her first air pollution control law. This law was successively amended in 1995, 2000, 2015 and 2018.

More than 30 years of history reveal that the legislative concept and legal system of pollution laws in China have undergone reform, adjustment and improvement at different

stages. Depicting the evolution of air pollution prevention and control legislation, we can partly understand why the regulation of air pollution in China is so difficult. It is easy to find the close relationship between the air pollution prevention legislation and the practice dilemma of air pollution prevention and control. And the environmental governance ability is also progressed. This paper attempts to explain the internal dynamics of the legal changes in air pollution prevention and control and demonstrates the influence of the administrative agencies on the air pollution control legislation. The Air Pollution Control Law 2015 shows a new pattern of environmental governance. The paper analyzes the implementation of the law in the context of China's social governance and predicts the theoretical and practical problems in the field of air pollution prevention after the implementation of this law. The dilemma in theory and practice indicates that the air pollution prevention and control in industrializing countries is so challenging a task.

2. Evolution of Air Pollution Regulation

Over a long period of time, China has paid all her attention

to the development of economy. The legal and governance system in air pollution control has been built up very slowly. Because of the poor environmental quality of the atmosphere since 2000, China has recognized the regional impacts of air pollution and begun to control it at the regional level. The whole strategy has changed in the legislation.

2.1. Promulgation of the Law of the People's Republic of China on Prevention and Control of Air Pollution

With the development of the economy, China's air pollution in the 1980s had already presented a relatively serious situation. In order to prevent and control the air pollution the state enacted the Law of the People's Republic of China on Prevention and Control of Air Pollution in 1987. It was the first environmental law to give the environmental protection agency a serious regulatory role in China and established the basic structure of the air pollution control system.

At that time, China's air pollution factors and air pollution conditions were significantly different from now. Air pollution was mainly caused by point source pollution. So, the law focused on local pollution which causes damages near emission sources. The main regulatory tools included environmental impact assessment (EIA), "three-simultaneity" (the simultaneity of the designing, construction, and operation of the production facilities and pollution control facilities), administrative licensing, control on the concentration of air pollutants and air pollution monitoring. That means the factory should obey the command from the environment protection agencies according to this law.

The characteristics of air pollution control at this stage can be summed up as follows: First, focus on point sources, particularly soot sources. Second, focus on treatment after air pollution is generated, while air pollution prevention is relatively less focused. Third, focus on the prevention and control of a single industrial pollution source, while comprehensive air pollution prevention and control measures are less focused.

The enforcement of this law has made some achievements in controlling the soot-type pollution of enterprises. But the implementation of the law has not effectively curbed the trend of air pollution. The 1995 amendments increased a number of government measures to control pollution at the macro level. For example, "The state adopts economic and technological policies and measures that are conducive to the prevention and control of atmospheric pollution and related comprehensive utilization activities." [4] And "The people's governments at all levels shall strengthen the work of planting trees and afforestation and improve the quality of the atmospheric environment." [4]

2.2. Revision of the Law of the People's Republic of China on Prevention and Control of Air Pollution in 2000

According to the air pollution situation after 2000 and the understanding of the concept of pollution prevention at that time, the Law of the People's Republic of China on

Prevention and Control of Air Pollution was revised in 2000.

There have been many changes in both the structure and the articles in the Air Pollution Control Law 2000. Point source pollution prevention and control was still the major concern in this law. But the law significantly enhanced the prevention and control scope of air pollution, and especially focused on regulating sulfur dioxide emissions. Facing the climate change, the Air Pollution Control Law 2000 has added several major regulatory tools and measures to prevent and control atmospheric pollution.

However, policy instruments used in this law still have large deficiencies, which directly leads to many difficulties in the actual law enforcement. The insufficiency in operability made it difficult to obtain effective implementation, contrary to the original intention of legislation.

The shortcomings of this law were as follows: First, the purpose of preventing and controlling air pollution was still not to improve air quality. Although the legislative purpose provided in Article 1 of the Air Pollution Control Law 2000 was changed from promoting the development of socialist modernization to promoting sustainable economic and social development, the final purpose was still not for the improvement of quality.

Second, the duties and obligations of the government, enterprises and the public were still unclear. The law stipulated the responsibility of local governments at all levels in the prevention and control of air pollution as a general principle. As to the implementation, the law just stipulated that "The State Council and local people's governments at all levels must incorporate atmospheric environmental protection work into their national economic and social development plans, rationally plan industrial layout, strengthen scientific research on prevention and control of atmospheric pollution, and adopt measures to prevent and control air pollution to protect and improve the atmospheric environment." [5] The law did not provide legal instruments for the local government to fulfill their responsibility. As for the local governments, they had no initiative to improve the atmospheric environment. Coordination and cooperation among local government agencies in air pollution prevention were insufficient. The implementation of the law was not compatible with the increasing severity air pollution.

2.3. Legislation from Administrative Regulation to Law Revision in 2015

In recent years, smog weather has been normalization in China, especially in north China. In January of 2013, four smog processes enveloped 30 provinces, autonomous regions and municipalities. In Beijing, only five days were not smoggy days. At the same time, 7 of the 10 most polluted cities in the world were in China. "Smog" became the key word of that year. The "airpocalypse" incited domestic outcry and international media attention. [6]

The public demanded to improve the environmental quality of the atmosphere. For a long time, the environment has almost been neglected by the government. But the situation is not irreversible, especially when the health risk

brought by air pollution was so big. During this period, China had a number of international events to hold, which was also a pressure for the government to improve air quality. Partly for these reasons, the Chinese government has made significant efforts toward reducing air pollution for the public health. In order to prevent the smog, the end-of-the-pipe control is not enough. The whole society needs to reduce pollutant emissions; strictly control energy consumption in high-energy, high-pollution industries; vigorously promote clean production; accelerate the adjustment of energy structure; and strengthen energy conservation and environmental protection indicators and so on.

In China, the central government's administrative power over environmental issues is vested according to per Article 26 of the Chinese Constitution: "The state protects and improves the environment in which people live and the ecological environment." [7] In order to reduce the health risk and prevent the air pollution, the State Council, central government of China, issued various air pollution-related plans, regulations and regulatory documents. The most important one of them was the Air Pollution Action Plan 2013. The action plan aimed at a marked improvement in the environmental quality of the atmosphere over the next five years. The breathable suspended particles, which have the greatest impact on human health among atmospheric pollutants, have become the main pollutant controlled by the action plan. The measure in the Air Pollution Action Plan 2013 was to set the objective that the concentration levels of breathable suspended particles must fall by at least 10 percent by 2017 from the levels in 2012.

The PM_{2.5} and PM₁₀ emission data of 2012 is available and accurate for cities and provinces. The Air Pollution Action Plan 2013 selected 2012 as the baseline to measure future progress and set the mandatory target to reduce the emission of PM_{2.5}. Tougher objectives have been set for some key areas where air pollution was more serious, such as Beijing, Tian-jin, Hebei, Yangzi River Delta, and Pearl River Delta. It also set a PM₁₀ ambient concentration target for cities throughout the country by 2017. [8] In addition to PM_{2.5} and PM₁₀, some other significant air pollutants have also been addressed by the plan, such as sulfur dioxide (SO₂), nitrogen oxides (NO_x), and volatile organic compounds (VOCs). [8] Other measures included achieving negative coal consumption in several regions, accelerating the process of monitoring and disclosing PM_{2.5} readings, extending monitoring from 119 county-level cities to all 338 before 2015, and banning heavily polluting motor vehicles from the streets by 2017. The plan aimed to reduce total emissions of pollutants of all kinds, not just in total amount, but also concentration.

The implementation of the Air Pollution Action Plan 2013 not only strongly controlled air pollution problems but also provided an effective governance path for the air pollution law. For a long time, when local bureaucrats see the impact of environmental issues on a local level in China, they simply increase enforcement for purposes of cadre advancement and not for the purpose of dealing with environmental issues of

substantive importance.[9] The Air Pollution Action Plan 2013 changed the situation. In order to adopt these useful strategies, the Air Pollution Control Law 2000 was amended in August 2015 and went into effect in January 2016.

The Air Pollution Control Law 2015 was revised completely. The content expanded from the seven chapters and 66 articles before the revision to the current eight chapters and 129 articles. The provisions nearly doubled. Almost all the legal provisions in 2000 have been revised. The Air Pollution Control Law 2015 has addressed all aspects of the authorities who are assigned to enforce the law to take a positive role in controlling the air pollution.

The air pollution law was amended in 2018 only because China undertook a restructuring of its complex administrative structure in that year. Especially the State Environmental Protection Administration (SEPA) was replaced by the Ministry of Ecology and Environment, still directly below the State Council. The revision in 2018 was to change the name of the administrative department. And the contents of Air Pollution Control Law have not been changed.

3. Analysis on the Regulation Strategy Change in the Legislation of Air Pollution Regulation

The effect of the Air Action Plan 2013 is amazing. Some researchers calculated and evaluated the environmental quality of the atmosphere of 13 cities in China's Beijing-Tianjin-Hebei (BTH) region from February 2015 to January 2018 based on the extended AQI (Air Quality Index) Indicator System. They concluded that the pollution control policies have improved the air quality of Beijing by 55.74%, and improved the air quality of Tianjin by 34.38%. While the migration of polluting enterprises from Beijing and Tianjin has caused different changes in air quality in different cities of Hebei province, we saw air quality deterioration by 58.60% and 38.68% in Shijiazhuang and Handan city respectively.[10] Official reports show that PM_{2.5} levels have declined by 34.7% between 2013 and 2017. [11] Another study found average declines in satellite based PM_{2.5} levels of 17% across China between 2010 and 2015. [12]

The remarkable achievements indicate that the regulatory measures of the Air Pollution Action Plan 2013 were effective for the practical needs in China. However, the activeness of the administrative agencies shall be harnessed within the rule of law and shall follow the requirements of good governance. As law and governance reform are technical, managerial and financial matters, the revision of the Air Pollution Control Law illustrated how law, policies, the public and stakeholders operate in the special social-political contexts. As a rapidly industrializing country, China's unique experiences may help to understand how law and governance reform accelerate development.

3.1. Risk Regulation Change from Discharge-Control to Air Quality Control

For a long time, China's pollution legislation has focused

on controlling pollution emissions. Pollution generators have been the main regulated objectives, for their emission actions. Most regulatory tools adopted by environmental laws are about end-discharge control, same in the air pollution legislation. Using these tools, the Air Pollution Control Law 2000 has established a comprehensive legal system for root-source pollution control. The poor environment quality of atmosphere and the high health risk forced the administrative agencies, especially the State Council, to shut down the pollution emissions in a short time to improve the atmosphere quality. The State Council chose the way to set administrative objectives and set up an effective system to ensure the local governments to realize the special consideration and clarification by the Air Pollution Action Plan 2013. In some sense, this is still a command-control model, and the only difference is that the object who is commanded is the local government, not directly the regulated enterprises. But it is an effective strategy to settle the air problem in China.

In the long run, improving and maintaining a certain level of the environment quality of atmosphere is the effective way for air pollution control. The aim of the Air Pollution Control Law shifted from controlling end-of-pipe emissions to the quality of the atmospheric environment. [13]

In order to improve the environmental quality of the atmosphere, the whole society needs to comprehensively adjust the energy structure and industrial structure, coordinate regional economic development and environmental protection. The contradiction between economic development and environmental protection is more complicated because pursuing rapid economic development has been the main goal for a long time in China. Therefore, this is a big challenge for the Air Pollution Control Law.

From the practice of the Air Pollution Action Plan 2013, the legislator found the only way for the Air Pollution Control Law to apply air quality control was to assemble an inventory of national and local rules relevant to control air pollution, including environmental, transportation, energy, health, and other related areas. That is a critical first step to the success of any compliance and enforcement program.[14]

The Air Pollution Control Law highlights that the local people's governments at all levels shall be responsible for the quality of the atmospheric environment of their respective administrative regions.[13] The responsibility of local governments promotes local governments to play a more proactive role in pollution prevention and control. What the local governments can do is to make plans, take measures, control or gradually reduce the discharge of atmospheric pollutants, and make the atmospheric environment quality reach the prescribed standards and gradually improve it. [13]

To measure and manage the effectiveness of local governments, the Air Pollution Action Plan 2013 was relying on administrative authority and pressure. As for the Air Pollution Control Law, it provides that the competent department of ecology and environment jointly with other relevant departments under the State Council, is in charge of evaluating the provinces, autonomous regions and

municipalities directly under the Central Government. The key points to be evaluated are the achievement of goals of improving the quality of atmospheric environment and the completion of key atmospheric pollution prevention and control tasks. In turn, the people's governments of each province, autonomous region and municipality directly under the Central Government evaluate the achievement of goals of improving the quality of atmospheric environment and the completion of key atmospheric pollution prevention and control task within their respective administrative regions. The evaluation results shall be made available to the general public. [13]

3.2. Risk Regulation Shifting from Root-Control to Regional Coordination

Air pollution regulation cannot apply only by environmental protection agencies. It requires extensive cooperation among the government, (including national, principal and local government actors), the public (local community and general citizen), the organizations (regulated enterprises, environmental service organizations and NGOs). That is to say implementation and enforcement of pollution control laws depends on a coordinated effort among them. [14]

The enforcement of pollution law has been fragmented for a long time in China, not only in the administrative system, but also in the administrative division. Because the responsibilities and decision-making authority of stakeholders are always conflicting or unclear. Decentralization of environmental enforcement leads to poor performance. To reach agreement on how to reach environmental objectives best is a difficult thing, especially because of the fact that there are several local governments in the natural geographical area for air pollution regulation.

The measure to settle this issue in the Air Pollution Action Plan 2013 was to set key regions to control air pollution. The Air Pollution Control Law adopted this measure and asks environmental agency under the state council to delimit the key areas. The law sets up a regional local government co-operation mechanism to motive local government cooperate and collaborate on compliance and enforcement of air pollution rules. [13] The main goal of co-operation mechanism in the key areas is to achieve unified planning, unified standards, unified monitoring, unified prevention and control measures to reduce regional air pollution and fulfill the objectives of atmospheric pollution prevention and control. [13]

3.3. Regulation Standards Shifting Focus from Discharge Standards to the Quality Standards

Whether the quality of the atmospheric environment is improved depends on evaluation according to environmental standards. Under the pressure of public, national ambient air quality standards (NAAQS) was revised in 2012, which added PM_{2.5} and eight-hour ozone concentration limits and strengthened the requirements on PM₁₀ and NO₂.

Within China, regions and provinces are disproportionately contributing to and unevenly affected by the air pollution problem, partly due to the regional distribution of population and heavy polluting industries. For this reason, the NAAQS has been implemented in a three-stage process.

Depending on the air quality standards, the objectives of air pollution control are easy to be set. In 2016, the Ministry of Housing and Urban-Rural Development and the Ministry of Environmental Protection issued the "National Urban Ecological Protection and Construction Plan (2015-2020)". The plan sets a mandatory target requiring the concentration of fine particulate matter (PM_{2.5}) in the prefecture-level and above cities to drop by an average of 18% by 2020, and the emission reduction rate of sulfur dioxide, nitrogen oxides and VOCs to meet the national assessment requirements. The quality standards of fuel and coal have continuously improved too. Mobile source emission is one of the major contributors to PM_{2.5} pollution, in particular diesel fuel vehicles. According to a MEP document, national diesel vehicles emit NO_x close to 70% of total vehicle emissions, and PM over 90%. [15] During the implementation of the Air Pollution Action Plan 2013, China was progressively reducing emissions from mobile sources through strengthened vehicle fuel-quality standards and vehicle emission standards. The fuel quality "China 5" emissions standards have been gradually implemented nationwide from January 1, 2017. The Air Pollution Control Law 2015 provides that "The state bans the import, sale, and use of coal that fails to meet the quality standards and encourages the use of quality coal." [13]

4. Analysis and Evaluation of the Air Pollution Control Law

The environmental quality of the atmosphere has been greatly improved in the past few years in China. It is difficult to identify whether it is due to the efficiency of the Air Pollution Control Law. Because the interrelationships among the laws, policies, plans, and other rules are very complex. It is true that the Air Pollution Control Law found a more effective way to solve the problem of air pollution. In the view of law, maybe it is not good enough.

4.1. The Responsibility of Local Governments for the Quality of the Atmospheric Environment

The environmental protection target responsibility system and evaluation mechanism are the key factors for the Air Pollution Action Plan 2013 to achieve the excellent results. The legislative basis is the Environmental Protection Law, which stipulates "the state shall apply an objectives responsibility system and an evaluation and review system to environmental protection." [16] That means environmental performance will be an important basis for the evaluation and review of the government officials in their respective administrative region. The consideration of environmental

factors in promotion decisions may promote the officials to focus on environmental issues. [17] That might succeed in shifting incentives for local officials to prioritise environmental protection. [18]

Following the upper law and absorbing these successful practices, the Air Pollution Control Law stipulates that the local governments at all levels shall be responsible for the quality of the atmospheric, [13] making local governments the core force for social coordination.

But the local governments' responsibility is different from other subjects of legal relationship. For local governments have no direct legal liability for failing to complete the above requirements. In practice, if the local environmental quality is still in a bad situation, the competent department of ecology and environment at or above the provincial level would start the Interview Mechanism. [13] In the interview the head of the competent department of ecology and environment will talk with the chief person-in-charge with a co-operative attitude trying to understand the local governments. The aim of interview is to persuade and educate the head of local government to achieve the environmental protection objectives. If that fails, the law does not give a more deterrent punitive approach. Maybe during this process, the competent department of ecology and environment becomes more like an educator and less like a regulator. To this sense, the responsibility of local government is not a legal responsibility as the traditional legal sense. But it is more targeted and improved the implementation effect. In China, we can see that the political conditions determine the manner of environment pollution law enforcement. Whether there is a sufficient leadership commitment to pollution prevention and control is very important. Maybe it is the prerequisite, for the politicians decide on enforcement budgets and the political influence. It is less likely that pollution enforcement authorities would receive the necessary co-operation from other governmental agencies to help enforce the law.

Under the pressure of responsibility for the air quality, local governments then have to play the function of facilitating regulators, regulated enterprises, the public, and agencies to work together to achieve compliance and reach better environmental performance. The local governments could consider what kind of approaches fit best within local situation. Such situation includes the available financial, human, and technical resources, the public, especially the type of violation and the politicians on enforcement work.

Environmental laws in China are largely expressed in statements of general principle which depend on local implementation by given practical content. [19] It is essential to give more tools and strategies to the local governments in the regulatory context.

The enforcement of pollution law generally concerns two aspects: detecting violations of law (detection) and deciding on and executing the appropriate response (sanction application). [14] The effective enforcement depends on the agency's abilities including proactively monitoring compliance, detecting violations, and executing sanctions. The financial, human and technical resources are the

foundation of the agency's ability. Under China's special financial and personnel systems, as to financial, human and technical resources, the pollution enforcement agencies have been subject to local governments. [18] In some sense, they have the same interest in developing local economies. So, there is more system space for favoritism, collusion and corruption. With the responsibility of local environmental quality, the local governments have to enhance the environmental agency's ability. And the system space for favoritism, collusion and corruption will be reduced.

The responsibility of local governments also contributes to the compliance of the regulated enterprises. In some sense, the existence of law is to attain compliance. Effective and efficient enforcement, which is the state's reaction to law, will not only stop present violations but also prevent violations in the future. [14] The effective and efficient enforcement should influence the firms to comply with the law at the lowest costs for the enforcement agencies and the regulated actors involved, as well as the society at large.

The responsibility of local governments motivates local government to use the available resources as effectively and efficiently as possible to enforce the Air Pollution Control Law. The pressure of local government is not from the law liability, but from the upper government. So, the effectiveness of the law depends on political pressure at last.

4.2. Legal Liabilities and Effective Enforcement Capacities

The regulated enterprise complying with the law actively requires external pressures, especially pressure from the state law enforcement.[14] For regulated enterprises, fines, penalties, and other sanctions or punishments are the foundation to ensure compliance with environmental rules. [14] If a violation will not lead to a bad economic benefit, regulated enterprises will have no motivation to obey the rules. The punitive measures will be ineffective in fact. In order to strengthen the deterrence, the Environmental Protection Law raises the level of penalties against the polluters by setting up the fine-per-day mechanism, which was established in the Environmental Protection Law. The fine-per-day mechanism increases the penalties for violating enterprises and force them to stop illegal activities as soon as possible. If they don't stop violation, they may encounter huge fines for continuous discharge. [13, 16]

Environmental regulations often require self-monitoring, self-record-keeping, and self-reporting by enterprises to track their compliance and record the results for government review. [14] Environmental agency grasps the violation of the regulated enterprises based on this information. But the self-assessment cannot replace the government inspection and oversight, for data fraud is often the first choice for enterprises.

According to the Air Pollution Control Law, the competent department of ecology and environment is in charge of monitoring national atmospheric environmental quality, releasing information about the national atmospheric environmental quality condition.[13] Pollutant discharging entities under intensified supervision shall be responsible for

the veracity and accuracy of automatic monitoring data. [13] And the punishment for falsification is sufficiently severe. [13] In February 2015, the MEP also issued the Guidance on Promotion of Socialization of Environmental Monitoring and Inspection Services to improve government supervision on environmental monitoring and inspection entities. [20]

In addition, political pressures, market forces, and social conditions also brought compliance pressure to the regulated enterprises. And the different external pressures can work in a mutually reinforcing manner. In China, competitive markets do not fully represent compliance costs. Political pressures play a more key role. Now the local governments become the source of pressure.

4.3. Public Participation

The public and environmental NGOs play an important role in pollution regulation. The public and environmental NGOs also assert direct pressure on the regulated enterprises. Pressures from social groups can force regulated enterprises to comply with the law, even when state law enforcement is weak. [14]

Local residents and NGOs always work with the media together to force the authorities and the local government to enforce the laws strictly or settle some pollution issues quickly. The collective action of public and media even influence the legislation. The national ambient air quality standards 2012 (NAAQS) has been revised under the social pressure. In the implementation process of the Air Pollution Action Plan 2013, the Ministry of Environmental Protection has continuously released the national urban air quality status rankings. The ranking has given great pressure to the heavily polluted urban government and forced them to adopt more comprehensive measures to control the air pollution.

The important role of effective public participation in the implementation of the environmental law is fully recognized in the Environmental Protection Law. The law provides that citizens, legal persons, and other organizations have the rights to obtain environmental information and participate in and oversee environmental protection. The environmental agencies should disclose environmental information and improve the procedures for public engagement. [16] The pollutant discharging entities who are under intensified supervision shall honestly disclose the relevant environmental information to receive supervision from the general public. [16]

The Air Pollution Control Law stipulates a wide range of information disclosure to make sure that citizens could get trustworthy information about local pollution conditions, especially local enterprises' pollution action. The range includes the local governments' achievement of goals of improving the quality of atmospheric environment and the completion of key atmospheric pollution prevention and control tasks, atmospheric environment quality standards and atmospheric pollutant discharge standards, the evaluation results about implementation of the plan for reaching atmospheric environment quality standards, the pollution

emissions information of pollutant discharging entities under intensified supervision, and other monitoring information.

[13] Deliberative and participatory governance processes and formal mechanisms for transparency create opportunities for information gathering. [21]

In general, local communities could immediately detect polluting action. If local community is independent from regulated enterprise, especially if they do not need to work in these enterprises, their tolerance about pollution is very low when they are aware about the effects of pollution on their interests. They will do what they can do to resist pollution, including using their legal rights. So only information is not enough for the public participation. The path to take part in the decision-making process or sue against certain acts that harm the public interest is more important. Chinese public interest litigants are limited to suing polluters who actively pollute and not the government entities who allow the polluting acts to occur. [22] It is difficult to sue the government. The public interest litigation cannot be found in the Air Pollution Control Law.

5. Conclusion

From the evolution of air pollution prevention and control legislation we can see that the political pressure plays an important role. Effective environmental protection in unitary systems can only work if the central government has the political resolve to make change happen.[17] It is the government-led pattern in air pollution prevention and control. Although the Air Pollution Control Law has realized a transition from pollutant emission end control to atmospheric environmental quality control, which is an important change. The core of the Air Pollution Control Law enforcement comes still from the administration. The central government uses the assessment method to mobilize local governments to assume responsibility for air pollution control. Such a regulation can achieve good results in a short period of time under political pressure. From the long-term perspective of the law, the strict legal measures stipulated by the Air Pollution Control Law may be difficult to implement at the local level. The imbalance will lead to the transfer of pollution. And the movement of environmental protection and selective law enforcement will continue to exist in various places. After the effective control of air pollution in China, whether it needs to clarify the punishment for local governments or what kind of punishment can be stipulated is worth pondering.

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