

Environmental Protection and Management (Hazardous Substances) Regulations

Table of Contents

Part I PRELIMINARY

1 Citation

2 Definitions

Part II TRANSPORT OF HAZARDOUS SUBSTANCES

3 Application of this Part

4 Consignor's responsibility for safe consignment

5 Carrier to obtain information on consignment

6 Transport documents

7 Instructions for drivers

8 Responsibilities of drivers

9 Transport routes

10 Hazard warning panels and labels

11 Precaution against fire or explosion

12 Prohibition against overfill

13 Prohibition against carriage of multi-loads of hazardous substances

14 Supervision of vehicles carrying hazardous substances

Part III IMPORT OF HAZARDOUS SUBSTANCES

15 Import of hazardous substances

16 Collection of imported hazardous substances

Part IV STORAGE AND SUPPLY OF HAZARDOUS SUBSTANCES

17 Permission to store and use hazardous substances

18 Records of storage of hazardous substances

19 Storage requirements

20 Instruction and training

21 Sale and supply of hazardous substances

Part V MISCELLANEOUS

22 Establishment of emergency action plan to deal with accidents and emergencies

23 Notification of accidents and emergencies

24 Notification of loss or theft of hazardous substances

25 Penalty

THE SCHEDULE Hazardous Substances

Legislative History

ENVIRONMENTAL PROTECTION AND MANAGEMENT ACT
(CHAPTER 94A, SECTION 77)

ENVIRONMENTAL PROTECTION AND MANAGEMENT (HAZARDOUS
SUBSTANCES) REGULATIONS

Rg 4

G.N. No. S 159/1999

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PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the Environmental Protection and Management (Hazardous Substances) Regulations.

Definitions

2.—(1) In these Regulations, unless the context otherwise requires —

“carrier” means any person undertaking the transport of hazardous substances and includes both carriers for hire or reward and carriers on own account;

“code of practice” means a standard which —

- (a) sets out the method of installation of equipment and the procedure to be followed for the efficient use and maintenance of such equipment;
- (b) recommends precautions to be taken in making, using and maintaining such equipment; or
- (c) specifies the measures or precautions to be taken in designing, planning and constructing such equipment in order to ensure that the requirements laid down in respect of the design, plan and construction of such equipment are complied with;

“consignment” means any load or multi-load of hazardous substances presented by a consignor for transport;

“consignor” means any person who presents a consignment of hazardous substances for transport or on whose behalf such consignment is presented;

“emergency action plan” means such plan of action to be taken in the event of any emergency situation involving any hazardous substance as approved by the Director-General;

“freight container” means an article of transport equipment designed to facilitate the carriage of goods by one or more modes of transport without intermediate re-loading of the contents;

“hazardous substance” does not include any hydrofluorocarbon, including any mixture containing any hydrofluorocarbon, and any ozone depleting substance specified in Part I of the Second Schedule to the Act other than methyl bromide;

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“multi-load” means a load consisting of 2 or more hazardous substances in separate compartments or containers (whether or not a substance which is not a hazardous substance is being conveyed at the same time);

“owner”, in relation to any hazardous substance, includes any person acting as agent for the owner;

“transport” means transport by road and includes any operation incidental to the whole course of carriage, such as loading, unloading and storage in transit;

“vehicle” means any mechanically propelled vehicle or otherwise intended or adapted for use on roads and includes a road tanker and a trailer which does not form part of the vehicle.

(2) For the purposes of these Regulations, a combination of a vehicle and one or more trailers shall be treated as one vehicle for so long as they remain attached.

(3) For the purposes of these Regulations, a vehicle shall be deemed to be used for the transport of a hazardous substance throughout the period, whether or not the vehicle is on a road at the material time —

(a) in the case of a road tanker, from the commencement of loading for the purpose of conveying the substance on a road until the tank or compartment of the tank has been cleaned or purged so that any of the substances or its vapour which remains in it is not sufficient to create a risk to the health or safety of any person; or

(b) in the case of a vehicle carrying a tank container from —

- (i) the time at which the tank container containing the hazardous substance is placed on the vehicle; or
 - (ii) if the tank container was placed on the vehicle before loading was commenced, the commencement of loading,
- for the purpose of conveying the substance on a road until —
- (A) the tank container is removed from the vehicle; or
 - (B) the tank container or compartment of the tank container has been cleaned or purged so that any of the substances or its vapour which remains in it is not sufficient to create a risk to the health or safety of any person.

PART II

TRANSPORT OF HAZARDOUS SUBSTANCES

Application of this Part

3. This Part shall apply to the transport or consigning for transport of any hazardous substance exceeding the quantities specified in the Schedule.

Consignor's responsibility for safe consignment

- 4.—(1) A person shall not consign for transport of any hazardous substance unless —
- (a) he has obtained the approval in writing of the Director-General in regard to the proposed transport of such substance; and
 - (b) the container, tank container, freight container or road tanker to be used for the transport of the hazardous substance is designed, constructed and maintained in accordance with a code of practice approved by the Director-General.

(2) It shall not be lawful for any person to transport or consign for transport of any hazardous substance unless the transport or consignment of the hazardous substance is effected in accordance with the provisions of the approval issued to him under paragraph (1) and with any condition specified therein.

Carrier to obtain information on consignment

- 5.—(1) No carrier shall transport any hazardous substance unless he has been given a