Implementation of Chemical Law in Viet Nam

Submitted by: Viet Nam
IMPLEMENTATION OF CHEMICAL LAW IN VIETNAM

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CONTENT of presentation

- Chemical Industry in Vietnam – Present Situation and Future Development Orientation
- Chemical Management Policy in Vietnam
- Overview of recently established Vietnam Chemicals Agency
- Current of safety chemical regulation
- GHS promotion activities in Vietnam
- What have been done so far after the establishment of Vinachemia
- Conclusion
**Chemical Industry in Vietnam:**

**PRESENT SITUATION AND FUTURE DEVELOPMENT ORIENTATION**

**Present situation**
Sub-sectors: Fertilizers & Agrochemicals; Plastics; Basic Chemicals; Rubber Products; Household & Personal Care Products; Cells & Batteries; Ind. Gases & Welding Electrodes; Paints & Pigments; Chemical Minerals; Petrochemicals; Pharmaceutical Chemistry


**Sector Contribution**
- 10,5% Industrial Production Value
- More than 10% Industrial Labor Force

**Chemical Industry in Vietnam:**

**PRESENT SITUATION AND FUTURE DEVELOPMENT ORIENTATION**

**Chemical Enterprises:** total more 2000, state-owned 5%, private 90%, foreign investment about 5%, recently many factories have been equitized

Sector Development Orientation (up to 2020)
- Average Annual Growth Rate: 14% (2009 only 8%)
- Sector Contribution: 12% Industrial Production Value
- Priority Sub - Sectors:
  - Fertilizer
  - Petrochemicals
  - Basic Chemicals
  - Pharmaceutical Chemistry
Some characters of VN industrial chemical sectors

- Vietnam is the agricultural country, one of the main duty is to provide sufficient amount of agrochemical products such as fertilizers, insecticide, minerals for the home-bred animals,....
- Organic and inorganic chemicals are very important for the development of country however these sectors are still undeveloped
- Compared to the development of chemical industrial sector of another country the growth rate of Vietnam is still low
- Unbalanced development between areas: South 55%, North 40%, Central only 5% (industrial product value)

Chemical management policy in Vietnam

**Stakeholders**

- MOIT
- MARD
- MOD
- MOST
- MOH
- MOLISA
- MoNRE

Government
Chemical management policy in Vietnam

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MOIT: Ministry of Industry and Trade; MARD: Ministry of Agriculture and Rural Development; MOH: Ministry of Health; MOST: Ministry of Science and Technology; MONRE: Ministry of Natural Resource and Environment; MOD: Ministry of Defense; Peop. Comm.: People Committe

Overview of recently established Vietnam Chemicals Agency (Vinachemia)

- Decision No 1/QD-TTg dated 2nd Jan, 2009 of Prime Minister on establishment Vietnam Chemicals Agency belong to Ministry of Industry and Trade

- Decision No 1008/QD-BCT dated 25th Feb, 2009 of Minister of MOIT on Defining the functions, tasks, powers and organizational structure of Vietnam Chemicals Agency
Overview of recently established Vinachemia

Organization structure

- Administration Office
- Department of Precursor management
- Department of Convention and International Cooperation
- Department of Policies and Development for Chemicals Industry
- Department of Chemicals Information
- Center for Chemical Database and Support for Chemical Accident Response
- Representative Office in Hochiminh City
- Representative Office in Danang City

The functions, tasks, powers and organizational structure of Vietnam Chemicals Agency

- To set up the strategy, master plan, long-term development of the chemical industry and industrial explosive materials of Vietnam
- To report to Government the issue regarding the chemical convention, treaty, agreement,....:
- To set up the list of the national chemicals, data of the national chemicals; the list of chemical precursors; the list of the chemical trading with the condition; the list of toxic chemicals
- To provide the permission for trading and production of toxic chemicals used for the special aims;
- To set up technical regulation, technical condition, the safe distance,....for the companies and organization handling chemicals, evaluating chemicals, regulation for handling chemical precursors
- To set up the list of toxic chemicals and the way to control the trading of toxic chemicals
- To assess the basic design of the chemical projects classified to class A.
- To assess the plan for Response to Chemical Accidents
- To manage GHS and chemical safety information
The functions, tasks, powers and organizational structure of Vietnam Chemicals Agency

- To give the permission for the export, import of the chemical precursors, of the chemical with conditional production and trade, chemicals with limited production and trade; industrial explosive materials
- To inspect the chemicals handling
- To set up the laboratory for the detection of new chemicals
- To be a focal point of the international convention and treaty regarding of chemicals
- To be a focal point of the international cooperation in the chemical field

Chemical Law

Date of issue: the law was passed on November 21, 2007, by the XII National Assembly of the Socialist Republic of Vietnam at its 2nd session.

Contents:

- General provisions
- Developing the Chemical Industry
- Chemical Production and Trading
- Chemical use
- Accident prevention and mitigation
- Declaration, registration and provision of chemical information
- Environmental protection and safety for community
- State management responsibility and chemical handling
- Implementation provisions
Current of safety chemical regulation

The Chemical Safety Government Decree 108/ND-CP

- Date of issued: 07 October 2008
- Scope of Application: This Decree regulates the details and guides the implementation of some articles in the Chemical Law regarding:
  - Production and trade conditions
  - List of Chemicals required accident prevention and mitigation plan
  - List of Chemicals required declaration
  - Threshold content of dangerous Chemicals required chemical safety data sheet
  - Information on Chemicals
  - National Chemicals Database and National Chemicals List
  - Responsibilities of Ministries, Agencies and People Committee

Current of safety chemical regulation

The Decree 108/2008/ND-CP (Main contents)

- Chapter I. General Provisions
- Chapter II. Chemicals Lists
- Chapter III. Production and trade conditions of chemicals with limited production and trade; Conditional production and trade
- Chapter IV. Safety distance
- Chapter IV. Threshold of content of dangerous substance in mixture required the chemical safety data sheet
- Chapter V. Chemical Information
- Chapter VI. Organization of Implementation and implementing provisions
List of appendix

- **Appendix I**: List of chemical subject to conditional production and trading
- **Appendix II**: List of chemicals restricted from trading
- **Appendix III**: List of banned Chemicals
- **Appendix IV**: List of Chemicals require elaboration of chemical prevention and response plans and maintenance of safety distances
- **Appendix V**: List of Chemicals subject to compulsory declaration

Chemical Control legislation (*National level*)

- Environmental Protection Law
- *Health Care Law*
- Safety Code for production, use, storage and transportation of dangerous chemicals
- *Narcotics (drug, heroin) Prevention Law*
- Radiation Safety Law
- *Ordinance on Plant Protection*
- Prime Minister's Decision on Controlling Petrol, oil and LPG
- *Circular of MOI on Chemical importation and exportation*
- Food Safety
- *Chemical Law (in force July 2008)*
Chemical Control legislation (*International level*)

- **Convention and international Treaty which Vietnam signed and ratified relating to chemicals:**
  - Basel Convention
  - Kyoto Protocol
  - Stockholm Convention (POP convention)
  - Chemical Weapon Convention
  - Vienne Convention & Montreal Protocol on ODS
- **Taking part in other bilateral and multi-lateral agreements**

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**GHS PROMOTION ACTIVITIES IN VIETNAM**

*GHS implementation provides benefits to government, to agencies, to company, to workers,...*

*Problem: Officers know about the benefits, but not too much workers, chiefs of companies know about the benefits*

- Reducing chemical accident and incidents.
- Protecting workers from chemical hazards.
- Improving safety in the workplace.
- Ensuring reliable and comprehensible information on hazards.
- Giving consistent information on labels and with SDS worldwide.
GHS PROMOTION ACTIVITIES IN VIETNAM

1. Participating Regional Workshops and Training Programs on GHS

Basic: Joint statement of the 14th APEC Ministerial Meeting in Los Cabos, Mexico, 23 – 24 October 2002

- The APEC Chemical Dialogue – Seminar on Globally Harmonized System, 7- 8 September 2004, Kuala Lumpur, Malaysia and 8-9 Sep. 2006, Danang, VN
- The GHS Implementation Workshop, Thailand 20-22, Sep., 2006

2. Building capacity on GHS implementation through ASEAN-JAPAN Cooperation Programme on Chemical Industry

➢ METI – JICA Seminar/Workshop on GHS promotion, 2003;
➢ METI - JETRO - JICA Seminar/Workshop on GHS implementation (Elementary Level),17-20 February 2004, in Hanoi & Ho Chi Minh City;
➢ METI - JETRO - JICA Workshop/Seminar on Chemical management by GHS (Elementary & Intermediate Level), 28th October to 5th November 2004, in Hanoi & Ho Chi Minh City;
ACTIVITIES SUPPORTING REACH COMPLIANCE

Awareness Raising Seminar on REACH/ROSH

**Sponsors & organizers:** MOIT; Delegation of the European Commission to Vietnam; UNIDO; **Time:** 19 & 21 November 2007; **Location:** Ha Noi & Ho Chi Minh City  
**Participants:** 300 (central/local governmental bodies, affected manufactures, suppliers, exporters...)  
**Contents:** Introductory session of the new EU regulations & sharing countries’ approach on REACH compliance

*Follow up seminar on REACH*

**Organizers & Sponsors:** MOIT; Delegation of the European Commission to Vietnam; Bureau Veritas (BV); **Time:** 13 & 15 May 2008; **Location:** Ha Noi & Ho Chi Minh City  
**Participants:** 300 (central/local governmental bodies, affected manufactures, suppliers, exporters...)  
**Contents:** In-depth introduction on REACH; Sharing a country’s approach on compliance (a case of Japan) & proposing solutions on the implementation.

3. Building capacity on GHS implementation through APEC

- **2006:** “Much progress have been made on GHS implementation, however the target date of 2006 will not be met. A more reasonable target is 2008??”  
- **Each economy of APEC have to identify the contact points (industry and government).** MOIT reported to Prime Minister to identify as a contact point  
- **Set up the website of APEC on GHS to share the experiences**  
- **To cooperate with another inter, organization such as ILO, FAO, WHO,...**  
- **To organize the meeting, workshop, seminars,..**
What have been done so far after the establishment of Vinachemia

- Establish the project to control the chemical industrial precursors
- Establish REACH Center sponsored by Delegation of the European Commission to Vietnam in Vinachemia;
- Vinachemia becomes the focal point of SAICM
- Develop chemical databases
- Guidelines on chemical labeling, dangerous chemical transportation; Guideline on establishment of plan for response to chemical accident
- Set up and develop activities on “Responsible Care” in chemical enterprises;
- Guideline on implementation of GHS
- Organize training courses and workshops on chemical safety;
- Improve awareness on chemical safety
- International cooperation in the field of chemical safety: With KeMI, Rotterdam Convention, Weapon Convention,.....with several countries: Japan, Korea, Germany, Denmark,........

On going steps and further

To building the Decree for the administrative penalty hearing in Chemical field
To continue the implementation of the administrative penalty hearing in fertilizer management
To establish the editorial guidelines Circular Decree 108 (Decree No. 1 guide to the Law of Chemicals)
To set up and to enlarge the activity of the center for data, support and response the chemical incidents
Drafting and completing the Circular on Classification and Labeling chemicals in accordance with GHS and definition of road map for its implementation
Working out with the project “Conducting the investigation and survey chemical industry to establish a National Chemicals Database and a National Chemicals List”
Composing the list of chemicals prohibited in household appliance and consuming products
Developing the Master Plan for Chemicals Industry Development in next 10 years from 2011 to 2020 with the vision up to 2025
Building the REACH and RoSH information Center
Establishing the technical norms on safety distances for chemical facilities, trading companies.
Constructing the National Programme of prevention and response of chemical accidents
Thank you for your kind attention!