

Toxic Chemical Substances Transportation Management Measures

Originally Promulgated and Effective on February 8, 1991,

Latest Revision Effective on August 19, 1998

Environmental Protection Administration in conjunction with Ministry of
Transportation and Communication of the Republic of China on Taiwan

English Translation¹

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Article 1

These Measures are promulgated in accordance with Article 20 of the Toxic Chemical Substances Control Act (hereinafter "the Act").

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 Measures.

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

Article 2

These Measures are promulgated to regulate the transportation of toxic chemical substances. For matters not provided for herein, other relevant laws and regulations shall apply.

Article 3

The term "toxic chemical substances" used in these Measures refers to those [substances] specified the Responsible Agency at the central government level via public announcement in accordance with Item 1 of Article 2, Article 5, and Article 9 of the Act.

Article 4

Labeling for modes of transportation used by haulers of toxic chemical substances shall comply with transportation and other relevant laws and regulations.

Article 5

Haulers transporting toxic chemical substances shall carry corresponding material safety data sheets and safety equipment.

The formats [or particulars] for the material safety data sheets and safety equipment, mentioned in the preceding Section, shall be specified by the Responsible Agency at the central government level via public announcement.

Article 6

Haulers of toxic chemical substances shall be trained by a professional training unit licensed by the Ministry of Transportation and Communications and shall carry [evidence of] certification during transportation.

Article 7

Owners of toxic chemical substances shall, prior to transportation of these substances, submit the following documents to the Responsible Agency for environmental protection at the location where the transportation commences. [Owners] transporting [toxic chemical substances] in amounts falling below those specified [by relevant authorities] are exempted from these requirements.

1. A six-part transport form;
2. A photocopy of the permit, proof of registration, or other documents approved by the Responsible Agency authorizing handling [of the toxic chemical substances at issue]; and
3. A transportation plan prescribed under Article 84 of the Road Traffic Safety Rules (only if the transportation involves overland hauling of toxic chemical substances).

The [exempted] amounts referred to in the preceding Section may be specified by the Responsible Agency at the central government level via public announcement; if not otherwise specified via public announcement, the [exempted] amounts refer to the following:

1. Gas: fifty (50) kilograms ("kg");
2. Liquid: one hundred (100) kg; and
3. Solid: one hundred (100) kg.

The [exempted] amounts referred to in the preceding Section specify net weights; the terms "gas," "liquid," and "solid" refer to toxic chemical substances under normal temperatures and pressures.

Article 8

The first part of the six-part transport form mentioned in the preceding Section shall be retained by the Responsible Agency for environmental protection at the location where the transportation commences after being affixed with a receipt seal. The remaining parts of the six-part transport form shall be returned [to the owner of the toxic chemical substances]. The owner [of the toxic chemical substances] shall, in accordance with the method of transportation therefor, submit the second part of the six-part transport form to the appropriate transportation agency or port authority for issuance of a transportation pass or permit. The owner [of the toxic chemical substances] shall submit or retain the remaining parts of the six-part transport form in accordance with the following instructions:

1. The third part of the six-part transport form: retained by the owner [of the toxic chemical substances] for reference.
2. The fourth part of the six-part transport form: delivered to the hauler prior to commencement of transportation.
3. The fifth part of the six-part transport form: sent to the Responsible Agency for environmental protection at the transportation destination within five (5) days of submitting the first part of the six-part transport form.
4. The sixth part of the six-part transport form: sent to the recipient [of the toxic chemical substances] within five (5) days of submitting the first part of the six-part transport form.

Article 9

The owner of the toxic chemical substances, pursuant to the preceding Article, shall submit [the first part of the six-part transport form] to the following agencies or port authorities, [according to the particular mode of transportation used] for issuance of a transportation pass or permit:

1. Motor vehicle transportation: Motor Vehicle Administration at the location where the transportation commences.
2. Railway transportation: Railway station at the location where the transportation commences.
3. Sea transportation: Port authority at either the location where the transportation commences or at the transportation destination.
4. Air transportation: Airport at either the location where the transportation commences or at the transportation destination.

Article 10

The format of multi-part transport forms shall be specified by the Responsible Agency at the central government level via public announcement. If the information in the contents of [submitted] multi-part transportation forms changes, [the owners of the toxic chemical substances] shall submit [the new information] in accordance with Article 7 of these Measures. If the recipient [of toxic chemical substances] discovers that the name, components, and/or amounts of toxic chemical substances received are not consistent with the information provided in the multi-part transport form, the recipient shall report this discrepancy to the Responsible Agency for environmental protection at the local government level within three (3) days of the discovery.

Article 11

The hauler shall carry the multi-part transport form while conducting the transportation [of the toxic chemical substances] pursuant to Article 7 of these Measures; the hauler shall also carry a transport pass while conducting transportation [of toxic chemical substances] by motor vehicle.

Article 12

Motor vehicles used for transporting toxic chemical substances shall be subject to periodic inspection in accordance with the Road Traffic Safety Rules; when necessary, the Responsible Agency at the central government level may conduct random inspections in conjunction with either the Motor Vehicle Administration or the Highway Administration.

Article 13

In cases where transportation of toxic chemical substances will occur over highways, the Motor Vehicle Administration shall consult, in advance [of the transportation], with the Highway Administration for approval before issuing a transport pass [to the hauler]; the Motor Vehicle Administration shall send copies of issued transport passes to the Highway Administration and relevant motor vehicle police stations.

Article 14

Persons shall take the following actions during the toxic chemical substance transportation process in the event of accidents that may pollute the environment or endanger human health:

1. Immediately implement emergency measures and, within one (1) hour of the accident, report [the accident] to the Responsible Agency at the local government

level where the accident occurs; and

2. Clean up [the accident site] in accordance with relevant laws and regulations, and submit a [written] accident report within three (3) days of the accident to the Responsible Agency at the local government level where the accident occurs.

Article 15

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