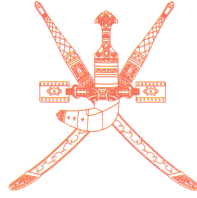


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TRANSLATION



Ministry of Regional Municipalities, Environment and Water Resources

Royal Decree No. 46/95

Issuing the Law of Handling and
Use of Chemicals



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Royal Decree

No. 46/95

Issuing the Law of Handling and Use of Chemicals.

We, Qaboos Bin Said, Sultan of Oman.

After perusal of Royal Decree No. (26/75) issuing the Law Regulating the Administrative Structure of the State and its Amendments.

And Royal Decree No. (82/77) concerning the Law of the use and handling of explosives in the Sultanate and its Amendments.

And Royal Decree No. (10/82) issuing the Law of the Conservation of Environment and Prevention of Pollution and its Amendments.

And Royal Decree No. 76/91 issuing the Law of Civil Defence .

And according to the requirements of the public interest.

Have Decreed :

Article (1) : The provisions of the attached Law of Handling and Use of Chemicals shall come into effect.

Article (2) : The Minister of Regional Municipalities & Environment shall issue the Regulations and Decisions necessary to enforce this Law.

Article (3) : The government and non-government bodies and individuals who are governed by the provisions of this Law, shall be committed to adjust their status according to these provisions within a period of not more than one year from the date of enforcement. The Minister of Regional Municipalities Environment may extend this period for not more than another year, if necessary.

Article (4) : Any provisions contradicting or contravening this Decree shall be considered void.

Article (5) : This Decree shall be published in the Official Gazette and shall come into force as from the date of publication.

Qaboos Bin Said
Sultan of Oman.

Issued on : 22nd. Rabie Al-Than, 1416 H.
C.T : 18th September 1995.

Published in the Official Gazette No. (560) issued on
1.10.1995.

The Law of Handling and Use of Chemicals

Article (1) : In compliance with the provisions of this Law, the words and terms used herein shall have the following meanings unless otherwise stated.

Law : The Law of Handling and Use of Chemicals.

Minister : The Minister of Regional Municipalities and Environment.

Ministry : The Ministry of Regional Municipalities and Environment.

Concerned Agency : Any government agency authorized to supervise or license activities involving the use of chemicals.

Committee: The Permanent Committee for Chemicals.

Department: Department of Chemicals at the Ministry of Regional Municipalities & Environment.

User : Any natural or juridical person who has obtained a permit from the Department to handle or use hazardous chemicals.

Chemical : Any substance, enlisted, as hazardous material according to the International classification of hazardous material, which affects the public health and the environment. Explosives defined in the referred Royal Decree concerning the use and handling of explosives are excluded.

Label: Any written, printed or drawn information attached to the chemical container which illustrates its composition, properties and instructions for use.

Licensed place : Any place, registered at the Department, to keep or store chemicals with the aim of distributing, handling, manufacturing, unloading, diluting, mixing, or preparing chemicals.

Inspector : The officer appointed by the Minister who is authorised to enter licensed places and inspect registers to ensure the proper enforcement of the Law, and the Regulations and Decisions issued to implement its provisions and to stop any violations.

Article (2) : Manufacture, import, export, transport, storage, handling, and use of any chemical shall comply with the provisions of this Law, and the Regulations and Decisions issued thereof.

Article (3) : A Permanent Committee for Chemicals shall be set up by a Decision from the Minister, under the chairmanship of the Undersecretary for Environment Affairs and members at the level of Director General from Royal Oman Police, Ministry of regional Municipalities and Environment, Ministry of Defence, Ministry of Agriculture and Fisheries, Ministry of Health, Ministry of Oil and Gas, Ministry of Commerce and Industry, Ministry of Water Resources, Sultan Qaboos University, and any other agency defined by the Minister.

Article (4) : The Committee shall have the following responsibilities :

a - Draft Regulations and Decisions required to enforce the Law in accordance with the Sultanate's prevailing enactments and those internationally applied, and follow up their implementation.

b - Develop the procedures and conditions of manufacturing, importing, exporting, transporting, storing, handling and use of chemical, as well as the disposal of their waste, in coordination with the concerned agencies.

c - Based on recommendation of the Department, investigate

and suspend the user from continuing his activities in manufacturing, importing, exporting transporting, storing, handling or using any chemical to avoid any hazard threatening public health and the environment. The Department shall notify the user and the concerned agency of the decision to suspend and the reasons upon which such a decision was taken.

The user may appeal to the Minister against the decision within fifteen days from the date of written notification. The submittal of the appeal shall not result in suspending the decision. Decision on the appeal shall be taken within a period not exceeding thirty days from date of submission and the Minister's Decision shall be final.

Article (5) : The Committee shall convene at least biennially at the request of the chairman and whenever necessary, and a quorum shall be the attendance of two thirds of the members. The Committee can seek the assistance of experts who may be invited to attend by not vote.

Article (6) : The Ministry shall establish a Department for chemicals entrusted with the following :

a - Implement the Regulations and ministerial decisions issued to enforce the provisions of this law.

b - Conduct tests on chemicals to determine their toxicity and extent of hazard.

c - Before the issuance of the license by the concerned agencies, and without prejudice to the authorities of the

concerned government bodies in determining the type of chemical to be used, issue Permits to use, manufacture, import, export or handle hazardous chemicals, according to the stated procedures and decisions issued to enforce this law.

d - Issue Permits, for experimental and scientific research purposes, for any hazardous chemical to research centers, scientific and educational institutions and labs.

e - Prepare inventories and registers for chemicals, as well as their users; collect related information and data, in addition to amending or canceling the register, so as to allow the concerned agencies to examine and inspect them.

f - Classify chemicals according to local and international classification.

g - Liaise and coordinate locally and internationally to exchange data and decisions pertaining to handling of chemicals.

h - Establish a database for chemicals.

i - Provide technical advice to government and private bodies regarding chemicals.

j - Develop guidelines, programmes and rules for staff training in the field of chemicals and promote public awareness for the safe use of chemicals.

k - Check, through inspectors, that all legal conditions are fulfilled, chemical registers examined at site and stop violations of the provisions of the Law and the regulations and decisions implementing it.

l - Present periodic report to the Committee on the Department's activities, list of users registered and permitted to handle hazardous chemicals or any other matters to be submitted to the Committee.

m - Prepare agenda and make arrangements for the committee meetings, follow up the implementation of its decisions and coordinate between the Committee and the other agencies.

Article (7) : The Minister shall issue in coordination with the Ministry of Finance and Economy, decisions on fees to be collected for the implementation of this law.

Article (8) : License shall be obtained, from the Directorate General of Civil Defence - R.O.P., for transporting or storing any hazardous chemical according to its Regulations issued in this respect.

Article (9) : It is not permissible to import, export, transport, store or handle any hazardous chemical unless packed in special containers according to the approved and recognised specifications in the Sultanate.

Article (10) : Government and non-government agencies shall provide the Department with all available information required concerning hazardous chemicals in use.

Article (11) : The user of hazardous chemicals shall be committed to dispose of hazardous chemical waste empty containers and any substance in violation of the Law, at his expense and under the supervision of the Ministry, as per the Regulations in force.

Article (12) : The user of hazardous chemicals shall comply with the following ;

a - Take necessary precautions to protect the working staff against health hazards and work risks and provide them with complete personal protective kits. They must be fully aware of and trained in the best possible means of handling and confronting the risks of chemicals according to the Regulations issued in this respect.

b - Prepare registers, indicating names of persons, chemicals, quantities, numbers, extent of hazard and methods of handling. These shall be submitted to the staff of the Department whenever requested.

Article (13) : Without prejudice to any more severe punitive measures stipulated by any other law, any offender to provisions of this law, or the Regulations or Decisions issued thereof, shall be jailed for a maximum period of three years and a fine not exceeding five thousand Omani Rials or one of these two penalties. Chemicals in violation shall be confiscated and if the offence is repeated the penalty shall be doubled.