

MINISTERIAL ORDINANCE ON THE TOXIC CHEMICALS CONTROL ACT

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Article 1. (Purpose)

The purpose of this Ministerial Ordinance is to define matters delegated by the Toxic Chemicals Control Act and the Presidential Decree on the Toxic Chemicals Control Act, and matters necessary for the enforcement thereof.

Article 2. (Application for Hazard Evaluation)

(1) Any person who intends to apply for the hazard evaluation of chemicals to be manufactured or imported shall, in accordance with the provisions of Article 7, Paragraph (1) of the Toxic Chemicals Control Act (hereinafter referred to as the "Act"), complete an application form as prescribed in Annexed Form No. 1 with the following documents attached, and submit it to the head of the National Institute of Environmental Research (hereinafter referred to as the "NIER"):

1. Data or materials regarding the main use and the physico-chemical properties of the chemicals concerned such as melting point, boiling point, vapor

2. Test reports indicating the level of acute toxicity, genetic toxicity and degradability;
3. Data or materials regarding the main path of exposure to the environment and the estimated amount of release; and
4. Data or materials regarding average molecular weight, constitution of monomers used, the contents of monomers used and their stability.

(2) Necessary matters including the preparation methods for the documents prescribed in Paragraph (1) above shall be designated and announced in a Public Notice by the head of the NIER.

Article 3. (Exemption from the Submission of Test Reports)

Chemicals for which the submission of test reports is not required as stipulated in Article 7, paragraph (2) of the Act are as follows:

1. Polymer chemicals designated and announced in a Public Notice by the head of the NIER;
2. Chemicals which are designated and announced in a Public Notice by the head of the NIER as being commercially circulated in foreign countries before the date of the enforcement (2 February 1991) of the Act of 1991 (Law No. 4,261), and which are now manufactured in or imported to Korea; and
3. Chemicals that the head of the NIER, in consideration of the physico-chemical properties of the chemicals concerned, determines and makes a Public Notice that the submission of test reports is not required.

Article 4. (Methods and Procedures for Hazard Evaluations)

(1) The head of the NIER shall, based upon an application for a hazard evaluation which has been filed in accordance with Article 8, Paragraph (1) of the Act, conduct a hazard evaluation on the basis of the data or materials submitted in accordance with Article 2, Paragraph (1) above. However, if the hazard evaluation indicates that the examined chemical is one which falls under Article 5, Paragraph (1) hereunder, the head of the NIER shall conduct a hazard evaluation again on the basis of additional data or materials that will have been submitted in accordance with the provisions of the same Article .

(2) If the head of the NIER determines that a hazard evaluation of a chemical applied for in accordance with Paragraph (1) is not necessary, the head of the NIER shall consult the Minister of Labor on this matter in accordance with Article 4, Item 5 of the Presidential Decree on the Toxic Chemicals Control Act (hereinafter referred to as the "Presidential Decree").

(3) If the head of the NIER wishes to conduct a hazard evaluation of a chemical, for which a hazard evaluation is deemed necessary in accordance with Article 8, Paragraph (1) of the Act, the hazard evaluation shall be conducted following a priority system based on the predicted degree of toxicity and

shall consider the quantity of use and estimated data or particulars on the structure activity relationship.

(4) If the head of the NIER deems that the manufacture, import or use of a chemical, of which a hazard evaluation has been conducted, must be banned or restricted in accordance with Article 11, Paragraph (1) of the Act, the head of the NIER shall review the reasons for the ban or restriction and the probable effects on the industry should the chemical be banned or restricted, and then report them to the Minister of Environment.

(5) Necessary matters including the detailed methods of performing the hazard evaluation shall be announced in a Public Notice by the head of the NIER.

Article 5. (Request for Submission of Documents Required for Hazard Evaluations)

(1) Detailed conditions for the submission of data or materials required for a hazard evaluation in Article 8, Paragraph (2) of the Act of chemicals whose properties are that: they are directly exposed to the environment during their use, or they pose concerns of chronic toxicity, carcinogenicity, persistency, bioaccumulation, or environmental ecotoxicity, shall be designated by the head of the NIER.

(2) When the head of the NIER intends to ask the manufacturer or importer of a chemical to submit documents in accordance with the provisions of Article 8, Paragraph (2) of the Act, the head of the NIER shall confer with the importer or manufacturer on the submission period and the details of the documents to be submitted, etc..

Article 6. (Announcement or Notification of Evaluation Results)

(1) The announcement and notification of the results of a hazard evaluation pursuant to the provisions of Article 10 of the Act, shall indicate whether the chemical is categorized as an observational chemical, a toxic chemical or a restricted or banned toxic chemical. In cases where the chemical is categorized as a toxic chemical or a restricted toxic chemical, the following Items shall be indicated for each chemical concerned:

1. Identification number;
2. Chemical Name;
3. Labelling under the provisions of Article 28; and
4. Other matters necessary for safety management.

(2) The notification of the applicant of a hazard evaluation results stipulated in Paragraph (1) shall follow the form of Annexed Form No. 2.

(3) When the head of NIER notifies an applicant of the evaluation results in accordance with Paragraph (2) above, the Minister of Labor shall also be notified of the evaluation results as prescribed in Annexed Form No. 3.

Article 7. (Reporting the Import or Export of Toxic Chemicals)

(1) A person who intends to import any toxic chemicals in accordance with Article 12, Paragraph (1) of the Act shall file an import of toxic chemicals

report as prescribed in Annexed Form No. 4 to the head of the Korea Toxic Chemicals Management Association (hereinafter referred to as the "Association") under Article 40 of the Act, and the head of the Association shall issue a certificate of completion of this report as prescribed in Annexed Form No. 5.

(2) A person who intends to export any toxic chemicals in accordance with Article 12, Paragraph (2) of the Act shall file an export of toxic chemicals report as prescribed in Annexed Form No. 6 to the head of the Association, and the head of the Association shall issue a certificate of completion of this report as prescribed in Annexed Form No. 7.

(3) When the Minister of Environment notifies the importing country of the details of toxic chemicals in accordance with Article 12, Paragraph (3) of the Act, such notification shall be governed by international conventions on the transboundary movement of hazardous chemicals.

Article 8. (Reporting the Manufacture or Import of Observational Chemicals)

A person who intends to manufacture or import observational chemicals pursuant to Article 13, Paragraph (1) of the Act, shall submit a report as prescribed in Annexed Form No. 8; and the head of the Association shall issue a certificate of completion of this report as prescribed in Annexed Form No. 9.

Article 9. (Survey of the Amount in Circulation and the Release of Chemical Substances, etc.)

(1) The mayors of Seoul Metropolitan City and other metropolitan cities or governors, the head of the Environmental Management Office or the head of the Regional Environmental Management Office (hereinafter referred to as "mayors or governors, etc.") shall, in accordance with Article 14, Paragraphs (1) and (2) of the Act, comply with the plan established by the Minister of Environment for surveying the amount in circulation and the release of chemical substances.

(2) The Plan for surveying the amount in circulation and the release of chemicals prescribed in Paragraph (1) shall include the following Items:

1. The types of businesses and districts subject to being surveyed;
2. Methods of surveying;
3. Matters concerning the preparation of survey forms;
4. Matters concerning the disposition and the use of survey results; and
5. Other matters necessary for surveying the amount in circulation and the release of chemicals.

(3) Standards for calculating the amount of a chemical released, which is necessary in accordance with Article 14, Paragraph (2) of the Act, shall be classified according to the chemical, the release facilities, and the handling methods. A survey of the release amount of a chemical shall be conducted by actual measurement or be based on a conversion factor which is calculated based on the proportion of release amount to volume of input.

(4) The plan for surveying and the conversion factor prescribed in Paragraphs (2) and (3) shall be announced in a Public Notice by the Minister of Environment.

Article 10. (Chemicals Information Center)

(1) The head of the NIER may operate a Chemicals Information Center in order to systematically collect and manage data or materials regarding chemicals and to expand and promote the open exchange of relevant information in accordance with Article 14, Paragraph (3) of the Act.

(2) The Chemicals Information Center prescribed in Paragraph (1) shall perform the duties of collecting, evaluating, managing, providing, conducting public relations, and expanding the exchange of domestic and overseas data or materials which fall under any of the following Items:

1. Data or materials regarding the toxicity and the risk assessment of chemicals, a measurement of the degree of pollution due to the chemical, or a survey of the amount in circulation and release of chemical;
2. Data or materials regarding the regulation of hazardous chemicals, substitutes for hazardous chemicals and measures to reduce the risks of hazardous chemicals;
3. Information regarding prevention, preparation and emergency measures for accidents involving the chemicals; and
4. Other information necessary for the sound management of hazardous chemicals.

Article 11. (Standards for the Facilities and Equipment of a Toxic Chemicals Business Entity)

The standards for the facilities and equipment which shall be satisfied by a toxic chemicals business entity in accordance with the foregoing part of the provisions of Article 15, Paragraph (1) of the Act shall be as set forth in Annex 1. However, if any toxic chemicals to be handled by a toxic chemicals business entity fall under the category of dangerous chemicals pursuant to the Fire Services Act or hazardous chemicals pursuant to the Industrial Safety and Health Act, the standards under the relevant act shall apply mutatis mutandis.

Article 12. (Application for the Registration of a Toxic Chemicals Business Entity)

(1) A person who intends to engage in the business of toxic chemicals pursuant to the foregoing part of the provisions of Article 15, Paragraph (1) of the Act, shall submit an application form as prescribed in Annexed Form No. 10, together with the following documents to the mayors or governors, etc.:

1. A certified copy of the company registry (limited to an incorporation);

2. Documents related to the expected annual volume of each item of toxic chemical to be handled;
 3. Details of facilities and equipment which handle any toxic chemicals;
 4. Details of examinations regarding the expected leakage volume of toxic chemicals handled and the prevention plan thereof; and
 5. A copy of the registration certificate for a special cargo automobile transportation business and a copy of the business license for a cargo automobile transportation business under the Vehicle Transportation Business Act (limited to the business of transporting toxic chemicals).
- (2) The Minister of Environment shall designate and announce in a Public Notice the method of preparing the attached documents and any other necessary matters in relation to Paragraph (1) above.

Article 13. (Registration of Changes in a Toxic Chemicals Business Entity)

(1) The important changes which must be re-registered by a toxic chemicals business entity in accordance with the latter part of the provisions of Article 15, Paragraph (1) of the Act, shall be the following:

1. 50% or more extension of warehousing or storage facilities;
2. Any change of item of toxic chemicals manufactured or used; and
3. A change in the registered name, business address or name of representative.

(2) When a toxic chemicals business entity intends to change any items of Paragraph (1) above, it shall submit an application for the registration of a change in the toxic chemicals business entity as prescribed in Annexed Form No. 11, together with the documents set forth in each of the following items, to the mayors or governors, etc., within fifteen (15) days (in case of Paragraph (1), Item 3 above, within 30 days) after such change occurs:

1. Documents necessary for certifying the changes; and
2. The original copy of the registration certificate.

Article 14. (Issuance and Reissuance of Registration Certificates)

(1) Upon the receipt of an application for the registration of a toxic chemicals business entity in accordance with Article 15 of the Act, the mayors or governors, etc. shall issue a registration certificate of a toxic chemicals business entity as prescribed in Annexed Form No. 12 to the applicant.

(2) When a toxic chemicals business entity damages or misplaces a registration certificate, it shall file an application for reissuance of the registration certificate as prescribed in Annexed Form No. 13, with a registration certificate (limited to the damaged certificates) and the reason for the application of reissuance to the mayors or governors, etc..

Article 15. (Report and Confirmation of Closure of Business, etc.)

(1) A person who closes, suspends or reopens a toxic chemicals business entity under the provisions of Article 17 of the Act, shall submit a report thereof as prescribed in Annexed Form No. 14, together with the registration certificate (limited to the closure of business), to the mayors or governors, etc. within ten (10) days of the expected date of closing, suspending or reopening its business.

(2) When the mayors or governors, etc. receive the report referred to in Paragraph (1) above, the mayors or governors, etc. shall, within five (5) days of the receipt of the report, confirm and check the actual conditions of safety management with respect to the treatment and storage of the relevant toxic chemicals and, if necessary, issue an improvement order.

Article 16. (Report of Succession of Rights and Obligations)

A person who intends to report the succession of rights and obligations in accordance with Article 19, Paragraph (2) of the Act, shall submit a report of succession of rights and obligations as prescribed in Annexed Form No. 15, together with the registration certificate and documents supporting such succession, to the mayors or governors, etc..

Article 17. (Application for Permission for a Restricted Toxic Chemicals Business Entity)

(1) A person who intends to engage in a restricted toxic chemicals business in accordance with Article 20, Paragraph (1) of the Act shall submit an application for permission as prescribed in Annexed Form No. 16, together with the documents of the following items, to the mayors or governors, etc.:

1. A certified copy of the company registry (limited to an incorporation);
2. Documents related to the expected annual volume of each item of restricted toxic chemicals to be handled;
3. Details of the facilities and equipment which handle each restricted toxic chemical;
4. Details of examinations regarding the expected leakage volume of each restricted toxic chemicals in the course of handling and the prevention plan thereof; and
5. Details of examinations concerning the use of restricted toxic chemicals that determine whether the relevant restricted toxic chemicals may be replaced with any other chemicals (limited to the businesses of using restricted toxic chemicals).

(2) The Minister of Environment shall designate and announce in a Public Notice the method of preparing the attached documents and any other necessary matters in accordance with Paragraph (1).

(3) The provisions of Article 11 and Article 13 through Article 16 shall apply mutatis mutandis to an application for a restricted toxic chemicals business entity as prescribed in Paragraph (1). In this case, "toxic chemicals" and "registration" shall be read as "restricted toxic chemicals" and "permission" respectively.

Article 18. (Notice of Payment of an Administrative Surcharge, etc.)

- (1) The notification of payment of an administrative surcharge in accordance with Article 15, Paragraph (1) of the Presidential Decree shall be made as prescribed in Annexed Form No. 17.
- (2) The mayors or governors, etc. shall prepare and maintain a registry of dispositions of administrative surcharges as prescribed in Annexed Form No. 18, and make a record of and manage matters concerning the imposition and collection of administrative surcharges.
- (3) The Ordinance of Businesses of Tax Revenue Collectors shall apply mutatis mutandis to the procedure of imposition of administrative surcharges.

Article 19. (Period of Improvement)

- (1) When the mayors or governors, etc. issue an improvement order in accordance with Article 22, Paragraph (1) of the Act, they shall designate a period for compliance not exceeding three (3) months, in consideration of the measures and period for the installation of facilities required for the improvement.
- (2) A person who has been issued an improvement order in accordance with Article 22, Paragraph (1) of the Act may, prior to the expiration of the specified period, submit an application to extend the period of improvement for a period not exceeding three (3) months, if he has failed to comply with the improvement order due to a natural disaster or other inevitable cause within the improvement period stated in Paragraph (1).

Article 20. (Period of Relocation)

- (1) When the mayors or governors, etc. issue a relocation order for a place of business in accordance with Article 23 of the Act, they shall designate a period not exceeding two (2) years.
- (2) A person who has been issued a relocation order in accordance with Article 23 of the Act may, prior to the expiration of the specified period, submit an application to extend the period of relocation for a period not exceeding one (1) year, if he has failed to comply with the relocation order due to a natural disaster or other inevitable cause within the specified period stated in Paragraph (1).

Article 21. (Report of Implementation of Orders and Confirmation)

- (1) If a toxic chemicals business entity or a restricted toxic chemicals business entity who has been issued an improvement order in accordance with Article 22, Paragraph (1) of the Act or a relocation order in accordance with Article 23 of the Act has implemented such order, that entity shall immediately submit a implementation report as prescribed in Annexed Form No. 19 to the mayors or governors, etc..
- (2) When receiving an implementation report pursuant to Paragraph (1) above, the mayors or governors, etc. shall confirm within five (5) days of the date of receipt of such report whether such order has been implemented.

Article 22. (Toxic Chemicals Management Standards)

Toxic chemicals management standards as stipulated in Article 24 of the Act shall be in Annex 2.

Article 23. (Qualification Standards for Managers of Toxic Chemicals)

The qualification standards for managers of toxic chemicals as stipulated in Article 25, Paragraph (1) of the Act shall be in accordance with Annex 3.

Article 24. (Report of a Manager of Toxic Chemicals)

(1) A report of an appointment or replacement (including a replacement due to an order for change in accordance with Article 27 of the Act) of a manager of toxic chemicals under the provisions of Article 25, Paragraph (1) of the Act shall be made as stipulated in Annexed Form No. 20.

(2) The replacement in accordance with Paragraph (1) above shall be reported within ten (10) days of the occurrence of the reason for the replacement.

Article 25. (Obligations to Be Observed by Managers of Toxic Chemicals)

Obligations to be observed by managers of toxic chemicals in accordance with Article 25, Paragraph (2) of the Act shall be the following:

1. To abide by the toxic chemicals management standards set forth in Article 22 of the Act in order to prevent any harm to human health or the environment;
2. To strictly educate, guide or supervise employees of the business in order to prevent the occurrence of an accident due to their ignorance or carelessness;
3. To occasionally conduct a check-up of facilities and equipment used in relation to the toxic chemicals in order to prevent the accidental leakage of toxic chemicals; and
4. To record any of the following sub-Items with respect to the management of toxic chemicals as prescribed in Annexed Form No. 21. Such record shall be kept for two (2) years after the date of the final record:
 - a. Details of the check-up of facilities and equipment related to toxic chemicals and measures therefor;
 - b. Details of the education, and guidance or supervision of employees; and
 - c. Details of requests which have been made to the owner of the concerned business entity and supervisor for the proper management of the toxic chemicals.

Article 26. (Joint Use of Managers, Facilities or Equipment)

(1) Any two or more business entities who wish to jointly use a manger of toxic chemicals, facilities or equipment in accordance with Article 26, Paragraph (1) of the Act (hereinafter referred as the "Joint Users") shall submit to the mayors or governors, etc. an application for approval of joint use as prescribed in Annexed Form No. 22, together with the following documents:

1. The plan for joint use;
2. Details and maps of each business entity;
3. Details of the facilities and equipment related to the toxic chemicals of each business entity;
4. The agreement on the rights and obligations between business entities with respect to the management of toxic chemicals; and
5. Details of appointments of proxy for the management of toxic chemicals of each business entity.

(2) Methods for preparing applications of the attached documents and other necessary matters in accordance with Paragraph (1) above shall be determined and announced in a Public Notice by the Minister of Environment.

Article 27. (Report of Changes in Joint Use)

A joint user who wishes to change any Item of Article 26, Paragraph (1) above shall submit report of changes in joint use as prescribed in Annexed Form No. 23, together with the following Items:

1. Documents regarding changed matters that can be verified; and
2. The joint user's original registration certificate.

Article 28. (Labelling of Toxic Chemicals)

(1) When a toxic chemicals business entity, an importer of toxic chemicals or a restricted toxic chemicals business entity (hereinafter referred to as "a toxic chemicals business entity, etc.") labels the presence of toxic chemicals at sites where toxic chemicals are warehoused, stored or displayed, or on vehicles used for transporting toxic chemicals, or on containers and packages in accordance with Article 28, Paragraphs (1) and (2) of the Act, the toxic chemicals business entity, etc. shall classify the toxic chemicals as health hazards, dangers to the environment, or physical hazards, etc. in order to prevent risk or damage to human health or the environment. The size and color thereof shall be as prescribed in Annex 4.

(2) Classification criteria, method for the selection of proper graphic hazard warnings and other necessary matters for the labelling prescribed in Paragraph (1) above shall be announced in a Public Notice by the head of the NIER after consultation with the Minister of Labor.

Article 29. (Logbooks of Toxic Chemicals)

Matters regarding the management of toxic chemicals in accordance with Article 29 of the Act shall be recorded in a logbook of toxic chemicals as prescribed in Annexed Form No. 24, and a logbook of toxic chemicals shall be kept for two (2) years after the date of the final record.

Article 30. (Preparation of Safety Management Rules)

(1) Safety management rules in accordance with Article 31, Paragraph (1) of the Act shall include all of the following matters:

1. Purpose;
2. Duties, organization and responsibilities of the safety manager;
3. Self-inspection and regular inspection;
4. Education and training of employees;
5. Repair period for facilities handling toxic chemicals and safety management measures at the time of repair;
6. Emergency measures at the time of accidents;
7. Measures for punishing violators of safety management rules; and
8. Other matters related to the safety management.

(2) Methods of preparing safety management rules and other necessary matters in accordance with Paragraph (1) above shall be determined and announced in a Public Notice by the Minister of Environment.

Article 31. (Opinions of Special Institutions for Gas Safety Management)

(1) Opinions of special institutions for gas safety management in accordance with the latter part of Article 31, Paragraph (1) of the Act shall be prepared as prescribed in Annexed Form No. 25.

(2) Methods of reviewing safety management rules and other necessary matters stipulated in Paragraph (1) above shall be determined and announced in a Public Notice by the Minister of Environment.

Article 32. (Self-inspection)

(1) An initial self-inspection in accordance with Article 31, Paragraph (2) of the Act shall be conducted within six (6) months of registration or permission, and subsequent self-inspections shall be conducted every six months within fifteen (15) days before or after the date of the first self-

inspection. However, the same shall not apply if the above period overlaps the period of regular inspection in accordance with Article 34, Paragraph (1) hereunder.

(2) Equipment for self-inspection as prescribed in Article 31, Paragraph (4) of the Act shall mean equipment which can inspect for leaks, fire, explosions, corrosion or aging of the facilities for the manufacture, storage or transportation of gaseous toxic chemicals.

(3) Equipment and methods for each self-inspection and other necessary matters in accordance with Paragraphs (1) and (2) above shall be determined and announced in a Public Notice by the Minister of Environment.

Article 33. (Preparation and Maintenance of Inspection Records)

Self-inspection results in accordance with Article 31, Paragraph (2) of the Act shall be recorded as prescribed in Annexed Form No. 26 and records for complying with safety management rules in accordance with Article 31, Paragraph (3) of the Act shall be recorded as prescribed in Annexed Form No. 21. Such records shall be kept for two (2) years after the date of the final record.

Article 34. (Regular and Irregular Inspection)

(1) Regular inspection in accordance with Article 32, Paragraph (1) of the Act shall be made every year within fifteen (15) days before or after the date of the first self-inspection. Irregular inspection shall be conducted in any of the following cases:

1. Expansion of the registered storage facilities by more than twenty hundredths (20/100) of its original size;
2. Changes in the facilities handling toxic chemicals due to an increase in the item number of gaseous toxic chemicals; and
3. Changes in the piping for handling gaseous toxic chemicals (excluding cases of replacement with piping of same size and material quality), relocation of piping or changes in standard pressure.

Application for regular and irregular inspections shall be as prescribed in Annexed Form No. 27.

(2) The provisions of Article 32, Paragraph (3) above shall apply mutatis mutandis to matters on inspection methods etc. stipulated in Paragraph (1) above.

(3) When a head of a special institution for gas safety management (hereinafter referred to as "Institution") conducts a regular or irregular inspection as stipulated in Paragraph (1) above in accordance with Article 32, Paragraph (3) of the Act, the head of the Institution shall notify and report the results of regular or irregular inspection as prescribed in Annexed Form No. 28 to the applicant for inspection and to the mayors or governors, etc..

Article 35. (Safety Diagnosis)

(1) Ordering a business entity to complete an safety diagnosis in accordance with Article 32, Paragraph (2) of the Act, shall be issued as prescribed in

Annexed Form No. 29.

(2) Any person who receives an order for a safety diagnosis in accordance with Paragraph (1) above, shall submit an application for the safety diagnosis to the head of the Institution.

(3) The head of the Institution who receives an application for safety diagnosis in accordance with Paragraph (2) above shall conduct the safety diagnosis and then notify and report the results of the safety diagnosis to the applicant of the safety diagnosis and to the mayors or governors, etc..

(4) If a business entity completes a safety diagnosis in accordance with the provisions of Article 32, Paragraph (2) of the Act, the business entity shall be exempt from self-inspection or regular inspection for one (1) year from the date of the safety diagnosis.

(5) The application, method, notification, report and other matters in relation to the safety diagnosis in accordance with Paragraphs (2) and (3) shall be announced in a Public Notice by the Minister of Environment.

Article 36. (Establishment of On-site Pollution Prevention Plans)

(1) A on-site pollution prevention plan in accordance with Article 33, Paragraph (1) of the Act shall include any of the followings:

1. Matters on toxicity data or materials of toxic chemicals handled;
2. Status of possession of facilities and equipment used for the purpose of prevention;
3. Emergency measures at the time of accidents; and
4. Other matters necessary for on-site pollution prevention.

(2) If the mayors or governors, etc. issue a registration or permission to a person who submits a on-site pollution prevention plan under Paragraph (1) above, in accordance with Article 15, Paragraph (1) of the Act or Article 20, Paragraph (1) of the Act, they shall notify the competent fire authorities of the on-site pollution prevention plan made in accordance with Paragraph (1) above.

(3) Matters in relation to the on-site pollution prevention plan in accordance with Article 33, Paragraph (3) of the Act of which neighboring residents shall be informed are the following Items:

1. Communication systems for the early stages of an emergency;
2. Evacuation methods for residents in the case of an accident; and
3. Methods for announcing emergency protective measures in progress to the public.

(4) Methods for preparing and notifying neighboring residents of the on-site pollution prevention plan and other necessary matters in accordance with

Paragraphs (1) and (3) above shall be determined and announced in a Public Notice by the Minister of Environment.

Article 37. (Disposal Methods)

(1) In accordance with Article 34 of the Act, toxic chemicals shall, in compliance with the emission standards under the Air Quality Preservation Act and the Water Quality Preservation Act, be disposed of as follows:

1. Methods in which toxic chemicals are made non-toxic through neutralization, hydrolysis, oxidization, resolution, dilution or otherwise.
2. Methods in which gaseous or volatile toxic chemicals are released or volatilized in small quantities through proper pollution control facilities at places where no harm or risk to human health or the environment will occur.
3. Methods in which flammable toxic chemicals shall be released through appropriate pollution control facilities after burning in small quantities at places where no harm or risk to human health or the environment will occur.

(2) Except for the provisions stipulated in Paragraph (1) above, toxic chemicals shall be disposed of by methods in accordance with the methods under the Waste Management Act.

Article 38. (Educational Courses, Etc.)

(1) The educational courses to be provided by the Association according to Article 36, Paragraph (1) of the Act are as follows:

1. Courses for managers of toxic chemicals; and
2. Courses for training managers of toxic chemicals

(2) The period of courses for managers of toxic chemicals as set forth in Paragraph (1), Item 1 above shall be two (2) days or less and the period of courses for training managers of toxic chemicals as set forth in Paragraph (1), Item 2 above shall be three (3) days or less.

Article 39. (Frequency of Education)

In accordance with Article 36, Paragraph (1) of the Act, managers of toxic chemicals shall participate at least once every three (3) years in courses prescribed by Article 38, Paragraph (1), Item 1 above.

Article 40. (Education Plans)

(1) The head of the Association shall submit an education plan for the following year to the Minister of Environment no later than the 30th day of November every year.

(2) An education plan pursuant to Paragraph (1) above shall include the following matters:

1. The basic direction of education;
2. The survey results regarding the demand for education and a long-term estimation of the demand for education;
3. A plan for the educational curriculum;
4. The purpose, course, period of education, and number of persons to be educated in each course;
5. Standards for selecting the persons to be educated and the selection plan;
6. A plan for compiling teaching materials;
7. A method of appraising education results; and
8. Other necessary matters for education.

Article 41. (Selection and Registration of Persons to Be Educated)

(1) The Minister of Environment shall give notice of an education plan pursuant to Article 40 of this Ordinance to the mayors or governors, etc. no later than the 31st day of January every year.

(2) The mayors or governors, etc. shall select persons to be educated within the area of their jurisdiction, classify them as requiring the course for managers of toxic chemicals or the course for training toxic chemicals managers, and submit a list of such persons to the head of the Association fifteen (15) days prior to the commencement of education. In this case, only persons who have engaged in relevant chemical substance business for at least 3 years at a business place treating chemical substances and who want to be candidates may be selected for the training course.

(3) When selecting persons to be educated in accordance with Paragraph (2) above, the mayors or governors, etc. shall notify the employers of the selected persons without delay.

(4) A person who has been selected to be educated shall register with the Association prior to the commencement of education.

Article 42. (Report of the Results of Education)

When providing education in accordance with Article 36 of the Act, the head of the Association shall report the annual education results every year to the Minister of Environment and to the relevant mayors or governors, etc. within fifteen (15) days of the start of the following year.

Article 43. (Supervision)

The Minister of Environment may, if necessary, have the head of the Association report the education results or submit relevant materials, or have related government officials guide or supervise the progress of education and other matters related to the education.

Article 44. (Submission of Materials and Cooperation Therewith)

For the purpose of efficient education pursuant to Article 36 of the Act, an employer who employs a manager of toxic chemicals or a candidate for the course for training managers of toxic chemicals shall, upon the request of the mayors or governors, etc., cooperate in submitting any of the following materials:

1. A list of managers of toxic chemicals;
2. A list of persons who have completed education courses and candidates for the training course; and
3. Other materials necessary for education.

Article 45. (Report of Results of Toxic Chemicals Business Entities)

The Minister of Environment in accordance with Article 37 of the Act may order a toxic chemicals business entity as set forth in Article 37, Paragraph (1), Items 2 through 5 of the Act to submit an annual result report as prescribed in Annexed Form No. 30 to the Association by January 31st of the following year. In this case, the head of the Association shall, after reviewing and analyzing the annual result report of the toxic chemicals business entity, inform of the Minister of Environment and relevant mayors or governors, etc. by March 31st of the following year.

Article 46. (Hazardous Chemicals Inspection Institutions)

When a chemical substance is collected according to Article 37, Paragraph (1) of the Act, the mayors or governors, etc. may request any of the following institutions to inspect, whether or not the chemicals fall under list of the toxic chemicals:

1. NIER;
2. Public Health and Environment Research Institutes in Seoul Metropolitan City, other metropolitan cities and provinces;
3. Environmental Management Office and Regional Environmental Management Offices; or
4. Environmental Management Corporation under the Environmental Management Corporation Act.

Article 47. (Application for Protection of Materials)

(1) Any person intending to request the protection of materials as stipulated in the main text of Article 39, Paragraph (1) of the Act shall submit, to the head of the NIER or to the mayors or governors, etc., an application form for the protection of materials as prescribed in Annexed Form No. 31, together with the following Items:

1. Summary of materials to be protected and the reason for their protection; and
- . Materials to be protected.

(2) Matters related to the summary of materials to be protected, methods of preparing the statement for the reason for protection, and submission procedures for the application and other necessary matters in accordance with Paragraph (1) above shall be designated and announced in a Public Notice by the Minister of Environment.

Article 48. (Review of the Application Form for the Protection of Materials, Etc.)

When the head of the NIER or the mayors or governors, etc. receive an application form for the protection of materials as prescribed in Article 47, Paragraph (1) above, they shall review the appropriateness of protecting the item and the requested period of protection and notify them to the applicant for the protection of materials.

Article 49. (Management Methods for Protected Materials)

(1) The management of protected materials in accordance with Article 39, Paragraph (1) of the Act includes the following Items:

1. Designation of managers for management records;
2. Perusal procedures and methods;
3. Management of file cabinets and security systems; and
4. Matters related to inspections of management conditions of the protected materials.

(2) Details of the management method and other necessary items provided in Paragraph (1) shall be designated and announced in a Public Notice by the Minister of Environment.

Article 50. (Criteria for Administrative Measures)

(1) The criteria for administrative measures in accordance with Article 41 of the Act shall be as prescribed in Annex 5.

(2) In cases where it is recognized that a breach is trivial or is due to other special causes, notwithstanding the criteria for administrative measures prescribed in Annex 5, the mayors or governors, etc. may reduce administrative measures.

Article 51. (Hearing Procedures)

(1) In cases where the Minister of Environment or mayors or governors, etc. intend to conduct hearings in accordance with Article 42 of the Act, the Minister of Environment shall notify in writing the concerned party or its proxy of the reason, date, time and place thereof, seven (7) days prior to the date of hearing.

(2) Parties subject to the measure concerned or their proxies who have received a notice under Paragraph (1) above, may attend a hearing on a designated date to state their opinions or submit a written statement.

(3) When concerned parties or their proxies attend a hearing and state their opinions in accordance with Paragraph (2) above, a relevant governmental official shall prepare a written statement of the opinion and have the person who raises the opinion confirm and sign or seal it.

(4) A notice pursuant to Paragraph (1) above shall specify that a person who does not comply with the notice without any justifiable reasons will be deemed to have forfeited the opportunity to state his opinion.

Article 52. (Fees)

The Fees pursuant to Article 43 of the Act and Article 5, Paragraph (2) of the Presidential Decree shall be as prescribed in Annex 6.

Article 53. (Report)

Matters to be reported to the Minister of Environment by the mayors or governors, etc., the head of the NIER or the head of Association in accordance with Article 27 of the Presidential Decree shall be as prescribed in Annex 7.

Article 54. (Procedures for Collecting Administrative Surcharges)

The Ordinance on Businesses of Tax Revenue Collectors shall apply to the procedures for collecting administrative surcharges pursuant to Paragraph (4) of Article 28 of the Presidential Decree.

Addenda

Article 1. (Date of Enforcement)

This Ministerial Ordinance shall be effective as of the date of promulgation; however, the amended provisions of Articles 3 and 22 of this Ordinance shall be effective as of January 1, 1998.

Article 2. (Interim Measures for Attached Documents for Applications for Hazard Evaluations)

A person who submits an application for a hazard evaluation prior to the date of enforcement of Article 7, Paragraph (2) of the Act (January 1, 1998) shall attach data or materials pursuant to the provisions of Article 4, Paragraph (1), Item 2 of the previous Ministerial Ordinance in lieu of test reports stipulated in the amended provisions of Article 2, Paragraph (1), Item 2 of this Ministerial Ordinance.

Article 3. (Interim Measures for Requirements for Registration)

A person who has, at the time of the enforcement of this Ministerial Ordinance, registered a toxic chemicals business entity in accordance with the provisions of the previous Ministerial Ordinance shall be equipped with facilities and equipment which satisfy the criteria in accordance with the amended provisions of Article 11 of this Ministerial Ordinance within six (6) months of the date of the enforcement of this Ministerial Ordinance.

Article 4. (Interim Measures for Indicating Toxic Chemicals)

A person who has, at the time of the enforcement of this Ministerial Ordinance, labelled the presence of toxic chemicals in accordance with the provisions of the previous Ministerial Ordinance shall satisfy the requirements for indicating toxic chemicals pursuant to the amended provisions of Article 28 of this Ministerial Ordinance within one (1) year of the date of the enforcement of this Ministerial Ordinance.

Article 5. (Interim Measures for Notification of On-site Pollution Prevention Plan)

A person who is, at the time of the enforcement of this Ministerial Ordinance, required to notify neighboring residents of their on-site pollution prevention plan in accordance with Article 33, Paragraph (3) of the Act shall notify in accordance with the amended provisions of Article 36, Paragraphs (3) and (4) of this Ministerial Ordinance within six (6) months of the date of the enforcement of this Ministerial Ordinance.

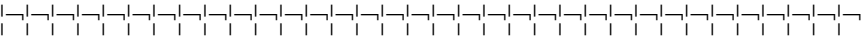
Article 6. (Interim Measures for Criteria for Administrative Measures)

Administrative measures for violations prior to the enforcement of this Ministerial Ordinance shall proceed in accordance with the provisions of the previous Ministerial Ordinance.

Article 7. (Relations with Other Acts and Regulations)

If other Acts and regulations cite the Ministerial Ordinance of the Act at the time of the enforcement of this Ministerial Ordinance, the corresponding provisions of this Ministerial Ordinance, if any, shall be deemed as having been cited.

[Annex 1]



(In relation to Article 11)

Business Type	Facility	Standards
1. Business of manufacturing toxic chemicals	Manufacturing facilities	(1) Floors shall be built with materials, such as waterproof concrete cement, etc., that can withstand the toxic chemicals concerned. (2) Necessary safety systems including alarm systems, for the preventing accidents such as explosion, fire, etc., shall be installed. (3) Facilities that can prevent the toxic chemicals from being released into the outside environment, or from being absorbed into the ground or from being scattered in the handling of toxic chemicals shall be installed.
	Indoor storage facilities	(1) Instruments and equipment a. Fire extinguishers, gas masks, and protective-gloves, shoes, clothing and glasses shall be provided nearby. b. Chemicals or materials for emergency measures that can neutralize, absorb, dilute or recover the toxic chemicals shall be provided. (2) Others a. Ventilation shall be provided.

		b. Each toxic chemicals shall be separately stored. c. Windows shall have protective wire nets. d. Entrance to the storage facility shall be labeled as prescribed by Article 28, Paragraph (1) of the Act. e. Facilities that can prevent the toxic chemicals from being released to the outside environment or from being absorbed into the ground or from being scattered in the handling of such toxic chemicals shall be installed.
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Business Type	Facility	Standards
	Outdoor storage facilities	(1) Instruments and equipment : Identical to the Standards for Indoor storage facilities (2) Others a. Floors shall be built with materials, such as waterproof concrete cement, that can withstand the toxic chemicals concerned. b. Safety equipment such as security systems, protective wire nets, etc., shall be installed. c. Each toxic chemical shall be separately stored. d. Equipment such as shelves, etc., shall be firmly and safely installed inside the storage facility, in order to withstand load or

		wind forces. e. Entrance to the storage facility shall be labeled as prescribed by Article 28, Paragraph (1) of the Act. f. Facilities that can prevent toxic chemicals from being released to the outside environment or from being absorbed into the ground or from being scattered in the handling of such toxic chemicals shall be installed.
	Warehousing facility	(1) Instruments and equipment : Identical to the Standards for Indoor storage facilities. (2) Others a. Materials shall withstand corrosion by the chemicals. b. Safety equipment, such as security systems shall be installed. c. Facilities that are at any time capable of inspecting the chemicals shall be installed. d. Entrance to the storage facility shall be labeled as prescribed by Article 28, Paragraph (1) of the Act. e. A barrier to prevent the chemicals from dispersing in to the surrounding area shall be installed near of the warehousing facility. In the case of laying underground warehousing tanks and pipes, a facility shall be installed in order to detect release of the chemicals.

Business Type	Facility	Standards
	Others	(1) When a business manager personally transport toxic chemicals, the person shall use a vehicle that complies with the "transporting vehicle" including the safety equipment, etc. in the Standards for business of transporting toxic chemicals. (2) A sill to prevent the release of toxic chemicals in places where liquid toxic chemicals are loaded or unloaded shall be installed. (3) Related facilities, such as pipes or valves that transfer the toxic chemicals shall be constructed in such a way to prevent the leakage of the toxic chemicals.
2. Business of selling toxic chemicals	Storage facilities	Identical to the Standards for Indoor storage facilities, Outdoor storage facilities and Warehousing facilities for Business of manufacturing toxic chemicals.
	Others	Identical to Others of the Business of manufacturing toxic chemicals.
3. Business of storing or warehousing toxic chemicals	Storage facilities	Identical to the Standards for Indoor storage facilities, Outdoor storage facilities and Warehousing facilities for Business of manufacturing toxic chemicals.
	Others	Identical to Others of the Business of manufacturing toxic chemicals.

4. Business of transporting toxic chemicals	Transporting vehicles and their equipment	(1) Transporting vehicles a. Transport of solid or liquid (packed in container) toxic chemicals : Transport vehicles required for "Transportation Business of General Freight Vehicles" b. Transport of liquid toxic chemicals (excluding chemicals packed in container) : Transport vehicles required for "Transportation Business of Special Freight Vehicles" c. Transport of gaseous toxic chemicals : Transport vehicles required for "Transportation Business of General or Special Freight Vehicles"
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Business Type	Facility	Standards
		(2) Equipment a. Vehicles shall be equipped with protective gloves, boots, clothing, shovel, etc., for 2 or more persons b. Vehicles shall be equipped with cards indicating the name, content, amount, and emergency measures for the toxic chemicals
5. Business of using toxic chemicals	Usage facilities	Identical to the Standards for Manufacturing facilities of Business of manufacturing toxic chemicals
	Storage facilities	Identical to the Standards for Indoor storage facilities, Outdoor facilities and Warehousing facilities of Businesses of manufacturing toxic chemicals

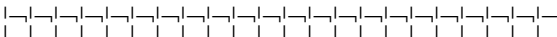
	Others	Identical to the Standards for Others of Business of manufacturing toxic chemicals
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Reference : 1. A toxic chemicals business entity shall provide equipment and facilities that are appropriate to the chemicals involved, and shall secure sufficient quantity of equipment and facilities, taking into consideration the number of people needed for emergency measures. However, this shall not apply to a person who establishes on-site pollution prevention plan in accordance with Article 33, Paragraph (1).

2. For those persons intending to sell toxic chemicals solely by conducting sales arrangements or by using stores where small amounts of toxic chemicals (less than 100 kg for restricted chemicals, or less than 500 kg for toxic chemicals) may be displayed and stored, a separate storage facility may not be necessary.

[Annex 2]

The Toxic Chemicals Management Standards



(In relation to Article 22)

1. General Matters

- A. A person who manufactures, imports, sells, keeps, stores, transports or uses toxic chemicals (hereinafter referred to as "handling person"), shall know well both the matters demanding special attention while handling the toxic chemicals, and emergency measures that need to be taken when an accident occurs.
- B. The handling person shall ensure that the floor of the work place is made of materials that prevent spilled toxic chemicals from being absorbed into the ground. Also, the floor of the work place shall be examined at regular intervals to see whether the floor is damaged by cracks, aging, abrasions, breakdowns, etc.
- C. The handling person shall properly maintain and manage the related facilities including the instruments, equipment, transferring pipes and valves, etc.,

to minimize the release of chemicals.

D. The handling person shall label toxic chemicals in accordance with the provisions of Article 28, Paragraph (2) of the Act, when toxic chemicals which have been subdivided in small amounts into individual packages or containers are to be circulated.

E. The handling person shall dispose the toxic chemicals that remain in the container according to the provisions of Article 37 of this Ordinance, when the container, in which the toxic chemicals has been placed, is to be reused for other purposes.

F. The handling person shall take emergency measures and notify authorities according to the provisions of Article 33, Paragraph (2) of the Act, in cases where the leakage of toxic chemicals causes or is able to cause damage to human health and the environment.

2. Management of the Process for Handling Toxic Chemicals

A. A person who manufactures or uses toxic chemicals shall prevent the introduction of impurities, including rainwater, etc., into the chemicals, so that the safety valves in the manufacturing and usage processes operate for safe and proper management; he shall also maintain the same thermometer and manometer values at the place of operation and at the facilities and pipes, etc.; he shall not operate the manufacturing or usage processes of toxic chemicals while any safety instruments, including an alarm for the controller, etc., is out of order.

B. If the storage facility is located nearby the factory, the minimum possible amount of toxic chemicals necessary to work shall be maintained in a work place where toxic chemicals are directly used. In this case, the toxic chemicals shall be kept safely in a designated place and the labeling of the toxicity of the chemicals in containers or packages shall be noticeable.

C. The business of selling toxic chemicals shall display and store the minimum amount necessary for sales in the place of business.

3. Management for Storage and Warehousing Toxic Chemicals

A. The handling person shall maintain and manage storage facilities and connecting pipes to ensure that there is no corrosion, damage, or premature aging.

B. The handling person shall make sure that labels of toxic chemicals on containers are noticeable by preventing the labels from being contaminated and damages.

C. The handling person shall keep containers of toxic chemicals air tight. For gaseous toxic chemicals, containers shall be completely air tight.

D. The handling person shall prevent doorways, windows and door fasteners of the storage facilities from corroding or aging. The manager of the storage facility shall manage the keys for the door fasteners.

E. The handling person shall maintain the total stock of toxic chemicals in accordance with the recorded amount by accurately recording the amount of toxic chemicals brought into and taken out of the storage and warehousing facilities. However, in cases where the storage facilities and other facilities are directly connected to the place where such toxic chemicals are used, or where the toxic chemicals are subdivided into individual packages or containers and their input or output is occasionally conducted, the total stock can be arranged in a unit of a day.

F. The handling person shall not allow toxic chemicals to come into contact with food or agricultural and marine products.

4. Management for Transporting Toxic Chemicals

A. The handling person shall maintain and manage equipment for transporting toxic chemicals (including a tank truck or a trailer, etc.), so that they do not corrode, damage or age, and shall examine them periodically.

B. If toxic chemicals in solid form are carried by a truck, an air tight carrying case shall be used to transport them and the toxic chemicals shall not come into contact with any food or agricultural and marine products.

C. In cases where the amount of toxic chemicals carried is 5,000 kg or more per delivery, the carrying schedule including the following matters shall be made out in advance, and a carrier (or a driver) and a convoy shall carry and thoroughly know the schedule. Also, the original transportation schedule shall be kept in the place of the business:

a. Selection of roads which the vehicle passes through (including one detour road) :

If at all possible, the roads selected shall be those whereby any accidents, such as the vehicle rolling over, etc., will not cause any bodies of water to be contaminated;

b. Details of administrative bodies close to the selected road:

By clearly indicating the name, phone number, and the address of the administrative bodies, along with a drawing of the location, etc., thereof, to which reports of any accidents related to toxic chemicals shall be made according to the provisions of Article 33, Paragraph 2 of the Act, an execution of the report shall be made in advance (including the office in relation to tap-water supply source when the vehicle passes by a river nearby the source); and

c. Tools to be kept in order to rapidly report any accidents when they occur:

The driver shall carry a portable telephone and other communication equipment at all time, so that in case of emergency, the driver can report to an administrative body nearby.

D. The manager of the work of transporting toxic chemicals shall instruct the drivers of the "carrying schedule" before transporting toxic chemicals, and shall prevent the vehicle from rolling over and other accidents from occurring by ensuring that drivers observe safe driving rules, such as taking precautions not to speed during transportation, etc.

(In relation to Article 23)

1. The followings are qualifications for a manager of toxic chemicals to be appointed by a restricted toxic chemicals business entity:
 - A. A person who has completed a class in chemistry at an accredited science or engineering college in accordance with the Educational Act;
 - B. A person who is a technician qualified to handle toxic chemicals in accordance with the provisions of the National Technical Qualification Act, and who is a second-grade engineer or higher in the field of water and air environment; and
 - C. Other persons who are recognized by the Minister of Environment as equivalent or more qualified than those persons described in A and B above.
2. The followings are qualifications for a manager of toxic chemicals to be appointed by a toxic chemicals business entity:
 - A. A person who meets the standards for qualification described in A and B of Paragraph 1 above;
 - B. A person who has completed a class of chemistry at a junior college, colleges or universities (including a chemistry course or a chemical engineering course of a vocational high school), in accordance with the provisions of the Educational Act;
 - C. A person who completes the education for training managers of toxic chemicals in accordance with the provisions of Article 38 of this Ordinance; and
 - D. Other persons who are recognized by the Minister of Environment as equivalent or more qualified than those persons described in A to C above.

[Annex 4]

(In relation to Article 28, Paragraph 1)

1. In the case of labelling a business place where toxic chemicals are stored, warehoused, or displayed:

A. Form

Figure 12291;

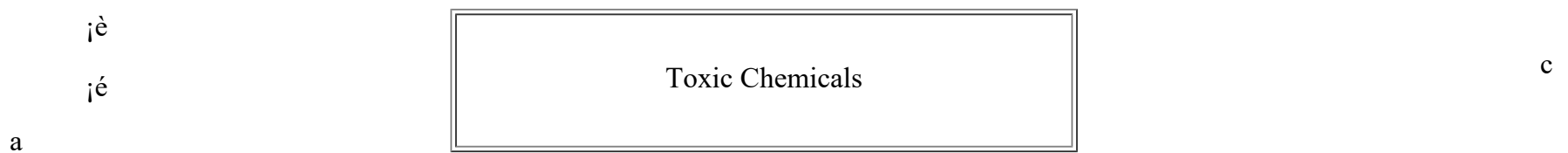


Figure 12292;

Figure 12290; b Figure 12289;

B. Size : $a > 50\text{cm}$, $b = 2/3a$, $c = 1/4a$, $d = 1/4a$,

C. Colors : The ground color is white; the color of the border is black; the color of the letters of "Toxic Chemicals" is red; and the color of the letters of "A Manager of Toxic Chemicals" is black.

2. In the case of labelling on a transport vehicle:

A. Form

Figure 8593;

a Toxic Chemicals

Figure 8595;

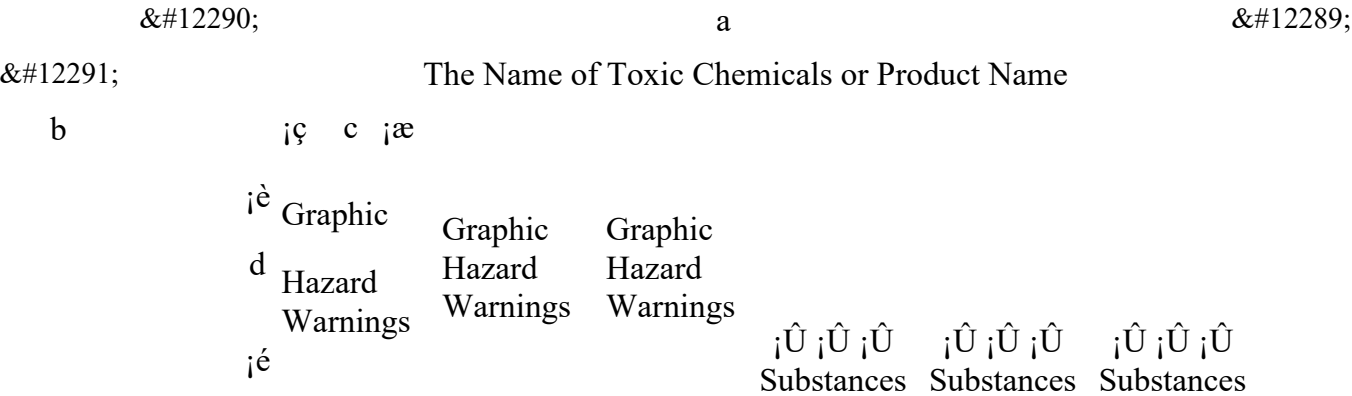
Figure 1: Example of a label for a toxic chemical.

B. Size : a=20cm - 30cm, b=80cm - 100cm

C. Colors : The ground color is white; the color of the border is black; and the color of the letters of " Toxic Chemicals" is red.

3. In the case of labelling on containers or packages:

A. Form



- o Toxicity
- o Safety Precautions in handling

Figure 2:

Ø Reference : If the volume of a toxic chemical is less than 100g or 100g, only the name of the toxic chemical or the product name and graphic hazard warnings may be marked.

B. Size

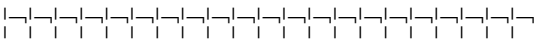
Volume of Containers or Packages	Size
More than 500§□	450§²(axb);iÃ, 0.25b;îÄa;îÄ4b, 0.1(axb);îÄcxd
200§□;îÄ, <500§□	300§²(axb);iÃ, 0.25b;îÄa;îÄ4b, 0.1(axb);îÄcxd
50§□;îÄ, <200§□	180§²(axb);iÃ, 0.25b;îÄa;îÄ4b, 0.1(axb);îÄcxd
5§□;îÄ, <50§□	90§²(axb);iÃ, 0.25b;îÄa;îÄ4b, 0.1(axb);îÄcxd
Less than 5§□	More than 5% of total surface area of containers or packages, excluding upper or lower surface area

C. Color : 1) The ground color is white, while the color of the border, the letters and the surface area of the containers or packages is black. However, if the color of the surface of the containers or packages is black or similar to black, the color of the letters and border shall be the opposite or contrast of surface color.

2) The ground color of graphic hazard warnings is yellow or orange, while the color of the border and the graphic symbol is black.

[Annex 5]

The Criteria for Administrative Measures



(In relation to Article 50)

1. General Criteria

A. The administrative measures for an act violating the Act shall be grounded on this Criteria, unless another special administrative measure is prescribed by any other act.

B. In cases where two or more acts violate the Act, the violator shall be dispositioned for each violation.

- C. In cases where there are two or more criteria for administrative measures for a violation, the violator shall be punished in accordance with the criteria of more severe measure.
- D. The Criteria for administrative measure depending on the frequency of violations shall be applied to cases where acts repeatedly violate the Act over a period of two years from the first administrative measure for such violation.
- E. In cases where there is a transfer of the business, an inheritance of the business or a merger, the assignee, the successor, or the merged corporation shall succeed to the effects of administrative measures (including those measures for which the period of measures has expired and ongoing administrative measures.
- F. Other acts that become subject of administrative measures, among acts that are not described in this Criteria, shall be punished according to the most closely related violations, as described in this Criteria.

2. Individual Criteria

Violations	Act	Criteria of Administrative Measures			
		First violation	Second violation	Third violation	more than Three violation
(1) In the case of applying to one of the Items in Article 16 of the Act	Article 18, Paragraph 1 of the Act	Revocation of Registration or Permission			
(2) In the case of registering or receiving permission through false or illegitimate methods such as perjury	Article 18, Paragraph 2 of the Act	Revocation of Registration or Permission			

(3) In cases where it is confirmed that the business should be discontinued due to revocation of permission or registration by provisions of other acts	Article 18, Paragraph 3 of the Act	Revocation of Registration or Permission			
(4) When the certificates of registration or permission is leased to another person	Article 18, Paragraph 4 of the Act	1 month Suspension of Business	Revocation of Registration or Permission		
(5) When one receives over 3 administrative measures for business suspension in one year	Article 18, Paragraph 5 of the Act	1 month Suspension of Business	Revocation of Registration or Permission		
(6) When an accident occurs intentionally or from gross negligence	Article 18, Paragraph 6 of the Act	1 month Suspension of Business	3 month Suspension of Business	Revocation of Registration or Permission	

(7) When one does not commence business within one year after Registration or	Article 18,	Revocation of			
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Permission, or closes a business for over 1 year without good reason	Paragraph 7 of the Act	Registration or Permission			
(8) When a person manufactures, imports, or uses restricted toxic chemicals in violation of Article 11 of the Act	Article 18, Paragraph 8 of the Act	15 day Suspension of Business	3 month Suspension of Business	Revocation of Registration or Permission	
(9) When a person fails to re-register changes or receive permission of changes in violation of Article 13, Paragraph 1, Items 1 and 2, and Article 17, Paragraph 3 of this Ordinance	Article 18, Paragraph 8 of the Act	Warning	5 day Suspension of Business	15 day Suspension of Business	3 month Suspension of Business
(10) When a person fails to re-register changes or receive permission of changes, in the name of the					

business place, its location or a representative, in violation of Article 13, Paragraph 1, Item 3 and Article 17, Paragraph 3 of this Ordinance	Article 18, Paragraph 8 of the Act	Warning	Warning	Warning	15 day Suspension of Business
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(11) When a person fails to submit data required to survey the amount in circulation and release of the chemicals, in accordance with Article 14, Paragraphs (1) and (2) of the Act	Article 18, Paragraph 8 of the Act				
a. Refusing, disturbing, or avoiding the entry to or investigation of the work place concerned		Warning	5 day Suspension of Business	15 day Suspension of Business	1 month Suspension of Business
b. When a person fails to submit the data or submits it in an illegitimate way		Warning	Warning	5 day Suspension of Business	1 month Suspension of Business

(12) When requisites such as facilities, equipment, etc., as prescribed by Article 15, Paragraph 1 or Article 20, Paragraph 1 of the Act, do not meet the registration or permission standards	Article 18, Paragraph 8 of the Act				
a. When toxic chemicals are released due to deterioration of facilities or equipment used for handling toxic chemicals		Improvement Order	5 day Suspension of Business	1 month Suspension of Business	6 month Suspension of Business
b. When toxic chemicals are likely to be released due to deterioration of the facilities or equipment used for handling toxic chemicals		Improvement Order	Improvement Order	1 month Suspension of Business	6 month Suspension of Business

c. When facilities or equipment deteriorate or do not meet the requirements		Improve- ment Order	Improve- ment Order	5 day Suspension of Business	1 month Suspension of Business
		Warning	Warning		

(13) When a person fails to comply with the conditions in accordance with Article 15, Paragraph 2 or Article 20, Paragraph 2 of the Act	Article 18, Paragraph 8 of the Act			5 day Suspension of Business	1 month Suspension of Business
(14) When a person fails to notify authorities of the succession of rights and duties in accordance with Article 19, Paragraph 2 of the Act	Article 18, Paragraph 8 of the Act	Warning	Warning	5 day Suspension of Business	10 day Suspension of Business
(15) When a person does not implement an Improvement Order in accordance with Article 22 of the Act	Article 18, Paragraph 8 of the Act	Warning	15 day Suspension of Business	3 month Suspension of Business	Revocation of Registration or Permission
(16) When a person fails to implement a Relocation Order in accordance with Article 23 of the Act	Article 18, Paragraph 8 of the Act	Warning	1 month Suspension of Business	Revocation of Registration or Permission	

(17) When a person violates the Toxic Chemicals Management Standards in accordance with Article 24 of the Act	Article 18, Paragraph 8 of the Act				
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a. When toxic chemicals are released in violation of the Toxic Chemicals Management Standards		Improve- ment Order	5 day Suspension of Business	1 month Suspension of Business	6 month Suspension of Business
b. When toxic chemicals are likely to be released in violation of the Toxic Chemicals Management Standards		Improve- ment Order	Improve- ment Order	1 month Suspension of Business	6 month Suspension of Business
c. When violating other Management Standards		Improve- ment Order	Improve- ment Order	Improve- ment Order	1 month Suspension of Business
(18) Administrative Measures related to a	Article 18,				

Manager of Toxic Chemicals in accordance with Article 25 of the Act	Paragraph 8 of the Act				
a. When a Manager of Toxic Chemicals is not appointed		Appoint- ment Order of the Manager of Toxic Chemicals	Warning	5 day Suspension of Business	15 day Suspension of Business
b. When a Manager of Toxic Chemicals does not meet the Qualification Standards		Change Order of the Manager of Toxic Chemicals	Warning	Warning	15 day Suspension of Business

c. When a person notifies authorities of a Manager of Toxic Chemicals in accordance with Article 25, Paragraph 1 of the Act, through illegitimate methods such as perjury		Warning	5 day Suspension of Business	10 day Suspension of Business	1 month Suspension of Business
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d. When a person rejects a request needed for carrying out the work of or disturbs the work of a Manager of Toxic Chemicals in accordance with Article 25, Paragraph 4 of the Act		Warning	5 day Suspension of Business	10 day Suspension of Business	1 month Suspension of Business
e. When a person fails to notify authorities of the change of joint use of a Manager of Toxic Chemicals, etc., in accordance with Article 26, Paragraph 2 of the Act		Warning	Warning	Warning	15 day Suspension of Business
f. When a person fails to implement the Change Order for a manager of toxic chemicals in accordance with Article 27 of the Act		Warning	5 day Suspension of Business	10 day Suspension of Business	1 month Suspension of Business

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(19) When a person fails to attach a label for toxic chemicals in accordance with Article 28, Paragraphs 1 and 2 of the Act	Article 18, Paragraph 8 of the Act	Warning	5 day Suspension of Business	15 day Suspension of Business	2 month Suspension of Business
(20) When a person fails to record or preserve materials regarding toxic chemical management in accordance with Article 29 of the Act	Article 18, Paragraph 8 of the Act	Warning	5 day Suspension of Business	1 month Suspension of Business	3 month Suspension of Business
(21) When a person sells, grants, stores, or displays toxic chemicals, in violation of Article 30, Paragraphs 1 and 2 of the Act	Article 18, Paragraph 8 of the Act	Warning	5 day Suspension of Business	15 day Suspension of Business	1 month Suspension of Business
(22) In the case of Violating	Article 18,				

self inspection requirements in accordance with Article 31, Paragraph 2 of the Act	Paragraph 8 of the Act				
a. In cases where the period exceeding the date of self inspection is less than 6 months		Warning	5 day Suspension of Business	15 day Suspension of Business	1 month Suspension of Business
b. In cases where the period exceeding the date of self inspection exceeds 6 months		Warning	15 day Suspension of Business	1 month Suspension of Business	3 month Suspension of Business

(23) When a person has not prepared or preserved documents of an inspection pursuant to the provisions of Article 31, Paragraph 2 of the lower column, and Paragraph 3 of the Act	Article 18, Paragraph 8 of the Act	Warning	5 day Suspension of Business	1 month Suspension of Business	3 month Suspension of Business
		Warning	Warning		1 month

(24) When a person has not observed safety Management rules pursuant to the provisions of Article 31, Paragraph 3 of the Act	Article 18, Paragraph 8 of the Act			15 day Suspension of Business	Suspension of Business
(25) When a person has not implemented regular and irregular inspections pursuant to the provisions of Article 32, Paragraph 1 of the Act	Article 18, Paragraph 8 of the Act				
a. In cases where the period which exceeds the regular and irregular inspection date is less than six months		Warning	5 day Suspension of Business	15 day Suspension of Business	1 month Suspension of Business
b. In cases where the period which exceeds the regular and irregular inspection date is more than six months		Warning	15 day Suspension of Business	1 month Suspension of Business	3 month Suspension of Business

(26) When a person has not implemented an order for safety diagnosis pursuant to the provisions of Article 32, Paragraph 2 of the Act	Article 18, Item 8 of the Act	5 day Suspension of Business	1 month Suspension of Business	3 month Suspension of Business	6 month Suspension of Business
(27) In cases where an accident involving toxic chemicals has taken place or may have happened, and where a person did not take proper measures or did not report to the related authorities.	Article 18, Item 8 of the Act	5 day Suspension of Business	1 month Suspension of Business	3 month Suspension of Business	6 month Suspension of Business
(28) When a person has not notified the residents nearby of the self prevention plan, etc., in advance, pursuant to the provisions of Article 33, Paragraph 3 of the Act	Article 18, Item 8, of the Act	Warning	Warning	5 day Suspension of Business	1 month Suspension of Business
(29) When a person has disposed of toxic chemicals without abiding by the	Article 18, Item 8 of the Act	5 day Suspension of Business	15 day Suspension of Business	3 month Suspension of	Revocation of Registration or Permission

(31) When a person has not reported or has falsely reported, or has not submitted or has falsely submitted data or materials, in accordance with Article 37, Paragraph 1 of the Act	Article 18, Item 8 of the Act	Warning	Warning	5 day Suspension of Business	1 month Suspension of Business
(32) When a person conducts business during a period of Business Suspension	Article 18, Item 8 of the Act	5 day Suspension of Business	1 month Suspension of Business	6 month Suspension of Business	Revocation of Registration or Permission

Fee (In relation to Article 52)

Business Type	Fee
1. Certificate issuance in relation to a toxicity examination of chemicals	2,000 Won
2. Toxicity examination of chemicals	(per each type)
3. Import or export notification of toxic chemicals	50,000 Won
4. Manufacture or import notification of observational chemicals	5,000 Won
5. Registration of a toxic chemicals business	5,000 Won
6. Registration for changes in a toxic chemicals business	10,000 Won
7. Permission for a restricted toxic chemicals business	5,000 Won
8. Permission for changes in a restricted toxic chemicals business	
9. Regular and irregular inspection of gaseous toxic chemicals business	10,000 Won
10. Education courses for managers or for training managers of toxic chemicals	5,000 Won
	20,000 Won
	20,000 Won

Report Facts of Delegated Works

(In relation to Article 53)

Works	Report Frequency	Fixed date of Report	Reporter
1. Status of investigation for circulation or release amount of chemicals, and actual record of	at random once a year	when necessary within one year and fifteen days of the	Mayors of Seoul Metropolitan city and other metropolitan cities, the provincial governors, the head of the Environmental Management Office, and the head of Regional Environmental Management Office identical to the item 1 above

protection of the submitted data		date the report was made	
2. Status of registration of a toxic chemicals business permission for a restricted toxic chemicals business, and status of a report of closing a business, etc.	once a year	within one year and fifteen days of the date that the the report was made	identical to the item 1 above
3. Status of business classification and qualification classification for a manager of toxic chemicals and status of approval for joint use of facilities or equipment			
4. Results of an inspection of a toxic chemicals or restricted toxic chemicals business, and administrative measures for violators	semi-annually	within ten days of the close of every half term	identical to the item 1 above
5. Numbers and contents of a Relocation Order for a toxic chemicals business or restricted toxic chemicals business	at random	when necessary	identical to the item 1 above

Business Contents	Report Frequency	Fixed date of Report	Reporter
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6. Accidents of toxic chemicals and their counter-measures	variable	when necessary	Mayors of Seoul Metropolitan city and other metropolitan cities, the provincial governors, the head of the Environmental Management Office, and the head of Regional Environmental Management Office
7. Results of an imposition of administrative surcharges and their record of nonpayment	semi-annual	within ten days of the close of every half term	identical to the item 6 above
8 Results of collection of administrative surcharges	once every twelve years	within one month and ten days	identical to the item 6 above
9. Status of toxicity examination and records of protection of submitted materials	once every twelve years	within one month and ten days	head of the National Institute of Environmental Research
10. Status of export and import notification for toxic chemicals and manufacture or import notification for observational chemicals	once every forth year	within ten days of the close of every quarter term	head of the Hazardous Chemicals Management Association

