

Madhya Pradesh Pollution Control Board

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“Guidance framework for chemical safety in industries, covered under Manufacture, Storage & Import of Hazardous Chemicals (MSIHC) Rules 1989”

Background :

The Central Pollution Control Board (CPCB) has published an Integrated Guidance Framework for Chemicals Safety in respect of the Isolated Storages and Industries Covered Under Manufacture, Storage and Import of Hazardous Chemicals (MSIHC) Rules, 1989 on 24.12.2021. This is as part of compliance of Order passed by the Hon'ble National Green Tribunal on 11.06.2021 in Original Application No. 60/2021.

The above Guidance Framework categorically states that the “State Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs) shall ensure that while issuing Consent to Establish (CTE) or Consent to Operate (CTO) or renewing CTE / CTO accorded to a plant, industry or process under the Water (Prevention & Control Of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981, details on Onsite Emergency Plan, Safety Reports and Safety Audit Reports in accordance with The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 (as amended), be compulsorily sought from occupier, industry or installation handling hazardous chemicals in quantity equal to or more than the threshold quantity specified in the said rules”.

Owing to above an urgent need has been felt to devise a strategy in the form of Standard Operating Procedure (SOP) to adopt a uniform system in the Madhya Pradesh State, taking into consideration the Isolated Storage of chemicals and other relevant provisions under MSIHC Rules 1989, to take decisions and decide the matters pertaining to grant of Consents to the industries. A draft guideline was prepared in this regard and inputs were invited before finalization of the same. Based on the inputs a final Guidance Framework has been prepared which outlines the checklist and the key points that are to be considered while issuing the permissions to the industries, especially in the cases where isolated storage of chemicals is involved under MSIHC Rules 1989.

The overall purpose of guidelines is to ensure that the risks associated with the handling and storage of hazardous chemicals are adequately managed in order to minimize any possible adverse effect on the mankind, environment and the property. In this regard the guidelines are as follows :

Duties of the Occupier of Industry/Isolated Storage:

An occupier who has control of an industrial activity coming under purview of Isolated Storage criteria based on Rule (4) of MSIHC Rules 1989 shall

- Abide by the Integrated Guidance Framework for Chemicals Safety in Respect of the Isolated Storages and Industries Covered Under Manufacture, Storage and Import of Hazardous Chemicals (MSIHC) Rules, 1989 issued by the CPCB on 24.12.2021.
- Follow the Technical Guidance Manual for Isoated Storages Handling Hazardous Chemicals published by the Ministry of Environment & Forests, GoI.
- Identify the major accident hazards.
- Take adequate steps to prevent major accidents and limit their consequences to persons and the environment.
- Provide information, training and equipment including antidotes to the persons necessary to ensure their safety.
- Report about major accidents to the concerned authority within 48 hours time, as per Rule 4.
- Notify to the concerned authority about steps taken at site to avoid any repetition of such occurrence.
- Shall not undertake an industrial activity without approval from the competent authority.
- Shall notify if there is any change in the activity reported as per Rule 7(1) including change in the threshold quantity of hazardous chemicals.
- Prepare a safety report as per Schedule-8 and submit to the authority three months before the commissioning of activity. The occupier of existing industrial activity shall submit report within one year from the date of commencement of MSIHC (amendment) Rules 1994
- Shall carry out an independent safety audit with the help of an expert, not associated with such industrial activities
- Submit audit report to the concerned authority within 30 days of completion of audit.
- Update the comprehensive safety audit, on-site emergency plans and risk analysis reports annually and ensure that the reports are furnished to the concerned authorities.
- Not make any modification to the industrial activity or isolated storage to which that safety report relates which could materially affect the particulars in that report, unless he has made a further report to take account of those modifications and has sent a copy of that report to the concerned authorities at least 90 days before making those modifications.
- Prepare and keep up-to-date on-site emergency plan containing details how major accidents will be dealt on site and the names of persons responsible for safety at the site and the person authorized to taking action.
- Conduct comprehensive hazard identification and risk assessment (HIRA) to identify the non-compliances and take corrective actions for the non-compliances identified. Emergency plans shall be established to deal with leakages / accidents. The safety & hazard audit should identify the control measures necessary to be taken during an emergency.
- Hazard and operability study must be carried out strictly and regularly by the industries and isolated storages. The concerned personnel should be made aware of the hazard and safety aspects associated with the process and material handled by them.

- Carryout detailed study on the risk assessment and disaster management. Hazard identification and evaluation in a local community, preparation of standard operating procedures for accident prevention, preparedness and response, onsite emergency plans etc. have to be reviewed at least once in a year.
- Coordinate with the concerned authority as per Schedule V to prepare the off-site emergency plan and provide such information relating to the industrial activity or isolated storage under his control as the concerned authority may require, including the nature, extent and likely effects off-site of possible major accidents.
- Conduct mock-drill regularly at every six months by the industries / isolated storages in controlled environment on actions to be taken during accidents, gas leakage, failure of critical process parameters etc.
- Take appropriate steps to inform persons outside the site either directly and/or through District Emergency Authority who are likely to be in an area which may be affected by a major accident about the nature of the major accident hazard and the safety measures and the "Do's' and 'Don'ts" which should be adopted in the event of a major accident. The occupier of a new industry or isolated storage shall take these steps, before that activity is commenced.
- Arrange or develop safety data sheet of chemicals.
- Provide information regarding import of chemicals as specified in Rule 18(2) of MSIHC Rules 1989.
- 'Mutual Aid Scheme' among industries to meet required response measures during chemical emergencies should be adopted.
- Any non-operational industry / isolated storage shall carry out proper risk study and safety audit before resuming the operations.

Duties of the Authorities :

The concerned authorities, as per Schedule 5 of MSIHC Rules 1989, shall

- Ensure that while issuing Consent to Establish (CTE) or Consent to Operate (CTO) or renewing CTE / CTO accorded to a plant, industry or process under the Water (Prevention & Control Of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981, details on Onsite Emergency Plan, Safety Reports and Safety Audit Reports in accordance with The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 (as amended), be compulsorily sought from occupier, industry or installation handling hazardous chemicals in quantity equal to or more than the threshold quantity specified in the said rules.
- Industries / isolated storages shall not be allowed to operate in a non industrial zone. The District administration shall ensure that there shall not be any unauthorized storage of hazardous chemicals.
- The concerned authorities shall seek report from the occupier of the site in the event of major accident and shall undertake a full analysis of the major accident and send the requisite information within 90 days to the MoEF&CC.

- Compile information about major accidents and make available a copy of the same to the MoEF.
- Seek report in the event of major accident from the occupier of the site regarding steps taken to avoid any repetition of such occurrence of accident on the site and The concerned authorities shall in writing inform the occupier, of any lacunae which are needed to be rectified to avoid major accidents.
- Approve the report, as per Rule 7(2), within 60 days if found appropriate.
- Issue notice if contravention of provision of the Act is noticed in the report.
- Issue an improvement notice to the industry, if it deems fit, under Rule 19 within 45 days of submission of audit report.
- Serve an improvement notice if there requires any additional information in safety report.
- Ensure that any person responsible for importing hazardous chemicals in India shall provide before 30 days or as reasonably possible but not later than the date of import to the concerned authorities in accordance with Rule 18 of the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 (as amended).
- Direct the importer to take appropriate safety measures if the chemical being imported is likely to cause major accidents.
- Direct stoppage of import of the chemical which it considers not to be imported on safety or on environmental considerations and the concerned authorities shall simultaneously inform the concerned Port Authority to take appropriate steps regarding safe handling and storage of hazardous chemicals while off-loading the consignment within the port premises.
- Ensure that any person importing hazardous chemicals shall maintain the records of the hazardous chemicals imported as specified in Schedule 10 of The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 (as amended) and the records so maintained shall be open for inspection by the regulatory authorities.
- Each industrial pocket shall have a Local Crisis Group which shall act as per the stipulations of the Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996.
- Keep stringent surveillance to avoid accidents at industries / isolated storages and to prevent environment damage.
- Periodic inspections including surprise inspections should be conducted, based on the need, by concerned authorities to assess the safety measures and documents maintained, specially Schedule 6, 7, 8, 10 & 11, by the industry / isolated storage. If found not complying, necessary action shall be initiated against the industry / isolated storage.