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Hazardous Substances Law, 1993 (Summary)

The Hazardous Substances Law originates from the separation of existing authorities within the framework of the Pharmacists Ordinance, and is based upon the government decision to transfer responsibility for toxic substances and harmful chemicals from the Ministry of Health to the Ministry of the Environment. Regulations of pharmaceuticals and medical drugs remain the responsibility of the Ministry of Health. The Hazardous Substances Law, with its attached listings of toxic substances and hazardous chemicals provides the Ministry of the Environment with the authority for the comprehensive management of hazardous substances.

Authority. The Minister of the Environment is responsible for the implementation of this Law. The Minister may promulgate regulations as to:

- classification of hazardous substances, in accordance to their use, degree of toxicity or risk;
- the manufacture, import, export, packaging, commerce, issue, transfer, storage maintenance and use of hazardous substances.

Regulations or orders related to substances to be used in agriculture will be made in consultation with the Ministers of Health, Agriculture, and Labor and Welfare. Regulations or orders related to substances to be used in industry require consultation with the Ministers of Health, Industry and Commerce, and Labor and Welfare.

Licensing.

The Law establishes a licensing requirement, in accordance with the Licensing of Businesses Law, for any premise engaged in the sale of hazardous substances and a permit requirement for any business dealing in toxic substances (poisons). Furthermore, authority is granted to the customs office to stop the delivery of imported toxic substances to anyone not

holding the proper permit or certificate of authorization from the Ministry of the Environment.

The holder of a poisons permit is required to maintain a toxic substances register in which all sales and purchases of poisons are recorded. Other provisions of the Law relate to the storage of toxic substances and to other restrictions on the sale of toxic substances by manufacturers, wholesalers and retailers.

The Minister of the Environment may, with the approval of the Knesset Interior and Environmental Quality Committee, set fees for the granting or renewal of permits.

Penalty.

Contravention of the Law or its regulations carries a fine, six months imprisonment, confiscation of the articles in respect of which the offense was committed and withdrawal of the permit, on a permanent or temporary basis.

An authorized representative of the Minister of the Environment may enter any premise handling hazardous substances, with the exception of a pharmacy selling medicines, for purposes of inspection or investigation. Samples may be collected, and the representative may prohibit the sale of certain hazardous substances until the completion of the investigation.

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