

Implementation Rules for the Toxic Chemical Substances Control Act

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Environmental Protection Administration of the Republic of China on Taiwan

English Translation¹

by

Dennis Te-Chung Tang

Academia Sinica, Taipei, Taiwan

National Taiwan University, Taipei, Taiwan

and

Richard J. Ferris Jr.

Beveridge & Diamond, P.C., Washington, D.C.

Approved by

Hsung-Hsiung Tsai

Administrator, Environmental Protection Administration

Republic of China

Article 1

These Rules are promulgated in accordance with Article 43 of the Toxic Chemical Substances Control Act (hereinafter "the Act").

Article 2

The term "manufacturing" as used in the Act means the formulation, re-processing, synthesis, or repacking of toxic chemical substances. Repacking for personal use is not

¹ Translators' note: This translation is for informational purposes only and does not represent the binding law of the Republic of China. The binding law appears only in the national language--Chinese. Therefore, for purposes other than acquiring information, reference must be made to the original Chinese version of these Rules.

In translating these Rules, the translators did not depart from the original Chinese text. Accordingly, ambiguities present in the translation are also present in the original.

In the Chinese version of these Rules, each paragraph is referred to as a "section" (*hsiang*). Bracketed text indicates translator additions for the purpose of increasing clarity.

included within the meaning of "manufacturing."

Article 3

The responsibilities of the Responsible Agency at the central governmental level are as follows:

1. Proposal and implementation of nationwide toxic chemical substance control policies, programs and plans;
2. Proposal, review and interpretation of nationwide toxic chemical substance control laws and regulations;
3. Supervision of nationwide toxic chemical substance control;
4. Assistance/guidance related to and approval of toxic chemical substance control at the provincial (municipal) government level;²
5. Coordination of toxic chemical substance control involving relevant agencies and two (2) or more provinces (municipalities);
6. Research and development concerning nationwide toxic chemical substance control and training of related enforcement personnel;
7. International cooperation and technological exchanges related to toxic chemical substance control;
8. Dissemination of information/public education on nationwide toxic chemical substance control; and
9. Management of other nationwide matters related to toxic chemical substances.

² Translators' note: Under the jurisprudence of the Republic of China, there are three levels of government: central, provincial/municipal and county/city. At the time of this translation (November 1998), only two municipalities exist: Taipei and Kaohsiung.

Article 4

The responsibilities of the Responsible Agency at the provincial government level are as follows:

1. Drafting and execution of provincial implementation programs and plans related to toxic chemical substance control;
2. Enforcement of toxic chemical substance control laws and regulations, as well as promulgation, interpretation and enforcement of provincial toxic chemical substance control regulations;
3. Research and development related to and dissemination of information/public education on provincial toxic chemical substance control;
4. Investigation and determination of courses of action concerning the handling of toxic chemical substances within [provincial] territory;
5. Development of statistics and summarization of reports on provincial toxic chemical substance control;
6. Supervision, assistance and guidance related to and approval of toxic chemical substance control at the county (city) government level;
7. Coordination and enforcement of province-wide or inter-county (-city) toxic chemical substance control;
8. Management of other province-wide matters related to toxic chemical substances.

Items 1-5 and Item 8 in the preceding Section shall apply to municipalities.

Article 5

The responsibilities of the Responsible Agency at the county (city) government level are as follows:

1. Drafting and execution of county (city) implementation programs and plans related to toxic chemical substance control;
2. Enforcement of toxic chemical substance control laws and regulations, as well as promulgation, interpretation and enforcement of county (city) toxic chemical substance control regulations;
3. Research and development related to and dissemination of information/public education on county (city) toxic chemical substance control;
4. Investigation and determination of courses of action concerning the handling of toxic chemical substances within [county (city)] territory;
5. Development of statistics and summarization of [outside] reports on toxic chemical substance control;
6. Promotion and coordination of toxic chemical substance control at the county (city) government level;
7. Management of other county- (city-)wide matters related to toxic chemical substances.

Article 6

Persons who are required to periodically record and report the handling and release doses of toxic chemical substances, pursuant to the provisions prescribed under Article 6 of the Act, shall, unless otherwise prescribed by the Responsible Agencies, perform reporting duties as follows:

1. Prior to the tenth (10th) day of each January, April, July, and October, submit a Toxic Chemical Substance Handling Report Form indicating the handling records for the past three months to the Responsible Agency at the local government level;

2. Prior to the fifteenth (15th) day of each January, submit a Toxic Chemical Substance Handling Report Form indicating the release doses of such substances for the preceding year to the Responsible Agency at the local government level.

Article 7

Persons manufacturing toxic chemical substances who are required to apply for handling permits³ pursuant to Section 1 of Article 11 of the Act, shall apply for such permits at the Responsible Agency at the local government level where the manufacturing [of the toxic chemical substances] takes place; only after the Responsible Agency at the central government level authorizes issuance of the permit can the manufacturing commence. The Responsible Agency at the central government level may exempt specified persons from the aforementioned permit requirements via public announcement.

Persons receiving manufacturing permits pursuant to the preceding Section need not apply for sales permits; those persons whose use, storage, and manufacture of toxic chemical substances occurs within the territory covered by a Responsible Agency at the local government level need not register [the toxic chemical substance handling activities].

Persons receiving manufacturing permits pursuant to Section 1 of this Article, who import toxic chemical substances as raw materials for personal use, need not apply for import permits; toxic chemical substances thus imported as raw materials may not be transferred to others without approval of the Responsible Agency at the central government level.

Article 8

Persons importing toxic chemical substances who are required to apply for handling permits pursuant to Section 1 of Article 11 of the Act, shall apply for such permits at the Responsible Agency at the local government level where the

³ Translators' note: The term "handling," as defined in Item 2, Section 1 of Article 2 of the Act, covers the acts of manufacturing, importing, exporting, selling, transporting, using, storing, or disposing. Hence, "handling permits" include sub-categories such as manufacturing, sales, and import permits.

manufacturing [of the toxic chemical substances] takes place; only after the Responsible Agency at the central government level authorizes issuance of the permit can the importation commence. The Responsible Agency at the central government level may exempt specified persons from the aforementioned permit requirements via public announcement.

Persons receiving importation permits pursuant to the preceding Section and whose sales of toxic chemical substances occur within the territory covered by a Responsible Agency at the local government level need not apply for a sales permit; persons receiving importation permits pursuant to the preceding Section and whose storage of toxic chemical substances occurs within the territory covered by a Responsible Agency at the local government level need not register [the toxic chemical substance handling activities].

Persons importing toxic chemical substances shall obtain [and complete] a multi-part Toxic Chemical Substance Transport Form on batch-by-batch basis.

Article 9

Persons selling toxic chemical substances who are required to apply for handling permits pursuant to Section 1 of Article 11 of the Act, shall apply [for such permits] at the Responsible Agency at the county (city) government level; only after the Responsible Agency at the provincial government level authorizes issuance of the permit(s) can the sale(s) commence. If the person selling the toxic chemical substances is located in a municipality, then the person shall apply for a permit at the Responsible Agency at the municipal government level. The Responsible Agency at the central government level may exempt specified persons from the aforementioned permit requirements via public announcement.

Persons receiving sales permits pursuant to the preceding Section and whose storage of toxic chemical substances occurs within the territory covered by a Responsible Agency at the local government level need not register [the toxic chemical substance handling activities].

Article 10

Persons applying for Toxic Chemical Substance Permits in accordance with

Section 2 of Article 11 of the Act shall submit an application form with the following materials:

1. Plant establishment permit or plant registration certificate (non-plants need not submit), corporate license (non-companies need not submit) and a photocopy of the for-profit enterprise registration certificate;
2. A photocopy of the personal identification [card/documentation] of the responsible person;
3. A photocopy of authorization for employment of professional technicians (Those who needs not employ such professional technical personnel needs not submit);
4. Description of components, characteristics and analytical methods;
5. Description of product manufacturing process (non-manufacturers applicants need not submit);
6. Description of the management measures for the transportation, use, storage, disposal, and de-toxification processes and the collection, treatment, and recycling methods for containers and packaging, as well as the health, safety and emergency response procedures;
7. Labels and material safety data sheets;
8. Description of pollution control equipment, storage facilities, and monitoring, alarm and emergency response systems (only as prescribed by the Responsible Agency at the central government level);
9. Description of the sources of the toxic chemical substances;
10. Blueprint of the handling site; and
11. Other relevant materials required by the Responsible Agency at the central government level.

Article 11

The contents of permits shall include the following:

1. Permit number;
2. Name(s) and components of the toxic chemical substances at issue;
3. Name(s) and addresses of the business(es) involved;
4. Name(s) and addresses and a photocopy of the personal identification [card/documentation] of the responsible person(s);
5. Name(s) and addresses of the handling site(s);
6. Description of permitted handling activities; and
7. Permit issuance date and duration.

If the toxic chemical substance(s) for which manufacturing is authorized by permit includes another/other toxic chemical substance(s) as a raw material(s), then the manufacturing permit shall record the name(s) and components of that/those toxic chemical substance(s).

Permit recipients shall, within thirty (30) days following changes in permit information prescribed in Section 1 of this Article, apply at the Responsible Agency at the local government level for modification of the permit(s).

Article 12

Persons using or storing toxic chemical substances who are required to apply for handling permits pursuant to Section 1 of Article 11 of the Act, shall apply at the Responsible Agency at the local government level by submitting documents listed below; only after the Responsible Agency at the provincial government level issues proof of registration can the handling activity(ies) at issue commence. The Responsible Agency at the central government level may exempt specified persons from the aforementioned registration requirements via public announcement.

1. Basic information on the toxic chemical substance handler(s);⁴
2. A photocopy of the personal identification [card/documentation] of the responsible person;
3. A photocopy of Authorization for employment of professional technicians; and
4. Other relevant document(s) or data specified by the Responsible Agency(ies).

Article 13

Proof of registration [referred to in the preceding Article] shall include the following:

1. Registration number(s);
2. Name(s), components and uses of the toxic chemical substances at issue;
3. Name(s) and addresses of the handling site(s);
4. Name(s) and addresses of the handler(s);
5. Name(s) and addresses and a photocopy of the personal identification [card/documentation] of the responsible person(s);
6. Description of registered activities; and
7. Registration date and duration.

Registrants shall, within thirty (30) days following changes in registration information prescribed in Section 1 of this Article, apply at the Responsible Agency at the local government level for modification of the proof of registration.

⁴ Translators' note: the "basic information" requested here, (literally *ji pen tzi liao*), includes the name(s), address(es), professional affiliation(s), identification card numbers, etc., of the handler(s).

Article 14

Persons intending to discard toxic chemical substances who are required to apply for handling registration pursuant to Section 1 of Article 11 of the Act, shall apply at the Responsible Agency at the local government level by submitting a statement/declaration of intent to discard and a detailed list [of the substance(s) to be discarded]; [in such circumstances,] no proof of registration is required.

Article 15

In cases where permits or proof of registration is lost or destroyed, recipients or registrants shall, within thirty (30) days of the loss or destruction, submit re-application forms accompanied by the relevant document(s) or data (including remains of original permit or proof of registration if destroyed) at the Responsible Agency at the local government level for re-issuance.

Article 16

Persons exporting toxic chemical substances shall on batch-by-batch basis obtain [and complete] a multi-part Toxic Chemical Substance Transport Form at the Responsible Agency at the local government level by submitting the following documents or data prior to export:

1. A photocopy of the purchase order or letter of credit from the foreign buyer;
2. Description of and labels for the export packaging and containers; and
3. Description of the sources of the toxic chemical substances.

Article 17

The toxic chemical substance handling site and facilities prescribed in Article 15 of the Act refer to the sites for manufacturing, importing, exporting, selling, transporting, using, storing, and discarding toxic chemical substances, including transport conduits or other facilities.

Article 18

Handlers required to install emergency response facilities in accordance with Article 17 of the Act shall, in addition to taking into consideration the toxic, physical, and chemical characteristics of the toxic chemical substances at issue and the [relevant] material safety data sheet(s), furnish all necessary emergency response tools and equipment.

Article 19

The Responsible Agency at the local government level mentioned in Article 22 of the Act refers to the Responsible Agency responsible for the territory where the incident(s) at issue occur(s).

Article 20

The emergency measures mentioned in Article 22 Section 1 of the Act refer to the following:

1. Various pollution control measures available to immediately control the dispersion of toxic chemical substances and normalize handling activities;
2. Complete or partial suspension of the handling activities causing the incident; and
3. Other emergency response measures specified by the Responsible Agency(ies).

Article 21

The Responsible Agency shall discard, resell, or otherwise manage toxic chemical substances or other relevant articles confiscated in accordance with Items 1 and 2 of Article 24 of the Act.

Article 22

Handlers of toxic chemical substances treated or transformed pursuant to Item 2 of Article 24 of the Act shall, within the specified time period, submit for approval a treatment or transformation plan [for such substances] to the Responsible Agency originally ordering the treatment or transformation.

Article 23

The unsealing and returning of [toxic chemical substances], mentioned in Items 2 and 3 of Article 24 of the Act, shall be conducted by the Responsible Agency originally ordering [management of the toxic chemical substances] within seven (7) days following a determination that the handler is in compliance with the provisions of the Act or approval of the treatment or transformation plan [for such substances].

Article 24

Handlers receiving permits, usage authorization, or [proof of] registration prior to the effective date of the [1997] amendment of the Act shall apply to the Responsible Agency at the central government level within the time period specified via public announcement for re-issuance of a permit or [proof of] registration.

Article 25

All forms required for the implementation of the Act and these Rules shall be specified by the Responsible Agency at the central government level.

Article 26

These Rules shall come into force upon the date of promulgation.