

2017 Enforcement Regulation Amendment for Chemical Materials Control Act

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1. Overview

- The Ministry of Environment announced that the 'Chemical Materials Control Act' amending the Enforcement Regulations is to be implemented beginning May 30th to prevent the occurrence of chemical accidents and minimize the damage inflicted.
 - The major contents of Chemical Materials Control Act Enforcement Regulation amendment include the strengthened punishment to be imposed on the entities violating the immediate report obligation in case of chemical accident occurrence, designation of additional chemical substances requiring countermeasure against the accident, prohibition of door-to-door delivery of harmful chemical materials, obligating the providing break time for long distance transport of harmful chemical materials, and rationalizing of criteria for installation and management of handling facilities.
- The Enforcement Regulation amended reinforced the administrative disposition criteria requiring to cancel the business permit of site subject to accident violating the obligation of immediate chemical accident report regulation for 3 times.
 - In the event of occurrence of any chemical accidents, the corresponding site subject to accident shall immediately report to the competent local municipal government, local (regional) Office of Environment, competent police station and fire station within 15 minutes in accordance with the regulation requiring immediate report.
 - The previous regulation stipulated the punishment of sales business interruption for one month only against violating the immediate report obligatory regulation by 4 times.

2. Background

- Recent Failure Cases of Chemical Accident Report
 - Hydrofluoric Acid Spillage Accident at the RAM Technologies Co., Ltd. in Geumsan-gun, Chungcheongnam-do (June 4th, 2016)
 - Hydrofluoric acid spillage accident due to explosion of rupture disc in the hydrofluoric acid filtering process, reporting to the 119 fire fighting station lapsing 30 minutes after the alleged accident.
 - The subject business facility site repeated the failure of immediate report obligatory regulation for the second time after the hydrofluoric acid spillage accident occurred in August, 2014.

3. Major Aspects

- 28 sorts of chemical substances such as silicon tetrachloride, silane and bromine are additionally designated as the materials requiring countermeasure against accident.
 - The business sites handling the corresponding chemical substances shall be furnished with the facilities including dike, emergency blocking valve & etc. preventing the occurrence of chemical accident, and also shall comply with the handling criteria.
- Designation of new materials requiring countermeasure against accident
 - The addition (draft) of materials requiring countermeasure against accident is prepared comprehensively considering the acute toxicity, fire, explosion & reactivity, accident history & etc. for those chemical materials either distributed or regulated in Korea domestic & overseas countries.
 - (Review Target & Criteria) To review the accident cases, hazard & etc. of those chemical materials* either distributed or regulated in Korea domestic & overseas countries in terms of prevention of chemical accident.
 - * Total 16,000+ sorts of chemical materials regulated in Korea & overseas (4,038 sorts), 2014 Statistical survey target materials (14,000 sorts), Materials subject to accidents in Korea & overseas (2003 ~ May 2016, 139 sorts) and water reactive materials (128 sorts).
 - (Review Procedure) Candidate materials (28 sorts) designated through the 1st ~ 4th Selection Process collecting the opinions obtained from candidate chemical material experts in consideration of toxicity, fire & explosion hazard risk and water reactivity.
- In the event of transporting the harmful chemical materials with motor vehicle for a distance

over 200km (Over 340km when driving through expressway), the break time over 20 minutes by every 2 hours must be provided.

- Also, the regulation prohibiting the use of door-to-door delivery service transporting the harmful chemical materials is newly established.

Item	Current	Amendment
Provision for break time when transporting harmful chemical materials (Article 11, Paragraph 2)	<ul style="list-style-type: none"> No regulation for break time available. 	<ul style="list-style-type: none"> Riding together w/other driver or taking over min. break by every 2 hrs required.
Special case of criteria for installation & management of chemical handling facility (Article 21, Paragraph 2)	<ul style="list-style-type: none"> Criteria shown on the Table 5 equally applied. 	<ul style="list-style-type: none"> Special case exemption allowable on the Table 5 depending on the result of safety assessment.
Addition of sales business permit target (Article 29)	<ul style="list-style-type: none"> Regulation requiring report insufficient in case of changing transport facility such as motor vehicle. 	<ul style="list-style-type: none"> Clearly indicated as as the change report target.
Contract declaration report submission term change (Article 32)	<ul style="list-style-type: none"> Within 10 days from the contract date. 	<ul style="list-style-type: none"> Prior to the execution of work contracted by the contractor.
Expansion of limiting transportation of harmful chemical materials (Table 1)	<ul style="list-style-type: none"> No delivery of harmful chemical materials through common post service allowed. 	<ul style="list-style-type: none"> No delivery by post service or door-to-door service allowed. (Yet, the reagents or small samples allowable by exception.)
Rationalization of off-site environment impact assessment preparation criteria (Table 4)	<ul style="list-style-type: none"> Submit the 'Process Flow Diagram' & 'Process Piping & Instrumentation Diagram' even in case of handling small amount of harmful chemical materials. 	<ul style="list-style-type: none"> Substitution with brief process diagram allowed.
Harmful chemical material handling facility & management criteria amendment (Table 5)	<ul style="list-style-type: none"> Criteria for handling facility, harmful chemical material handling person witness are all equally applied. 	<ul style="list-style-type: none"> Dike substituting means like water discharge & collection facilities defined. Ground for proxy witness by the safety training program completed person prepared.
Strengthening of punishment for violation of immediate report (Table 7)	<ul style="list-style-type: none"> 1 month suspension of business for violation of immediate report obligation 4 times. 	<ul style="list-style-type: none"> Cancellation of business permit for violation immediate report obligation 3 times.
Designation of additional countermeasure materials against accident (Table 10)	<ul style="list-style-type: none"> 69 sorts designated. 	<ul style="list-style-type: none"> 28 sorts additionally designated considering toxicity, fire & explosion hazards and water reactivity.

- Along with the reinforcement of regulations established for prevention and safe control of chemical material accident. those regulations accompanying with complication to comply with on site are rationalized allowing substitution with other means capable of assuring equal level of safety.
 - In the event that the president of National Institute of Chemical Safety acknowledges the situation complicated to apply the criteria for installation or management of harmful chemical material handling facility as per the existing regulation, then the exception is to be allowed subject to safety assessment of corresponding facility.
 - When a facility handles only small amount or harmful chemical materials less than the given capacity size, instead of submitting the Process Flow Diagram and Process Piping & Instrumentation Diagram per the existing regulation, the submission of brief diagram illustrating the piping & facility is allowable per current amendment.
- The Ministry of Environment^㉞ announced that the Ministry intends to consistently improve those regulatory obligation not fitting to the field situation, while the regulation essentially required in prevention of chemical accident is to be strengthened.", and mentioned that they anticipates the amendment of Chemical Materials Control Act Enforcement Regulation prepared through collection of wide opinions obtained from the concerned kinds of industries, relevant government departments & experts will resolve the concern of people on chemical accident.

4. Source

- Ministry of Environment (www.me.go.kr)