

# LAW OF MONGOLIA ON HAZARDOUS AND TOXIC CHEMICALS

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## CHAPTER ONE

### GENERAL PROVISIONS

#### Article 1. Purpose of the Law

1.1 The purpose of this Law is to regulate relations concerning the export, import and transportation of toxic chemicals across the borders of Mongolia and production, storage, trade, transport, use, removal and control on thereof.

#### Article 2. Legislation on Toxic Chemicals

2.1 The legislation on hazardous and toxic chemicals consists of the Constitution of Mongolia, Law on Environmental Protection, Law on Licensing, Law on Estimation of situations affecting the environment, Law on Restrictions on import, trans-border transportation and export of hazardous waste, Law on Control upon explosive substances and detonation means, Law on protection against emergency situations, this Law and other legislation adopted consistent with this laws.

2.2 The relations pertaining to medicine having narcotic effect and affecting mentality, and also chemicals of radioactive and food purposes are to be regulated by special law.

2.3 If the International Treaty of Mongolia stipulates otherwise, the provision of the International Treaty shall prevail.

#### Article 3. Legal terms

3.1 The terms used in this law shall be understood as follows:

3.1.1 "toxic chemicals means chemicals and their composition having hazardous affect on the health, environment, livestock and wild life, moreover driving to extinct;

3.1.2 "hazardous chemicals" means chemicals and their compositions of explosive, oxidant, m, corrosive and irritable character;

3.1.3 "prohibited chemicals" means hazardous and toxic chemicals and their compositions that are prohibited to use in the territory of Mongolia;

3.1.4 "limited use chemicals" means hazardous and toxic chemicals allowed to use according to prescribed purpose, amount and technology under certain control and only at specially permitted places;

3.1.5 "pesticides" means chemicals and their compositions purported to prevent livestock, animals and plants from diseases and protect against harmful insects, rodents and weed;

3.1.6 "hazardous and toxic chemicals' waste" means hazardous and toxic chemicals that are prohibited in use pursuant to international treaties, or which are expired or don't comply the quality standards, or which title and utilization period are unclear, or the remaining substances or their containers and packets;

3.1.7 "removal of hazardous and toxic chemicals" means removing of hazardous and toxic chemicals by detoxification and neutralization;

3.1.8 "risk estimation" means investigation and estimation of potential negative affects of hazardous and toxic chemicals and their compositions on the health, environment, livestock and animals in the course of conduct with thereof, and determination of preventive and diminishing measures;

3.1.9 "admissible level" means the high content of hazardous and toxic chemicals that doesn't cause negative impact to the health and environment.

#### Article 4. Toxic Chemicals and their Classification

4.1 According to their nature and affects chemicals are:

4.1.1 hazardous and toxic for human health;

4.1.2 hazardous and toxic for the environment;

4.1.3 hazardous and toxic for the livestock and animals.

4.2 The list of hazardous and toxic chemicals and their compositions included into

the classification stated in the Article 1 of this law shall be jointly adopted by the members of the Government responsible for the matters of the environment and the health.

**Article 5. Permissions for Hazardous and Toxic Chemicals Concern Activities**

5.1 The permission to hold activities on export, import, production, trade and use of hazardous and toxic chemicals are issued in compliance with the Law on Licensing.

**Article 6. Regulation of Activities Involving Use of Toxic Chemicals**

6.1 The State Administrative Central Organization in charge of environment shall exercise the following powers upon coordination of activities related to hazardous and toxic chemicals:

6.1.1 to adopt in cooperation with the state administrative central organization in charge of production and trade the procedures for export, import, trans-border transportation, production and trade of hazardous and toxic chemicals;

6.1.2 to adopt in cooperation with the state administrative central organization in charge of the health and emergency situations the procedures for storage, transportation, use and removal of hazardous and toxic chemicals;

6.1.3 in cooperation with the state administrative central organization in charge of the matters of food, agriculture and health adopt on annual basis the list and amount of pesticides, chemical fertilities, and disinfection, clearing and extermination chemicals to be used against harmful insects and rodents;

6.1.4 adopt in cooperation with the state administrative central organization in charge of food, agriculture and health the procedures for experimental and utilization activities;

6.1.5 adopt in cooperation with the state administrative central organization in charge of the health and emergency situations the procedures of hazardous and toxic chemicals' risk estimation procedures;

6.1.6 take appropriate measures to confirm the list of hazardous and toxic chemicals prohibited or restricted to use in Mongolia, and to submit it to the international organizations;

6.1.7 aggregate data and reports on export, import, trans-border transportation and production, storage, trade, transportation, use and deposition of hazardous and toxic chemicals, and found a databank thereof;

6.1.8 approve annual reports on activities concerning the use of hazardous and toxic chemicals;

6.1.9 provide undertakings related to the use of hazardous and toxic chemicals with professional and methodological guidance and approve necessary recommendations;

6.1.10 exchange with international organizations with the data on hazardous and toxic chemicals, provide the citizens with the information on physical, chemical and hazardous characteristics thereof, measures to take in case of accidents, the particular chemical and its composition and methods of deposition and transportation;

6.1.11 exercise powers on enforcement international treaties on hazardous and toxic chemicals which Mongolia is party to;

6.1.12 submit particular proposals related to the assistance from international organizations on elimination of harm impact caused by hazardous and toxic chemicals to the national security, human health, environment, livestock and animals to the government;

6.2 The non-staff National Council authorized to provide advice and conclusions on policy and regulations of hazardous and toxic chemicals shall function under supervision of the Prime Minister, subsidiary councils by the related state administrative central organizations and aimag or capital city governors, and the Government shall approve the composition and rules of the National council.

6.3 The state administrative central organization in charge of defense shall undertake activities related to hazardous and toxic chemicals for military purposes and submit to state administrative central organization reports and data concerning these activities.

6.4 The Government shall approve the list of restricted and prohibited chemicals stated in the provisions of the article 6.1.6 of this law.

**Article 7. Toxic Chemicals Databank**

7.1 The databank mentioned in the provisions of the article 6.1.7 of this law shall consist of international databank of hazardous and toxic chemicals and national

databank consistent to thereof.

7.2 The state administrative central organizations in charge of health, food, agriculture, production, trade, state borders and customs and other related organizations shall have databanks of corresponding hazardous and toxic chemicals which are consistent to the databank stated in the provisions of the article 7.1 of this law and connected with it by network connection.

7.3 Citizens, businesses and organizations shall have free access to the databank stated in the provisions of the article 7.2 and information stated in the provisions of the article 6.1.10 of this law.

## **CHAPTER TWO**

### **REQUIREMENTS FOR COORDINATION OF ACTIVITIES RELATED TO HAZARDOUS AND TOXIC CHEMICALS**

#### **Article 8. Requirements for Protection from Hazardous and Toxic Chemicals**

8.1 Individuals, businesses and organizations shall recover by own expenses the measures on preventing from and eliminating dangerous impact of hazardous and toxic chemicals caused to human health, the environment, domestic animals and wildlife during export, import, trans-border transportation and production, storage, trade, transportation, use, deposition thereof.

8.2 Individuals, businesses and organizations carrying out activities mentioned in the provisions of the article 8.1 of this law shall comply with respective legislation, safety regulations and technological procedures.

8.3 It shall be prohibited to export, import, and transport across state borders, produce, store, trade, purchase, transport, use and transfer to others the hazardous and toxic chemicals and their composition for the purposes of chemical weapon and terrorist acts.

#### **Article 9. Basic Requirements for Export, Import, Trans-border Transportation and Production**

9.1 In accordance with the provisions of the article 5.1 of this law, the following information shall be presented in order to get permission to export, import, produce and use hazardous and toxic chemicals:

9.1.1 name and official termination of the chemical;

9.1.2 commercial and technical term of the chemical;

9.1.3 number of international registration;

9.1.4 the premises, purpose, period and amount of use;

9.1.5 physical, chemical and hazardous characteristics;

9.1.6 measures in case of potential accidental and risky situations;

9.1.7 activity premises conditions;

9.1.8 deposition and transportation methods of a particular chemical and its components.

9.2 The procedures approved in compliance with the provisions of the article 6.1.1 of this law shall be maintained in export, import, trans-border transportation and production of hazardous and toxic chemicals.

#### **Article 10. Basic Requirements for Storage**

10.1 The Governor of the appropriate instance shall determine the store premises for hazardous and toxic chemicals on the basis of the related professional organization conclusion.

10.2 Hazardous and toxic chemicals shall be stored with respect to their specific characteristics in the appropriate special storehouses under the procedures adopted in compliance with the provisions of the article 6.1.2 of this law.

10.3 Containers, boxes and packages of hazardous and toxic chemicals shall contain attention marks, labels of the name of chemicals written in bold capitals.

10.4 In the event of hazardous and toxic chemicals, individuals, businesses and organizations, owner thereof, shall inform the police, intelligence agency and related organs within 24 hours and are obliged to provide with entire assistance in investigation process.

#### **Article 11. Basic Requirements for Sale**

11.1 Licensed individuals, businesses and organizations when selling hazardous and toxic chemicals shall provide 2 certified copies of documents that indicate the name and address of the purchasing person, name, type, amount and purpose of the chemicals, and render one copy to the purchaser and reserve the remaining.

11.2 Hazardous and toxic chemicals shall be conveyed through special points in compliance with the procedures adopted in comply with the provisions of the article 6.1.1 of this law and sold separately from food and other products.

#### **Article 12. Basic Requirement for Transportation**

12.1 Hazardous and toxic chemicals shall be transported in accordance with the procedures adopted by the provisions of the article 6.1.2 of this law by transport means comply with the technical and safety requirements and attention and safety warning sign shall be applied to those transport means.

12.2 After transportation of hazardous and toxic chemicals the transport means used shall be disinfected and rendered non-toxic.

12.3 It shall be prohibited to transport hazardous and toxic chemicals together with people, animals and goods and products.

12.4 It shall be prohibited to post, transport in public and common transport means the hazardous and toxic chemicals.

#### **Article 13. Basic Requirements for Use**

13.1 Activities related to the use of hazardous and toxic chemicals shall be maintained in premises and places that comply with labor protection and safety conditions and requirements.

13.2 It shall be prohibited during the utilization process of hazardous and toxic chemicals to exceed their admissible level set by the authorities in the premises and environment.

13.3 Businesses and organizations that use hazardous and toxic chemicals shall draft safety rules and adhere to them upon approval by the local inspector for the environment and sanitation.

13.4 Persons with proper professional knowledge and experience reached 18 years old are allowed to work with hazardous and toxic chemicals.

13.5 It is prohibited to employ pregnant women and breeding mothers for the positions related to hazardous and toxic chemicals.

13.6 Businesses and organizations shall organize on own expenses the training on safety work and prevention from potential accidents and risks and on providing the first aid assistance for the personnel engaged in operations with hazardous and toxic chemicals.

13.7 Individuals, businesses and organizations shall register the utilization and consumption of hazardous and toxic chemicals used for industrial purposes and submit the reports to soum and district governors within 15 November every year and to the state central administrative agency within the end of January of the next year.

13.8 It is prohibited to use hazardous and toxic chemicals with unclear name, characteristics and use instructions in the case if the professional authorities did not provide sufficient conclusions.

13.9 Individuals, businesses and organizations shall comply with procedures adopted with respect to the provisions of the article 6.1.2 of this law.

#### **Article 14. Basic Requirements for Deposition**

14.1 The waste of hazardous and toxic chemicals shall be deposited on the basis of conclusion of the related professional organization to the place determined by the soum or district governor in compliance with the procedures set by in the provisions of the article 6.1.2 of this law by means that don't endanger or intoxicate human health, the environment, domestic animals and wildlife, and the commission consisted of the local environment and sanitation inspector and officer, specialist in emergency situations, shall be engaged in this operation.

14.2 The commission stated in the provisions of the article 14.1 of this law shall sign the act on deposition of hazardous and toxic chemicals and deliver it to the soum, or Representatives governor.

#### **Article 15. Transportation Across State Borders**

15.1 Customs professional inspection office shall control the passage of hazardous and toxic chemicals across state borders.

15.2 Customs professional inspection office shall register hazardous and toxic chemicals that are passing across the state borders and deliver the information to the state central administrative agency on monthly rate.

15.3 The government shall determine the custom port for passing hazardous and toxic chemicals.

15.4 It is prohibited to transport hazardous and toxic chemicals without proper permission.

#### **Article 16. Determination of Admissible Level**

16.1 The admissible level of hazardous and toxic chemicals that impact the human health and the environment shall be determined by the proper standards.

#### **Article 17. Estimation of Risks**

17.1 Individuals, businesses and organizations engaged in activities to produce, store, use the hazardous and toxic chemicals shall be obliged to estimate the risks of those chemicals as set forth by in the Law on Estimation of factors

that impact the environment.

17.2 The estimation shall include issues on determination of toxic and dangerous nature of that chemical, potential risks, measures of the prevention, neutralization of waste and its deposition.

## **CHAPTER THREE MISCELLANEOUS**

### **Article 18. Control of Use**

18.1 The national professional inspection office shall control the implementation of the legislation on hazardous and toxic chemicals.

18.2 Individuals, non-governmental organizations enjoy the right to submit recommendations and requests on the violation of legislation on hazardous and toxic chemicals to the appropriate state administrative agencies for resolution thereof.

18.3 Businesses and organizations shall exercise the inferior control on the use and consumption of hazardous and toxic chemicals.

### **Article 19. Penalties on Violation of Legislation on Hazardous and Toxic Chemicals**

19.1 If the violator of the legislation on hazardous and toxic chemicals is not subject to the Criminal Code, the court or the state inspector shall make the violator to recover the damages caused and impose the following administrative penalties:

19.1.1 for the violation of the procedures set by in the provisions of the article 6.1 of this law fine the officers by 30,000-60,000 tugrugs;

19.1.2 for the violation of the provisions of the articles 7, 8.1 and 8.2 of this law fine the officers by 30,000-60,000 tugrugs and the businesses and organizations by 200,000-250,000 tugrugs;

19.1.3 for the violation of the provisions of the article 10 of this law fine individuals by 20,000-50,000 tugrugs, officers by 30,000-60,000, businesses and organizations by 150,000-200,000 tugrugs;

19.1.4 for the violation of the provisions of the article 11 of this law fine individuals by 30,000-50,000 tugrugs, businesses and organizations by 200,000-250,000 tugrugs;

19.1.5 for the violation of the provisions of the article 12 of this law fine individuals by 30,000-50,000 tugrugs, businesses and organizations by 200,000-250,000 tugrugs;

19.1.6 for the violation of the provisions of the article 13 of this law fine individuals by 20,000-40,000 tugrugs, businesses and organizations by 100,000-150,000 tugrugs;

19.1.7 for the violation of the provisions of the article 14 of this law fine individuals by 20,000-50,000 tugrugs, businesses and organizations by 100,000-250,000 tugrugs;

19.1.8 individuals who are engaged in activities related to hazardous and toxic chemicals without due permission from the authorities and if the risks were not estimated, the illegally gained profit and hazardous and toxic chemicals being used shall be confiscated and the law breaker individuals shall be fined by 30,000-50,000 tugrugs as well as businesses and organizations by 200,000-250,000 tugrugs;

19.1.9 for the violation of or attempt to violate the provisions of the article 15.4 of this law the illegally gained profit and hazardous and toxic chemicals being used shall be confiscated and individuals shall be fined by up to 50000 tugrugs, businesses and organizations by 150,000-250,000 tugrugs;

19.1.10 for the violation of the provisions of the article 18.1 and 18.3 of this law fine officers by 30,000-60,000 tugrugs.

19.2 For the violation of the provisions of the article 8.3 of this law the person shall be the subject to a criminal penalty in accordance with the respective legislation.

19.3 The person, who used the hazardous and toxic chemicals in improper way, caused intentionally or with negligence serious harm to others health and the environment, shall be subject to criminal penalty.

### **Article 20. Compensation of Damages**

20.1 The person guilty in the violation of legislation on hazardous and toxic chemicals, caused damages to the health of others, the environment, domestic animals, wildlife and property shall compensate for the damage.

**TS.Nyamdorj**

SPEAKER OF THE PARLIAMENT