

**ENVIRONMENT MANAGEMENT (CHEMICALS AND TOXIC SUBSTANCES  
MANAGEMENT) REGULATIONS, 2008**

| Subsidiary |

*Environment Management (Chemicals and Toxic Substances Management) Regulations***ENVIRONMENT MANAGEMENT (CHEMICALS AND TOXIC SUBSTANCES MANAGEMENT) REGULATIONS**

## ARRANGEMENT OF REGULATIONS

REGULATION

## PART I

## PRELIMINARY REGULATION

1. Citation
2. Interpretation
3. Application

## PART II

## MANAGEMENT OF CHEMICALS AND TOXIC SUBSTANCES

4. Licences
5. Minimum requirements for manufacture, etc.
6. Publication of application for licences
7. Duration of licences
8. Production and return of a licence
9. Application for renewal of a licence
10. Categories and registration of chemicals
11. Conditions for registered chemicals
12. Rejection of application
13. Labeling of chemicals
14. Packaging of chemicals
15. Procedures for restricting the use of a chemical
16. Register of chemicals
17. Certificate of registration for a chemical product
18. Production and return of registration certificate for chemical products
19. Importation of chemical products
20. Handling chemical with less than half shelf-life
21. Sale of expired products
22. Chemicals to be sold by licensed persons
23. Prohibition sale of unlabelled chemical products
24. Safe keeping of registered chemicals, etc.
25. Local authorities to make by-laws for management of chemicals and toxic substances
26. Duty to treat chemical wastes
27. Voluntary compliance
28. Application to operate chemical waste disposal site or plant
29. Licence to own or operate a chemical waste disposal site or plant

**Subsidiary** | *Environment Management (Chemicals and Toxic Substances Management) Regulations*

## REGULATION

30. Environmental impact assessment
31. Disposal of highly toxic substances and wastes
32. Prevention of pollution from disposal sites and treatment plants

## PART III

## NOTIFICATION AND PRIOR INFORMED CONSENT PROCEDURES

33. National authority for prior informed consent procedure
34. Notification procedures and prior informed consent
35. Control of importation of chemicals
36. Restrictions on importing severely restricted chemicals
37. Control of exportation of chemicals
38. Restrictions on exporting severely restricted chemicals
39. Ports of entry and routes

## PART IV

## MISCELLANEOUS PROVISIONS

40. Reporting
41. Duty to keep records
42. Communication of decision of licence
43. Improvement notice
44. Cancellation of licence
45. Offence and penalties

## SCHEDULES

First Schedule—Categories of Toxic Chemicals to be controlled

Second Schedule—Application Form for Registration of a Chemical or Toxic Substance

Third Schedule—Application for a Licence for Manufacturing/Repackaging of Toxic Substances and Chemicals

Fourth Schedule—Application for a Licence to Import Chemical or Toxic Substances

Fifth Schedule—Application for a Licence to Export Chemicals

Sixth Schedule—Application for a Licence for Transportation of Toxic and Chemical Substances

Seventh Schedule—Application for a Licence to Distribute Chemicals

Eighth Schedule—Licence to Manufacture/Repackage Chemicals

| Subsidiary |

*Environment Management (Chemicals and Toxic Substances Management) Regulations*

Ninth Schedule—Licence to Import Chemicals

Tenth Schedule—Licence to Export Chemicals

Eleventh Schedule—Licence to Transport Chemicals

Twelfth Schedule—Licence to Distribute Chemicals

Thirteenth Schedule—Fees

Fourteenth Schedule—Application for Renewal of a Licence

Fifteenth Schedule—Minimum Requirements for Manufacturing, Packaging, Transportation, Storage or Distribution Of Chemicals

Sixteenth Schedule— Application for a Licence to Own/Operate a Chemical Waste Disposal Site/Plant

Seventeenth Schedule— Licence to Own/Operate a Chemical Waste Disposal Site

Eighteenth Schedule—Notification Scheme for Banned and Severely Restricted Chemicals

**ENVIRONMENT MANAGEMENT (CHEMICALS AND TOXIC SUBSTANCES MANAGEMENT) REGULATIONS**

G.N. 12/2008

*Under s. 40*

**PART I**

**PRELIMINARY**

Citation **1.** These Regulations may be cited as the Environment Management (Chemicals and Toxic Substances Management) Regulations.

Interpretation **2.** In these Regulations unless the context otherwise requires—

“carrier” means any person who carries out the transportation of chemicals or toxic substances and includes his agents or assignees;

“chemical” means a chemical substance in any form whether by itself or in a mixture or preparation whether manufactured or obtained from nature and includes such substances used as industrial chemicals, for consumer use but excludes pesticides and fertilizers, medicines and drugs and for the purposes of these Regulations includes toxic chemicals;

“chemical wastes” means any unwanted or waste chemical or chemical formulation generated from any process which can cause danger to both human health and the environment;

## | Subsidiary |

*Environment Management (Chemicals and Toxic Substances Management) Regulations*

“disposer” means the person licensed to dispose of chemicals or toxic substances under these Regulations;

“disposal” means final placement or destruction of toxic substances, chemicals and chemical formulations, pesticides, and containers of toxic substances from removal actions or accidental releases.

“exporter” means any person under the jurisdiction of the state of export who arranges for chemicals or toxic substances to be exported;

“formulation” means the combination of various ingredients designed to render the product useful and effective for the purpose claimed; the form of the chemical or toxic substances as purchased by users;

“hazardous chemicals” means any chemical which has the likelihood of causing adverse effects or injury to human health or the environment and which has been so designated by the Director;

“hazardous waste” includes all unwanted substances or materials generated in any process be it chemical or otherwise which can cause danger to human health or the environment and which has been so designated by the Director;

“importer” means any person under the jurisdiction of the state of import who arranges for toxic substances or chemicals to be imported;

“label” means the written, printed or graphic matter on, or attached to, a toxic substance or chemical; or its immediate container and the outside container or wrapper of the retail package of the toxic substances or chemical;

“manufacture” in relation to a chemical means to prepare, compound, formulate, mix, make, pack, label, or otherwise treat the chemical with a view of meeting a specific purpose but does not include the carrying on a *bona fide* research relating to the chemical or any act incidental to such research;

“registered user” for the purposes of these Regulations means a person approved by the Director to use a restricted chemical or toxic substance;

“restricted chemical” means a chemical registered by the Director for specific use or to be used only under stipulated conditions;

“toxic substance” means a chemical or mixture that may present an unreasonable risk of injury to health or the environment;

| Subsidiary |

*Environment Management (Chemicals and Toxic Substances Management) Regulations*

“trade name” means that name under which the chemical or toxic substance is labeled, registered and promoted by the manufacturer and which can be used exclusively by the manufacturer to distinguish the product from other chemicals containing the same active ingredient.

“transit” means the passage of chemicals from one border through the national territory of Malaŵi including storage in transit bonds.

Application

**3.** —(1) These Regulations shall apply to any person in Malaŵi whose undertaking involves or includes the manufacturing, repackaging, importation, exportation, transportation, distribution, sale or other mode of handling toxic substances and chemicals and in respect of any activity in relation to toxic substances and chemicals which involves a risk of harm to human health or the environment.

Cap. 35:04  
Cap. 35:01

(2) These Regulations shall not apply to any chemicals or toxic substances which are regulated under the Pesticides Act, or the Pharmacy, Medicines and Poisons Act.

## PART II

## MANAGEMENT OF CHEMICALS AND TOXIC SUBSTANCES

Local authorities to  
prepare waste  
management plans

**4.** —(1) (a) No person shall engage in the business of manufacturing, repackaging, importing, exporting, transporting, distributing, sale or other mode of handling chemicals and toxic substances without a licence issued by the Director in the prescribed form;

(b) an applicant for any licence provided for under these Regulations—

- (i) shall be resident in Malaŵi;
- (ii), where the applicant is resident outside Malaŵi, the applicant shall designate a representative resident in Malaŵi;

(c) an application for a licence under the Act in relation to-

- (i) the manufacturing or repackaging of chemicals or toxic substances shall be in the form set out in the Third Schedule hereto;
- (ii) the importation of chemicals or toxic substances shall be in the form set out in the Fourth Schedule hereto;
- (iii) the exportation of chemicals or toxic substances shall be in the form set out in the Fifth Schedule hereto;

## | Subsidiary |

*Environment Management (Chemicals and Toxic Substances Management) Regulations*

- (iv) the transportation of chemicals or toxic substances shall be in the form set out in the Sixth Schedule hereto; and
- (v) the distribution of chemicals or toxic substances shall be in the form set out in the Seventh Schedule hereto.

(2) The Director may reject any application form if any part of the application form is illegible or not properly completed.

(3) A licence to—

- (a) manufacture or repackage chemicals or toxic substances shall be in the form set out in the Eighth Schedule hereto;
- (b) import chemicals or toxic substances shall be in the form set out in the Ninth Schedule hereto;
- (c) export chemicals or toxic substances shall be in the form set out in the Tenth Schedule hereto;
- (d) transport chemicals or toxic substances shall be in the form set out in the Eleventh Schedule hereto; or
- (e) distribute chemicals or toxic substances shall be in the form set out in the Twelfth Schedule hereto.

(4) The applications referred to in subregulation (1), shall be accompanied by the fee prescribed contained in the Thirteenth Schedule hereto.

Minimum requirements for manufacture, etc.

**5.** Any person who applies for a licence under these Regulations shall ensure that his business complies with applicable conditions as set out hereunder—

- (a) in the case of manufacturing or repackaging of chemicals or toxic substances, the minimum requirements set out in Part I of the Fifteenth Schedule hereto;
- (b) in the case of transporting of chemicals or toxic substances, the minimum requirements set out in Part II of the Fifteenth Schedule hereto; and
- (c) in the case of distribution of chemicals or toxic substances as a wholesaler or retailer, the minimum requirements set out in the Part III of the Fifteenth Schedule hereto.

Publication of applications for licences

**6.** The Director shall publish all applications for licences in the *Gazette* and in at least one widely circulating newspaper and shall charge the costs of such advertisement to the applicant.

Duration of licences

**7.** Every licence which is issued in respect of chemicals or toxic substances to any person pursuant to the Act shall be valid for one year from the date of issue, and may be renewed thereafter.

## | Subsidiary |

*Environment Management (Chemicals and Toxic Substances Management) Regulations*

Production and  
return of licences

**8.—**(1) Whenever the Director—

- (a) cancels any licence;
- (b) varies or amends the conditions of any licence; or
- (c) imposes any new condition in respect of or on the renewal of any licence,

the Director shall request the holder of the licence to produce such licence within such period as may be specified, and the holder thereof shall produce such licence within the specified period.

(2) Any person who fails to comply with a request made in accordance with subregulation (1) commits an offence.

(3) Where the Director varies, amends or imposes any new condition in respect of a licence, he shall return such licence duly endorsed to the holder thereof within three months.

Application for  
renewal of a licence

**9.—**(1) Every application for the renewal of a licence shall be—

- (a) in the form set out in the Fourteenth Schedule hereto;
- (b) lodged with the Director at least two months before the expiry of the licence hereto; and
- (c) accompanied by the appropriate fee in respect of the licence.

(2) If an application for the renewal of a licence is lodged with the Director after the time limit as specified in subregulation (1) there shall be paid in addition to the renewal fee and an appropriate fee in respect of the licence as determined from time to time.

Categories and  
registration of  
chemicals

**10.—**(1) The Director shall in accordance with the provisions of the Act, from time to time, establish in the *Gazette* a list of chemicals or toxic substances which fit in categories identified under the First Schedule hereto or which have characteristics identified in the First Schedule hereto which need to be controlled or prohibited.

(2) The Director shall give written notification to manufacturers and importers dealing with chemicals in the First Schedule hereto affected by his decision.

(3) An application for the registration of a chemical or toxic substance shall be made by—

- (a) the person who has the right to distribute the product in Malaŵi; or
- (b) any other person registered by the Director.



## | Subsidiary |

*Environment Management (Chemicals and Toxic Substances Management) Regulations*

(4) Every application for the registration of a chemical shall be submitted to the Director in the form set out in Second Schedule hereto and shall be accompanied by—

(a) detailed information of all advertising materials and package inserts which the applicant intends to use;

(b) samples of the product or the raw materials thereof shall be made available for analysis;

(c) a copy of any literature in support of the application: Provided that the Director may require additional copies of such literature;

(d) additional package inserts and labels or copies of the package;

(e) at least three copies of all records and chemical data sheet which shall include information on chemical composition, properties and antidotes and information relating to manufacture and packaging in process control records, final products analytical records and authorized for release, and any other relevant records; and

(f) the prescribed fee, together with such additional fee as the Director may require for the purpose of analyzing the chemical product.

(5) Every applicant shall, without delay, inform the Director either before or after the registration of a chemical product—

(a) of any alteration of the information or particulars furnished by him in applying for registration in terms of subregulation (2); and

(b) whether the chemical product is to be imported as a finished product into, or labeled or repackaged or dealt with in any manner, in Malaŵi.

(6) For the purposes of paragraph (b) of subregulation (4), “finished product”, in relation to a chemical product, means a chemical which is wholly manufactured outside Malaŵi and is imported into Malaŵi ready for sale without having to be relabeled or repackaged.

(7) An application for the retention of the registration of a registered chemical product shall be submitted to the Director, in the form set out in Eighteenth Schedule hereto at least two months before the expiry of the licence and shall be accompanied by the prescribed fee.

<b>Subsidiary</b>	<i>Environment Management (Chemicals and Toxic Substances Management) Regulations</i>
Conditions for registered chemicals	<p><b>11.</b> Where the Director approves registration of a chemical product, he shall fix as a condition of registration, the product's specific use and the conditions under which the chemical is to be used.</p>
Rejection of application	<p><b>12.—</b>(1) The Director may reject an application for registration if—</p> <ul style="list-style-type: none"> <li>(a) the application is not complete;</li> <li>(b) the application contains information which is misleading, erroneous, deceptive or likely to deceive;</li> <li>(c) the chemical is likely to cause adverse effect to human health, animals, plants or the environment even when handled and used according to given instructions;</li> <li>(d) the chemical is provisionally cleared;</li> <li>(e) the container, or label do not meet the requirements of these Regulations;</li> <li>(f) the applicant is considered unsuitable or incapable of carrying out the obligation imposed under these Regulations; or</li> <li>(g) the chemical is toxic contrary to indications on the label.</li> </ul> <p>(2) Where the Director rejects an application for registration of a chemical, he shall inform the applicant in writing the reasons for the rejection.</p> <p>(3) Where the Director rejects an application for registration of a chemical he shall enter the chemical in the register of banned chemicals stating the identity of the chemical, the reasons for banning it and any other particulars the Director may specify.</p>
Labeling of chemicals	<p><b>13.—</b>(1) Every chemical product shall, unless otherwise directed by the Director, bear or incorporate a label on the product package or container in which the chemical product is sold, on which is printed, in clear and indelible letters in the English language and any other local language as the Director may direct or approve the following particulars which relate to the chemical—</p> <ul style="list-style-type: none"> <li>(a) the name and address of the person who owns the chemical;</li> <li>(b) the name and address of the manufacturer including the physical address;</li> <li>(c) the approved name of the chemical product and the proprietary name or trade mark, if any, of the chemical product;</li> <li>(d) inherent physical and chemical properties, toxicity to human beings and impact on the environment;</li> </ul>

## | Subsidiary |

*Environment Management (Chemicals and Toxic Substances Management) Regulations*

(e) chemical composition;

(f) production batch number, date of manufacture and the expiry date of the chemical;

(g) the required storage conditions or other necessary precautions to prevent harm to human health and the environment;

(h) the chemical classification as determined in accordance with regulation 10 and the directions on safe use including proper disposal methods;

(i) any warning notices and hazard symbol which shall be in colour or print other than the colour referred to in subparagraph (a) to (j);

(j) the antidote for use in cases of accidents; and

(k) any other particulars as may be directed by the Director:

Provided that the label shall contain no warranties, guarantees or liability exclusion clauses inconsistent with the provisions of the Act or these Regulations.

(2) In the case of a small package containing a chemical product, it shall be adequate to record information required under paragraphs (c), (d), (e) and (f) on the outer label.

(3) Every chemical product shall, where possible, be marked with the logo of the owner of the chemical product or manufacturer thereof, as the case may be, and such other distinguishing mark for the purpose of identifying such chemical product.

Packaging of  
chemicals

**14.—**(1) The Director shall not approve a container for the packaging of chemicals unless he is satisfied that the container—

(a) shall not react chemically or physically with the chemical;

(b) is of sufficient strength and shall not pose any risk during handling and transportation of the chemical; and

(c) is durable enough to prevent the chemical from escaping.

(2) The Director may, at any time, direct the seller of a chemical to submit for inspection an approved container in which the chemical is contained.

(3) Every package of a chemical product shall, unless otherwise directed by the Director, contain a package insert on which is printed, in clear and indelible letters in the English language and any other local language as may be directed or approved by the Director the following particulars which relate to the chemical product—

| Subsidiary |

*Environment Management (Chemicals and Toxic Substances Management) Regulations*

- (a) the name and address of the owner of the chemical product;
- (b) the name and address of the manufacturer of the chemical product;
- (c) the approved name of the active ingredient of the chemical product and the proprietary name or trade mark, if any, of the chemical product;
- (d) the logo, if any, of the owner of the chemical product or manufacturer thereof;
- (e) the chemical composition and percentage of any toxic agent inherent in the chemical product;
- (h) adequate directions for handling including safety precautions in transportation, storage, use and disposal of obsolete chemicals or chemicals waste to prevent harmful effects to human health and the environment;
- (g) chemical classification as determined in accordance with regulation 10;
- (h) warnings relating to risks associated with the use of the chemical product;
- (i) identification of the chemical product;
- (j) the form in which the chemical product is presented whether liquid, dust, granulars, baits or wettable powders and the colour thereof;
- (k) the date of publication of the package insert including expiry date of the product;
- (l) a summary of the relevant information concerning the purpose and beneficial, harmful or other effects of the chemical product and the possible dangers that may arise from exposure to the chemical product;
- (m) relevant information, including particulars in regard to a specific medicinal product as an antidote (if known), concerning the treatment of a user in case of an accident or harmful exposure relating to the chemical product; and
- (n) any other particulars or warning notices as the Director may direct.

Procedures for  
restricting the use of  
a chemical product

**15.—(1)** Before making a decision to restrict the use or to the handling of a chemical, the Director shall—

| Subsidiary |

*Environment Management (Chemicals and Toxic Substances Management) Regulations*

- (a) ensure that there is evidence that the chemical causes or is likely to cause adverse effects to human health, animals, plants or the environment;
  - (b) require the applicant to show cause in writing within a period of thirty days from the date of the letter, why the restriction or ban should not be imposed on the chemical;
  - (c) publish in the *Gazette* the intention to impose a ban on or restrict the use and handling of the chemical.
- (2) Upon receipt of the submission from the applicant, the Director shall—
- (a) invite the applicant to attend a meeting and give the applicant the opportunity to make oral submissions in person or through a representative to the Technical Committee on the Environment; and
  - (b) consider any other information available to the Technical Committee on the Environment, including submission of experts in the field of chemical management.
- (3) Where the Director considers it necessary in the public interest to protect human health or the environment, he shall suspend use of the chemical pending a final decision to restrict use or ban handling of such chemical.

(4) The Director may lift the ban or restrict use.

**16.** The Director shall enter in the register in respect of each chemical product registered, the—

- (a) date of the application for registration of the chemical product;
- (b) number allocated to the application for registration;
- (c) proprietary name or trade mark of the chemical product, if any;
- (d) logo of the owner of the chemical product or manufacturer thereof, if any;
- (e) particulars of the patent of the chemical product, if any;
- (f) approved name of the chemical product;
- (g) form in which the chemical product is presented whether liquid or otherwise and the colour thereof;
- (h) inherent physical and chemical properties and the level of toxicity of the chemical product;
- (i) qualitative and quantitative details of every ingredient in a specified unit of the chemical product;

Register of  
Chemicals

| Subsidiary |

*Environment Management (Chemicals and Toxic Substances Management) Regulations*

- (j) name and business address of the owner of the chemical product;
- (k) name and business address of the manufacturer of the chemical product;
- (l) country of origin of the chemical product;
- (m) number allocated to the inspection report of the place of manufacture, if applicable;
- (n) date of registration of chemical products;
- (o) registration number of the chemical products;
- (p) shelf-life or life span of the chemical products;
- (q) specific use of the chemical product and any other conditions if it falls under regulation 11;
- (r) classification of the chemical product determined in accordance with regulation 10;
- (s) date and particulars of any variation in the conditions of registration of the chemical product;
- (t) payment of any fee for the retention or registration of the chemical product; and
- (u) date of the cancellation of the registration of the chemical product where applicable.

Certificate of registration for a chemical product

**17.** After registering a chemical product, the Director shall issue a certificate of registration in the prescribed form.

Production and return of registration certificate for chemical products

**18.—(1)** Whenever the Director—

- (a) cancels the registration of any chemical product;
- (b) varies or amends the conditions of registration of any chemical product; or
- (c) imposes any new conditions on the registration of any chemical product,

the Director shall request the holder of the registration certificate concerned to produce such certificate within one month and the holder thereof shall produce such certificate within the specified period.

(2) Any person who fails to comply with a request made in accordance with subregulation (1) commits an offence

(3) Where the Director varies, amends or imposes any new condition on any registration certificate, the Director shall return such certificate, duly endorsed, to the holder thereof within a period of three months.

## | Subsidiary |

*Environment Management (Chemicals and Toxic Substances Management) Regulations*

(4) The holder of a certificate which has been varied or amended shall comply with the conditions within a period of three months of the date of amendment or variation.

Importation of chemical products

**19.** No person shall, without prior written approval of the Director, import a chemical product which has one-half or less than one-half of its shelf-life span remaining upon arrival in Malawi.

Handling chemicals with less than half shelf-life

**20.** No person shall, without prior written approval of the Director deliver, receive, accept or sell any chemical product whose shelf-life or remaining life span is less than one-half.

Sale of expired products

**21.—(1)** No person shall sell any chemical or chemical product after a date later than the expiry date which appears on the package of such chemical product.

(2) Any person who sells any expired chemical product in contravention of subregulation (1) commits an offence.

(3) The Director shall have power to confiscate and destroy any products that have expired.

Chemicals to be sold by licensed persons

**22.** No person shall sell any chemical product unless his business has been—

(a) licensed under these Regulations; or

(b) authorized in terms of these Regulations:

Provided that this regulation shall not apply to the sale of toxic substances regulated under the Pharmacy, Medicine and Poisons Act or the Pesticides Act.

Cap. 35:01  
Cap. 35:03

Prohibition of sale of unlabelled chemical products

**23.** No person shall sell any chemical product whose composition is not labeled in accordance with the requirements of regulation 13.

Safe keeping of registered chemicals, etc.

**24.—(1)** Any person who sells chemicals listed in the First Schedule hereto shall not store, keep or display such chemicals on an open shelf or in an open area or on any part of his premises to which members of the public have access.

(2) Any person who has under his control or custody or uses chemicals referred in subregulation (1) shall exercise all reasonable care in the custody, safe keeping and use thereof.

## | Subsidiary |

*Environment Management (Chemicals and Toxic Substances Management) Regulations*

Local authorities to make by-laws for management of chemicals and toxic substances

**25.—**(1) Every local authority shall make by-laws relating to the management of toxic substances and chemical wastes in their respective area of jurisdiction:

Provided that—

(a) such by laws shall not be in conflict with the Act and these Regulations; and

(b) such by-laws shall ensure that the disposal method of chemical wastes is in an environmentally sound manner.

(2) Every local authority shall be responsible for management of chemicals and toxic substances, and such management shall be in accordance with the provisions of the Act and these Regulations.

Duty to treat chemical wastes

**26.—**(1) No industry or medical facility shall discharge any chemical wastes in any state into the environment unless such wastes have been treated in accordance with acceptable international methods that are approved by the Director in consultation with the relevant local authority.

(2) Any person whose operations discharge chemical wastes into the environment at the date of entry into force of these Regulations shall within ninety days submit a written proposal specifying the time schedule within which compliance with these Regulations shall be achieved.

(3) It shall be an offence for any person to discharge any chemical waste whether treated or not into a disposal site or plant unless such disposal site or plant has been approved and licensed in accordance with and upon the conditions set out in these Regulations and for such purpose.

Voluntary compliance

**27.** Every industry shall develop a voluntary compliance code which shall outline the industry's goal for—

(a) chemical waste reduction and minimization;

(b) chemical waste treatment on site and emission standards;

and

(c) disposal plans.

Application to operate chemical waste disposal site or plant

**28.—**(1) Any person who intends to operate a chemical disposal site or plant shall apply to the Director for a chemical waste disposal licence.

(2) An application for a licence to operate a chemical waste disposal site or plant shall be in the form set out in the Sixteenth Schedule hereto and shall be accompanied by the appropriate fee.



## | Subsidiary |

*Environment Management (Chemicals and Toxic Substances Management) Regulations*

(3) A person carrying out a business of operating a chemical waste disposal site or plant before the commencement of these Regulations shall apply for a licence within ninety days from the date these Regulations come into force.

(4) A person who operates a chemical waste disposal site or plant without a licence commits an offence.

Licence to own or operate a chemical waste disposal site or plant

**29.—**(1) The Director may grant a licence in the form set out in the Seventeenth Schedule hereto to own or operate a chemical waste disposal site or plant, if—

(a) a written approval has been obtained by the applicant from the environmental officer of the local authority within which the chemical waste disposal site or plant is located;

(b) the local authority is satisfied that the owner or operator of the site has the ability and the appropriate facilities to manage the site or plant without causing any damage to public health or the environment, taking into account the findings and recommendations of the approved environmental impact assessment submitted by the owner or operator; and

(c) notice has been given by the applicant in the *Gazette* and such local newspapers of daily circulation as the Director shall deem fit on the proposed chemical waste disposal site or plant, sixty days before issue of the licence.

(2) Any licence to own or operate a chemical waste disposal site or plant shall be subject to the following conditions—

(a) the site or plant shall be located away from a residential or commercial area and water sources;

(b) the site or plant shall have hazard and safety signs approved by the Director displayed in appropriate places indicating the disposal site or plant and the nature of operations it carries out;

(c) the site or plant shall be enclosed and secure from scavenging;

(d) the site or plant shall be operated in a way which would avoid pollution of surface and underground water, air or soil;

(e) highly toxic or hazardous chemical wastes shall be disposed of or treated in accordance with conditions specified in the licence or in accordance with any general guidelines issued by the Director in consultation with the Director responsible for local government;

| Subsidiary |

*Environment Management (Chemicals and Toxic Substances Management) Regulations*

(f) suitable ventilation shall be provided at the disposal site or plant to prevent harmful effects to personnel;

(g) the personnel working at the chemical waste disposal site or plant shall be provided with—

- (i) adequate training in chemical waste management;
- (ii) adequate protective and safety clothing;
- (iii) adequate and appropriate equipment or facilities for the operations of the disposal site or plant;
- (iv) shelter;
- (v) first aid training and facilities; and
- (vi) communication facilities; and

(h) the personnel working at the chemical disposal site or plant shall undergo a medical checkup, at least once every six months.

(3) A licence to own or operate a chemical waste disposal site or plant shall be valid for one year and may be renewed for a like period at a prescribed fee:

Provided that the Director may, where he deems necessary, issue a licence to any applicant under regulation 5 for the temporary storage of any chemical waste pending final disposal on condition that such temporary storage meets the approved standards for the storage of such a category of chemical waste approved under these Regulations.

(4) Any person who—

- (a) operates or owns a chemical disposal site or plant without a licence; or
- (b) discharges chemical waste onto a site or plant which is unlicensed, commits an offence.

Environmental  
impact assessment

**30.—(1)** No disposal site or plant for chemical wastes shall be licensed under these Regulations unless an environmental impact assessment has been carried out in accordance with the provisions of the Act.

(2) Any person operating a disposal site or plant shall carry out annual audits of the environmental performance of his site or plant and shall submit his report to the Director.

Disposal of toxic  
substances

**31.—(1)** Where a person intends to dispose or treat toxic substance and wastes he shall, in addition to the provisions of regulations 24 and 25, indicate in his application for a licence, the disposal operations he intends to

| Subsidiary |

*Environment Management (Chemicals and Toxic Substances Management) Regulations*

carry out in accordance with the categories identified in the First and Second Schedules hereto and shall enclose—

- (a) a detailed description of the process he intends to use and its possible effects;
- (b) a detailed description of the soil structure and geology of the area;
- (c) a detailed plan for control of emissions;
- (d) a plan for managing leakages;
- (e) a detailed health impact assessment;
- (f) a detailed drawing indicating the structure, construction and surroundings of the disposal site or plant;
- (g) a decommissioning plan; and
- (h) any other matter that may be required by the Director.

(2) In granting a licence for the disposal of highly toxic substances or wastes, the Director shall clearly indicate the disposal operation permitted and identified in accordance with the categories set out in the First Schedule hereto.

(3) Any person who contravenes this regulation commits an offence.

Prevention of pollution from disposal sites and treatment plants

**32.** Every person who operates a toxic substance or chemical wastes disposal site or treatment plant shall take all necessary measures to prevent pollution from sites or plants including the erection of necessary works and taking of mitigation measures.

## PART III

## INTERNATIONAL TRADE IN TOXIC SUBSTANCES AND CHEMICALS

National authority for prior informed consent procedure

**33.—(1)** The Director shall be the national authority for the operation of the prior informed consent procedure for the import, export or any other trans-boundary movement of toxic substances and chemicals.

(2) The Director shall closely liaise with the designated authorities of other states under any international conventions or arrangements to which Malawi is a party, and international organizations with competence in the field of the management of toxic substances and chemicals under any convention or arrangement to which Malawi is a party, for the purpose of monitoring imports and exports and controlling the movement of toxic substances and chemicals in Malawi territory.

## | Subsidiary |

*Environment Management (Chemicals and Toxic Substances Management) Regulations*

(3) The Director shall disseminate information on toxic substances and chemicals management to the public.

Notification procedures and prior informed consent

**34.** A licence for export of chemicals shall not be issued by the Director unless accompanied by the relevant documentation for notification in accordance with Form A contained in the Eighteenth Schedule hereto and as required by the prior informed consent procedure as set out in these Regulations and the appropriate fee set in the Thirteenth Schedule hereto.

Control of importation of chemicals

**35.—(1)** No person shall import a chemical into Malaŵi without a licence issued by the Director under these Regulations.

(2) The Director shall not issue a licence to import a chemical into Malaŵi unless accompanied by documentation for notification in accordance with Form B contained in the Eighteenth Schedule hereto and as required by the Prior Informed Consent procedure as set out in these Regulations and the appropriate fee set out in the Thirteenth Schedule hereto.

(3) In considering every application to import chemicals, the Director shall ensure that—

- (a) the applicant is aware of the toxicity of the chemical and the risk involved in its use and handling;
- (b) the applicant is capable of handling the risks arising from the importation of such a chemical and has in this behalf, an adequate insurance coverage or similar guarantee;
- (c) the applicant has plans and means to dispose of any surplus chemicals and containers in an environmentally sound manner;
- (d) the applicant shall distribute the chemical only to those wholesalers and retailers appropriately licensed under these Regulations;
- (e) the applicant shall comply with such other measures as may be determined by the Director; and
- (f) the requirements of the Prior Informed Consent procedure set out in these Regulations have been fulfilled.

(4) A licence to import a chemical shall be valid for such consignments and for such a period as may be determined by the Director.

Restrictions on importing severely restricted chemicals

**36.** The Director shall grant a licence to import severely restricted chemicals or other toxic substances if—

## | Subsidiary |

*Environment Management (Chemicals and Toxic Substances Management) Regulations*

- (a) the exporting country permits the use of chemicals within its jurisdiction;
- (b) no other alternative chemical is available; and
- (c) there are adequate management plans.

Control of  
exportation of  
chemicals

**37.—**(1) No person shall export a chemical from Malaŵi without a licence issued under these Regulations.

(2)—(a) In considering every application to export chemicals, the Director shall ensure that—

- (i) the requirements for the prior informed consent set out in regulation 34, where appropriate, have been fulfilled; and
- (ii) the application meets such other requirements as may be determined by the Director; and
- (b) a licence to export a chemical shall relate to such a consignment of chemicals and be for such a period as may be determined by the Director.

Restrictions on  
exporting severely  
restricted chemicals

**38.** The Director shall grant a licence to export severely restricted chemicals or other toxic substances if—

- (a) the importing country permits the use of chemicals within its jurisdiction;
- (b) the chemical in question is required as a raw material for recycling or recovery in the country of import; and
- (c) the import is in accordance with an agreement or arrangement that conforms to the requirements as contained in these Regulations.

Ports of entry  
and routes

**39.** A licence issued under these Regulations shall only entitle the licensee to transport chemicals or toxic substances, through designated ports of entry and routes under the Customs and Excise Act.

Cap. 42:01

## PART IV

## MISCELLANEOUS PROVISIONS

Reporting

**40.—**(1) Any person who is licensed to carry out any procedures or activities under these Regulations shall submit to the Director annual reports on the conduct of the licensed activities.

(2) Where special reporting procedures are a condition of any licence under the Regulations, such reporting procedures shall take precedence over the provisions of subregulation (1).

<b>  Subsidiary  </b>	<i>Environment Management (Chemicals and Toxic Substances Management) Regulations</i>
Duty to keep records	<p><b>41.—</b>(1) A holder of a licences shall—</p> <p style="padding-left: 40px;">(a) keep records of the licensed activities and all transactions related thereto; and</p> <p style="padding-left: 40px;">(b) submit the records referred to in paragraph (a) hereof to the Director every year from the commencement of the licensed activities.</p> <p style="padding-left: 40px;">(2) The Director may order a licensee under these Regulations to install mechanisms at the expense of the licensee or to take samples and analyze them as the Director may direct.</p>
Communication of decision of licence	<p><b>42.</b> Where a person applies for a licence under these Regulations, the Director shall communicate his decision to the applicant within a period of three months.</p>
Improvement notice	<p><b>43.—</b>(1) Where an inspector has reasonable cause to believe that any person is violating these Regulations, he may issue against such a person an improvement notice or take any other measures appropriate for correcting the situation.</p> <p style="padding-left: 40px;">(2) An improvement notice issued under subregulation (1) shall not prejudice criminal proceedings which may be taken under any of the provisions of the Act.</p>
Cancellation of licence	<p><b>44.</b> The Director may suspend or revoke a licence issued under these Regulations if he is satisfied that the conditions attached to the granting of the licence have not been complied with or if the Director is satisfied that continued operation of the activity may be injurious to the human health or the environment.</p>
Offences and penalties	<p><b>45.</b> Any person who contravenes the provisions of these Regulations commits an offence and shall be subject to the penalties prescribed in the Act.</p>

---

**| Subsidiary |**      *Environment Management (Chemicals and Toxic Substances Management) Regulations*

FIRST SCHEDULE

reg. 10

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT  
(CHEMICALS AND TOXIC SUBSTANCES MANAGEMENT) REGULATIONS

CATEGORIES OF CHEMICALS TO BE CONTROLLED

1. Industrial Chemicals
  - (a) Crocidolite
  - (b) Polybrominated Biphenyls (PBBs)
  - (c) Polychlorinated Biphenyls (PCBs)
  - (d) Polychlorinated Terphenyls (PCTs)
  - (e) Iris (2, 3 dibromopropyl) Phosphate
2. Biochemicals

| Subsidiary | *Environment Management (Chemicals and Toxic Substances Management) Regulations*

## SECOND SCHEDULE

reg. 10

## REPUBLIC OF MALAWI

## ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT  
(CHEMICALS AND TOXIC SUBSTANCES MANAGEMENT) REGULATIONS

## APPLICATION FORM FOR REGISTRATION OF CHEMICALS OR TOXIC SUBSTANCES

I/We ..... hereby make application for full registration/provisional registration of the following chemical which we intend to import into Malawi and state that the particulars of the chemical are as follows—

1. Brand name:
2. Other common names, if any:
3. Nature of the chemical:
4. Formulation: (i.e. emulsifiable, concentrate wet table powder, etc.)
5. Use:
6. Method of application:
7. Composition:
  - (a) *active constituents: common names \*percentage\**  
\*proportion in metric units of w/w.w/v,v/v or in acid equivalents
  - (b) mode of action of each active constituent:  
*active constituent mode of action*
  - (c) molecular and structural formulae of each of the active constituents:  
*active constituent molecular formulae structural formulae*
8. Residue data:
  - (a) nature of residues occurring in or on crops/animals/products treated with the formulation under tropical or subtropical conditions, in case of pesticides:
  - (b) information on persistence in soil and water and possible or known breakdown mechanism:
9. Toxicological properties of each active constituent—
  - (a) general toxicity to wild life, fish and bees:  
*active constituent toxicity to the above*
  - (b) acute toxicity  
*active constituent acute toxicity*  
LD50 on test animals  
Oral dermal respiratory



**Subsidiary** | *Environment Management (Chemicals and Toxic Substances Management) Regulations*

- (c) toxicity to skin and possible danger through inhalation  
*active constituent toxicity as stated above*
  - (d) symptoms of poisoning  
*active constituent oral inhalation dermal eyes*
  - (e) first aid and antidote:  
*active constituent first aid antidote*
10. Use precautions—
- (a) agents and chemicals with which product is known to be :
    - (i) compatible:
    - (ii) incompatible:
  - (b) flammability:
  - (c) corrosiveness:
  - (d) stability on storage:
  - (e) stability on duration:
  - (f) recommendation for cleaning, measuring, and spray equipment:
  - (g) safety precautions for handling and application:
  - (h) procedures for both container disposal and disposal or deactivation of the excess chemical:
11. Package material and pack sizes (dimension and net volume/weight proposed for import and marketing):
12. Manufacturers name and address:
13. Action by other authorities—
- (a) evidence of registration approval, revocation or rejection by other authorities outside Malaŵi:
  - (b) name countries for which full registration of this product has been granted:
  - (c) if rejected or revoked, give reasons:
14. Name and physical address of proprietor/importer:

Date:.....  
*Signature of Applicant and Title*

**FOR OFFICIAL USE**

- 1. Full registration/provisional registration granted with no restriction:
- 2. Full registration/provisional registration granted with the following restrictions:
- 3. Registration not granted for the following reasons:
- 4. Comments:
- 5. Registration No.:

Date:..... Signature .....  
*Director*  
*Environmental Affairs Department*

| Subsidiary | *Environment Management (Chemicals and Toxic Substances Management) Regulations*

THIRD SCHEDULE  
(To be completed in triplicate)

reg. 4

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT  
(CHEMICALS AND TOXIC SUBSTANCES MANAGEMENT) REGULATIONS

APPLICATION FOR A LICENCE FOR MANUFACTURING/  
REPACKAGING OF TOXIC SUBSTANCES AND CHEMICALS

I/We..... hereby apply for a licence to manufacture/repackage toxic substances and chemicals, of which particulars are given below—

1. Name and address of applicant: .....
  2. Location of premises: .....
  3. Name, qualification and experience of supervising chemist (attach curriculum vitae):
  4. Physical (*describe whether industrial, residential, or commercial and whether it is near schools or recreational areas*): .....
  5. Other key officers: .....

Name	Qualification	Title
6. Equipment or technology possessed: .....		

  7. Type of chemicals to be manufactured or repackaged (*indicate number in accordance with First Schedule and describe whether liquid or otherwise and their characteristics*):
  8. Quantity of chemicals to be manufactured in kilogrammes or tonnes for solids or in cubic centimeters if liquid or gases: .....
  9. Registration number: .....
  10. Sources of raw materials: .....
  11. Type of containers to be used for packaging or repackaging: .....
  12. Type of labels on the container (*describe whether industrial, residential, or commercial and whether it is near schools or recreational areas*): .....
  13. Describe safety measures at the premises including protective equipment, first aid kits and first aid personnel: .....
  14. Measures of containment and treatment of fumes, dusts, spillage and leakages: .....
  15. Chemical wastes disposal methods: .....
- Attachments:
- (a) Description of manufacturing equipment (Appendix I)
  - (b) Description of manufacturing process (Appendix II)

**| Subsidiary |**

*Environment Management (Chemicals and Toxic Substances Management) Regulations*

- (c) An environment impact assessment of proposed manufacturing or formulation (Appendix III)
- (d) Curriculum vitae of key officers in the production Process (Appendix IV)

Date:.....

*Signature of Applicant and Title*

**FOR OFFICIAL USE ONLY**

Date received: .....

Fee paid (MK): .....

Comments of the lead agency: .....

Date:.....

*Name and Signature of Responsible Officer*

Decision of the Technical Committee on the Environment: .....

.....

Date:..... Signature .....

*Director*

*Environmental Affairs Department*

| Subsidiary | Environment Management (Chemicals and Toxic Substances Management) Regulations

FOURTH SCHEDULE (To be completed in triplicate)

reg. 4

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT (CHEMICALS AND TOXIC SUBSTANCES MANAGEMENT) REGULATIONS

APPLICATION FOR A LICENCE TO IMPORT CHEMICALS OR TOXIC SUBSTANCES

I/We ..... hereby apply for a licence to import chemicals of which particulars are given below—

- 1. Address of Applicant: .....
2. Type of chemicals to be imported (indicate number in accordance with First Schedule and describe whether liquid or otherwise): .....
3. Country of origin of the chemical: .....
4. Regulatory action in country of origin: .....
5. Status of the chemical in the country of origin: .....
6. Mode of transporting the chemicals into the country and the safety precautions to be used: ...
7. Quantity of the chemicals to be imported: .....
8. The permitted use of the chemical: .....
9. Proprietary name or the trade name of the chemical: .....
10. Physical address of premises where storage would be done: .....
11. Describe safety measures at the premises: .....
12. Surroundings of the premises: .....
13. Final destination of the chemicals: .....
14. Safety consideration in case of an accident: .....
15. Chemical wastes disposal plans: .....
16. Port of Entry: .....
17. Any other information: .....

Date:.....

Signature of Applicant and Title

FOR OFFICIAL USE ONLY

Date received: .....

Fee paid (MK): .....

---

**| Subsidiary |**      *Environment Management (Chemicals and Toxic Substances  
Management) Regulations*

Comments of the lead agency or designated National Authority: .....

Date:.....

*Name and Signature of Responsible Officer*

Decision of the Technical Committee on the Environment: .....

Date:.....                      Signature .....

*Director*

*Environmental Affairs Department*

| Subsidiary | Environment Management (Chemicals and Toxic Substances Management) Regulations

FIFTH SCHEDULE (To be completed in triplicate)

reg. 4

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT (CHEMICALS AND TOXIC SUBSTANCES MANAGEMENT) REGULATIONS

APPLICATION FOR A LICENCE TO EXPORT CHEMICALS

I/We ..... hereby apply for a licence to export chemicals, of which particulars are given below—

- 1. Address of Applicant: .....
2. Type of chemical(s) to be exported (indicate classification in accordance with regulation 9 and describe whether liquid or otherwise): .....
3. Characteristics of chemical(s): .....
4. The permitted use of the chemicals: .....
5. The proprietary name or trademark of the chemical: .....
6. The registration number of the chemical: .....
7. The recipient country: .....
8. Have the Prior Informed Consent procedures been satisfied: .....
9. Describe the mode of exporting the chemicals to the recipient country and the safety precautions to be used: .....
10. Indicate if the recipient country permits the use of the chemical within its jurisdiction: .....
11. Any other information: .....
12. Port of entry: .....

Date:.....

Signature of Applicant and Title

FOR OFFICIAL USE ONLY

Date received: .....

Fee paid (MK): .....

Comments of the lead agency or designated National Authority: .....

Date:.....

Name and Signature of Responsible Officer

**| Subsidiary |** *Environment Management (Chemicals and Toxic Substances Management) Regulations*

Decision of the Technical Committee on the Environment: .....

Date:..... Signature .....

*Director*  
*Environmental Affairs Department*

| Subsidiary | Environment Management (Chemicals and Toxic Substances Management) Regulations

SIXTH SCHEDULE (To be completed in triplicate)

reg. 4

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT (CHEMICALS AND TOXIC SUBSTANCES MANAGEMENT) REGULATIONS

APPLICATION FOR A LICENCE FOR TRANSPORTATION OF TOXIC SUBSTANCES AND CHEMICALS

I/We..... hereby apply for a licence to transport toxic substances and chemicals of which particulars are given below—

- 1. Address of Applicant:
2. Type of chemicals to be transported (indicate number in accordance with First Schedule or Second Schedule and describe whether liquid or otherwise and their characteristics):
3. Characteristics:
4. Origin and destination of the consignment:
5. Number and type of vehicles to transport the chemicals:
6. Quantity of chemicals per vehicle to be transported:
7. Type of containers to be used in transporting chemicals:
8. Type of labels on containers (describe and attach sample):
9. Type of labels to be used on carrier vehicles in case of petrochemicals:
10. Describe safety precautions during transportation:
11. Licensed premises or sites/plants to which toxic substances or chemicals are to be transported:
12. Any other information:

Date:.....

Signature of Applicant and Title

FOR OFFICIAL USE ONLY

Application received by: ..... on ..... 20.....

Fee paid (MK): ..... In words: .....

Date:..... Signature .....

Director Environmental Affairs Department



| Subsidiary |

Environment Management (Chemicals and Toxic Substances Management) Regulations

SEVENTH SCHEDULE  
(To be completed in triplicate)

reg. 4

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT  
(CHEMICALS AND TOXIC SUBSTANCES MANAGEMENT) REGULATIONS

APPLICATION FOR A LICENCE TO DISTRIBUTE CHEMICALS

I/We.....hereby apply for a licence to distribute chemicals of which particulars are given below—

1. Address of Applicant: .....
2. Qualification and experience in handling chemicals: .....
3. Type of chemical(s) to be distributed: .....
4. Characteristics of chemical(s): .....
5. The permitted use of the chemical(s): .....
6. The proprietary name or trademark of the chemical(s): .....
7. The Registration number of the chemical(s): .....
8. Quantity: .....
9. Indicate if distribution will be to wholesalers or retailers: .....
10. Location of premises: .....
11. Describe safety precautions at the premises: .....
12. Any other information: .....

Date:.....

*Signature of Applicant and Title*

**FOR OFFICIAL USE ONLY**

Application received by: ..... on ..... 20.....

Fee paid (MK): ..... In words: .....

Date:..... Signature .....

*Director*

*Environmental Affairs Department*

| Subsidiary | Environment Management (Chemicals and Toxic Substances Management) Regulations

EIGHTH SCHEDULE

reg. 4

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT (CHEMICALS AND TOXIC SUBSTANCES MANAGEMENT) REGULATIONS

LICENCE TO MANUFACTURE/REPACKAGE CHEMICALS

Licence No. ....

Name: .....

Address: .....

(Plot No., village, town, city, district)

You are hereby licensed to manufacture/repackage the following chemicals: .....

(classification of chemicals indicated by number in ..... Schedule)

1. ....

2. ....

3. ....

Concentration: .....

Quantity: .....

Specific use: .....

Address of licensed premises for manufacture or repackaging: .....

This licence is valid from ..... 20 ..... to ..... 20.....

This licence is granted subject to the following conditions: .....

Date:.....

Signature .....

Director Environmental Affairs Department

| Subsidiary | Environment Management (Chemicals and Toxic Substances Management) Regulations

NINTH SCHEDULE

reg. 4

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT (CHEMICALS AND TOXIC SUBSTANCES MANAGEMENT) REGULATIONS

LICENCE TO IMPORT CHEMICALS

Licence No. ....

Name: .....

Address: .....

(Plot No., village, town, city, district)

You are hereby licensed to import the following chemicals: .....

(classification of chemicals indicated by number in ..... Schedule)

1. ....

2. ....

3. ....

Purposes for which the imported chemicals are licensed: .....

From (Name and address): .....

Quantity: .....

Concentration: .....

The import shall be made through: .....

(border/customs control post)

Address of licensed premises for storage or repackaging where necessary: .....

This licence is valid from ..... 20 ..... to ..... 20.....

This licence is granted subject to the following conditions: .....

(Attach a copy of authorization by the state from which importation is to be made)

Date:.....

Signature .....

Director Environmental Affairs Department

| Subsidiary |

Environment Management (Chemicals and Toxic Substances Management) Regulations

TENTH SCHEDULE

reg. 4

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT  
(CHEMICALS AND TOXIC SUBSTANCES MANAGEMENT) REGULATIONS

LICENCE TO EXPORT CHEMICALS

Licence No. ....

Name: .....

Address: .....

(Plot No., village, town, city, district)

You are hereby licensed to export the following chemicals: .....

(classification of chemicals indicated by number in Schedule):

1. ....

2. ....

3. ....

The export shall be made through: .....

(border/customs control post)

This licence is granted subject to the following conditions: .....

1. ....

2. ....

3. ....

Date:.....

Signature .....

Director

Environmental Affairs Department

| Subsidiary |

Environment Management (Chemicals and Toxic Substances Management) Regulations

ELEVENTH SCHEDULE

reg. 4

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT  
(CHEMICALS AND TOXIC SUBSTANCES MANAGEMENT) REGULATIONS

LICENCE TO TRANSPORT CHEMICALS

Licence No. ....

Name: .....

Address: .....

(Plot No., village, town, city, district)

You are hereby licensed to transport the following chemicals (classification of chemicals indicated by number in Schedule):

1. ....

2. ....

3. ....

To (Location, district): .....

From (Location, district): .....

Number, type and registration number of vehicles licensed: .....

This licence is valid from ..... 20 ..... to ..... 20.....

This licence is granted subject to the following conditions: .....

.....

Date:.....

Signature .....

Director

Environmental Affairs Department

| Subsidiary |

Environment Management (Chemicals and Toxic Substances Management) Regulations

TWELFTH SCHEDULE

reg. 4

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT  
(CHEMICALS AND TOXIC SUBSTANCES MANAGEMENT) REGULATIONS

LICENCE TO DISTRIBUTE CHEMICALS

Licence No. ....

Name: .....

Address: .....

(Plot No., village, town, city, district)

You are hereby licensed to distribute the following chemicals (classification of chemicals indicated by number in Schedule):

1. ....

2. ....

3. ....

To: (Wholesalers, retailers, etc.)

Quantity: .....

Specific use: .....

This licence is valid from ..... 20 ..... to ..... 20.....

This licence is granted subject to the following conditions: .....

.....

Date:.....

Signature .....

Director  
Environmental Affairs Department

**Subsidiary** | *Environment Management (Chemicals and Toxic Substances Management) Regulations*

## THIRTEENTH SCHEDULE

reg. 4

## REPUBLIC OF MALAWI

## ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT  
(CHEMICALS AND TOXIC SUBSTANCES MANAGEMENT) REGULATIONS

## FEES

<i>Matter</i>	<i>Fees payable on first application</i>		<i>Fees payable on renewal of licence</i>	
	K	t	K	t
1. Application for licence to manufacture/repackage chemicals . . . .	50,000	00	30,000	00
2. Application for licence to import chemicals . . . . .	50,000	00	30,000	00
3. Application for licence to export chemicals . . . . .	50,000	00	30,000	00
4. Application for licence to transport chemicals (carrier) . . . . .	50,000	00	30,000	00
5. Application for licence to distribute chemicals . . . . .	50,000	00	30,000	00
6. Application for licence to operate/own a disposal site or plant . .	50,000	00	30,000	00

| Subsidiary |

Environment Management (Chemicals and Toxic Substances Management) Regulations

FOURTEENTH SCHEDULE  
(To be completed in triplicate)

reg. 9

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT  
(CHEMICALS AND TOXIC SUBSTANCES MANAGEMENT) REGULATIONS

APPLICATION FOR RENEWAL OF A LICENCE

Name of Applicant: .....

Address: .....

Application for Renewal of a licence for:

- Manufacturing/Repackaging of chemicals
- Importing of chemicals
- Exporting of chemicals
- Transportation of chemicals
- Wholesale/distribution of chemicals
- Retail of chemicals

Location of business: .....

Current licence number: .....

Chemical(s) applied for: .....

Does the applicant seek any changes in the conditions of the current licence?

I certify that the information provided is complete and correct

Date:.....

*Signature of Applicant and Title*

**FOR OFFICIAL USE**

1. Date of receipt of application: .....
2. Application Fee (MK) in words: .....





| Subsidiary | *Environment Management (Chemicals and Toxic Substances Management) Regulations*

## FIFTEENTH SCHEDULE

reg. 5

## REPUBLIC OF MALAWI

## ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT  
(CHEMICALS AND TOXIC SUBSTANCES MANAGEMENT) REGULATIONSMINIMUM REQUIREMENTS FOR MANUFACTURING, PACKAGING, TRANSPORTATION, STORAGE OR  
DISTRIBUTION OF CHEMICALS

## PART I

## MINIMUM REQUIREMENTS FOR MANUFACTURING OR PACKAGING OF CHEMICALS

1. Premises
  - 1.1 Premises should be located away from home, drinking water sources and areas liable to flooding.
  - 1.2 Premises should be maintained in a good state of repair. The condition of buildings should be reviewed regularly and repairs effected where necessary.
  - 1.3 Premises should have sufficient space to provide hygienic working conditions, allow an efficient flow of work, and permit effective communication and suspension, and clear access to firefighting equipment.
  - 1.4 Floors in processing areas should be made of impervious materials, laid on an even surface, free from cracks and open joints, and should allow prompt and efficient removal of any spillage. Walls should be sound and finished with a smooth, impervious, washable and nonflammable surface.
  - 1.5 Premises in which chemical products are stored, manufactured or repackaged should be made secure, with access restricted to authorized personnel.
  - 1.6 Roofing must be able to keep out rain and must be designed to allow for fumes and heat to be vented in case of fire.
  - 1.7 Pretreatment facilities should be provided to reduce the amount and toxicity of wastes.
  - 1.8 Drains should be of adequate size, and should have trapped gullies and proper ventilation. Open channels should be avoided where possible, but if they are necessary, they should be shallow to facilitate cleaning or easy recovery of the chemical for reuse or disposal. Drainage should be directed to pretreatment facilities.
  - 1.9 Air intakes and exhausts, and associate pipe work and trucking should be sited to avoid occupational safety hazards and reduce emission into the environment.
  - 1.10 Manufacturing areas should not be used as a general right of way for personnel or, except for materials used in the manufacturing process, for storage of materials.
  - 1.11 Waste material should not be allowed to accumulate but should be collected in suitable receptacles for removal to collection points outside the building and disposed of in

**Subsidiary** | *Environment Management (Chemicals and Toxic Substances Management) Regulations*

accordance with the requirements under regulation. Special care is necessary over the disposal of waste containing dangerous, highly toxic chemicals. Disposal of raw materials printed packing materials and rejected products should be carefully controlled and documented.

- 1.12 There should be made available written clearing procedures and schedules for manufacturing or repackaging and storage areas. The amounts of harmful chemicals stocked should be reported and the quantities emitted into the environment.
  - 1.13 Adequate space, preferably separated from the processing areas, should be provided for storing equipment, and storage of cleaning materials, signs should be available indicating non-smoking, non-eating areas, location of emergency equipment, emergency phones and emergency exit routes.
2. Storage Areas
    - 2.1 Goods must be checked on arrival for identity, quantity and condition.
    - 2.2 Storage areas should be designed, laid-out and be of sufficient capacity to permit effective and orderly segregation of various categories of material stored and where possible access should be restricted to authorized personnel.
    - 2.3 Segregated storage should be provided for rejected, recalled, expired or returned goods. There should also be physical separation of chemicals that react with each other and separation of chemicals from foodstuffs, feedstuffs and pharmaceutical.
    - 2.4 Labels and other printed packaging materials should be stored in a secure manner that will permit issue only to authorized persons in accordance with formal documented procedures. Storage arrangements should permit separation of different labels and other printed materials and avoidance of a mix-up.
    - 2.5 All goods should be stored under cover to avoid risk of harmful exposure to personnel.
    - 2.6 Every area for the bulk storage should be under cover to avoid risk of harmful exposure to personnel and should be—
      - (a) adequately ventilated;
      - (b) capable of containing not less than seventy-five percent of spillage;
      - (c) have an inventory of the substances in storage maintained and prominently displayed; and
      - (d) provide for separate locations for solid and liquid products.
    - 2.7 Products in storage shall have—
      - (a) product data sheets;
      - (b) hygiene and safety instructions; and
      - (c) emergency instructions and procedures.
    - 2.8 Storage facilities should only stock the quantity needed in the immediate future.
  3. Equipment
    - 3.1 Equipment should be designed and located to suit the process and products for which it is to be used. Equipment should be maintained so as to be fit to perform the contemplated functions and present no hazard to personnel.
    - 3.2 All necessary and protective equipment should be provided.

**Subsidiary** | *Environment Management (Chemicals and Toxic Substances Management) Regulations*

- 3.3 Manufacturing equipment should be easily and conveniently cleanable, both inside and outside. There should be available written instructions for cleaning of equipment and suitable cleaning facilities should be provided.
- 3.4 Equipment should not be a hazard to human health and the environment through leaking joints, lubricant drips or through inappropriate modifications or adaptations.
- 3.5 Equipment used for weighing, measuring, testing and recording should be subject to regular recorded checks for accuracy and working order, in accordance with a written planned maintenance schedule.
- 3.6 Emergency equipment should be available, for example, fire fighting, and emergency showers.
4. Personnel
- 4.1 The key personnel are the persons responsible for production or repackaging and the person responsible for quality control, who should be different persons, neither of whom should be responsible to the other, but who should both have a responsibility for achieving the requisite quality.
- 4.2 Manufacturing or repackaging operations shall be carried out under the supervision of a chemist with adequate relevant postgraduate training with the support of suitably qualified personnel such as a chemical technologist or assistant.
- 4.3 All quality control operations shall be carried out under the supervision of an appropriate trained chemist with relevant postgraduate training with the support of suitably qualified personnel such as a laboratory technologist or assistant.
- 4.4 Personnel involved in the manufacturing or repackaging of toxic substances or chemicals shall be provided with—
- (a) adequate protective and safety clothing;
  - (b) adequate and appropriate equipment or facilities for handling toxic substance and chemicals;
  - (c) proper training and information of potential health hazards to which he may be exposed to and the measures available for prevention and control and protection against health hazards as required under section 65 of the Occupational Safety Health and Welfare Act (Cap. 55:07).
5. Production
- 5.1 Manufacturers are required to use less harmful chemicals during production to reduce the amount of hazardous wastes.
- 5.2 The quality of the chemical shall comply with the requirements under these Regulations.

## PART II

### MINIMUM REQUIREMENTS FOR TRANSPORTATION AND STORAGE OF TOXIC SUBSTANCES AND CHEMICALS

- 1.1 Adequate and appropriate facilities and equipment to transport, store or handle toxic substances and chemicals in an environmentally sound manner is a prerequisite.
- 1.2 The facility should be in a position to report the amounts of harmful chemicals they stock and the quantities emitted into the environment.

**Subsidiary** | *Environment Management (Chemicals and Toxic Substances Management) Regulations*

- 1.3 The collection and transportation of toxic substances and chemicals shall be conducted in a manner that would not cause spillage, harmful emissions, leakage and scattering of the substances.
- 1.4 The vehicle, pipelines and equipment for the transportation of toxic substances and chemicals shall be in such a state as not to cause the scattering, harmful emissions or the flowing of the substances.
- 1.5 Chemicals must not be loaded together with food and other materials destined for human or animal consumption and use.
2. Personnel
- 2.1 The personnel involved in the collection, transportation or storage of toxic substances shall be provided with—
- (a) adequate protective and safety clothing;
  - (b) adequate and appropriate equipment or facilities for handling toxic substances; and
  - (c) proper training and information.
- 2.2 Drivers in particular should be given written summaries of emergency response procedures to be followed in case of an accident involving chemicals.
- 2.3 The personnel involved in the collection, transportation or storage of toxic substances and chemicals shall undergo such medical check-ups as are necessary commensurate to the risks faced by the employees and the medical report of fitness shall be kept by the town clerk of every local authority.
3. Vehicles
- 3.1 The vehicle for transporting or other means of conveyance and the premises for storage of toxic substances and chemicals shall be labeled in such a manner as prescribed by the Director.
- 3.2 The condition of the vehicle must be checked before loading, and unsound floors and protrusions likely to damage the packs must be avoided.
- 3.3 Stability of the load must be ensured.
- 3.4 Vehicle must carry documents, for example Transport Emergency (TREM) Card, that will identify the following, in the event of an accident—
- (a) the dispatching company, including its address and phone numbers;
  - (b) the products being carried; and
  - (c) basic hazards and precautions to be taken.
- 3.5 Suitable fire-extinguisher, protective and clean-up equipment should be available for the driver.
- 3.6 The quality of the chemical shall comply with the requirements under these regulations.

### PART III

#### MINIMUM REQUIREMENTS FOR DISTRIBUTION OF TOXIC SUBSTANCES AND CHEMICALS

1. Domestic Sale
- 1.1 A person may sell chemicals if he has been granted a licence by the Director under regulation 4.

---

**| Subsidiary |**      *Environment Management (Chemicals and Toxic Substances Management) Regulations*

- 1.2 A chemical shall be distributed and used for specific purpose only as stipulated under these Regulations e.g. restricted to agricultural, industrial, domestic or public health purposes.
- 1.3 A chemical shall be produced or manufactured in the form (i.e. whether liquid or otherwise) as indicated by these Regulations and the concentration levels shall conform to the specifications under these Regulations.
- 1.4 A distributor of chemicals must comply with labeling, packaging, storage and other requirement stipulated under these Regulations.
2. Advertising
- 2.1 The use of false or misleading statements or visual presentations is strictly prohibited. In particular, the use of statements and pictures that exaggerate or otherwise misrepresent the safety and effectiveness of a chemical.
- 2.2 Adverts should consist of accurate, factual statements that can be substantiated by testing and technical information.
- 2.3 Adverts should stress the importance of reading the label and following appropriate safety precautions.
3. Import and Export
- 3.1 A person may import chemicals into Malaŵi if he is licensed to do so under regulation 4.
- 3.2 A licensed person shall import into Malaŵi only those chemicals registered under regulation 10.
- 3.3 A licensed importer of chemicals shall display proof of his license or other documentation to customs officials when bringing shipments of chemicals into the country.
- 3.4 The importer shall be required to certify in writing that a shipment complies with these Regulations.
- 3.5 A person may export chemicals if he is licensed to do so under regulation 4.
- 3.6 Severely restricted chemicals shall be exported only with the prior consent of the recipient country.

| Subsidiary | Environment Management (Chemicals and Toxic Substances Management) Regulations

SIXTEENTH SCHEDULE (To be produced in Triplicate)

reg. 28

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT (CHEMICALS AND TOXIC SUBSTANCES MANAGEMENT) REGULATIONS

APPLICATION FOR A LICENCE TO OWN/OPERATE A CHEMICAL WASTE DISPOSAL SITE/PLANT

I/We..... hereby apply for a licence to own/operate a chemical waste disposal site/plant, of which particulars are given below—

- 1. Address of Applicant: .....
2. Location and District of site/plant: .....
3. Approval by the Local Authority (attach a written approval by the environmental officer of the Local Authority).
4. Type of chemical(s) to be disposed of at site/plant: .....
5. Characteristics of the chemical(s): .....
6. Form of the chemical(s): .....
(a) liquid: .....
(b) dust: .....
(c) granular: .....
(d) baits: .....
(e) wettable powders: .....
(f) other (specify): .....
7. Quantity being disposed of/per annum: .....
(a) liquid: .....
(b) dust: .....
(c) granular: .....
(d) baits: .....
(e) wettable powders: .....
8. Estimated life span of plant/site: .....
9. — (a) proposed hectareage/area of site/plant (include site plan and designation)
— (b) description of soil structure and geology of the area
10. Executive summary of environmental impact assessment (please attach).
11. Any other information: .....
Date.....

Signature of Applicant and Title

| Subsidiary | Environment Management (Chemicals and Toxic Substances Management) Regulations

FOR OFFICIAL USE ONLY

Application received by: .....

Fee paid (MK): ..... In words: .....

Date:..... Signature .....

Director
Environmental Affairs Department

SEVENTEENTH SCHEDULE

reg. 29

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT
(CHEMICALS AND TOXIC SUBSTANCES MANAGEMENT) REGULATIONS

LICENCE TO OWN OR OPERATE A CHEMICAL WASTE DISPOSAL SITE

Licence No. ....

Name: .....

Physical Address: .....

You are hereby licensed to own/operate a chemical waste disposal site/plant at Plot No.
(village, town, city, district)

This licence is valid from ..... 20 ..... to ..... 20.....

This licence is granted subject to the following conditions: .....

Date:..... Signature .....

Director
Environmental Affairs Department



**Subsidiary** | *Environment Management (Chemicals and Toxic Substances Management) Regulations*  
EIGHTEENTH SCHEDULE

regs. 34 &amp; 35

REPUBLIC OF MALAWI

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT  
(CHEMICALS AND TOXIC SUBSTANCES MANAGEMENT) REGULATIONS

NOTIFICATION SCHEME FOR BANNED AND  
SEVERELY RESTRICTED CHEMICALS

FORM A: INFORMATION REGARDING EXPORT

1. Country of export: .....
2. Ministry/Department and Responsible Authority/Firm: .....
3. Name(s) of chemical: .....  
(common name; trade name)
4. Specification, if relevant for control action: .....
5. Code numbers: .....  
(a) Chem. Abstr. Services Reg. No. (CAS): .....  
(b) Other number(s) specify: .....
6. Country of destination: .....
7. Designated National Authority or national authorities to which this information is addressed:  
.....
8. Notification of control action sent: .....  
(a) Date(s): .....  
(b) Copy attached: .....  
(c) Reference address of Designated National Authority: .....
9. Information regarding export: .....
10. Name, title and address of person providing this information: .....
11. Date: .....

FORM B. NOTIFICATION FOR CONTROL ACTION

1. Country: .....
2. Ministry/Department and Responsible Authority: .....
3. Name(s) of chemical (chemical name) (IUPAC): common name; trade names: .....  
.....
4. Specification, if relevant for control action (e.g. for pesticides): .....
5. Code numbers: .....  
(a) Chem. Abstr. Services Reg. No. (CAS): .....  
(b) Customs Cooperation Council No. (CCC): .....  
(c) Other number(s) specify: .....

| **Subsidiary** | *Environment Management (Chemicals and Toxic Substances Management) Regulations*

6. Control action: .....

USE(S) CONTROLLED AND SUMMARY OF CONTROL ACTION	EFFECTIVE DATE	REF. TO NATION DOCUMENT

7. Reasons supporting the control action (relevant to protection of human health and the environment): .....

8. Contact point where additional information may be obtained: .....

9. Designated alien authority: .....

10. Name and title of official issuing this notification: .....

11. Date: .....

\_\_\_\_\_