

Prevention of Hazard from Chemical and Related Substances Law

(2013, Pyidaungsu Hluttaw Law No, 28)

The 5th Waning of Wagaung 1375 M.E

(26th August , 2013)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I

Title and Definition

1. This Law shall be called the Prevention of Hazard from Chemical and Related Substances Law.
2. The following expressions contained in this Law shall have the meanings given here under:-
 - (a) **Chemical** means the chemical element, compound and mixture which appeared from men made or by natural to be hazardous to Human Being and Animals' health or life, be disadvantages on the environment. This expression also includes smoke and gas, liquid, oil and grease and solid wastes which are obtained from chemical reaction of element, compound and mixture by technique;
 - (b) **Related Substance** means derivative substances which are to be hazardous appeared from chemical;
 - (c) **Chemical and Related Substances Business** means the business that are storing, treating by technique, for the commercial purpose of producing, using, import, export, transporting, possessing, distributing, purchasing, selling or discharging of the chemical or the related substances;
 - (d) **Ministry** means the Ministry of Industry of the Union Government;

- (e) **Central Leading Board** means the Central Leading Board of the Prevention of Hazard from Chemical and Related Substances formed under this Law;
- (f) **Central Supervisory Board** means the Central Supervisory Board of the Prevention of Hazard from Chemical and Related Substances formed under this Law;
- (g) **Supervisory Board** means the Supervisory Boards of the Region, the State, the Union Territory, the Self-Administered Division, the Self-Administered Zone, the District or the Township of the Prevention of Hazard from Chemical and Related Substances formed under this Law;
- (h) **Board of Inspection** means the board of inspection which is formed by the respective supervisory board under this law;
- (i) **Licence** means the permission to operate the chemical or related substance business, issued by the Central Supervisory Board under this Law;
- (j) **Registration Certificate** means the Registration Certificate which is registered for the chemical and related substances, issued by the Central Supervisory Board under this Law;
- (k) **National Chemical and Related Substances Profile** means the National Chemical and Related Substances Profile which is classified to be able to use in any business in Myanmar by the Central Leading Board;
- (l) **Classification** means the classification of Conditional Chemical, Restricted Chemical and Prohibited Chemical;
- (m) **Storehouse** means the building or tank constructed in accordance with the standard to store the dangerous amount of chemical and related substances which is imported to be able to use in local before

producing, selling or exporting the chemical and related substances;

- (n) **Labelling** means the Material Safety Data Sheet with hazard statement warning that is stuck on the box, bottle, cardboard, empty boxes and packages which is put chemical or related substances, the storehouses which are stored them, the vehicles which are transported them in accordance with the stipulations;
- (o) **Primary Laboratory** means a laboratory prescribed by the Central Leading Board by notification to analyze samples of the chemical and related substances;
- (p) **Appellate Laboratory** means a laboratory specified separately by the Central Leading Board when if require to examine again and to make a final and conclusive decision, in respect of the report of analysis remark of the Primary Laboratory.

Chapter II

Aims

3. The aims of this Law are as follows:-
- (a) to protect from being damaged the natural environment resources and being hazardous any living beings by chemical and related substances;
 - (b) to supervise systematically in performing the chemical and related substances business with permission for being safety;
 - (c) to perform the system of obtaining informations and to perform widely educative and research for using the chemical and related substance systematically;
 - (d) to perform the sustainable development for the occupational safety, health and environmental conservation.

Chapter III

Formation of the Central Leading Board

4. The Union Government:-
- (a) shall organize the Central Leading Board as follows:-
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|-----|--|---------------------|
| (1) | Union Minister
Ministry of Industry | Chairperson |
| (2) | Union Minister
Ministry of Health | Vice-chairperson |
| (3) | Union Ministers or Vice Ministers
Respective Ministries | Member |
| (4) | Chairpersons of the Committee
Respective City Development | Member |
| (5) | A skilled practitioner | Joint-Secretary (1) |
| (6) | Director General
Department of Fire Brigade
Ministry of Home Affairs | Joint-Secretary (2) |
| (7) | Director General
Directorate of Industry
Ministry of Industry | Secretary |
- (b) may amend the formation of Central Leading Board formed by sub-section (a), if necessary.

Chapter IV

The Duties and Powers of the Central Leading Board

5. The duties and powers of the Central Leading Board are as follows:-
- (a) laying down the policy relating to the prevention of hazard from chemical and related substances;

- (b) specifying the identity and the amount of the banned chemical and related substances not to do producing, treating and formulating, using, possessing, storing, distributing and selling, transporting, import and export;
- (c) stipulating the duration of licence and the registration certificate;
- (d) stipulating the regulations and qualifications of the licence applicant and registration certificate applicant;
- (e) stipulating and issuing the regulations relating to the labelling;
- (f) stipulating the regulations relating to the storehouse and stipulating the site plan of the storehouse where the chemical and related substances are to be stored;
- (g) specifying the Primary Laboratory and Appellate Laboratory;
- (h) classifying, issuing the list relating to the national chemical and related substances profile and stipulating their restrictions and reamending the classification according to the international standard and norms or the result of research and experiment;
- (i) pre-assessing and performing the effective management on direct impact which causes danger to the health and life of workers in the chemical and related substances business and indirect impact which causes danger to the health and life of Human Being and Animals through the environmental pollution;
- (j) assessing and performing the effective management on disadvantages of natural environment due to the chemical and related substances;
- (k) forming and assigning the necessary bodies to be able to perform the assessment on the disadvantages to environment and causing danger on health of Human Being and Animals by the chemical and related substances and taking action;

- (l) forming the Advisory Board and the bodies of other specialized subject concerned with the chemical and related substances, if necessary;
 - (m) carrying out the duties assigned by the Union Government relating to the Prevention of Hazard from Chemical and Related Substances occasionally.
6. The Central Leading Board may delegate to any organization or any person to carry out its any duty and function.

Chapter V

Formation of the Central Supervisory Board and its Duties and Powers

7. The Central Leading Board:-
- (a) shall form the Central Supervisory Board of the Prevention of Hazard from the Chemical and Related Substances including the Director General from the Directorate of Industry as a chairperson, the Director General from the Department of Fire Brigade as a Vice-chairperson and the persons from relevant ministries and Governmental Department and Organization as members and shall prescribe the Secretary and the Joint-Secretary of the Central Supervisory Board;
 - (b) may form the Central Supervisory Board with the skilled practitioners in relevant subject as members if necessary under sub-section (a).
8. The duties and powers of the Central Supervisory Board are as follows:-
- (a) inspecting, supervising and directing whether or not the chemical and related substances which are produced from the chemical and related substances businesses, are correspondent with the prescribed standard and norms;

- (b) forming the Supervisory Board of the Region, the State, the Union Territory, the Self-Administered Division, the Self-Administered Zone, the District or the Township if necessary and prescribing their duties and functions with the approval of the Central Leading Board;
- (c) prescribing the rules and regulations that are safety from hazard in respect of the chemical and related substances businesses;
- (d) advising and submitting the identity of the chemical and related substances which should be amended or added or canceled from the national chemical and related substance profile to the Central Leading Board;
- (e) performing the educative work for being systematic in transporting, possessing, purchasing, distributing, selling, storing, using and discarding the chemical and related substances which are used with permission;
- (f) supporting the security equipments and personal protection equipments to prevent and decrease from accidents and attending to the local and foreign trainings in order to use systematically in respect of the chemical and related substances;
- (g) prescribing the methods and rules and regulations relating to the transportation, storing, using and discarding of the chemical and related substances;
- (h) prohibiting the banned chemical and related substances according to the international agreement and the machines which those substances were used therein not to be imported or exported;
- (i) prescribing the regulations in respect of destroying, piling up, discarding of the decayed or expired chemical and related substances and the smoke and gas, liquid, oil and grease, solid wastes released from the chemical and related substances

businesses, inspecting whether or not the prescribed regulations follow up;

- (j) issuing or refusing the letter of recommendation for the matter of trading as transit in local, import or export the chemical or related substances;
- (k) prescribing the hazard level and class of the chemical and related substances;
- (l) prescribing the regulations of the licence and the registration certificate;
- (m) carrying out the functions and duties assigned by the Central Leading Board.

9. Central Supervisory Board shall perform to draw up a plan and lay down the directives relating to the producing, treating, storing, transporting, possessing and using the chemical and related substances safely and the directives which will be carried out for the emergency.

Chapter VI

Formation of the Board of Inspection and its Duties and Powers

10. The respective Supervisory Board:-

- (a) shall form the Board of Inspection which consist of the persons from the Development Committee, Myanmar Police Force, Myanmar Fire Brigade, Department of Administrative, Department of Health, respective Government Department, Government Organization and at least a Chemist, if necessary;
- (b) the Board of Inspection formed by sub-section (a), shall submit its performance to the respective Supervisory Board within the prescriptive period.

11. The Board of Inspection shall perform the following matters in accordance with the stipulations in inspecting the chemical and related substances businesses:-

- (a) submitting the report of six-monthly regular inspecting to the respective Supervisory Board;
 - (b) carrying out the inspecting according to the surprise check and information within the period of six-monthly regular inspecting;
 - (c) informing and submitting immediately to the respective Supervisory Board if emergency is inspected;
 - (d) abiding and performing exactly the duties delegated by the Central Supervisory Board and the respective Supervisory Board.
12. (a) The Respective Supervisory Board may form the Boards of Inspection in the border-trade camps, harbors and any other necessary places. Those Boards of Inspection shall abide and perform the provisions consisted in the sub-section (b) of section 10 and section 11.
- (b) The Board of Inspection formed by sub-section (a) shall inspect whether or not the imported hazardous chemical are packing, transporting, possessing and storing in accordance with the prescriptive rules and regulations, if necessary. After those inspecting, if there is emergency, shall submit to the respective Supervisory Board immediately.

Chapter VII

Licence Permitted for the Chemical and Related Substances Businesses

13. A person who wants to operate the chemical and related substances business shall apply to obtain a licence together with the management working plan relating to the environmental conservation to the Central Supervisory Board in accordance with the stipulations.

14. The Central Supervisory Board:-
- (a) may permit or refuse to grant licence for the application of licence according to section 13, after scrutinizing in accordance with the stipulations;
 - (b) shall grant the licence with regulations, if permit to grant the licence, after being paid the licence fees.
15. A person who has obtained a licence, before starting the respective chemical and related substances business:-
- (a) shall be inspected for the safety and the power of resistance of the machinery and equipments by the respective Supervisory Board and Board of Inspection;
 - (b) shall be attended the person who serve in the work to the respective foreign trainings or the trainings and the expert trainings on prevention of hazard from the chemical and related substances opened by the government department and the government organizations.
16. A person who has obtained a licence:-
- (a) shall abide the licence regulations;
 - (b) shall perform to abide strictly the instructions for being safety in using the chemical and related substances by himself and also the persons who serve the work;
 - (c) shall keep the required safety equipments enough in the chemical and related substances businesses, furthermore shall grant the personal protection equipments and dresses free of charge to the working persons;
 - (d) shall make the course of training and study and instruction if necessary to the working persons for using the occupational safety equipment, the personal protection equipment and the dresses systematically in the chemical and related substances business;

- (e) shall be inspected by the respective Supervisory Board and Boards of Inspection in respect of whether or not the hazard may impact on the Human Being and Animals' health and the environment;
- (f) shall make medical check up the working persons who will work in the chemical and related substances business and shall permit to serve in that work after obtaining the recommendation that his health is suitable for that work. This medical check up records shall be kept systematically;
- (g) shall send the copy of informative letter of the permission to the respective Department of Township Administration, if the hazardous chemical or related substances are permitted to store;
- (h) shall acquire in advance the guidance and agreement of the respective Department of Fire Brigade, if the business that is worried to fire hazard is operated by using the fire hazard substances or the explosive substances;
- (i) shall transport only the permitted amount of the chemical and related substances in accordance with the prescriptive stipulations, if they are transported in local;
- (j) shall take the permission from the Central Supervisory Board if the chemical and related substance is altered and transferred from one place to any other place which contained in the license;
- (k) shall abide and perform in accordance with the related environmental laws not to impact and damage to the environment in operating the chemical and related substances business.

17. A person who has obtained a licence, shall put the insurance in accordance with the prescriptive stipulations to be able to pay the compensation, if the impact and damage is occurred on the Human Being and Animals or the environment in respect of the chemical and related substances businesses.

18. A person who has obtained a licence, shall apply to extend the duration of licence, (30) days in advance before the date of expiry to the Central Supervisory Board in accordance with the stipulations.

19. The Central Supervisory Board may permit or refuse to extend the duration of the licence of the application according to section 18, after scrutinizing in accordance with the stipulations.

Chapter VIII

Registration Certificate

20. A person who has obtained a licence shall apply the related chemical and related substances that will be used in his chemical and related substances business in accordance with the stipulations to the Central Supervisory Board.

21. The Central Supervisory Board scrutinizes the application according to section 20 and if it is in accord with the stipulations, shall issue the registration certificate with regulations after being paid the registration fees for the respective chemical and related substances.

22. A person who has obtained the registration certificate shall abide the regulations consisted in the registration certificate furthermore shall also abide the order and instructions issued occasionally by the Central Supervisory Board.

23. A person who has obtained the registration certificate:-

- (a) shall apply to register again, to the Central Supervisory Board if the chemical and related substances, which are not contained in the registered list, are used;
- (b) shall inform and submit the unused chemical and related substances list to the Central Supervisory Board, although which are contained in the registered list.

24. A person who has obtained the registration certificate shall apply to extend the duration of the registration certificate (30) days in advance before the date of expiry to the Central Supervisory Board in accordance with the stipulations.

25. The Central Supervisory Board may permit or refuse the application according to section 24 after scrutinizing in accordance with the stipulations.

26. The Central Supervisory Board shall prohibit the performance of the chemical and related substances business, if the chemical and related substances which have granted by the registration are known to be hazardous to Human Being, Animal and environment according to the information that is obtained again from local and abroad. The registration certificate may be withdrawn, if necessary.

Chapter IX

Hazard Control and Decrease

27. A person who has obtained the licence to be complied the following matters to control and decrease the hazard of the chemical and related substances:-

- (a) classifying the hazard level to protect in advance the hazard according to the properties of the chemical and related substances;
- (b) expressing the Material Safety Data Sheet and Pictogram;
- (c) providing the safety equipments, the personal protection equipments to protect and decrease the accident and attending to the training to be used systematically;
- (d) performing in accordance with the stipulations in respect of transporting, possessing, storing, using, discharging the chemical and related substances;
- (e) not being imported or exported the chemical and related substances banned by the Central Supervisory Board and the machinery and equipments which are used them.

Chapter X

Invalidation and Reapplication of Licence

28. The licence shall be deemed to be annulled, when one of the following matter is appeared:-

- (a) re-entrusting the licence;
- (b) no applying to renew the licence until the licence duration is due;
- (c) annulling the licence according to this Law.

29. A person who has obtained the licence.

- (a) has an opportunity to reapply the licence in the case of licence annul due to any matter contained in sub-section(a) and (b) of the section 28 in accordance with the stipulations;
- (b) has no opportunity to reapply the licence due to the matter of licence annulled according to sub-section (c) of the section 28.

Chapter XI

Administrative Action and Appeal

30. The Central Supervisory Board may pass any of the followings administrative order either the person, who has obtained the licence, breaks any regulation contained in licence or the person, who has obtained the registration certificate, breaks any regulation contained in certificate or the person who has obtained the licence and registration certificate breaks or omits to abide any regulation in respect of the rules and regulations, notification, order, directive and procedures by scrutinizing:-

- (a) suspending the chemical and related substances business temporarily;
- (b) permitting to perform the chemical and related substances business continuously after being paid the fine and repairing the necessary matters;
- (c) annulling the licence and registration certificate.

31. A person, dissatisfied with an order or decision made by the Central Supervisory Board according to section 30, may file an appeal to the Central Leading Board within (60) days from the date of such order or decision was made.

32. The Central Leading Board may approve, amend or annul the order or the resolution of the Central Supervisory Board in appeal according to section 31.

Chapter XII

Prohibition

33. No one shall produce, treat and formulate, use, possess, store, distribute, sell, transport, import or export the chemical or related substances prohibited by the Central Leading Board.

34. No one shall operate the chemical and related substances business without licence.

35. No one shall use the chemical or the related substances which are unregistered or annulled from the registered list or not met to the quality and norm in the chemical and related substance business.

36. No one shall restrict or disturb the inspecting of the Central Supervisory Board, the Supervisory Board and the Boards of Inspection in respect of the chemical and related substances business.

Chapter XIII

Offences and Penalties

37. Whoever violates any prohibition of section 33, shall on conviction be punished with imprisonment which does not exceed seven years or with fine which does not exceed Kyat seven hundred thousand or with both. In addition, the exhibits involved in the offence shall also be liable to be confiscated.

38. Whoever violates any prohibition of section 34 and 35, shall on conviction be punished with imprisonment which does not exceed five years or with fine which does not exceed Kyat five hundred thousand or with both. In addition, the exhibits involved in the offence shall also be liable to be confiscated.

39. Whoever violates any prohibition of section 36, shall on conviction be punished with imprisonment which does not exceed two years or with fine which does not exceed Kyat two hundred thousand or with both.

Chapter XIV

Miscellaneous

40. The Ministry shall prescribe the licence fees, renewal of licence fees, the registration fees, renewal of the registration fees and test fees.

41. (a) The members who are not served as service personnel, in the Central Leading Board, the Central Supervisory Board, the Supervisory Board and the Board of Inspection, has entitled to enjoy the remuneration, prescribed by the Ministry.

(b) The Ministry shall bear the expenditure and the remuneration of the Central Leading Board, the Central Supervisory Board, the Supervisory Board and the Board of Inspection.

42. The Ministry shall form and assign duty to the staff required to carry out the office work of the Central Leading Board.

43. In respect of the chemical or the related substances:-

(a) the report of the Primary Laboratory analysis shall be conclusive evidence if there is no filing appeal on the report of the Primary Laboratory analysis within the prescribed date;

(b) the report of the Appellate Laboratory analysis shall be conclusive evidence if there is filing appeal on the report of the Primary Laboratory analysis within the prescribed date.

44. The offence contained in section 39 is prescribed as a cognizable offence.

45. A person who has obtained licence acquire the recommendation of the Central Supervisory Board and shall apply to the respective Department and Organization if he wants to import or export the chemical and related substances.

46. In instituting legal proceeding under this law, prior sanction of the Central Leading Board shall be obtained.

47. For the purpose of implementing the provision of this law:-

- (a) the Ministry may issue rules, regulations as may be necessary with the approval of the Union Government;
- (b) the Ministry, the Central Leading Board and the Central Supervisory Board may issue notification, order and directives and procedures as may be necessary.

I sign it in accord with the constitution of the Republic of the Union of Myanmar.

Sd / Thein Sein

President

Republic of the Union of Myanmar