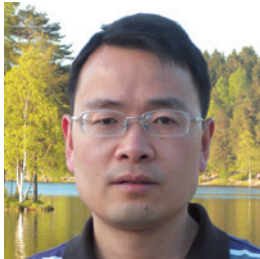


XUEYAN HU



China must continue the momentum of green law

A plan for improved environmental protection is a good first step, but all levels of society will need to work together for it to succeed, says Hong Yang.

It has taken 25 years, but China is finally modernizing how it intends to protect the environment. Late last month, the country's legislature revised its Environmental Protection Law (EPL), potentially heralding the end of China's 'growth-at-any-cost' strategy.

As most people know, the cost of this strategy has been great. In 2012, China emitted more than one-quarter of the world's carbon dioxide. In April, a report from the Ministry of Environmental Protection and the Ministry of Land and Resources claimed that around 16% of the country's land and 20% of its farmland is contaminated with heavy metals and pesticides. Another report said that nearly 60% of monitored underground water was of "very poor" or "relatively poor" quality in 2013. Furthermore, smog routinely blankets Beijing and other cities. The pollution is not limited to China — it also disperses to Northern America and affects the weather across the Northern Hemisphere.

The revised legislation looks strong on paper. It introduces strict penalties and public shaming for polluters, with 15 days in jail for those in charge of companies found to be in breach of targets. Caps on fines, which made it cheaper for many companies to face prosecution than to install equipment to reduce pollution, have been scrapped. And some green groups and other non-governmental organizations (NGOs) have now been given the right to sue.

At the local level, government officials face greater scrutiny and must make public more information, such as environmental impact assessments done on proposed developments. And individuals are urged to do their bit, too: the provisions call on the public to recycle more of its rubbish, for instance.

As many commentators have pointed out, the revised law could help to steer China towards a more sustainable development path, but only if it is properly implemented and strictly enforced. Existing environmental standards have been crippled by a lack of political will and by corruption in local governments. Enforcement is likely to depend on robust action by regional bureaus, which are more exposed than central government to the lobbying and bribes of polluting industry.

The revised law may be accompanied by a restructuring of the government departments that have responsibility for the environment, which until now was overseen by several agencies, including the Ministry of Housing and Urban-Rural Development and the Ministry of Agriculture.

More effective than the restructuring could be wider use of environmental litigation, the possibilities for which remain limited under the updated rules. Only organizations registered above the city level will be able to launch lawsuits,

so only around 300 NGOs qualify. Lawsuits are allowed only against polluters; the provisions for actions against enforcement authorities remain murky. A lawsuit brought against an environmental protection bureau for failing to curb air pollution was rejected in Shijiazhuang, one of China's ten most polluted cities.

There is also a growing divide between urban and rural areas. Protests from the urban middle class have forced the suspension or relocation of many dirty factories, and an urbanization plan released in March will accelerate such relocation. Beijing, for instance, has ordered more than 50 heavy-machinery and chemical companies to move to less developed regions. The transfers are damaging the fragile middle and western parts of the nation: industrial wastewater discharge has doubled in Qinghai Province.

In April, the International Comparison Program for the World Bank projected that China was on route to become the world's biggest economy in terms of purchasing power by the end of the year. But economic success cannot hide the loss to the environment and to health. The 2004 *China Green National Accounting Study Report* put the cost of environmental degradation at 512 billion renminbi (US\$62 billion; 3.1% of the total gross domestic product (GDP)). That tripled to about 1,539 billion renminbi in 2010, 3.5% of GDP. But because some audits are missing, for example on health loss, the actual costs could be much bigger. According to the United Nations Human Development Index, which includes the environment and health, China still performs poorly.

In announcing the revisions, the Chinese government promised a "war on pollution". But

wars are expensive, and to keep that promise, the government will need to increase its investment: its spending on environmental protection and energy conservation fell by almost 10% between 2012 and 2013.

If the provisions are to have teeth, this trend will need to be reversed. Increased media attention and public pressure can help to achieve this, and scientists in China have an important role. More should speak out about the environmental crisis, both directly to the public and through the media. This could also help to avoid the perception in China that scientists are mouthpieces of the government.

The Chinese people are ready for a grown-up debate about environmental problems and the cost of fixing them. Vivid and widespread debate helped to shape China's revisions to its environmental legislation. This must be built on and extended to become a template for other laws, particularly those that seek to protect the air, soil and water. ■

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