

Translated from Icelandic

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Act
concerning toxic and hazardous substances

THE HOLDERS OF THE POWER OF THE PRESIDENT OF ICELAND

under Article 8 of the Constitution

the Prime Minister, the Speaker of the United Althingi and the President of the Supreme Court of Iceland

make it known: the Althingi has approved this Act, and we confirm it with our assent:

SECTION I

Initial provisions

Toxic and hazardous substances

Article 1

Under this Act toxic substances are those appearing on a list of toxic substances, cf. Article 2, as well as any chemical compound and goods containing such substances in such a form and quantity that their use entails a danger of poisoning for people and animals in the estimation of the Minister upon having obtained a statement from the Toxic Substances Committee.

Hazardous substances under this Act are those appearing on a list of hazardous substances, cf. Article 2, as well as any chemical compound and goods containing such substances in such a form and quantity that their use entails danger to the health of people and animals in the estimation of the Minister upon having obtained a statement from the Toxic Substances Committee.

Toxic and hazardous substances must be used with care and precautions in such a way that people and animals are not harmed, and food or the environment are not polluted by the substances.

The Toxic Substances Committee

Article 2

The Minister appoints six people to the Toxic Substances Committee to advise on the implementation of this Act. They are appointed for a term of six years. The first committee member shall be a toxicologist (toxicolog). The second shall be a pharmacologist (candidatus pharmaciae). The third shall be a chemist. The fourth shall be a chemical engineer. The fifth shall be a hygienist or a person with learning in hygiene. The sixth shall be nominated by the Ministry of Agriculture and be either a chemist or an engineer with expertise in the use of toxic and hazardous substances in agriculture, horticulture and the extermination of pests. The Minister appoints a

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Chairman and Vice Chairman from the group of committeemen. If there is a tie vote in the Committee, the Chairman's vote is decisive.

The Toxic Substances Committee makes proposals on the ordering of substances on the lists of toxic and hazardous substances according to their harmful effect and their usage. The Minister confirms the Toxic Substances Committee's proposals with regulations.

Insofar as possible, the Toxic Substances Committee shall provide the Government, individuals and companies with the information they request concerning the handling of toxic and hazardous substances. The Committee shall furthermore propose responses to accidents caused by toxic and hazardous substances or to the danger of their effects which arise out of military or natural catastrophes.

The Toxic Substances Committee may seek the assistance of advisers in dealing with specialized projects, such as an evaluation of the utility of substances and chemical compounds, cf. Article 2.

The cost of the Toxic Substances Committee's work is to be paid from the State Treasury.

By regulation the Minister sets more detailed provisions on the Toxic Substances Committee's field of work and its operating procedures.

Article 3

The provisions of this Act do not apply to toxic and hazardous substances if they are used according the provisions of:

1. Act no. 46 of 28 May 1980 on Working Conditions, Human Health and Safety in Workplaces.
2. The Pharmaceuticals Act, no. 108 of 14 November 1984 (pharmaceuticals and veterinary medicine).

SECTION II

Provisions concerning toxic substances

Manufacture of toxic substances

Article 4

Only those having obtained a permit from the Minister may manufacture toxic substances, provided that the Occupational Safety and Health Administration and the Toxic Substances Committee recommend the issue of such permits.

The admixture and thinning of toxic substances and packing them into containers suitable for sale and packages, including repackaging, repouring and decoration in cloth, is deemed to be manufacture unless otherwise determined, cf. paragraph 2 of Article 5.

Receipt of toxic substances

Article 5

Only those specified here may receive and purchase toxic substances:

1. Manufacturers of toxic substances, cf. Article 4.
2. Those in charge of factories employing chemical processes, factories manufacturing chemicals or other companies that have notified the Occupational Safety and Health Administration that the companies' operation or manufacturing requires specific, toxic substances, provided that they or specific employees of theirs have a permit to use the toxic substances.
3. The State Pharmaceuticals Import Company, other pharmaceuticals factories, wholesalers of pharmaceuticals and pharmacies.
4. Stores that have obtained a permit from the Minister to sell specific toxic substances other than those listed in the next sub-paragraph.
5. Stores that have obtained a permit from the Minister to sell toxic and hazardous substances for use in agriculture, horticulture and the extermination of pests.
6. Hospitals and approved laboratories.
7. Science teachers in secondary schools for use in teaching.
8. Individuals, aged 18 or older, who present requisitions for poison to the proper parties, cf. the provisions of Article 6, or other valid permits to purchase toxic substances, cf. Article 7.

However, upon obtaining the approval of the Occupational Safety and Health Administration, companies specified in sub-paragraphs 4 and 5 above which handle toxic substances, may divide them by weight, mix or thicken and repackage or repour them into new containers suitable for sale.

Sale and importation of toxic substances

Article 6

Only those specified in sub-paragraphs 1-5 of paragraph 1, Article 5, may import and sell toxic substances. The companies, however, mentioned in sub-paragraphs 1 and 2 of paragraph 1, Article 5, may only sell toxic substances provided that they are a part of the companies' usual production.

The companies mentioned in sub-paragraphs 1 and 2 of paragraph 1, Article 5, may sell toxic substances other than those which the companies manufacture if they have obtained a permit for doing so, cf. sub-paragraphs 4 and 5 of paragraph 1, Article 5.

Provisions on the issue of permits to the stores discussed in sub-paragraphs 4 and 5 of Article 5 shall be set in a regulation.

Purchase of toxic substances by individuals

Article 7

Individuals, cf. sub-paragraph 8 of paragraph 1, Article 5, may purchase toxic substances for their own use if they present suppliers of toxic substances, cf. Article 6, with special requisitions for poison or other valid permits to purchase specific toxic substances.

Municipal public health representatives issue poison requisitions after having obtained a statement from the Toxic Substances Committee. Dispensing is allowed only once against the same poison requisition. Poison requisitions remain valid for at most six months from the date of issue.

In the event that artisans or other individuals usually use specific toxic substances in their work or on behalf of the companies they work for, cf. sub-paragraph 2 of paragraph 1, Article 5, a permit, valid for up to three years, may then be issued to them to purchase the substances in question.

Upon having obtained a statement from the Toxic Substances Committee, the Minister sets regulations on the issue of poison requisitions and other corresponding permits, their handling and storage, concerning the purchase of toxic substances for use in agriculture, horticulture, the extermination of pests, disinfection and as preservatives.

Dispensing of toxic substances

Article 8

Toxic substances may only be sold or delivered to those aged 18 or older. Toxic substances may not be delivered if there is reason to suppose that those involved might do themselves or others harm with the substances because of mental illness, the use of intoxicating substances, immaturity, maladjustment, lack of knowledge, etc.

Specific goods containing toxic substances may be sold on the open market. Then, the obligation on issuing a poison requisition or analogous permit is canceled, cf. Article 7, since the instructions concerning the sale and delivery of the wares which will be put in a regulation shall also be observed.

Article 9

Toxic substances shall be dispensed in strong and well-closed containers. The containers' appearance shall be such, or their markings so clear, that they cannot be mistaken for containers used for pharmaceuticals, food and feed, beauty products or cosmetics or other harmless substances. Containers shall be labeled with their contents, and containers of toxic substances and their outermost packaging shall be marked with a symbol for toxic substances as well as necessary words of warning. This symbol for poison shall, insofar as possible, be analogous to symbols for poison commonly in use in neighboring countries, cf. Article 21.

A symbol for poison may not be used on containers and packaging for substances other than toxic ones, cf. paragraph 1 of Article 1, unless specially permitted in regulations set under this Act.

Safekeeping of toxic substances

Article 10

Companies and individuals, cf. Articles 5 and 6, shall abide by the provisions of the Act on Working Conditions, Human Health and Safety in Workplaces concerning the safekeeping of toxic substances and the appropriate provisions of the Act on the Supervision of Food and Other Consumer Goods and Necessities. Provisions of the Act on the Distribution of Pharmaceuticals also apply regarding the State Pharmaceuticals Import Company, other pharmaceuticals manufacturers, pharmaceuticals wholesalers and pharmacies.

In stores having permits to sell specific toxic substances for use in agriculture, horticulture and the extermination of pests, the instructions in regulations pertaining to these substances shall be followed.

In hospitals and approved laboratories, toxic substances shall be preserved in the supplier's packaging or in other, equally secure packaging. If there is a pharmacy in a hospital, its manager shall superintend the safekeeping of toxic substances under the supervision of the State Pharmaceuticals Import Company. Individuals and teachers shall preserve toxic substances in manufacturer's (supplier's) packaging.

Toxic substances shall always be preserved securely and such that they are kept separate from food and feed, also from pharmaceutical products, beauty products and cosmetics, and such that unauthorized people have no access to them.

SECTION III

Provisions concerning hazardous substances

Dispensing of hazardous substances

Article 11

Hazardous substances shall be dispensed and sold in strong, well-closed containers. The containers' appearance shall be such, or their markings so clear, that they cannot be mistaken for containers used for pharmaceuticals, food or other consumer goods, feed, beauty products or cosmetics or other substances. The containers shall be clearly marked and their contents stated. Warnings in Icelandic shall also be on the containers, cf. Article 20, and the warnings, insofar as possible, shall be analogous to warnings common in neighboring countries.

Upon obtaining proposals from the Toxic Substances Committee, the sale and dispensing of specific, hazardous substances in pharmacies, pharmaceutical wholesale companies and other sales sites may be restricted if special conditions apply to the use of the substances.

The Toxic Substances Committee can set rules concerning the size of sales containers or quantities of specific hazardous substances that are permitted to be sold at retail in grocery stores or other public stores.

Safekeeping of hazardous substances

Article 12

Hazardous substances shall be preserved in the suppliers' packaging or other, equally secure packaging.

Hazardous substances shall be preserved securely, and such that they are kept separate from food, consumer goods and animal feed, also from pharmaceutical products, beauty products and cosmetics, and such that unauthorized people do have access to them.

After consulting with the Toxic Substances Committee and obtaining opinions from the relevant associations, the National Centre for Hygiene, Food Control and Environmental Protection sets rules on the safekeeping of hazardous substances in grocery stores. The same sort of rules on the safekeeping of hazardous substances in other public stores may also be set.

Organic solvents

Article 13

Upon obtaining proposals from the Toxic Substances Committee, stipulations may be made on the assessment of the toxic effect and utility of wares containing the specific organic solvents that are listed, cf. paragraph 2 of Article 1. Provisions on the sale and use of wares or on a banning of their use set in regulations shall be followed, cf. Article 18.

Hazardous gases

Article 14

Upon obtaining proposals from the Toxic Substances Committee, more detailed provisions may be set concerning the sale and use of hazardous gases that have no medicinal value. The same applies to the sale and use of gases that have medicinal value if they are intended for something other than medical treatment.

Hazardous substances intended for use in agriculture, horticultural, the extermination of pests, the prevention of rot or disinfection

Article 15

Regarding the sale, dispensing and use of hazardous substances registered for these uses, the instructions set in regulations, cf. Article 16, shall be followed.

SECTION IV

Joint provisions

Provisions concerning the registration of toxic and hazardous substances for special uses

Article 16

Toxic and hazardous substances, pure or mixed, may therefore only be sold or imported to the country and used for treating plant disease and as herbicides, growth-controlling substances or exterminating substances, including substances for putting

animals to death, preservatives and disinfectants, that they have been registered as such, under either a generic name or the manufacturer's brand name. These provisions also cover microbes or biological products if they are used for the same purpose. The Minister sets more detailed provisions on the above-mentioned points in regulations after having obtained proposals from the National Centre for Hygiene, Food Control and Environmental Protection and the Toxic Substances Committee. Therein shall be, among other things, more detailed stipulations on registration of the substances, their use and prohibitions of their use.

Provisions concerning food and other consumer goods and necessities, feed and seed products

Article 17

Toxic and hazardous substances may not be added to or mixed with food and other consumer goods or feed unless this is especially permitted by a regulation under this Act, the Act on the Supervision of Food and Other Consumer Goods and Necessities or other laws. Toxic and hazardous substances may not be added to seed products unless the substance or chemical compound has been registered for such use, cf. Article 16. Seed grain treated with such substances shall be marked with color.

In the event that food, other consumer goods and necessities or feed are believed to be at risk of having been polluted during manufacture or at some other time with specific toxic and hazardous substances, and such that an extent that people and animals could be harmed, the Minister, after having obtained proposals from the National Centre for Hygiene, Food Control and Environmental Protection and the Toxic Substances Committee, can further stipulate the maximum quantity of such substances that may be present in each weight or fluid unit.

More detailed rules concerning the use and ban on the use of toxic and hazardous substances

Article 18

Having obtained proposals from the Toxic Substances Committee, the Minister sets more detailed rules concerning the use and bans on the use of toxic and hazardous substances, whether the substances are used in their pure form, in mixtures or in another way in compounds.

Furthermore, the sale and use of goods containing specific organic solvents may be tied to an evaluation of the goods' toxic effect and utility, cf. Article 13.

More detailed rules concerning the use and ban on the use of cancer-causing substances and compounds

Article 19

The Toxic Substances Committee shall follow all innovations relating to research on toxic and hazardous substances that are possibly supposed to cause cancer or other malignant changes in the cells of people or animals. The committee shall always make proposals concerning a ban on the use of such substances or compounds, but, at any rate, the committee shall make proposals for rules on use of the substances to prevent their polluting of food and feed or the environment.

The Toxic Substances Committee makes proposals for special lists of substances that are believed to cause cancer or other malignant changes in the cells of people and for instructions on the use and ban on the use of the substances which the Minister publishes.

Toxic and hazardous substances that cause cancer in people or animals, or goods containing such substances, may not be imported to the country or sold except under the authority of this Act.

More detailed instructions concerning containers, etc.

Article 20

The Toxic Substances Committee and the National Centre for Hygiene, Food Control and Environmental Protection make proposals on the structure of containers and packaging, labeling, toxic symbols and written warnings or warning symbols regarding the transport, safekeeping, dispensing and sale of toxic and hazardous substances. These markings, symbols and written warnings, insofar as possible, shall conform to analogous markings, symbols and written warnings common in neighboring countries. The Minister sets more detailed instructions on this by regulation.

If permitting the use of substances and chemical compounds which cause cancer in people or animals, or which are suspected of doing so, is unavoidable, special consideration shall be taken of this, insofar as possible, in the writing of warnings or the warning symbols on containers and their structure.

Transport

Article 21

The Toxic Substances Committee and the National Centre for Hygiene, Food Control and Environmental Protection make proposals to the relevant ministries on the equipment and markings of land vehicles that transport toxic and hazardous substances.

The transport of toxic and hazardous substances by vessels and aircraft as well as by post is governed by the applicable, current laws and regulations.

Disposal of toxic and hazardous substances. Used containers

Article 22

Toxic and hazardous substances and empty bottles and other packages that have contained such substances shall be disposed of or cleaned so that they are of no danger to people or animals. Otherwise, the relevant substances, containers and packages, closed and appropriately marked, shall be returned to the seller.

Having obtained proposals from the Toxic Substances Committee, the National Centre for Hygiene, Food Control and Environmental Protection and the Iceland Nature Conservation Council, the Minister sets regulations on the disposal of toxic and hazardous substances.

Implementation and supervision

Article 23

The management of matters regarding toxic and hazardous substances is under the control of the Minister of Health and Social Security.

The Toxic Substances Committee makes proposals on the implementation of this Act and how, in more detail, the supervision of toxic and hazardous substances shall be arranged, cf. Article 2 and the next paragraph.

Supervision of the implementation of this Act's provisions is seen to by the following parties:

- a. The National Centre for Hygiene, Food Control and Environmental Protection
- b. The Occupational Safety and Health Administration
- c. The State Pharmaceuticals Import Company
- d. Municipal public health offices
- e. Police chiefs and official doctors in each location
- f. Others who may be designated

The jurisdiction and compulsory remedies of supervisory parties are governed by the laws under which they operate.

The costs of implementation and supervision shall be paid from the State Treasury unless another law dictates otherwise.

Representatives of the above-mentioned institutions, the Toxic Substances Committee and officials, as well as others who may be designated, have the right to inspect stores, factories and workplaces where toxic and hazardous substances are sold, repackaged, manufactured, preserved or used, or where goods are manufactured containing such substances in such form or quantity as to be of possible danger to people and animals. These parties may also open packages and remove samples for closer inspection and testing. The owner of the sample can demand a receipt from the one taking the sample. The receipt shall state the quantity and kind of the sample. The bearer of the receipt, upon presenting it, has a right to reimbursement by the importer or manufacturer.

The parties mentioned in the third paragraph can demand that the manufacturer or importer make a declaration, to the best of their knowledge, concerning the presence of toxic and hazardous substances in specific goods, such as beauty products and cosmetics, food and feed. An importer or manufacturer can demand that the declaration be treated confidentially.

Exemptions and temporary ordering on lists

Article 24

Upon obtaining a statement from the Toxic Substances Committee, the Minister can authorize that toxic and hazardous substances or goods containing such substances may be partially or wholly exempted from the provisions of this Act. Exemptions, however, may only be granted insofar as the requirements that may be set each time, or specified in regulations, are set under the authority of another law.

In consultation with the National Centre for Hygiene, Food Control and Environmental Protection, the Toxic Substances Committee may, if faster action is required, place specified substances and chemical compounds on lists and stipulate as to their use or a

ban on their use for up to one year. The Minister shall confirm this decision with a regulation within one year. Otherwise, the Toxic Substances Committee's decision is rescinded.

Punishment

Article 25

The Law on Criminal Procedure governs cases arising out violations of this Act or regulations set under it.

Article 26

Violations of this Act or regulations set under it shall be punishable by fines unless a more severe punishment applies under another law. In the event of a repeated or large-scale violation, the punishment can be detention or imprisonment for up to two years. An attempt at or participation in violations of this Act are punishable under Section III of the General Penal Code.

Toxic and hazardous substances that are illegally imported or sold or manufactured illegally within the country may be confiscated by a judgment along with any profit from such an illegal operation. The value of whatever is confiscated goes into the State Treasury.

SECTION V

Other provisions

Collaboration Committee

Article 27

The Minister appoints a Collaboration Committee of the parties specified in subsections a-c of paragraph three, Article 23, in addition to a representative of the Toxic Substances Committee. The parties designate one representative for the Committee. The Minister appoints the fifth person to the Committee without any designation. This person is also the Chairman of the Committee.

The Committee's task is to deal with the division of work between supervisory parties in exceptional situations and the coordination of operations. The Chairman convenes a Committee meeting when required. The representatives can demand that meetings be held if, in their judgment, there is reason to do so.

The Minister sets more detailed provisions concerning the field of work and operations of the Committee.

Counsel by the Toxic Substances Committee

Article 28

The Toxic Substances Committee shall, according to a more detailed arrangement, counsel the Pharmaceuticals Committee if the need arises.

Because of the Toxic Substances Committee's expertise, the Minister can furthermore charge the Committee with tasks other than those specified in this Act, and the

Committee makes proposals on the accomplishment of these matters on a case by case basis.

SECTION VI

Concluding provisions

Article 29

Upon having obtained proposals from the Toxic Substances Committee, the Minister may set regulations with more detailed provisions concerning the implementation of this Act.

Entry into force

Article 30

By virtue of this Act, which goes into force 1 July 1988, the Act on Toxic and Hazardous Substances, no. 85 of 31 December 1968, and the laws amending this Act, no. 27 of 18 April 1973, no. 19 of 12 May 1981 and no. 96 of 17 May 1984 expire.

Provisions in regulations, notices and other government rules concerning the affairs covered by this Act, and which do not contradict its provisions, shall continue in force until they have been rescinded by government rules set under this Act.

Temporary provisions

The provisions of Article 17 shall continue in force until a law with more complete provisions concerning the use of toxic and hazardous substances in food and the pollution of food because of such substances has been enacted.

The current appointment of people to the Toxic Substances Committee under the provisions of Act no. 85/1968 shall continue until the end of 1988. The Minister will then appoint people to the Committee for a six-year term under the provisions of Article 2. The members of the Toxic Substances Committee, while the Committee operates under these provisions, shall take special consideration of the preparation of the implementation of the new directives in this Act that were not in Act no. 85/1968, with enacted amendments, to best ensure continuity in the Committee's work in the future.

Done in Reykjavik 18 May 1988

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