

(Garuda Emblem)

Notification of Ministry of Industry

**Re: Designation of a Specialized Person Responsible for Safety of Hazardous Substance
Storage under Authorization of Department of Industrial Works at the Hazardous
Substance Business Facility**

B.E. 2551 (2008)

By the virtue of Article 5 Paragraph 3 and Article 20(2) of the Hazardous Substance Act B.E. 2535 (1992) which contains some provisions concerning the limitation of the people rights and liberties that is permissible by the provisions of Article 29 together with Article 32, Article 41, Article 43 and Article 45 of the Constitution of the Kingdom of Thailand, the Minister of Industry, with the opinions of the Committee on Hazardous Substance, hereby issues this following Notification:

Article 1 In this Notification,

“Hazardous substance” shall mean hazardous substance under authorization of Department of Industrial works as designated in the Ministerial Notification issued pursuant to Article 18 Paragraph 2 of the Hazardous Substance Act B.E. 2535 (1992).

“Hazardous substance entrepreneur” shall mean producer, importer, exporter or possessor of hazardous substance.

“Storage facility” shall mean a warehouse used to keep hazardous substance

“Specialized person” shall a person responsible for safety of hazardous substance storage who has passed an examination of a safety of hazardous substance storage course as criteria and method specified by Department of Industrial Works.

“Report of safety storage of hazardous substance” shall mean a report declaring information of hazardous substance storage that a hazardous substance entrepreneur shall report to Department of Industrial Works.

Article 2 This notification shall not apply to a hazardous substance entrepreneur who keeps hazardous substance in tank, silo, portable/bulk container cryogenic liquefied gas or refrigerated liquefied gas.

Article 3 This notification shall enter into force three years after its publishing in the Government Gazette.

Section 1

Hazardous substance business facility required for a specialized person

Article 4 Hazardous substance entrepreneur who is required to designate a specialized person at the hazardous substance storage facility shall be as follows:

4.1) Producer, importer or exporter of hazardous substance type 1, type 2 or type 3 in total amount from 1,000 metric ton/year.

4.2) Possessor of hazardous substance whose storage area of hazardous substance is from 300 m².

4.3) Producer, importer, exporter or possessor of hazardous substance that is flammable substance or oxidizing agent and peroxide.

Section 2

Duty and responsibility of hazardous substance entrepreneur

Article 5 Hazardous substance entrepreneur shall have duty and responsibility as follows:

5.1) Designate specialized person to work at a hazardous substance storage facility. This specialized person shall not work at other hazardous substance business facility. Notification of a designation of a specialized person shall comply with criteria and method prescribed by Department of Industrial Works.

5.2) Designation of a new specialized person shall be done within 90 days since a date of notice that the existing specialized person's license has been revoked, or he/she has deceased, resigned or incapacitated, as the case maybe, shall be done within 90 days since

5.3) In case of a replacement of a specialized person, it shall be complied with 5.1)

5.4) To manage the hazardous substance storage facility to be safe in accordance with the Notification of Department of Industrial Works regarding a manual for chemical and hazardous substance storage B.E. 2550 (2007), or the international criteria accepted by the Department of Industrial Works.

5.5) Report and certify a report of safety storage of hazardous substance annually in a form prescribed by Department of Industrial Works and submitted it via the computerized system to the Department's computer networking system. A copy of the report shall be kept at the hazardous substance storage facility for an investigation of the official at any time. In case that a computer system is not in service, a report shall be submitted directly at the Department of Industrial Works.

Section 3

Duty and responsibility of a specialized person

Article 6 A specialized person shall have the following duties and responsibilities:

6.1) Operate the hazardous substance storage facility to be safe in accordance with the Notification of Department of Industrial Works regarding a manual for chemical and hazardous substance storage B.E. 2550 (2007), or the international criteria accepted by the Department of Industrial Works.

6.2) Prepare the annual safety plan of hazardous substance storage and keep it at the storage facility for an investigation of the official at any time.

6.3) Prepare and certify a report of safety storage of hazardous substance as mentioned in 5.5)

6.4) Provide true and correct information to Department of Industrial Works in case of an accident at the storage facility.

6.5) In case that a specialized person no longer desire to work in this duty or has no longer assigned by a hazardous substance entrepreneur to be responsible for hazardous

substance storage, as the case maybe; he/she shall send a written notice to Department of Industrial Works at least 15 days in prior to the effective date.

6.6) Registration of a specialized person shall comply with criteria and method prescribed by Department of Industrial Works.

Announced on the 10th March B.E. 2551 (2008)

(signed)_____

(Mr.Suwit Khunkitti)

Minister of Industry

(Published in the Government Gazette, Volume 125 Special Part 72 Ngor, dated 18th April B.E. 2551 (2008))