

**SUPERVISION OVER
PRODUCTION AND UTILIZATION OF DANGEROUS SUBSTANCES FOR INDUSTRIES**
(Regulation of the Minister of Industry No. 24/M-IND/PER/5/2006 dated May 9, 2006)

THE MINISTER OF INDUSTRY,

ing Arrangements of State Ministries as already amended by Presidential Regulation No. 62/2005;

Considering:

- a. that various kinds of chemical substances have multifarious usage but can become dangerous substances if the production, storage, packing, transportation and usage are not executed in accordance with the standard procedures for dangerous substance treatment;
- b. that in order to prevent misuse in the designation of the chemical substances as meant in letter a, it is necessary to supervise the production and use of dangerous substances;
- c. that in relation thereto, it is necessary to issue a regulation of the Minister of Trade;

In view of:

1. Dangerous Chemical Substance Ordinance of 1949 No. 377;
2. Law No. 5/1984 on Industry (Statute Book of 1984 No. 22, Supplement to Statute Book No. 3274);
3. Law No. 23/1997 on Environmental Management (Statute Book of 1997 No. 68, Supplement to Statute Book No. 3699);
4. Law No. 32/2004 on Regional Administration (Statute Book of 2004 No. 125, Supplement to Statute Book No. 4437);
5. Government Regulation No. 74/2001 on Management of Dangerous and Poisonous Substances (Statute Book of 2001 No. 138, Supplement to Statute Book No. 4153);
6. Presidential Regulation No. 9/2005 on the Status, Tasks, Functions, Organizational Structures and Work-

7. Presidential Regulation No. 10/2005 on First-echelon Organizational Units and Tasks of State Ministries as already amended several times and the latest by Presidential Regulation No. 80/2005;
8. Presidential Decree No. 187/M/2004 on the Establishment of the United Indonesia Cabinet as already amended several times and the latest by Presidential Decree No. 20/P/2005;
9. Decree of the Minister of Industry No. 148/M/SK/1985 on Security for Poisonous and Dangerous Substances in Manufactures;
10. Regulation of the Minister of Health No. 239/Menkes/Per/IX/1988 on Certain Dying Agents stipulated as dangerous substances;
11. Regulation of the Minister of Health No. 722/Menkes/Per/IX/1988 on Food Additives Jo. Regulation of the Minister of Health No. 1168/Menkes/Per/X/1999 on Food Additives;
12. Regulation of the Minister of Health No. 472/Menkes/Per/V/1996 on Security for Substances Dangerous for the Health;
13. Decree of the Minister of Industry and Trade No. 254/MPP/Kep/7/2000 on Procedures for the Import and Distribution of Certain Dangerous Substances;
14. Regulation of the Minister of Industry No. 01/M-IND/PER/3/2005 on the Organization and Working Arrangement of the Ministry of Industry;

D E C I D E S :

To stipulate:

THE REGULATION OF THE MINISTER OF INDUSTRY ON
SUPERVISION OVER PRODUCTION AND UTILIZATION OF
DANGEROUS SUBSTANCES FOR INDUSTRIES

CHAPTER I
GENERAL PROVISION

Article 1

Referred to in this regulation as:

1. Industry shall be an economic activity processing crude material, raw material, semi-finished goods and/or finished goods into goods having higher value for use, including activities of industrial design and engineering.
2. Production shall be an activity to process crude materials into semi-finished goods and finished goods through phases of process.
3. Dangerous substances shall be substances, chemical and biological substances in the sole form and/or mixture, which can endanger the health and environment directly or indirectly, which is toxic, carcinogenic, terratogenic, mutagenic, corrosive and irritate.
4. Approved Producers of Dangerous Substances shall be domestic companies producing dangerous substances and having industrial business license from the authorized institution, which are registered at the Ministry of Industry;
5. Distribution of Dangerous Substances shall be distribution of dangerous substances from approved producers, approved importers of dangerous substances and producer importers of dangerous substances to registered industrial end-users of dangerous substances or to registered distributors of dangerous substances.
6. Registered Distributors of Dangerous Substances shall be companies permitted by the Director General of Domestic Trade, Ministry of Trade after securing appointment from approved producers of dangerous substances to channel dangerous substances to registered industrial end-users of dangerous substances directly or through registered retailers of dangerous substances.
7. Producer Importers of Dangerous Substances (IP-B2) shall be producer importers recognized by the Director General of Foreign Trade and approved to import directly dangerous substances solely designated to the need of their production.
8. Approved Importers of Dangerous Substances (IT-B2) shall be non-producer importers, owners of General Importer Identity Number (API-U), which obtain special task to import dangerous substances and act as distributors to channel the imported dangerous substances, to other needing companies in this case industrial end-users of dangerous substances.
9. Registered Industrial End-Users of Dangerous Substances shall be industries using dangerous substances as raw/auxiliary materials processed chemically and physically so as to result in change in their chemical and physical characteristics as well as have added value.
10. No. of Chemical Abstract Services (CAS) shall be an index or registration system of chemical compound adopted internationally so that every chemical compound can be identified specifically.
11. Safety Data Sheet (SDS) shall be a directive sheet containing dangerous substance information about physical, chemical characteristics, kinds of danger arising from, treatment method and special action in the emergency condition.
12. Label shall be every kind of information about dangerous substances in the form of picture, writing or combination of the both or other model containing information about dangerous substances and information about business actors as well as other information in accordance with legislation in force, enclosed to products, inserted into, placed in or being part of package.
13. Package

13. Package shall be material used for accommodating and/or wrapping dangerous substances, directly contact to the dangerous substance or not.
14. Supervision shall be a series of activities executed to supervise production and the use of dangerous substances.
15. Minister shall be the minister in charge of industrial affairs.
16. Director General shall be the Director General on charge of Agro and Chemical Industries, Ministry of Industry.
17. Head of Provincial Service shall be the head of service in charge of industrial affairs in Provinces.

CHAPTER II

KIND OF DANGEROUS SUBSTANCES

Article 2

- (1) Kinds of dangerous substances shall cover:
 - a. Formaldehyde (No. CAS 50-00-0);
 - b. Borax (No. CAS 303-96-4);
 - c. Methanyl Yellow (No. of CAS 587-98-4);
 - d. Rhodamine (No. of CAS 81-88-9);
 - e. Paraformaldehyde (No of CAS 30525-89-4);
 - f. Trioksan (No. of CAS 110-88-3).
- (2) The kinds of dangerous substances as meant in paragraph (1), which come from domestic production or the import shall be supervised.
- (3) The supervision as meant in paragraph (2) shall cover supervision over production, packing, labeling, storage, use and distribution.

CHAPTER III

PRODUCTION AND USE OF DANGEROUS SUBSTANCES

Article 3

- (1) The dangerous substances as meant in Article 2 paragraph (1) only can be produced by approved producers of dangerous substances and used by registered

industrial end-users of dangerous substances.

- (2) The dangerous substances as meant in Article 2 paragraph (1) only can be distributed to registered industrial end-users of dangerous substances and/or registered distributors of dangerous substances.
- (3) Registered industrial end-users of dangerous substances, which use dangerous materials as raw/auxiliary material in their production process that come from domestic approved producers of dangerous substances and/or from the import shall be prohibited from trading and/or transferring the substances to other parties.
- (4) Registered industrial end-users of dangerous substances as IP-B2 only may import dangerous substances for their production process after securing recommendation from the Director General.
- (5) Registered industrial end-users of dangerous substances being not IP-B2 can use imported dangerous substances through IT-B2 after securing recommendation from the Director General.

Article 4

- (1) Dangerous substances produced by approved producers of dangerous substances and/or coming from the import, which are used by registered industrial end-users of dangerous substances shall be accompanied by Safety Data Sheet as contained in Attachment 1 to this regulation.
- (2) The dangerous substances as meant in paragraph (1) shall:
 - a. use package on the basis of the provisions in force as well as the requirements of the International Maritime Dangerous Goods Code (IMDG Code/ United Nation Standard);
 - b. use package whose size may not be smaller than the provision mentioned in Attachment II to this regulation.

(3) The

- (3) The package as meant in paragraph (2) shall have label containing:
- name of dangerous substance;
 - name and address of approved producers of dangerous substance;
 - net weight/volume;
 - danger pictogram/symbol;
 - signal word; and
 - statement of danger and statement of prudence.
- (4) The label as meant in paragraph (3) for the respective dangerous substances shall be as contained in Attachment II to this regulation.

CHAPTER IV REGISTRATION

Article 5

- (1) Every producer of dangerous substances and industrial end-users of dangerous substances shall have Letter of Registration of Dangerous Substances.
- (2) The authority to issue Letter of Registration of Dangerous Substances as meant in paragraph (1) shall be on the hand of the Minister, which is delegated to the Director General.
- (3) In order to obtain the Letter of Registration of Dangerous Substances as meant in paragraph (1), producers of dangerous substances shall meet the following provisions:
- company in the form of limited liability company;
 - having industrial business license and taxpayer code number;
 - conveying description of production process and facilities of provision, processing, storage, packing and transport of dangerous substances;
 - fulfilling requirements for security, safety, health and environment proven by Report on Realization of Environmental Management Plan (RKL) and Environmental Monitoring Plan (RPL);
 - having equipment of emergency response system;
 - having specialists in the management of dangerous

ous substances as the personnel in charge of production technical affairs; and

- conveying statement that the dangerous substances only will be distributed to approved distributors of dangerous substances and/or registered industrial end-users of dangerous substances.
- (4) In order to obtain the Letter of Registration of Dangerous Substances as meant in paragraph (1), industrial end-users of dangerous substances shall meet the following provisions:
- having Industrial Business License/Industrial Registry Number and Taxpayer Code Number;
 - conveying name of the personnel in charge of dangerous substances;
 - conveying description of production process and flow chart as well as calculation of the use of dangerous substances; and
 - conveying statement that the dangerous substances only will be used in their production process and won't be traded.
- (5) The Letter of Registration of Dangerous Substances shall be issued in not later than 5 (five) working days after the requirement are fulfilled completely and truthfully.
- (6) The Letter of Registration of Dangerous Substances shall apply as long as the companies produce.
- (7) Specimen of the Letter of Registration of Dangerous Substances shall be as contained in Attachment III to this regulation.

CHAPTER V REPORTING

Article 6

- (1) Approved producers of dangerous substances shall be reported to the Director General with a copy made available to the Head of local Provincial Industrial Service data about the production, use and distribution of dangerous substances.

- (2) Registered industrial end-users of dangerous substances shall report data about the provision and use of dangerous substances for their production process to the Director General with a copy made available to the Head of local Provincial Industrial Service.

Article 7

Data about the dangerous substances as meant in Article 6 shall minimally contain:

- a. In the case of approved producers of dangerous substances:
 1. names and addresses of approved producers of dangerous substances and approved distributors of dangerous substances as well as registered industrial end-users of dangerous substances;
 2. kinds of dangerous substances which are produced;
 3. quantity of distribution of dangerous substances; and
 4. moment of distribution (date, month, year).
- b. In the case of registered industrial end-users of dangerous substances:
 1. names and addresses of approved producers of dangerous substances and approved distributors of dangerous substances as well as registered industrial end-users of dangerous substances;
 2. kinds and quantity of procurement and use of dangerous substances; and
 3. moment of purchase of dangerous substances (date, month and year).

Article 8

- (1) The report as meant in Article 6 shall be conveyed every three months in the first week of April, July, October and January.
- (2) The model of the report as meant in paragraph (1) shall be as contained in Attachments Iva and Ivb to this regulation.

CHAPTER VI

FOSTERING AND SUPERVISION

Article 9

The Directorate General of Agro and Chemical Industries shall foster the approved producers of dangerous substances and registered industrial end-users of dangerous substances in the production and use of dangerous substances.

Article 10

- (1) Supervision over the production, use, packing and labeling of dangerous substances shall be applied to the approved producers of dangerous substances and registered industrial end-users of dangerous substances.
- (2) The supervision over the production and use of dangerous substances as meant in paragraph (1) shall cover kinds, quantity of production and use of dangerous substances by the approved producers of dangerous substances and registered industrial end-users of dangerous substances.

Article 11

- (1) The supervision as meant in Article 10 shall be executed by officials of the Ministry of Industry in cooperation with Service in Charge of Industrial Affairs in local Provinces and Regencies/Cities.
- (2) The implementation of the supervision as meant in paragraph (1) shall be accompanied by Letter of Assignment from the Director General wherein the Director General can establish a team if necessary in the implementation.
- (3) The approved producers of dangerous substances and registered industrial end-users of dangerous substances shall give access as wide as possible in connection with truth of production and use of dangerous substances to the supervising officials as meant in paragraph (1).

Article 12

- (1) The officials as meant in Article 11 paragraph 91) shall convey results of supervision to the Director General in not later than 14 (fourteen) calendar days after the supervision is completed.
- (2) If the alleged violation being found in the realization of the supervision, the officials as meant in paragraph (1) shall promptly report to the Director General for fostering.

CHAPTER VII
PROHIBITION

Article 13

- (1) Every producer of dangerous substance which is not registered shall be prohibited from producing and distributing dangerous substances.
- (2) Every industrial end-user of dangerous substances, which is not registered shall be prohibited from using dangerous substances in the production process.

CHAPTER VIII
SANCTION

Article 14

- (1) Violation of the provision in Article 4 paragraph (1), (2) or (3), Article 5 paragraph (1), Article 6, Article 8 or Article 11 paragraph (3) shall be subjected to administrative sanction in the form of:
- written warning as many as three times at the maximum in a period of one month;
 - unless the warning as meant in letter a is obeyed, Industrial Business License (IUI) or Industrial Registry Number (TDI) is suspended for 3 (three) months at the maximum;
 - unless the warning as meant in letter a is obeyed in the three month period as meant in letter b, Industrial Business License (IUI) or Industrial Registry Number (TDI) is revoked by the licensor.
- (2) Violation of the provision in Article 13 shall be subjected to administrative sanction in the form of sus-

pension of Industrial Business License (IUI) or Industrial Registry Number (TDI) for 3 (three) months at the maximum.

- (3) Violation of the provision in Article 3 paragraph (1), (2) or (3) and/or failure to meet the provision in paragraph (2) shall be subjected to criminal penalty in accordance with legislation in force and additional sanction in the form of revocation of Industrial Business License (IUI) or Industrial Registry Number (TDI).

CHAPTER IX
TRANSITIONAL PROVISION

Article 15

With the stipulation of this regulation, provisions regulating supervision and use of dangerous substances for industries as meant in Article 2, which are regulated in Decree of the Minister of Industry NO. 148/M/SK/4/1985 on Security for Poisonous and Dangerous Substances in Manufactures shall remain effective as long as they do not contravene this regulation.

CHAPTER X
CONCLUSION

Article 16

The regulation shall come into force 3 (three) months as from the date of stipulation.

For public cognizance, the regulation shall be announced by placing it in State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

On May 9, 2006

THE MINISTER OF INDUSTRY

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FAHMI IDRIS

Editor's Note :

The attachments are not obtained.

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