

Environmental Health and the Law

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In recent years, there has been growing awareness of the serious health challenges posed by China's environmental pollution. In 2007, for example, a study by China's Ministry of Health found that cancer, primarily due to air and water pollution, as well as food additives and pesticides, had become the number one killer in China.¹ The OECD forecast that, by 2020, pollution in China would cause "600,000 premature deaths in urban areas, 9m person-years of work lost due to pollution-related illness, 20m cases of respiratory illness a year, 5.5m cases of chronic bronchitis and health damage," all costing up to 13 per cent of gross domestic product.²

China has placed a great official emphasis on the use of law to address its environmental health problems. Its *National Action Plan on Environmental Health (2007-2015)*, a joint plan of the Ministry of Health, State Environmental Protection Administration and 16 other agencies, makes the establishment of a comprehensive system of environment and health related laws and regulations a major component of the country's planned work. Given that China is still a country "heading towards rule of law," what are the prospects for the use of law to address China's environmental health problems? What are legal mechanisms from the international experience (primarily focused on the U.S.) that China might consider adopting? What are potential roles for lawyers in addressing China's environmental health problems? This working paper will begin to explore these complicated questions and propose some potential answers and areas for future research.

¹ "地下水污染使癌症成农村第一死因," 燕赵都市报, 2007年5月17日 (<http://news.sohu.com/20070517/n250062246.shtml>); Xie Chuanjiao, "Pollution makes cancer the top killer," *China Daily*, May 21, 2007 (http://www.chinadaily.com.cn/china/2007-05/21/content_876476.htm).

² Jamil Anderlini, "OECD highlights Chinese pollution," *Financial Times*, July 17, 2007 (<http://www.ft.com/cms/s/0/932c36ca-348c-11dc-8c78-0000779fd2ac.html>).