

Prevention from Danger of Chemical and Associated Materials Law

Pyidaungsu Hluttaw Law No.28/2013

5th Wanning of Wargaung 1375 M.E.

26th August 2013

The Pyidaungsu Hluttaw hereby enacts this law:

Chapter 1

Title and Definition

1. This law shall be called the Prevention from Danger of Chemical and Associated Materials Law.
2. The expressions contained in this law shall have the meanings given hereunder:
 - (a) **The Chemical** means imposing danger to the health or life of man or animal or chemical element, chemical compound and chemical mixture which cause bad consequences to the environment naturally or appearing after created by man. In this expression, the vapor, liquid, waste materials of oily and solid which act chemically and technically are included;
 - (b) **The Associated Material** means the dangerous by-product of the chemical;
 - (c) **The Chemical and the Associated Material Business** means storing, altering technically, producing economically, using, importing, exporting, transporting, keeping, distributing, buying, selling or disposing the chemical or associated material;
 - (d) **Ministry** means Ministry of Industry of the Union Government;
 - (e) **Central Body** means the central body organized under this law for prevention from the danger of chemical and associated materials;
 - (f) **Central Supervising Team** means the central supervising team organized under this law for the prevention from the danger of chemical and associated materials;
 - (g) **Supervising Team** means the Region, the State, the Union territory, the self-administered divisions, self-administered regions, district or township supervising teams, organized under this law for prevention from the danger of the chemical and associated materials;
 - (h) **Inspection Team** means the inspection team organized by the relevant supervising team under this law;

- (i) **License** means the permit issued by the central supervising team under this law, to do the chemical and associated business;
- (j) **Registered Certificate** means the registered certificate issued by the central supervising team under this law for the registered chemical and associated materials;
- (k) **The List of the National Level Chemical and Associated Materials** means the national level list of chemical and associated materials, classified by the central body to be used in any business in the country;
- (l) **Classification of types** means the distinction among the normal chemical, restricted chemical and prohibited chemical;
- (m) **Warehouse** means the building or the storage tank constructed with standard norm to store the imported chemical and associated materials of dangerous volume for using locally before the chemical and associated materials are produced or sold or exported;
- (n) **Sticking of danger of warning sign** means danger warning sign sticking on box, bottle, card, empty box and packing materials in which chemical and associated materials are stored, on the transport vehicles of these materials in accord with the stipulation;
- (o) **The Primary Laboratory** means the specified laboratory notified by the central body to make the laboratory analysis for the samples of the chemical and associated materials;
- (p) **The Secondary Laboratory** means re-analyzing laboratory, if necessary, to analyze again for final conclusive decision, specified by the central body, relating to the report on the finding after investigating of the primary laboratory.

Chapter 2

The Objectives

- 3. The objectives of this law are as follows:
 - (a) to prevent from damaging the environmental resources and from endangering the lively creatures due to the chemical and associated materials;
 - (b) to control systematically for the safety in carrying out in accord with the approval for chemical and associated materials business;
 - (c) to carry out the data information acquiring system and to widely do the educating and research works in order to utilize the chemical and associated materials systematically;
 - (d) to carry out continuous development for worksite safety, health and environmental conservation.

Chapter 3

Forming of the Central Body

4. The Union Government:
- (a) Shall form the central body as follows:
- | | |
|---|---------------------|
| (i) Union Minister, Ministry of Industry | Chairman |
| (ii) Union Minister, Ministry of Health | Vice Chairman |
| (iii) Union Minister or Deputy Ministers, the relevant Ministries | Member |
| (iv) Committee Chairmen, relevant city development | Member |
| (v) One expert | Joint Secretary (1) |
| (vi) Director General, Fire Services Department, Ministry of Home Affairs | Joint Secretary (2) |
| (vii) Director General, Department of Industrial Planning, Ministry of Industry | Secretary |
- (b) If necessary, the central body formed under sub-section (a) may revise to form.

Chapter 4

Duty and Powers of the central body

5. The duty and powers of the central body are as follows:
- (a) to lay down policy relating to prevention from danger of chemical and associated materials;
- (b) to specify the name and volume of the prohibited chemical and associated materials for not producing, modifying, using, keeping, storing, distributing, transporting, importing and exporting;
- (c) to specify the validity of license and registered certificate;
- (d) To specify the ability and regulation of license applicant and the registered certificate applicant;
- (e) To specify and announce the regulations relating to sticking of danger warning sign;
- (f) To specify the suitable location for the construction of warehouse for storing chemical and associated materials and to specify the regulation relating to the warehouse;
- (g) To specify the primary and secondary laboratories;

- (h) To classify the types relating to the list of national level chemical and associated materials, announcing, specifying their restriction, re-arranging the types of classifying in accord with international standard and norms, finding after experimenting and research;
 - (i) To arrange pre-investigation and effective management for the workers' health, direct affecting of life and indirect affecting to health and safety of life for man and animal through the environmental pollution, in the chemical and associated materials business;
 - (j) To review and arrange effective management for causing harm to the environment due to the chemical and associated materials;
 - (k) After forming the necessary teams, assigning and taking action to make assessment for the causing harm to health and safety of man and animals and environment;
 - (l) To form advisory team and other subject-wise teams relating to the chemical and associated materials;
 - (m) To assume the duties assigned by the Union Government from time to time, in respect of the prevention from the danger of the chemical and associated materials.
6. The central body may delegate any of its responsibilities to any organization or any person.

Chapter 5

Forming of Central Supervisory team and its duty and powers

7. The central body:
- (a) The central supervising team for prevention from danger of chemical and associated materials shall be formed consisting of the Director General, Department of Industrial Planning as Chairman, Director General Fire Services Department as Vice-Chairman, the Personnel from the relevant Ministry and Government Department and Organizations as Members. The Secretary and Joint-Secretary of the central supervising team shall also be specified;
 - (b) According to sub-section (a), in forming the central supervising team the subject-wise experts shall be formed as members, if necessary.
8. The duty and powers of the central supervising team are as follows:
- (a) Supervising and directing whether the chemical and associated materials produced by the chemical and associated materials business are in compliance with the standard norm or not;

- (b) Forming and specifying the duty and responsibility of the supervising teams of the region, the state, the union territory, self-administered division, self-administered region, district or township, with the consent of central body;
 - (c) Specifying safety rules and regulations in connection with the chemical and associated materials businesses;
 - (d) Advising the central body the names of the chemical and associated materials which should be amended or supplemented or abolished from the list of the national level chemical and associated materials;
 - (e) Carrying out the educating work in the permitted and used chemical and associated materials for transporting, keeping, buying, distributing, selling, storing, using and disposing systematically;
 - (f) Attending local and foreign trainings for keeping and using the safety devices and personal protective equipment systemically, in order to prevent and alleviate occurring of accidents with respect to chemical and associated materials;
 - (g) Specifying rules and regulations relating to the transporting, storing, using and disposing methods for the chemical and associated materials;
 - (h) Prohibiting the importing and exporting of deterred chemical and associated materials or the equipment utilized for these materials, in accord with the international agreement;
 - (i) Specifying regulations and inspecting whether the specified regulations are followed or not in connection with the vapor, liquid, oil and solid waste emitted from chemical and associated materials businesses, destroying, dumping, disposing of damaging or expired chemical and associated materials;
 - (j) Issuing or refusing the recommendation for transit trading from the country, importing or exporting the chemical and associated materials;
 - (k) Specifying danger level and danger types of the chemical and associated materials;
 - (l) Specifying the regulation for license and registered certificate;
 - (m) Performing the duty and responsibilities assigned by the central body.
9. The central body shall draw and perform after laying down the plan for the guidance relating to the harmless producing, maintaining, storing, and transporting, keeping, handling of the chemical and associated materials, taking responsibility in the special circumstances.

Chapter 6

Forming of the inspection team and its duty and powers

10. The relevant supervising team:
 - (a) Shall form the inspection team consisting of the personnel from Development Committee, Myanmar Police Force, Myanmar Fire Service, General Administration Department, Department of Health, the relevant Government Department Organizations and minimum one expert chemist to prevent from the danger of chemical and associated materials;
 - (b) Inspection team formed under sub-section (a) shall submit its performance to the supervising team within the prescribed time.
11. The inspection team shall perform the following items in accord with the stipulations in inspecting the matters relating to the chemical and associated materials:
 - (a) Submitting the report to the relevant supervising team after inspecting regularly once in 6 months;
 - (b) Inspecting upon information and surprise checking in the interim period of regular inspection once in 6 months;
 - (c) Informing immediately to the relevant inspecting team, upon finding the special conditions while inspecting;
 - (d) Performing the duty accurately assigned by the central body and the relevant supervising team.
12. (a) The relevant supervising team may form the inspecting team in the border trade camps, ports, and other necessary places. These teams shall follow the stipulation under section 10 sub-section (b) and section 11.
 - (b) The inspection team formed under sub-section (a) shall inspect whether the imported harmful chemicals are packed, transported, kept, stored in accord with the stipulation and regulation. It shall inform immediately to the relevant supervising team upon finding the special conditions.

Chapter 7

Work Permit relating to Chemical and Associated Materials

13. Any person, who wants to do the business of chemical and associated materials, shall apply to the central body for the acquisition of the license, attached with the management plan for the environmental conservation in accord with the stipulations.
14. The Central Supervising Body:
 - (a) Shall allow or refuse to issue the license after scrutinizing the application submitted under section 13 in accord with the stipulations;
 - (b) If it is allowed to issue the license, the payment for the license fees shall be made and shall issue the license with the regulations.
15. Before doing the business for the relevant chemical and associated materials, the license holder:
 - (a) Shall be inspected by the relevant supervising team and inspecting team for the safety and endurance of the equipment;
 - (b) The persons, who are discharging the duty shall be asked to attend the relevant foreign training or for the trainings for prevention from the danger of chemical and the associated materials conducted by the government department and organizations.
16. The license holders:
 - (a) Shall follow the principles contained in the license;
 - (b) Shall follow the directives for safety in handling the chemical and associated materials and shall ask the workers to follow strictly ;
 - (c) Shall keep the necessary safety equipment sufficiently in the chemical and associated materials business and shall issue personal protective equipment and clothing to the workers free of charge;
 - (d) Shall give the course to use personal protective equipment and clothing systematically, to give the training and shall instruct as necessary the chemical and associated materials business;
 - (e) In respect of whether affecting the danger to the health of man and animals, environment or not, shall be examined by the relevant supervising teams and inspection teams;
 - (f) Shall give the medical check-up to the workers who shall do the chemical and associated material business and shall allow to working in the said business if they have the

- recommendation to fit for the health. Shall keep the records of the medical check-up of them systematically;
- (g) If the dangerous chemical and associated materials are allowed to store, shall give the copy of the permit to the relevant township general administration department;
 - (h) If the business is prone to the fire hazard using inflammable materials or explosives, the prior consent, directive of the relevant fire service department must be taken;
 - (i) Shall transport the allowed amount in accord with the stipulations upon transporting the chemical and the associated materials in the country;
 - (j) Shall get the approval of the central supervising body if the chemical and the associated materials are transported from the permitted region to any other region;
 - (k) Shall follow to abide by the law relating to the environment in order not to impact the environment in doing the chemical and the associated materials business.
17. The license holder shall keep the insurance in accord with the stipulations to pay for the compensation if any loss occurred to man and animals or environment in respect of the chemical and associated materials business.
18. The license holder shall apply to the central supervising body in accord with the stipulation 30 days in advance before the expiry of the validity for the license extension.
19. The central supervising body shall allow or refuse the license validity extension after scrutinizing in accord with the stipulations on the application under section 18.

Chapter 8

Registered certificate

20. License holder shall apply to the central supervising body in accord with the stipulation for the relevant chemicals and associated materials using for his chemicals and associated materials business.
21. The central supervising body shall scrutinize the application under section 20, and if it is in compliance with the stipulations, shall ask to pay for the registration fees for the related chemical and associated materials and shall issue the registered certificate with the regulations.
22. The registered certificate holder shall abide by the regulations contained in the registered certificate and shall follow the order and directives issued from time to time by the central supervising body.
23. The registered certificate holder:

- (a) Shall apply again to the central supervising body to register if he wants to use the chemical in the associated materials which are not contained in the registered list;
 - (b) Shall inform to the central supervising body if he does not want to use the chemical in the associated materials which are contained in the registered list.
24. The registered certificate holders shall apply to the central supervising body in accord with the stipulations 30 days in advance before the expiry of the validity if he want to extend the term of the registered certificate.
25. The central supervising body shall allow or refuse after scrutinizing the application under section 24 in accord with the stipulation.
26. The central supervising body shall prohibit to doing the chemical and the associated materials business if it knows that the permitted chemical and the associated materials are prone to danger for man, animals and the environment, in accord with the particulars received locally and abroad. If necessary, the registered certificate shall be repealed.

Chapter 9

Controlling, Preventing the danger and alleviating the danger

27. The license holders shall follow the stipulations of the following items to control, prevent and alleviate the danger relating to the chemical and associated materials:
- (a) To classify the danger level according to the properties of the chemical and associated materials so as to prevent the danger in advance;
 - (b) To reveal the danger warning sign and safety level certificate;
 - (c) To attend the training for keeping the personal protective equipment and using them systematically to prevent and elevate accident;
 - (d) To carry out in accord with the stipulations in connection with transporting, keeping, storing, using and disposing the chemical and associated materials;
 - (e) Importing or exporting the chemical and associated materials which are prohibited by the central supervising team, the equipment which are used inside the said materials.

Chapter 10

Cancelling the license and reapplication

28. In the event of arising any of the following particulars, the license shall be regarded as cancelled:
- (a) Surrendering the license;

- (b) No application to extend the term of the license up to the term of the expiry the term of the license;
 - (c) License is cancelled according to this law.
29. The license holder:
- (a) Has the right to the reapply the license in accord with the stipulations, in the event of license cancellation due to any cause under section 28, sub-section (a) and (b);
 - (b) Has no right to reapply the license in the event of license cancellation due to any cause under section 28, sub-section (c).

Chapter 11

Taking action due to the management way, and appealing

30. The central supervising team may pass any order relating to the management, if it is found that the license holder breach any stipulations contained in the license or the registered certificate holder breach any stipulation contained in the register or license holder and the registered certificate holder breach or fail to follow any stipulations contained in the rules, order, notification, directive and the procedures under this law:
- (a) Suspend the chemical and associated materials business temporarily;
 - (b) Allow to continue to do the chemical and associated materials business after amending the requirements to pay the penalty fees;
 - (c) Cancelling the license and registered certificate.
31. Anyone who dissatisfies, the order or the decision passed by the central supervising team under section 30, may appeal to the central body within 60 days from the day on which the order or the decision pass.
32. The central body may approve, amend or repeal the order or the decision of the central supervising team in the appeal under section 31.

Chapter 12

Prohibitions

33. No one is allowed to produce, change and compound, use, keep, store, distribute, sell, transport, import or export the chemical and associated materials, prohibited by the central body.
34. No one is allowed to do the chemical and associated materials business without having the license.

35. No one is allowed to use in the chemical and associated materials business for the unregistered or cancelled from the list of register or the chemical and associated materials which are unqualified to meet the standard.
36. No one is allowed to deter or obstruct in the inspection of central inspection team, supervising team and inspection teams in respect of the chemical and associated materials business.

Chapter 13

Offence and Penalties

37. If anyone is convicted of committing any prohibition under section 33, he shall be punished with imprisonment not more than seven years or with a fine not more than seven lakhs or with both and the relevant materials related with the offense shall be confiscated as state property.
38. If anyone is convicted of committing any prohibition under section 34 and 35, he shall be punished with imprisonment not more than five years or with a fine not more than five lakhs or with both and the relevant materials related with the offense shall be confiscated as state property.
39. If anyone is convicted of committing any prohibition under section 36, he shall be punished with imprisonment not more than two years or with a fine not more than two lakhs or with both.

Chapter 14

Miscellaneous

40. The Ministry shall specify the license fee, license extension fee, register fee, register extension fee and laboratory analysis fee.
41. (a) Non-government service personnel who are discharging their duties in the central body, central supervising team, the supervising team and the inspection teams are entitled to enjoy the honorarium specify by the ministry.
(b) The Ministry shall bear the expense and the honorarium of the central body, central supervising team, the supervising team and the inspection teams.
42. The Ministry shall form and assign duties for the necessary employees to run the office works of the central body.
43. In connection with the chemical and associated materials:
 - (a) The report on the finding of the primary laboratory shall be final and conclusive as evidence if no appeal is applied upon it within the specified day.

CONVENIENCE TRANSLATION – for further information, contact info@pwplegal.com



- (b) The report on the finding of the secondary laboratory shall be final and conclusive as evidence if the appeal is applied upon it within the specified day.
44. The offence under section 39 shall be regarded as cognizable offense.
45. If the license holder wants to import or export the chemical and associated materials, he shall acquire the recommendation of the central supervising team and shall apply to whom it may concern.
46. For litigation under this law the prior approval from the central body shall be acquired.
47. In implementing the stipulations under this law:
- (a) the Ministry may notify the rule, regulation, by-law, with the consent of the Union Government, if necessary;
 - (b) the Ministry, the central body and the central supervising team may issue the notification, order, directive and procedures, as necessary.

I hereby signed according to the constitution of the Republic of the Union of Myanmar.

Sd, Thein Sein
The President
The Republic of the Union of Myanmar

(c) th