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**Report Name:** Regulation for the Prevention and Control of Crop Diseases and Insect Pests

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**Report Highlights:**

On April 2, 2020, China's State Council released the Regulation for the Prevention and Control of Crop Diseases and Insect Pests. The regulation clarifies the responsibilities of the government and individuals in preventing and controlling agricultural diseases and pests and lays out legal liabilities for violations. It also provides for the establishment of a nation-wide crop disease and pest surveillance system. The regulation entered into force on May 1, 2020. This report contains an unofficial translation of the regulation.

## General Information

On April 2, 2020, China's State Council released the Regulation for the Prevention and Control of Crop Diseases and Insect Pests. The regulation specifies the scope, goals, and guiding principles of agricultural disease and pest prevention and control, as well as categorizing the types of damage caused by crop diseases and pests based on severity. It also clarifies the relevant responsibilities of municipal governments of all levels, famers, and those who use agricultural products, in the prevention and control of crop diseases and insect pests. The regulation provides for the establishment of a nation-wide surveillance system for agricultural diseases and pests and encourages the use of specialized service providers for prevention and control work. Violations of the regulation are subject to strict legal liabilities. The regulation came into force on May 1, 2020. This report contains an unofficial translation of the regulation.

## BEGIN TRANSLATION

### Decree of the State Council of the People's Republic of China

No. 725

The Regulation for Prevention and Control of Crop Diseases and Insect Pests, which was adopted at the 86<sup>th</sup> Executive Meeting of the State Council on March 17, 2020, is hereby promulgated, and shall come into force on May 1, 2020.

Premier Li Keqiang

March 26, 2020

### Regulation for Prevention and Control of Crop Diseases and Insect Pests

#### Chapter I General Provisions

**Article 1** This Regulation is formulated to prevent and control crop diseases and insect pests, ensure the national food security, safeguard quality and safety of agricultural products, protect the ecological environment, and promote the sustainable development of agriculture.

**Article 2** The “prevention and control of crop diseases and insect pests” in this Regulation refers to activities such as surveillance and forecast, prevention and control, and emergency response for crop

diseases, insects, weeds, rats and other harmful organisms that endanger crops and their products, and the oversight of such prevention and control activities.

**Article 3** The prevention and control of crop diseases and insect pests shall put prevention at the core, and take comprehensive prevention and control measures; the prevention and control of crop diseases and insect pests shall adhere to the principles of government leading, territorial responsibility, categorized management, scientific and technological support and “green” prevention and control.

**Article 4** Based on the characteristics and degree of harm caused by crop diseases and insect pests to agricultural production, crop diseases and insect pests are divided into the following three categories:

(I) Category I crop diseases and insect pests: refer to the perennial crop diseases and insect pests that occur in an extremely large area or may cause particularly severe losses to agricultural production. The list of the Category I crop diseases and insect pests shall be formulated and published by the competent agricultural and rural affairs department of the State Council.

(II) Category II crop diseases and insect pests: refer to the perennial crop diseases and insect pests that occur in a large area or may cause severe agricultural production. The list of the Category II crop diseases and insect pests shall be formulated and published by the provincial agricultural and rural affairs authorities, which shall be filed to the competent agricultural and rural affairs department of the State Council for record.

(III) Category III crop diseases and insect pests: refer to other diseases and insect pests not covered in the Category I and Category II.

The newly discovered crop diseases and insect pests that may cause severe or particularly severe losses to agricultural production shall be treated as the Category I crop disease and insect pest before it is categorized.

**Article 5** The people’s governments at or above the county level shall strengthen the leading of the prevention and control work; the funds for prevention and control of crop diseases and insect pests shall be incorporate into the government’s budgets.

**Article 6** The competent agricultural and rural affairs department of the State Council oversees the prevention and control of crop diseases and insect pests throughout the country. The county and above level agriculture and rural affairs authorities are responsible for the oversight of the prevention and control of crop diseases and insect pests in their respective administrative areas.

Other departments within the people’s governments at or above the county level shall properly handle the crop diseases and insect pests prevention and control work pursuant to their respective jurisdictions.

The township people's governments shall assist the higher-level people's government for the publicity and mobilization activities for the prevention and control of crop diseases and insect pests in their respective administrative areas.

**Article 7** The county and above level agriculture and rural affairs authorities shall mobilize plant protection institutions to carry out technical work for the prevention and control of crop diseases and insect pests.

**Article 8** Farmers and agriculture product operators shall properly carry out the prevention and control of crop diseases and insect pests in production and business operation; they shall cooperate with the crop diseases and insect pests prevention and control work carried out by the government.

Rural collective economic organizations and villagers' committees shall cooperate with the people's governments of various levels in the prevention and control of crop diseases and insect pests.

**Article 9** China encourages and supports science and technology innovation, transformation and law-based popularization and application of relevant technologies for the prevention and control of crop diseases and insect pests; China popularizes and applies information technology and biotechnology; China promotes the prevention and control of crop diseases and insect pests to be intelligent, specialized and environmentally friendly.

China encourages and supports international cooperation and exchanges in the prevention and control of crop diseases and insect pests.

**Article 10** China encourages and supports the use of "green" prevention and control technologies (such as ecological governance, healthy cultivation, biological and physical prevention and control measures), advanced pesticide spraying machines, and safe, efficient and economical pesticides.

**Article 11** Units and individuals that have made outstanding contributions to the prevention and control of crop diseases and insect pests shall be commended in accordance with the relevant provisions.

## **Chapter II Surveillance and Forecast**

**Article 12** China establishes a surveillance system for crop diseases and insect pests. The competent agricultural and rural affairs department of the State Council shall be responsible for preparing and implementing the plan for constructing the national crop diseases and insect pest surveillance network. The provincial agricultural and rural affairs authorities shall be responsible for the preparation and implementation of the plans for the construction of the crop diseases and insect pest surveillance network in their respective administrative areas.

The county and above level agriculture and rural affairs authorities shall strengthen the oversight of the crop diseases and insect pest surveillance network.

**Article 13** No unit or individual shall occupy, damage, remove or move without authorization the surveillance facilities and equipment, or in any other way hinder the normal operation of the surveillance facilities and equipment for crop diseases and insect pests.

The new construction projects, reconstruction and expansion projects shall keep distance from facilities and equipment for surveillance of crop diseases and insect pests. If it is indeed impossible to avoid such facilities/equipment, or there is a need to dismantle the surveillance facilities/equipment, the move shall be carried out by the county and above level agriculture and rural affairs authorities according to the relevant technical requirements; the cost of the relocation shall be borne by the construction unit.

If the surveillance facilities and equipment for crop diseases and insect pests are damaged, the county and above level agriculture and rural affairs authorities shall promptly organize the repair or reconstruction of the facility and equipment.

**Article 14** The county and above level agriculture and rural affairs authorities conduct the surveillance of crop diseases and insect pests. The surveillance of crop diseases and insect pests shall include the following contents:

- (I) Types, time, scope and degree of crop diseases and insect pests.
- (II) Species, distribution and population fluctuation of main natural enemies of pests.
- (III) Field climate that affects the occurrence of crop diseases and insect pests.
- (IV) Other contents to be monitored.

Technical specifications for the surveillance of crop diseases and insect pests shall be formulated by the provincial agricultural and rural affairs authorities.

Farmers and agriculture product operators shall cooperate (the government's) surveillance of crop diseases and insect pests.

**Article 15** The county and above level agriculture and rural affairs authorities shall, in accordance with the provisions of the competent agricultural and rural affairs department of the State Council, timely report the surveillance information to the competent agricultural and rural departments of the people's governments at higher levels.

No unit or individual shall conceal or falsely report the surveillance information; they should not instruct others to fabricate false information or prevent others from truthfully reporting.

**Article 16** The county and above level agriculture and rural affairs authorities shall, on the basis of comprehensive analysis of the surveillance results and in accordance with the provisions of the competent agricultural and rural affairs department of the State Council, issue the forecast of crop

diseases and insect pests. Other organizations or individuals shall not issue the forecast of crop diseases and insect pests to the public.

The forecast of crop diseases and insect pests shall include the occurrence, the possible types, time, scope, degree, prevention and control measures of crop diseases and insect pests, etc.

**Article 17** Overseas organizations and individuals shall not carry out surveillance activities of crop diseases and insect pests within the territory of China. If it is necessary, the provincial agricultural and rural affairs authorities shall organize the domestic institutes to carry out the work jointly with the overseas organizations, and the monitoring shall follow the provisions of relevant laws and regulations.

Any units or individuals shall not provide unreleased surveillance information to overseas organizations or individuals without authorization.

### **Chapter III Prevention and Control**

**Article 18** The competent agricultural and rural affairs department of the State Council formulates the national plans for the prevention and control of crop diseases and insect pests; the county and above level agriculture and rural affairs authorities organize the formulation of plans for the prevention and control of crop diseases and insect pests in their respective administrative areas.

The plans for the prevention and control of crop diseases and insect pests are formulated based on the factors such as agricultural production, climate conditions, perennial occurrence of crop diseases and insect pests, surveillance and forecast, occurrence trend, etc.; the plan should include prevention and control objectives, key areas, prevention and control thresholds, prevention and control measures and safeguard measures.

**Article 19** The county and above level agriculture and rural affairs authorities shall improve the crop diseases and insect pests prevention and control systems, conduct surveillance and assessment of the pesticide resistance, and provide technical trainings, guidance and services on the prevention and control of crop diseases and insect pests to farmers and agriculture product operators.

China encourages and supports scientific research institutes, relevant colleges and universities, farmers' cooperatives, enterprises, industry associations and other units and individuals to study and promote the "green" prevention and control technologies in accordance with the law.

For those who are exposed to toxic and harmful substances in the prevention and control of crop diseases and insect pests, relevant agencies shall (ask the individuals to) properly take prevention measures, and grant subsidies in accordance with relevant provisions.

**Article 20** The county and above level agriculture and rural affairs authorities shall carry out ecological governance work, including crop replanting, vegetation reconstruction and environmental improvement

in the breeding places and source areas of crop diseases and insect pests; by adjusting the planting structure to prevent the breeding and spread of crop diseases and insect pests.

**Article 21** The county and above level agriculture and rural affairs authorities shall guide farmers and agriculture product operators to select disease-resistant and insect-resistant varieties, adopt seed treatment measures (such as seed coating, seed dressing and disinfection), and take cultivation and management measures (such as reasonable rotation, deep ploughing and weeding, covering weeding, soil disinfection and removal of diseased and infected crops) to prevent crop diseases and insect pests.

**Article 22** Those who are engaged in the crop diseases and insect pests research, breeding, propagation, transportation, exhibition and other activities shall take measures to prevent escape and spread of the pests and disease.

**Article 23** When crop diseases and insect pests occur, farmers and agriculture product operators shall take timely control measures to prevent the spread of crop diseases and insect pests. Detecting severe or outbreak of crop diseases and insect pests, farmers and agriculture product operators shall timely report the occurrence or outbreak to the county and above level agriculture and rural affairs authorities in a timely manner.

**Article 24** When using pesticide to prevention and control of crop diseases and insect pests, relevant units and individuals shall follow the pesticide safety and rational use protocols, and shall use the pesticide in strict accordance with pesticide labels or instructions.

Farmland weeding shall avoid harm to the current and subsequent crops caused by herbicides; while killing rodents, (measures shall be taken) to avoid harm to human and livestock safety caused by the rodenticide.

**Article 25** With the occurrence of severe crop diseases and insect pests, the county and above level agriculture and rural affairs authorities shall, following plans and surveillance/forecasts, organize and guide farmers and agriculture product operators, diseases and insect pest prevention and control service providers to adopt coordinated control measures without delay.

When Category I severe crop diseases and insect pests occur, the competent agricultural and rural affairs department of the State Council should give comprehensive coordination and guidance for the control work. When Category II and Category III severe crop diseases and insect pests occur, the provincial agricultural and rural affairs authorities shall give comprehensive coordination and guidance for control work.

Crop diseases and insect pests occurring on state-owned uncultivated land shall be controlled by the county and above level people's governments.

**Article 26** When severe farmland rodent pest occurs, the county and above level people's governments shall take coordinated measures to kill the rodents.

**Article 27** The county and above level agriculture and rural affairs authorities shall organize the investigation and summary of crop diseases and insect pests outbreaks, promptly report outbreak information to the people's governments of the same level and the higher level competent agricultural and rural departments, and copy the emergency response departments of the people's governments at the same levels.

The crop diseases and insect pests outbreak information shall be released by the county and above level agriculture and rural affairs authorities together with the emergency response departments of the people's governments at the same level; no organization or individuals are allowed to release such information to the public.

**Article 28** China encourages and supports the insurance institutions to launch insurance services related to the prevention and control of crop disease and pests; China encourages and supports farmers and agriculture product operators to purchase such insurances.

#### **Chapter IV Emergency Response**

**Article 29** The competent agricultural and rural affairs department of the State Council shall establish an emergency response and disposal mechanism for the prevention and control of crop diseases and insect pests, and formulate contingency plans.

The county and above-level people's governments and relevant departments shall, based on needs for emergency response of crop diseases and insect pests in the region, formulate emergency response plans, conduct trainings and drills, and reserve necessary emergency supplies.

**Article 30** In case of an outbreak of crop diseases and insect pests, the local people's governments at or above the county level shall immediately initiate the emergency response and take the following measures:

- (I) Define the range and area under emergency response;
- (II) Set up and mobilize the emergency response teams;
- (III) Use emergency supplies such as pesticides and machines;
- (IV) Organize the emergency response actions.

**Article 31** Relevant departments county and above level people's governments shall, within their jurisdictions, properly handle the emergency response of crop diseases and insect pests.



The competent departments in charge of public security and transportation shall provide convenience for the dispatch and transportation of materials required for emergency response, the competent department in charge of civil aviation shall give priority to the aviation operations for emergency response, and the competent department in charge of meteorology shall offer meteorological information services for emergency response.

**Article 32** While responding to emergencies of crop diseases and insect pests, the local people's governments at or above the county level may, if necessary, mobilize necessary materials, means of transport and relevant facilities and equipment as required. After the emergency response is finished, the materials, means of transport and relevant facilities and equipment shall be returned without delay, and compensation shall be made for the damage or loss.

### **Chapter V Specialized Services**

**Article 33** China encourages and supports organizations that provide specialized prevention and control services by means of government purchasing such services, and encourages such organizations to use "green" prevention and control technologies.

The county and above level agriculture and rural affairs authorities shall strengthen the oversight of the organizations, and provide technical training, guidance and services to them.

**Article 34** The specialized service organizations for prevention and control of diseases and insect pests shall have suitable equipment, technicians, field operators and standardized management systems.

Specialized service organizations for prevention and control of diseases and insect pests which need to be registered in accordance with relevant laws and administrative regulations shall apply to the relevant departments of the people's governments at or above the county level for registration.

**Article 35** The field operators of the specialized service organizations shall be able to correctly identify the crop diseases and insect pests in their service areas where they work, correctly master the knowledge (such as the scope of application of the pesticides, the pesticide spraying method, and the safety interval period) and the knowledge of safety protection in field operations; they should know how to operate the pesticide applying machines, and tools used for prevention and control of crop diseases and insect pests. The specialized service organizations shall organize the field operators to participate in technical trainings on regular basis.

**Article 36** The specialized service organizations shall determine the service plans after consulting with the service buyers, or sign service contracts with service buyers.

The specialized service organizations shall follow the national regulations for safe and rational use of pesticides, establish service archives, and faithfully record the time, place and contents of the services;

they shall also record information such as names, quantities, manufacturers of the pesticides, and disposal of pesticide packaging wastes. The service files shall be kept for at least two years.

**Article 37** The specialized service organizations shall, in accordance with the relevant national regulations, purchase work-related injury insurance and pay the insurance premiums for the field operators. China encourages the specialized service organizations to purchase personal accident insurance for the field operators.

The specialized service organizations shall provide necessary protective supplies to field operators.

**Article 38** To carry out the aviation work for preventing and controlling crop diseases and insect pests, the specialized service organizations shall, in accordance with the relevant national regulations, announce to the public the scope and time of the operation, the type of applied pesticides and matters needing attention; if it is necessary to register or file records for the flying, such registration or record filing shall be done in accordance with relevant national regulations.

## **Chapter VI Legal Liability**

**Article 39** Local people's governments at various levels and relevant departments of the county and above level people's governments, and staff thereof, committing any of the following acts, the leading responsible personnel and directly responsible personnel shall be punished according to law; If such acts constitute a crime, the personnel shall be investigated for criminal responsibility in accordance with law:

(I) Failing to perform duties in accordance with the provisions of the Regulation;

(II) Concealing or give false report of the surveillance information of crop diseases and insect pests, or inciting others to make up false information or preventing others from reporting faithfully;

(III) Offering unreleased surveillance information about crop diseases and insect pests to overseas organizations and individuals without authorization;

(IV) Having other behaviors such as misuse of authority, dereliction of duty, favoritism and malpractice.

**Article 40** Anyone, violating the provisions of the Regulation, occupies, damages, dismantles or moves the facilities and equipment for surveillance of crop diseases and insect pests without authorization or interferes in normal operation of the facilities and equipment for surveillance of crop diseases and insect pests in other manners, shall be ordered by the competent departments of agricultural and rural areas of the people's government at or above the county level to stop illegal acts, recover or take other remedial measures within a definite time, and may be fined 50,000 yuan or less; If a loss is caused, the person shall bear the compensation liability in accordance with the law; If the acts constitute a crime, the person shall be investigated for criminal responsibility in accordance with the law.

**Article 41** Anyone who is in violation of the provisions of the Regulation, commits any of the following acts shall be fined 5,000-50,000 yuan by the county and above level agriculture and rural affairs authorities; The person with a severe violation shall be fined 50,000-100,000 yuan; If any loss is caused, the person shall assume the compensation liability in accordance with law; If such acts constitute a crime, the person shall be investigated for criminal responsibility in accordance with the law:

(I) Release prediction of crop diseases and insect pests or disaster information to the public without authorization;

(II) Fail to adopt effective measures in the research, breeding, reproduction, transportation, exhibition and other activities on crop diseases and insect pests, resulting in the escape and spread of crop diseases and insect pests;

(III) Fail to give announcement in accordance with the relevant national regulations before carrying out aviation operations for the prevention and control of crop diseases and insect pests.

**Article 42** If any specialized service organization for prevention and cure diseases and insect pests commits any of the following acts, the specialized service organization shall be ordered by county and above level agriculture and rural affairs authorities to make corrections. Whoever refuses to make corrections or causes a severe violation shall be fined 2,000-20,000 yuan; If any loss is caused, the specialized service organization shall assume the compensation liability in accordance with the law:

(I) There is a lack of corresponding facilities, equipment, technicians, field operators and standardized management systems;

(II) The field operators of the organization cannot correctly identify the crop diseases and insect pests of the service area, correctly grasp professional knowledge like the scope of application of the pesticide, the pesticide applying method and safety interval period and the knowledge of safety protection for field operation, or cannot properly use the pesticide applying machines, or supplies relevant to the prevention and control of crop diseases and insect pests;

(III) Service files are not established or kept as required;

(IV) The field operators are not equipped with necessary protective supplies.

**Article 43** For any overseas organization or individual that is in violation of the provisions of the Regulation, and carries out surveillance activities of crop diseases and insect pests within the territory of China, the county and above level agriculture and rural affairs authorities shall order the organization or individual to stop the surveillance activities, confiscate the surveillance data and tools, and fine the organization or individual 100,000-500,000 yuan; If the organization or individual causes a severe violation, the organization or individual shall be fined 500,000-1,000,000 yuan; If such act constitutes a

crime, the organization or individual shall be investigated for criminal responsibility in accordance with the law.

### **Chapter VII Supplementary Articles**

**Article 44** The prevention and control of diseases and insect pests for stored grains shall be implemented in accordance with relevant laws and administrative regulations.

**Article 45** The Regulation shall come into force as of May 1, 2020.

**END TRANSLATION**

#### **Attachments:**

No Attachments.