

On Safety of Chemical Products

The Law of the Republic of Kazakhstan No.302 of 21 July 2007

This Law establishes a legal framework for ensuring safety of chemical products to protect human life and health, environment and consumers interests within the territory of the Republic of Kazakhstan.

Chapter 1. GENERAL PROVISIONS

Article 1. Main terms used in the present Law

The following main terms are used in the present Law:

- 1) warning label - information on hazardous properties of chemical products and safety measures at handling, which is marked onto products and/or packages according to the requirements of technical regulations in the area of chemical products safety;
- 2) risk assessment – a complex of measures aimed to identify any possible effect of chemical products on human life and health and environment including the determination of the degree of the hazard and the dose (concentration);
- 3) hazardous chemical product - chemical product containing at least one chemical substance which is related to one of the categories listed in paragraph 4 of Article 5 of this Law;
- 4) package – a mean or a set of means which protect chemical products and environment from damage and loss as well as facilitate transportation, storage and sale of chemical products;
- 5) applicant (manufacturer, supplier, importer) - natural or juridical person carrying out registration of chemical products and conformity assessment in accordance with the set order ;
- 6) technical documentation - documents containing information which is essential for risk assessment as well as any available and relevant data including the complete description of testing methodology and results or bibliographic references to them;
- 7) chemical substance - element or compound which exists in nature or is obtained as a result of technological operations;
- 8) chemical product – a product which went through the technological stages of isolation from natural resources and/or transformation of raw materials through chemical reactions and valid to use for satisfaction of human needs or for the production in that form in which it was issued by the manufacture enterprise;
- 9) classification of chemical products – dividing chemical products by types of hazard and categories of chemical substances for identification of their properties which do have or may have harmful effects on human life and health, and on environment;
- 10) authorized bodies ensuring chemical products safety (hereinafter referred as authorized bodies) - state bodies implementing state policy in the field of chemical products safety within their authorities;
- 11) chemical product safety passport – a document comprising information about chemical products' properties and measures to ensure their safe handling;
- 12) life cycle of a chemical product – processes of production, use, storage, transportation, sale, disposal and utilization of a chemical product;
- 13) container – package which constitutes an article designed for placing a chemical product and shaped as open or closed hollow corps.

Article 2. The legislation of the Republic of Kazakhstan in the area of chemical products safety

1. The legislation of the Republic of Kazakhstan in the area of chemical products safety is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other normative legal acts of the Republic of Kazakhstan.

2. If an international treaty ratified by the Republic of Kazakhstan establishes other rules than those contained in this Law, the provisions of the international treaty prevail.

Article 3. Scope of the present Law

1. This Law regulates social relationship in the sphere of definition, establishment, application and execution of requirements ensuring safety of chemical products and its life cycle processes for protection of human life and health, protection of environment, as well as prevention of actions which mislead the consumers with regard to chemical products safety.

2. The requirements of this Law shall not be applied to:

- 1) minerals in deposits;
- 2) ready drug preparations;
- 3) radio-active substances, materials and waste;
- 4) food products;

5) articles which do not change their chemical composition and aggregative state and do not emit any hazardous substance in such concentration as to deleteriously affect human life and health and the environment in the course their usage except for perfumery and cosmetics products and domestic chemical products.

Article 4. The objects of technical regulation in the area of chemical products safety

The objects of technical regulation in the area of chemical products safety shall include chemical products and their life-cycle processes.

Article 5. Classification of chemical products

1. Classification of chemical products shall be done for the purpose of taking appropriate measures to protect human life and health as well as the environment.

2. Chemical products shall be classified by the types of hazards and categories of chemical substances.

3. The following types of hazard may appear at manufacturing and utilization of chemical products:

- 1) fire hazard;
- 2) explosion hazard;
- 3) corrosiveness;
- 4) toxicity.

4. Chemical substances possessing properties which may have harmful effect on human life and health and on the environment are divided into the following categories:

according to physical and chemical properties:

- 1) explosive substances;
- 2) extremely flammable gases;
- 3) extremely flammable liquids;
- 4) extremely flammable solid substances;

- 5) oxidizing substances and organic peroxides;
 - 6) toxic substances;
 - 7) corrosive substances;
- according to toxicological properties:
- 1) extremely poisonous substances;
 - 2) poisonous substances;
 - 3) harmful substances;
 - 4) caustic substances;
 - 5) substances irritating mucous tunic of eyes and/or skin;
 - 6) sensitizing substances;
- according to specific influence on human health:
- 1) carcinogens;
 - 2) mutagens;
 - 3) substances rendering toxic effect on reproductive functions;
- according to environment effect:
- 1) hazardous substances for water;
 - 2) hazardous substances for air and soil.

5. Information about the categories of chemical products, types of hazards and measures to ensure safe handling of chemical products shall be fixed in technical regulations in the area of chemical products safety.

6. The testing criteria and methodology for chemical products, their physical, chemical and toxicological properties, specific effect on human life and health and the environment shall be determined in accordance with technical regulations in the area of chemical products safety.

7. The classification of chemical products according to the chemical substances' categories shall be indicated by an applicant (manufacturers, suppliers, importers) when registering the appropriate documents necessary to place the products in the market.

Chapter 2. STATE REGULATION IN THE FIELD OF CHEMICAL PRODUCTS SAFETY

Article 6. Authorized bodies

- 1. The following shall be the authorized bodies:
 - 1) authorized body in the field of industry and trade;
 - 2) authorized body in the field of circulation of narcotics, psychotropic substances, and precursors;
 - 3) the authorized body in the field of health care;
 - 4) the authorized body in the field of industrial safety;
 - 5) the authorized body in the field of environment protection;
 - 6) the authorized body in the field of agricultural and industrial complex development;
 - 7) the authorized body in the field of energy and mineral resources;
 - 8) the authorized body in the field of energy and mineral resources;
 - 9) the authorized body in the field of labor and social protection of population;
 - 10) the authorized body in the field of transport.

2. The authorized bodies shall carry out state regulation in the field of chemical products safety in accordance with sectoral trends.

Article 7. The authority of the Government of the Republic of Kazakhstan

The authority of the Government of the Republic of Kazakhstan shall include:

- 1) development of main directions of the state policy in the area of chemical products safety;
- 2) approval of technical regulations in the area of chemical products safety;
- 3) approval of sectoral programs;
- 4) establishment and abolishment of consultation and advisory bodies on the issues of ensuring safety of chemical products;
- 5) approval of registration procedures for chemical products;
- 6) determination of the state body on intersectoral coordination in the area of chemical products safety out of the authorized bodies according to sectoral trend.

Article 8. The authority of the authorized bodies

The authorized bodies shall:

- 1) implement state policy in the area of chemical products safety;
- 2) represent the Republic of Kazakhstan in international organizations on chemical products safety issues;
- 3) carry out, within their authority, state control on observance of the requirements set by this Law and technical regulations in the area of chemical products safety;
- 4) develop technical regulations in the area of chemical products safety;
- 5) establish experts councils for the development of technical regulations in the area of chemical products safety and preparing proposals in the area of technical regulation of chemical products;
- 6) monitor consumers markets in order to detect chemical products which is not compliant with the requirements of this Law and technical regulations in the area of chemical products safety, and work out measures to prevent their sale;
- 7) coordinate technical documentation in the area of chemical products safety;
- 8) approve the procedure of registration and account of certain types of chemical products;
- 9) register chemical products within the territory of the Republic of Kazakhstan and keep their account;
- 10) develop and implement sectoral programs in the area of chemical products safety, stipulating as well the research on the chemical products safety issues;
- 11) check the assessment of chemical products' hazards for human life and health and the environment based on the information submitted by the applicant (manufacturers, suppliers, importers);

12) issue instructions on withdrawal of one or several processes of the chemical products life cycle which do not comply with the safety requirements established by this Law and technical regulations.

Article 9. State control in the area of chemical products safety

1. State control in the area of chemical products safety shall be carried out by authorized bodies in accordance with the procedure and within their authority established by the laws of the Republic of Kazakhstan.

2. State control in the area of chemical products safety shall be carried out in a form of scheduled and unscheduled inspections.

3. Scheduled inspection can be conducted not more than once a year.

4. Unscheduled inspection can be conducted in case of receiving by the authorized bodies the information on:

non-compliance of chemical products with the safety requirements set by this Law and technical regulations in the area of chemical products safety;
facts of harm caused by chemical products to human life and health and the environment.

5. Inspection of chemical products safety shall be conducted in two stages:

- 1) documentary inspection;
- 2) risk assessment inspection.

6. A documentary inspection of chemical products safety shall be conducted by means of:
examining whether information meant for consumers and marked on packages, containers and accompanying documents is reliable and complies with the requirements of this Law and technical regulations in the area of chemical products safety;

inspection of compliance of the information in safety passports of the chemical products, in the registration certificates and in the conformity assessment document with the information on packages and containers.

7. When checking risk assessment, the authorized bodies organize selection of samples of chemical products and send them to the laboratories (centers) for testing (research).

Chapter 3. RIGHTS AND DUTIES OF APPLICANTS (MANUFACTURERS, SUPPLIERS, IMPORTERS) IN THE AREA OF CHEMICAL PRODUCTS SAFETY

Article 10. Applicants' (manufacturers, suppliers, importers) rights in the area of chemical products safety

Applicants (manufacturers, suppliers, and importers) according to their activities have the following rights:

- 1) to participate in developing normative legal acts, technical regulations in the area of chemical products safety in accordance with the legislation of the Republic of Kazakhstan;
- 2) to develop programs for industrial inspection of chemical products safety;
- 3) to introduce quality and safety management systems for chemical products;
- 4) to develop and approve standards of organizations complying with the obligatory requirements of the legislation of the Republic of Kazakhstan in the area of chemical products safety;

5) to obtain reliable information about chemical substances which may have negative effect on human life and health and the environment;

6) to apply to state bodies on conducting examination of chemical products risk assessment.

Article 11. Applicants' (manufacturers, suppliers, importers) duties in the area of chemical products safety

Applicants (producers, suppliers, and importers) according to their activities shall:

1) ensure observance of the requirements of the legislation of the Republic of Kazakhstan in the area of chemical products safety;

2) provide industrial inspection of chemical products safety in their life cycle stages;

3) inform authorized bodies on any revealed incompliance of chemical products and their life cycle processes with the requirements of this Law and technical regulations in the field of chemical products safety;

4) suspend one or several processes of chemical products life cycle which do not comply with the safety requirements set by this Law and technical regulations;

5) submit reliable information about chemical products safety to consumers and authorized bodies upon their request;

6) provide state bodies with information necessary to conduct state supervision such as chemical products safety passport, registration certificate, conformity assessment certificate or declaration, other documents and technical information (under unscheduled inspections);

7) conduct obligatory risk assessment of chemical products (determine harmful effects of chemical products capable to harm human life and health and the environment and identify scope of spread of their harmful effects).

Chapter 4. MAIN REQUIREMENTS TO CHEMICAL PRODUCTS SAFETY

Article 13. Registration of chemical products

1. Applicant (manufacturer, supplier and importer) shall register chemical products.

2. Chemical products that have not been registered according to the requirements of the legislation of the Republic of Kazakhstan shall not be permitted to circulation.

Article 14. Chemical products risk assessment

1. Measures to ensure chemical products safety shall be applied based on risk analysis.

2. Risk assessment must be carried out by the applicant (manufacturer, supplier, importer) for all the chemical products.

3. Risk assessment of chemical products shall be conducted by means of:

1) identification of types of chemical products hazards;

2) impact analysis of chemical products which represent hazard or potential hazard for human life and health and the environment;

3) elaboration of adequate measures to restrict the identified risks.

4. When assessing risk of chemical products hazard, the available technical documentation, scientific data, analysis and testing methods, bibliographic references and results of spot inspections.

5. Authorized bodies shall according to paragraph 11 of article 8 of this Law, organize inspection of the risk assessment in case of receiving information about harm made to human life and health and the environment. .

6. Risk assessment shall be conducted by an applicant (manufacturer, supplier, importer) prior to registration of chemical products.

7. To assess possible risks related to hazardous or potentially hazardous chemical products, applicant (manufacturer, supplier, importer) shall specify the following:

- 1) presence of hazardous chemical products;
- 2) hazard indicators;
- 3) types of harmful impacts and ways of their origin;
- 4) physical and chemical properties;
- 5) factors which impact on the environment.

8. Authorized bodies when necessary have a right to request for additional information or conduct chemical products testing.

Article 15. Requirements to chemical products safety

1. Safety requirements for chemical products and their life-cycle processes established by the legislation of the Republic of Kazakhstan in the area of chemical products safety shall be mandatory for implementation by the applicants (manufacturers, suppliers, importers).

2. Safety of chemical products is ensured by means of:

1) observance by applicants (manufacturers, suppliers, importers) of the requirements of the legislation of the Republic of Kazakhstan in the area of chemical products safety;

2) industrial inspection of the compliance of life-cycle processes of chemical products with the requirements of the legislation of the Republic of Kazakhstan in the area of chemical products safety;

3) assessment of chemical products conformity with the requirements of the legislation of the Republic of Kazakhstan in the area of chemical products safety;

4) environmental, sanitary and epidemiological, toxicological expertise as well as industrial safety expertise;

5) measures of state regulation in the area of chemical products safety.

3. Chemical product shall not be allowed to life-cycle processes, if it does not comply with the requirements of the legislation of the Republic of Kazakhstan in the area of chemical products safety, including the following indicators:

1) it has visible indications of harm-doing to human life and health and environment;

2) it does not meet the requirements on radiological indicators and categories of chemical substances indicated in the paragraph 4 of article 5 of this Law;

3) absence of the documents certifying its safety and origin;

4) absence of marks with the information stipulated by the legislation of the Republic of Kazakhstan in the area of chemical products safety ;

5) it does not comply with the presented information.

4. Chemical products being developed, created and issued for circulation shall comply with safety requirements established by technical regulations in the area of chemical products safety.

Article 16. Chemical products safety passport and requirements to it

1. The applicant (manufacturer, supplier and importer), delivering chemical products for distribution in market, shall accompany it with safety passport.

2. The chemical product's safety passport shall contain the following information about a chemical product:

- 1) definition of a chemical product (substance, preparation and manufacturer);

- 2) definition of a risk (s);
- 3) composition, information on chemical products;
- 4) measures of first aid;
- 5) fire-prevention measures;
- 6) measures for emergency situations;
- 7) handling and storage;
- 8) irradiation protection, individual protection;
- 9) physical and chemical properties;
- 10) stability and reactivity;
- 11) toxicological information;
- 12) ecological information;
- 13) waste management;
- 14) information on transportation;
- 15) information about regulation;
- 16) information to individual types of chemical products established by technical regulations in the area of chemical products safety.

3. Upon the applicant's request the additional information on chemical products and measures of protection from its hazardous impact on human life and health and environment shall be presented to him.

4. Documents accompanying chemical products shall contain information on classification and precautionary measures in order to reduce risks of hazard.

Article 17. Safety requirements during production and application of chemical products

1. During production and application of chemical products, it is necessary to ensure safety measures according to the norms established by authorized bodies, which include:

- 1) selecting technology and equipment, modes and methods of labor which minimize risks during production of chemical products;
- 2) application and appropriate maintenance of technical facilities and protection facilities used during production and application of chemical products;
- 3) using caution signs and marks on hazard or potential hazard;
- 4) keeping personal hygiene and availability of individual protection means and working clothes for the personnel;
- 5) prevention of emergency situations and availability of facilities for their liquidation.

Article 18. Safety requirements on transportation and storage of chemical products

1. Transportation and storage of chemical products shall be implemented in conditions providing its safety according to the requirements of the legislation of the Republic of Kazakhstan in the area of safety of chemical products.

2. Specially equipped for these purposes carriers are used for transportation of chemical products hazardous to human life and health and the environment.

3. Storage and transportation of chemical products shall be implemented with observance of protection measures including the following:

- 1) requirements to the packages for transportation and storage;
- 2) permissible mass of chemical products packages and their shelf life;
- 3) products compatibility during their transportation and storage with other types of chemical products;

4) general requirements to transportation and storage (temperature, pressure, moisture, illumination);

5) special measures for chemical products which are able to cause spontaneous combustion and spontaneous decomposition including resulting in hazardous products generation;

6) measures on safe and repeated use of packages and/or its utilization;

7) measures preventing emergency situations and liquidation of their consequences;

8) means of workers individual protection.

4. Transportation and storage of chemical products shall be carried in packages which guarantee safety of its consumable properties and protection from hazardous effects to human life and health and the environment.

5. Admissible norm of mass of chemical products shall provide safety of its effect or products of its transformation during established shelf life.

6. Measures which provide integrity of the package and transport means excluding unapproved access to chemical products, shall be taken when transporting chemical products.

7. In case of double packaging, inner package shall be placed inside of the outer one in such a way as to prevent its breakage during the transportation. To guarantee safety, interlining material shall be lied down between the outer and inner packages.

Requirements for packing when transporting chemical products using different types of transport shall be established by the relevant authorized body.

9. It is forbidden to place two or more types of chemical products in the same package if they may enter into hazardous reaction with one another and therefore cause the following:

1) inflammation and/or isolation of significant amount of heat;

2) emission of extremely flammable, toxic or asphyxiating gases;

3) generation of other chemically active and hazardous substances including corrosives.

10. Liquidized gases shall be transported in the order set by the legislation of the Republic of Kazakhstan.

11. When storing chemical products which may form new compounds, which increase dangerous properties of the primary chemical products, there adequate protective measures shall be taken to exclude any possibility of such transformation.

12. Repeated use of packages allowed only for identical substances. Storage conditions for chemical products shall exclude any possibility of their accidental mixing.

13. The materials that packages are made of shall not enter into chemical reaction with their contents.

14. Supervision of import, export and transit of chemical products shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

Article 19. Requirements for chemical products labeling

1. All the hazardous chemical products shall be subject of warning labeling which notify on their dangerous properties.

Standard symbols of danger that must be specified on warning labels of chemical products shall be listed in accordance with international requirements and approved by the authorized body in the area of technical regulation.

2. Warning labels of chemical products' packages shall include the following:
 - 1) applicant's (supplier's, manufacturer's, importer's) name and full address including phone number, fax, telex and e-mail address;
 - 2) product's name (names);
 - 3) type of hazard;
 - 4) mass or volume;
 - 5) lot number;
 - 6) date of manufacture (issue) and expiration date;
 - 7) standard danger symbols.
3. Warning labels should be marked in clear letters and/or symbols with indelible paint.
4. Supply to the market and selling of chemical products without warning labels shall not be allowed.

Article 20. Requirements to chemical products under circulation in the market

1. A chemical product can be supplied to the market and be used if it is compliant with the requirements established by the legislation of the Republic of Kazakhstan in the area of technical regulation.

2. Applicant (supplier, manufacturer, importer) shall provide every necessary conditions for safe circulation of a chemical product in the market.

Upon retail sale a chemical product shall be accompanied with the instruction which shall include the following information:

- 1) intention of a chemical product;
- 2) conditions for application;
- 3) storage conditions;
- 4) presence of hazardous properties;
- 5) safe application measures;
- 6) measures for first aid.

Article 21. Safety requirements for stopping of one or several processes of chemical products life cycle

1. Applicant (supplier, manufacturer, importer) since the time of revealing incompliance of the chemical products with the safety requirements established by this Law and technical regulations or based on the instruction of the authorized body shall be obliged to stop one or several processes of such chemical product's life cycle.

2. Failure to take measures stipulated in the paragraph 1 of this article, shall cause liability in accordance with the laws of the Republic of Kazakhstan.

Article 22. Safety requirements for ensuring safety of the personnel at any stage of chemical products life-cycle

1. When manufacturing chemical products, standards shall be established to ensure safety of life and health of the personnel, protection of the environment in accordance with the requirements of the legislation of the Republic of Kazakhstan.

2. Personnel involved in life-cycle stages of chemical products shall have appropriate qualification, knowledge of safe work techniques, supplied with necessary means of control and

protection and have appropriate permissions to work with chemical products in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

3. The following conditions shall be observed to ensure safety of the personnel involved in all life-cycle stages of chemical products:

- 1) application of labor protection techniques and methods to exclude risks of chemical products' effect on human life and health and the environment;
- 2) provision of necessary personal hygiene means and means of individual protection;
- 3) application of warning labels;
- 4) familiarization of the personnel with measures of safe work with chemical products;
- 5) development of measures to prevent and terminate emergency conditions.

4. Applicants (suppliers, manufacturers, importers) shall provide preliminary and regular check-ups and training of the personnel on work with hazardous and/or potentially hazardous chemical products.

Article 23. Chemical products conformity assessment

1. Conformity assessment of chemical products shall be conducted in accordance with the legislation of the Republic of Kazakhstan in the area of technical regulation.

2. A document in the field of conformity assessment issued by a foreign state shall be valid within the Republic of Kazakhstan provided that it is recognized in the state system of technical regulation in accordance with the legislation of the Republic of Kazakhstan in the area of technical regulation.

Article 24. Liability for violation of the legislation of the Republic of Kazakhstan on chemical products safety

Violation of the legislation of the Republic of Kazakhstan in the area of chemical products safety shall entail liability according to the laws of the Republic of Kazakhstan.

Chapter 5. FINAL AND TRANSITIONAL PROVISIONS

Article 25. Transitional provisions

1. Until normative legal acts which establish technical regulations in the field of chemical products safety are enforced, state regulation shall be implemented according to the legislation of the Republic of Kazakhstan in the part that is not contradicting with the present Law.

2. With respect to chemical products being manufactured and sold within the Republic of Kazakhstan prior to the enforcement of this Law, their conformity assessment documents shall stay valid within the period of time specified therein.

Clause 26. Procedure of enforcement of the present Law

The present Law shall come into force since 1st January 2008.

*The President
of the Republic of Kazakhstan*