THE MANUFACTURE, STORAGE AND IMPORT OF HAZARDOUS CHEMICALS RULES, 1989 AS AMENDED IN 1994

The Manufacture, Storage and Import of Hazardous Chemicals Rules were notified on 27th November, 1989, under the Environment (Protection) Act, 1968 by the Ministry of Environment & Forests after considerable deliberations for over 2 years with experts, various Ministries and State Governments. An Amendment to this rule was gazetted on 3rd October, 1994.

OBJECTIVES:

The Principal objectives of the regulation are the prevention of major accidents arising from industrial activities, the limitation of the effects of such accidents both on man and on the environment and the harmonisation of the various control measures and the agencies to prevent and limit major accidents.

SALIENT FEATURES OF THE REGULATION:

The industrial activities covered by the Hazardous Chemicals Regulation are defined in terms of processes and storages involving specified hazardous chemicals, criteria for which has been laid down in part I of Schedule - 1 and an indicative list is at Part II of the same Schedule. These encompass most of the chemicals and petrochemicals industries using chemicals, which are flammable, explosive, toxic or reactive.

The Rules do not override any existing regulation like the Explosives Act the Petroleum Act, the Factories Act etc. An important feature of the regulation is that the storage of hazardous/toxic chemicals not associated with a process is treated differently from process use and a different list of hazardous chemicals is applied. 3 levels of controls have been prescribed in the rules.

1. LOW LEVEL REQUIREMENTS:

434 Chemicals are subject to general or low level requirements. These apply widely and require persons in control of an Industrial activity to:

a) take necessary precautions to prevent major accidents;
b) report those accidents that arise and take steps to limit their consequences;
c) prepare Material Safety data sheets and label containers; and
d) report imports of chemicals.

Notification of major accidents applies both to process activity and isolated storages involving any hazardous chemicals which fulfils the criteria laid down in the rules. No threshold quantity is prescribed.

2. MEDIUM LEVEL REQUIREMENTS List of banned/restricted pesticides and chemicals: There is a need to prepare a comprehensive and up-to-date list of all the banned/restricted pesticides, food additives and other chemicals. Necessary details like:

179 chemicals and three classes of compounds are subjects to medium level controls. These apply to potentially hazardous activities using hazardous chemicals in specified quantities. The requirements are that:

a) the person in control of a relevant activity get an approval of the site of activity
b) Prepare an on-site emergency plan as indicated in Schedule-11.
c) Inform the public regarding accidents that might occur and do’s and don’ts in case of a possible accident; and
d) Help in the preparation of an off-site emergency plan.
3. **HIGH LEVEL REQUIREMENTS:**

27 Chemicals and three classes of compounds are subject to specific or high level requirements. They are potentially more hazardous and threshold limits are specified for each. These require:-

a) preparation of on-site emergency plans as indicated in Schedule-11
b) Preparation of Safety Reports and conduct of safety audit;
c) providing information to members of the public who may be affected by a major accident; and
d) help in the preparation of off-site plan. (Schedule-12).

**MANAGEMENT OF CHEMICAL ACCIDENTS**

For managing emergencies arising out of chemical accidents plans have to be prepared both by the occupier of an industrial installation namely an on-site emergency plan by the District Collector namely an off-site emergency plan. These plans must provide for measures to contain an accident, minimize effects due to fire, explosion, release of toxic gases, spillage of hazardous chemicals in storage, processing and transportation. The status of on-site and off-site emergency plan preparations is presented in Table.

**Regulatory system for emergency preparedness**

The following statutory framework prescribes the requirements for accident prevention and the emergency preparedness and the payment of relief and compensation in the case of chemical accidents in installations:-

(i) The Factories Act, 1948, along with the Model rules CIMAH.
(iii) The Public LIABILITY Insurance Act, 1991 along with the Public Liability Insurance Rules, 1991, and

(i) **The Factories Act, 1948 and Rules:**

The Major provisions are:-

1. Constitution of Site Appraisal Committee by the State Governments.
2. Preparation of On-Site Emergency plans by the Occupier, detailing Disaster Control Measures;
3. Detailed Health and Safety policy to be laid down by the occupier.
4. Occupier to constitute a Safety Committee comprising of workers and management.
5. Occupier to provide necessary training within the organisation or at specialised institutions.
6. Occupier to disclose all relevant information to general public also.

(ii) **The Environment (Protection) Act, 1986:**

The major provisions are:

i) Lay down Procedures and Safeguards for the Prevention of Accidents and handling of Hazardous Chemicals.
ii) Notify rules for Prevention of Accidents and Procedures, Safeguards, Prohibition and Restriction on handling of Hazardous Chemicals.
iii) Occupier to be responsible for Prevention, Intimation and Mitigation of Accidents and the after effects.

**The manufacture, Storage and Import of Hazardous Chemicals, Rules, 1989 as amended in 1994.**

5. The manufacture, Storage and Import of Hazardous Chemicals Rules were notified on 27th November, 1989, under the Environment(Protection) Act, 1986 by the Ministry of Environment & Forests after considerable deliberations for over 2 years with experts, various Ministries and State Governments. An amendment to this rule was gazetted on 3rd October, 1994.
Objectives

6. The Principal objectives of the regulation are the prevention of major accidents arising from industrial activities, the limitation of the effects of such accidents both on man and on the environment and the harmonisation of the various control measures and the identification of agencies to prevent and limit major accidents.

Salient features of the regulation:

7. The industrial activities covered by the hazardous chemicals regulation are defined in terms of processes and storages involving specified hazardous chemicals, criteria for which has been laid down in Part I of Schedule-I and an indicative list is at Part II of the same schedule. These encompass most of the chemical and petrochemical industries using chemicals, which are flammable, explosive, toxic or reactive.

8. The Rules do not override any existing regulation like the Explosives Act, the Petroleum Act, the Factories Act, etc. An important feature of the regulation is the storage of hazardous/toxic chemicals not associated with a process is treated differently from process use and a different list of hazardous chemicals is applied. 3 levels of controls have been prescribed in the rules:

1. Low Level requirements

9. 434 Chemicals are subject to general or low level requirements. These apply widely and require persons in control of an industrial activity to:
   a) take necessary precautions to prevent major accidents
   b) report those accidents that arise and take steps to limit their consequences
   c) prepare Material Safety Data sheets and label containers; and
   d) report imports of chemicals.

10. Notification of major accidents applies both to process activity and isolated storages involving any hazardous chemicals which fulfills the criteria laid down in the rules. No threshold quantity is prescribed.

2. Medium Level requirements

11. 179 chemicals and three classes of compounds are subjects to medium level controls. These apply to potentially hazardous activities using hazardous chemicals in specified quantities. The requirement are that:
   a) the person in control of a relevant activity gets an approval of the site of activity
   b) prepare an on-site emergency plan as indicated in Schedule-II
   c) Inform the public regarding accidents that might occur and do's and don'ts in case of a possible accident.
   d) help in the preparation of an off-site emergency plan.

3. High Level requirements

12. 27 chemicals and three classes of compounds are subject to specific or high level requirements. They are potentially more hazardous and threshold limits are specified for each. These require:
   a) preparation of on-site emergency plans as indicated in Schedule-II.
   b) Preparation of Safety Reports and conduct on Safety Audit.
   c) providing information to members of the public who may be affected by a major accident.
   d) help in the preparation of an off-site plan (Schedule-12).