



FEDERAL SUBSIDIARY LEGISLATION

ENVIRONMENTAL QUALITY ACT 1974 [ACT 127]

P.U.(A) 452/99

ENVIRONMENTAL QUALITY (HALON MANAGEMENT) REGULATIONS 1999

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Preamble

IN exercise of the powers conferred by section 51 of the Environmental Quality Act 1974 [Act 127], the Minister, after consultation with the Environmental Quality Council, makes the following regulations:

Regulation 1. Citation and commencement.

These regulations may be cited as the **Environmental Quality (Halon Management) Regulations 1999** and comes into operation on 1 January 2000.

Regulation 2. Interpretation.

In these Regulations, unless the context otherwise requires-

"approval criteria" means the criteria on the ability of a substance to extinguish fire, or its ozone depleting potential or global warming potential and any other physical and chemical characteristics important for its proposed applications;

"destruction" means a process which, when applied to Halon, results in the permanent transformation, or decomposition of all or a significant portion of Halon;

"Director General" means the Director General of Environmental quality referred to in section 3 of the Act or any officer duly appointed under subsection 39(2) of the Act;

"fixed Halon fire extinguishing system" means a fire extinguishing fixed installation system consisting of a supply of Halon arranged to be discharged into an enclosure;

"Halon" means any environmentally hazardous substance listed in Schedule 1, whether existing alone or as a mixture;

"portable Halon fire extinguisher" means a fire extinguisher containing Halon capable of being carried or moved about;

"reclamation" means the recovery of Halon from a unit for reuse, recycling, reprocessing or disposal;

"recycled Halon" means any Halon which has been recovered from a unit for reuse after passing it through an on-site or a non-production factory for purification;

"serviced" means repaired, maintained or adjusted.

Regulation 3. Application.

These Regulations shall apply to-

(a) an occupier of any premises installed with; and

(b) a person in control of,

any fire protection system utilizing Halon.

Regulation 4. Prohibition on the use of portable Halon fire extinguisher.

The use of any new portable Halon fire extinguisher is prohibited.

Regulation 5. Duty to inform Director General of Halon.

An owner or a person in control of Halon shall inform the Director General of any Halon in his possession.

Regulation 6. Conditions for use of portable Halon fire extinguisher.

On or after the date of coming into operation of these Regulations, an owner or a person in control of a portable Halon fire extinguisher, which requires refilling and/or hydrostatic testing, shall ensure that it is decommissioned and held in storage pending destruction, unless the Director General is satisfied that the use of the portable Halon fire extinguisher complies with regulation 9.

Regulation 7. Prohibition on the installation of new fixed Halon fire extinguishing system.

The installation of any new fixed Halon fire extinguishing system is prohibited.

Regulation 8. Approval of Director General for use of Halon for testing.

(1) On or after the date of coming into operation of these Regulations, an owner or a person in control of fixed Halon fire extinguishing system shall not do any testing, except with the prior written approval of the Director General.

(2) The Director General may-

(a) impose conditions on an approval as he considers appropriate;

(b) revoke or vary any condition imposed on an approval; or

(c) revoke his approval if the owner or the person in control of a fixed Halon fire extinguishing system fails to comply with any condition of the approval.

Regulation 9. Licence to exempt.

Notwithstanding regulations 4, 6 and 7, the Director General may grant a licence to exempt any person from any provision of these Regulations if he is satisfied that the use or installation of a portable Halon fire extinguisher or fixed Halon fire extinguishing system, as the case may be, meets the essential use criteria in Schedule 2.

Regulation 10. Processing fee.

An application for a licence under regulation 9 shall be accompanied by a processing fee of 1,000.00 ringgit which is not refundable.

Regulation 11. Renewal fee.

A renewal of a licence granted under regulation 9 shall be subject to a renewal fee of 2,000.00 ringgit.

Regulation 12. Prohibition on the discharge of Halon.

An owner or a person in control of an existing fixe Halon fire extinguishing system shall ensure that Halon is not discharged in any test or under any other circumstances unless the purpose is to prevent fire.

Regulation 13. Notification of discharge.

Notwithstanding regulation 12, after the discharge of any Halon from a fixed Halon fire extinguishing system, an occupier of any premises, on which the fixed Halon fire extinguishing system is installed, shall immediately notify the Director General in writing of the discharge.

Regulation 14. Existing fixed Halon fire extinguishing system to be surrendered.

An owner or a person in control of a fixed Halon fire extinguishing system shall surrender any Halon in the fire extinguishing system within 60 days after the owner or the person in control of the fire extinguishing system has completed his phase out of the use of the extinguishing system on his premises.

Regulation 15. Reclamation of Halon.

An owner or a person in control of an existing fixed Halon fire extinguishing system or a portable Halon fire extinguisher shall ensure that when such fire extinguishing system or extinguisher is being serviced or decommissioned any Halon that would otherwise be discharged is reclaimed.

Regulation 16. Prohibition on the moving of Halon out of Malaysia.

(1) No person shall move any recycled Halon out of Malaysia after the date of coming into operation of these Regulations except with the prior written approval of the Director General.

(2) The Director General shall not permit the movement of any recycled Halon out of Malaysia unless he is satisfied that the Halon is intended for destruction or reclamation under a process which is not available in Malaysia and that after its destruction or reclamation, the Halon or any other resultant product will be brought back to Malaysia. However, the Director General may impose other additional conditions as he deems fit.

Regulation 17. Alternative to Halon.

(1) The Director General may approve the alternative to Halon if he is satisfied that the alternative meets the requirements of the approval criteria.

(2) The Director General shall maintain and cause to be published from time to time a list of approved alternatives to Halon.

SCHEDULE 1 [Regulation 2]

LIST OF HALON

<i>Substance</i>	<i>Chemical Formula</i>	<i>Common Name</i>
Bromochlorodifluoromethane	CF ₂ BRCl	Halon 1211
Bromotrifluoromethane	CF ₃ Br	Halon 1301
Dibromotetrafluoroethane	C ₂ F ₄ Br ₂	Halon 2402

SCHEDULE 2 [Regulation 9]

ESSENTIAL USE CRITERIA FOR THE USE OF ANY PORTABLE HALON FIRE EXTINGUISHER OR FIXED HALON FIRE EXTINGUISHING SYSTEM

An essential use is where-

- (a) there is a state of danger, imminent or otherwise, to human life, either
 - (i) in an installation where human occupancy is critical and evacuation is not possible; or
 - (ii) where the continued operation of the installation is necessary to protect human life, and an acceptable alternative means of fire protection does not exist;
- (b) in an installation critical to the community, a loss caused by fire of any equipment or the operation of any equipment or of the services from the operation of the equipment, may have far-reaching consequences, and an acceptable alternative means of fire protection does not exist; or
- (c) in any instance, the denial of utilization would, in the opinion of the Director General, having regard to all the circumstances, is not reasonably practicable or is contrary to the intent and spirit of the Act.

Made 2 June 1999.

[KSTAS (U) 901/B/27; PN(PU²)280/9]

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