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Readers are consequently advised to consult qualified professional counsel before making any decision in connection with the enactment, which is here presented in translation for their general information only.

Hazardous Substances Law 5753-1993

Definitions

1. In this Law –

"Hazardous substance" – a hazardous material or harmful chemical;

"Hazardous substances event" – an uncontrolled event or accident, in which a hazardous substance is involved, which endangers or is liable to endanger human beings or the environment, including a spill, leak, diffusion, explosion, evaporation, fire (Amendment 2005);

"Rescue body" – as defined in section 90A of the Police Ordinance [New Version] 5731-1971 (in this Law: the Police Ordinance) (Amendment 2005);

"Harmful chemical" – each of the substances specified in Schedule One, whether in its simple form or mixed with or blended into other substances;

"Supervisor" – the person authorized by the Minister to be an inspector for purposes of this Law;

"Hazardous Substances Event Inspector" – the person authorized by the Minister to be a Hazardous Substance Event Inspector under the provisions of section 16C1 (Amendment 2005);

"Director" – the senior Supervisor charged with enforcement in the Ministry of Environmental Protection, who is directly responsible to the Director General of the Ministry (Amendment 2008);

"Act" – includes omission (Amendment 2008);

"Commodity" includes a raw material;

"Pharmaceutical" and "medical poison" – as defined in the Pharmacists Ordinance [New Version] 5741-1981;

"Occupation" – includes production, import, packaging, commerce, issue, transfer, storage, possession and use (Amendment 1997);

"Hazardous material" – each of the substances specified in Schedule Two, whether in its simple form or mixed with or blended into other substances;

"Minister" – the Minister of Environmental Protection.

License required

2. Every place for the sale of hazardous substances must have a license under the Licensing of Businesses Law 5728-1968.

Hazardous materials permit (Amendment 2002)

3. (a) No person shall deal with hazardous materials, unless he holds a hazardous materials permit from the Supervisor; this provision shall not apply to a licensed pharmacist who deals with medical poisons for medical purposes in a pharmacy or in a business, the main occupation of which is pharmaceuticals or medical poisons or to a business that sells preparations without prescription, as defined in the Pharmacists Ordinance, even if the sale is not made in a pharmacy.
- (b) A hazardous materials permit shall specify the commerce of the permit holder, the hazardous materials in which he is allowed to trade and the purpose of their use; a permit shall not authorize trading or importing a dangerous drug, within its meaning in the Dangerous Drugs Ordinance [New Version] 5733-1973.
- (c) A hazardous materials permit shall be granted only to an applicant known as an honest person, after he proved – to the satisfaction of the issuer of the permit – that he can read and write and that he is well aware of the hazardous properties of those hazardous materials.
- (d) A hazardous materials permit shall be in effect for one year, two years, three years or for a period shorter than one year or longer than three years, in accordance with criteria that include the type of enterprise, the type of hazardous material and the quantity of hazardous material, all as the Minister shall prescribe (Amendment 1997).
- (e) The Supervisor may make the grant of a hazardous materials permit conditional on special conditions that must be complied with before the permit is granted, and he may also prescribe special conditions in the permit, and he may add to them or detract from them at any time, all in order to protect the environment or public health (Amendment 1997).
- (f) The Supervisor may cancel a hazardous materials permit at any time for the reasons said in subsection (e); the Supervisor shall cancel a hazardous materials permit only after he has given the permit holder an opportunity to present his arguments (Amendment 1997).

Imported hazardous materials

4. Customs shall release hazardous materials imported to Israel only to one of

the following:

- (1) the holder of a hazardous materials permit;
- (2) a person who holds written authorization from a Supervisor.

Hazardous materials registers

5. (a) The holder of a hazardous materials permit shall keep hazardous materials registers, in accordance with the form in Schedule Three, and every purchase and sale of poisons shall be registered in them.
- (b) In the purchase register shall be registered the date of each purchase, the substances purchased, their quantities and the name of the person from whom they were received.
- (c) In the sales register shall be registered the date of each sale, the description and quantity of the hazardous material delivered, its intended use and the name and address of the purchaser.
- (d) Every entry in the sales register shall be made when the hazardous material is delivered and the purchaser shall sign next to the entry; if the sale was according to a written order, then the order shall be kept instead of the signature.
- (e) Nothing shall be erased or changed in any entry in a register or added to it; transactions shall be entered consecutively and they shall be given serial numbers.
- (f) In the case of a clerical error, a correction may be made in the margin of the register, but the original entry must not be corrected.
- (g) Any transfer of hazardous materials from an owner's wholesale business to his retail business shall be entered in the registers of both businesses, as if a sale had been effected.
- (h) The registers shall be kept and shall be open for inspection by the Supervisor or by a public servant whom he authorized for that purpose in writing, for three years after the last entry was made in them.

Storage of hazardous materials

6. (a) Hazardous materials shall be stored under lock and key and shall be kept separately from substances that are not hazardous.
 - (b) Containers and packages that contain hazardous materials shall be clearly marked with the name of the material and with the word "hazardous material" in Hebrew, Arabic and English.
 - (c) Food and drink shall not be stored, shall not be exhibited for sale, and shall not be sold in any business establishment that is licensed to trade in hazardous materials; this provision shall not apply to licensed pharmacists in respect of the sale of sealed packages of patented foods or the sale of food manufactured and sold by them.
7. Repealed (Amendment 1997).

Sale of hazardous materials by wholesalers

8. A holder of a hazardous materials permit who is a wholesaler or producer of hazardous materials –
 - (1) shall not sell hazardous materials to any person who is not the holder of a hazardous materials permit;
 - (2) shall not engage in retail sales, unless his retail business is separate and distinct from his wholesale business and is licensed separately;
 - (3) shall engage in the mixing, compounding or preparation of hazardous materials only under the personal guidance and supervision of a professional authorized by the Supervisor.
9. Repealed (Amendment 1997).

Classification of hazardous materials

10. The Minister may, by regulations –
 - (1) classify hazardous materials by the purpose for which they are used, by the degree of their toxicity, by the degree of danger involved in their use or according to other considerations;
 - (2) exempt certain hazardous materials or categories thereof from the applicability of certain provisions of this Law;
 - (3) prescribe provisions in respect of certain hazardous materials or categories thereof in respect of their production, import, export, packaging, commerce, issue, transfer, storage, possession and use.

Change and replacement of schedules

11. The Minister may, by Order –
 - (1) change the list of substances specified in Schedule One or in Schedule Two, and also replace all or part of the said Schedules;
 - (2) change or replace the forms in Schedule Three.

Making of Regulations

12. The Minister may make regulations on –
 - (1) the handling, use, production, import, export, packaging, commerce, issue, transfer, storage and possession of hazardous substances;
 - (2) any other matter under this Law, which requires regulation.

Restrictions on powers

13. The Minister shall make use of his powers under sections 10, 11 and 12 only after consultation with the Minister of Health, and also –
 - (1) in respect of substances used in agriculture – with the Minister of Agriculture and the Minister of Labor and Social Welfare;
 - (2) in respect of substances used in industry – with the Minister of Industry and Trade and the Minister of Labor and Social Welfare.

Fees

14. The Minister may prescribe, by Order with the approval of the Knesset Interior and Environment Committee –
- (1) a fee for a hazardous materials permit or its renewal;
 - (2) a fee for tests and for the issue and renewal of certificates under this Law and under regulations thereunder.

Levy on the disposal of hazardous substances waste (Amendment 2004)

- 14A. (a) In this section –
- "Holder", in respect of hazardous substances waste – a person who owns hazardous substances waste or has it in his possession or under his supervision;

"Disposal", for purposes of hazardous substances waste – each of the following, carried out in a place lawfully designated therefor:

- (1) landfilling of hazardous substances waste;
- (2) injection of hazardous substances waste into the subsoil;
- (3) burning hazardous substances waste in a manner that does not produce any resource;

"hazardous substances waste" – substance of any kind or form that contains a hazardous substance, which is disposed, or is designated for disposal or which must be disposed under the provision of any statute.

- (b) The Minister shall set – with the consent of the Minister of Finance and with the approval of the Knesset Finance Committee – a levy on the disposal of hazardous substances waste, which shall be imposed on any person who keeps hazardous substances waste or disposes of waste as stated, and all in order to prevent or reduce the accumulation of hazardous substances waste, and in order to encourage the recycling or recovery of the said waste or the production of resources from it.
- (c) In regulations under subsection (b), the Minister shall prescribe – inter alia – the rate of the levy, how it is to be paid, its linkage and ways of collecting it, and he may prescribe, as said in that subsection –
- (1) the rates of different levies, inter alia taking the following into account:
 - (a) the type or quantity of the hazardous substances waste;
 - (b) the intended place of disposal and the manner of disposal;
 - (c) the degree of risk to human beings and to the environment;
 - (d) whether there are applicable alternatives for treatment of the hazardous substances waste, according to their environmental preference;
 - (2) exemptions for various categories of persons who dispose of

waste.

- (d) The Taxes (Collection) Ordinance shall apply to the collection of levies under this section.

Notice of intention to charge an administrative financial sanction (Amendment 2008)

- 14B. Where the Director has reasonable grounds to assume that a person violated a provision enumerated in section 14E (in this Law - violator), then he may give him a notice of the intention to impose on him an administrative financial sanction (in this Law – an intention to charge notice); in the said notice the Director shall, inter alia, state the following:
- (1) the act that constitutes the violation;
 - (2) the amount of administrative financial sanction and its payment date;
 - (3) the violator's right to present his arguments to the Supervisor under the provisions of section 14C;
 - (4) the amount to be added to the administrative financial sanction in case of a continuing or recurring violation, under the provisions of section 14G.

Right of argument (Amendment 2008)

- 14C. A violator who receives an intention to charge notice may – within thirty days after the notice was served – submit to the Director his written arguments about the intention to impose an administrative financial sanction and about its amount.

Demand for payment (Amendment 2008)

- 14D. (a) After considering the arguments submitted to him under section 14C, the Director shall decide whether to impose an administrative financial sanction on the violator, and he may reduce the amount of the administrative financial sanction under the provisions of section 14F.
- (b) (1) Where the Director decides under the provisions of subsection (a) to impose an administrative financial sanction, he shall deliver to the violator a demand for payment of the administrative financial sanction (in this Law: demand for payment); in the demand for payment the Director shall state, inter alia, the updated amount of the administrative financial sanction, as said in section 14(l), and the date for its payment.
 - (2) Where the violator is a corporation, then the amount of the administrative financial sanction shall be determined according to its sales volume, as said in section 14E; where the Director does not have information about the violator's sales volume, he may demand of the violator information and additional particulars that he believes that he needs in order to determine the sales volume; where the violator's sales volume was not

proven as aforesaid, then the Director may determine it to the best of his judgment.

- (3) Where, under the provisions of subsection (a), the Director decides not to impose an administrative financial sanction, he shall so inform the violator.
- (c) Where the violator does not request to present his arguments under the provisions of section 14C within 30 days from the day the intention to charge notice was delivered to him, then that notice shall – at the end of the said thirty days – be deemed a demand for payment that was delivered to the violator at the said time.

Amount of administrative financial sanction (Amendment 2008)

- 14E. The amount of the administrative financial sanction shall be as specified hereafter, as the case may be:
 - (1) for failing to maintain a hazardous materials record book, in violation of the provisions of section 5: NIS 50,000;
 - (2) for handling hazardous materials in violation of the provisions of the permit said in section 3, storing and keeping hazardous materials in violation of the provisions of section 6, or selling hazardous materials in violation of the provisions of section 8 –
 - (a) for an individual – NS 50,000;
 - (b) for a corporation with an annual sales volume not exceeding NIS 250 million – NIS 200,000;
 - (c) for a corporation with an annual sales volume exceeding 250 million but not exceeding NIS 500 million – NIS 400,000;
 - (c) for a corporation with an annual sales volume exceeding NIS 500 million – NS 800,000.

Reduced amounts (Amendment 2008)

- 14F. (a) The Director may not impose an administrative financial sanctions in an amounts lower than the amounts prescribed in this Law, unless under the provisions of subsection (b).
- (b) The Minister may, with the consent of the Minister of Justice, determine instances, circumstances and considerations, because of which it shall be possible to impose an administrative financial sanction in amounts lower than those prescribed in this Law, in amounts that he shall determine.

Continuing violation and recurring violation (Amendment 2008)

- 14G. (a) In case of a continuing violation the administrative financial sanction shall be increased by one twentieth thereof for each day on which the violation continues.
- (b) In case of a recurring violation the administrative financial sanction that could have been imposed, had it been a first violation, shall be

increased by an amount equal to the said amount of the administrative financial sanction; for this purpose, "recurring violation" – the violation of a provision enumerated in section 14E within two years of the previous violation of the same provision, for which an administrative financial sanction was imposed on the violator or for which the violator was convicted.

Time for payment of administrative financial fine (Amendment 2008)

14H. The administrative financial sanction shall be paid within 60 days of the day of the delivery of the demand for payment, as said in section 14D.

Updated amount of the administrative financial sanction (Amendment 2008)

- 14I. (a) The administrative financial sanction shall be according to its updated amount on the delivery day of the demand for payment, and in respect of a violator who did not submit his arguments, as said in section 14C – on the day on which the intention to charge notice was delivered; where a petition was submitted to the Administrative Affairs Court and the Court ordered suspension of the administrative financial sanction – then the administrative financial sanction shall be according to its updated amount on the day of the decision on the petition.
- (b) The amounts of the administrative financial sanction said in section 14E shall be updated on January 1 of each year (in this subsection - updating day) according to the rate of increase of the index known on the updating day compared with the index that was known on the updating day in the preceding year, and in respect of the first updating day – compared with the index that was known on the day on which the Environmental Protection Law (Polluters Pay) (Legislative Amendments) 5768-2008 came into force; the said amount shall be rounded to the nearest amount that is a multiple of NIS 10; in this Law, "index" – the Consumer Price Index published by the Central Bureau of Statistics.
- (c) A notice of the amount of the administrative financial sanction, as updated under subsection (b), shall be published in *Reshumot*.

Linkage and interest differentials (Amendment 2008)

14J. Where the administrative financial sanction was not paid on time, then linkage and interest differentials shall be added to it for the arrears period, until it is paid; in this Law, "linkage differentials and interest" – as defined in the Adjudication of Interest and Linkage Law 5721-1961.

Collection (Amendment 2008)

14K. An administrative financial sanction shall be collected into the

Maintenance of Cleanliness Fund and the Taxes (Collection) Ordinance shall apply to its collection.

Petition (Amendment 2008)

- 14L. (a) A petition to the Administrative Affairs Court against a demand for an administrative financial sanction under this Law shall not suspend the payment of the administrative financial sanction, unless the Director agreed or the Court so ordered.
- (b) Where a petition said in subsection (a) has been accepted after the administrative financial sanction was paid, the administrative financial sanction shall be refunded with the addition of linkage and interest differentials and interest from the day of its payment until its refund.

Publication (Amendment 2008)

- 14M. (a) When an administrative financial sanction has been imposed under this Law, the Director may order the violator to publish in a newspaper or in any other manner that the Director shall decide, the fact that an administrative financial sanction was imposed, the name of the violator, the nature and circumstances of the violation for which it was imposed and the amount of the sanction.
- (b) Where the violator does not comply with a provision of subsection (a), then the Director or a person he authorized for this purpose may publish the notice said in that subsection; when so done, the violator shall be obligated to pay double the expense incurred for the publication.

Saving of criminal liability (Amendment 2008)

- 14N. (a) Payment of an administrative financial sanction shall not derogate from a person's criminal liability for violating a provision enumerated in section 14E, but if the violator received a demand for payment as said in section 14D, then no complaint shall be brought against him as said in section 15B.
- (b) Where an indictment is submitted against a person for an act for which an administrative financial sanction can be imposed, then he shall not be obligated to pay an administrative financial sanction, and if he paid it, the amount paid shall be refunded to him with the addition of linkage and interest differentials from the day of payment to the day of refund.

Penalties (Amendment 1997)

15. (a) If a person does one of the following, then he shall be liable to six months imprisonment or to the fine said in section 61(a)(4) of the Penal Law 5737-1977 (hereafter: Penal Law), and if the offense was

committed by a corporation, then it shall be liable to double the said fine:

- (1) he does not maintain a hazardous materials register in accordance with the provisions of section 5;
 - (2) he refuses to present the hazardous materials permit to a person who enters the premises by virtue of section 16.
- (b) If a person does one of the following, then he shall be liable to three years imprisonment or to three times the fine said in section 61(a) (4) of the Penal Law, and if the offense was committed by a corporation, then it shall be liable to six times the fine said in section 61(a) (4) of the Penal Law:(Amendment 2005)
- (1) he deals in hazardous materials without a hazardous materials permit, in violation of the provisions of section 3;
 - (2) he does not comply with or violates conditions prescribed in a hazardous materials permit according to the provisions of section 3;
 - (3) he delivers false particulars in connection with a hazardous materials permit or enters false particulars in a hazardous materials register in violation of the provisions of section 5;
 - (4) he sells hazardous materials to a person who does not have a hazardous materials permit in violation of the provisions of section 8;
 - (5) he does not carry out a hazardous materials removal Order under the provisions of section 16A;
 - (6) he stores hazardous materials otherwise than in accordance with instructions issued to him under this Law.
- (c) If a person commits an offense said in subsections (a) or (b) in an aggravated manner or under aggravating circumstances, as a result of which substantial environmental damage or pollution is caused or is liable to be caused, then he shall be liable to three years imprisonment, or to double the fine which the Court was entitled to impose on him under the provisions of this section for the offense of which he was found guilty, and if the offense was committed by a corporation, then it shall be liable to eight times the fine said in section 61(a)(4) of the Penal Law (Amendment 2008).
- (d) If the offense is a continuing offense, then the Court may impose an additional fine, at the rate of 5% of the fine set for that offense, for every day on which the offense continues after the end of the period set in the hazardous material removal Order under section 16A or after the period set in the warning, which began upon its service; for this purpose, "warning" – a written warning from a person empowered therefor by the Minister.
- (e) If, within two years, a person was again found guilty of an offense under this section, then he shall be liable to imprisonment as said in subsection (a) or in subsection (b), as the case may be, or to double the fine which the Court was entitled to impose on him under the provisions of this section for the offense of which he was convicted.
- (f) An offense under this section is of the category of offenses of strict

liability.

- (g) A fine imposed for an offense under this Law shall be transmitted to the Maintenance of Cleanliness Fund within its meaning in the Maintenance of Cleanliness Law 5744-1984 (and in this Law - the Maintenance of Cleanliness Fund) (Amendment 2008).
- (h) (1) For an offense committed by a person under subsections (b) or (c), in consequence of which he obtained a benefit or profit for himself or for another, then the Court may impose on him a fine in the amount of the benefit or profit that he obtained as aforesaid, and in addition to any other penalty. (Amendment 2008);
- (2) For the purposes of this subsection, "benefit" includes an expense that was saved;
- (3) the provisions of this section shall not derogate from the provisions of section 63 of the Penal Law

Powers of the Court (Amendment 1997)

- 15A. (a) When an indictment or complaint for an offense under this Law has been submitted, then the Court may issue a mandatory injunction, a prohibitory injunction or provide any other relief which it finds appropriate under the circumstances before it, including for implementation of an Order to remove hazardous materials under section 16A, all in order to prevent, to stop or to reduce the offense.
- (b) The provisions of sections 20W (b) to (h) of the Water Law 5719-1959 shall apply, mutatis mutandis, to Orders made by a Court under subsection (a).
- (c) When a Court convicted a person of an offense under this section, then it may – in its judgment and in addition to any penalty imposed – obligate him to pay the expenses incurred for removal of the nuisance, if the plaintiff or the person who incurred the expenses applied therefor.
- (d) If more than one person was convicted of an offense, then the Court may – in its said decision – impose payment of the expenses on all or on some of them, jointly or severally, or it may divide the amount between them, all as the Court finds appropriate under the circumstances of the case.
- (e) In addition to the penalties set in section 15, the Court may – after it convicted a person of violating a provision under this Law or of violating a condition of a hazardous materials permit issued to him – order that a hazardous materials permit be denied permanently or for a period which it shall prescribe.

Complaint (Amendment 1997)

- 15B. (a) The following may bring complaints as said in section 68 of the Criminal Law Procedure Law [Consolidated Version] 5742-1982

(hereafter: the Criminal Procedure Law) for an offense under this Law:

- (1) any person – in respect of an offense committed in his private domain, or which caused him damage;
 - (2) a local authority – in respect of an offense committed within its jurisdiction;
 - (3) any one of the public and professional bodies designated in the Schedule to the Prevention of Environmental Nuisances (Civil Suits) Law 5752-1992.
- (b) A complaint under subsection (a) shall only be submitted after the complainant informed the Minister of the Environment of his intention to do so, and if – within 60 days thereafter – no indictment was submitted on behalf of the Attorney General.

Supervisory power (Amendment 1997)

16. (a) A Commissioner or a person with written authorization from him may – at any time – visit any business, store or place, in which hazardous substances are or are suspected of being dealt with, other than a pharmacy or a place that deals mainly in pharmaceuticals or in medical poisons, and he may take away samples of aforesaid hazardous substances, and he may prohibit the sale of any commodity deemed harmful to health or hazardous in any other way, or he may seize it until the investigation is completed or until legal steps are taken under this Law or under any other enactment.
- (b) The Supervisor or a person empowered by him shall enter any place held by the defense establishment only with permission from the Minister of Defense or from a person empowered by him for this purpose (Amendment 1997).

Hazardous material removal Order (Amendment 1997)

- 16A. (a) If the Supervisor concludes that hazardous materials are in the possession of a person who keeps them without a hazardous materials permit or in violation of its conditions, or that hazardous materials or hazardous material waste has been disposed in the public domain, and if no indictment has as yet been submitted, then he may do the following:
- (1) order the owner of the hazardous materials or the owner of the property or the person who disposed of the hazardous materials, to remove the hazardous material from his possession or to dispose them to a location, in a manner and within a period of time to be set in the Order, which shall begin with its service, all as the Order shall state;
 - (2) order, in an Order said in paragraph (1), the owner of the hazardous materials or the owner of the property or the person who disposed of the hazardous materials to restore the previous condition.

- (b) If a person did not comply with the provisions of an Order issued under this section, then the Supervisor or a person empowered by him for that purpose may do whatever is required under the Order; when he has done so, then the person who was ordered but failed to comply with the provisions of the Order must pay to the Maintenance of Cleanliness Fund double the expenses incurred under this section; the Taxes (Collection) Ordinance shall apply to the collection of the expenses incurred.
- (c) A person empowered by the Minister to implement an Order said in subsection (b), may enter any place in order to implement the Order, on condition that he enter a place used for residential purposes, only under a Court Order;
- (d) The provisions of section 237 of the Criminal Procedure Law in respect of the delivery of documents shall apply – mutatis mutandis – to the service of an Order under this Law.

Application for revocation of an Order by the Court (Amendment 2008)

- 16A1. (a) If a person deems himself aggrieved by an Order made under the provisions of section 16A, he may submit an application for its revocation to the Court that is authorized to hear the offense that is the subject of the Order.
- (b) Submission of an application for the revocation of an Order under the provisions of subsection (a) does not suspend the force of the Order, as long as the Court has not decided otherwise; where the Court decided to suspend the force of the Order *ex parte*, then the application shall be heard in the presence of the parties as soon as possible and not later than seven days from the day of the decision.
- (c) The Court may revoke, approve or change the Order.

Responsibility of an officer in a corporation (Amendment 1997)

- 16B.(a) An officer in a corporation must supervise and do everything possible to prevent offenses under section 15 by the corporation or by any of its employees; if a person violates this provision, then he shall be liable to double the fine said in section 61(a)(4) of the Penal Law; for purposes of this section, "officer" – an active manager of the corporation, a partner other than a limited partner, or an official responsible on behalf of that corporation for the sphere in which the offense was committed.
- (b) If an offense under section 15 was committed by a corporation or by any of its employees, then it is assumed that an officer of the corporation violated his obligation under the said section, unless he proved that he did everything possible to fulfill his obligation.

Rates of fines (Amendment 1997)

16C Notwithstanding the provisions of section 221(b) of the Criminal Law Procedure Law, the Minister of Justice may – with agreement by the Minister – set the rate of a fine above the fine amount prescribed in the said section for an offense under this Law that is determined to be a finable offense, and also for a recurring, continuing or additional finable offense committed by the same person, taking into consideration the type of offense and the circumstances under which it was committed, on condition that the amount of the fine not exceed ten percent of the maximum fine prescribed for that offense.

Appointment of Hazardous Substances Event Supervisor (Amendment 2005)

16C1. The Minister shall authorize a Hazardous Substances Event Supervisor from among the staff of his Ministry or from among the employees of a local authority with the consent of the head of that authority.

Responsibilities and powers of a Hazardous Substances Event Supervisor (Amendment 2005)

- 16C2. (a) A Hazardous Substances Event Supervisor shall have the responsibilities enumerated in this section at the time of a hazardous substances event or when he acts as a rescue body under section 4A(a)(2) or Chapter Six 1 of the Police Ordinance, and during an exercise in preparation for a hazardous substances event:
- (1) detection, identification and monitoring of hazardous substances during and after a hazardous substances event;
 - (2) assessment of risks while a hazardous substances event is in progress;
 - (3) giving professional advice to the police officer or I.D.F. officer, at their request, on how to deal with hazardous substances in order to prevent, reduce or stop dangers to human beings and the environment, and also giving professional advice as aforesaid in respect of guidelines to the public and to the rescue bodies; for purposes of this paragraph, "police officer", "I.D.F. officer" – as defined in section 90A of the Police Ordinance;
 - (4) giving professional advice on restoring conditions in the event area to their previous state, and guidelines for the rehabilitation of the event area.
- (b) For the performance of his functions under subsection (a), a Hazardous Substances Event Supervisor shall have the powers specified below:
- (1) to demand that a person in the event area, or a person the Supervisor has reason to believe is connected to the event or has information about it, identify himself;

- (2) to enter any place, as required, in order to treat the hazardous substances event to prevent or reduce danger to human life;
 - (3) to demand documents, study them and take them or copies thereof;
 - (4) to conduct a search in a place without a judge's Order, if he has reasonable grounds to believe that hazardous substances are in that place, which are liable to cause real and immediate danger to human life;
 - (5) to take a sample of any substance that he has reasonable grounds to believe is a hazardous substance;
 - (6) to seize a substance that he has reasonable grounds to believe is a hazardous substance, as necessary to save human life or property or to reduce the extent or results of a hazardous substances event; a substance seized as aforesaid shall be returned to the person from whom it was seized, as far as possible and as soon as possible after the hazardous substances event.
- (c) When a Hazardous Substances Event Supervisor acts as a rescue body under section 4A (a) (2) or Chapter Six 1 of the Police Ordinance, he shall use the powers under this section according to instructions he received according to the said section or chapter, as the case may be.

Examination of a hazardous substances event (Amendment 2005)

- 16C3. (a) The Minister may appoint an examination committee in order to clarify the causes and circumstances of a hazardous substances event, and in order to learn from it (in this Law: examination committee); an examination committee shall submit its conclusions and recommendations to the Minister.
- (b) Before an examination committee submits its conclusions and recommendations under subsection (a), a rescue body that so requested shall be given an opportunity to present its stand.
- (c) For the purpose of performing his duties, an examination committee member shall have the following powers:
- (1) powers of investigation vested in a police officer under section 2 of the Criminal Law Procedure Ordinance (Testimony) and the provisions of section 3 of the said Ordinance shall apply to the examination;
 - (2) the powers said in section 16C2 (b) (3) and (5);
 - (3) the power to request a search warrant from a judge, in order to assure that a document or object necessary for the examination will be presented, and the power to conduct a search accordingly; the provisions of Chapter Three of the Criminal Law Procedure Ordinance (Arrests and Searches) [New Version] 5729-1969 shall apply to a said warrant.

Restrictions on the powers of a Hazardous Substances Event Supervisor (Amendment 2005)

- 16C4. (a) The provisions of section 216C2 shall not apply to a hazardous substances event that originated from an area of the nuclear research centers under the responsibility of the Atomic Energy Commission, or from a defense installation or an area held by the I.D.F., as defined in section 90A of the Police Ordinance, unless the Prime Minister or the Minister of Defense, as the case may be, approved the use of the powers of the Hazardous Substances Event Supervisor said in that section.
- (b) An examination committee for an event said in subsection (a) shall be appointed by the Prime Minister or the Minister of Defense, as the case may be, and one of its members shall be appointed on the Minister's recommendation.

Applicability to the State (Amendment 1997, Amendment 2005)

- 16D. (a) Without derogating from the provisions of sections 16C2, 16C3 and 16C4, this Law shall apply to the State; however –
- (1) it shall not apply to installations of the Atomic Energy Commission and to anybody to whom the Control of Commodities and Services Order (Construction and Operation of Nuclear Reactor) 5735-1974 was made applicable;
 - (2) the provisions of this Law shall not apply to defense or operational activity or to the results of aforesaid activity by –
 - (a) units and dependent units of the Prime Minister's Office, the main activity of which is in the fields of national security or foreign relations;
 - (b) dependent units of the Ministry of Defense, the main activity of which is in the fields of national security;
 - (c) the Israel Defense Forces, however, aforesaid activity shall be carried out – as far as possible – in accordance with the provisions of this Law.
- (b) The provisions of this Law shall not apply to a government company, to which spheres of activity of one of those enumerated in paragraph (a) (2) were transferred after April 1, 1997, as far as concerns the spheres of activity transferred to it.

Saving of laws

- 16E. The provisions of this Law shall add to and not derogate from the provisions of any law.

Implementation and regulations

17. The Minister is charged with the implementation of this Law and he may make regulations on any matter related to its implementation.

SCHEDULE ONE (Order 1996)

1. Aluminum
2. Cerium and its compounds
3. Chromium
4. Cobalt
5. Copper
6. Germanium
7. Gold
8. Hafnium
9. Indium
10. Iridium
11. Manganese
12. Molybdenum
13. Nickel
14. Niobium
15. Palladium and its compounds
16. Pesticide not included in Schedule Two
17. Platinum and its compounds
18. Rhodium and its compounds
19. Ruthenium
20. Silver
21. Tantalum
22. Thallium
23. Thorium
24. Tin
25. Titanium
26. Tungsten
27. Vanadium
28. Zinc
29. Zirconium

SCHEDULE TWO (Order 1996)

1. Acetals
2. Acridines
3. Acrylic acid and derivatives
4. Acyl halides
5. Adhesives containing organic liquids
6. Aflatoxins
7. Alcoholates
8. Alcohols, liquid
9. Aldehydes, liquid
10. Aliphatic compounds, halogenic

11. Alkali metal hydroxides and oxides
12. Alkali metals
13. Alkaline earth metals
14. Alkynes
15. Alkenes
16. Aluminates, alkali metal
17. Aluminum halides, anhydrous
18. Amides, metal
19. Amines
20. Aminoalcohols and derivatives
21. Aminotriazole
22. Ammonia
23. Antimony and its compounds
24. Aromatic compounds,
halogenic
25. Arsenic and its compounds
26. Asbestos
27. Azathioprine
28. Azides
29. Azo compounds
30. Barium compounds
31. Beryllium and its compounds
32. Bismuth and its compounds
33. Bisulphates
34. Boranes
35. Borides
36. Borohydrides, metal
37. Boron and its organic compounds
38. Bromic acid and its salts (bromates)
39. Bromine
40. Cadmium and its compounds
41. Camphor
42. Carbamates
43. Carbides, metal
44. Carbon disulphide
45. Carbon, activated
46. Carbonic acid organic
derivatives
47. Carbonyl halides
48. Carboxylic acids (C_1-C_7),
monobasic, and their
derivatives
49. Carboxylic acids, dibasic, aromatic or alicyclic, and their derivatives
50. Chlorambucil
51. Chloric acid and its salts (chlorates)
52. Chlorine
53. Chlorites

54. Chloropicrin
55. Chloroplatinic acid
56. Chromium compounds
57. Coal tar distillates
58. Cobalt compounds
59. Copper compounds
60. Cyanamide and derivatives
61. Cyanamide, calcium
62. Cyanates and isocyanates
63. Cyanides, inorganic
64. Cyanuric acids, derivatives and analogs
65. D.D.T.
66. Dibenzofurans
67. Diesel oil
68. Diketene
69. Dimethylcarbamyl chloride
70. Dimethylformamide, N₁N-
71. Dimethylsulfoxide
72. Dioxins
73. Epihalohydrins
74. Epoxides (alkylene oxides)
75. Esters, liquid (excl. triglycerides)
76. Ethers, liquid
77. Ethylene glycol
78. Ethylene oxide
79. Astrogenic substances, conjugated
80. Ferric chloride, anhydrous
81. Fluorides
82. Fluorosilicic acid and its salts
83. Fuel oil
84. Gallium and its compounds
85. Gases, compressed or liquefied
86. Gasoline
87. Halides of non-metals
88. Halocarboxylic acid and derivatives
89. Halogenated alcohols, ketones, aldehydes
90. Haloorganometallic compounds
91. Halophosphoric acids and derivatives
92. Halosulphonic acids and derivatives
93. Hexamethylphosphoramide
94. Hydrazine and its derivatives

- 95 Hydrides, metal
96. Hydrocarbons, aliphatic and alicyclic, liquid
97. Hydrocarbons, aromatic
98. Hydrocarbons, aromatic, polycyclic
99. Hydrohalogenic acids
100. Hydroxylamine and its derivatives
101. Hypochlorites
102. Imines, alkylene
103. Indium and its compounds
104. Infectious substances
105. Iodates
106. Iodine
107. Kerosene
108. Ketones, liquid
109. Lachrymating substances
110. Lead and its compounds
111. Magenta
112. Maleic acid and its derivatives
113. Malonic acid and its derivatives
114. Manganese compounds
- 115 Melphalan
- 116 Mercaptans
117. Mercury and its compounds
118. Metal alkyls and aryls
119. Metal carbonyls
120. Metal catalyst
121. Metal powder
122. Metal silicon powders
123. Molybdenum compounds
124. Morpholine and its derivatives
125. Mustard gases
126. Nickel compounds
127. Nitric acid and its salts
128. Nitrides (excl. silicon nitride)
129. Nitriles
- 130 Nitrites
131. Nitroaliphatic compounds and their derivatives
132. Nitroaromatic compounds and their derivatives
133. Nitrosamines
134. Nitroso compounds
135. Orthoformic acids and their derivatives
136. Osmium tetroxide
137. Oxalic acid and its derivatives and salts
- 138 Oximes

139. Paints
140. Percarbonates
141. Perhalogenic acids and salts
142. Permanganates
143. Peroxides
144. Persulphates
145. Pesticide, anticoagulant
146. Pesticide, arsenical
147. Pesticide, aryl urea and aryl thiourea
148. Pesticide, benzoic derivative
149. Pesticide, bipyridilium
150. Pesticide, carbamate
151. Pesticide, coumarin derivative
152. Pesticide, dithiocarbamate
153. Pesticide, fluoroacetic acid derivatives
154. Pesticide, mercury based
155. Pesticide, organohalogen
156. Pesticide, organophosphorus
157. Pesticide, organotin
158. Pesticide, phenoxy
159. Pesticide, phosphide
160. Pesticide, phthalimide derivative
161. Pesticide, pyrethrin and pyrethroid
162. Pesticide, substituted nitrophenol
163. Pesticide, triazine
164. Petroleum crude oil
165. Phenols and their derivatives and salts
166. Phosgene and thiophosgene
167. Phosphates, organic, aliphatic and aromatic
168. Phosphides
169. Phosphites
170. Phosphonium compounds
171. Phosphorus
172. Phosphorus oxides and acid
173. Phosphorus oxyhalides
174. Phosphorus sulphides
175. Photoresists
176. Piperazine and its derivatives
177. Piperidine and its derivatives
178. Polyhalogenated biphenyls
179. Pyridines and picolines
180. Quaternary ammonium compounds
181. Quinones

182. Radioactive materials
183. Rare earth metals
184. Resinates, metal
185. Reserpine
186. Rubber solution
187. Selenium and its compounds
188. Silanes and their derivatives
189. Silicides
190. Silicon powder
191. Silver compounds
192. Sulphides, hydrosulphides and polysulphides
193. Sulphites and hydrosulphites
194. Sulphonic acids and their derivatives
195. Sulphonyl halides, organic
196. Sulphur
197. Sulphuric acid and its derivatives
198. Sulphurous acid
199. Sulphuryl halides
200. Tars, liquid
201. Tellurium and its compounds
202. Tetraalkyl silicate
203. Thallium and its compounds
204. Thioalcohols
205. Thiocarbamates
206. Thiocarboxylic acids and derivatives
207. Thiocyanates
208. Thionyl halides
209. Thiophene, hydrothiophene and their derivatives
210. Thiophosphoric acids and their derivatives
211. Thiosulphates
212. Tin compounds
213. Titanium compounds
214. Turpentine, rosin oil and their substitutes
215. Urethanes
216. Used oils
217. Vanadium compounds
218. Zinc compounds
219. Zirconium compounds

SCHEDULE THREE
(Section 5(a))

Form 1 (Order 1994, Correction 1994)

HAZARDOUS MATERIALS REGISTER (SALES)

Page No.

For purposes of this form, "sale" – includes export, commerce, issue or transfer.

Serial number	Date of sale	Name of Purchaser's hazardous material	Quantity of hazardous material kg / l *	Purchaser name and address	Hazardous material permit no. of purchaser	Intended use of hazardous material
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

*) cross out the superfluous

Form 2 (Order 1994)

FORM OF HAZARDOUS MATERIALS REGISTER (PURCHASES)

Page No. _____

For purposes of this form, "purchase" – including import and commerce.

Serial number	Date of purchase	Name of hazardous material	Quantity of hazardous material kg / l *	Name and address of supplier
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

*) cross out the superfluous