

*In exercise of the power conferred by Section 20 of the Bangladesh Environment Conservation Act (Act No. I of 1995), the Government is pleased to make the following rules, namely:—*

## **The Chemicals (Management and Safety) Rules, 2023**

### **Chapter One**

#### **Short Title, Extent and Commencement**

**1. Short Title, Extent and Commencement.** — (1) These Rules may be called the Chemicals (Management and Safety) Rules, 2024.

(2) These Rules shall come into force at once and shall apply to the whole of Bangladesh.

### **Chapter Two**

#### **Definitions, Objectives and Scope**

**2. Definitions.** — In these rules, unless there is anything repugnant in the subject or context,—

- (a) “Act” means the Bangladesh Environment Conservation Act. 1995 (Act No. of 1995);
- (b) “Article” means an object whose function is determined by its shape, surface or design to a greater degree than does its chemical composition;
- (c) “Chemical Accident” means an accident leading to loss of life, injuries, damage to property, adverse effect on environment, release of and exposure to toxic chemicals, explosion, fire that may lead to emergency response;
- (d) “Department” means the Department of Environment;
- (e) “Director General” means Director General of the Department of Environment;
- (f) “Existing Industrial User” means an Industrial Activity which is not a New Industrial Activity;
- (g) "Existing Substance" means a Substance which is already in use in Bangladesh before the entry into force of these rules.
- (h) “Hazardous Chemical” means any substance or mixture that included in **Schedule 6 or fulfils one of the criteria** relating to physical, health or environmental hazards in Schedule 7;

- (i) “Industrial Activity” for the purposes of these Rules means
  - any operation or process carried out in an industrial installation that involve one or more Hazardous Chemical including on-site transport or storage for that operation or process;
  - isolated storage; or
  - pipeline for the conveyance of Hazardous Chemical.
- (j) “Intermediate” means a Substance that is manufactured for, consumed in, or used for, chemical processing for transformation into another Substance;
- (k) “Isolated Storage” means storage of Hazardous Chemical involving a quantity specified in **Schedules 5 and 10** and not associated with an industrial installation
- (l) “Major Chemical Hazard Installation” means sites where industrial, storage, handling, transportation activities including Hazardous Chemicals in quantities equal to, or in excess of, the threshold specified in **column 3 of Schedule 9** are carried out;
- (m) “Mixture” means a mixture or solution composed of two or more substances;
- (n) “New Industrial Activity” means an Industrial Activity that commences after the coming into force of these Rules;
- (o) “Off-site Emergency” means an emergency that takes place in a Major Accident Hazard Installation where the impact extends beyond the premises of the installation;
- (p) “On-site Emergency” means an emergency that takes place in a Major Accident Hazard Installation where the impact is confined within the premises of the installation;
- (q) “Priority Substance” means
  - i. any Substance which falls under any of the following Hazard Classifications of the eighth revision of the United Nations Globally Harmonized System of Classification and Labelling of Chemicals (GHS Rev. 9, 2021):
    - a. Carcinogenicity and/or Germ Cell Mutagenicity and/or Reproductive Toxicity and categorised as Category 1 or 2, or
    - b. Specific Target Organ Toxicity (Repeated Exposure or Single Exposure) Category 1 or 2; or
  - ii. any Substance which fulfils the criteria of Persistent, Bio-accumulative and Toxic or very Persistent or very Bio-accumulative, as set out in **Schedule 2** of these Rules; or
  - iii. any Substance listed in **Schedule 9**;
- (r) “Substance” means a chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition;

(s) “Technical Dossier” means a document providing such information as detailed in **Schedule 3** and to be submitted under **Rule 6**; and

(t) “Use” means any processing, formulation, consumption, storage, keeping, treatment, filling into containers, transfer from one container to another, mixing, production of an article or any other utilisation.

**3. Objectives.—** (1) The objectives of these Rules are to—

- (i) regulate manufacture, import, sales and distribution, use and disposal of substances, mixture, intermediates in the country for safety and protection of human health and the environment,
- (ii) provide for safety procedures in dealing with Hazardous Chemicals and
- (iii) establishes restrictions on substances, mixtures and articles that pose established chemical risks and are intended to protect human health and the environment.

**4. Scope and Interpretation.-** (1) These Rules are applicable to Substances, Intermediates, Mixtures and Articles but shall not apply to:

- (a) Radioactive substances within the scope of the Bangladesh Atomic Energy Regulatory Act, 2012 (Act No. XIX of 2012);
- (b) Chemicals under Bangladesh National Authority for Chemical Weapons Convention (BNACWC);
- (c) Substances subjected to Customs supervision and are in temporary storage not involving any processing;
- (d) Non-isolated intermediates;
- (e) the carriage of dangerous substances and substances in dangerous mixtures by rail, road, inland waterway, sea or air.

(2) These Rules shall apply in addition to and without prejudice to any other existing laws and rules on the subject.

(3) The interpretation of these Rules shall be guided by the principles of precaution, polluter pays, and the STOP principle, i.e. Substitution, Technical measures, Organizational and Personal protective equipment.

(4) These Rules shall ensure coherence and compliance with international legal instruments including the Rotterdam Convention, the Minamata Convention, the SAICM Convention, the Chemical Weapon Convention, International Health Regulations on Chemicals, the UN-GHS of classification provided there are no existing separate legal regime on these international legal documents.

(5) These Rules shall consider data generated through globally accepted methods such as OECD Test Guidelines for Chemicals and the EU-REACH process; they shall also draw from and rely on globally accepted database such as the OECD database eChemPortal, Global Portal to Information on Chemical Substances and so on.

### **Chapter Three**

#### **Notification,**

#### **5. General Notification Requirements for Substances placed on the Market.-**

(1) With the exception for scientific research and development, no Substance, Mixture, Intermediates or Articles shall be placed in, imported to, manufactured or procured in the country without being Notified or Registered, as applicable, in accordance with these Rules. However, Substances, Mixture, Intermediates or Articles mentioned in Schedule 5 must not be placed in, imported to, manufactured or procured or used in the country unless they comply with the conditions specified in the respective Schedule 5 entry and in accordance with Rule 10. (1).

(2) For the purposes of Notification, an Initial Notification Period of 180 days commencing from one year of these Rules coming into force shall be followed.

(3) All manufacturers or importers and authorised representatives or subsidiaries of foreign entities shall notify the Department of all Existing substances on their own or in mixtures also covering Intermediates placed by them in Bangladesh in quantities greater than **1 tonne** per annum within the Initial Notification Period.

(4) A manufacturer or importer and authorised representatives or subsidiaries of foreign entities shall Notify the Department of any New substances on their own or in mixtures also covering Intermediates that they intend to place in Bangladesh, prior to the quantity exceeds **1 tonne** per annum for the first time.

(5) Any foreign entity wishing to place a substances on their own or in mixtures also covering Intermediates in Bangladesh may operate through an authorized natural person of Bangladeshi origin or juristic entity with registration to be treated as authorized representatives.

(69) A Notification shall include information relating to the notifier, identity of the substances on their own or in mixtures also covering Intermediates, its Uses, the quantity that is or will be placed in Bangladesh, current classification and such other information as set out in Schedule 1.

(7) All notifiers shall also submit a Safety Data Sheet as required under **Rule 8**.

(8) All notifiers shall update the information annually and no later than 60 days after the end of each calendar year including changes or addition and information on actual quantities of Substances placed in Bangladesh in the previous calendar year.

(9) The Department is entitled to set fees for Notification and for updating the information. These fees will be published in the official Gazette.

(10) The Department is entitled to set fines for omitted for Notifications or updating the information. These fines will be published in the official Gazette.

(11) The Department may ask for additional information from the notifier in accordance with the information requirements set out in **Schedule 1**

(12) When the Notification, on submission of all required information and fee, is accepted by the Department, the Substance shall enter the **Register of Notified Substances** and a notification number for the Substance and a notification certificate in accordance with **Schedule 1** shall be assigned.

(13) Notifiers may claim information on substances Confidential business information. These Information may cover Chemical names or CAS-Numbers as well as tonnage band. Any CBI claim needs to be accompanied with a justification. The Department shall take decisions on applications of confidentiality over intellectual property, if any. In case information is confidential no publication will occur and will only be used internally for the administrative processes under these rules.

## **6. Additional Notification Requirements for export of Substances covered by the Rotterdam Convention.**

(1) Notwithstanding the requirements of Rule 5, there are additional notification obligations for substances falling within the scope of the Rotterdam Convention to establish a Prior Informed Consent (PIC) procedure. This rule applies to all substances listed in Schedule 2 of this rules. Notwithstanding the THE PESTICIDE RULES, 1985 this rule applies to pesticides and industrial chemicals.

(2) The DoE is the designated national authority that is authorized to act on its behalf of Bangladesh in the performance of the administrative functions required by this Rotterdam convention.

(3) In the case of substances listed in Schedule 2 (Part 1) or mixtures containing such substances in a concentration that triggers labelling obligations under these rules irrespective of the presence of any other substances, this Rule shall apply regardless of the intended use of the chemical by the importing Party or other country.(4) When an exporter is due to export a chemical referred to in paragraph (3) of this rule from Bangladesh to a Party or other country for the first time on or after the date on which it becomes subject to these rules, the exporter shall notify the designated national authority of Bangladesh, no later than 35 days before the expected date of export. Thereafter the exporter shall notify that designated national authority of the first export of the chemical each calendar year no later than 35 days before the export takes place. The notifications shall comply with the information requirements laid down in Schedule 2 (part 2) and shall be made available to the DoE.

(5) The designated national authority shall check compliance of the information with Annex II and if the notification is complete.

(6) If notification is complete the designated national authority checks if conditions for export are given. This can be either:

- the substance has notified a formal consent decision to the Secretariat of the Rotterdam Convention for the substance under consideration or
- an explicit approval of the recipient's designated authority is provided.

In case neither situation applies, the activity relating to export must be withheld.

In case of failure to notify Secretariat of the Rotterdam Convention, the Bangladesh designated authority transmits the notification to the designated national authority of the importing Party or the appropriate authority of the importing other country and take the measures necessary to ensure that they receive that notification no later than 15 days prior to first intended export of the chemical and thereafter no later than 15 days before the first export in any subsequent calendar year.

(7) If DoE does not receive from the importing Party or other country an acknowledgement of receipt of the first export notification made after the chemical is included in Schedule 2 (Part 1) within 30 days of the dispatch of such notification, it shall submit a second notification. The DoE shall make reasonable efforts to ensure that the designated national authority of the importing Party or the appropriate authority of the importing other country receives the second notification.

(8) If one of the conditions in paragraph (6) of this rule applies DoE shall register each export notification and assign it a reference identification number and give an official permission of the export to the exporting party.

## **7. Export notifications received from Parties and other countries for the import of Substances covered by the Rotterdam Convention.**

(1) Export notifications received by the DoE from the designated national authorities of Parties or the appropriate authorities of other countries concerning the export to Bangladesh of a chemical the manufacture, use, handling, consumption, transport, or sale of which is subject to prohibition or severe restriction under that Party's or other country's legislation, the receipt of the first export notification received for each chemical from each Party or other country shall be acknowledged within 15 days.

(2) The DoE shall adopt an import decision in the form of a final or interim import response concerning the future import of the chemical concerned within 30 days. The decision shall be communicated to the public, to the concerned parties, the Designated Authority of the destination country, the market actors that intend to perform an export and the importer.

(3) The DoE shall communicate the decision to the Secretariat of the Rotterdam Convention as soon as possible, and no later than nine months after the date of dispatch of the decision guidance document by the Secretariat.

## **Chapter Four**

### **Registration, Evaluation**

## **8. Registration.-**

(1) All substances listed in Schedule 3, require a registration in addition to a notification, if placed on the Bangladesh market in tonnages of on ton per year and company. Notwithstanding, this the Department may also require Registration of Substances placed in Bangladesh in quantities lower than 1 tonne which is then to be published in Schedule 3.

(2) All manufacturers, importers and authorised representatives that have placed or are intending to place in Bangladesh a Substance listed in **Schedule 3** in quantities greater than **1 tonne per annum** shall Register such Substance within one and six months from first notification or after the date of inclusion of the Substance in **Schedule 3 if new entries are included.**

(3) For Registration, a Technical Dossier, as set out in **Schedule 4** shall have to be submitted by manufacturers, importers or authorised representatives. For substances imported at more than 10 times the relevant quantity triggering registration in Schedule 3 (10 tonnes per year per market operator, for substances without specific thresholds), a chemical safety report must also be submitted in accordance with Schedule 5.

(4) Registrants are responsible for keeping registrations up to date. This includes, in particular, updates regarding hazardous properties and the inclusion of new uses and safety measures for users.

In these cases, the registration must be renewed immediately with the Department, but verified every 5 years at the latest, irrespective of new developments.

(4) For Substances already Registered with any foreign regulator in other jurisdictions, the data submitted on the same Substance to that regulator for the purpose of registration shall be acceptable to the extent possible.

(5) Information can be claimed confidential by registrants to protect business secrets. Confidentiality claims have to be justified. The Department shall take decisions on applications of confidentiality over intellectual property, if any. Confidential claims may not cover hazard or safety information.

(6) The Department is entitled to prescribe the fees for registration for updating the information. It is also entitled to prescribe fees for confidentiality claims. The fees will be published in the national Gazette.

(7) Once all information required for a Registration has been submitted to the satisfaction of the Department and the fee has been paid, the Registration shall be deemed accepted, a registration number and a registration certificate shall be granted in the form set out in **Schedule 16.**

(8) Manufacturers, importers or authorised representatives of foreign entities may jointly Register a Substance with other manufacturers, importers or authorised Representatives of the same Substance following rules prescribed above for an individual Registration.

**(9). Intermediates.-** All intermediates subjected to transport and storage shall comply with the Notification and Registration requirements of these Rules except for intermediates that are produced in-site and are not isolated;

Provided that for intermediates up to 1000 tonnes per annum, details about physical and chemical properties shall be stipulated ~~provided~~ in the Technical Dossier according to schedule 4 while for intermediates above 100 tonnes per annum, all information required in the technical dossier according to schedule 4 and the chemical safety report according to schedule 5 shall be provided;

Provided further that intermediates not listed in **Schedule 3** are exempted from the requirement of Registration.

## **9. Evaluation and Access to Information.-**

(1) All technical dossiers, safety data sheets and chemical data sheets shall be evaluated by the Department and shall be subjected to vetting by experts.

(2) The evaluation process shall assess the degree of risk to human safety or the environment and shall adopt risk-based approaches including hazard identification, hazard characterization, exposure assessment, and risk characterization.

(3) If the risk is considered substantial, the Department is entitled to propose restrictions on the use of a registered substance which shall finally be decided by the Government and communicated to relevant parties.

(4) All technical dossiers, safety data sheets and chemical data sheets shall be made publicly available. Parts that are subject to confidential claims (c.f. 8. (5)) will not be published.

## **Chapter Five**

### **Restriction**

#### **10 Restriction**

(1) A substance on its own, in a mixture or in an article, for which Schedule 6 contains a restriction, shall not be manufactured, displayed in the market or used unless it complies with the conditions of that restriction. This shall not apply to the manufacture, displaying on the market or use of a substance in scientific research and development. A list of substance shall be specified in Schedule 6, together with its quantity, that are exempted to product and process orientated research and development.

(2) When there is an unacceptable risk to human health or the environment, arising from the manufacture, use or placing on the market of substances, Schedule 6 shall be amended in by adopting new restrictions, or amending current restrictions in Schedule 6, for the manufacture, use or displaying in the market of substances on their own, in mixtures or in articles, pursuant to the procedure set out in 10 (3) and (4). Any such amendments shall take into account of the socio-economic impact of the restriction, including the availability of alternatives.

The first subparagraph shall not apply to the use of a substance as an on-site isolated intermediate.

(3) If the Department considers that the manufacture, placing on the market or use of a substance on its own, in a mixture or in an article poses a risk to human health or the environment that is not adequately controlled and needs to be addressed, it prepares a dossier which addresses the following subjects:

- (a) Scope of the planned restriction
- (b) Risk that is considered to be not adequately controlled
- (c) socio-economic consequences of the intended restriction, i.e.
  - i. benefits for human health
  - ii. benefits for the environment
  - iii. cost and benefits for the national economy
- (d) Available alternatives to the restriction on substance on its own, in a mixture or in an article.

(4) The dossier will be evaluated by the ministry and shall be subjected to vetting by experts. Before the evaluation starts it will be published in the official gazette and is open for written comments by stakeholders, in particular companies, trade associations, trade unions, environmental and consumer non-governmental organisations. All comments will be collected and be considered in the evaluation process. The public consultation will be defined in the dossier and lasts at least six months but no longer than 18 months, depending on the complexity of the proposal.

(5) Taking into account the Dossier and the comments from the public consultation the expert panel will provide a written recommendation on the restriction proposal, including potential changes, such as exemptions in the original restriction proposal to the ministry within 12 months since the end of the public consultation. The ministry will take a decision on the proposal no later than 12 months since the receipt of the expert recommendation. In case the ministry decides to implement a new restriction, the department changes Schedule 6 accordingly and publishes the updated Schedule 6 in the national gazette. In case of invalidation of the restriction the ministry will publish the decision in the national Gazette for information of the public.

(6) If restrictions contain exceptions, either because no alternatives existed at the time of the evaluation or because the use of the substance was continued in some areas for socio-economic reasons, the duration of the same must be stipulated in clear terms. The review period should not exceed 12 years. The review shall be carried out in accordance with the provisions of this chapter.

## **Chapter Six**

### **Classification, Labelling and Packaging**

#### **11. Classification.**

(1) Manufacturers, importers and downstream users of a substance or a mixture shall identify the relevant available information, for the purposes of determining whether the substance entails a physical, health or environmental hazard as set out in Schedules 7 and 8 considering all data that can be retrieved from scientific sources or information generated under internationally recognised chemical programmes.

The information shall relate to the forms or physical states in which the substance is placed on the market and in which it can reasonably be expected to be used.

(2) Manufacturers, importers and downstream users shall examine the information referred to in rule 11(1) to ascertain whether it is adequate, reliable and scientifically valid for the purpose of the evaluation pursuant to rule 11(3).

(3) Manufacturers, importers and downstream users of a substance or a mixture shall evaluate the information identified in accordance with rule 11(1) by applying the criteria for classification for each hazard class or differentiation in Schedule 6, so as to ascertain the hazards associated with the substance or mixture. A Substance or Mixture fulfilling the hazard criteria laid down in **Schedule 6** is to be classified as hazardous in compliance with the said **Schedule before being displayed on the market.**

(2) For a substance subjected to harmonised classification and labelling in accordance with **Schedule 8**, classification in accordance with **Schedule 7** shall not be performed unless the Substance falls under one or more hazard classes not covered in **Schedule 8**.

(3) The supplier of a substance or a mixture shall provide the recipient of the substance or mixture with a safety data sheet compiled in accordance with Schedule 9, where a substance or mixture meets the criteria for classification as hazardous in accordance with Schedules 7 and 8.

#### **12. Labelling.**

(1) A Substance or Mixture classified as hazardous shall bear a label in Bengali with hazard pictograms, signal words, hazard statements and precautionary statements as appropriate and prescribed in **Schedule 9** and also the following details-

(a) the name, address and contact details of the supplier;

(b) the nominal quantity of the Substance or Mixture in the package;

(c) product identifiers of a Substance in conformity with the Safety Data Sheet, in accordance with **Schedule 8** or number provided by the **CAS** together with the name provided by the **IUPAC** or another international chemical name(s);

(d) product identifier of a Mixture including the trade name of the Mixture; and include all the Labelling elements required by GHS Rev. 9, 2021;

(2) Substances and Mixtures classified as hazardous shall not be placed on the market without complying the rules printed above. The responsibility for the label and the information given on it lies with the respective supplier of the substance or mixture.

## **12. Packaging.**

(1) Packaging of hazardous Substances or Mixtures shall have to comply with the following requirements-

- (a) the packaging shall be strong enough to deal with normal handing and prevent escape of contents;
- (b) the packaging materials must not be susceptible to damage by the contents inside and must not be capable of forming hazardous compounds when in contact with the contents;
- (c) the shape or design must not attract children or mislead consumers and must avoid styles or designs used for foodstuff, feeds, medicinal or cosmetic products;
- (d) the packaging of a substance or mixture supplied to the general public shall be having a **child-resistant fastening** if it is
  - classified for acute toxicity 1-3 – oral (H300 and H301), dermal (H310 and H311) or inhalation (H330 and H331); STOT-SE 1 (H370); STOT-RE 1 (H372); skin corrosion 1, subcategories 1A, 1B, 1C (H314), or
  - classified as presenting an aspiration hazard (H304), with the exception of substances and mixtures that are placed on the market in the form of aerosols or in a container fitted with a sealed spray attachment, or
  - containing methanol at a concentration greater or equal to 3% or dichloromethane at a concentration greater or equal to 1%.

## **Chapter Seven**

### **Safety and Accident Preparedness**

#### **13. General Provisions.-**

- (1) Safety requirements to prevent accidents are to be complied with for storage, during transportation and in undertaking industrial activities involving Hazardous Chemicals.
- (2) Every person responsible for transporting, storage and handling of Hazardous Chemicals shall have to comply with these Rules.
- (3) No Isolated Storage or Major Accident Hazard Installation shall store, transport and deal with Hazardous Chemicals without obtaining prior environmental clearance from the Department in accordance with section 12 of the Bangladesh Environment Conservation Act, 1995 and the Environment Conservation Rules, **2023**.
- (4) Every accident arising from storage, transportation and handling of Hazardous Chemicals shall have to be reported to the Department in the prescribed format and within the specified time-period.
- (5) For the purposes of these Rules, the term “Occupier” shall have the same meaning as given in section 2 of the Bangladesh Environment Conservation Act, 1995.

#### **14. Transport of Hazardous Chemicals.-**

- (1) When an Occupier or any person wishes to transport a Hazardous Chemical, it shall be ensured by that occupier or the person that the vehicle used for transport is properly labelled in accordance with the eighth revision of the UN-GHS of classification, and that technology enabled tracking and communication systems as prescribed by the Department or **Bangladesh Road Transport Authority (BRTA)** are used.
- (2) The transport of Hazardous Chemicals shall be in accordance with the provisions of these rules, the rules made under the Motor Vehicles Act, 1988 and the guidelines as may be issued by the Government from time to time under section 13 of the Bangladesh Environment Conservation Act, 1995.

#### **15. Site Safety Report.-**

- (1) An Occupier with control over an Industrial Activity handling a Hazardous Chemical, unless exempted by the Department, shall provide a Site Safety report to show that s/he has-
  - (a) identified the Chemical Accident hazards;
  - (b) taken adequate steps to (i) prevent Chemical Accidents and to limit their consequences in terms of impact on persons and the environment; and (ii) provide persons working on the site information, training and equipment including antidotes necessary to ensure their safety.

(2) The above report shall be provided within 30 days of the commencement of the activity or within 30 days of coming into force of these Rules, whichever is later.

(3) If the report of the Occupier is not acknowledged by the Department within 60 days of submission, the Occupier shall not continue the activity.

(4) The following Industrial Activities shall have to be notified by the Occupier and approved in accordance with these Rule-

(a) an Industrial Activity where a quantity of Hazardous Chemical is involved, as listed in **column 2 of Schedule 10** which is equal to or more than the threshold quantity specified in the **entry for that Hazardous Chemical in column 3 of Schedule 10**;

(b) isolated storage where a quantity of a Hazardous Chemical is involved, as listed in **column 2 of Schedule 11** which is equal to or more than the threshold quantity specified in the entry for that Hazardous Chemical in **column 3 of Schedule 11**.

(5) An Occupier shall not undertake any New Industrial Activity unless s/he has been granted an approval by the Department for undertaking such activity and has submitted a report for notification in the format set out in **a Site Safety Report in the format set out in Schedule 15**, at least 90 days before commencing that activity or before such shorter time as the Concerned Authority may agree.

(6) The Department shall, within 90 days from the date of receipt of the report, approve the same or serve improvement notices.

(7) The Department shall, from time to time, coordinate and ensure that all reports, approvals and improvement notices are complied with.

(8) All Existing Industrial Activity required to be Notified and obtain approval shall apply for Notification and approval within 120 days after the date of coming into force of these Rules during which s/he may continue with the Activity.

## **16. Safety Audit Reports.-**

(1) The Occupier of a Major Accident Hazard Installation involving quantities of Hazardous Chemicals exceeding the threshold quantity of column 4 of Schedules 10 or 11 shall carry out an independent safety audit of the Industrial Activity by a Department accredited expert agency at least once every 2 years.

(2) The Safety Audit Report shall be submitted to the Department by the Occupier within 180 days from the date of coming into force of these Rules.

(3) The Department may issue improvement notice within 45 days from the date of submission of the Safety Audit Report.

(4) The Department may direct safety audit report of any industry, at random, or on receipt of any specific complaint.

## **17. Revision and Updation of Site Safety and Safety Audit Reports.-**

- (1) The Site Safety Report or the Safety Audit Report shall regularly be revised and updated after every 3 (three) years for submission to the Department and obtaining its approval.
- (2) The Site Safety Report or the Safety Audit Report shall be revised and updated by the Occupier in the event of modification of the Industrial Activity or on emergence of new technical knowledge materially affecting the particulars of the Reports.

## **19. Preparation of On-site Emergency Plan by the Occupier.-**

- (1) An Occupier of a Major Hazard Installation shall prepare and submit an up-to-date On-site Emergency Plan specified in **Schedule 12** to the Department on how Major Chemical Accidents will be dealt with on the Site. Such On-site Emergency Plan shall include the name of the person who is responsible for safety on-site and the names of those who are authorised to take action in case of an emergency. The Occupier shall ensure that every person on the site who is affected by the plan is informed of relevant provisions of the On-site Emergency Plan.
- (2) The Occupier shall ensure that the On-site Emergency Plan is updated in case of any modification of the Industrial Activity. The persons concerned and mentioned in sub- rule (1) shall be informed regarding the updated On-site Emergency Plan.
- (3) The Occupier shall prepare and submit the On-site Emergency Plan required under sub-rule (1),
  - (a) in case of an Existing Industrial Activity, within 90 days of coming into force of these Rules; and
  - (b) in the case of a New Industrial Activity, within 30 days of commencement of the activity.
- (4) The Occupier shall ensure that a mock drill of the On-site Emergency Plan is conducted at least once in every 180 days and submit a detailed report on such mock drill to the Department within 7 days of such drill.

## **20. Preparation of Off-site Emergency Plan.-**

- (1) For each Major Accident Hazard Installation, there shall be an up-to-date Off-site Emergency Plan containing particulars specified in **Schedule 13** and detailing how emergencies relating to a possible Major Chemical Accident on that site will be dealt with.
- (2) In preparing the Off-site Emergency Plan, **the responsible Authority** shall consult an Occupier, the Deputy Commissioner and such other persons as it may deem necessary, and get it approved by the **Local Disaster Management Authority**.

(3) For the purpose of enabling the **responsible Authority** to prepare the Off-site Emergency Plan, the Occupier shall provide the **Authority** with such information relating to the industrial activity under his/her control as the **Authority** may require, including the nature, extent and likely off-site effects of possible Major Chemical Accidents.

(4) The **Authority** shall prepare an Off-site Emergency plan-

(a) in the case of an Existing Industrial Activity, within 90 days of coming into force of these Rules; and

(b) in the case of a New Industrial Activity, within 90 days of commencement of the industrial activity.

(5) The **Authority** shall ensure that a mock drill of the Off-site Emergency Plan is conducted at least once in a calendar year.

## **21. Notification of Chemical Accidents.-**

(1) Where a Chemical Accident occurs on-site or off-site, the Occupier shall notify the Department of the Accident within 24 hours and shall submit a Chemical Accident report to the Department within 72 hours of the in the format set out in **Schedule 14**. The Occupier shall also notify other relevant authorities.

(2) The Department shall undertake a full analysis of the Chemical Accident and prepare an Analysis Report within 30 days of the receipt of notice of the Chemical Accident.

(3) The Occupier shall submit to the Department a report of all steps taken or to be taken to prevent a repetition of the accident within 180 days from the date of the Chemical Accident.

(4) The Department shall in writing inform the Occupier of any lacunae in the steps taken or suggested to be taken to avoid future accidents.

(5) The Department shall compile information regarding all Chemical Accidents that take place in a calendar year and submit a copy of the information to the Government.

(6) The Occupier at every Major Accident Hazards shall aid, assist and facilitate functioning of the Department.

(7) The Occupier shall be bound to compensate, rehabilitate individuals affected by Chemical Accidents and provide damage as may be assessed by the Department for restoration of the environment.

(8) The Occupier shall take appropriate steps to inform persons outside the site either directly or through the Department who are likely to be in an area which may be affected by the Chemical Accident about-

(a) the nature of the Chemical Accident hazard; and

(b) the safety measures and the Dos and Don'ts which should be adopted in the event of a Chemical Accident.

## **Chapter Eight**

### **Miscellaneous**

**22. Applicability of the Bangladesh Environment Conservation Act, 1995 and the Rules made thereunder.**- For the purposes of these Rules, the provisions of the Bangladesh Environment Conservation Act, 1995 and the Rules made thereunder with regard to appeal, inspection, damage assessment shall be followed.

**23. Penalty.**- (1) Violation of the provisions of these Rules may lead to imprisonment for 2 years and fines of 2 lakh for the first instance and may extend up to 10 years and 10 lakh in case of second or repeated violation.

(2) The penalty prescribed above shall be in addition to the damage as may be realized for environmental harm and loss of life, property and for injury.

**24. Savings.**-These Rules shall be without prejudice to any other law or any other registration or Notification requirement issued by the Government for the time being in force.