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## Order of the Ministry of Agriculture and Rural Affairs, Ministry of Ecology and Environment (No. 7 [2020]) (Measures for the Collection and Disposal of Pesticide Containers)

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*The Measures for the Collection and Disposal of Pesticide Containers*, as deliberated and adopted at the 11<sup>th</sup> executive meeting of the Ministry of Agriculture and Rural Affairs on July 31, 2020, and approved by the Ministry of Ecology and Environment, are hereby issued and shall come into effect as of October 1<sup>st</sup>, 2020.

Minister of Agriculture and Rural Affairs: Han Changfu

Minister of Ecology and Environment: Huang Runqiu

August 27, 2020

# Measures for the Collection and Disposal of Pesticide Containers

## Chapter 1 General Provisions

**Article 1** For the purposes of preventing and controlling of pollution caused by pesticide containers and safeguarding the public health, these Measures are developed under such laws and administrative regulations as *the Soil Pollution Prevention and Control Law of the People's Republic of China*, the *Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Waste*, and the *Regulations on Pesticide Administration*.

**Article 2** These Measures are applicable to the management activities of pesticide containers during the agricultural production, as well as their supervision and management.

**Article 3** The Pesticide Containers set out herein mean the discarded containers that are in direct contact with the pesticide or that contain any pesticide residue after the use of pesticide, including bottles, cans, barrels and bags, etc.

**Article 4** Local people's governments at different levels shall, in accordance with the provisions of *the Soil Pollution Prevention and Control Law of the People's Republic of China*, organize, coordinate, supervise and urge relevant authorities to perform their responsibilities of supervising and managing the collection and disposal of pesticide containers according to law, establish and improve the collection and disposal system, and boost the construction of pesticide container management facilities and other facilities as a whole.

**Article 5** The competent department of agriculture and rural affairs of local people's governments at or above the county level shall be responsible for supervising and managing the performance of pesticide container management obligations by the pesticide producers, operators and users within their own administrative areas.

The competent department of ecology and environment of local people's governments at or above the county level shall be responsible for supervising and managing the prevention and control of environmental pollution arising from pesticide containers management within their own administrative areas.

**Article 6** Pesticide producers (including the companies exporting pesticides to China), operators and users shall proactively perform their pesticide container management obligations, collect the pesticide containers in a timely manner and disposal them.

**Article 7** The country shall encourage and support the industry associations to play the organizing, coordinating, technical guidance, service offering and other roles in the pesticide container management, as well as encourage and support professional service agencies to carry out pesticide container management.

**Article 8** The competent departments of agriculture and rural affairs as well as of ecology and environment of local people's governments at or above the county level shall carry out the

publicity and training on pesticide container management in various forms, and provide relevant guidance to the pesticide producers, operators and professional service agencies.

The pesticide producers, operators and social organizations are encouraged to carry out the publicity and training on pesticide container management.

## **Chapter 2 Collection of Pesticide Containers**

**Article 9** The competent department of agriculture and rural affairs of local people's governments at or above the county level shall investigate and supervise the generation of pesticide containers within their own administrative areas, provide guidance on the establishment of a pesticide container collection system, reasonably arrange pesticide container collection stations (sites), and clarify the management responsibilities.

**Article 10** The pesticide producers and operators shall, in accordance with the principle of "manageing by those who produce and operate", perform the obligations of pesticide container collection. The pesticide producers and operators may negotiate and determine the specific manner of performing the obligation to pesticide containers management.

The pesticide operators shall set up pesticide container collection device on their business premises, and shall not reject the containers of the pesticide sold by them.

The pesticide producers and operators shall take effective measures to guide the pesticide users to return their pesticide containers in a timely manner.

**Article 11** The pesticide users shall collect the pesticide containers and return them to the pesticide operators or pesticide container collection stations (sites), and shall not discard them at will.

During the pesticide application, the pesticide users shall, through cleaning and other ways, make full use of the pesticide in the container for dispensing, so as to reduce the residual pesticide.

If possible, it is encouraged to establish the inspection mechanisms for the cleaning of pesticide containers, including designating an inspector.

**Article 12** The pesticide operators or pesticide container collection stations (sites) shall set up ledgers for the pesticide container collection, in a bid to record the information on the quantity of the pesticide containers collected and where they have gone. The collection ledgers shall be kept for more than two years.

**Article 13** The pesticide producers shall make better pesticide containers for easier cleaning and recycling.

The country encourages the pesticide producers to phase out aluminum foil containers by using easily recycled and disposed containers, water-soluble polymer containers, and containers that are degradable in the environment, and encourages the use of large-capacity containers that are easily recycled.

## **Chapter 3 Disposal of Pesticide Containers**

**Article 14** The pesticide operators and pesticide container collection stations (sites) shall strengthen the management and maintenance of relevant facilities, device and sites, properly store the collected pesticide containers, and shall not arbitrarily dump, pile up, strew any pesticide containers.

**Article 15** For the transportation of pesticide containers, measures that prevent environmental pollution shall be taken to prevent from littering and strewing any pesticide container. The means of transport shall meet the rain-proof, anti-seep, and anti-strewing requirements.

**Article 16** The country encourages and supports the recycling of pesticide containers; any pesticide containers that cannot be recycled shall be disposed of in a harmless way according to laws and regulations.

The recycling of pesticide containers shall be carried out in line with the principle of “controllable risk, targeting and whole-course traceability”. The competent department of agriculture and rural affairs of the people’s government at the provincial level, together with the competent department of ecology and environment, shall identify the recycling entities according to local needs, and make them known to the public. No recycled pesticide containers shall be used for making catering utensils, children’s toys, and other products to avoid any harm to human health. The recycling entity shall not resell the pesticide containers.

The competent departments of agriculture and rural affairs as well as of ecology and environment of local people’s governments at or above the county level shall guide the recycling entities to utilize or dispose of the collected pesticide containers.

**Article 17** The disposal costs of pesticide containers shall be borne by corresponding pesticide producers and operators; if no pesticide producers and operators are identified, the disposal costs shall be financed by local people’s governments at the county level.

Local authorities are encouraged to increase capital investment and provide subsidies, preferential measures, etc. to support the pesticide container collection, storage, transportation, disposal and recycling activities.

#### **Chapter 4 Legal Responsibilities**

**Article 18** Where the competent departments of agriculture and rural affairs or of ecology and environment of the people's government at or above the county level fail to perform their duties as specified, the heads who are directly in charge and other directly responsible persons shall be punished according to law; and if such act constitutes a crime, they shall be investigated for criminal responsibilities according to law.

**Article 19** If the pesticide producers, operators and users fail to perform their pesticide container collection and disposal obligations, they shall be punished by the competent department of agriculture and rural affairs of the people's government in accordance with the provisions of Article 88, *the Soil Pollution Prevention and Control Law of the People’s Republic of China*.

**Article 20** Where environmental pollution is caused during the collection and disposal of pesticide containers, the competent department of ecology and environment of local people’s

governments shall impose punishment in accordance with relevant provisions of the *Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Waste* and other laws.

**Article 21** Where the pesticide operators and the pesticide container collection stations (sites) fail to set up ledgers for the pesticide container collection in accordance with the provisions, they shall be ordered by the competent department of agriculture and rural affairs of local people's governments to make corrections; If they refuse to make corrections or if the circumstances are serious, they may be fined not less than RMB2,000 but not more than RMB20,000.

### **Chapter 5 Supplementary Provisions**

**Article 22** The Professional Service Agencies mentioned herein refer to the agencies that are engaged in such operating activities as pesticide container collection and disposal.

**Article 23** These Measures shall come into effect as of October 1<sup>st</sup>, 2020.