

Material Subjects of International Environmental Law Protection against Dangerous Substances

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1. Introduction

In the last decades the international and national society became aware of the considerable risk in production, use, import, export, transport and disposal of chemical substances with toxic, explosive or other dangerous character.

- Today exist a public sensibility concerning the extreme risks (e.g. Seveso, Tschernobil, gold exploitation in Romania with high-toxic zyanid)
- Governments and international organisations have tried to prevent, eliminate or reduce the risks of dangerous substances by administrative and legislative measurements
 - o They can have legal effects for a treaty (members)
 - o They can have character of recommendations to other States
- Generally after the first judgement follows new resolutions, modifications to adapt the technical progress

Literature: "Biotechnology Volume 8"

Edited by H.-J. Rehm and G. Reed – Volume editor: W. Schönborn

2. United Nations (UN)

The main role in the UN is played by the General Assembly (GA). The following resolutions are published at the GA (specialized agencies).

Date:	Dec. 1979
Resolution:	34/173
Concerning Substances:	- hazardous chemicals - unsafe pharmaceutical products

Contents (Member States):

- Have to exchange information on these products, that have been banned in their own territories
- Discourage the export to other countries

Date: Dec. 1982
Resolution: 37/137
Concerning Substances: - products for domestic consumption

Contents (Member States):

- Eliminate substances they have hazards to health and environment
- If the product is officially permitted, export only by request of the importing country

The GA public annually a consolidated list about substances that is banned or restricted by the states.

3. United Nations Environment Programme (UNEP)

UNEP belongs also to the UN.

Date: May 1984
Concerning Substances: - harmful chemicals

Contents:

Regulations about the notifications of control actions.

- When a country has taken control action to ban a chemical, it should notify the national authorities of other countries
 - o Concerning use or handling of chemical to protect human health and domestically environment

4. Bonn-Declaration on Toxic Substances Control

Seminar on the implementation of the legislation on toxic substances between European / United States.

Date: June 1980
Concerning Substances: - toxic chemical substances

Contents (Member States):

- The attended 13 countries recognize the transfrontier effects of toxic substances
 - o The governments have to establish legislative to regulate or prohibit the production, use, and disposal
 - o Chemical enterprises and authorities of regulations have to investigate their effects on man and the environment
 - o Procedures should be adopted to assess the hazards

5. Organization for Economic Cooperation and Development (OECD)

Consist of the 24 most developed countries. The Council of the OECD has made efforts towards the harmonization of the law of its Member States.

Contents (examples):

- Measures to reduce all man-made emissions (1973)
- Establishing guidelines in respect of procedure and requirements concerning the effects of chemicals on man and in the envir. (1977)
- Recommendation concerning the exchange of confidential data on chemicals (1983)
- *Further recommendations*

6. European Communities (EC)

Council and Commissions of EC have concluded measurements against dangerous substances on 5 sectors.

- 1) Date: June 1967
Council Directive No.: 67/548/EEC

Contents (Member States):

Laws and regulations relating to the classification, packaging and labelling of dangerous substances.

- 2) Date: July 1976
Council Directive No.: 76/769/EEC

Contents (Member States):

Restrictions on the marketing and use of certain dangerous substances. Special provisions exist concerning:

- o Benzene (Benzol)
- o PCT (Polychlorinated terphenyls) (polychloriertes Terphenyl)
- o Asbestos (Asbest)
- o PCB (Polychlorinated biphenyls) (polychloriertes Biphenyl)

- 3) Date: June 1982
Council Directive No.: 82/501/EEC

Contents (Member States):

The manufacturer of hazardous chemicals must take all measures to prevent major-accidents and to avoid their consequences for man and the environment.

- 4) Date: Nov. 1980
Council Directive No.: 80/1107/EEC

Contents (Member States):

The regulations determine the protection of workers at procedures with chemical, physical and biological agents.

- 5) Date: Dec. 1978
Council Directive No.: 79/117/EEC

Contents (Member States):

Prohibition about use of plant protection products containing certain active substances.

7. Transport of Dangerous Substances

The international organizations, responsible for transport, have elaborated agreements for international transport of dangerous goods (mainly safe packaging).

Concerning Substances: - dangerous goods

Following conventions are in force:

- International regulations concerning the carriage by rail (1977)
- European agreement concerning the international carriage by road (1957 and 1977)
- International maritime dangerous goods code
- Regulations on the carriage of dangerous goods on the Rhine (1977)
- Safe transport of dangerous goods by air (1944)
- International Civil Aviation Organization (ICAO), technical instructions for the safe transport of dangerous goods by air (1984)
- International Air Transport Association (IATA), regulations relating to the carriage of restricted articles by air (1982)

8. Technical assistance projects Thailand

On request and within the financial means available to it, the Federal Republic of Germany (Federal Environment Ministry – BMU) supports developing countries in their efforts to introduce and implement internationally accepted standards in the field of chemicals management.

Country	Duration	Description of project
Thailand	6 years	Environmentally friendly plant protection
Thailand	4 years	Transport of dangerous goods

- Development of concepts and the implementation of particularly emphasized (ausdrücklich hervorgehobenen) aspects of chemicals management
- Substitution of chlorofluorocarbons/halons by natural substances
- Largely safe use of plant protection products
- Disposal of plant protection products that are no longer usable
- Reduction of subsidies in the area of plant protection

9. Example Romania

Extract

Environment protection represents an obligation of local and central public administration authorities, as well as all legal and natural persons.

Law no. 137/1995 defines the following concepts:

- ***Dangerous substances*** – any substance or product which present a significant risk for the humans, for the environment or for assets (such as explosives, oxidants, flammable, toxic, noxious, corrosive, irritating, hazardous, radioactive substances).

Manufacturing, storing or any other circulation of toxic products and substances, the cultivation, irrespectively of the purpose of processing plants containing such substances as well as testing of toxic products and substances are regulated by law.

Activities involving toxic products and substances may be performed in strictly regulated sectors, such as: medicine, industry, agriculture, forestry, education, scientific research, trade, and only based on authorization. Those performing such activities must be registered as such.

Storing, packaging, transportation, handling and destruction of toxic products and substances are also regulated by law.

Government Decision no. 340/1992 prohibited the import in Romania of wastes and residues (Rückstände) of any kind, be it raw or processed substances. However, they are permitted only if they do not present any toxicity or ecological risk.