

Approaches to chemical control

Insufficient regulatory and law enforcement may undermine strategy

Hazardous material is anything that poses a threat to human health and the environment. Most hazardous materials are generated from chemicals. To provide the highest degree of protection for society and the environment from the dangers, stringent controls throughout the lifecycle of the material, starting with import or manufacture and ending with disposal, is necessary. Many governments consider chemical control to be a law enforcement issue. Some consider it a health issue to be handled by health ministries, with a primary interest in protecting public health. Others consider it a trade issue to be handled by trade ministries and agencies with a bias towards promoting, not regulating trade. If these ministries do not allow sufficient scope for regulatory as well as law enforcement measures in support of chemical control, they may unwittingly undermine effective control strategy.

Alex Ortiz, Implementation Director of US-based 3E Company/Ariel Research, shares with Offshore Arabia his study on The Middle East and its Approach to Chemical Control.

Saudi Arabia

The Saudi Arabia's Royal Decree M/34 sets out the general framework for environmental regulation and assigns enforcement authority to General Presidency of Meteorology and Environmental Protection.

Article 14 of the Decree establishes requirements for manufacturing, transporting, recycling, treating and disposing of hazardous, toxic and radioactive materials and wastes. Various cities have established their own regulatory systems for chemical control.

The industrial cities of Jubail and Yanbu represent a good example, as they have a relatively comprehensive regulatory structure in place, as outlined in the Royal Commission



Environmental Regulations.

Saudi Arabia does not publish an inventory of existing or recognised chemicals and has no new chemical notification regime.

The Royal Commission Environmental Regulations of 2004 of Jubail and Yanbu requires all facilities to obtain an Environmental Permit to Operate (EPO) prior to operations which utilise hazardous materials. The Royal Commission issues EPOs for individual facilities, or a group of inter-related facilities which, under normal operating conditions, result in the production or manufacture of a common product - provided they are owned by the same owner.

United Arab Emirates

The Federal Environmental Authority has issued Federal Law No. 24 of 1999 for the Protection and Development of the

Environment and Cabinet Resolution No. 37 of 2001, establishing Regulations for the Handling of Hazardous Substances, Hazardous Wastes and Medical Wastes. The UAE does not have an existing chemical substances inventory or new chemical notification scheme in place. However, there is a licensing requirement for handling or importing hazardous substances.

Federal Law No. 24 prohibits anyone without a license obtained from the competent authority to handle and/or deal with hazardous substances, hazardous wastes, and medical wastes.

Cabinet Decree No. 37 further requires anyone who handles and/or deals with hazardous substances to submit a license application to the assigned competent authority.

The UAE has two licensing procedures for hazardous substances - one for handling and use, another for import.

Qatar

The Environment Protection Law [Decree No. 30 of 2002] defines a hazardous substance as "any solid, liquid or gas that possesses characteristics hazardous to human health, animals, plants and air or has a harmful impact on nature such as poisonous substance, flammable or explosive substance or has ionic radiation characteristics."

The handling of such materials is defined as "any action that leads to its movement, collection, transportation, warehousing, processing, or use."

The Environment Protection Law and its implementing regulations provide the general environmental and health protection regime. Generally, the law grants the Supreme Environment Commission the right to suspend or terminate any action or conduct and to issue terms and conditions and any other requirement to ensure safety and to protect the environment. It also prohibits the import or disposal of hazardous waste or substances without a license from the concerned authority.

The implementing regulations include a number of annexes that provide lists of hazardous substances, as well as various forms that must be filled out for notification of import and application for licensing.

Kuwait

While Kuwait does not have a law governing chemical substances, it does have a central environmental regime.

In 2001, the Implementing Regulations of Law No. 21 of 1995 and its amendments established the General Authority for the Environment [GAEL]. These regulations establish the general regime governing the importation, manufacturing, handling, and use of chemical substances.

Historically, the Ministry of Commerce was the government authority that regulated the importation of chemicals in conjunction with the Ministry of Health. More recently, the Ministry of Commerce and Industry has issued various regulations restricting the marketing and use of certain chemicals.

Chapter three of the implementing regulations outlines the general regime for production, safety, transportation, warehousing, importation and export of chemical substances.

Article 14 states that anyone who produces, packages, handles, transports, imports or exports a chemical substance or transits a chemical substance through customs must abide by the rules and regulations set forth in the implementing regulations and must abide by the classifications set forth in Annex 1 O(1). Article 15 requires all individuals engaged in the production, importation, or export of chemical substance to acquire a license from the concerned authorities after obtaining the approval of GAE.

Egypt

While it has regulations that require various ministries to issue lists of hazardous substances and mandate that hazardous substances cannot be handled or supplied without a permit from the appropriate ministry, the permit procedures among the six ministries have not been harmonised and, as a consequence, the Egyptian Hazardous Substances Information and Management System was established to provide basic guidelines concerning safe handling of hazardous substances for the purpose of developing one common permit format.

The system serves as a communication network between the ministries and the Egyptian Environmental Affairs Agency and is also a mechanism for collecting information on hazardous substances, including a substance database.

The system is now responsible for the development of national guidelines for the storage, transport and packaging of hazardous substances, as well as a national labelling system.

Egypt has neither an existing chemical substances inventory nor a new chemical notification scheme. However, a license is required for the handling of hazardous substances in Egypt.

The detailed requirements for the procedures and conditions for granting such a license are prescribed in Decree No. 338.

Although the hazardous substances and waste chapter in the decree states that each ministry, in coordination with the Ministry of Health and EEM, should issue a table of hazardous substances and waste containing the types of hazardous substances and their respective degrees of danger, there is no indication whether the ministries have done so.

Syria

The Syrian Ministry of Environmental Affairs is responsible for setting the conditions and rules for handling chemical substances. But the promulgation and enforcement of legislation is distributed among various ministries.

Licensing of chemical industries and warehouses for storing chemical substances is managed by the Ministry of Local Administration. Licensing business of potentially hazardous chemical substances is processed through the Ministry of Health.

The Ministry of Social Affairs and Labour carries out a supervisory role with regard to labour standards. It also handles issues of occupational health and chemical safety in the workplace fall.

The Ministry of Industry is responsible for setting industrywide standards regarding the use and disposal of hazardous chemical substances, while the Ministry of the Economy and Foreign Trade is responsible for regulating the importation of hazardous chemical substances.

The regulation of hazardous petrochemical substances falls under the Ministry of Oil and Mineral while granting licenses and setting standards for the transportation of hazardous chemical substances within Syria falls under the Ministry of Transportation.



Stringent controls throughout the lifecycle of hazardous material starts with import or manufacture and ends with disposal

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