

Amendment & Enforcement of Chemicals Control Act, and Blocking of Illegal Trade of Harmful Chemicals

• CONTENTS •

1. Overview	1
2. Background	2
3. Major Aspects	2
4. Source	4

1. Overview

- The Ministry of Environment has executed the implementation of partial amendments to the Enforcement Ordinance and the Enforcement Regulation of 'Chemicals Control Act' beginning December 2017 in order to eliminate the blind spots in sales & distribution processes of harmful chemical materials, and reinforce the safety control operation of treatment facilities.
- Reinforcement of Harmful Chemical Materials Distribution Control
 - User authentication procedure required for sales of harmful chemical materials through on-line market.
 - Implementation of Report System for Test, Research & Experiment Reagents Sales Persons, as well as the Obligatory System on Purchasers.

2. Background

- The Ministry of Environment has implemented the amendments to the Enforcement Ordinance and the Enforcement Regulation of 'Chemicals Control Act' beginning December 2017 in order to prevent the improper use with crimes & terrors by reducing the blind spots in sales & distribution processes of harmful chemical materials, and reinforce the safety control operation of treatment facilities.

3. Major Aspects

- Obligatory Regulation of User Authentication Procedure When Selling the Harmful Chemical Materials through On-line Market
 - Selling of harmful chemical materials at on-line market must go through the User Authentication Procedure (Real name, age & etc.) taking the one of Business License presentation, submission of Public Certificate, or the institutions designated by the Korea Communications Commission.
 - The conventional procedure enforced prior to the amendment was to record the Business License Number and address of purchaser on the control register of seller in the event of selling the harmful chemical materials at on-line or off-line markets.
- Introduction of Report System for Test, Research & Experiment Reagents Sales Business
 - Selling of test, research & experiment reagents must be reported, indicating the applications & handling criteria of reagents on the containers, or provide document describing the same contents to the purchaser.
 - Prior to the amendment, the sellers of test, research & experiment reagents was exempted from the regulatory Business License System unlike the harmful chemical treatment facilities, enforcing no notification regulation on applications & handling criteria to be provided to the purchaser when selling the reagents.
 - Report Target: Persons selling the reagents of toxic materials, restricted materials and corresponding substances to be used against the accidents.
 - Document to be Submitted
 - Harmful Chemical Material Reagent Sales Business Report

- Data of yearly forecast of harmful chemical material handling volume
- Detailed Statement of Harmful Chemical Material Handling Facility recording the area(m²), capacity(m³), quantity, location map and arrangement layout drawing by each facility.
- Compliance of Harmful Chemical Material Reagent Sales Business Reporter
 - Report of Change
 - To report within 30 days of date changed.
 - To report when the trade name, representative and location are changed.
 - To report when the numbers of harmful chemical material items are increased by 30 out of 100.
 - To prepare the Chemical Material Control Register, and preserve for 5 years from the date of final recording.
 - To report the result of reagent sales by every year.
- New Implementation of Report System for Suspension of Harmful Chemical Material Handling Facility Operation
 - The event of stopping operation of harmful chemical facility for over 60 days, other than the closing or suspension of business, shall be reported 10 days prior to the date of expected stopping.
 - Prior to the amendment, the harmful chemical material seller was supposed to report 10 days prior to the date of expected closing or suspension of business.
- Operation suspension order or disassembly procedure for those chemical accident occurred facilities is newly established.
 - Prior to the amendment, no detailed regulations on the conditions of suspension order or disassembly procedure were available.
 - Operation Suspension Order
 - Event no normal facility operation is possible.
 - Event of additional risk is expected.
 - Event of contaminated environment by leakage of chemical materials.

- To cancel the order once after checking and confirming the safety actions of corresponding facilities receiving the Suspension Order.
- Establishment of separate treatment facility standard for small scale harmful chemical material treatment facility.
 - Prior to the amendment, the treatment facility installation standard requirements shall be complied with regardless of harmful chemical material treatment volume.
 - Entrusted the treatment facility installation standard fitting to the volume of treatment.
- Rationalizing of obligatory regulation requiring the assignment of technical manpower for harmful chemical material treatment facility target.
 - Prior to the amendment, the harmful chemical material selling business enterprise was supposed to hire the technical manpower.
 - Those transportation and sales business enterprises hiring less than 10 employees to be exempted.
 - The grace period of hiring the manpower for those transportation and sales business enterprises having no treatment facilities with less than 30 employees excluding the technical manpower is to be extended for 1 year.
- Addition of Off-site Risk Assessment & Risk Management Plan submission formality
 - The previous submission formality only by paper document submitting to the President of National Institute of Chemical Safety practiced prior to the amendment is changed to allow submission by paper as well as electronic document.
- Upswing Legislation of Regulation for Harmful Chemical Material Treatment Facility Sign
 - The administrative rules complicate to identify is upswing legislated to the law easy to identify.
 - The imprecise Sign Installation Regulation is supplemented by detailing the dimension, color & marking location of sign.

4. Source

- The Ministry of Environment