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## **CHEMICALS CONTROL ACT**

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# CHEMICALS CONTROL ACT

## CHAPTER I GENERAL PROVISIONS

### Article 1 (Purpose)

The purpose of this Act is to prevent risks posed by chemicals to people's health and the environment and protect the lives and property of the people or the environment from chemicals by properly controlling chemicals and promptly responding to accidents that occur due to chemicals.

### Article 2 (Definitions)

The terms used in this Act shall be defined as follows:

1. The term "chemicals" means any element, compound, and chemicals obtained as a result of an artificial reaction therewith, and any chemicals chemically transformed, extracted, or refined from chemicals existing in nature;
2. The term "toxic chemicals" means hazardous chemicals prescribed and publicly notified by the Minister of Environment in accordance with standards prescribed by Presidential Decree;
3. The term "chemicals requiring a permission" means chemicals that are likely to pose a risk, as publicly notified by the Minister of Environment following consultations with the heads of relevant central administrative agencies and deliberations by the Chemicals Assessment Committee under Article 7 of the Act on Registration, Evaluation, etc. of Chemicals so that such chemicals may be manufactured, imported, or used with permission from the Minister of Environment;
4. The term "restricted chemicals" means chemicals recognized as having a high risk if they are used for specific purposes, which are publicly notified by the Minister of Environment following consultations with the heads of relevant central administrative agencies and deliberations by the Chemicals Assessment Committee under Article 7 of the Act on Registration, Evaluation, etc. of Chemicals to prohibit the manufacture, importation, sale, keeping, storage, transport, or use of such chemicals for such purposes;
5. The term "prohibited chemicals" means chemicals recognized as having a high risk if they are used for specific purposes, which is designated and publicly notified by the Minister of Environment following consultations with the heads of relevant central administrative agencies and deliberations by the Chemicals Assessment Committee under Article 7 of the Act on Registration, Evaluation, etc. of Chemicals to prohibit the manufacture, importation, sale, keeping, storage, transport or use of such chemicals for all purposes;
6. The term "chemicals requiring preparation for accidents" means chemicals highly likely to cause chemical accidents due to their high acute hazard, explosiveness, etc. or likely to cause severe damage where a chemical accident occurs, as designated and publicly notified by the Minister of Environment because he/she deems it necessary to make preparation for chemical accidents caused by such chemicals;
7. The term "hazardous chemicals" means toxic chemicals, chemicals requiring a permission, restricted chemicals or prohibited chemicals, chemicals requiring preparation for accidents, or other chemicals which present or are likely to present a hazard or risk;
8. The term "hazardous chemical business" means the business of dealing in hazardous chemicals other than chemicals requiring a permission and prohibited chemicals;
9. The term "hazard" means the unique properties of chemicals that adversely affect human health or the environment, such as toxicity of chemicals;
10. The term "risk" means the level of damage caused by hazardous chemicals to human health or

the environment when exposed to such chemicals;

11. The term "handling facility" means a facility or equipment that manufactures, keeps, stores, transports (excluding transport by air, ship, or train), or uses chemicals;
12. The term "handling" means the manufacture, importation, sale, keeping, storage, transport or use of chemicals;
13. The term "chemical accident" means all situations that occur because chemicals flow out or are leaked to humans or the environment due to a worker's negligence at work such as replacement of facilities, defects or deterioration in facilities, a natural disaster, a transport accident, etc.

**Article 3 (Scope of Application)** (1) This Act shall not apply to any of the following chemicals:

1. Radioactive chemicals under subparagraph 5 of Article 2 of the Nuclear Safety Act;
  2. Medicines and non-pharmaceutical items under subparagraphs 4 and 7 of Article 2 of the Pharmaceutical Affairs Act;
  3. Narcotics under subparagraph 1 of Article 2 of the Act on the Control of Narcotics, etc.;
  4. Cosmetics and raw materials used for cosmetics under subparagraph 1 of Article 2 of the Cosmetics Act;
  5. Pesticides and technical ingredients under subparagraphs 1 and 3 of Article 2 of the Pesticide Control Act;
  6. Fertilizers under subparagraph 1 of Article 2 of the Fertilizer Control Act;
  7. Foods, food additives, appliances, containers, and packages under subparagraphs 1, 2, 4, and 5 of Article 2 of the Food Sanitation Act;
  8. Livestock feed under subparagraph 1 of Article 2 of the Control of Livestock and Fish Feed Act;
  9. Explosives under Article 2 (3) of the Control of Firearms, Knives, Swords, Explosives, etc. Act;
  10. Military supplies (excluding conventional items) under Article the Act on the Management of Military Supplies;
  11. Functional health foods under subparagraph 1 of Article 3 of the Functional Health Foods Act;
  12. Medical devices under Article 2 (1) of the Medical Devices Act;
  13. Toxic gases under the High-Pressure Gas Safety Control Act.
- (2) Notwithstanding paragraph (1), Articles 4 through 23 (excluding Article 6 (3) 1 through 5, Articles 13, 16, 19, and 20), 26, 39, and 50 (excluding Articles 49 (1) 7 and 8, and 50 (1) 6), 52, 54 through 64 (excluding subparagraphs 8 through 13 of Article 54, subparagraphs 4 and 5 of Article 58, subparagraphs 7 through 9 and 11 of Article 59, subparagraph 4 of Article 61, Article 64 (1) 5 through 9 and (2) 2) shall apply to chemicals falling under paragraph (1) 13.
- (3) Except as otherwise expressly provided for in relevant Acts, notwithstanding paragraph (1), this Act shall apply to the control of chemicals and response to chemical accidents under the provisions of paragraph (1) 2 through 13.

**Article 4 (Duties of State and Local Governments)** (1) The State and local governments shall at all times have good knowledge of the effect of hazard and risk of chemicals on people's health and the environment, and formulate and implement measures necessary to prevent risks posed by chemicals to people's health and the environment.

(2) The State and local governments shall devise plans for the measurement of pollution levels, investigation and research, technological development, training of professionals, education and public relations for managing chemicals, and provide administrative, technical, and financial support necessary for safely managing chemicals.

(3) The State may contribute or subsidize all or part of costs incurred by persons who perform any of the following projects in order to promote technological development related to the safe management of chemicals, and train professionals for each field:

1. Technology for measuring and analyzing pollution levels of chemicals;

2. Technology for safely managing chemical handling facilities;
  3. Technology for investigating and analyzing the impact of chemicals;
  4. Technology for minimizing and eliminating damage caused by chemicals, and recovering from such damage.
- (4) For safely managing chemicals of small and medium enterprises, the Minister of Environment may formulate and implement measures to provide administrative, technical, and financial support for the following matters, following consultation with the heads of relevant central administrative agencies:
1. Preparing an off-site consequence analysis for a chemical accident under Article 23;
  2. Installing, conducting safety inspection of, and improving hazardous chemical handling facilities under Articles 24 and 25;
  3. Other matters prescribed by Presidential Decree for safely managing chemicals of small and medium enterprises.

**Article 5 (Duties of Chemical Handlers)** (1) Any person who handles chemicals shall take necessary measures, such as maintaining appropriate facilities and equipment, education of employees, technological development, and exchange of information, to prevent risks posed by chemicals to people's health and the environment, and participate and cooperate in national policies for the proper management of chemicals.

(2) Any person who handles chemicals shall be responsible for the safe management of the relevant chemicals.

**Article 6 (Master Plans for Control of Chemicals)** (1) The Minister of Environment shall formulate a master plan for the control of chemicals (hereinafter referred to as "master plan") every five years for the efficient control of chemicals that present hazard or risk.

(2) Where the Minister of Environment formulates a master plan, he/she shall consult with the heads of relevant central administrative agencies in advance and go through deliberations by the Chemicals Control Committee under Article 7: Provided, That the foregoing shall also apply to cases where he/she intends to modify the master plan.

(3) A master plan shall contain the following:

1. Objectives of a policy for the control of chemicals and strategies to achieve them;
2. Major measures to be pursued and an implementation plan for the control of chemicals;
3. Current status of the control of chemicals and future prospects;
4. Measures to raise funds to cover expenses incurred in conducting various projects for the control of chemicals;
5. Plans for cooperation with organizations, international organizations, etc. related to the control of chemicals;
6. Training and education in preparation for chemical accidents;
7. Roles of each agency and cooperation system concerning response to chemical accidents and subsequent measures;
8. Methods of mobilizing resources, human resources, equipment, etc. necessary to respond to chemical accidents and take subsequent measures;
9. Other matters necessary to control chemicals and respond to chemical accidents.

(4) Where the Minister of Environment formulates a master plan, he/she shall notify the heads of relevant central administrative agencies and local government of the details thereof without delay.

(5) The heads of relevant central administrative agencies and local government shall formulate and implement policies and measures within their authority in accordance with the master plan.

**Article 7 (Chemicals Control Committee)** (1) The Chemicals Control Committee (hereinafter referred to as the "Control Committee") shall be established under the jurisdiction of the Minister of Environment to deliberate on important matters relating to the control of chemicals, such as the formulation of a master plan.

- (2) The Control Committee shall be comprised of not more than 30 members including one chairperson and one vice chairperson.
- (3) The chairperson of the Control Committee shall be designated by the Minister of Environment from among public officials belonging to the Senior Civil Service of the Ministry of Environment in charge of affairs concerning the control of chemicals, and the vice chairperson shall be appointed or commissioned by the chairperson from among its members.
- (4) The members of the Control Committee shall be appointed or commissioned by the Minister of Environment from among experts who have extensive knowledge and experience in related fields, such as chemistry, environment, and health, representatives of the industry related to chemicals and public officials in charge of affairs in the relevant fields.
- (5) Meetings of the Control Committee shall be convoked with a majority of incumbent members present and resolutions shall be passed upon the affirmative vote of a majority of those present.
- (6) Where professional research and review is necessary in regard of matters to be deliberated by the Control Committee, the Control Committee may establish expert committees for each field which are comprised of members of the Control Committee and experts in the relevant fields.
- (7) Other matters necessary for the organization, operation, etc. of the Control Committee and expert committees for each field shall be prescribed by Presidential Decree.

#### **Article 7-2 (Enactment of Municipal Ordinance on Management of Chemicals)**

A local government may prescribe the following matters as its municipal ordinance to efficiently manage chemicals handled in its jurisdictional area and to prepare for and respond to accidents occurring due to chemicals:

1. Formulating and implementing plans or policies to safely manage chemicals and prepare for and respond to chemical accidents;
2. Composing and operating a committee to deliberate and counsel on important matters concerning management of chemicals;
3. Providing information related to chemicals;
4. Providing administrative and financial assistance necessary to safely manage chemicals;
5. Other matters necessary to safely manage chemicals, and to prepare for and respond to chemical accidents.

#### **Article 8 (Consultations on Major Policies, etc.)**

Where the head of a central administrative agency intends to formulate and implement policies or plans prescribed by Presidential Decree among policies or plans directly related to the control of chemicals, he/she shall consult with the Minister of Environment in advance.

### **CHAPTER II STATISTICAL SURVEYS, DISCLOSURE OF INFORMATION, ETC. ON CHEMICALS**

**Article 9 (Verification of Chemicals)** (1) Any person who intends to manufacture or import a chemical (where a person entrusts the import of a chemical to an import agent, referring to the import agent; hereinafter the same shall apply) shall verify whether the relevant chemicals or any ingredient thereof falls under any of the following, as prescribed by Ordinance of the Ministry of Environment (hereinafter referred to as "verification of chemicals") and submit the details thereof to the Minister of Environment:

1. Existing chemicals under subparagraph 3 of Article 2 of the Act on Registration, Evaluation, etc. of Chemicals;
2. New chemicals under subparagraph 4 of Article 2 of the Act on Registration, Evaluation, etc. of Chemicals;
3. Toxic chemicals;
4. Chemicals requiring a permission;

5. Restricted chemicals;
6. Prohibited chemicals;
7. Chemicals requiring preparation for accidents.

(2) Notwithstanding paragraph (1), the provision of paragraph (1) shall not apply to chemicals that meet the standards prescribed and publicly notified by the Minister of Environment, such as cases where chemicals contained in a product that performs a certain function in a solid state are not released during use of the product.

(3) Where any person who intends to manufacture or import chemicals pursuant to paragraph (1) deems it necessary to verify the chemicals, he/she may request the Minister of Environment to certify whether the relevant chemicals or any ingredient thereof falls under any of the subparagraphs of paragraph (1), along with data prescribed by Ordinance of the Ministry of Environment.

**Article 10 (Statistical Surveys on Chemicals and Establishment and Operation of Information System)**

(1) The Minister of Environment shall conduct statistical surveys on the current status of handling related to the handling of chemicals, handling facilities, etc. (hereinafter referred to as "statistical surveys on chemicals") every two years. In such cases, the relevant provisions of Statistics Act shall apply mutatis mutandis to collecting and preparing statistics.

(2) The Minister of Environment shall conduct offsite or onsite surveys, or establish and operate an information system for the efficient establishment and implementation of statistical surveys on chemicals.

(3) Where necessary for statistical surveys on chemicals and the establishment and operation of an information system under paragraph (2), the Minister of Environment may request the heads of relevant central administrative agencies, local government, public institutions (referring to public institutions under Article 4 of the Act on the Management of Public Institutions), relevant institutions, organizations, etc. to provide necessary data and information. In such cases, any person requested to provide data and information shall comply with the request unless there is a compelling reason not to do so.

(4) The Minister of Environment may require persons who handle chemicals to submit data necessary for statistical surveys on chemicals, or require relevant public officials to have access to the relevant place of business, etc. and inspect the current status related to chemicals. In such cases, any public official who has access to the place of business, etc. and conducts inspection on the current status shall carry a certification indicating his/her authority and show it to interested persons.

(5) Matters necessary for chemicals subject to, details, methods of, and procedures for statistical surveys of chemicals shall be prescribed by Ordinance of the Ministry of Environment.

**Article 11 (Pollutant Release and Transfer Registers)**

(1) The Minister of Environment shall implement surveys for the pollutant release and transfer registers to track chemical releases from the process of handling the relevant chemicals at the places of business which handle chemicals prescribed by Presidential Decree (hereinafter referred to as "pollutant release and transfer registers") in order to protect people's health and the environment from chemical releases and encourage the places of business to voluntarily reduce them.

(2) Where the Minister of Environment implements surveys for the pollutant release and transfer registers, he/she may require persons who handle chemicals to submit necessary data or require relevant public officials to enter the relevant places of business and investigate the volume of the relevant chemical releases.

(3) Where the Minister of Environment intends to implement surveys for the pollutant release and transfer registers, he/she may request the heads of relevant central administrative agencies, local governments, public institutions (referring to public institutions under Article 4 of the Act on the Management of Public Institutions), relevant institutions, organizations, etc. to submit the results of surveys conducted by each agency or institution and necessary data.

(4) Any public official who enter the place of business and collect data for the pollutant release and transfer registers pursuant to paragraph (2) shall carry a certification indicating his/her authority and show it to interested persons.

(5) Matters necessary for subjects, details, methods and procedures necessary to conduct surveys for the pollutant release and transfer registers shall be prescribed by Ordinance of the Ministry of Environment.

**Article 12 (Disclosure of Results of Surveys of Chemicals and Information)** (1) Where the Minister of Environment completes statistical surveys on chemicals and surveys for the pollutant release and transfer registers, he/she shall immediately disclose the results thereof for each place of business: Provided, That the foregoing shall not apply where the result thereof fall under any of the following:

1. Where the disclosure of the results of such survey is deemed to cause serious interference with national security, maintenance of order, or public welfare;
2. Where the results of such survey are deemed to cause confusion in the use thereof due to low reliability;
3. Where it is deemed necessary not to disclose some of the results of such survey because it is related to trade secrets of businesses.

(2) Where any person who handles chemicals violates any provision of this Act or fails to comply with an order issued by the Minister of Environment, the Minister of Environment may disclose the name, address and occupation of the person who handles the relevant chemicals, information about the volume of chemicals handled and handling facilities, a violation of any other statutes, etc. (hereinafter referred to as "information about the handling of chemicals") among the results of the survey and inventory under Articles 10 and 11: Provided, That the foregoing shall not apply where such grounds as prescribed by Presidential Decree exist, including where an administrative appeal or administrative lawsuit is pending in relation to the violation.

(3) The Deliberative Committee on Disclosure of Information on Chemicals shall be established in the Control Committee in order to deliberate on whether to disclose information on the handling of chemicals under paragraphs (1) and (2).

(4) The Minister of Environment shall give persons subject to disclosure of information on the handling of chemicals following deliberations by the Deliberative Committee on Disclosure of Information on Chemicals opportunities to make explanations by giving notice to them in writing. In such cases, persons subject to disclosure may request the Minister of Environment to protect data under the main sentence of Article 52 (1).

(5) Disclosure under paragraphs (1) and (2) shall be made by posting the relevant information on the Official Gazette or website.

(6) Matters necessary for criteria relating to disclosure of the results of surveys and information, procedures for disclosure, the organization and operation of the Deliberative Committee on Disclosure of Information on Chemicals under the provisions of paragraphs (1) through (4) shall be prescribed by Ordinance of the Ministry of Environment.

## CHAPTER III SAFE MANAGEMENT OF HAZARDOUS CHEMICALS

### Section 1 Criteria for Handling Hazardous Chemicals, etc.

#### Article 13 (Criteria for Handling Hazardous Chemicals)

Where any person handles hazardous chemicals, he/she shall meet each of the following criteria for handling hazardous chemicals:

1. He/she shall appropriately maintain and manage a hazardous chemical handling facility to assure its proper performance;
2. He/she shall devise preventive measures to avoid an accident in the process of handling hazardous chemicals, and have emergency services equipment and medicines ready so that



emergency measures can be taken if a chemical accident occurs;

3. Where he/she keeps or stores a hazardous chemical, he/she shall not keep or store it mixed with other types of hazardous chemicals;
4. Where he/she loads a motor vehicle with hazardous chemicals or unloads hazardous chemicals from a motor vehicle, or moves hazardous chemicals to another hazardous chemical handling facility, he/she shall involve a hazardous chemical supervisor under Article 32 in such activity;
5. Any person who transports hazardous chemicals shall be a hazardous chemical supervisor under Article 32 or a person who has received safety education on hazardous chemicals under Article 33 (1);
6. Other matters prescribed by Ordinance of the Ministry of Environment because they are deemed necessary for safely managing hazardous chemicals, which are corresponding to the provisions under subparagraphs 1 through 5.

**Article 14 (Handlers' Wearing of Personal Protective Gear)** (1) Where any person who handles hazardous chemicals falls under any of the following, he/she shall wear personal protective gear suitable for handling hazardous chemicals:

1. Where he/she handles hazardous chemicals in gaseous form;
  2. Where vapor is likely to be produced from hazardous chemicals in liquid form;
  3. Where dust, particles, etc. are likely to remain in or be scattered from hazardous chemicals in solid form;
  4. Any other cases prescribed by Ordinance of the Ministry of Environment.
- (2) Specific types of and standards for personal protective gear under paragraph (1) shall be publicly notified by the Minister of Environment, depending on the characteristics of the relevant hazardous chemicals.

**Article 15 (Restrictions, etc. on Quantity of Hazardous Chemicals Displayed or Stored)** (1) Where a person who handles hazardous chemicals intends to display or store hazardous chemicals in excess of a certain quantity prescribed by Ordinance of the Ministry of Environment, he/she shall prepare a plan for display or storage and be confirmed by the Minister of Environment in advance.

- (2) Notwithstanding the provisions of paragraph (1), where a person who handles hazardous chemicals fails to have a hazardous chemical keeping or storage facility, he/she shall not display or store hazardous chemicals.
- (3) Where a person who transports hazardous chemicals intends to transport hazardous chemicals in excess of a certain quantity prescribed by Ordinance of the Ministry of Environment at a time, he/she shall prepare a transport plan including the transporter of the relevant hazardous chemicals, timing for transport, the course of transport, the route, etc. in advance and submit the plan to the Minister of Environment.
- (4) Detailed matters necessary for methods of preparing a plan, notification of confirmation, etc. under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Environment.

**Article 16 (Labeling, etc. of Hazardous Chemicals)** (1) Any person who handles a hazardous chemicals shall affix a label about the hazardous chemicals, which includes each of the matters stipulated by the following paragraphs, on the container or package of the relevant hazardous chemicals: The foregoing shall also apply where he/she intends to sell a manufactured or imported hazardous chemicals by dividing it into small quantities:

1. Name: Information on the name of the hazardous chemicals or the name of a product;
2. Pictogram: A picture that depicts the details of hazard;
3. Signal word: A word or phrase depicting a danger or warning depending on the degree of hazard;
4. Words or phrases of hazard or danger: A word or phrase informing hazard;
5. Word or phrase of preventive measures: A word or phrase depicting measures to be taken to



prevent or minimize hazard arising from inappropriate storage or handling;

6. Supplier information: Information on the name (in cases of a corporation, referring to its corporate name), telephone number, domicile, etc. of a manufacturer or supplier;
7. Globally Harmonized System of Classification and Labeling of Chemicals developed by the United Nations: chemicals classification numbers designated by the United Nations as an international approach to enable safe transport of hazardous chemicals and products.
- (2) Any person who handles a hazardous chemicals shall affix a label indicating the hazardous chemicals under paragraph (1) to a facility and site where he/she handles the hazardous chemicals, a place where he/she keeps, stores, or displays the hazardous chemicals, and motor vehicles transporting the hazardous chemicals.
- (3) Where the Minister of Environment deems it necessary for the safe management of chemicals other than hazardous chemicals, he/she may recommend a person who handles such chemicals affix an appropriate label to each chemicals.
- (4) Matters necessary for hazardous chemicals subject to the labeling requirements, indication methods, etc. shall be prescribed by Ordinance of the Ministry of Environment.

**Article 17 (Suspension, etc. of Manufacture, Import, etc. of Hazardous Chemicals) (1)**

Where the Minister of Environment deems that a hazardous chemical poses or is likely to pose a serious risk to human health or the environment, he/she may order the suspension of the manufacture, import, sale, keeping, storage, transport, or use of the hazardous chemicals.

(2) Where the Minister of Environment orders the suspension of the manufacture, import, etc. of a hazardous chemicals pursuant to paragraph (1), he/she shall hear opinions of interested parties.

(3) Where a business entity suspends the manufacture, import, etc. pursuant to paragraphs (1) and (2), the Minister of Environment shall give a notice thereof to the heads of relevant administrative agencies as well as a public notice thereof.

(4) Where a business entity has an objection to a suspension order under paragraph (1), he/she may request the Minister of Environment to cancel all or part of the relevant suspension, as prescribed by Presidential Decree.

(5) Where the Minister of Environment deems that a hazardous chemicals whose manufacture, import, etc. was suspended pursuant to paragraph (1) is unlikely to pose a risk to human health or the environment, he/she shall cancel all or part of the relevant suspension without delay.

**Article 18 (Prohibition on Handling of Prohibited Chemicals) (1)**

No person shall handle prohibited chemicals: Provided, That the foregoing shall not apply where a person who intends to manufacture, import, or sell a reagent intended for use in experiments, research, or testing, which fall under prohibited chemicals, for their intended purposes obtains a permission therefor from the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment.

(2) Where a person who has obtained a permission to handle prohibited chemicals pursuant to the proviso to paragraph (1) intends to modify any of the matters prescribed by Ordinance of the Ministry of Environment among the permitted matters, he/she shall obtain a permission for modification or file a report on modification, as prescribed by Ordinance of the Ministry of Environment.

(3) Where the Minister of Environment grants a permission pursuant to the proviso to paragraph (1), he/she may attach thereto conditions necessary for the appropriate control of the relevant prohibited chemicals, such as submission of a plan for preventive measures against chemical accidents.

**Article 19 (Permission to Manufacture, Import, or Use Chemicals Requiring Permit, etc.)**

(1) Any person who intends to manufacture, import, or use a chemicals requiring a permission shall obtain a permission from the Minister of Environment in advance by submitting the following information: Provided, That the foregoing shall not apply within a permission grace period under Article 25 of the Act on Registration, Evaluation, etc. of Chemicals:

1. Name, location, and representative of a person who intends to manufacture, import or use the chemicals requiring a permission;
2. Information to identify the chemicals, such as the name, molecular and structural formulas of the chemicals;
3. Purposes of the chemicals;
4. Risk of the chemicals;
5. Analysis of an alternative to the chemicals requiring a permission and the feasibility thereof;
6. Plan for replacement of the chemicals requiring a permission.

(2) Paragraph (1) shall not apply to any of the following chemicals:

1. Imported chemicals contained in machinery;
2. Chemicals imported with machinery or equipment for a test run;
3. Chemicals contained in a product that performs certain functions in a specific solid form, which are not released during use of the product;
4. Chemicals manufactured or imported for survey or research purposes, or any other chemicals prescribed by Presidential Decree.

(3) Any person who intends to obtain a permission pursuant to paragraph (1) shall submit an application therefor, as prescribed by Ordinance of the Ministry of Environment: Provided, That persons who intend to manufacture, import, or use the same chemicals requiring a permission may jointly apply for a permission, only when the chemicals requiring a permission have the same purpose.

(4) The Minister of Environment shall review information submitted pursuant to paragraph (1) within a period prescribed by Ordinance of the Ministry of Environment from the date of the receipt of the application submitted under paragraph (3), determine whether to grant a permission in accordance with the following requirements, and notify the applicant of his/her determination:

1. Where the risk to human health and the environment may be appropriately controlled;
2. Where socioeconomic benefits obtained from the use of the chemicals requiring a permission exceed the risk to human health and the environment;
3. Where no appropriate chemicals or technology that can substitute the chemicals requiring a permission exists.

(5) Where the Minister of Environment notifies permission pursuant to paragraph (4), he/she shall impose conditions, such as the permission number, purposes of the chemicals requiring a permission, and the limit on the period of manufacturing, importing, or using the chemicals requiring a permission.

(6) Any person allowed to manufacture, import or use chemicals requiring a permission for a limited period under paragraph (5) shall renew his/her permit within such period, as prescribed by Ordinance of the Ministry of Environment. In such cases, paragraphs (4) and (5) shall apply mutatis mutandis to determination on whether to grant a permission, notification, etc.

(7) Where a person who has obtained a permission falls under any of the following, the Minister of Environment may revoke his/her permit: Provided, That where the person falls under subparagraph 1, he/she shall revoke his/her permission:

1. Where the person has obtained a permission under paragraph (1) by fraud or other improper means;
2. Where the person who has obtained a permission fails to comply with the conditions under paragraph (5).

(8) Matters necessary for the details of the information under paragraph (1), determination on whether to grant a permission, notification, etc. under paragraph (4) shall be prescribed by Ordinance of the Ministry of Environment.

**Article 20 (Permit to Import Restricted Chemicals and Declaration for Import of Toxic Chemicals)** (1) Any person who intends to import a restricted chemicals shall obtain a permission from the Minister of Environment, only when relevant restricted chemicals have a clear

use and are under proper control, as prescribed by Ordinance of the Ministry of Environment.

(2) Any person who intends to import a toxic chemicals shall report the types and purposes of the toxic chemicals to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment.

(3) Notwithstanding the provisions of paragraphs (1) and (2), the foregoing paragraphs shall not apply to cases prescribed by Presidential Decree, such as cases where a person intends to import a reagent intended for use in experiments, research, or testing for their intended purposes.

(4) Where a person makes any changes in matters for which he/she has obtained a permission pursuant to paragraph (1) or which he/she has reported pursuant to paragraph (2), he/she shall obtain a permission for modification or report any changes made, as prescribed by Ordinance of the Ministry of Environment.

#### **Article 21 (Approval for Export of Restricted Chemicals or Prohibited Chemicals, etc.)** (1)

Any person who intends to export a restricted chemicals (limited to uses for which handling is restricted) or prohibited chemicals, he/she shall prepare documents concerning information required to be included in a notification of export under paragraph (2) 4 and obtain approval from the Minister of Environment every year, as prescribed by Ordinance of the Ministry of Environment. The foregoing shall also apply to a change in any important matters prescribed by Ordinance of the Ministry of Environment.

(2) The Minister of Environment shall publicly notify the following matters in consultation with the Minister of Trade, Industry and Energy:

1. Names of chemicals, the import of which is prohibited or restricted by the parties to the agreement pursuant to Article 5 of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (hereinafter in this paragraph referred to as the "Rotterdam Convention"), and the details of prohibitions or restrictions;
2. Matters to be observed by those who export chemicals pursuant to Article 13 of the Rotterdam Convention;
3. Chemicals listed in Annex III to the Rotterdam Convention;
4. Information that shall be included in a notification of export, as provided for in Annex V to the Rotterdam Convention.

(3) Any person who intends to export chemicals under paragraph (2) 1 and 3 shall comply with the matters to be observed under paragraph (2) 2.

#### **Article 22 (Prohibition against Inhalation, etc. of Hallucinogenic Chemicals)** (1)

No person shall ingest or inhale chemicals prescribed by Presidential Decree (hereinafter referred to as "hallucinogenic chemicals"), which are chemicals that cause stimulant effects, hallucinations, or anesthesia, or possess hallucinogenic chemicals for the purpose of ingestion or inhalation.

(2) No person shall knowingly sell or provide hallucinogenic chemicals to those who intend to ingest or inhale hallucinogenic chemicals.

### **Section 2 Installation, Operation, etc. of Hazardous Chemical Handling Facilities**

#### **Article 23 (Preparation and Submission of Off-Site Consequence Analyses on Chemical Accidents)** (1)

Any person who intends to install and operate a hazardous chemical handling facility shall prepare in advance an off-site consequence analysis on a chemical accident, which assesses the effect of a chemical accident on people or environment around the place of business (hereinafter referred to as "off-site consequence analysis") and submit it to the Minister of Environment.

(2) The Minister of Environment shall review an off-site consequence analysis submitted pursuant to paragraph (1) with respect to the following matters and notify the person who submitted it of the risk the hazardous chemical handling facility poses and of whether the facility is adequate to

deal with such hazard:

1. Whether the installation and operation of the hazardous chemical handling facility have an effect on human health or the neighboring environment;
  2. Where hazardous chemicals flow out or leak into the area around the place of business due to the occurrence of a chemical accident, the degree of effects on human health or the neighboring environment;
  3. Whether the location, etc. of a hazardous chemical handling facility is in contravention of other Acts.
- (3) Where a complement or adjustment is necessary according to the review of an off-site consequence analysis pursuant to paragraph (2), the Minister of Environment may request the person who has submitted the off-site consequence analysis to complement or adjust it. In such cases, the person in receipt of such request shall comply therewith, except in extenuating circumstances.
- (4) Preparation of an off-site consequence analysis may be assigned to an institution specialized in preparation of off-site consequence analyses designated under Article 23-2.
- (5) Matters necessary for the details of an off-site consequence analysis to be prepared, methods of preparing and submitting such analysis, etc. shall be prescribed by Ordinance of the Ministry of Environment.

**Article 23-2 (Designation of Institutions Specialized in Preparation of Off-Site Consequence Analyses)**

- (1) The Minister of Environment may designate and publicly announce an institution specialized in preparation of off-site consequence analyses (hereinafter referred to as "institution specialized in preparation of off-site consequence analyses") among institutions fulfilling the requirements prescribed by Ordinance of the Ministry of Environment, such as human resources, facilities, and equipment necessary to perform the affairs related to the preparation of off-site consequence analyses.
- (2) Matters necessary for procedures, etc. for designating institutions specialized in preparation of off-site consequence analyses shall be prescribed by Ordinance of the Ministry of Environment.
- (3) Where necessary to examine an off-site consequence analysis, the Minister of Environment may request the institution specialized in preparation of off-site consequence analyses to provide related data. In such cases, the institution specialized in preparation of off-site consequence analyses in receipt of such request shall comply therewith, except in extenuating circumstances.

**Article 23-3 (Revocation of Designation of Institutions Specialized in Preparation of Off-Site Consequence Analyses)**

- (1) If an institution specialized in preparation of off-site consequence analyses falls under any of the following cases, the Minister of Environment may revoke the designation thereof: Provided, That in cases falling under subparagraph 1, he/she shall revoke the designation thereof:
1. Where the designation is obtained by fraud or other improper means;
  2. Where it fails to meet the requirements referred to in Article 23-2 (1);
  3. Where there is a serious mistake in the preparation of an off-site consequence analysis caused by intention or gross negligence.
- (2) Matters necessary for procedures, etc. for revoking the designation of an institution specialized in preparation of off-site consequence analyses shall be prescribed by Ordinance of the Ministry of Environment.

**Article 24 (Criteria, etc. for Layout, Installation, and Management of Handling Facilities)**

- (1) A hazardous chemical handling facility shall be installed and operated in accordance with the standards for arrangement, installation and management, etc. as prescribed by Ordinance of the Ministry of Environment.

(2) Any person who completes installation of a hazardous chemical handling facility shall undergo inspection by an inspection agency prescribed by Ordinance of the Ministry of Environment and submit the results thereof to the Minister of Environment.

(3) Any person who installs and operates hazardous chemical handling facilities shall have each handling facility undergo regular or special inspections by an inspection agency under paragraph (2) in each period prescribed by Ordinance of the Ministry of Environment and submit the results thereof to the Minister of Environment: Provided, That any person who conducts safety inspection and submits a safety inspection report pursuant to paragraph (4) shall be exempted from a regular inspection for a period prescribed by Ordinance of the Ministry of Environment.

(4) Where a person who has completed the installation of a hazardous chemical handling facility or who installs and operates a hazardous chemical handling facility falls under any of the following, he/she shall undergo safety inspection by an inspection agency under paragraph (2) and submit to the Minister of Environment a safety inspection report to verify the safety conditions of the hazardous chemical handling facility:

1. Where safety risk is deemed to exist due to subsidence, cracks, corrosion, etc. of the structure or equipment of the hazardous chemical handling facility according to the result of inspection under paragraph (2) or (3);
2. Where the period prescribed by Ordinance of the Ministry of Environment for each facility elapses after installation of hazardous chemical handling facilities.

(5) No hazardous chemical handling facility deemed inappropriate according to an inspection under paragraphs (2) and (3) or safety inspection under paragraph (4) shall be used: Provided, That the foregoing shall not apply where such facility is used for inspection or safety inspection.

(6) Matters necessary for procedures and standards for inspection and standards for management of inspection agencies under paragraphs (2) and (3), and detailed methods, etc. of safety inspection under paragraph (4) shall be prescribed by Ordinance of the Ministry of Environment.

**Article 25 (Orders to Improve Handling Facilities)** (1) Where a hazardous chemical handling facility falls under any of the following, the Minister of Environment may order a person who installs and operates the relevant facility to improve the facility within a fixed period, as prescribed by Ordinance of the Ministry of Environment:

1. Where the standards for the arrangement, installation, and management of the hazardous chemicals are not in conformity with any of the standards under Article 24 (1);
2. Where the facility that handles hazardous chemicals is deemed inappropriate according to an inspection under Article 24 (2) and (3) or safety inspection under paragraph (4) of the aforesaid Article.

(2) Where a person who is ordered to improve a hazardous chemical handling facility under paragraph (1) fails to make improvements within the period, or the Minister of Environment deems that it is impossible for him/her to make improvements, he/she may order the person to stop the operation of the relevant facility.

**Article 26 (Self-Inspection of Handling Facilities, etc.)** (1) Any person who installs and operates a hazardous chemical handling facility (including a person who has stopped the operation of the facility or is subject to suspension of business) shall conduct regular inspections of the relevant hazardous chemical handling facility, equipment, etc. at least weekly, and record and keep the results thereof for five years, as prescribed by Ordinance of the Ministry of Environment.

(2) Details of an inspection under paragraph (1) shall be as follows:

1. Whether a hazardous chemical flows out or leaks out due to corrosion, etc. of relevant equipment, such as transport pipelines, joints, and valves;
2. Whether a hazardous chemical in solid form is stored in sealed containers;
3. Whether a hazardous chemical in liquid or gaseous form is stored completely sealed;
4. Whether any hazardous chemical storage container is damaged, corroded or cracked;
5. Whether hazardous chemical transport equipment, such as a tank lorry or trailer, is corroded,

damaged, or deteriorated;

6. Whether the safety of the hazardous chemical handling facility, equipment, etc. prescribed by Ordinance of the Ministry of Environment is maintained.

## CHAPTER IV HAZARDOUS CHEMICAL BUSINESS OPERATORS

### Section 1 Classification of Hazardous Chemical Business and Permission to Conduct Business

#### Article 27 (Classification of Hazardous Chemical Business)

Hazardous chemical businesses shall be classified as follows:

1. Hazardous chemical manufacturing business: Businesses that manufacture hazardous chemicals for sale other than chemicals requiring a permission and prohibited chemicals;
2. Hazardous chemical sales business: Businesses that commercially sell hazardous chemicals other than chemicals requiring a permission and prohibited chemicals;
3. Hazardous chemical keeping or storage business: Businesses that keep or store hazardous chemicals, other than chemicals requiring a permission and prohibited chemicals, in a certain facility for the purposes of manufacturing, use, sale, and transport;
4. Hazardous chemical transport business: Business of transporting (excluding transport by air, ship, or train) hazardous chemicals other than chemicals requiring a permission and prohibited chemicals;
5. Hazardous chemical using business: Businesses that use hazardous chemicals, other than chemicals requiring a permission and prohibited chemicals, in the course of their work, such as manufacturing, cleaning or painting products.

**Article 28 (Permission to Conduct Hazardous Chemical Business)** (1) Any person who intends to conduct hazardous chemical business shall submit the following documents in advance, as prescribed by Ordinance of the Ministry of Environment:

1. An off-site consequence analysis found to be in conformity with relevant standards and notified as such in regard of the installation and operation of the hazardous chemical handling facility pursuant to Article 23 (2);
2. An inspection report found to be appropriate in regard of a hazardous chemical handling facility pursuant to Article 24 (5);
3. Where he/she handles chemicals requiring preparation for accidents, a risk management plan found to be appropriate pursuant to Article 41 (4).

(2) Any person who has submitted documents under paragraph (1) shall obtain permission from the Minister of Environment for each type of business after ensuring that each hazardous chemical handling facility, equipment, and technical human resources are in place in conformity with the standards prescribed by Ordinance of the Ministry of Environment.

(3) Any person who has submitted documents pursuant to paragraph (1) shall obtain permission from the Minister of Environment within a period prescribed by Ordinance of the Ministry of Environment. In such cases, the Minister of Environment may attach conditions necessary for appropriately managing the handling of the relevant hazardous chemicals.

(4) Where any person who intends to conduct hazardous chemical business files an application for permission after having submitted documents under paragraph (1) and meeting requirements for handling facilities, equipment, technical human resources, etc. under paragraph (2), the Minister of Environment shall immediately grant permission: Provided, That the foregoing shall not apply to a change in important matters prescribed by Ordinance of the Ministry of Environment.

(5) Where any person who has obtained permission to conduct hazardous chemical business under paragraph (4) intends to make any changes in important matters prescribed by Ordinance of the Ministry of Environment among permitted matters, he/she shall obtain permission for modification, and where he/she intends to make any changes in other matters, he/she shall report any changes



to be made. In such cases, procedures to obtain permission for modification or to file a report on modification shall be prescribed by Ordinance of the Ministry of Environment.

(6) Where the Minister of Environment grants permission under paragraph (3) or permission for modification or receives a report on modification under paragraph (5), he/she shall notify the head of the fire agency having jurisdiction over the location of a hazardous chemical handling facility of such matters, as prescribed by Ordinance of the Ministry of Environment.

(7) The Minister of Environment shall provide the status of the installation of hazardous chemical handling facilities to agencies legally required to respond to chemical accidents, such as fire agencies and local governments, as prescribed by Ordinance of the Ministry of Environment.

**Article 28-2 (Mail Order of Hazardous Chemicals)** (1) Where any of the following persons offers a mail order service under the Act on the Consumer Protection in Electronic Commerce, Etc., he/she shall take procedures for verification of the real name and age of the purchaser and verification of the purchaser himself/herself:

1. A person who conducts the business of selling hazardous chemicals referred to in subparagraph 2 of Article 27;
2. A person who sells reagents intended for use in experiments, research, or testing that fall under hazardous chemicals referred to in subparagraph 2 of Article 29, for their intended purposes.

(2) Matters necessary for the verification of the real name and age of the purchaser and the verification of the purchaser himself/herself under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

**Article 29 (Exemption from Permission to Conduct Hazardous Chemical Business)**

Notwithstanding the provisions of Article 28, Article 28 shall not apply to any of the following persons:

1. A person who conducts the business of selling, keeping, storing, transporting, or using hazardous chemicals contained in machinery or equipment;
2. A person who conducts the business of selling, keeping, storing, transporting, or using reagents intended for use in experiments, research, or testing, which fall under hazardous chemicals, for their intended purposes;
3. A person who unloads or transports hazardous chemicals in a certain area, such as within the port or railroad yard;
4. A person deemed to be in conformity with subparagraphs 1 through 3 and therefore is not required to obtain a permission, as prescribed by Ordinance of the Ministry of Environment.

**Article 29-2 (Reagent Sellers' Duty to Notify)** (1) A person who sells reagents as a person exempted from the permission to conduct such business pursuant to subparagraph 2 of Article 29 shall notify the purchasers of the following matters:

1. Reagents for use in experiments, research, or testing shall be used only for their intended use;
  2. In handling reagents, the purchaser shall comply with the criteria for handling hazardous chemicals.
- (2) Matters necessary for the methods, etc. of notification under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

**Article 29-3 (Reporting on Reagent Sales Business)** (1) Notwithstanding Article 29, a person who intends to conduct a business of selling reagents for use in experiments, research, or testing that fall under hazardous chemicals for their intended purpose shall file a report thereon with the Minister of Environment.

(2) Where a person who has filed a report pursuant to paragraph (1) intends to modify any important matter prescribed by Ordinance of the Ministry of Environment, he/she shall file a



report on the relevant modification.

(3) Upon receipt of a report pursuant to paragraph (1) or (2), the Minister of Environment shall verify the details of the report and issue a confirmation of report without delay to the person who has filed the report.

(4) Matters necessary for the reporting, methods and procedures for reporting on modification, and confirmation of report under paragraphs (1) through (3) shall be prescribed by Ordinance of the Ministry of Environment.

### **Article 30 (Grounds for Disqualification of Hazardous Chemical Business Operators)**

None of the following persons shall conduct hazardous chemical business:

Provided, That in cases of a person who falls under subparagraph 4, he/she shall be prohibited from conducting the relevant hazardous chemical business whose license is revoked:

1. An adult or incompetent placed under the protection of a legal guardian;
2. A person who was declared bankrupt and has not been reinstated;
3. A person in whose case two years have not passed since he/she was sentenced to imprisonment or heavier punishment for violating this Act and the execution thereof was completed (including cases where the execution is deemed completed) or the stay of execution was decided;
4. A person in whose case two years have not passed from the date his/her permission was revoked pursuant to Article 35;
5. A corporation, any of whose executive officers falls under any of subparagraphs 1 through 3.

## **Section 2 Management of Hazardous Chemical Business Operators**

### **Article 31 (Reporting, etc. on Awarding of Contracts for Handling Hazardous Chemicals)**

(1) Where any person who conducts hazardous chemical business under Article 27 (hereinafter referred to as "hazardous chemical business operator") awards a contract (including a subcontract; hereinafter the same shall apply) for the handling of the relevant hazardous chemicals, he/she shall report the matters concerning the name of the relevant contractor (including a subcontractor; hereinafter the same shall apply), grounds for awarding a contract, a plan for awarding a contract, a plan for safe management of chemical accidents, etc., as prescribed by Ordinance of the Ministry of Environment.

(2) Where a contractor who has been awarded a contract for the handling of hazardous chemicals pursuant to paragraph (1) violates this Act in relation to the work awarded, his/her violation of this Act shall also affect the contractee: Provided, That the foregoing shall not apply where Chapter VII Penalty Provisions (Articles 57 through 64) are applied.

(3) A person who intends to award a contract for the handling of the relevant hazardous chemicals shall do so only to a person who has such ability and meets such standards as prescribed by Ordinance of the Ministry of Environment.

(4) The contractee who awards a contract for the handling of hazardous chemicals shall be obliged to control and oversee the relevant contractor, and shall not require the contractor to engage in activities prescribed by Ordinance of the Ministry of Environment, such as the unreasonable operation of a handling facility.

**Article 32 (Hazardous Chemical Supervisors)** (1) Any hazardous chemical business operator shall appoint a hazardous chemical supervisor in accordance with standards prescribed by Ordinance of the Ministry of Environment, such as the quantity of hazardous chemicals handled by the relevant business operator and the number of his/her employees, before the commencement of his/her business so that the hazardous chemical supervisor may perform duties of securing the safety of hazardous chemical handling facilities and averting risk posed by hazardous chemicals.

(2) Where a hazardous chemicals business operator entrusts a person specialized in the

management of hazardous chemical handling facilities with the management thereof, the person entrusted with the management of hazardous chemical handling facilities (hereinafter referred to as "trustee") shall appoint a hazardous chemical supervisor under paragraph (1).

(3) Any person who has appointed a hazardous chemical supervisor pursuant to paragraph (1) or (2) shall report the appointment, dismissal, or retirement of the hazardous chemical supervisor immediately after such appointment, dismissal or retirement, and appoint a new hazardous chemical supervisor within 30 days from the date of his/her dismissal or retirement: Provided, That where he/she is unable to appoint a new hazardous chemical supervisor within such period, he/she can extend the period with approval from the Minister of Environment.

(4) Where a hazardous chemical supervisor cannot temporarily perform any of his/her duties due to his/her travel, illness or other reasons, any person who has appointed the hazardous chemical supervisor pursuant to paragraph (1) or (2) shall designate an agent to act on his/her behalf.

(5) A hazardous chemical supervisor shall provide information on the safety management of hazardous chemicals to persons working for the relevant hazardous chemical handling facilities, and direct and supervise the trustee and persons working for the hazardous chemical handling facilities lest they should violate this Act or any order under this Act.

(6) A hazardous chemical business operator, a trustee and his/her employees shall respect the opinion of a hazardous chemical supervisor on the safety and comply with his/her recommendation.

(7) Types, qualification, the number, the scope of duties of hazardous chemical supervisors, the period of acting as an agent for hazardous chemical supervisor, and other necessary matters shall be prescribed by Presidential Decree.

**Article 33 (Safety Education on Hazardous Chemicals)** (1) Technical human resources of facilities that handle hazardous chemicals under Article 28 (2), hazardous chemical supervisors under Article 32, and other persons in charge of handling hazardous chemicals prescribed by Presidential Decree shall receive hazardous chemical safety education conducted by an educational institution prescribed by Ordinance of the Ministry of Environment (hereinafter referred to as "hazardous chemical safety education").

(2) Where a hazardous chemical business operator has employed persons who are required to receive hazardous chemical safety education, he/she shall cause them to receive such education. In such cases, he/she shall bear expenses incurred in such education.

(3) Each hazardous chemical business operator shall regularly conduct hazardous chemical safety education for all employees of the relevant place of business, as prescribed by Ordinance of the Ministry of Environment.

**Article 34 (Suspension of Handling of Hazardous Chemicals, Suspension of Business, Closure of Business, etc.)** (1) A hazardous chemical business operator shall take such measures as prescribed by Ordinance of the Ministry of Environment before suspending the handling of hazardous chemicals in his/her place of business or changing the handling methods: Provided, That, in the case of closure of business, he/she shall dispose of hazardous chemicals remaining in his/her place of business in advance of such closure.

(2) Where a hazardous chemical business operator intends to close or suspend his/her business or does not operate hazardous chemical handling facilities for not less than the period prescribed by Ordinance of the Ministry of Environment, he/she shall dispose of remaining hazardous chemicals under paragraph (1) and report to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment.

(3) Where the Minister of Environment deems that hazardous chemicals are likely to harm human health or the environment after reviewing the content of the report on the closure of business or the suspension of business under paragraph (2), he/she may order the relevant hazardous chemical business operator to take measures necessary to avert the risk caused by the relevant hazardous chemicals before the closure of business or the suspension of business.

**Article 34-2 (Improvement Order on Hazardous Chemical Business Operators)** (1) Where a hazardous chemical business operator falls under any of the following cases, the Minister of Environment may issue such operator to improve, fixing a period:

1. Where he/she fails to submit data necessary for statistical surveys on chemicals pursuant to Article 10 (4) or for surveys on the volume of the chemical releases pursuant to Article 11 (2);
2. Where he/she violates the criteria for handling hazardous chemicals prescribed in subparagraph 2 of Article 13;
3. Where he/she fails to wear personal protective gear, in violation of Article 14 (1);
4. Where he/she displays or stores hazardous chemicals without a keeping or storage facility, in violation of Article 15 (2);
5. Where he/she fails to affix a label indicating hazardous chemicals as prescribed in Article 16 (1) and (2);
6. Where he/she fails to inspect a hazardous chemical handling facility, equipment, etc. or to record and keep the results thereof for five years, in violation of Article 26 (1);
7. Where he/she conducts business outside the bounds of classification of business and details of business prescribed in Article 27;
8. Where he/she fails to obtain permission for modification pursuant to the former part of Article 28 (5);
9. Where he/she fails to appoint a hazardous chemical supervisor pursuant to Article 32 (1) or (2);
10. Where he/she fails to observe standards for control of chemicals requiring preparation for accidents, in violation of Article 40;
11. Where he/she fails to give notice of a risk management plan, in violation of Article 42;
12. Where he/she fails to make a report or submit data referred to in Article 49 (1);
13. Where he/she fails to record or retain matters related to the handling of the relevant hazardous chemicals pursuant to Article 50 (1).

(2) Detailed criteria for issuing an order to improve under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment, taking into consideration the frequency of violations, degree of effects on human health or the environment, intention or negligence of a hazardous chemical business operator, etc.

**Article 35 (Revocation, etc. of Permission to Conduct Hazardous Chemical Business)** (1)

Where a hazardous chemical business operator falls under any of the following cases, the Minister of Environment shall revoke his/her permission:

1. Where he/she handles prohibited chemicals, in violation of Article 18;
2. Where he/she is deemed unable to continue his/her business because approval, permission, etc. related to hazardous chemical business under the subparagraphs of Article 27 has been revoked pursuant to other statutes;
3. Where he/she obtains permission to conduct business under Article 28 by fraud or other improper means;
4. Where a person who has obtained permission to conduct hazardous chemicals business fails to comply with any of the necessary conditions imposed pursuant to the latter part of Article 28 (3);
5. Where he/she falls under any subparagraph of Article 30: Provided, That where any of the executives of the corporation falls under any of subparagraphs 1 through 3 of Article 30, the foregoing shall not apply if such executive is replaced by a newly appointed executive within six months;
6. Where he/she is ordered to suspend his/her business at least three times within two years.

(2) Where a hazardous chemicals business operator falls under any of the following cases, the

Minister of Environment may revoke his/her permission to conduct business or order him/her to suspend all or part of his/her business for a fixed period within six months:

1. Where he/she lends his/her name or permit to another person to operate the relevant business or to be used by him/her;
2. Where he/she fails to submit information necessary for statistical surveys of chemicals under Article 10 (4) or surveys for the pollutant release and transfer registers under Article 11 (2);
3. Where he/she fails to comply with the standards for handling hazardous chemicals, in violation of Article 13;
4. Where he/she fails to wear personal protective gear, in violation of Article 14 (1);
5. Where he/she displays or keeps hazardous chemicals in excess of the volume of hazardous chemicals to be handled, in violation of Article 15 (1), or displays or keeps hazardous chemicals without a keeping or storage facility, in violation of Article 15 (2);
6. Where he/she transports hazardous chemicals without submitting a transport plan, in violation of Article 15 (3);
7. Where he/she fails to label hazardous chemicals under Article 16 (1) and (2);
8. Where he/she fails to comply with an order to suspend the handling of hazardous chemicals under Article 17 (1), thereby causing the chemicals to present a risk to human health or the environment;
9. Where he/she installs and operates a handling facility without undergoing an inspection of a hazardous chemical handling facility under Article 24 (3) or safety inspection of such handling facility under Article 24 (4);
10. Where he/she installs and operates a handling facility without submitting a safety inspection report under Article 24 (4) or being determined to be appropriate pursuant to Article 24 (5);
11. Where he/she fails to comply with an order to improve under Article 25 or 34-2;
12. Where he/she fails to inspect a handling facility, equipment, etc. or record or keep the result thereof for five years, in violation of Article 26 (1);
13. Where he/she conducts business beyond the classification of the category of business and the scope of business under Article 27;
14. Where he/she fails to commence business within two years after he/she obtains permission to conduct business under Article 28 (4) or suspends his/her business for at least two consecutive years without just grounds;
15. Where he/she fails to obtain permission for modification under the former part of Article 28 (5);
16. Where he/she fails to report the awarding of a contract for the handling of hazardous chemicals, in violation of Article 31 (1);
17. Where he/she awards a contract to a person who lacks ability and fails to meet standards, in violation of Article 31 (3);
18. Where he/she requires the unreasonable operation, etc. of a handling facility, in violation of Article 31 (4);
19. Where he/she fails to appoint a hazardous chemical supervisor pursuant to Article 32 (1) and (2);
20. Where he/she fails to comply with the standards for control of chemicals requiring preparation for accidents, in violation of Article 40;
21. Where he/she fails to publicly notify a risk management plan, in violation of Article 42;
22. Where he/she fails to take emergency measures in accordance with a risk management plan, in violation of Article 43 (1);
23. Where he/she fails to make an immediate report, in violation of Article 43 (2);
24. Where he/she fails to make a report under Article 49 (1) or makes a false report, and he/she fails to submit information or submits false information;
25. Where he/she fails to record or keep matters related to the handling of hazardous chemicals

under Article 50 (1);

26. Where professional or gross negligence causes a chemical accident that results in death or bodily injury or that adversely affects property or the environment under the standards prescribed by Ordinance of the Ministry of Environment.

(3) Matters necessary for criteria for administrative disposition under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Environment, in consideration of the frequency of violations, the degree, etc. of effects on human health or the environment.

#### **Article 36 (Disposition of Penalty Surcharges Imposed in Lieu of Suspension of Business)**

(1) Where the Minister of Environment shall order a hazardous chemical business operator to suspend his/her business pursuant to Article 35 (2), he/she may impose a penalty surcharge not exceeding 5/100 of the sales of the relevant place of business in lieu of suspension of business, as prescribed by Presidential Decree: Provided, That in cases of an enterprise which has only one place of business, the amount of a penalty surcharge shall not exceed 25/1,000 of its sales.

(2) The Minister of Environment shall impose a penalty surcharge under paragraph (1) in accordance with criteria prescribed by Presidential Decree in consideration of the kind of offense, the scale of business, the number of offenses, etc., and may raise or reduce the penalty surcharge within half the amount thereof.

(3) Where any person who is required to pay a penalty surcharge under paragraph (1) fails to pay it by the payment due date, the Minister of Environment shall cancel the imposition of a penalty surcharge under paragraph (1) and order the suspension of business, or collect it in the same manner as delinquent national taxes, as prescribed by Presidential Decree: Provided, That where he/she cannot order the suspension of business under Article 35 (2) due to the closure or the suspension of business under Article 34, he/she shall collect it in the same manner as delinquent national taxes.

(4) Penalty surcharges imposed and collected by the Minister of Environment shall become revenues of the Special Account for Environment Improvement under the Framework Act on Environmental Policy.

#### **Article 37 (Succession to Rights and Obligations)**

(1) Where a hazardous chemical business operator dies, transfers his/her business, or is merged or consolidated with another corporation, his/her heir, transferee, or the corporation surviving the merger or resulting from the consolidation shall succeed to the rights and obligations of the former hazardous chemical business operator under the permission. In such cases, where his/her heir falls under any of subparagraphs 1 through 3 of Article 30, he/she may transfer his/her business to a third person within 90 days.

(2) Any person who acquires a hazardous chemical handling facility in accordance with any of the following procedures shall succeed to the status of a business operator of such facility. In such cases, the permission of the former business operator to conduct business, registration of his/her business, or a report made by him/her shall lose its effect:

1. Auction under the Civil Execution Act;
2. Conversion into money under the Debtor Rehabilitation and Bankruptcy Act;
3. Sale of seized property under the National Tax Collection Act, the Customs Act, or the Local Tax Collection Act;
4. Other procedures corresponding to those specified in subparagraphs 1 through 3.

(3) Where a hazardous chemical business operator transfers his/her business or dies, or corporations are merged or consolidated, a transferee, an heir, the corporation surviving the merger or resulting from the consolidation shall succeed to the effect of administrative disposition under Articles 35 and 36 on the former hazardous chemical business operator for one year from the date the period of such disposition expires, and where procedures for administrative disposition are ongoing, procedures for administrative disposition may be continued against the transferee, the heir, or the corporation surviving the merger or resulting from the consolidation: Provided, That the foregoing shall not apply where the transferee, the heir, or the corporation

surviving the merger or resulting from the consolidation proves that he/she/it is not aware of the fact of such disposition or violation as at the time of acquisition by transfer or merger.

(4) Any person who succeeds to the rights and obligations of a hazardous chemical business operator pursuant to paragraph (1) shall report to the Minister of Environment his/her succession within 30 days from the date of the succession thereto, as prescribed by Ordinance of the Ministry of Environment.

**Article 38 (Approval, etc. for Shared Utilization of Hazardous Chemical Supervisors and Handling Facilities)**

(1) Two or more hazardous chemical business operators whose places of business are built on the same site or in the same building with one another may jointly utilize a hazardous chemical handling facility or a hazardous chemical supervisor with approval from the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment. In such cases, each hazardous chemical business operator shall be deemed to have a hazardous chemical handling facility or a hazardous chemical supervisor.

(2) Where any hazardous chemical business operator intends to change important matters prescribed by Ordinance of the Ministry of Environment among the matters approved pursuant to paragraph (1), he/she shall report thereon, as prescribed by Ordinance of the Ministry of Environment.

## CHAPTER V PREPARATION FOR AND RESPONSE TO CHEMICAL ACCIDENTS, ETC.

### Section 1 Designation, etc. of Chemicals Requiring Preparation for Accidents

**Article 39 (Designation of Chemicals Requiring Preparation for Accidents)**

The Minister of Environment shall designate and publicly notify chemicals requiring preparation for accidents, as prescribed by Presidential Decree, among any of the following chemicals, which are highly likely to cause a chemical accident or likely to cause severe damage if a chemical accident occurs:

1. Physically or chemically dangerous chemicals due to their inflammability, explosiveness, responsiveness, possibility of their outflow or leakage, etc.;
2. Chemicals that have high acute toxicity when ingested orally, inhaled, or exposed to the skin;
3. Chemicals determined by international organizations, international conventions, etc. to present a risk to human health or the environment;
4. Other chemicals, the special control of which is deemed necessary because they are highly likely to cause chemical accidents.

**Article 40 (Standards for Control of Chemicals Requiring Preparation for Accidents)**

Any person who handles chemicals requiring preparation for accidents shall observe standards for control of chemicals requiring preparation for accidents prescribed by Ordinance of the Ministry of Environment, such as managing records of outsiders who have obtained access: Provided, That the foregoing shall not apply where a facility that handles chemicals requiring preparation for accidents is a laboratory under subparagraph 2 of Article 2 of the Act on the Establishment of Safe Laboratory Environment.

**Article 41 (Preparation and Submission of Risk Management Plans)** (1) Any person who handles chemicals requiring preparation for accidents in excess of the quantity prescribed by Ordinance of the Ministry of Environment shall prepare a risk management plan including the following matters every five years and submit it to the Minister of Environment:

1. List of and hazard information on chemicals requiring preparation for accidents, which he/she handles;
2. List of facilities that handle chemicals requiring preparation for accidents, and the status of accident prevention facilities and equipment held by him/her;
3. Matters concerning process safety information on facilities that handle chemicals requiring



preparation for accidents, analytical data about dangers of process, procedures for operating process, and matters requiring attention;

4. Person in charge of the operation of facilities that handle chemicals requiring preparation for accidents and the status of workers;
  5. Plan for education, training, and self-inspection in cases of a chemical accident;
  6. Emergency communication system and organization in charge of safe management, such as a person who has the authority to stop the operation, if a chemical accident occurs;
  7. Outflow or leakage scenarios and plan for emergency measures in cases of a chemical accident;
  8. Verification of residents, structures, crops, environmental media, etc. within the zone that could be affected if a chemical accident were to occur;
  9. Plan for evacuation of residents (including persons engaged in the neighboring places of business) in cases of a chemical accident;
  10. Action plan for the minimization or elimination of, and recovery from, damage caused by a chemical accident;
  11. Other matters concerning the safe management of chemicals requiring preparation for accidents.
- (2) Among persons required to submit a risk management plan pursuant to paragraph (1), any person who intends to conduct hazardous chemical business under Article 27 shall submit a risk management plan in advance pursuant to Article 28 (1).
- (3) Where a person who submits a risk management plan pursuant to paragraph (1) or (2) falls under any of the following cases, he/she shall prepare and submit a modified risk management plan:
1. In cases where permission for modification of hazardous chemical business should be obtained pursuant to Article 28 (5), where any important matter prescribed by Ordinance of the Ministry of Environment is changed, such as the increase of the quantity of chemicals requiring preparation for accidents to be handled or the capacity of a handling facility, or the change in location of items or handling facility;
  2. In cases where the head of a local government having jurisdiction over the location of the place of business has requested the complement of a plan for dispersion of residents under paragraph (1) 9, where the Minister of Environment has notified the submitter to submit a modified plan recognizing the necessity thereof.
  - (4) Where the Minister of Environment receives a risk management plan pursuant to paragraphs (1) through (3), he/she shall review it as prescribed by Ordinance of the Ministry of Environment and notify the relevant submitter as to whether it is appropriate.
  - (5) Where deemed necessary for review under paragraph (4), the Minister of Environment may request the head of the relevant local government to consult on the risk management plan, and the head of the local government in receipt of the request for consultation shall notify his/her opinion on the review of the risk management plan to the Minister of Environment after reviewing it.
  - (6) If deemed necessary to revise or supplement a risk management plan after reviewing it under paragraph (4), the Minister of Environment may request the relevant submitter to revise or supplement such plan. In such cases, the person in receipt of such request shall submit revisions or supplements to the plan, except in extenuating circumstances.
  - (7) Matters necessary for the methods, procedures, etc. for preparing and submitting risk management plans under paragraphs (1) through (6) shall be prescribed by Ordinance of the Ministry of Environment.

**Article 42 (Notice of Risk Management Plans to Local Communities)** (1) Any person who handles chemicals requiring preparation for accidents shall give notice of the following information among the details of a risk management plan under Article 41 (1) and a risk management plan modified under Article 41 (3) in an easily understandable form to local residents around his/her



place of business at least once a year. Where he/she has changed any of the matters notified, he/she shall give notice of such change within one month from the date the reason for change occurs:

1. Hazard information on, and chemical accident risk of, hazardous chemicals he/she handles;
  2. Range of the impact on air, water quality, groundwater, soil, the natural environment, etc. if a chemical accident occurs;
  3. Methods of transmitting early warning, and instructions for action, such as the evacuation of residents, in cases of a chemical accident.
- (2) Notice to local residents under paragraph (1) shall be given by using at least one means of the following communications: notice in writing, individual explanations, collective transmission, etc.
- (3) The head of a local government may provide necessary support so that the notice under paragraph (1) can be given in a smooth manner.
- (4) Where local residents make a request, any person who handles chemicals requiring preparation for accidents shall individually notify the details under paragraph (1) in addition to notice under paragraph (2).
- (5) In addition to the matters provided for in paragraphs (1) through (4), those necessary for notice of a risk management plan shall be prescribed by Ordinance of the Ministry of Environment.

## Section 2 Response to Chemical Accidents, etc.

- Article 43 (Reporting of Occurrence of Chemical Accidents, etc.)** (1) Where a chemical accident occurs or is likely to occur, any person who handles the relevant chemical shall immediately take emergency measures necessary to reduce risk in accordance with the risk management plan: Provided, That where significance or urgency of a chemical accident is acknowledged, he/she shall discontinue the operation of a handling facility.
- (2) Where a chemical accident occurs, any person who handles the relevant chemical shall immediately report the occurrence of such chemical accident to the competent local government, local environmental agency, national police agency, fire agency, or local employment and labor agency.
- (3) Upon receipt of a report pursuant to paragraph (2), the head of an agency shall immediately notify the Minister of Environment of the cause, size, etc. of a chemical accident, as prescribed by Ordinance of the Ministry of Environment.
- (4) Where a report is made under paragraph (2) or a notice is given under paragraph (3), a report or notice under Article 18 of the Framework Act on the Management of Disasters and Safety shall be deemed to be completed.

- Article 44 (Response at Scene of Chemical Accidents)** (1) The Minister of Environment may send a public official who controls the scene and coordinates related affairs, whose qualification meets the requirements prescribed by Ordinance of the Ministry of Environment, to the scene of a chemical accident for prompt response to the chemical accident, control over the situation, and collection and notification of information on the chemical accident.
- (2) Duties of an official who controls the scene and coordinates affairs related thereto shall be as follows:
1. Coordination and support in relation to response to the chemical accident;
  2. Response to the chemical accident, investigation of the impact, measures necessary for mitigation of and recovery from damage;
  3. Response to the chemical accident, maintenance of communication, and cooperation with agencies related to recovery;
  4. Publicity and briefing to the people on the cause of the chemical accident, the scale of damage, measures taken, etc.;

5. Other measures necessary to put the chemical accident under control.

(3) The head of the local government having jurisdiction over the area where a chemical accident has occurred (including an emergency rescue agency and an emergency rescue support agency located in the relevant area) shall provide proactive cooperation to an official who controls the scene and coordinates affairs related thereto so that he/she may smoothly perform his/her duties at the scene of the chemical accident, and where the head of the local government determines and executes major issues, he/she shall consult with the official who controls the scene and coordinates affairs related thereto.

**Article 44-2 (Order to Stop Operation of Facility at which Chemical Accident Occurred).**

(1) Where deemed necessary to perform the affairs stipulated in subparagraphs of Article 44 (2) efficiently, a public official who controls the scene of a chemical accident and coordinates related affairs referred to in Article 44 may order to stop operation of the relevant chemical material handling facility (hereinafter referred to as "order to stop operation").

(2) A business entity in receipt of an order to stop operation shall immediately stop operation of the relevant chemical material handling facility, and shall not operate the relevant chemical material handling facility until the Minister of Environment revokes the order to stop operation.

(3) Matters necessary for the requirements, methods, procedures, etc. for the issuance of an order to stop operation and the revocation thereof shall be prescribed by Ordinance of the Ministry of Environment.

**Article 45 (Investigation into Impacts of Chemical Accidents)** (1) Where necessary for investigating the cause of a chemical accident, minimizing, and recovering from damage to human health or the environment, the Minister of Environment may conduct an investigation into its impact (hereinafter referred to as "investigation of impact") on the following in consultation with the heads of relevant agencies:

1. The cause, scale, and development of the chemical accident, and human and physical damage therefrom;
2. Properties, hazard or risk of a chemical that causes the chemical accident;
3. Impact on the health of residents in the neighborhood of the area where the chemical accident occurs, and the surrounding environment;
4. Exposure rate of a chemical that causes the chemical accident and the extent of pollution caused by such chemical;
5. Transfer of a chemical that causes the chemical accident to air, water quality, soil, the natural environment, etc. and its residual form;
6. Possibility of another chemical accident;
7. Other matters necessary for relief from damage caused by the chemical accident.

(2) The Minister of Environment may organize and operate a chemical accident investigation squad headed by an officer who controls the scene and coordinates affairs related thereto under Article 44 in order to conduct an investigation into the impact, as prescribed by Presidential Decree.

**Article 46 (Orders to Take Measures, etc.)** (1) The Minister of Environment may order a business entity who has caused the relevant chemical accident to take the following measures within a period prescribed by the Ordinance of the Ministry of Environment:

1. Mitigation or elimination of damage to human health or the surrounding environment caused by the chemical accident;
2. Restoration of the area polluted by chemicals.

(2) Any person ordered to take measures pursuant to paragraph (1) shall submit an implementation plan to the Minister of Environment and comply with an order to take measures under paragraph (1), as prescribed by Ordinance of the Ministry of Environment.

(3) When the Minister of Environment determines measures for mitigation or elimination under

paragraph (1) 1, he/she may set the priorities in consideration of hazard, risk, exposure route, etc. of chemicals.

(4) Environmental Quality Standards provided for in the Clean Air Conservation Act, the Water Environment Conservation Act, and the Soil Environment Conservation Act shall apply to standards for recovery measures under paragraph (1) 2, and where no environmental standard exists, guidelines specially prescribed by the Minister of Environment shall apply to standards for recovery measures.

(5) Detailed matters necessary for measures for mitigation, recovery measures, and methods for preparing an implementation plan under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 47 (Designation of Areas Requiring Special Management of Chemical Accidents)**

(1) To better respond in the field in cases of a chemical accident, the Minister of Environment may designate areas where chemical accidents are highly likely to occur, such as industrial complexes, as areas requiring special management of chemical accidents (hereinafter referred to as "area requiring special management"), as prescribed by Presidential Decree.

(2) Where the Minister of Environment intends to designate an area requiring special management, he/she shall consult with a Special Metropolitan City Mayor, a Metropolitan City Mayor, Special Self-Governing City Mayor, Do Governor, or Special Self-Governing Province Governor having jurisdiction over such area.

(3) The Minister of Environment may establish and operate an exclusive agency for ongoing management and supervision of places of business handling chemicals and response to chemical accidents in the areas requiring special management.

### **CHAPTER VI SUPPLEMENTARY PROVISIONS**

#### **Article 48 (Establishment and Operation of Comprehensive Chemical Information System)**

(1) The Minister of Environment shall establish and operate a comprehensive chemical information system in order to collect and supply information related to the safe management of chemicals, the history of the occurrence of chemical accidents, and preparation for and response to chemical accidents.

(2) The Minister of Environment shall provide information related to the safe management, etc. of chemicals obtained through a comprehensive chemical information system under paragraph (1) to persons who handle chemicals, relevant agencies responding to chemical accidents, and the public, as prescribed by Presidential Decree.

(3) Matters necessary for the establishment, operation, etc. of a comprehensive chemical information system under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

**Article 49 (Reporting, Inspection, etc.)** (1) The Minister of Environment may require any of the following persons to make a necessary report or submit data, or require relevant public officials to access the relevant workplace or facility to collect chemicals or inspect relevant documents, facilities, equipment, etc. In such cases, he/she may require relevant public officials to collect the minimum quantity of chemicals and samples necessary for testing without compensation:

1. A person required to verify chemicals pursuant to Article 9 (1);
2. A person required to obtain permission to manufacture, import, or sell prohibited chemicals pursuant to the proviso to Article 18 (1);
3. A person required to obtain permission to manufacture, import, or use chemicals requiring permission under Article 19;
4. A person required to obtain permission to import restricted chemicals pursuant to Article 20 (1);
5. A person required to make an import declaration in respect of toxic chemicals pursuant to

Article 20 (2);

6. A person required to obtain approval for export of restricted or prohibited chemicals pursuant to Article 21 (1);
  7. A person required to obtain permission to conduct hazardous chemical business pursuant to Article 28;
  - 7-2. A person who sells reagents for use in experiments, research, or testing that fall under hazardous chemicals pursuant to subparagraph 2 of Article 29;
  8. A person required to report the succession to the rights and obligations of a hazardous chemical business operator pursuant to Article 37 (4);
  9. A person required to observe standards for management of chemicals requiring preparation for accidents pursuant to Article 40;
  10. A person required to report a chemical accident pursuant to Article 43 (2);
  11. A person entrusted with duties by the Minister of Environment pursuant to Article 55 (2).
- (2) Any public official who accesses a workplace or facility, or conducts an inspection pursuant to paragraph (1) shall carry a certification indicating his/her authority and produce it to interested parties.

**Article 50 (Recording and Retention of Documents)** (1) Any of the following persons shall record and preserve matters related to the handling of the relevant chemicals for five years, as prescribed by Ordinance of the Ministry of Environment:

1. A person who has verified chemicals pursuant to Article 9 (1);
  2. A person who has obtained a permission to manufacture, import, or sell prohibited chemicals pursuant to the proviso to Article 18 (1);
  3. A person who has obtained a permission to manufacture, import or use chemicals requiring a permission under Article 19;
  4. A person who has obtained a permission to import restricted chemicals pursuant to Article 20 (1) or a person who has made an import declaration in respect of toxic chemicals pursuant to paragraph (2) of the aforesaid Article;
  5. A person who has obtained approval to export restricted chemicals or prohibited chemicals pursuant to Article 21 (1);
  6. A person who has obtained a permission to conduct hazardous chemical business pursuant to Article 28;
  - 6-2. A person who sells reagents for use in experiments, research, or testing that fall under hazardous chemicals pursuant to subparagraph 2 of Article 29;
  7. A person who handles chemicals requiring preparation for accidents pursuant to Article 40.
- (2) In cases under paragraph (1), if digital input data exist, the relevant person may preserve digital input data in lieu of the relevant documents.

#### **Article 51 (Hearings)**

The Minister of Environment shall hold a hearing in any of the following cases:

1. Where he/she intends to revoke designation of an institution specialized in preparation of off-site consequence analyses pursuant to Article 23-3;
2. Where he/she intends to revoke permission for conducting hazardous chemical business pursuant to Article 35.

**Article 52 (Data Protection)** (1) Where a person who submitted data pursuant to this Act requests the Minister of Environment to protect data on the ingredients of chemicals, etc. for confidentiality, he/she shall not disclose such data during the data protection period prescribed by Presidential Decree: Provided, That the foregoing shall not apply where data falls under any of the following:

1. Data for which the request for data protection is made has been disclosed in the Republic of

Korea and abroad;

2. Data determined to be disclosed pursuant to Article 12 (1) and (2);
3. Other data prescribed by Presidential Decree.

(2) Where data for which the request for data protection is made pursuant to the main sentence of paragraph (1) falls under data ineligible for protection under the proviso to the aforesaid paragraph, the Minister of Environment shall notify thereof to the person who has requested data protection.

(3) Other necessary matters, such as procedures for requesting data protection, shall be prescribed by Ordinance of the Ministry of Environment.

**Article 53 (Association Relating to Control of Chemicals)** (1) Any person who conducts the business of manufacturing, importing, selling, keeping, storing, transporting, or using chemicals may establish an association relating to the control of chemicals (hereinafter referred to as the "Association") in order to promote the proper control of chemicals, technological development and sound business development.

(2) The Association shall be a body corporate.

(3) The Association shall prepare and obtain approval for the articles of association from the Minister of Environment. The same shall apply to cases where it intends to amend the articles of association.

(4) Where the Minister of Environment deems that the operation of the Association breaches any other statutes or the articles of association, he/she may request the Association to rectify such breach.

(5) Where the Association falls under any of the following, the Minister of Environment may revoke his/her approval for the Association: Provided, That where the Association falls under subparagraph 1, he/she shall revoke his/her approval for the Association:

1. Where the Association has obtained approval for the establishment thereof by fraud or other improper means;
2. Where it becomes impossible for the Association to achieve the objectives of the establishment thereof due to changes in circumstances, such as amendments to any other statutes;
3. Where the Association fails to rectify breaches of Acts, etc. despite a request for correction under paragraph (4).

(6) Except as otherwise expressly provided for in this Act, the provisions on incorporated associations of the Civil Act shall apply mutatis mutandis to the Association.

#### **Article 54 (Fees)**

Any person who intends to make a report, or obtain designation or confirmation, undergo review, obtain a permission, etc. under any of the following shall pay fees prescribed by Ordinance of the Ministry of Environment:

1. Issuance of a certificate of confirmation of chemicals under Article 9 (3);
2. Permission to manufacture, import, or sell prohibited chemicals under Article 18 and permission to make any change;
3. Permission to manufacture, import, or use chemicals requiring permission under Article 19 (1);
4. Permission to import restricted chemicals under Article 20 (1);
5. Reporting of the import of toxic chemicals under Article 20 (2);
6. Permission to make any change in the import of restricted chemicals, and reporting of any changes to be made in the import of toxic chemicals under Article 20 (4);
7. Approval for exportation of restricted chemicals or prohibited chemicals, and approval for any change to be made in the exportation thereof under Article 21 (1);
8. Inspection of hazardous chemical handling facilities under Article 24 (3);
9. Safety diagnosis of hazardous chemical handling facilities under Article 24 (4);
10. Permission to conduct hazardous chemical business under Article 28;
11. Permission to make any change and reporting of any changes to be made in hazardous

chemical business under Article 28 (5);

12. Reporting of the awarding of a contract for the handling of hazardous chemicals under Article 31 (1);

13. Reporting of the suspension or closure of hazardous chemical business under Article 34 (2).

**Article 55 (Delegation or Entrustment of Authority)** (1) The Minister of Environment may partially delegate his/her authority bestowed under this Act to the head of an agency under his/her jurisdiction, as prescribed by Presidential Decree.

(2) The Minister of Environment may partially entrust his/her duties bestowed under this Act to the Korea Environmental Industry and Technology Institute under the Korea Environmental Industry and Technology Institute Act, the Korea Environment Corporation under the Korea Environment Corporation Act, or the Association, as prescribed by Presidential Decree.

**Article 56 (Legal Fiction as Public Officials in Application of Penalty Provisions)**

Executives and employees of the Korea Environmental Industry and Technology Institute, Korea Environment Corporation or the Association who perform duties entrusted pursuant to Article 55 (2) shall be deemed public officials for the purposes of the provisions of Articles 129 through 132 of the Criminal Act.

## CHAPTER VII PENALTY PROVISIONS

**Article 57 (Penalty Provisions)**

Any person who, with professional or gross negligence, causes a chemical accident resulting in death or bodily injury shall be punished by imprisonment without labor for not more than ten years or by a fine not exceeding 200 million won.

**Article 58 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding 100 million won:

1. Any person who fails to stop handling of hazardous chemicals, in violation of an order to stop handling of hazardous chemicals under Article 17 (1);
2. Any person who handles prohibited chemicals, in violation of the main sentence of Article 18 (1);
3. Any person who manufactures, imports or uses chemicals requiring a permission without a permission or after obtaining a permission by fraudulent means, in violation of Article 19;
4. Any person who conducts hazardous chemical business or handles hazardous chemicals without a permission to conduct hazardous chemical business under Article 28 or after obtaining a permission by fraudulent means;
5. Any person who fails to dispose of remaining hazardous chemicals in the place of business, in violation of Article 34 (1);
6. Any person who fails to comply with any of the standards for management of chemicals requiring preparation for accidents, in violation of Article 40;
7. Any person who fails to submit a risk management plan under Article 41 (1) or submits a false risk management plan;
8. Any person who fails to give notice of a risk management plan, in violation of Article 42;
9. Any person who fails to take emergency measures under a risk management plan, in violation of Article 43 (1);
10. Any person who fails to comply with an order to take measures for mitigation of damage, or measures for recovery from damage under Article 46 (1).

**Article 59 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 50 million won:



1. Any person who fails to comply with any of the standards for handling hazardous chemicals, in violation of Article 13;
2. Any person who fails to wear personal protective gear, in violation of Article 14 (1);
3. Any person who displays or keeps hazardous chemicals in excess of the quantity of hazardous chemicals to be handled, in violation of Article 15 (1), or displays or keeps hazardous chemicals without having a keeping or storage facility, in violation of paragraph (2) of the aforesaid Article;
4. Any person who fails to affix a label concerning hazardous chemicals under Article 16 (1) and (2);
5. Any person who imports restricted chemicals without a permission to import restricted chemicals under Article 20 (1) or after obtaining a permission to import restricted chemicals by fraudulent means;
6. Any person who ingests or inhales hallucinogenic chemicals, possesses them for such purposes, or knowingly sells or provides them to a person who intends to ingest or inhale them, in violation of Article 22;
7. Any person who installs and operates a handling facility without submitting a safety inspection report under Article 24 (4), or after submitting a false safety inspection report;
8. Any person who installs and operates a handling facility without being determined appropriate pursuant to Article 24 (5);
9. Any person who fails to comply with an improvement order or an order to stop the operation under Article 25;
10. Any person who fails to inspect a handling facility, equipment, etc., or fails to record or keep the results thereof for five years, in violation of Article 26 (1);
- 10-2. Any person who fails to take necessary measures when he/she stops handling hazardous chemicals or suspends or closes his/her business, in violation of the main sentence of Article 34 (1);
11. Any person who fails to comply with an order to take measures before the suspension of business or the closure of business under Article 34 (3);
12. Any person who fails to immediately stop operation of the chemical handling facility which has received an order to stop operation or operates the relevant chemical handling facility before the order to stop operation is revoked, in violation of Article 44-2 (2).

**Article 60 (Penalty Provisions)**

Any person who fails to make an immediate report pursuant to Article 43 (2) shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding 100 million won.

**Article 61 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding 30 million won:

1. Any person who fails to comply with any of the requirements for permission under Article 19 (5);
2. Any person who imports toxic chemicals without making a declaration for import of toxic chemicals under Article 20 (2), or after making a false declaration for import of toxic chemicals;
3. Any person who exports restricted chemicals without obtaining approval for export of restricted chemicals under the former part of Article 21 (1) or after obtaining permission by fraudulent means;
4. Any person who conducts business without permission for modification in hazardous chemical business under the former part of Article 28 (5) or after obtaining permission for modification by fraudulent means;
- 4-2. Any person who fails to submit a modified risk management plan under Article 41 (3) or submits a modified risk management plan by fraudulent means;



- 4-3. Any person who fails to file a report on business of selling reagents for use in experiments, research, or testing that fall under hazardous chemicals pursuant to Article 29-3 or files a false report thereon;
5. Any person who fails to submit a revised or complemented risk management plan under Article 41 (6).

**Article 62 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with labor for not more than six months or by a fine not exceeding five million won:

1. Any person who fails to obtain a permission to manufacture, import or sell prohibited chemicals or obtains a permission by fraudulent means, in violation of the proviso to Article 18 (1);
2. Any person who imports prohibited chemicals without a permission for modification under Article 18 (2) or after obtaining a permission for modification;
3. Any person who exports restricted chemicals or prohibited chemicals under the latter part of Article 21 (1) without obtaining approval for modification on the export thereof or after obtaining approval for modification by fraudulent means;
4. Any person who sells hazardous chemicals without taking procedures for verification of the real name and age of the purchaser or verification of the purchaser himself/herself.

**Article 63 (Joint Penalty Provisions)**

Where the representative of a corporation, or an agent, an employee or other worker of a corporation or individual commits an offense falling under any of Articles 57 through 62 relating to the business of such corporation or individual, not only shall the person who commits such offense be punished, but such corporation or individual also shall be punished by a fine under the relevant provision: Provided, That the foregoing shall not apply where the corporation or individual has exercised reasonable care and supervision over the relevant business to prevent the offense.

**Article 64 (Administrative Fines)** (1) Any of the following persons shall be punished by an administrative fine not exceeding ten million won:

1. Any person who fails to submit the details of confirmation of chemicals or submits the details thereof by fraudulent means, in violation of Article 9 (1);
2. Any person who fails to comply with an order to submit data necessary for statistical surveys of chemicals under Article 10 (4) or submits false data;
3. Any person who fails comply with an order to submit data necessary for surveys of the volume of chemical releases under Article 11 (2) or submits false data;
4. Any person who sells or provides hallucinogenic chemicals, in violation of Article 22 (2);
5. Any person who conducts hazardous chemical business without making a report on modification in hazardous chemical business under the former part of Article 28 (5) or after making a false report of any changes to be made;
6. Any person who fails to report the awarding of a contract for handling hazardous chemicals, in violation of Article 31;
7. Any person who fails to report the appointment, dismissal, or retirement of a hazardous chemical supervisor or any person who fails to designate a deputy performing his/her duties on his/her behalf, in violation of Article 32;
8. Any person who closes or suspends his/her business or stops operation of a hazardous chemical handling facility without making a report under Article 34 (2);
9. Any person who fails to report succession under Article 37 (4);
10. Any person who conducts hazardous chemical business without making a report under Article 38 (2) or after making a false report;
11. Any person who fails to make a report or submit data under Article 49 (1) or makes a false report or submits false data, or any person who refuses, interferes with, or evades a relevant

public official's access to his/her place of business or facility, or inspection of his/her documents, facility, or equipment under Article 49 (1).

(2) Any of the following persons shall be punished by an administrative fine not exceeding three million won:

1. Any person who fails to notify the purchasers of reagents of the matters stipulated in subparagraphs of Article 29-2 (1), in violation of Article 29-2;
  2. Any hazardous chemical business operator who fails to require persons subject to safety education on hazardous chemicals to receive safety education on hazardous chemicals, in violation of Article 33 (2), or fails to conduct safety education on hazardous chemicals, in violation of Article 33 (3);
  3. Any person who violates his/her obligations concerning the recording or preservation under Article 50 (1).
- (3) The Minister of Environment shall impose and collect an administrative fine under paragraphs (1) and (2), as prescribed by Presidential Decree.