

Toxic Chemical Substances Transportation Management Regulations

Originally Promulgated and Effective on February 8, 1991,
Latest Revision Effective on September 29, 1999
Environmental Protection Administration in conjunction with Ministry of
Transportation and Communication of the Republic of China on Taiwan
(The following Articles shall not contradict the Chinese version)

Article 1

These Regulations are promulgated in accordance with Article 20 of the Toxic Chemical Substances Control Act (hereinafter "this Act").

Article 2

These measures are promulgated to regulate the transportation of toxic chemical substances publicly announced according to this Act.

Article 3

For the following transportation conditions, owners of toxic chemical substances shall, prior to transportation of these substances, submit relevant documents to the Responsible Agency at the location where the transportation commences.

1. The amounts of toxic chemical substances transported by sea or land exceed the following quantities:
 - Gas: fifty kilograms;
 - Liquid: one hundred kilograms; and
 - Solid: two hundred kilograms.
2. The transportation by air under government approval.
3. Importing or exporting the toxic chemical substances.

If specified via public announcement by the Responsible Agency at the central government level exempted from the provision.

The amounts referred to in the preceding Section specify net weights; the terms "gas", "liquid", and "solid" refer to toxic chemical substances under normal temperature and pressures.

Article 4

The specification referred to in the preceding Article shall submit the following documents to the Responsible Agency:

1. A six-part transport form;
2. A photocopy of the permit, proof of registration, or other documents approved by the Responsible Agency authorizing handling of the toxic chemical substances at issue; and

3. For toxic chemical substances transportation conducted by motor vehicle, a transportation plan prescribed under Article 84 of the Road Traffic Safety Rules shall be attached.

Article 5

The first part of the six-part transport form mentioned in the preceding Section shall be retained by the Responsible Agency at the location where the transportation commences after being affixed with a receipt seal. The remaining parts of the six-part transport form shall be returned. The owner of the toxic chemical substances shall, in accordance with the method of transportation therefore, submit the second part of the six-part transport form to the appropriate transportation agency or port authority for issuance of a transportation pass or permit. The owner of the toxic chemical substances shall submit or retain the remaining parts of the six-part transport form in accordance with the following instructions:

1. The third part of the six-part transport form: retained by the owner of the toxic chemical substances for reference. For importing or exporting the toxic chemical substances, the owner shall copy this part for retaining and use the original copy for passing the customs.
2. The fourth part of the six-part transport form: delivered to the hauler prior to commencement of transportation.
3. The fifth part of the six-part transport form: sent or faxed to the Responsible Agency at the transportation destination within five days of submitting the six-part transport form.
4. The sixth part of the six-part transport form: sent or faxed to the recipient before the toxic chemical substances are arrived.

If the recipient of toxic chemical substances discovers that the name, components and concentration, and/or amounts of toxic chemical substances received are not consistent with the information provided in the transport form, the recipient shall report this discrepancy to the Responsible Agency at the local government level within three days after the arrival date of the toxic chemical substances (the arrival date is not included).

Article 6

The six-part transport form promulgated by the Responsible Agency at the central government level includes the one-time transport form, the multiple-time transport form and the transport subform. For one time transportation and its revision, the one-time transport form shall be submitted to apply; for multiple times transportation and their revision, the multiple-time transport form shall be submitted to apply; for changing the transporting date or amounts only, the transport subform shall be submitted to apply.

For importing or exporting the toxic chemical substances, only the one-time transport form can be used. For importing or exporting any amount of the toxic chemical substances, the transport form shall be submitted by batch in accordance with Article 3 of these Measures.

The revision of the information provided in the transport form shall be submitted to the Responsible Agency prior to the commencement of the transportation in accordance with Article 3 of these Measures.

Article 7

For the application for scattering packages of the toxic chemical substances transportation, the allowed permit error is within 5% of total amounts. The real transporting amount with the transport

subform shall be submitted to the Responsible Agency at the location where the transportation commences within three days of the transportation.

Article 8

The owner of the toxic chemical substances, pursuant to Article 3 of these Measures, shall submit the six-part transport form to the following transportation agencies or port authorities, according to the particular mode of transportation used for issuance of a transportation pass or permit:

1. Motor vehicle transportation: Motor Vehicle Administration at the location where the transportation commences.
2. Railway transportation: Railway station at the location where the transportation commences.
3. Sea transportation: Port authority at either the location where the transportation commences or at the transportation destination.
4. Air transportation: Airport at either the location where the transportation commences or at the transportation destination.

Article 9

Labeling for modes of transportation used by haulers of toxic chemical substances shall comply with transportation and other relevant laws and regulations.

Article 10

Haulers transporting toxic chemical substances shall carry corresponding material safety data sheets; when the amounts of transportation reach the threshold regulatable quantities or above, haulers shall carry safety equipments. But when hauling by railroad, the guard of the substances shall carry safety equipments.

The hauler shall carry the multi-part transport form while conducting the transportation of the toxic chemical substances pursuant to Article 3 of these Measures; the hauler shall also carry a transport pass while conducting transportation of toxic chemical substances by motor vehicle.

The formats for the safety equipments, mentioned in the preceding Section, shall be specified by the Responsible Agency at the central government level via public announcement; if not specified, the haulers shall carry adequate personal safety equipments and emergency response facilities according to the material safety data sheets.

Article 11

For toxic chemical substances transportation conducted by motor vehicle, the haulers shall be trained by a professional training unit licensed by the Ministry of Transportation and Communications and shall carry the training certification during transportation.

In the transportation of Class III toxic chemical substances by railroad, the owner of the substances shall appoint a guarding person trained by a professional training unit licensed by the Ministry of Transportation and Communications and carry the training certification during transportation.

Article 12

Motor vehicles used for transporting toxic chemical substances shall be subject to random inspections conducted by the Responsible Agency or in conjunction with either the Motor Vehicle Administration or the Police Administration.

Article 13

Persons shall take the following actions during the toxic chemical substance transportation process in the event of accidents that may pollute the environment or endanger human health:

1. Immediately implement emergency measures and, within one hour of the accident, report to the Responsible Agency at the local government level where the accident occurred; and
2. Clean up the accident site in accordance with relevant laws and regulations, and submit an accident report within three days of the accident to the Responsible Agency at the local government level where the accident occurred.

Article 14

If transporting the toxic chemical substances, an accident happens and may pollute the environment or endanger human health, the haulers of the toxic chemical substances shall immediately use the safety equipments and take the emergency response measures and report to the Responsible Agency immediately; the owner shall be responsible for the whole corresponding actions. Either the owner or the haulers shall submit an accident report to the Responsible Agency at the local government level where the accident occurred for reference.

Article 15

These Measures shall come into force upon the data of promulgation.