Understanding Thailand's Chemical Regulations and Current Status

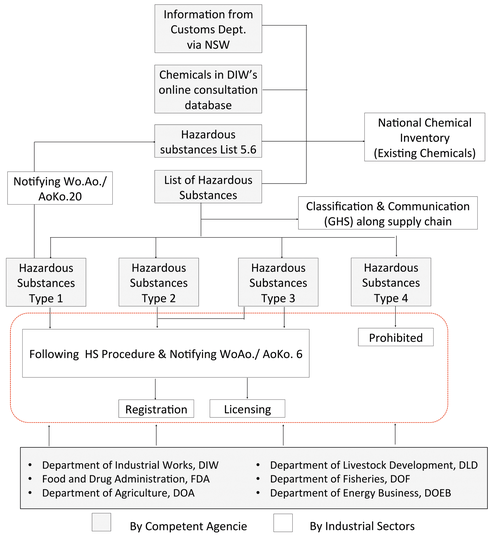
Piyatida (Tung) Pukclai*, PhD and Elizabeth Dederick, PhD

knoell worldwide registration

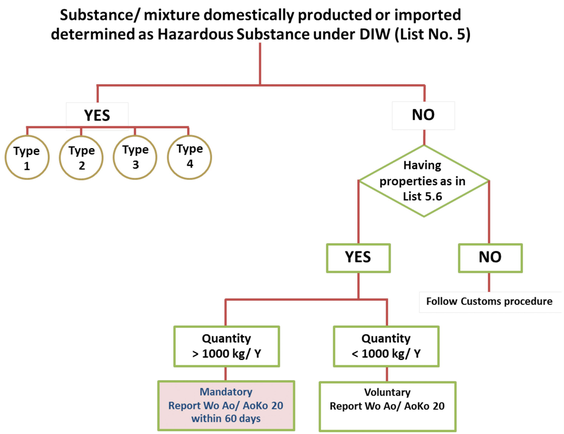
Different Obligations for 4 Types of Hazardous Substances

The control of business-related activities (produce, import, export and having in possession) of chemicals in Thailand is mainly regulated through the Hazardous Substance Act B.E. 2535 of which the latest amendment is the 2nd revised (No. 3) B.E. 2551 (2008). The Department of Industrial Works (DIW) is responsible for the control of the hazardous substances used for industrial purpose. According to the Act, to ensure control, hazardous substance shall be classified into 4 types which are Type 1, Type 2, Type 3 and Type 4, respectively.

Current Management of Hazardous Chemicals



Consideration procedure of hazardous substance List 5.6



Hazardous substance as on List 5.6 means hazardous substance as on the list of hazardous substances annexed to the MOI Notification on the List of Hazardous Substances (No. 2) B.E. 2558 (2015). These hazardous substances consist of substances or mixtures which are not under the authorization of other agencies for production or importation and possess one of ten hazard properties.

This MOI Notification regarding List 5.6 of DIW is aimed to gather the information of chemical produced and imported in the country in order to prepare the existing chemical inventory and using these information to determine the appropriate measures for any future chemical management plan. Therefore, for a release of its burden, DIW stated that producers or importers of substances or mixtures falling in any 10 mentioned hazard properties shall have duty on notifying the chemical information as stated in the form WoAo./AoKo. 20 to DIW as on the MOI Notification on Declaration of Hazardous Substances List 5.6 under the Authorization of DIW B.E. 2558 (2015).

Abstract

The main chemical legislation in Thailand is the Hazardous Substances Act B.E. 2535, of which the latest amendment is the 2nd revised (No. 3) B.E. 2551 and the 3rd revision is expected to be released in 2018. The Department of Industrial Works (DIW) is responsible for the control of the hazardous substances used for industrial purpose. To do the hazardous substances notification/ registration, DIW strictly requires full disclosure on the chemical composition of hazardous items produced or imported into the territory. Suppliers may request to keep some composition information due to confidential business information (CBI) concern by submitting the CBI to DIW via email. For component considered as the hazardous substances, suppliers shall disclose the information of these components including the chemical name, CAS No., and percentage of the hazard ingredients. Thailand chemical regulations underwent large-scale reforms in last years. The most significant updates were in the requirements of Annex 5.6 to the List of Hazardous Chemicals and the nomination to the Inventory of Existing Chemicals. The intent of this poster is to share perspectives and understanding of existing chemical legislation in Thailand as the recent changes are challenging to keep an overview of the regulatory landscape. An early in-depth knowledge is important to be compliant with the chemical laws in Thailand market.

The information presented in this document is deemed to be accurate and reliable. The data is the most current available at the time of preparation and is issued as a matter of information only. No warranty as to accuracy or completeness is expressed or implied. Further, this is a general summary only and is not intended to and does not represent legal advice on the terms used.

* Dr. Knoell Consult Thai Co. Ltd.
4th Floor Unit 407 Airport Business Park (B-Building) 92/1 Mahidol Road
T. Haiya A. Muang Chiang Mai Thailand 50100
ppukclai@knoell.com
www.knoell.com

Confidential business information (CBI)

To do the hazardous substances registration, HSCB of DIW strictly requires full disclosure on the chemical composition of hazardous items imported into the territory. In response to industry concerns on whether this requirement would pose a potential threat to confidential business information (CBI), the HSCB mentioned that information will only be used by the HSCB internally for hazard evaluation and categorization. Due to CBI concern, companies may provide 100 % composition to the authority directly via email at: director.cbi@diw.mail.go.th within 3 months and the consultation result must align with the SDS. Authority will make an evaluation and if product has any hazardous components, company (supplier) needs to agree to disclose hazardous ingredients and percentage. The CBI procedure may take around 8-12 months (minimum).

Thailand Existing Chemical Inventory (TECI)

Thailand Existing Chemicals Inventory (TECI) is the national inventory that contains chemical substances imported and produced in Thailand. The development of TECI is part of a project listed under the 4th National Strategic Plan on Chemical Management (2012-2021). DIW released a preliminary inventory of existing chemical substances in August 2016. It consists of name of chemicals which registered or notified during 2012-2015.

DIW also plan to include the chemicals listed in the DIW consultation database and possibly the National Single Window List from the Customs. Many companies have submitted hazardous substance notifications in 2016 - present. Those substances will be evaluated and might be listed up to the inventory. After the closure of nomination, substances not listed on the existing chemical inventory will be considered to be new substances. However, even if the substances are on the TECI, the obligation of registering hazardous products still exists. This will not change.

According to the 4th national strategic plan on chemical management, DIW might change from the "hazard based" to "risk based" in the future and once it changes, substances in the TECI will be screened. Substances that has production/import volume ≥ 10T/Y will be evaluated the hazard classification according to the GHS 2015. Substances fall under "high risk" group will be included in Priority List and the Full Risk Assessment report will be required. The full risk assessment report of CMR substance is required. Any new substances that has production/import volume ≥ 10T/Y and meeting the following criteria will be prioritized for Full Risk Assessment report submission;

- Carcinogenic, mutagenic, reprotoxic (CMR) substances;
- PBT (persistent, bioaccumulative and toxic) and/or vPvB (very persistent and very bioaccumulative);
- Endocrine disrupting substance;
- Substances of equivalent concern;
- Substances included in internal conventions;
- Substances of Very High Concern (SVHC);

New chemical substances that are not hazardous or do not meet SVHC criteria qualify for a simplified risk assessment information (SDS). Otherwise, a full risk assessment report will be required. Currently, DIW is under the exploring step and might based on approaches from other regions, such as the EU, US and Japan, and focus on human health and ecological risk assessment.

©2018 knoell USA, LLC