

OVERVIEW OF REGULATIONS ON CHEMICAL MANAGEMENT AND ENVIRONMENTAL PROTECTION IN VIETNAM

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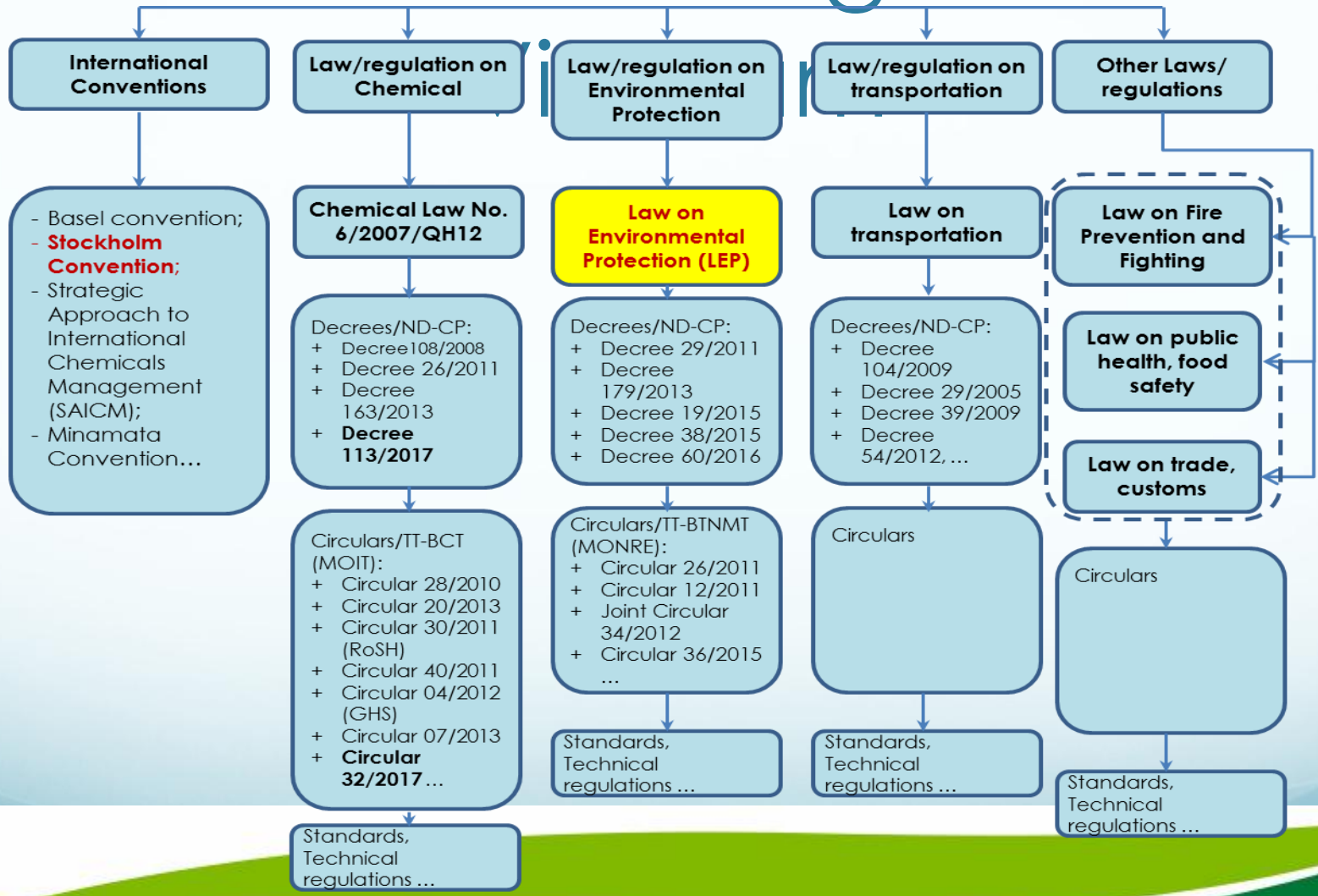
1. Overview of chemical related laws and chemical management regulations in Vietnam

2. Environment protection in chemical field in Vietnam

3. Activities of environmental protection and response to the latest international trends in Vietnam

4. Introduction about Northern Center for Environmental Monitoring (NCEM, VEA/MONRE)

Overall legal system on chemical management in



Section 1:

**Overview of chemicals related laws
and chemical management
regulations in Vietnam**

Overview of chemical related laws (1)

Stockholm Convention:

- Chemical control, right to know/access of the community, protection of health and environment; Basel Convention, PIC, SAICM, Minamata convention...

Law/regulation on Chemical:

- Chemical Law No. 6/2007/QH12, Decree 108/2008, Decree 26/2011, Decree 163/2013, Decree 113/2017; Circular 28/2010, Circular 20/2013, Circular 30/2011 (RoSH), Circular 40/2011, Circular 04/2012 (GHS), Circular 07/2013, Circular 32/2017 ...

Overview of chemical related laws (2)

Law/regulation on environmental protection:

- Law on Environmental Protection (2014),
- Decree 19/2015/NĐ-CP,
- Decree 38/2015/NĐ-CP,
- Decree 155/2016/NĐ-CP,
- Decree 60/2016/NĐ-CP,
- Decision 1598/QĐ-TTg (2017),
- Circular 36/2015/TT-BTNMT,
- Technical regulations, ...

Law/regulation on transportation:

- Law on transportation, Decree 104/2009, Decree 29/2005, Decree 39/2009 and Decree 54/2012, ...

Other Laws:

- Law on Fire Prevention and Fighting;
- Law on public health, food safety;
- Laws on trade, customs

Vietnam Chemical Law/Regulations (1)

- In Vietnam, the main chemical law is Chemical Law No. 6/2007/QH12 dated in 21st Nov 2007 by Ministry of Industry and Trade (MOIT);
- Chemical Law: provides regulation in chemical activities, safety in chemical field, right and duty of individual and organization in chemical activities, state management in chemical.



Vietnam Chemical Law/Regulations (2)

- Chemical law is supported by various decree and ministerial circular such as:
 - Decree No. 104/2009/ND-CP providing for the list of dangerous goods and the transport of dangerous goods by road motor vehicles;
 - Decree No. 163/2013/ND-CP penalties for administrative violations pertaining to chemicals, fertilizers and industrial explosives;
 - Decree No. 113/2017/ND-CP Specifying and providing guidelines for implementation of certain articles of the law on chemicals;
 - Decree No. 73/2018/ND-CP stipulating on promulgating the list of narcotics and pre-substances;
 - Decree No. 71/2018/ND-CP guiding the law on management and use of explosive materials and supporting tools for industrial explosives and explosives;

Vietnam Chemical Law/Regulations (3)

- Circular 18/2011/TT-BCT on April 21, 2011 of MOIT on supplementation and abolishment of administrative procedures of Circular 28/2010/TT-BCT.
- Circular 40/2011/TT-BCT on Nov. 14, 2011 of MOIT on chemical declaration.
- Circular 04/2012/TT-BCT on Feb. 13, 2012 of MOIT on classification and labelling of chemical (GHS)
- Circular 07/2013/TT-BCT on April 22, 2013 of MOIT on registration for use of dangerous chemical in production of products and goods in industrial sector.
- Circular 20/2013/TT-BCT on August 05, 2013 of MOIT on plan and measure for prevention and response chemical incident in industrial sector

Vietnam Chemical Law/Regulations (4)

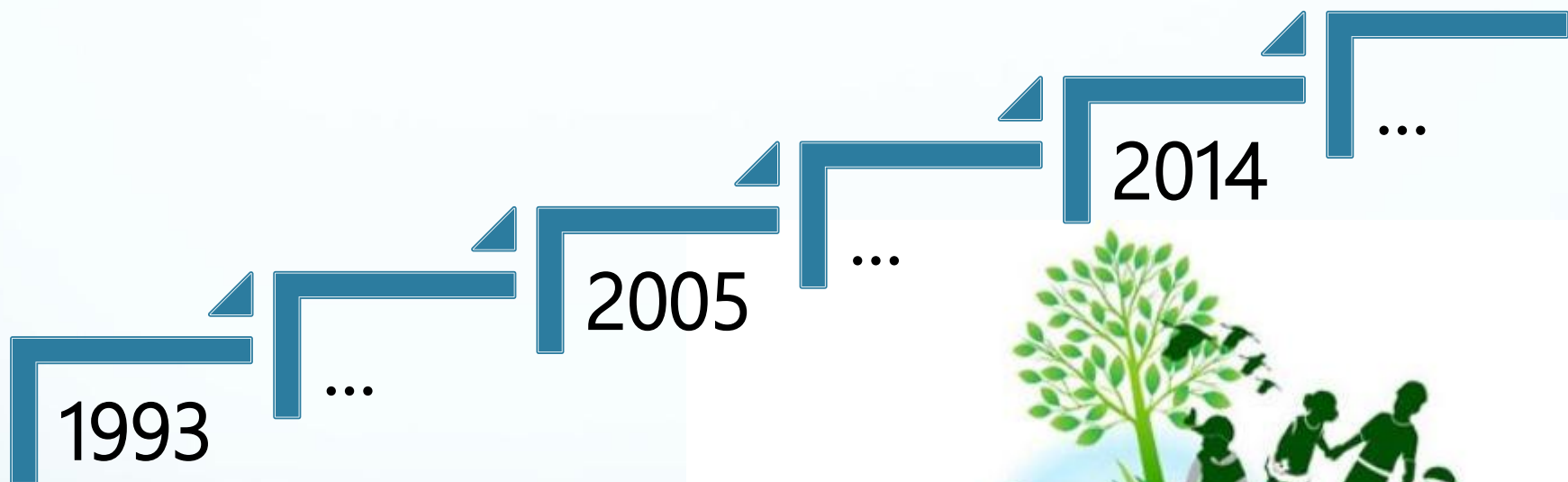
- Circular 44/2012/TT-BCT on December 28, 2012 of MOIT on list of dangerous industrial goods with packaging required during transportation and transportation of dangerous industrial goods;
- Circular 04/2016/TT-BCT on June 06, 2016 of MOIT amending, supplementing a number of the MOIT's circulars on administrative procedures in the fields of e-commerce, chemicals, liquor production and trading...;
- Circular 09/2016/TT-BKHCN on June 09, 2016 of MOST on the procedures for the granting of permits to transport...;
- **Circular 32/2017/TT-BCT** on December 28, 2017 of MOIT guidelines for implementation of certain articles of the law on chemicals and the government's decree no. 113/2017/ND-CP dated October 09, 2017 specifying and providing guidelines for implementation of certain articles of the law on chemicals;

Section 2:



Environment protection in chemical field in Vietnam

Progress of Law on Environmental Protection amendment in Vietnam (1)



Progress of Law on Environmental Protection (LEP) amendment in Vietnam (2)

- Conducting Resolution No. 20/2011/QH13 on Nov. 26, 2011 of the National Assembly session XIII on Program for establishing law and ordinance of National Assembly session XIII, the Government has assigned MONRE to implement a Project for revising the LEP 2005.
- Since April 01, 2013, the Draft of LEP has been posted to the websites of Government and MONRE for gathering comments/feedbacks from business and the community.
- At the 6th Meeting of Session XIII held on October 2013, the National Assembly reviewed and gathered ideas of 145 members on the Draft.
- Currently, LEP No. 55/2014/QH13 on June 23, 2014.

Summary of LEP Articles related to the chemical management

- Prohibited actions
- Environmental protection concerns during the exploration, extraction and processing of minerals
- Management of ozone-depleting substances
- Controlling and processing of marine and island environment
- Environmental protection of underground water
- Protection of land environment
- Environmental protection in aquaculture
- Environmental protection in goods import and transit
- Environmental protection during import of scrap
- Environmental protection with regard to chemicals, pesticides, and veterinary medicines
- Environmental protection for research facilities and laboratories
- Taking-back and treatment of discarded products
- Document compilation, registration and licensing of hazardous waste treatment
- Classification, collection, and storage of hazardous wastes prior to processing
- Transport of hazardous wastes

Law on Environmental Protection (2014)

- Date issued: 23th June 2014
- Effective Date: 1st January 2015
- 20 Chapters
- 170 Articles
- Article 78: “Environmental protection on chemical; plant protection chemical; veterinary medicine”
- Some other items in other articles related to environmental protection and chemical management



Law on Environmental Protection related to the chemical management (1)

1. Prohibited actions

- In item 9, Article 7: prohibition of importing and transiting chemicals that do not meet environmental protection requirements **(the LEP 2005 does not have this regulation)**

2. Environmental protection concerns during the exploration, extraction and processing of minerals

- In Article 38:
 - Item 3: Employment of machinery and equipment that can cause harmful impacts on the environment, hazardous chemicals in the mineral exploration and extraction is subject to the examination and inspection carried out by the agency in charge of State management of environmental protection.
 - Item 4: Prospecting, extraction, shipping and processing of petroleum and minerals that contain radioactive, toxic and explosive agents must conform to regulations set out in this Law and the law on chemical safety, radiation safety and nuclear safety

Law on Environmental Protection related to the chemical management (2)

3. Management of ozone-depleting substances

- Article 50: Prioritize the introduction and implementation of policies on and plans for management, mitigation and elimination of ozone-depleting substances. Prohibit the production, importation, temporary importation and re-exportation as well as consumption of ozone-depleting substances in uniformity with the regulations set out in the international agreements to which the Socialist Republic of Vietnam is a signatory.

4. Controlling and processing of marine and island environment

- Article 50: chemicals and other toxic substances used in activities on marine and islands must be collected, stored, transported and treated after use according to regulations on waste management. **(LEP 2005 does not have this)**.

Law on Environmental Protection related to the chemical management (2)

5. Environmental protection of underground water

- Article 58 :
 - Only allow to use permitted chemical in the approved list released by the competent regulatory agency in course of prospecting and extraction of underground water.
 - Production, trading and service provision facilities that employ harmful chemicals and radioactive substances must apply preventive measures against leakage and spread out to the underground water
 - Chemical sheds, treatment facilities and landfills of hazardous wastes must be developed to ensure technical safety, and apply necessary measures to barricade harmful chemicals absorbed into the underground water in accordance with legal regulations **(LEP 2005 does not have this)**.

Law on Environmental Protection related to the chemical management (3)

6. Protection of land environment

- Article 61: Controlling of land environmental pollution
 - Land areas containing soil and mud exposed to the **dioxin agent** which is derived from the herbicide used in the war time, remains of plant pesticides and other hazardous substances must be investigated, assessed, restricted and disposed in order to meet the required standards set out in the environmental protection regulations **(LEP 2005 does not have this)**

Law on Environmental Protection related to the chemical management (4)

7. Environmental protection in aquaculture

- Article 71:
 - Every entity that produces, imports, and/or sells aquacultural medicines or chemicals must comply with environmental protection regulations and relevant regulations of law.
 - Do not use aquacultural medicines or chemicals that are expired or not on the list of permissible substances in aquaculture.
 - Expired aquaculture medicines and chemicals; used containers of aquaculture medicines and chemicals, mud and feed that deposit while cleaning must be collected and treated in accordance with waste management regulations.

Law on Environmental Protection related to the chemical management (5)

8. Environmental protection in goods import and transit

- Article 75:
 - Imported chemicals and goods shall meet requirements on environmental protection.
 - Prohibition of importation of chemicals in the list of being ban to import.

9. Environmental protection during import of scrap

- Article 76:
 - Imported scraps must satisfy environmental standards and on the list of permissible scrap materials compiled by the Prime Minister.
 - Only import scrap for raw materials purpose.

Law on Environmental Protection related to the chemical management (6)

10. Environmental protection with regard to chemicals, pesticides, and veterinary medicines

- Article 78:
 - Every entity that produces, imports, sells, uses, transports, stores, transfers, and/or processes chemicals, pesticides, and/or veterinary medicines must comply with environmental protection regulations and relevant regulations of law.
 - Chemicals, pesticides, and veterinary medicines with high toxicity, stability, likely to spread or agglomerate in the environment and negatively impact the environment and human health must be registered, managed, assessed, and processed in accordance with law.
 - The MONRE shall take charge and cooperate with the MOIT and the MARD in elaborating this Article.

Law on Environmental Protection related to the chemical management (7)

11. Environmental protection for research facilities and laboratories

- Article 79:
 - Research facilities, laboratories shall process, destroy analytical samples, chemicals according to the environmental and technical regulations. Every research institute and laboratory that uses radioactive substances must comply with regulations of law on radiation safety and nuclear safety. **(LEP 2005 does not have this)**

12. Taking-back and treatment of discarded products

- Article 87:
 - Discarded products shall be collected and treated in accordance with decisions of the Prime Minister.
- (Article 67 of LEP 2005 regulates: chemical used in industry, agriculture and aquaculture must be collected and treated. This content is detailed in Decision 50/2013/QD-TTg on August 09, 2013 of the Prime Minister).

Law on Environmental Protection related to the chemical management (8)

12. Management of hazardous wastes

- Article 90: Document compilation, registration and licensing of hazardous waste treatment
 - The MONRE regulates a list of hazardous wastes and shall issue licenses to process hazardous waste.
- Article 91: Classification, collection, and storage of hazardous wastes prior to processing
 - Every entity that discharges hazardous wastes must collect, store, and process hazardous wastes in accordance with environmental standards; if the entity that discharges hazardous wastes fails to process hazardous wastes in accordance with environmental standards, hazardous wastes shall be transferred to an entity licensed to process hazardous wastes.
 - Hazardous wastes must be kept in specialized containers that ensure no negative impacts on humans and the environment.

Law on Environmental Protection related to the chemical management (9)

12. Management of hazardous wastes (cont.)

- Article 92: Transport of hazardous wastes
 - Hazardous wastes must be transported with suitable vehicles and equipment which are specified in the license to process hazardous wastes.
 - Hazardous wastes transported to another country must comply with the international agreements to which the Socialist Republic of Vietnam is a signatory.

Section 3:

Activities of environmental protection and response to the latest international trends in Vietnam

Summary of International experience on management tools

- Registration and Control of Chemical Releases
- Pollutant release and transfer register (PRTR) system: E-PRTR in EU, NRTR in Canada, TRI in USA, PRTR in Japan, TRI in Korea, TRI ofin Australia.
- Database of chemicals, registered chemical use
- GHS system
- REACH, RoSH,
- "Voluntary" programs: chemical evaluation, exposure assessment for children, ChemClear, ...
- Management of transport of dangerous goods
- Prevention, response and remediation of the environmental accidents
- Construction of a rapid response system for the environmental accidents
- Waste is the raw material, managed by the life cycle
- Environmental health management

Implement the Stockholm Convention

- Strengthen capacity and invest in infrastructure
- Improved the capacity of environmental monitoring, environmental control for POPs, especially the Unintentional POPs (U-POPs) in environmental matrix (ambient air, emission gas, biological samples and human samples such as breast milk, blood also;
- Inspection and accreditation, certification of laboratories; Join the international laboratory network: Dioxin Lab/CemLab (NCEM, VEA), CETASD Lab (HUS), Institute of Environmental Technology, QUATEST, ERI Lab, Viet-Nga Tropical Lab ...
- Strengthening knowledge and capacity to environmental health risk assessment and management regarding to POPs

Inventory, monitoring and evaluation of POPs pollution

- Surveying, inventory on use and release of POPs in Vietnam;
- Identification, inventory and evaluation of pesticide residue pollution points;
- Identification of materials, equipment, wastes contained PCB: through sampling, screening, quick test, accurate analysis;
- Overall inventory of U-POP resources, identifying key areas for U-POP management
- Participation in POPs monitoring activities in Vietnam, region and the world: regional POP monitoring, scientific research activities,...

Treatment, remediation of POPs pollution

- Building capacity for the handling and inspecting of POPs- wastes and the POPs contaminated areas: PCBs, Pesticide POPs; Dioxin/ Agent Orange, Dioxin industrial - wastes;
- Various types of technologies have been introduced and evaluated: Chemistry, biology, mechanics, combustion, co-processing, thermal decomposition, long-term storage, burial, ...and some have been accepted for operation.

Implement the Decision 184/2006/QD-TTg, 1598/QD-TTg (2017) approving the Master Plan on Implementation of the Stockholm convention on POPs

- Good in resource mobilization
- Most of the activities have been carry out
- Markedly improve in awareness
- Positively impacting at various levels: policy, law, technology, and community consciousness
- Get high international support:
 - Well cooperation of International organizations;
 - Good reviews from GEF
 - Recognition of regional and international countries
- It is needed to continue to persevere and strengthen the interdisciplinary and multi-sectoral coordination
- It is necessary to promote local activities

Plan for future

- Revising the Law on Environmental Protection; and draft, revise some other regulations under the Law, such as:
 - *Decree on the management of waste and scrap*
 - *Joint circular on control of chemical emissions*
 - *Circular on the prevention, response and remedy of environmental incidents*
 - *Circular on PCB management*
 - *Circular on the control of industrial POPs*
 - *Circular on collection and destruction of pesticide packaging*
 - *Regulations on the withdrawal of waste products*

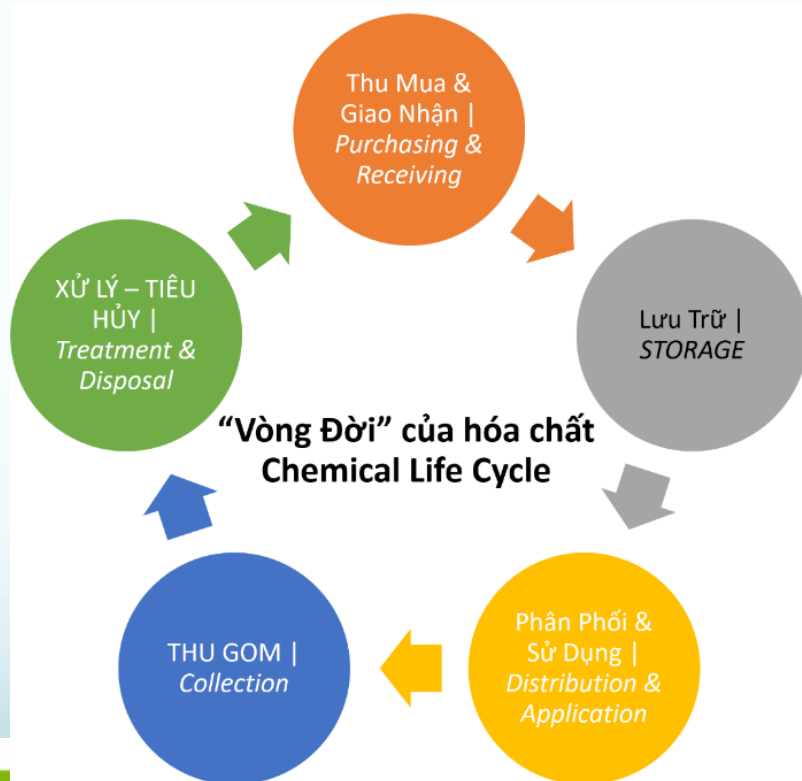
Plan for future

- Increasing the cooperation between line ministries in chemical management (MOIT, MARD, MONRE, MOH,...).
- To have clear and effective coordination mechanism among related agencies in controlling chemical pollution
- Strengthen the international collaboration on environmental protection and chemical management with other countries and organizations.



Plan for future

- Develop a mechanism to encourage the participation of businesses and communities in reducing chemical emissions.
- Implementing chemical management over life cycle.



Section 4:

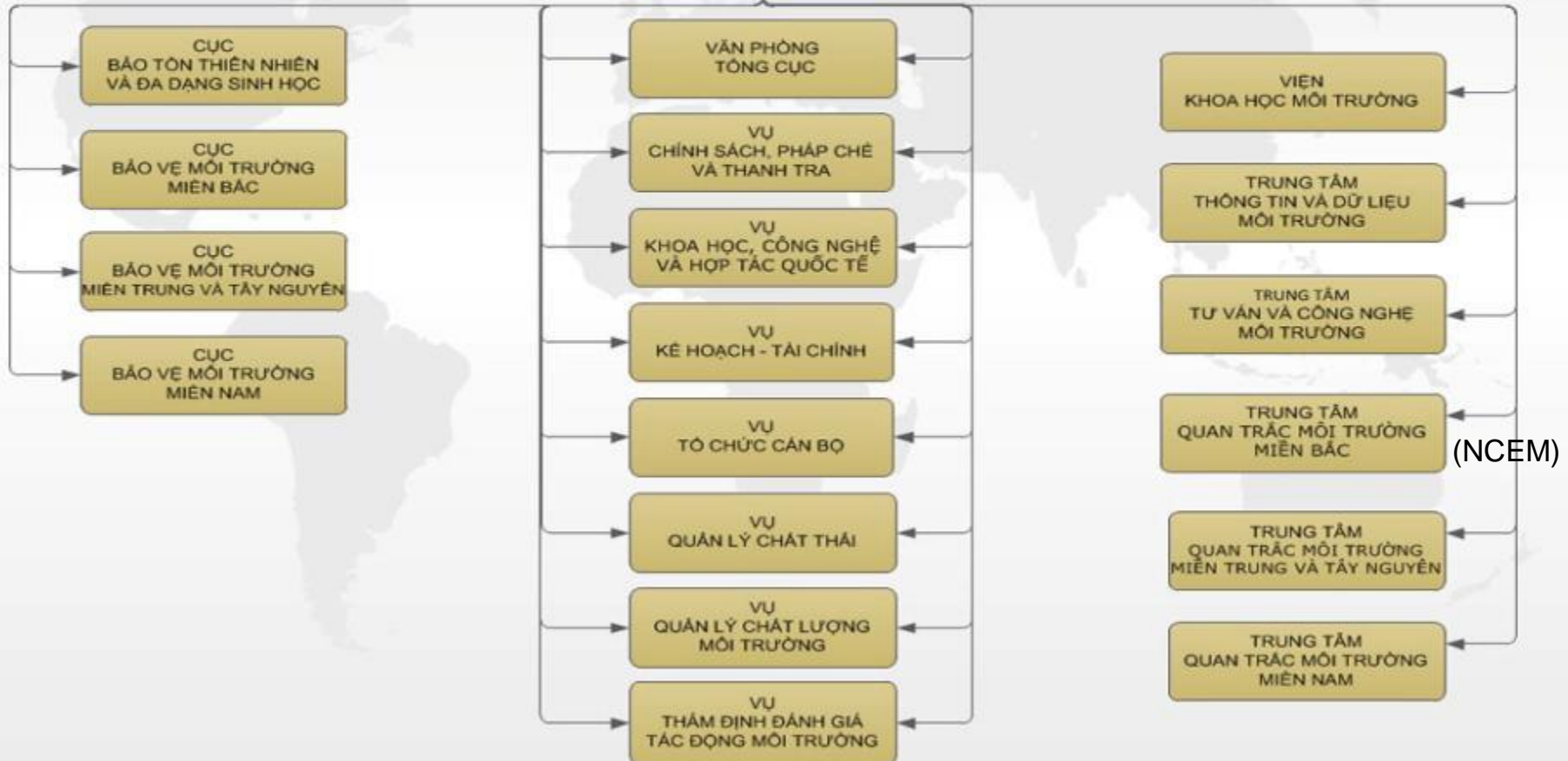
Introduction about NCEM, VEA/MONRE

About us

SƠ ĐỒ TỔ CHỨC

BỘ TÀI NGUYÊN VÀ MÔI TRƯỜNG
(MONRE)

TỔNG CỤC MÔI TRƯỜNG
(VEA)



About us

Our office:

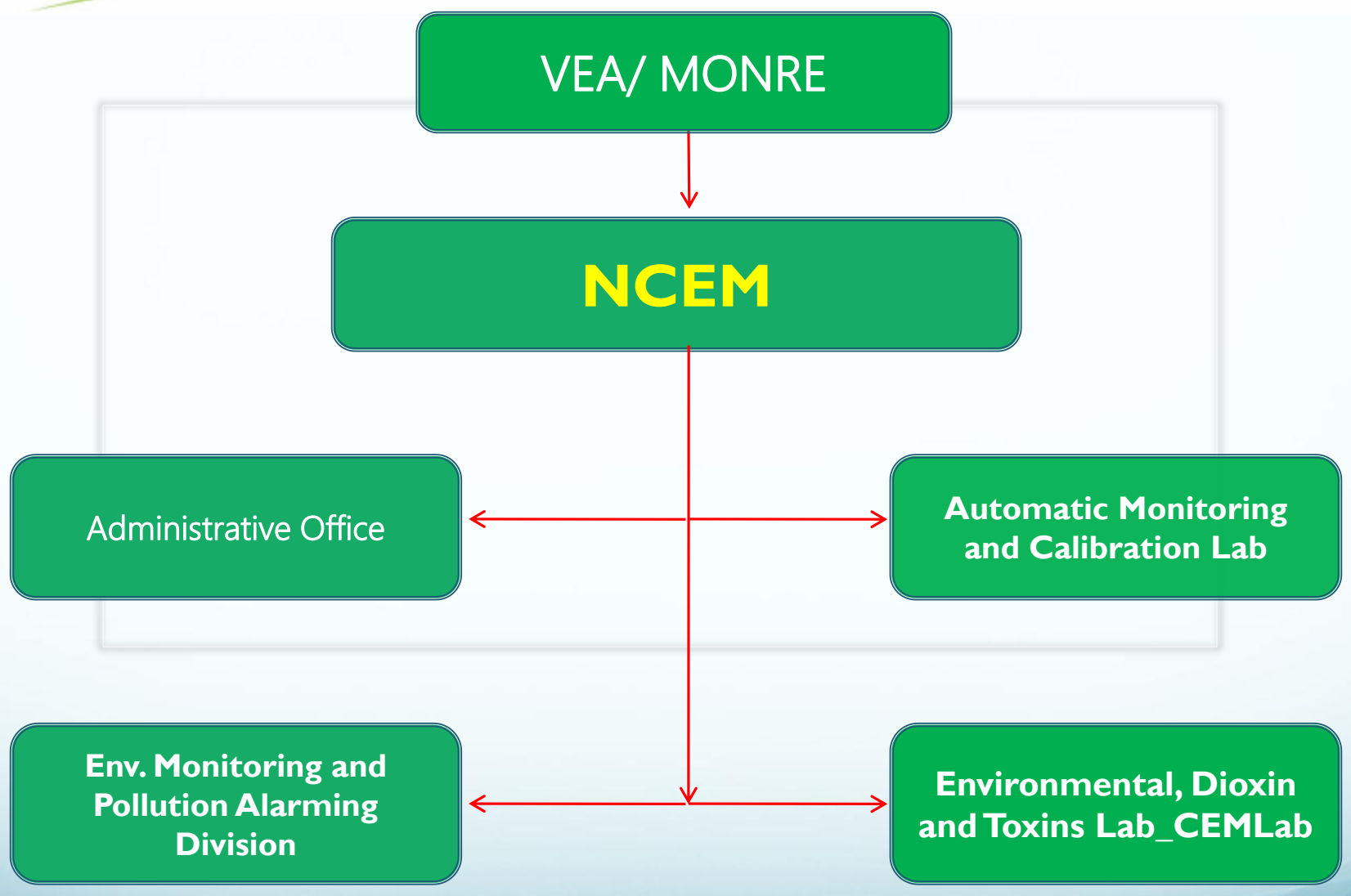
- Hanoi

Our tasks and missions:

- Central point for the monitoring network in whole country.
- Do monitoring in 28 provinces in the North of Vietnam.

Our staff: 85





NCEM' s certifications

- Environmental laboratory: ISO/IEC 17025:2005 - **VILAS 430**
- Dioxin laboratory: ISO/IEC 17025:2005 - **VILAS 545**
- Calibration laboratory: ISO/IEC 17025:2005 - **VILAS 575**
- Environmental Monitoring System Division: ISO/IEC 17025:2005 - **VILAS 596**
- Follow and maintain the quality system: ISO 9001:2008
- Achieve the certification issuing by the Minister of Natural Resources and Environment on qualification for environmental monitoring service - code: **VIMCERTS 027**

FIND OUT MORE

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THANK YOU FOR YOUR ATTENTION!

