

# Balochistan Hazardous Substances Rules 2020.

## Schedules remaining

### 1. Short Title and Commencement.

- (1) These Rules may be called the Punjab Hazardous Substances Rules 2019.
- (2) They shall come into force at once.

### 2. Definitions.

- (1) In these rules unless there is anything repugnant in the subject or context)
  - a) "Hazardous Chemical/Substances" means –
    - i. A substance or mixture of substance , other than a pesticides as defined in Agriculture Pesticides Ordinance , 1971(II of 1971), which, by reason of its chemical activity or toxic , explosive, flammable , corrosive , radioactive or other characteristics causes , or likely to cause , directly or in combination with other matters, an adverse environmental effects ; and
    - ii. Any substance which may be prescribed as a hazardous substance;
    - iii. Any chemical/substance which is enlisted I Schedule I part A excluding part B ;
  - b) "Agency" means Punjab Environmental Protection Agency (EPA);
  - c) "Director General" means the Director General of the Provincial Agency Punjab;
  - d) "Authorized officer" means an officer of the Agency authorized for specific assignment under these regulations by concerned authority;
  - e) "Schedule" means Schedule to these rules;
  - f) "worker" shall have the same meaning as defined in clause (h) of section 2 of the Factories Act, 1934 (XXV of 1934)
  - g) "import" with its grammatical variations and cognate expression, means brining into Pakistan from a place outside Pakistan
  - h) "importer" means an occupier or any person who imports hazardous chemicals;
  - i) "export" with its grammatical variations and cognate expression, means taking out of Pakistan to a place outside Pakistan;
  - j) "exporter" means any person under the jurisdiction of the exporting country and includes the exporting country, who exports hazardous chemical;
  - k) " Eliminated Chemicals" means chemical enlisted in Schedule I Part B
  - l) "industrial activity" means- Any operation or process for manufacturing, making, formulating synthesizing, altering, repairing, ornamenting, finishing, packing, or otherwise treating any article or substances with a view to its use, sale, transport, delivery or disposal, or for mining, or for oil and gas exploration and development, or for pumping water or sewage, or for generating, transforming, or transmitting power or for any other industrial or commercial purposes;
  - m) "major accident" means -an incident involving loss of life inside or outside the installation, or ten or more injuries inside and/or one or more injuries outside or release of toxic chemicals or explosion or fire or spillage of hazardous chemicals resulting in on-site or off-site emergencies or damage to equipment leading to stoppage of process or adverse effects to the environment; storage and industrial activity at a site handling (including transport through carrier) of hazardous chemicals equal to or, in excess of the threshold quantities specified in, Column 3 of schedule 2 and 3 respectively;
  - n) "site" means any location where hazardous chemicals are manufactured or processed, stored, handled, used, disposed of and includes the whole of an area under the control of an occupier and includes pier, jetty or similar structure whether floating or not;
  - o) Act means Punjab Environmental Protection Act 1997 (amended, 2012).
- (2) All other words and expressions used in these regulations but not defined shall have the same meanings as are assigned to them in the Act and in case of any ambiguity/missing information in the Rules, the procedure provided in the Act shall be adhered to/adapted.

### 3. Substances Prescribed as Hazardous Substances.

As provided in sub clause (a) of clause (xviii) of section 2, of the Act, substances listed in Schedule-I are hereby prescribed as hazardous substances.

### 4. Filing Application for License:

- (1) An application for grant of license under Section 14 PEPA 1997 (amended, 2012) shall be filed in Form A of Schedule II along with requisite documents given in said Schedule to the Notified Officer along with receipt of payment of prescribed fee at the rate specified in Schedule III.
  - (1) In case of import of hazardous substances, the proponent shall apply to the Joint Secretary (International Cooperation), Ministry of Climate Change Islamabad.

### 5. Environmental Impact Assessment Report of project or Industrial Activity:

- (1) An application for grant of license filed under section 14 PEPA 1997 (amended, 2012) shall be accompanied by an Environmental Impact Assessment Report (EIA) of project or industrial activity involving generation, collection, consignment, transport, treatment, disposal, storage or handling of a hazardous substance in respect of which the license is sought.
- (2) The Environmental Impact Assessment (EIA) submitted by the applicant shall include:-
  - (a) Complete details of generation, collection, consignment, transport, treatment, disposal, storage, handling or import of a hazardous substance in respect of which the license is sought

- (b) Name, list and quantity of hazardous substances which are intended to be generated, collected, consigned, transported, treated, disposal of , stored and handled by applicant;
- (c) Information regarded status of the project under section 12 of the Act ibid,
- (d) Details of mitigation measures to control environmental pollution,
- (e) A safety plan, containing information specified in sub-rule (1) of rule 20.
- (f) A waste management plan, if hazardous waste shall be generated by the project or industrial activity, containing information specified in sub-rule (1) of rule 22.
- (g) Laboratory report from EPA certified Laboratory as evidence for compliance of Punjab Environmental Quality Standards (PEQS).

**6. Preliminary scrutiny:**

The authorized officer shall, within 20 working days of the receipt of the application will:

- (a) Confirm that the application along with the Environmental Impact Assessment Report (EIA) and requisite document is complete for review; or
- (b) Return the application on non-provision of any document/ information referred in Form A Schedule I
- (c) Acquire any other additional information from the proponent

**7. Review:**

- i. The authorized officer shall, within twenty (20) days of the confirmation of completeness regarding provision of requisite documents enlisted in Form A of Schedule I, review the content of Environmental Impact Assessment Report (EIA) and other requisite documents or otherwise.
- ii. Require such additional information as may be specified;
- iii. The Incharge Officer Environment shall inspect the site of the proposed project and prepared a detail Site Inspection Report with his clear recommendation on site suitability or otherwise.
- iv. After the completion of documents and Site Inspection Report the authorized officer shall prepare the working paper of project for placing the case before Committee of Expert.

**8. Issuance of License:**

- (1) Where the Committee recommends an application for grant of license, Director General will approve the grant of license. The license will be issued on Form-B of Schedule-II. In case the Committee of experts or Director General rejects the application the proponent will be informed accordingly.
- (2) If a license is defaced, damaged or lost, duplicate thereof shall be issued on payment of such fee as prescribed in Schedule-III and after obtaining Compliance Status Report (CSR) of the conditions of the original license from the applicant and by verification of CSR.
- (3) License will not be applicable for sale of acids/chemicals on small scale i.e., in the shops of local markets.
- (4) License will be applicable for collection, generation, handling, consignment, transport, treat, dispose of, manufacturing and storage of hazardous substances.
- (5) Manufacturing, storage, treatment and disposal of hazardous substances will not be allowed in residential area, agricultural area and environmentally sensitive area.

**9. Conditions of License:**

- (1) A license granted under Section 14 PEPA 1997 (amended 2012) shall also be subject to certain conditions of approval of the Environmental Impact Assessment Report (EIA) accompanying the application for license.
- (2) Without prejudice to the provisions of sub- rule (1), a license granted under Section 14 shall also be subject to the following conditions and any other imposed by Divisional Approval Committee:-
  - a) The licensee shall ensure compliance of Punjab Environmental Quality Standards (PEQS) during handling, generation, treatment, storage, manufacturing, transportation, and disposal of hazardous substances.
  - b) Mitigation Measures suggested in the EIA Report shall be strictly adhered to minimize any negative impacts on soil, ground water, air and biological resources of the project area
  - c) Monitoring shall be carried out during the entire period of the project activities. Monitoring reports of the whole operation shall be submitted to Concerned EPA Field Office on quarterly basis.
  - d) The licensee shall ensure that strict and efficient health and safety measures are in place for protection of workers backed by a comprehensive emergency response system.
  - e) The licensee shall employ qualified technical personnel having necessary knowledge and experience regarding the use, storage, handling, generation, treatment, manufacturing and transportation, of the hazardous substance, and safety precautionary measures;
  - f) The hazardous substance shall be packed and labeled in accordance with Rule 10;
  - g) The premises of the licensee shall comply with the conditions laid down in Rule 11;
  - h) The licensee shall ensure compliance with the provisions of Rules 12 and 13 regarding safety precautions;
  - i) the licensee shall provide necessary information, and where required training, to the persons to whom the hazardous substances are sold or delivered, regarding the use,

- storage and handling of the hazardous substances, and safety precautions relating thereto; or
- j) the licensee may obtain undertaking from the person to whom the hazardous substances are sold or delivered that he has necessary information regarding the use, storage and handling of the hazardous substances, and safety precautions relating thereto;
- k) The licensee shall maintain a detailed record of the quantity, type, quality and origin of the hazardous substance and the names and addresses of the persons to whom the hazardous substances are sold or delivered; and
- l) The licensee shall not extend his operation beyond the scope of the project or industrial activity in respect of which the EIA Report has been submitted and approval was granted.
- m) The Committee may, require that the licensee maintain adequate insurance cover for any aspect of his operation.
- n) In the case of import of Hazardous Substances the licensee shall provide copy of approval from MOCC under Basel Convention.

**10. Packing and Labeling:**

- (1) A container of a hazardous substance shall be of such size, material and design as to ensure that –
  - (a) It can be stored, transported and used without leakage, and safely;
  - (b) The hazardous substance there in does not deteriorate in a manner as to render it more likely to cause, directly or in combination with other substances, an adverse environmental effect.
- (2) The following information shall be printed conspicuously, legibly and indelibly on every container of a hazardous substance
  - (a) Name of the hazardous substance;
  - (b) Name, address and license number of the licensee;
  - (c) Net contents (volume or weight);
  - (d) Date of manufacture and date of expiry, if any;
  - (e) a warning statement comprising
    - (i) The word “DANGER!” in red on a contrasting background;
    - (ii) A picture of a skull and cross- bones;
    - (iii) Pertinent instructions for use, storage and handling and safety precautions relating thereto.
  - (f) instructions regarding return or disposal of the empty container:  
 Provided that if the hazardous substance has an inner container as well as an outer container, the information shall be printed on both containers:  
 Provided further that if it is impracticable to print the aforesaid information on the container itself due to its size, material or design, the same shall be printed on a label or tag which shall be conspicuously affixed or attached to the container in such manner as to render it difficult to remove. The empty chemical containers / drums may not be used for other purposes:
  - (g) Basic instructions mentioning immediate steps to be taken in case of any accident or emergency, preferably in local language.

**11. Conditions for Premises:**

The premises in which a hazardous substance is generated, collected, consigned, treated, disposed of, stored or handled shall

- (a) Comply with the conditions specified in Schedule IV; and
- (b) be fitted with a notice on the outer door or gate bearing the following information:
  - (i) The words “DANGER! HAZARDOUS SUBSTANCES!” in red, on a contrasting background; and
  - (ii) A prominent picture of skull and cross- bones.

**12. General Safety Precautions:**

- (1) A licensee shall ensure that the following safety precautions are conveyed to persons who deal with generation, collection, consignment, transportation, treatment, disposal, storage and handling of Hazardous Substances–
  - (a) Carefully read, and follow the instructions and safety precautions printed on the container; (Urdu or local language translation of the same may be preferably given to the local buyers).
  - (b) When opening the container, wear protective clothing and equipment including helmet or cloth cap, safety spectacles or goggles, respirator or mask, rubber or plastic gloves, and work boots, as may be required;
  - (c) Avoid contact of the hazardous substance with exposed skin or eyes, and if such contact occurs, wash the exposed area immediately and consult a doctor;
  - (d) Avoid contaminating clothing, gloves and footwear with the hazardous substance, and if such contamination occurs, remove the clothing, gloves and footwear immediately and wash the same with water thoroughly before reuse;
  - (e) Do not eat, drink or smoke in the vicinity of hazardous substances.
  - (f) Any un authorized person will not be allowed to enter the premises dealing with hazardous substances.

- (2) The general safety precautions mentioned in sub-rule (1) shall be in addition to such other specific precautions or measures that may be required to be conveyed by the licensee for a particular hazardous substance. The license holder will be bounded to inform incharge district officer (Environment), the details of his subsequent consignments, as the license will be issued for a period of 03 years under section 14 PEPA 1997(amended 2012).

**13. Safety Precautions for Workers:**

The licensee shall ensure that the following safety precautions are taken in respect of workers employed by him for handling hazardous substances-

- (a) No worker below 18 years or over 60 years shall be employed for any job involving physical handling of hazardous substances.
- (b) All workers shall be thoroughly trained in safety precautions for handling hazardous substances and shall be supervised by qualified supervisors.
- (c) Protective clothing and equipment comprising helmet or cloth cap, safety spectacles or goggles, respirators or masks, rubber or plastic gloves and work boots shall be available for all workers who may be exposed to any hazardous substance, and no worker shall be permitted on job unless and until he is wearing such protective clothing and equipment.
- (d) Adequate supply of water shall be made available to the workers for personal washing as well as for washing their protective clothing and equipment.
- (e) Protective clothing and equipment of the workers shall be washed and cleaned as often as may be required to ensure their efficacy.
- (f) No worker shall be permitted to eat, drink or smoke till he has removed his protective clothing and equipment, washed his hands and face, and left the place of work.
- (g) All fire- fighting, emergency and safety equipment shall be frequently checked/ drilled and properly maintained.
- (h) First aid medical facility equipped with required antidotes shall be available in the premises, supervised by trained staff.
- (i) Medical check- up of all workers shall be carried out at the time of employment and at least once a year thereafter.
- (j) A record of every worker shall be maintained containing, amongst other details, his name and address, his medical check- up history, and the hazardous substances handled by him.
- (k) Mock drills may be arranged biannually for workers to cope with emergency any situation.

**14. Validity of License:**

A license issued under Rule 8 shall be valid for a period of three years from the date of issue, unless it is cancelled under rule 16 Provided that if an application for renewal is made under Rule 15 the license shall continue to remain valid till the application for renewal is decided.

**15. Renewal of License:**

An application for renewal of license shall also be made to the In-charge District officer in Form A of Schedule II, at least 30 days prior to the date of expiry of the license

- i. An application for renewal shall be accompanied by a brief update of the original Environmental Impact Assessment Report (EIA), unless changes in circumstances (location, design, etc.) require submission of a fresh Environmental Impact Assessment Report (EIA)
- ii. The fee for renewal of license shall be paid in accordance to provision in Schedule-III, and the license issued on receipt thereof shall also be in Form-B of Schedule-II.
- iii. The fee for duplicate copy of license shall be as provided in Schedule-III, and the license issued on receipt thereof shall also be in Form-B of Schedule-II.

**16. Cancellation of License/Approval:**

- (1) Notwithstanding anything contained in these rules, If at any time on the basis of information or report received or inspection carried out, the In charge District Officer is of the opinion that the conditions of an approval/license have not been complied with, or that the information supplied by a licensee in the approved Environmental Impact Assessment Report was incorrect, the In charge District Officer will forward Non Compliance Report to Agency and Agency shall issue a show cause notice to the licensee requiring him to explain as to why the license/approval may not be nulled.
- (2) The licensee shall, within fifteen days of the receipt of show cause notice, submit the reply but if no reply received within the stipulated time or the reply received is found unsatisfactory, the Agency, after giving the licensee an opportunity of hearing, may:
  - a) Require the licensee to take such measures and to comply with such conditions within such period as it may be specified, failing which the license shall stand cancelled; or
  - b) Cancel the license.
- (3) On cancellation of the license under sub rule (2), the licensee shall cease his operation immediately.
- (4) Any action taken under this rule shall be without prejudice to any other action that may be taken against the licensee in accordance with law.

- (5) After cancellation of the license, if the defaulting person do not stop the operational activities of the project, the Agency will implement its order with the assistance of police and in case of further continuation of the offence, case will be registered with the concerned police station and a complaint in this regard will be filed to Environmental Tribunal for action against the licensee under Section 17 of the Punjab Environmental Protection Act, 1997 (Amended – 2012).

**17. Entry, Inspection and Monitoring:**

- (1) For the purpose of verification of any matter relating to the conditions of the license, the authorized Officer of the Agency shall be entitled to enter and inspect the premises regularly in which the hazardous substance is being generated, collected, supplied, consigned, treated, disposed of, stored or handled.
- (2) For purpose of Sub Rule (1), the authorized Officer may require the licensee, if necessary, to submit any relevant information at such intervals as he may consider appropriate
- (3) The licensee shall ensure full cooperation of his staff at the premises to facilitate the inspection mentioned in Sub Rule (1) and (2) of Rule 17.
- (4) The licensee shall provide such information as may be required by the authorized officer for effective monitoring of compliance of conditions of the license by the licensee.
- (5) In case of non-provision of access for inspection to the authorized staff of the Agency, the Incharge District officer will seek the search warrants from the court of concerned Magistrate as provided under section 7 (g, h, i & j) of PEPA-1997 .
- (6) The Incharge District officer of the Agency will maintain record of inspection or monitoring and will forward the same to the competent authority.
- (7) The Committee will proceed, after having satisfaction, in accordance with the procedure to decide the matter reported in the inspection or monitoring report.

**18. Register of Projects:**

- (1) The authorized officer shall, in the Form in Schedule-VII, maintain a register of projects in respect of which Environmental Impact Assessment Report (EIA) are received.
- (2) The authorized officer shall submit monthly updates of the register to the Agency.

**19. Safety Plan:**

- (1) The safety plan to be submitted by an applicant under clause (e) of sub-rule (2) of rule 5 shall include –
  - (a) An analysis of major accidental hazards relating to the Handling, storage, generation and disposal of hazardous substance involved;
  - (b) An assessment of the nature and scope of the adverse environmental effects likely to be caused by major accidents;
  - (c) A description of the safety equipment and systems installed and safety precautions taken; and
  - (d) A description of the emergency measures proposed to be taken at the premises of the applicant to control a major accident, and to mitigate its adverse environmental effect.
  - (e) Details about inspection and monitoring procedures, packaging, labeling, premises, release/ leakage detection system
- (2) Before issuance of the license, the notified officer shall, in consultation with relevant Government Agency and the licensee, review the safety plan to ensure that it covers all anticipated contingencies and all emergencies likely to result from a major accident involving the hazardous substance involved, and that the concerned Government Agency officer and the licensee are aware of their specific responsibilities there under.
- (3) After obtaining of the license, the licensee shall ensure that all persons liable to be affected by the approved safety plan are informed of the relevant provisions thereof.

**20. Reporting of Accidents.**

- (1) Where an accident occurs within the premises or outside the premises of a licensee during manufacturing, loading or unloading, supply, storage, marketing, transportation, the licensee shall immediately inform the Authorized officer of the Agency and shall submit a report in Schedule V, within 24 hours and weekly thereafter,
- (2) On receipt of the report under sub rule (1), the Authorized officer shall require the licensee to carry out a detailed environmental audit of the major accident and initiate appropriate action in accordance with the approved safety plan or otherwise, to control the major accident, mitigate its adverse environmental effect and prevent from recurring and submit the report to Authorized officer.
- (3) In case of loss of life or property or injury or loss of livestock or fauna & flora, the licensee will be responsible and case will be registered against him in the concerned police station for such loss under the law and rules & regulations.

**21. Waste Management Plan:**

- (1) The waste management plan, if required to be submitted by an applicant under clause (f) of sub-rule (2) of rule 5, shall –
  - (a) Provide for the generation, collection, transport and disposal of the hazardous waste in accordance with the principles of State of art technology to protect environment against adverse environmental effects.

- (b) Ensure that the hazardous waste is not mixed with non-hazardous waste, unless the applicant can prove that such mixing will better protect against an adverse environmental effect.
- (2) The waste management plan shall be reviewed every year by the licensee to incorporate by taking into consideration the development of state of art technologies and management practices which can better protect against an adverse environmental effect, and if required revised waste management plan and fresh Environmental Impact Assessment Report shall be submitted with the application for renewal of license.
- (3) The licensee shall submit Annual Audit Report to the Incharge district Officer on the expiry of every 12 months about –
  - (a) The quantity and characteristics of hazardous waste generated in the previous year; and
  - (b) Progress regarding implementation of the waste management plan.
  - (c) In case the licensee fails to comply with the above procedure, the In charge district Officer will cancel the license after adopting the procedure provided in rule 18.

**22. Import of Hazardous Substances:**

An applicant for grant of license to import a hazardous substance shall apply directly to Joint Secretary International Cooperation, Ministry of Climate Change, Government of Pakistan. Import cases will be dealt by EPA Head office. The matter will be dealt by Federal Government as it comes under Basel Convention.

**23. Transport of Hazardous Substances.**

- (1) An application shall, for grant of license for transport of a hazardous substance under Section 14 of the Act ibid shall, in addition to the information contained in Form A of Schedule II, also provide the following details –
  - (i) Certificate of properly trained driver who drive the vehicle.
  - (ii) Name and address of the person from whom the hazardous substance is to be collected;
  - (iii) Name and address of the person to whom the hazardous substance is to be delivered;
  - (iv) Quantity of hazardous substance to be transported;
  - (v) Mode of transport, including full particulars and specifications of the motor vehicles or other conveyance;
  - (vi) Least traffic congested/least populated & safe route to be adopted between the origin and destination; and
  - (vi) Date and time of proposed transportation.
  - (vii) The manufacturer shall be responsible for safe transportation of hazardous substances and shall ensure all precautionary measures during transportation.
  - (viii) The manufacturer shall take immediate emergent measures in case of any accident and shall ensure all safety measures along with vehicle transporting hazardous substances.
  - (ix) The license shall provide all precautionary details of transportation with the application.
- (2) If the license applied for is granted, the In charge district Officer Agency shall ensure that other Government Departments or Agencies concerned are informed of the relevant particulars of the proposed transportation activity, for taking necessary safety precautions and other measures.

**24. Other Approvals:**

Issuance of a license under section 14 PEPA 1997 (amended 2012) shall not absolve the licensee of the duty to obtain any other approval or consent that may be required under any law for the time being in force.

**25. Powers of the Agency to grant environmental approvals:**

- (1) Notwithstanding anything contained in the rules, the agency may grant license in respect of a unit and, after recording reasons and affording opportunity of hearing to the licensee:
  - a) Impose conditions in addition to the condition of approval/license.
  - b) Null the approval granted under the rules.
- 2) The agency may monitor the units/projects approved/licensed by it.
- 3) The Secretary and Agency may, from time to time, call for and inspect the record pertaining to the grant of approvals.

**26. Decision:**

All decisions made under the rules shall forthwith be communicated in writing to the proponent and the In charge officer Environment.

**27. Appeal:**

Any person aggrieved by an order or direction of the Committee under rules 8, 9,14,15 and 16 or of the Agency under rule 27 may prefer an appeal before the Environmental Tribunal within thirty days of the date of receipt of the impugned order or direction.