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Review of the "Law of the People's Republic of China on Quality and Safety of Agricultural Products"

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Abstract: One of the characteristics of food safety regulation in China is the separation of agricultural food products (agro-food) from other kinds of food. To this end, a Law on Quality and Safety of Agricultural Products (LQSAP) was enacted to provide for official control at the stage of primary agro-food production. With the enactment and revision of the Food Safety Law, one change in the legislative arrangement is the extension of the scope of this new law to cover the marketing of agro-food and the use of agricultural inputs. However, safety regulation at the stage of primary production of agro-food is still subject to the Law on Quality and Safety of Agricultural Products. It is also important to note that thee LQSAP refers both to agro-food and to agricultural products for non-human consumption; and that it provides rules both for safety assurance and for quality promotion. In the context of intensified official control to ensure food safety and diverse consumer needs for food of higher quality, a revision of the Law on Quality and Safety of Agricultural Products has been initiated. This article describes the goals of this legislation, its institutional arrangements and the directions the revisions are taking in order to provide a better understanding of food safety regulation in China in general and agro-food regulation in particular.

Key words: food safety; agro-food; agro-environment

With the revision of the Food Safety Law of the People's Republic of China (Food Safety Law), China's food safety supervision and management system, which was characterized by segmented supervision, has to some extent been integrated. There are three aspects to this. First, the food safety supervision and management system, which was established in 2013 as part of administrative reform, functions according to the basic provision that China will implement unified supervision and management of food safety in production, distribution and catering services by establishing the China Food and Drug Administration (CFDA). Second, in view of the long chains and multiple links characteristic of food safety management, the Food Safety Law establishes the rule of law for control of the full process, and a management system for the full process from farm-to-table. For example, with respect to the management of edible agricultural products, the law adds some provisions on the claiming of certificates and invoices, purchase inspections and so on for market sales of edible agricultural products (Yuan and Xu 2015), and explicitly stipulates that the Food Safety Law applies to sales of edible agricultural products in the markets. Third, the Food Safety Law not only directly sets some normative requirements for sales and the formulation of standards of edible agricultural products, but also strengthens the governance at source of food safety guarantees with provisions governing agricultural inputs, including strict management requirements for pesticide use and the prohibition of the use of hypertoxic or highly toxic pesticides with such crops as vegetables, melons and fruits.

As noted above, the "farm-to-table" supervision and management system unifies the formulation of standards and information releases on the one side, and reinforces seamless regulation between the place of production and circulation following market access. However, the Food

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Safety Law is not the only piece of legislation governing the quality and safety management of edible agricultural products, which are also subject to provisions of the Law of the People's Republic of China on Quality and Safety of Agricultural Products (Law on Quality and Safety of Agricultural Products or LQSAP). Under this regulation, the supervision of edible agricultural products not only needs to implement the standards and systems for food safety stipulated in the Food Safety Law, but must also continue to implement the production place management system and the agricultural input management system established by the Law on Quality and Safety of Agricultural Products, which highlights the features (Peng 2006) that distinguish agricultural products from industrial ones. Yet the Law on Quality and Safety of Agricultural Products lags behind somewhat when compared with the Food Safety Law (Wang 2015), which was enacted in 2009 and revised in 2015. Such lags in the legislation are manifested by the lack of supporting laws and regulations, and the coherence between this law and subsequent legislation, which refers here mainly to the Food Safety Law.

In view of this, a revision of the Law on Quality and Safety of Agricultural Products has begun in order to further enrich, improve and detail the current legal provisions in response to the new situation (MOA 2014).[1] Based on the author's experience of the process of revising the Law on Quality and Safety of Agricultural Products,[2] the review of the law in this article takes into consideration three factors: first, the legislative background of the law; second, the institutional arrangements for safety supervision of edible agricultural products; and third, the current progress of the revision of this law, and the key challenges involved.

1 Background of the LQSAP

In the face of such challenges as limited resources and a large population, securing and adequate quantity of food remains the primary goal of China's agricultural production. The pioneering work of "setting output quotas for each farming household" during the reform and opening period represented a breakthrough in this regard (Tang 2009). The subsequent achievement was a significant increase in the quantity of agricultural products, which played a decisive role in meeting the basic needs of the population. On this basis, China entered a new phase in which there is equal emphasis on quantity and quality of agricultural development; that is, China would develop high-quality, high-efficiency agriculture with a continuing emphasis on product quantity (SC 1992). To this end,, in 2001, the Ministry of Agriculture (MOA) initiated the "Hazard-free Food Action Plan", which was intended to advance the supervision of quality and safety of agricultural products across the board. This included intensifying the development of the guarantee system for the quality and safety of agricultural products and highlighting major supervision links such as the production environment of agricultural products, production processes, as well as supervision of inputs, traceability and market access (Peng 2006).

As such work advanced, several legal problems arose. First, as the main law regulating agricultural production, the Agriculture Law of the People's Republic of China has as its main goals the promoting of the stable development of agriculture and increasing the effective supply of agricultural products. Some provisions regarding agricultural inputs and the production environment in this law help to guarantee the quality and safety of agricultural products. In terms of agricultural inputs, for example, people's governments and agricultural business operators for agricultural production at all levels should set up sound systems to ensure the safe use of agricultural means of production that can endanger the safety of people and livestock, such as pesticides, veterinary drugs and agricultural machinery, and educate agricultural laborers in safe production procedures. In terms of the production environment, agricultural business operators for agricultural production and agricultural laborers should maintain land, make reasonable use of fertilizers and pesticides, increase the use of organic manure to raise land productivity and prevent land from pollution, destruction and deterioration. However, these provisions aim to raise yields and put more emphasis on principles than practice.

Second, as food safety problems occurred and the public began focusing on food safety issues, the Product Quality Law of the People's Republic of China (Product Quality Law), which was enacted in 1993, and the Food Hygiene Law of the People's Republic of China (Food Hygiene Law), which was formulated in 1995, laid a legal foundation for food safety guarantees. However, two problems emerged. First, the Product Quality Law applies to only those products that are processed, made and sold, and excludes agricultural products. Second, although those engaging in the production and operation of foods in China were required to abide by the Food Hygiene Law, production and operations as defined in this law did not cover agriculture and livestock raising. In other words, edible agricultural products were beyond the regulatory scope of the Food Hygiene Law. For these reasons, compared with food safety supervision in other links, the safety supervision of primary agricultural products lacked a legal foundation.

A series of safety problems with agricultural products occurred one after another because the above issues were not covered by law.

[1] MOA (the Ministry of Agriculture of China). 2014. Letter of the Gen-eral Office of the Ministry of Agriculture on soliciting opin-ions about revision of the 'Law of the People's Republic of China on Quality and Safety of Agricultural Products', Nong Ban Zhi Han [2014] No. 93, November 28. (in Chinese).

[2] The "Revision of the 'Law of the People's Republic of China on Quality and Safety of Agricultural Products' – Foreign Experience" project, undertaken by the Institute of Quality Standard and Testing Technology for Agro-Products of the Chinese Academy of Agricultural Sciences.

The nature of agricultural production and dietary habits in China presented some major challenges for the supervision of the quality and safety of agricultural products of the country. First, agricultural production faced problems related to scale: production was generally conducted on a small scale, and was scattered and managed in disorderly ways, lacking the conditions needed to apply modern standards and modes of production. Second, over ninety percent of the diet of Chinese people consisted of fresh agricultural products or directly processed agricultural products, and this further increased the workload and difficulty of supervision (Jin 2015). Therefore, there was a consensus that the development of legislation governing the quality and safety of agricultural products and improvements to the law for quality and safety needed to be accelerated. The MOA was charged with the task of investigating legislation and drafting the act (Jin 2003).

To sum up, the Law on Quality and Safety of Agricultural Products, which was adopted on April 29, 2006 and came into force as of November 1 in the same year, states that the purpose of enacting this law is to ensure the quality and safety of agricultural products, protect public health and promote the development of agriculture and the rural economy. For this purpose, this law has established standards for the quality and safety of agricultural products, and systems for production place management, licenses and the safe use of agricultural inputs, labels for agricultural products, and supervision and inspection procedures for agricultural products, etc. On this basis, some administrative laws and regulations, including the Regulations on the Control of Agricultural Chemicals and the Regulations on Administration of Veterinary Drugs, and other administrative rules enacted by the MOA, such as the Administrative Measures for the Safety of Places of Origin of Agricultural Products and the Administrative Measures for the Packaging and Marking of Agricultural Products, further improve the legal system, which aims to safeguard the quality and safety of agricultural products, with the Law on Quality and Safety of Agricultural Products at the core.

2 Institutional arrangements for the LQSAP

In the whole food supply process from farms to tables, primary agricultural production is important for governance at the source because agricultural products can not only be eaten directly, but also become key raw materials for other food manufacturing industries and food trades. Additionally, the relationship between agriculture and the natural environment explains why governance at the source is essential. Dependence on the natural environment constitutes the difference between agricultural production and other industries and commerce. This situation increases the difficulty in preventing and controling food risks in agricultural production. At the same time, the adverse environmental impacts of agricultural production can aggravate the safety and quality problems of agricultural products. Therefore, to safeguard the quality and safety of agricultural products, we not only need to build a system applicable to the full food supply chain but one that also is able to highlight the characteristics of agricultural products.

2.1 Classified management of production subjects

Agricultural production in China is characterized by a small-scale production mode based on a large number of individual households. Although large-scale agriculture is the goal of agricultural modernization, small-scale production continues to be characteristic of Chinese agriculture (Jin 2015). Given this, the Law on Quality and Safety of Agricultural Products differed supervision between production units and individuals farms. classified supervision over production units and individual farms. That is, based on differences in scale, there are some differences in the emphasis and dimensions of the supervision of producers. (Jin 2003). Therefore, to understand whether all producers of agricultural products assume the safety guarantee obligations required by law depends on the specific classifications used for that product. For example, all agricultural producers should, according to statutory requirements, rationally use agricultural inputs;. However, production enterprises for agricultural products and farmer professional cooperatives are *obligated* to faithfully record the production information of agricultural products as required by law, while other producers of agricultural products are merely *encouraged* to implement this action.

2.2 System for risk monitoring and risk assessment

One challenge in guaranteeing food safety is to prevent and control highly technological risks and their hazards for human health. In this respect, scientific assessment has become the prerequisite for managing food safety risks, in order to characterize the risk and hazard, and thus serve as scientific evidence for countermeasures. To that end, the Law on Quality and Safety of Agricultural Products enacted in 2006 introduces a risk assessment system and thus lays a scientific foundation for guaranteeing the safety of agricultural products. As a means to enforce this law, the MOA set up the 1st National Expert Committee on Risk Assessment for Agro-product Quality and Safety in 2007. This committee is, in accordance with provisions of the Regulations of National Expert Committee on Risk Assessment for Agro-product Quality and Safety, mainly responsible for studying and presenting suggestions on national policies and plans for risk assessment for the quality and safety of agricultural products, putting forward some programs connected to this issue, organizing the formulation of normative technical documents, including some criteria and guidelines for risk assessment for quality and safety of agricultural products, launching risk communication and international coop-

eration and so on for the quality and safety of agricultural products.

2.3 Production environment

To implement the safety management of agricultural production environments, we need to emphasize pollution prevention and the building of environmentally friendly, sustainable agriculture. To achieve this, we must deal with intensifying exogenous pollution, and manage agricultural inputs to prevent endogenous pollution from degrading agricultural environments. At the same time, we must protect and rationally utilize agricultural resources to ensure resource-conserving, sustainable development. An important system included in the Law on Quality and Safety of Agricultural Products to accomplish this is to designate areas in which production of certain agricultural products is prohibited based on the characteristics of the products and the hazardous substances present in the area. However, it must be noted that designating "non-production" areas in this way does not mean that the land is no longer agricultural in the underlying designation of land use in China. On the contrary, this system focuses on the remediation of land in these areas by controlling environmental pollution and enabling them to resume agricultural production. Since this law involves edible agricultural products and inedible agricultural products, we must consider the implications of this when designating non-producing areas, as some land that may not be suitable for growing edible products may be fit for growing inedible ones. This point accords with the original design intention of this classification which has three categories: suitable for agricultural products; restricted for agricultural products; and prohibited from use for agricultural production(Jin 2003).

Moreover, the second important system launched by the Law on Quality and Safety of Agricultural Products is the system to protect agricultural production sites, which aims mainly to prevent and control the pollution. For example, in the case of exogenous pollution, organizations and individuals are prohibited from discharging or dumping waste gas, waste water, solid wastes or other toxic and harmful substances in places where agricultural products are produced. In the case of endogenous pollution, producers of agricultural products should clear away and recycle agricultural film, packaging materials of agricultural inputs, etc. in a timely manner to prevent these items from polluting the agricultural production environment.

2.4 Agricultural inputs

Agricultural inputs include agricultural means of production, such as seeds, seedlings, fertilizers, pesticides, veterinary drugs, feed and feed additives, and agricultural engineering materials, such as agricultural film, agricultural machinery, agricultural engineering facilities and equipment. These inputs can play an essential role in the growth and care of animals and plants, but their inappropriate use not causes negative environmental impacts, but also poses a serious threat to the safety and quality of agricultural products. Therefore, the Law on Quality and Safety of Agricultural Products first stipulates that license systems should be established for such pesticides, veterinary drugs, feed and feed additives, fertilizers, and veterinary equipment that may affect the quality and safety of agricultural products according to the provisions of the laws and administrative rules concerned. In this respect, the Regulations on the Control of Agricultural Chemicals specify the pesticide registration system, and the Regulations on Administration of Veterinary Drugs provide for the production and business license system for veterinary drugs. Next, the use of these agricultural inputs must comply with requirements for their safe use. These requirements mainly include: first, faithfully recording the production process, including the names, sources, usage, use levels of agricultural inputs, and dates of application. Second, abiding by safe interval or withdrawal times in the use of agricultural inputs; and third, not using agricultural inputs explicitly banned by the state.

2.5 Quality marks

China's work to guarantee the quality and safety of agricultural products began with the promotion of a plan for harm-free (*wugonghai*) agricultural products. Harm-free agricultural products must satisfy the following conditions: 1) they must be unprocessed or minimally processed edible agricultural products; 2) they must meet national standards and specifications for the production environment, production process and product quality; 3) they must have passed certification and obtained related certificates; and 4) they must be eligible to use the certification label for pollution-free agricultural products (MOA 2002). While this system is designed mainly to ensure safety, licensing is not a precondition for the market access of edible agricultural products. Therefore, these certifications and the use of harm-free agricultural product labels are voluntary.

However, infringement of quality labeling requirements for agricultural products is forbidden. Green food (*lvse shipin*) and organic food labels with information about the production environment, and place of origin are certifications indicating higher levels of quality known as the "Three Products and One Indication". Green foods refers to those safe, high-quality edible agricultural products and related products originating from a good ecological environment. Produced under standards for green foods, they have undergone full process quality control and have obtained the right to use green food labels (MOA 2012). Organic foods mean those products used for human and animal consumption that comply with the Chinese national standard for organic products in terms of production, processing and sales (AQSIQ 2013). Geographical labels indicate that agricultural products originate from specific places, with quality and related features of products mainly determined by the

natural ecological environment, historical and human factors (MOA 2007).

Notably, according to the No. 1963 notification issued by the MOA on July 4 2013, 132 industrial standards regarding harm-free agricultural product have been abolished. This means the MOA is out of the business of providing review and certification for so-called harm-free agricultural products. Only the national food safety standards, such as the maximum residue limits for pesticides or veterinary drugs in agro-food, are mandatory for food business operators at the primary production stage. However, agro-food with optional certification indicating better environmental conditions, and cultural specialties may still have comparative advantage and added value among consumers for whom these are important.

3 Progress revising the LQSAP

Given that some problems have arisen with respect to the above systems, and that food safety supervision and management work is being reformed, the Law on Quality and Safety of Agricultural Products has begun to be revised. The following sections summarize the issues being discussed in the revision of this law and mention some opinions for revisions in light of practical experience and realistic demands.

3.1 Definition of agricultural products and edible agricultural products

In accordance with provisions of the Law on Quality and Safety of Agricultural Products, agricultural products mean primary products originating from agriculture. One problem with respect to current provisions of the law is that system design does not allow for differentiated management between edible agricultural products and inedible agricultural products. In fact, the current provisions of law apply mainly to edible agricultural products. And it had been suggested that strict safety requirements are imposed on edible agricultural products, whereas a different set of requirements is needed with regard to the safety obligations of producers, the levels of restrictions governing agricultural production environments, and dosage limits on the use of agricultural inputs are imposed on inedible agricultural products. Additionally, the enactment of and revisions to the Food Safety Law show a trend towards severe punishments for illegal acts. The legal penalties that are part of the Law on Quality and Safety of Agricultural Products are being strengthened in line with this trend, and it will be unfair for those producers engaging in the production of inedible agricultural products if requirements are raised according to those applying to food safety. For example, the punishment imposed on the sale of substandard agro-food may be too harsh for the sale of substandard cotton.

The revision of the Law on Quality and Safety of Agricultural Products should therefore further clarify the differences between edible agricultural products and inedible agricultural products to ensure the pertinence and suitability of various requirements. For supervision problems due to segmented supervision, the Law on Quality and Safety of Agricultural Products should also consider the scope of edible agricultural products as it relates to the scope of the Food Safety Law, and then define the supervision and management responsibilities for primary production.

3.2 Separate governance of safety and quality

In accordance with provisions of the Law on Quality and Safety of Agricultural Products, quality and safety of agricultural products means that the quality of agricultural products conforms to requirements ensuring human health and safety. Yet this concept does not define the relationship between safety and quality. Overall, safety is always deemed to be an aspect of quality, with a sort of genus-species relationship between them (Han 2010); that is, quality contains some quality characteristics in relation to food safety. In addition to this, food quality contains some characteristics relating to nutrition, enjoyment, use, etc. (FAO 1995). Hence, the legislation of food quality involves two different levels. At the first level, punitive provisions that all producers must abide by exist mainly to prevent food fraud and the adulteration of food products, and minimum standards are set, including requirements for food safety. At the second level, specific rules are adopted to regulate different food quality; for instance, names of places of origin can satisfy consumer interests in the production places of foods and related production processes (Lorvellec 1998).

In view of this, we should adopt different market access requirements for edible agricultural products based on differences between safety and quality. (SUN 2016). As far as China is concerned, food safety in the agricultural sector as a whole remains weak, and this is manifested by farmers who are weak market actors and agricultural products that lack competitiveness in the market (Xiong 2002). To address this situation, we should base market access on safety and use quality-based market standards to allow agricultural products to develop a comparative advantage and encourage the opening up of diversified niche markets. Diverse agricultural practices and a long-standing agricultural culture in China provide the material and non-material basis for developing these markets. When carrying out supervision and management of the safety and quality of agricultural products, the government should make full use of information tools to build a standards system and labeling system to cover safety and quality, with safety as the minimum requirement and quality as the differentiation tool. This will also help to build consumer trust.

Additionally, during the revision of the Law on Quality and Safety of Agricultural Products, certain informational instruments have been adopted by the MOA. For example, the so-called qualification label (*zhiliangbiaozhi*) is a kind

of self-made claim by producers regarding how safety assurance is carried out during production. This facilitates the inspection of agro-foods for market, and provides consumers with additional information to make an informed choice. The introduction of a credit system (*xinyongtixi*) for agro-food production and the use of agricultural inputs can also encourage producers to pay attention to their reputation and thus to improve the way they produce agro-food. Consumers and the public receive feedback from the disclosure of credit information, and this feedback is of two kinds. On the negative side, consumers may refuse to buy products from a producer whose credit score is low or whose reputation has been ruined by non-compliance. On the positive side, a good reputation and high credit can serve to promote a producer's agro-food, and government can also provide rewards for this good behavior, for example, by streamlining the application process for agricultural subsidies.

3.3 Primary responsibility of safety guarantee

Admittedly, the different regulation according to the scale of producers in current law is based on the status-quo of agricultural production in China, namely most of them are small and scattered scale. It can be said that they are not regulated by the current LSQAP. Yet, as emphasized during the establishment and revision of Food Safety Law, food safety is a shared responsibility while food business operators should bear the primary responsibility, because they are best placed to design a safety system for supplying food and ensuring that the food it supplies is safe.

For this reason, the Food Safety Law defines the primary responsibilities of food producers and operators to ensure the safety of their foods. Therefore, as far as food safety is concerned, all of agricultural producers should bear the primary responsibility for ensure food safety no matter what scale of the farming is.

3.4 Improvement in the risk analysis system

With the modernization of agricultural production, technical risks have increased the uncertainty of safety guarantees for agricultural products. Agricultural technologies themselves may result in the creation of physical, chemical and biological hazards. For example, the pesticide DDT constitutes a safety hazard to human health at the same time it reduces plant diseases and insect pests. On the other hand, the suspicion towards technology that results from human abuse of technology can create additional dangers. Biological and chemical hazards can result in objective risks, in the sense that they exist as material dangers that can be explained, predicted and controlled scientifically. However, risks are also constructed, in the sense that they exist in the perception of the public as the result of social and cultural relations (Qi 2014). The unfamiliarity of modern technical risks, as well as the distrust aroused by frequent occurrences of food safety problems have raised the public's awareness of food risks and have generated outrage, which in some, but not all cases, goes beyond what most scientists would consider to be the objective risk (Zhong 2013).

In view of this, the state has begun to emphasize risk prevention as it strengthens the food safety system. The risk analysis system, which is composed of risk management, risk assessment and risk communication, becomes a major way to reinforce this food safety system. The initial development of the risk analysis system is to strengthen the role of science in assessing food risks. An independent risk assessment is to ensure the independence of scientific work and to prevent assessments from being influenced by either political or economic factors. In contrast with scientific experts, the public have a risk cognition level that makes it imperative for the government to not only raise the scientific rigor of risk regulation, but also ensure that its decisions provide opportunities for dialogue and public participation (FAO/WHO 1998). Because the public has gradually lost confidence in the regulation of food safety, a decision-making system that is able to provide opportunities for public participation and democratic deliberation should be set up in order to boost the legitimacy of decision making, and raise the public's acceptance of decision making (Randal 2009).

Relying on the concept of prevention first, we should also cope with challenges and dilemmas to risk management arising from scientific uncertainty. Uncertainty is an inherent characteristic of risk and a limitation to science in objective risk assessment.

We need to prevent and control scientific uncertainty according to the precautionary principle to ensure that actions are taken to protect public health before any risks entailing hazards occur.

To meet the above goals, the Law on Quality and Safety of Agricultural Products has first of all provided an objective basis for risk management of agricultural products through the scientific system for risk monitoring and risk assessment. Professional, independent and transparent scientific work and opinions will help to raise the reliability of decision making,. However, scientific opinions are not the only considerations that come into play in making decisions and when this is the case, the government decision maker should explain the reasons behind the refusal of a scientific opinion. As a matter of fact, in addition to scientific measurement of the risk acceptability, the risk perception of the public also matters, therefore, it is important to put emphasis on the risk communication, which is interactive and not limited to unidirectional information dissemination or publicity, and that stakeholders are identified, provided with information and encouraged to participate in decision making.

3.5 Growth of green agriculture

As for improvements to production place environments, we need to pay attention to the vicious cycle in which agricul-

ture pollutes soil and soil pollution exceeds the standards for safe agricultural production. To accomplish this, we need to intensify the safe use of agricultural inputs to ensure that agricultural products are safe and that damage to the agricultural environment is reduced. In addition, some current agricultural subsidies are bad for environmental protection. For example, agricultural subsidies for improved crop varietals, while encouraging farmers to grow more grain, excessively increase the area planted with subsidized grain crops and decrease the area planted with other crops, creating significant threats to biodiversity. Moreover, subsidies for means of production such as agricultural machinery encourage farmers to use farm implements powered by oil, and increase the use of fertilizers and pesticides made from petroleum products. This "petroleum agriculture" impacts production environments and threatens the quality and safety of agricultural products (Wang 2010). Besides reducing subsidies that are unfavorable to the environment, we can adopt agricultural support policies to encourage production modes favorable to environmental improvement or use economic measures such as taxation to restrict production modes unfavorable to the environment (OECD 2013). For example, measures and subsidies for improving agricultural environment launched by the European Union aim to encourage farmers to engage in agricultural production based on safety requirements higher than statutory ones (EU, 2005).

In fact, China's traditional agricultural practices contain many ecological agricultural practices that are good for the environment and due to safety considerations or environmental protection concerns, consumers have proven highly willing to pay for environmentally friendly foods. But the cost of agricultural inputs for such foods is high and the externalities for the ecology and society fail to be compensated through the market mechanism. Therefore, we also need to rely on government support measures to internalize such externalities, and further encourage the sustainable development of such ecological agricultural modes. Harm-free agricultural products, green foods and organic foods that are becoming popular in China must disclose quality information and thus ensure that consumers can select and buy high-quality agricultural products produced in an environmentally friendly way. Comparatively speaking, individuals are more willing to seek market opportunities through differential product quality. Hence, we can further relax the enactment and use of quality standards and marks, thus developing special agriculture from the perspective of quality characteristics. These non-economic factors, including culture and traditional knowledge, not only increasingly win the favor of consumers, but also become new investment drivers, thus boosting the growth of local economies.

4 Conclusions

This article has discussed the legal framework that seeks to ensure the safe production of agro-foods in China with a specific focus on the relationship between the Food Safety Law and the Law on Safety and Quality of Agricultural Products, which overlap to some extent in their scope. Undoubtedly, to ensure food safety from farm to table, it is essential to revise the LSQAP to make it more compatible with the Food Safety Law. Revision of the LSQAP, which is currently taking place, aims to ensure greater coherence with the Food Safety Law and improve supervision and management of the production of primary agricultural products. It has focused on stricter control of agricultural inputs, prevention of pollution of the agricultural environment, stronger penalties for violations of the law and related regulations. However, challenges remain with regard to the application of the law to agricultural producers of different scales, the comprehensive application of risk analysis, as well as different regulation between agro-food and inedible agricultural products and between safety and quality.

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《农产品质量安全法》评述

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摘　要：中国食品安全监管的一个特点是食用农产品和其他食品的分类监管，其中，《农产品质量安全法》便是针对前者的单行立法。随着《食品安全法》的制定和修订，一个法律层面的变化便是由新制定的《食品安全法》加强了对食用农产品入市销售和农业投入品的监管，但食用农产品在生产环节的安全监管依旧由《农产品质量安全法》予以规范。此外，就该法律的特点而言，其一是不仅针对食用农产品，而且也针对其他非食用农产品；二是既关乎食品安全保障也关涉质量提升。因此，在食品安全监管从严和消费者需求日益多元化的背景下，《农产品质量安全法》的修订工作已经开始。对此，本文通过对《农产品质量安全法》的立法初衷、制度安排及修订趋势的阐述，在评述该法律的同时也介绍了中国针对食品安全的立法新动向。

关键词：食品安全；食用农产品；农业环境