

Chemicals Regulation in the Middle East – an overview

Identifying, tracking, maintaining and complying with international chemical regulations has never been more important – or more complex. Tamar Szeps-Znaider of 3E Company provides an overview of developments in the Middle East.

Companies of all sizes increasingly face challenges that result from globalisation in the marketplace and an increase in international initiatives to protect the health and safety of employees and users of chemicals and hazardous materials, as well as the environment. The regulations, initiatives and directives devised and enforced by regulatory and governing bodies throughout the world are individually published in a variety of formats and locations. This information is scattered amongst hundreds of websites, reference guides and other publications and is not easily shared among various personnel within a company who need to reference it. This article aims to provide, a brief, high-level country overview of the chemical control regulations of Turkey, Israel, Saudi Arabia, Oman and Pakistan. Information on the Gulf Cooperation Council (GCC) has been included to shed light on regulatory developments in the Gulf region of the Middle East.

Turkey

As a candidate to become a member of the European Union, Turkey has been undergoing a detailed “vetting” process, which has involved harmonising its legal system with the EU. One of the legal areas under review is the framework within which chemical control regulations reside. As a direct result of the ongoing EU negotiations, Turkey has reviewed and renewed its environmental legal framework to prepare for EU membership. This has included adopting and/or partially adopting EU chemical control legislation and putting in place a hazardous chemicals management system. However, building new structures for chemicals management and environmental oversight and streamlining regulations is demanding, and the process has not yet been completed. Moreover, the recent changes to the EU’s chemical regulatory framework principally REACH, has imposed yet another set of challenges.

In Turkey, the Ministry of Environment and Forestry is the primary agency responsible for environmental and chemicals regulations. The main legal instrument for chemicals control is the 1993 Dangerous Chemicals Regulation (Official Gazette, No. 21634) together with its 2001 amendment. The regulation sets the basic principles for classifying,



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packaging and labelling harmful chemicals. Below is a list of other relevant national regulations:

- * Communiqué on Controlled Chemicals to Protection of Environment
- * Communiqué on Importation of Substances That Deplete the Ozone Layer, No. 2006/14
- * Communiqué on Standardization in Foreign Trade, Communiqué No. 2006/6 as amended by Communiqué No. 2006/12
- * Regulation on Protection of Health &

Safety Measures from Risks related to Chemical Agents at Work

- * By-law on Workers Health and Occupational Safety

Israel

Since 1993, the Ministry of Environmental Protection has been the home of regulations pertaining to hazardous substances in Israel. The main legislation covering the “cradle-to-grave” supervision of dangerous chemicals is the Hazardous Substances Law promulgated in 1993 (and its subsequent amendments). According to this law, the Ministry of Environmental Protection has responsibility for the comprehensive management of hazardous substances including: classification of hazardous substances in accordance with usage, toxicity or risk; and all aspects of the manufacture, import, export, packaging, commerce, issue, transfer, storage maintenance and use of hazardous substances. Moreover, the law includes provisions for the issuing of permits and outlines the role of the Court in enforcing hazardous materials control.

The Hazardous Substances Law is complemented by several sets of implementing regulations, some of which are noted below.

- * Safety at Work Law No. 5730-1970, as amended
- * Hazardous Substances Regulation (Classifications and Exemptions) No. 5756-1996
- * Hazardous Substances Regulations (Standards for Determining the Validity of Permits), 5763-2003
- * Licensing of Business Regulations, 1993 (as amended)
- * Hazardous Substances Regulation (Application of Montreal Protocol on Substances that Damage the Ozone Layer) No. 5764-2004
- * Israeli Standard IS 2302-1-2004 on the classification, packaging, labelling, and marking of dangerous materials

Gulf Cooperation Council

The Gulf Cooperation Council (GCC) was established in 1981 as a trade bloc for the Arab nations surrounding the Persian Gulf: Saudi Arabia, Kuwait, Bahrain, Oman, Qatar and United Arab Emirates. The GCC aims to create inter-connectivity through unified

regulations in 11 distinct fields, such as the environment, economy and political affairs. The GCC members have experienced rapid industrial growth for a number of years. Recognising that economic and industrial growth can increase environmental pollution, GCC published the 1997 “General Regulations of Environment in the GCC States.” The General Regulations provides a framework for establishing wider reaching rules and regulations on environmentally related topics. As a result, GCC put forth the “Common System for the Management of Hazardous Chemicals” in 2002, which establishes minimum legislation for the member states in dealing with hazardous chemicals. Other pertinent regulatory achievements are:

- * The General Environment Protection Law (1995).
- * The Common Law for the Environmental Assessment of Projects (1995)
- * The Common Law for Waste Management (1997)
- * Coordination of procedures among Member States for trans-border handling of hazardous waste for the purpose of processing, recycling or disposal (1997)
- * The Common Reference Law for Controlling the Ozone Depleting Materials (2005)

Saudi Arabia

The Public Environment Law, enacted by Royal Decree No. M/34 of 2001, creates a framework for further development of rules and regulations in Saudi Arabia. The Decree, together with its implementing regulation (2003), sets out the general structure for environmental regulation in the kingdom. Pursuant to these regulations, the Saudi Presidency of Meteorology and Environment (PME) is responsible for the development and production of environmental policies, such as administration of the above law, as well as preparing and issuing relevant environmental standards and ensuring compliance. Article 14 of the Public Environment Law establishes requirements for manufacture, transportation, recycling, treatment and disposal of hazardous, toxic and radioactive materials and wastes. These requirements include permitting or licensing, review of procedures by authorities, training, and spill reporting.

However, the more sophisticated legislative and regulatory requirements pertaining to the chemical industry exist primarily on a local level in Saudi Arabia. For example, following the boom of the 1970s the industrial cities of

Jubail and Yanbu were established as a venue for further industrial growth and downstream diversification. Jubail and Yanbu now have their own regulatory systems for chemical control and hazardous waste management. They have individual laws and regulations, that are not directly applicable at the national level, but are fairly comprehensive in nature (Royal Commission Environmental Regulations Volume 1-2004).

Oman

Oman’s Ministry of Regional Municipalities, Environment and Water Resources’ Department of Chemicals is the responsible authority for the sound management of chemicals in the Sultanate. The Ministry itself administers laws and regulations regarding hazardous chemicals and the environment. Relevant national legislation includes:

- * Royal Decree 46/95 Issuing the Law of Handling and Use of Chemicals;
- * Ministerial Decree 248/1997 Regulation for the Registration of Chemical Substances and the Relevant Permits; and
- * Ministerial Decree 317/2001 Regulations for the Packing, Packaging, and Labeling of Hazardous Chemicals.

Pakistan

In Pakistan, regulations for chemicals management, occupational health and safety are overseen by a number of different bodies: Ministry of Environment, Environment Protection Agency (PEPA), and Ministry of Industries, Production and Special Initiatives. Like many other developing countries, Pakistan does not have comprehensive occupational health and safety laws. The following non-exhaustive list of regulations deal with different aspects of occupational safety and health in Pakistan: the Factories Act, 1934; Hazardous Occupations Rules, 1963; Mines Act, 1923; West Pakistan Shops and Establishments Ordinance, 1969; Provincial Employees Social Security Ordinance, 1965; and Workmen’s Compensation Act. These regulations are fragmented and there is no single cohesive piece of legislation dealing with occupational safety and health. Moreover, more recent initiatives to review and update the existing laws, such as the Labor Policy Initiative and the proposed National Occupational Safety and Health Council, were under consideration a few years back but with no conclusive outcome yet.


The topic of the environment has received more attention in Pakistan since the first national legal framework – the Environmental

Protection Ordinance – was promulgated in 1983. This was replaced in 1997 by the Environment Protection Act, which was announced following a unique process of cross-sectoral engagement involving a debate with relevant stakeholders about the scope and content of the Act. This process continued even after the Act was in place, as both government and industry were involved in formulating rules and procedures for National Environmental Quality Standards (NEQS). The most important of these rules and procedures are the Hazardous Substances Rules, 1999 including a 2003 amendment.

Summary

The level of sophistication of chemical control regulations throughout the Middle East varies greatly. Turkey has a fairly extensive system of environmental and chemical control laws in place – and a number of these have been issued recently in connection with EU membership negotiations. Technical capacity building, however, is still needed to ensure adequate enforcement levels. Israel has a fairly developed system of chemical control regulations in place. Being isolated in the region, most of Israel’s exports are aimed at the EU common market and the US. Israeli industry is aware of international regulatory developments such as REACH and GHS and seeks to comply with these, however, Israel is not yet planning to issue any national legislation implementing GHS. Saudi Arabia and Oman are both oil rich nations, trying to diversify downstream. As a consequence, many of their regulations pertain to the oil industry (air, water and waste emission standards), but they are aware of the effects of industrial development on the environment as well as international initiatives. Finally, the colonial legacy of Pakistan is reflected in its regulatory framework. Chemical control laws are sparse, but there is growing awareness of the need for protecting the environment from the chemical hazards of industry. Pakistan has asked for GHS technical assistance but as of now there is no movement toward implementation.

In summary, the Middle East is rather fragmented when it comes to chemical control regulations and environmental awareness, and as a region it is a far cry from the ‘unified’ nature of the EU. The five countries above show how economic and industrial development as well as geographical location play a role in defining the level of regulatory development.

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