



**Asia-Pacific  
Economic Cooperation**

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Agenda Item: Afternoon Session I

## **Implementation of Chemical Law in Viet Nam**

Submitted by: Viet Nam



**Case Study Workshop on the Chemicals  
Sector – From Principles to Practice  
Hiroshima, Japan  
1-2 March 2010**



# 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**

**Average Annual Growth Rate** (1990 – 2004): 14 - 15%, 2005 – 2008: 10%, 2009: 8%, **2010 (15%?)**

#### Sector Contribution

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



## Chemical Industry in Vietnam:

### PRESENT SITUATION AND FUTURE DEVELOPMENT ORIENTATION

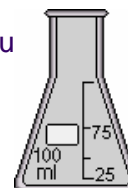


*Chemical Enterprises: total more 2000, state-owned 5%, private 90%, foreign investment about 5%, recently many factories have been equitized*

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**



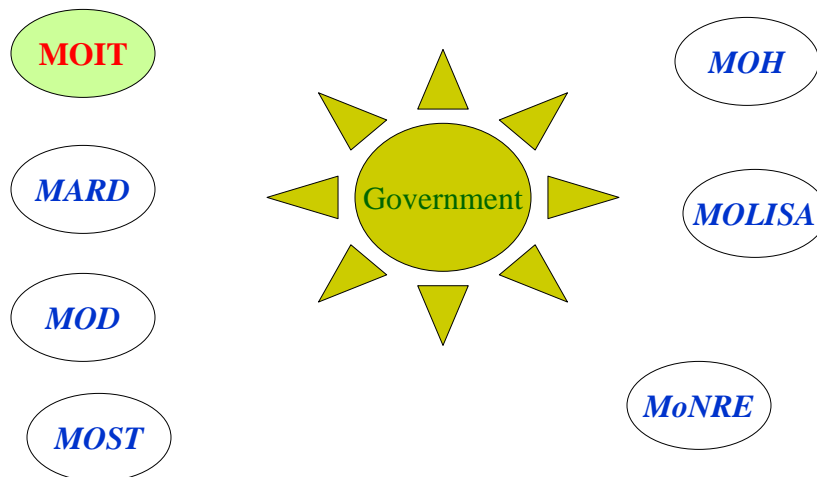
## Some characters of VN industrial chemical sectors



- *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**



## Chemical management policy in Vietnam



Agency	Basic chemicals	Pesticide	Pet medicals	Radioa. materials	Exp. Mater.	Medical drugs	Food addi.
MOIT	x	x	x	x	x	x	x
MARD		x	x				
MOH		x	x			x	x
MOST	x	x	x	x	x	x	x
MONRE	x	x	x	x	x	x	x
MOD					x		
Peop. Comm.	x	x	x	x	x	x	x

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 Committee

## Overview of recently established Vietnam Chemicals Agency (Vinachemia)



- Decision No 1/QD-TTg dated 2<sup>nd</sup> Jan, 2009 of Prime Minister on establishment Vietnam Chemicals Agency belong to Ministry of Industry and Trade
- Decision No 1008/QD-BCT dated 25<sup>th</sup> 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

## Current of safety chemical regulation



### 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 2<sup>nd</sup> 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**

## 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 14<sup>th</sup> APEC Ministerial Meeting in Los Cabos, Mexico, 23 – 24 October 2002

- *The Program on Industrial and Environmental Protection, 2002, 2003, 2004, AOTS, Tokyo, Japan.*
- 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), 28<sup>th</sup> October to 5<sup>th</sup> 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, seminaries,..***

## 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

