PROMOTING OPEN ENVIRONMENTAL INFORMATION

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The Institute of Public and Environmental Affairs issued a brief review at the end of 2008 on the implementation of the Measures on Open Environmental Information (for Trial Implementation) which became effective in May 2008. The review has a special focus on the level of government disclosure of non-complying enterprises and their discharge data. Efforts have been made by stakeholders to facilitate the implementation of these measures and by local governments in expanding open environmental information. Meanwhile, not one polluting enterprise disclosed their discharge data in accordance with the measures, and none of them were punished by local environmental agencies for violating environment regulations.

Key words: environmental information disclosure, government, enterprise, NGO

On May 1st, 2008, the Measures on Open Environmental Information (for Trial Implementation) (环境信息公开办法(试行)), the first regulation on information disclosure in China, came into effect; thus, marking the significant progress in promoting the general public’s right to environmental information.

The Institute of Public and Environmental Affairs (IPEA) has been keeping close watch on the implementation of the Measures on Open Environmental Information (for Trial Implementation) (hereafter referred to as the Measures). Based on the information it has obtained, a review was made on the general situation since the Measures became effective six months earlier.

We found that a number of local governments had acted in accordance with the Measures. They doubled their efforts in facilitating environmental information disclosure. However, we also discovered that no enterprise has disclosed the discharge data as required by the Measures, and no polluting enterprise has been punished by local governments for violating environmental laws and regulations.

Nevertheless, progress was being made in the implementation of the Measures. Some government departments joined hands with non-governmental organizations (NGOs) in setting up training programs for their officials. Individual citizens and NGOs sent out applications to governments requiring open information. Some NGOs jointly wrote to the polluting enterprises, demanding them to publicize their discharge data.
We believe that local governments should take on the responsibility to execute their power, to disclose information about the polluters in a comprehensive, systematic, and timely way, while compelling polluters to release discharge information accurately.

I. Related Regulations of the Measures

According to Article 2 of the Measures, environmental information refers to environmental information from the government and enterprises. “Government environmental information means information made or obtained by environmental protection departments in the course of exercising their environmental protection responsibilities and recorded and stored in a given form.” Article 11 of the Measures states explicitly:

Environmental protection departments shall, within their scope of responsibilities and authorization, disclose on their own initiative the following government environmental information to the public:

13) List of enterprises with severe pollution and whose emission of pollutants is greater than the national or local emission standard or whose total emission of pollutants is greater than the quota of total controlled emissions determined by the local people’s government;
14) List of enterprises that have incurred serious or extraordinarily serious environmental pollution accidents or events, and list of enterprises that refuse to enforce effective environmental administrative penalty decisions.

The Measures stipulate that “government environmental information to be disclosed on environmental protection departments’ own initiative shall be disclosed by means of government websites, government gazettes, press conferences, as well as through newspapers and other publications, radio, television, and other methods that make it convenient for the public to be informed.”

In addition to its regulations on information disclosure on the government’s part, the Measures also features requirements for enterprises to abide by, which state that the enterprises should disclose their environmental information on both a voluntary and mandatory basis in a timely and precise way.