



**SUMMARY OF CASE LAW ON
WASTE PRODUCER LIABILITY**

PEOPLE'S REPUBLIC OF CHINA

Name of case: Yexie Town vs. Shanghai Jia Yu Chemical Co. et al.

Country and court: Songjiang District Shanghai China

Date of holding: August 4, 2014

Summary of facts: Local police found contamination in river along with dead animals nearby. They subsequently identified trucks hauling industrial waste dumping in the area. The town sued for joint and several liability for the cleanup costs and environmental damage – after the drivers were criminally sentenced.

The generator was held to have known that the haulers had no hazardous waste licenses yet dumped six trucks of spent acid into the town's waterway. The Court held that the waste generators failed to comply with administrative requirements on the transfer and treatment of waste. One company was specifically criticized for not determining if the hauler has the requisite licenses and qualifications.

Legal basis for holding waste generator or producer liable:

The Chinese Solid Waste Pollution Prevention Law¹ held to impose civil liability of waste generators that fail to assure compliance with its provisions on the handling, transport and treatment of hazardous waste. Said liability is joint and several and is strict liability for whatever damages and cleanup costs are caused in fact.

Scope of damages or relief ordered: About 900,000 yuan in compensatory claims as well as criminal sentences for those directly involved.

¹ "People's Republic of China Solid Waste Pollution Prevention Law" by the People's Republic of China Standing Committee of the Tenth National People's Congress thirteenth meeting on December 29, 2004 amended by, now revised "People's Republic of China Solid Waste Pollution Prevention Law "published, shall take effect April 1, 2005.Chairman of the People's Republic of China Hu Jintao (October 30, 1995 the Standing Committee of the Eighth National People's Congress passed the Sixteenth Meeting of the General Assembly 29 December 2004 the Standing Committee of the Tenth National People's Congress XIII 次会议修订).

This is not a new theory, as the [Jiangsu Province People's Court](#) in 2013 held the generators and all intermediaries jointly and severally liable for dumping coal tar wastes in a river. The liability attached for acts of omission as well as commission by waste generators. [Environmental Protection Bureau v. Wang Wenfeng](#), Jiangsu Province, December 16, 2013.

Link to Chinese articles summarizing the case: [Chinese court website \(case 3\); detailed legal analysis by law firm; lawyers' newsletter](#). (all links in Chinese).

Official Government explanation: [describing effect of 2005 amendments on liability of the parties](#) (Chinese).

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