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April 2011

SUPREME DECREE NO. 78, REGULATIONS ON HAZARDOUS SUBSTANCES STORAGE

• **Description:** The Regulations on Hazardous Substances Storage (hereinafter "the Regulations") establish the security conditions applicable to the storage of hazardous substances listed on the National Standards for the Classification of Hazardous Substances, also known as NCh 382 of. 2004, and defined as any substance that could pose a threat to human and/or animal health, security and wellbeing.

• **Scope of Application:** The Regulations prevail over the following rules: (i) on Pesticides for Domestic and Sanitary Use, and, (ii) on the Environmental and Health Conditions Applicable to Workplaces.

Notwithstanding, the Regulations are not applicable to the following subjects, among others: (i) hazardous wastes 1, (ii) radioactive substances, (iii) explosives and substances which can be used at explosives manufacturing 2, (iv) storage within port areas 3, and (v) storage carried out in the performance of mining activities 4, unless supporting facilities are located in urban areas insofar as they are compatible with Safety Mining Regulations.

• **Storage Conditions:** Hazardous substances must only be stored in places specially designated for that purpose and be classified by quantity, type and hazardousness, according to the relevant standard criteria. Nevertheless, the Regulations authorize the temporary storage of hazardous substances in a loading/unloading area, subject to its daily disposal.

In addition, the Regulations establish special storage conditions for the storage in common warehouses, in bulk, for bottled gases, solid and liquid flammable substances, organic peroxides, toxic and corrosive substances and hazardous substances in commercial stores.

• **Enforcement and Sanctions:** The Regional Health Authority must oversee the compliance with the provisions set forth by the

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referred Regulations. The applicable sanctions are those established by the Sanitary Code 5.

• **Validity:** The Regulations came into force last March, 11 , that is, 180 days after it was published in the Official Gazette. Notwithstanding, existing storage facilities are given an additional time of two to five years to comply with the legal provisions, depending on whether they need substantial modifications, relocation, or if the company has more than two branches.

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1 Supreme Decree No. 148, Regulations on Hazardous Waste Management.

2 Law No. 17,798, Regulations on Weapons and Explosives Control.

3 Decree No. 2,222, Navigation Law.

4 Supreme Decree No. 132, Regulations on Mining Safety.

5 Fines range from US$10 up to US$ 75,500. Recidivism could be sanctioned with double of the original fine. In addition, infringements could be sanctioned with the closure of the facilities, the cancellation of the authorization, the order to stop the operation, and the confiscation or destruction of products.

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