

Global Benchmarking of Mining Waste Rules – China

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This report provides additional detail to support the completed excel document.

Executive Summary

China has in place fairly detailed regulations concerning the design, maintenance and closure of tailings dams. These have many aspects that seek to minimise the dangers from tailings dams. In general, however, they fall significantly short of the Safety First Guidelines for Responsible Tailings Management.

From our research, the most pertinent pieces of regulatory tools include the [Regulations on Safety Supervision and Management of Tailings Dams](#) (2015), [Safety Regulations for Tailings Pond](#) (2020) - a mandatory national standard, and Government policies such as the [Notice on Issuing the Work Plan for Preventing and Resolving Safety Risks of Tailings Dams](#) (2020) and [Overall Plan for Risk Management of Tailings Dams](#) (2022), although tailings are also mentioned in various other legal texts concerning the mining sector.

The Chinese legal and policy framework does distinguish between upstream, downstream and centreline (“midline”) dams, offering different safety and design requirements for the different types of dams. However, unlike in the Safety First Guidelines, upstream dams are not prohibited.

The use of “Best Available Technologies”, such as filtered (dry-stack) tailings or backfilling is encouraged in one set of government regulations¹. However, the legislation does not specify that such technologies are mandatory.

The legislation does not explicitly require “Adaptive Management Plans” to be developed nor use the same terminology for risk monitoring as are used in the Safety First guidelines. However, the legislation does give fairly detailed stipulations regarding the setting up of risk monitoring systems². Independent Tailings Review Boards are also not required by the Chinese legislation.

Chinese legislation does contain reasonably detailed requirements for safe closure and post closure monitoring. However, these are not explicitly linked to the permitting process as the Safety First Guidelines recommend, nor do they contain specifications on financial guarantees for long-term post-closure maintenance. The legislation does give some guidance about site selection, requiring that potential impacts on local residents, facilities and the environment are considered.

¹ Regulations on Safety Supervision and Management of Tailings Dams, Art 8.

² Safety Regulation for Tailings Ponds, Art 5.5 + 6.7.

In terms of requirements for financial assurance and insurance of tailing facilities, the Chinese legislation contains little or no explicit requirements. The notable exception is that “investors” and relevant state authorities are deemed responsible for tailings maintenance in the event of a mining company going bankrupt.³

Requirements for information disclosure include some stipulations to publish lists of tailings facilities and Environmental Impact Assessments. In general, however, the requirements for information disclosure are less comprehensive than the Safety First Guidelines.

Chinese legislation does not require climate change to be taken into account in the design of new tailings dams. It does prohibit the construction of new tailings ponds upstream one kilometre from residential areas⁴, though the requirements fall short of banning dams that could endanger residents within a broader “zone of influence”. In general, most of China's current policy efforts are focused on addressing risks posed by existing tailings dams, as opposed to regulating new dams.

³ Regulations on Safety Supervision and Management of Tailings Dams, Art 32

⁴ Article II.2 of [Notice on Issuing a Work Plan for Preventing and Resolving Tailings Pond Safety Risks](#) 2020