

The suggested rationalisation of regulatory provisions to strengthen the existing regulations and framework for Chemical/Industrial Disaster Management

Comparison for EPA and DMA with respect to Chemical/Industrial disaster management

Comparison/remark	Environment (Protection) Act 1986	Disaster Management Act 2005
Types of disasters/accidents covered and Administrative department	Deals with only chemical /industrial accidents/disasters Administrative department: Labour department	Deals with all types of the disasters Administrative department: Home department
Constitution of State, District and Local groups	<p>The following Rules under Act deals with only chemical /industrial accidents/disasters</p> <p>1. Manufacture of Storage, Import of Hazardous Chemicals (MS&IHC) Rules, 1989 as amended in 2000:-</p> <ul style="list-style-type: none"> - Schedule 11 for On-site Emergency Planning u/s 13 and *Schedule 12 for off-site Emergency Planning u/s 14 - Safety Audits and Safety Reports u/s 10 (1) - Information to be furnished regarding notification of a major accident u/s 5(1) <p>2. Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996, Constitution of following Crisis Groups:-</p> <ul style="list-style-type: none"> - State Crisis Group (Chaired by Chief Secretary and convened by Labour department) u/s 6 - District Crisis Group (Chaired by District Collector and convened by Labour department) u/s 8 - Local Crisis Group (Chaired by SDM and convened by Labour department) u/s 8 	<p>The important functions are:-</p> <ul style="list-style-type: none"> - Establishment of:- -State Disaster Management Authority (Chaired by Chief Minister and Chairperson of State Executive Committee will be the Chief Executive Officer) u/s 14 (1,2 & 4) Constitution of State Executive Committee (under Chairmanship of Chief Secretary) u/s 20 (1 &2) and subcommittees u/s 21(1) -Constitution of Advisory committee u/s 17 (1) -Guidelines for minimum standard of relief u/s 19 -State and District Disaster management Plans u/s 23 & 31 -District and Local Disaster Management Authority (Chaired by District Collector and convened by Additional Collector) u/s 25 (2a) and Govt of MP order dated 5/9/2007 - Local Authority includes Panchayati raj institutions, municipalities, district boards, etc. u/s 2h and 41 <p>No Rule under DM act to deal specifically chemical disasters pertaining to conduct of Safety Audits, preparation of on-site and off-site plans as per standardised format/schedules.</p>
State Level Authority		
Composition of members of state level authority	State Crisis Group (SCG): Constitution of State Crisis Group (defined u/s 6 of	State Authority (SDMA) shall consist of the following members, namely (defined u/s 14);

<p>- SCG is well defined composition of members</p> <p>-SDMA only number of members are defined</p>	<p>CAEPPR 1996)-</p> <p>(1) The State Government shall constitute a State Crisis Group for management of chemical accidents within thirty days from the date of the commencement of these rules.</p> <p>(2) The composition of the State Crisis Group shall be as shown as below:</p> <p style="text-align: center;">Composition of the State Crisis Group</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>(i) Chief Secretary Chairperson</p> <p>(ii) Secretary (Labour)</p> <p>(iii) Secretary (Environment)</p> <p>(iv) Secretary (Health)</p> <p>(v) Secretary (Industries)</p> <p>(vi) Secretary (Public Health Engg.)</p> <p>(vii) Chairman, State Pollution Control Board</p> <p>(viii) 4-Experts (Industrial Safety & Health) to be nominated by the State Government</p> <p>(ix) Secretary/Commissioner (Transport)</p> <p>(x) Director (Industrial Safety)/Chief Inspector of Factories</p> <p>(xi) Fire Chief</p> <p>(xii) Commissioner of Police</p> <p>(xiii) One Representative from the Industry to be nominated by the State Govt.</p> <p>+</p> </td> <td style="width: 50%; vertical-align: top; text-align: right;"> <p>Member Secretary</p> <p>Member</p> <p>+</p> <p>+</p> <p>+</p> <p>+</p> <p>+</p> <p>+</p> <p>+</p> <p>+</p> <p>+</p> <p>+</p> <p>+</p> </td> </tr> </table>	<p>(i) Chief Secretary Chairperson</p> <p>(ii) Secretary (Labour)</p> <p>(iii) Secretary (Environment)</p> <p>(iv) Secretary (Health)</p> <p>(v) Secretary (Industries)</p> <p>(vi) Secretary (Public Health Engg.)</p> <p>(vii) Chairman, State Pollution Control Board</p> <p>(viii) 4-Experts (Industrial Safety & Health) to be nominated by the State Government</p> <p>(ix) Secretary/Commissioner (Transport)</p> <p>(x) Director (Industrial Safety)/Chief Inspector of Factories</p> <p>(xi) Fire Chief</p> <p>(xii) Commissioner of Police</p> <p>(xiii) One Representative from the Industry to be nominated by the State Govt.</p> <p>+</p>	<p>Member Secretary</p> <p>Member</p> <p>+</p> <p>+</p> <p>+</p> <p>+</p> <p>+</p> <p>+</p> <p>+</p> <p>+</p> <p>+</p> <p>+</p> <p>+</p>	<p>(a) the Chief Minister of the State, who shall be Chairperson, <i>ex officio</i>;</p> <p>(b) other members, not exceeding eight, to be nominated by the Chairperson of the State Authority.</p> <p>(c) The Chairperson of the State Executive Committee, <i>ex officio</i>.</p> <p>The Chairperson of the State Authority may designate one of the members of (b) above to be the Vice-Chairperson of the State Authority.</p> <p>SDMA may, as and when it consider necessary, constitute an advisory committee, consisting of experts in the field of disaster management and having practical experience of disaster management.</p> <p>The State Govt. shall provide the SDMA with such officers, consultants and employees, as it is necessary, for carrying out the functions of the SDMA.</p>
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<p>Frequency of meeting</p> <p>-SCG every three months</p> <p>-SDMA need based meeting</p>	<p>The State Crisis Group shall meet at least once in three months and follow such procedure for transaction of business as it deems fit.</p>	<p>The State Authority shall meet as and when necessary and at such time and place as the Chairperson of the State Authority may think fit.</p>		
<p>Responsibility/Functions</p>	<p>Functions of The State Crisis Group (SCG):-</p> <p>(1) The State Crisis Group shall be the apex body in the</p>	<p>State Disaster Management Authority (SDMA)</p> <p>Subject to the provisions of this act, a State Authority shall have</p>		

<p>-For SCG the functions are well defined and targets only chemical/industrial disasters/accidents</p> <p>-For SDMA functions are general for all types of disasters</p>	<p>State to deal with major chemical accidents (major chemical accident+ means, - an occurrence including any particular major emission, fire or explosion involving one or more hazardous chemicals and resulting from uncontrolled developments in the course of industrial activity or transportation or due to natural events leading to serious effects both immediate or delayed, inside or outside the installation likely to cause substantial loss of life and property including adverse effects on the environment;) and to provide expert guidance for handling major chemical accidents.</p> <p>(2) Without prejudice to the functions specified under sub-rule (1), the State Crisis Group shall,-</p> <ul style="list-style-type: none"> (a) review all district off-site emergency plans in the State with a view to examine its adequacy in accordance with the Manufacture, Storage and Import of Hazardous Chemicals, Rules and forward a report to the Central Crisis Group once in three months; (b) assist the State Government in managing chemical accidents at a site; (c) assist the State Government in the planning, preparedness and mitigation of major chemical accidents at a site in the State; (d) continuously monitor the post accident situation arising out of a major chemical accident in the State and forward a report to the Central Crisis group; (e) review the progress report submitted by the District Crisis groups; (f) respond to queries addressed to it by the District Crisis groups; (g) publish a list of experts and officials in the State who are concerned with the management of chemical accidents. 	<p>the responsibility for laying down policies and plans for disaster management in the State.</p> <p>Functions are:</p> <ul style="list-style-type: none"> (a) lay down the State disaster management policy; (b) approve the State Plan in accordance with the guidelines laid down by the National Authority; (c) approve the disaster management plans prepared by the departments of the Government of the State; (d) lay down guidelines to be followed by the departments of the Government of the State for the purposes of integration of measures for prevention of disasters and mitigation in their development plans and projects and provide necessary technical assistance therefor; (e) coordinate the implementation of the State Plan; (f) recommend provision of funds for mitigation and preparedness measures; (g) review the development plans of the different departments of the State and ensure that prevention and mitigation measures are integrated therein; (h) review the measures being taken for mitigation, capacity building and preparedness by the departments of the Government of the State and issue such guidelines as may be necessary.
<p>State Executive Committee (SEC) to assist SDMA</p>	<p>No such provision in EPA 1986</p>	<p>Provision for State Executive Committee (SEC) to assist the SDMA in the performance of its functions and to coordinate the actions.</p>

		<p>The committee consists of Chief Secretary to the State Govt. will be the Chairperson of this Committee.</p> <p>Four Secretaries of the Govt. of the State of the such departments, as the Govt. may think fit.</p> <p>The State Executive Committee shall have the responsibility for implementing the National Plan and State Plan and act as the coordinating and monitoring body for management of disaster in the State.</p>																																				
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<p>Composition of members of District level authority</p> <p>- DCG is well defined composition of members</p> <p>-DDMA only number of members are defined</p>	<p>District Crisis Groups: Under the Chairmanship of District Collector</p> <p>Other members are defined and identified as:</p> <table border="0"> <tr> <td>(i) District Collector</td> <td>Chairperson</td> </tr> <tr> <td>(ii) Inspector of Factories</td> <td>Member Secy.</td> </tr> <tr> <td>(iii) District Energy Officer</td> <td>Member</td> </tr> <tr> <td>(iv) Chief Fire Officer</td> <td>„</td> </tr> <tr> <td>(v) District Information Officer</td> <td>+</td> </tr> <tr> <td>(vi) Controller of Explosives</td> <td>+</td> </tr> <tr> <td>(vii) Chief, Civil Defence</td> <td>+</td> </tr> <tr> <td>(viii) One Representative of Trade Unions to be nominated by the District Collector</td> <td>+</td> </tr> <tr> <td>(ix) Deputy Superintendent of Police</td> <td>„</td> </tr> <tr> <td>(x) District Health Officer/Chief Medical Officer</td> <td>+</td> </tr> <tr> <td>(xi) Commissioner, Municipal Corporations</td> <td>+</td> </tr> <tr> <td>(xii) Representative of the Department of Public Health Engineering</td> <td>+</td> </tr> <tr> <td>(xiii) Representative of Pollution Control Board</td> <td>+</td> </tr> <tr> <td>(xiv) District Agriculture Officer</td> <td>+</td> </tr> <tr> <td>(xv) 4 Experts (Industrial Safety & Health) to be nominated by the District Collector</td> <td>+</td> </tr> <tr> <td>(xvi) Commissioner (Transport)</td> <td>+</td> </tr> <tr> <td>(xvii) One Representative of Industry to be nominated by the District Collector</td> <td>+</td> </tr> <tr> <td>(xviii) Chair-person/Member-Secretary of Local Crisis Groups</td> <td>+</td> </tr> </table>	(i) District Collector	Chairperson	(ii) Inspector of Factories	Member Secy.	(iii) District Energy Officer	Member	(iv) Chief Fire Officer	„	(v) District Information Officer	+	(vi) Controller of Explosives	+	(vii) Chief, Civil Defence	+	(viii) One Representative of Trade Unions to be nominated by the District Collector	+	(ix) Deputy Superintendent of Police	„	(x) District Health Officer/Chief Medical Officer	+	(xi) Commissioner, Municipal Corporations	+	(xii) Representative of the Department of Public Health Engineering	+	(xiii) Representative of Pollution Control Board	+	(xiv) District Agriculture Officer	+	(xv) 4 Experts (Industrial Safety & Health) to be nominated by the District Collector	+	(xvi) Commissioner (Transport)	+	(xvii) One Representative of Industry to be nominated by the District Collector	+	(xviii) Chair-person/Member-Secretary of Local Crisis Groups	+	<p>District Disaster Management Authority under the chairmanship of District Collector</p> <p>Other members are not defined</p> <p>The District Authority shall consist of the Chairperson and such number of other members, not exceeding seven, as may be prescribed by the State Government, and unless the rules otherwise provide, it shall consist of the following, namely:-</p> <p>(a) the Collector or District Magistrate or Deputy Commissioner, as the case may be, of the district who shall be Chairperson, ex officio;</p> <p>(b) the elected representative of the local authority who shall be the co-Chairperson, ex officio;</p> <p>(c) the Chief Executive Officer of the District Authority, ex officio;</p> <p>(d) the Superintendent of Police, ex officio;</p> <p>(e) the Chief Medical Officer of the district, ex officio;</p> <p>(f) not exceeding two other district level of ficers, to be appointed by the State Government.</p> <p>(3) In any district where zila parishad exists, the Chairperson thereof shall be the co-Chairperson of the District Authority.</p> <p>(4) The State Government shall appoint an officer not below the rank of Additional Collector or Additional District Magistrate or Additional Deputy Commissioner, as the case may be, of the district to be the Chief Executive Officer of the District Authority to exercise such powers and perform such functions as may be prescribed by the State Government and such other powers and functions as may</p>
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<p>Specific rules for types of the disasters</p>	<p>The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 These rules provide mandate on the following for MAH (Major Accident Hazards) industries:</p> <ul style="list-style-type: none"> • Safety Audits • On-site emergency plan (Schedule 11) • Off-site emergency plan (Schedule 12) • Information to be furnished regarding notification of a major accident 	<p>No such regulatory provisions for the auditing and special plans for on-site and off-site plans</p>

After going through the details of the both Acts, action on the following points can be initiated by appropriate notifications:-

1. As per the DMA 2005 State Disaster Management Authority is Chaired by Chief Minister of the State while as per CAEPPR rules 1996 State Crisis Group is Chaired by Chief Secretary of the respective State: **Remark:** SDMA is senior in Hierarchy
2. The other members in SDMA are not defined/identified and Chief Minister will nominate other members and Chief Secretary will be one of the members of SDMA while in SCG all members are identified and notified and member secretary of the SCG is Secretary (Labour) : **Remark** Since

SDMA has targeted for all types of Disasters hence members are not classified but SCG has very clear mandate of management of Chemical accidents /disasters that's why Member Secretary of Labour department is supposed to take a view on the compliance of various existing regulatory provisions like Factories Act and Environment (Protection) Act to prevent, mitigate and prepare for the Chemical Accidents/Disasters.

3. **SDMA shall meet as and when necessary** and at such time and place as the Chairperson of the SDMA may think fit but **SCG shall meet at least once in three months. Remark: Frequency of meeting of SDMA is not defined** while frequency of SCG is defined because the industries are manufacturing, storing, handling and transporting of various hazardous chemicals and there are possibilities of accidents or disasters and this can be happen any time either due to human errors, in manufacturing process in machine, storage vessels, transportation, etc. To monitor these processes Labour department is made responsible to enforce, monitor and implement the Factories Act 1948, Manufacture, Storage and Import of Hazardous Chemicals (MS and IHC) Rules 1989 and The Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996 and provisions therein .
4. SDMA may, as and when it consider necessary, constitute an advisory committee, consisting of experts in the field of disaster management and having practical experience of disaster management. While SCG is having well defined members and role to perform and therefore the work of SCG can be continue as per the CA(EPP) Rules 1996 till new notifications or amendments are come up. The responsibilities of SCG shall definitely be help in monitoring the state preparation on Chemical (industrial) disaster Management.
5. **SCG can be notified as an advisory body to SDMA for Chemical (industrial) Disaster Management. The state of Madhya Pradesh has witness the worst industrial disaster hence the above suggestions can be incorporated by certain notifications. DCG should also be the advisory body to DDMA in the same way.**

SCG should also be given an additional responsibility of enforcement of PLI Act 1991 through Districts Crisis Groups I.

Here, it is important to note that like Orissa and Gujarat States, who suffered by super cyclone and earthquake respectively, have made their own acts similarly Madhya Pradesh being victim of Chemical (industrial) disaster can take stringent action as suggested so that such disasters prevented or damage can be reduced. It can be done in a simple way by making SCG as an advisory body to SDMA and SCG will provide complete picture to SDMA about the state's and districts preparedness level to deal chemical/industrial disasters.
