



Marco Legal para la Gestión de Productos Químicos en Honduras

PARTICIPATING INSTITUTIONS AND SPECIALISTS

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INTRODUCTION

The Government of Honduras subscribed the Rotterdam Convention on September 26, 2011, made official with the publication in the Official Journal of La Gaceta No. 32,494 dated April 16, 2011, with the Secretariat of Natural Resources and Environment proposed as the national authority on the issue of industrial chemical products before the Secretariat of the Rotterdam Convention. The objective of this Convention is to promote shared responsibility and the joint efforts of the parties in the sphere of the international trade of certain hazardous chemical products in order to protect human life and the environment from possible damage and to contribute to the environmentally sound utilization, by facilitating the exchange of information of their characteristics, establishing a national process of the adoption of decisions for imports, exports and divulging these decisions to all the Parties.

It is important to mention that the Secretariat of Natural Resources and Environment (SERNA) through the Center for the Studies and Control of Contaminants (CESCCO) has been carrying out actions regarding the issue of chemical products since 2006, beginning with the Project for the Implementation of the Stockholm Convention on Persistent Organic Contaminants (POCs), as part of the global chemical agenda from which important products were generated that permitted knowing the chemical products sector in the country.

In function of this, we recognize that through CESCCO, the Secretariat of Natural Resources and Environment developed and strengthened its capacities in the management of chemical products and hazardous residues at strategic level. In this context, CESCCO-SERNA is the focal point for the Conventions of Basel, Stockholm, and Rotterdam and the Strategic Approach for International Chemicals Management (SAICM).

In this manner, technical assistance was requested from the Unique Secretariat of the Rotterdam, Stockholm and Basel Conventions, resulting in a proposed Project known as “Case Study for the Strengthening of National Capacities in the Management of Industrial Chemical Products under the Rotterdam Convention”. This project will strengthen the evaluation and management process of the risks to health and the environment from industrial chemical products.

The fourth meeting of the Conference of the Parties to the Rotterdam Convention adopted the activities program for the 2009-2011 period. These activities are framed in the preparation of a program on industrial chemical products that include a legal component, that is, the development of a legal and administrative framework in support of the environmentally sound management of industrial chemical products for the purpose of complementing the programs in force for the management of chemical products and to strengthen management of industrial chemical products of the countries that are parties to the convention.

These activities were developed in the framework of the "Strategic Plan for the Implementation of a Joint Integrated Program of Technical Assistance in the framework of the Rotterdam Convention for the Support of the Countries that are Parties with economies in transition for the Environmentally Sound Management of Hazardous Industrial Chemical Products" which was prepared by the Secretariat of the Rotterdam Convention, in consultation with other UNO agencies and international organizations.

The objective of this document is to carry out a study of the legal framework for the management of industrial chemical products in Honduras, which includes a review of current legislation and administrative procedures related to the management of chemical products in general, occupational health and frameworks related to chemical safety in the country, identify legal and administrative gaps related to the management of chemical products in Honduras, as well as possible overlapping functions or roles in the public administration, carry out an analysis of the situation before the Rotterdam Convention that includes pesticides and industrial chemical products and propose the measures to adopt for reviewing and strengthening the legal framework and administrative procedures after ratification of the Rotterdam Convention and those additional measures that permit implementation.

In this scope, there are concurrent functions and competencies in the diverse Secretariats of State which in the majority of cases results in neglect due to a lack of a clearly identified and directly responsible person. We recognize that there are certain legal gaps that limit the broad application of institutional mandates in some key sectors. Nevertheless, part of these problems can only be resolved through strengthening institutional capacities in the framework of an integrated system.

There is a broad legal framework regulating the management of chemical products in Honduras in a manner that is not harmonized. In this context, we consider that the national capacity for managing and controlling problems derived from the inadequate management of chemical products, is presented at a low to medium level due to the lack of economic and technical resources for implementing local level research projects, surveillance systems, inter-institutionally systematized data bases, and training and continuous education programs.

1. Background

The United Nations Conference on the Human Environment in Stockholm in 1972 framed the beginning of environmental law at global level. This Stockholm Conference formalizes what today is known as “Environmental Law”, since environmental legislation has been achieving national and international recognition based on commitments assumed during that summit. One of the peculiarities of Environmental Law is its conception of its global nature, that is, exceeding the merely private scope until achieving a purpose of public and universal interest.

Before 1972, several laws in the country included articles related to the environment (the Civil Code, the Police Law, the Fishing Law, among others). These laws contained articles linked to the environmental problem although they aren’t mentioned as such, since the ecological-environmental connotation is more recent than the issuance of these laws. For example, the Civil Code of 1906, among other precepts, distinguishes between the fruits of nature and the fruits of industry and equally contains precepts relative to hunting and fishing.

After the Stockholm Conference, Honduras makes its entry in the environmental legislative optic with the Law for the Honduran Corporation of Forest Development (from 1974) the object of which was the Honduran Corporation of Forest Development or COHDEFOR (now the Institute of Forest Conservation or ICF), that is established as the institution in charge of the control and exploitation of the country’s forest resources.

In 1980 the Law of Exploitation of Natural Resources of the Sea was issued, which expresses that the State will determine the permissible capture of live resources in the maritime zones where sovereign rights are supported based on a policy of optimum and rational utilization, prioritizing the satisfaction of the nutritional needs of the Honduran people and the requirements of the economy and other national interests.

With the Constitution of the Republic in 1982, for the first time there was a precept that directly refers to the environment; specifically paragraph II of Article 145, which states that “*The State will conserve the adequate environment to protect the health of persons*”. However –contrary to what happens in the rest of the Central American countries, there still does not exist in Honduras a constitutional articulation that broadly deals with the issue of the environment.

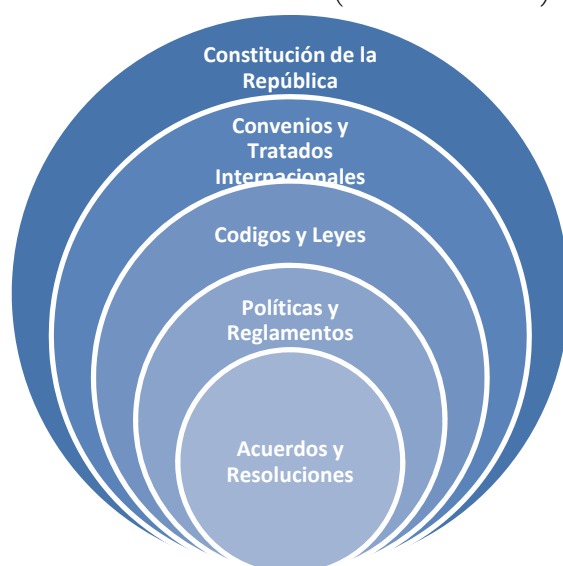
With respect of chemical substances, the first regulation appeared in the Labor Code of 1959 where the *Toxic, corrosive, flammable or explosive substances in the labor environment* are regulated

2. General Vision of the National Legal Instruments that Address Management of Chemical Products

The legal panorama of the hazardous chemical products in the country includes a series of dispersed and sometimes contradictory regulations that provide a broad framework of regulation but create confusion and contradiction among the standards themselves.

In Honduras the legal system has determined the social, economic, political and legal behavior of the country. Beginning with the Constitution of the Republic, created through legislative decree 131 and in force as of January 20, 1982 is the supreme standard and point of departure for all legal systems in Honduras. It constitutes the legal instrument that groups all laws and from which statements are derived on the management and conservation of the environment, by consigning the right of protection of health and the duty all Hondurans have to participate in the promotion and preservation of personal and community health in Article 145. As such, it institutes that it is the duty of the State to conserve the adequate environment for protecting the health of persons.

Although it does not have the specific mandate on the management of chemical products, Article 59 establishes that: “The human person is the supreme end of society and the State and everyone has the obligation of respecting it. The dignity of the human being is sacrosanct.” These two mandates provide the support and guide for the design and implementation of policies and strategies aimed at regulating the production, commercialization, use, transportation and final disposal of chemical products having as the primary goal the protection of human life and the environment (See illustration 1).



Nota de traductor: La Ilustración 1 es una imagen y no se puede manipular para traducir. La traducción de los términos arriba es: Constitution of the Republic, Conventions and International Treaties, Codes and Laws, Policies and Regulations, Agreements and Resolutions

Illustration 1. Hierarchy of the legal system in Honduras

In this context, the international treaties, due to their legally binding character, have been converted into national law and represent an opportunity to carry out adaptations in this matter that permit the fulfillment of their dispositions and those established in other international instruments closely related to chemical products. To date twenty-one International Treaties or Conventions have been identified which are directly or indirectly related to the management of chemical products. Some of the most important are presented below in order of their ratification or publication in the Official Journal of La Gaceta:

Table 1. International treaties ratified by Honduras, applicable to the Management of Chemical Products

Name of the Treaty or Convention	Decree	
	Number	Date
1. Prohibition of the development, production and stockpiling of bacteriological, biological and toxic weapons on their destruction	581	19/12/78
2. Convention on the dumping of waste in the Sea	844	06/02/80
3. International Convention for the Safety of Human Life at Sea, 1974 and Protocol 1978 (SOLAS 74/78)	--	--
4. Central American Articles of Agreement for the Protection of the Environment	14-90	03/04/90
5. Constitution of the Inter-Regional Organism for Agricultural Health, OIRSA	24-93	02/03/93
6. Regional Agreement on Trans-Boundary Movements of Hazardous Waste and annexes	40-93	16/03/93
7. Vienna Convention for the Protection of the Ozone Layer (Montreal Protocol) and annexes	73-93	04/05/93
8. United Nations Framework Convention on Climate Change	26-95	14/02/95
9. Basil Convention on Control of Trans-Boundary Movements of Hazardous Waste and their Elimination	31-95	21/02/95
10. Approval of the Regional Convention on Climate Change (Guatemala 1993)	111-96	30/07/96
11. International Convention on Civil Responsibility for Damages Caused by Ocean Water Contamination by Hydrocarbons	26-97	15/04/97
12. Convention for preventing contamination by Ships (1973) MARPOL, the protocols and annexes	173-99	30/10/99
13. Convention for the Struggle Against Desertification and Drought (UNCCD)	35-97	--
14. Kyoto Protocol for the United Nations Framework Convention on Climate Change	37-2000	17/04/2000

15. Amendments to the Montreal Protocol on Protection of the Ozone Layer	141-2000	19/09/2000
16. Free Trade Agreement between Central America-United States and the Dominican Republic, DR-CAFTA	10-2005	03/03/2005
17. Stockholm Convention on Persistent Organic Contaminants	24-2004	23/05/2005
18. Convention on Chemical Weapons	--	28/09/2005
19. Framework Convention for the Struggle against Drug Trafficking		
20. Rotterdam Convention on the Prior Informed Consent for the trade of hazardous chemical products	--	26/09/2011
21. Minamata Convention on management of mercury	Awaiting signing and ratification	

In 1993 the General Law of the Environment was approved and since its approval, the country has been submitted to the promulgation of many laws, with an emphasis on the matters of the environment, as well as vast array of general and special regulations that directly regulate environmental aspects in different administrative and legal institutions (Sanchez, 2011).

Nevertheless, the current legal framework which is ample and diffused also represents a limiting factor for the implementation of innovative strategies that involve more efficient and effective standards in the use of chemical products, as represented in Table 2.

Due to this, the legal regime for chemical products in Honduras is not concrete, nor are there precise instruments for regulating and therefore is not dynamic or subject to continuous evaluations that permit adapting it to a more sustainable management of these products and the adequate management during their life cycle as well as the gradual substitution by others that are less damaging. However, the recently approved Policy for the Management of Chemical Products through a specific guideline seeks to harmonize the regulatory instruments on this issue.

In Table 2 below the legal instruments are detailed that address the Management of Chemical Products in Honduras, with an emphasis on the responsible authorities, the category of chemical products or hazardous residues, life cycle phase, among other aspects.

Table 2. General vision of legal instruments that approach the management of chemical products in general in Honduras

LEGAL INSTRUMENT	RESPONSIBLE AUTHORITIES	CATEGORY OF THE CHEMICAL PRODUCTS OR HAZARDOUS RESIDUES	LIFE CYCLE PHASE	OBJECTIVE OF THE LEGAL INSTRUMENT	PERTINENT ARTICLES/ DISPOSITIONS
CONSTITUTION OF THE REPUBLIC					
1. CONSTITUTION OF THE REPUBLIC Decree No. 131-11 January 1982	Every Secretariat of State and competent organisms	Chemical Products in General	All the Life Cycle	Establishes and strengthens the Rule of Law in Honduras, the obligations of the State and the citizens as well as the rights of each of the parties	59, 145, 146, 147, 148
CODES					
2. HEALTH CODE Decree No. 65-91. May 28, 1991	Secretariat of the State in the Office of Health, in coordination with other institutions	Pesticides, insecticides, herbicides, rodenticides, explosives, corrosives, radioactives, inflammable substances and others	All the Life Cycle	Regulate, plan and coordinate all public and private activities in the field of health	1, 6, 50, 51, 55, 70, 71, 72, 92, 106, 114, 127, 128, 129
3. LABOR CODE and Reforms	Secretariat of Labor and Social Benefits in coordination with other institutions.	Toxic, corrosive, inflammable or explosive substances in the work environment	Use Storage	Regulate relationships between capital and work, based on social justice in order to guarantee the worker the necessary conditions for a normal life and the capital a equitable compensation for its investment.	395,398

LEGAL INSTRUMENT	RESPONSIBLE AUTHORITIES	CATEGORY OF THE CHEMICAL PRODUCTS OR HAZARDOUS RESIDUES	LIFE CYCLE PHASE	OBJECTIVE OF THE LEGAL INSTRUMENT	PERTINENT ARTICLES/ DISPOSITIONS
<p>4. TAX CODE Decree No. 22-97</p>	<p>Executive Directorate of Revenue</p>	<p>All chemical substances that are merchandise</p>	<p>Importing Exporting</p>	<p>Establish standards to which the application, perception and control of revenue or taxes, contributions and current treaties in Honduras will be subject.</p>	<p>194</p>

LEGAL INSTRUMENT	RESPONSIBLE AUTHORITIES	CATEGORY OF THE CHEMICAL PRODUCTS OR HAZARDOUS RESIDUES	LIFE CYCLE PHASE	OBJECTIVE OF THE LEGAL INSTRUMENT	PERTINENT ARTICLES/ DISPOSITIONS
LEYES					
5. GENERAL LAW OF THE ENVIRONMENT Decree No. 104-93 June 30, 1993	Secretariat of State in the Office of Environment and Natural Resources	Agro-chemicals and toxic products utilized in agriculture, livestock, industry and other activities.	All the Life Cycle	Protect, conserve, restore and sustainably manage the environment and natural resources for the sake of the good of the human person	8,11,28,32,54,64,66-68,92, y 107
6. PLANT HEALTH LAW Decree No.157-94 January 13, 1995	Secretariat of Agriculture and Livestock through SENASA	Agro-chemicals, Pesticides for animal and vegetable use	All the Life Cycle	Ensure the protection and health of the vegetables and animals, and the conservation of their products and byproducts against the damaging action of plagues and diseases of economic, quarantine and human importance	9, 11, 14, 19, 22 y 35
7. NEW GENERAL LAW OF MINING Decree No. 238-2012	Honduran Institute of Geology and Mining (INHGEOMIN)	Mining en general, including artisan and small scale mining	Use	Standardize mining and metallurgical activities in the country	All
8. HYDROCARBONS LAW Decree Number 194-84	Secretariat of State in the Office of the Environment and Natural Resources, in coordination with other institutions	Hydrocarbons	Extraction Transportation Use Stockpiling	Establish the legal regime of research, exploration and exploitation of hydrocarbon reserves and other associated substances, as well as activities of transformation or refining, transportation by oil or gas pipelines, commercialization and	All

LEGAL INSTRUMENT	RESPONSIBLE AUTHORITIES	CATEGORY OF THE CHEMICAL PRODUCTS OR HAZARDOUS RESIDUES	LIFE CYCLE PHASE	OBJECTIVE OF THE LEGAL INSTRUMENT	PERTINENT ARTICLES/ DISPOSITIONS
				storage of exploited substances. The state will support, develop, regulate and control these activities.	
<p>9. LAW FOR THE CONTROL OF FIREARMS, MUNITIONS, EXPLOSIVES AND OTHER SIMILAR ITEMS. Decree No. 30-2000</p>	<p>Secretariat of Security and Secretariat of National Defense</p>	<p>Gun Powder, Picric Acid; Trinitrotoluene; Nitrostarches; Nitroglycerine; Nitrocellulose; Dynamite and amatoles; Chlorates; Perchlorates; Metallic Sodium; Powder Magnesium; Phosphorous. In general, all substances, mixture or compound with explosive properties.</p>	<p>All the Life Cycle</p>	<p>Regulate the commercialization, holding, carrying, modification, use, repair and reloading of firearms, munitions, accessories and other similar items. Equally, the importing, exporting, stockpiling, removal from storage and transport of explosives</p>	<p>11-16, 18, 23-24, 26, 35-40, 47-50, 54</p>
<p>10. CUSTOMS LAW Decree No. 212 - 87</p>	<p>Executive Directorate of Revenue (DEI)</p>	<p>Chemical products in general that enter or exit by national borders</p>	<p>Importing Exporting</p>	<p>Customs is the competent administrative organ that directly knows the international traffic of merchandise, control its moving through the customs borders of the country, applies legislation of the customs regimes, determine the levies to which this merchandise is subject, control exonerations conceded in legal form and meet other functions established in this</p>	<p>20</p>

LEGAL INSTRUMENT	RESPONSIBLE AUTHORITIES	CATEGORY OF THE CHEMICAL PRODUCTS OR HAZARDOUS RESIDUES	LIFE CYCLE PHASE	OBJECTIVE OF THE LEGAL INSTRUMENT	PERTINENT ARTICLES/ DISPOSITIONS
				law and other applicable laws.	
<p>11. LAW OF INLAND TRANSPORTATION. Decree No. 319, 1976</p>	<p>General Directorate of Transportation (SOPTRAVI)</p>	<p>Chemical products in general that are transported by land</p>	<p>Transportation</p>	<p>Regulate passenger and cargo transportation services, ensuring that these are provided under the best conditions as to continuity, regularity, efficiency, security, comfort and hygiene.</p>	<p>1, 2, 9, 26, 30 c, 31 a,</p>
<p>12. TRAFFIC LAW Decree No. 205-2005</p>	<p>National Directorate of Traffic</p>	<p>Chemical products in general that are transported by land</p>	<p>Transportation</p>	<p>Keep public order, the defense of life, the physical integrity of persons, protection of goods and support for social wellbeing, through the legal regulation of the use and circulation of automotive vehicles and their obligatory police registration.</p>	<p>1, 11, 25, 40, 98, 99</p>

LEGAL INSTRUMENT	RESPONSIBLE AUTHORITIES	CATEGORY OF THE CHEMICAL PRODUCTS OR HAZARDOUS RESIDUES	LIFE CYCLE PHASE	OBJECTIVE OF THE LEGAL INSTRUMENT	PERTINENT ARTICLES/ DISPOSITIONS
<p>13. ORGANIC LAW OF THE MERCHANT MARINE Decree No. 167-94</p>	<p>General Directorate of the Merchant Marine (SOPTRAVI)</p>	<p>Chemical products in general that are transported by sea</p>	<p>Transportation</p>	<p>Establish the standardized framework of the National Merchant Marine and in general for maritime activities, regulate the administration to which it is subject and provide statutes for the standards on maritime security and the protection of the maritime environment.</p>	<p>43-53, 100, 107, 108, 117-121</p>
<p>14. ORGANIC LAW OF THE NATIONAL PORT AUTHORITY DECREE No.40-65</p>	<p>National Port Authority, Decentralized Government Institution.</p>	<p>Chemical products in general that are part of the jurisdiction of the National Port Authority</p>	<p>Importing</p>	<p>Its objective is the economic development of the country, by providing adequate and efficient services and facilities at the seaports.</p>	<p>1, 2, 5, 6, 7, 8, 13, 35, 40, 45</p>
<p>15. LAW OF NUCLEAR ACTIVITIES AND RADIATION SAFETY. Decree No. 195-2009</p>	<p>Secretariat of Natural Resources and Environment through the General Directorate of Energy in coordination with other institutions</p>	<p>Nuclear Energy, Radioactive Waste</p>	<p>All the Life Cycle</p>	<p>Its objective is to regulate and control all activities related to the peaceful use of nuclear energy and ionizing radiations.</p>	<p>All</p>
<p>16. BIOFUELS LAW Decree No. 144-2007</p>	<p>Secretariat of Industry and Trade, Secretariat of Agriculture and Livestock, Secretariat of Natural Resources and the</p>	<p>Biofuel and biomass</p>	<p>All the Life Cycle</p>	<p>Establish the legal framework for the production of raw material, manufacturing, distribution, commercialization and use of biofuels.</p>	<p>4, 11-17</p>

LEGAL INSTRUMENT	RESPONSIBLE AUTHORITIES	CATEGORY OF THE CHEMICAL PRODUCTS OR HAZARDOUS RESIDUES	LIFE CYCLE PHASE	OBJECTIVE OF THE LEGAL INSTRUMENT	PERTINENT ARTICLES/ DISPOSITIONS
	Environment.				
17. LAW FOR THE USE OF PUBLIC VEHICLES, STORAGE AND COMMERCIALIZATION OF LPG/VEHICLE FUEL	Secretariat of Natural Resources and the Environment	Butane	Use, storage and commercialization	Regulate the use and commercialization of LPG as alternative fuel in automobiles.	2
18. LAW FOR THE NATIONAL RISK MANAGEMENT SYSTEM (SINAGER). Agreement 032-2010	Permanent Commission for Contingencies (COPECO)	Risks generated by human and natural activities.	All the Life Cycle	Establish the regulatory and functional principles that should govern the SINAGER – COPECO, constitutes the Honduran legal framework oriented towards the prevention and reduction of the risks from potential disasters and attention to response and recovery.	All
POLÍTICA					

LEGAL INSTRUMENT	RESPONSIBLE AUTHORITIES	CATEGORY OF THE CHEMICAL PRODUCTS OR HAZARDOUS RESIDUES	LIFE CYCLE PHASE	OBJECTIVE OF THE LEGAL INSTRUMENT	PERTINENT ARTICLES/ DISPOSITIONS
19. POLICY FOR THE ENVIRONMENTALLY SOUND MANAGEMENT OF CHEMICAL PRODUCTS IN HONDURAS. PCM-029-2013	Secretariat of Natural Resources and Environment (SERNA)	Agricultural and industrial chemical products	All the Life Cycle	Guide the environmentally sound management of chemical products throughout their life cycle, preventing and reducing risks to human health and the environment.	All
REGULATIONS					
20. General Regulations of the Law of the Environment. Agreement 109-93	Secretariat of Natural Resources and Environment, in coordination with other institutions	Agro-chemical and toxic products utilized in agriculture, livestock, industry and other activities	All the Life Cycle	Develop the precepts of the General Law of the Environment	9, 63, 104, 110, 112, 116
21. General Regulation of Environmental Health. Agreement 94-97	Secretariat of Health in coordination with other institutions	Hazardous substances such as pesticides, insecticides, herbicides, rodenticides, explosives, corrosives, radioactives, inflammable substances and others.	All the Life Cycle	Develop the group of rules for the fulfillment of the dispositions contained in the health code, in Book II for the promotion and protection of health, Title I Sanitation of the Environment; Title III Occupational Health	25, 30, 31, 125, 129 – 132

LEGAL INSTRUMENT	RESPONSIBLE AUTHORITIES	CATEGORY OF THE CHEMICAL PRODUCTS OR HAZARDOUS RESIDUES	LIFE CYCLE PHASE	OBJECTIVE OF THE LEGAL INSTRUMENT	PERTINENT ARTICLES/ DISPOSITIONS
<p>22. Regulation on the registration, use and control of pesticides and similar substances. Agreement No. 642-98</p>	<p>Secretariat of Agriculture and Livestock through the National Service for Agricultural Health (SENASA) and in coordination with other entities.</p>	<p>Agro-chemicals</p>	<p>All the Life Cycle except the final disposal.</p>	<p>Establish the technical, administrative and legal dispositions framed in the Plant Health Law, referring to the registration, importing, manufacturing, formulation, re-packing, transportation, sale, use, management and exports of agro-chemicals, biological, bio-technologicals or similar substances.</p>	<p>All</p>
<p>23. Regulation of Agricultural Quarantine. Agreement No. 1618-97</p>	<p>Secretariat of Agriculture and Livestock (SAG) through SENASA</p>	<p>Agricultural products</p>	<p>All the Life Cycle except the final disposal.</p>	<p>Regulate, restrict or prohibit the production, importing, exporting, internal and external mobilization of animals, vegetables, their products and by-products and products for agricultural use, the means for transportation and other means that could be carriers or transporters of plagues, diseases, and other agents that are damaging to human and animal health, vegetable health and the environment</p>	<p>2, 7, 9, 19, 21, 23, 26, 30, 36, 49, 62, 64, 69, 84, 120, 123</p>
<p>24. Regulation of the Diagnostic, Surveillance and Plant Health Campaigns Agreement No. 002-98</p>	<p>Secretariat of Agriculture and Livestock (SAG) through SENASA</p>	<p>Pesticides and similar substances</p>	<p>Use</p>	<p>Regulate the correct adoption and application of plant health measures</p>	<p>72, 87, 123,</p>

LEGAL INSTRUMENT	RESPONSIBLE AUTHORITIES	CATEGORY OF THE CHEMICAL PRODUCTS OR HAZARDOUS RESIDUES	LIFE CYCLE PHASE	OBJECTIVE OF THE LEGAL INSTRUMENT	PERTINENT ARTICLES/ DISPOSITIONS
<p>25. General Regulation on the Use of Substances that Deplete the Ozone Layer. Importing, Sale and Use. Agreement No. 907-2002</p>	<p>Secretariat of Natural Resources and Environment through the Ozone Technical Unit</p>	<p>Substances that Deplete the Ozone Layer (Annex 1 of the Montreal Protocol)</p>	<p>All the Life Cycle.</p>	<p>Prohibit the manufacture and deliberate release in the atmosphere of Substances that Deplete the Ozone Layer, whether in a pure form or mixed.</p>	<p>All</p>
<p>26. Regulation for Preventive Measures for Work Accidents and Professional Diseases Agreement No. STSS-053-04</p>	<p>Secretariat of Labor and Social Security, in coordination with other institutions</p>	<p>Diverse chemical substances in the labor environment</p>	<p>Storage and use</p>	<p>The objective of this regulation is to establish conditions of Security and Health in which work should be developed in the work centers, without prejudice of the regulations that are dictated for each particular activity.</p>	<p>All</p>
<p>27. Regulation for the Sanitary Control of Products, Services and Health Related Facilities Agreement No. 06-2005</p>	<p>Secretariat of Health</p>	<p>Health related products: Foods, beverages, medications, biologicals, cosmetics, hygiene products, hazardous substances, medical use devices and equipment, natural products, laboratory reagents.</p>	<p>Use</p>	<p>Development and surveillance of the fulfillment of Book II of the Promotion and Protection of Health, Title II for foods and beverages, Book III for the recovery of health, Title I for Pharmaceutical products and Medical Use Equipment, Title II for the Health Institutions, Book IV, Title II Administrative Measures and Acts.</p>	<p>All</p>

LEGAL INSTRUMENT	RESPONSIBLE AUTHORITIES	CATEGORY OF THE CHEMICAL PRODUCTS OR HAZARDOUS RESIDUES	LIFE CYCLE PHASE	OBJECTIVE OF THE LEGAL INSTRUMENT	PERTINENT ARTICLES/ DISPOSITIONS
<p>28. Regulation for the Integrated Management of Solid Residues Agreement No 1567-2010</p>	<p>Secretariat of Natural Resources and Environment. Municipal Corporations</p>	<p>Solid domestic residues</p>	<p>Prevention, reduction, storage, transporting, treatment and final disposal of solid residues</p>	<p>Regulate the integrated management of solid residues, by promoting their use for the purpose of avoiding risks to health and the environment.</p>	<p>5, 9, 11, 47, 48, 49, 52, 53, 55 -57, 66, 67</p>
<p>29. Regulation of the Law for the Production and Consumption of Biofuels. Agreement No. 45-2008</p>	<p>Secretariat of Industry and Trade, Secretariat of Agriculture and Livestock, Secretariat of Natural Resources and Environment.</p>	<p>Fuel oil, alcohol fuel (Hydrated ethanol), bioethanol, biodiesel B100, biomass, bio-methanol, Ethanol (Anhydrous Ethanol) agro-industrial products</p>	<p>Production and commercialization</p>	<p>Develop the standards and procedures for the production and consumption of biofuels</p>	<p>22 y 23</p>
<p>30. Regulation for the Management of Hazardous Waste generated in Health Facilities Agreement No 07-2008</p>	<p>Secretariat of Health</p>	<p>Chemical waste (corrosives, reagents, toxics, explosives, citotoxins, genotoxins, inflammables)</p>	<p>Final Disposal</p>	<p>Regulate the operations in the management of hazardous waste generated in health facilities, through final disposal.</p>	<p>All</p>
<p>31. Regulation for the installation and functioning of gas stations and fuel deposits, petroleum by products.</p>	<p>Secretariat of Public Works, Transportation and Housing through the General Directorate of Transportation</p>	<p>Vehicle gasoline, diesel, kerosene</p>	<p>Storage and use</p>	<p>Establish the necessary regulations for the installation and operation of service stations and fuel deposits for the consumption of the inland transportation companies.</p>	<p>3, 4, 14-18</p>

LEGAL INSTRUMENT	RESPONSIBLE AUTHORITIES	CATEGORY OF THE CHEMICAL PRODUCTS OR HAZARDOUS RESIDUES	LIFE CYCLE PHASE	OBJECTIVE OF THE LEGAL INSTRUMENT	PERTINENT ARTICLES/ DISPOSITIONS
Agreement No. 000489					
32. General Regulation of the Inland Transportation Law. Agreement 200, 1986	Secretariat of Public Works, Transportation and Housing (SOPTRAVI)	Chemical substances that in general are transported by land	Transportation	Develop the precepts for the Inland Transportation Law	4, 21, 38, 67, 92-95, 98-99
33. Regulation for Regulating Contaminant Gas Emissions and Smoke from Vehicles	Secretariat of Natural Resources and Environment (SERNA)	Toxic gas, smoke and particle emissions from vehicles	Transportation	Regulate, control and standardize the emission of toxic gases, smoke and particles from vehicles located in the national territory.	All
34. Regulation for the Authorization and Functioning of Customs Transporters. Agreement No. 1350	Executive Directorate of Revenue through the Customs Service	Chemical substances in general that are transported by any means	Transportation	Establish standards and procedures for the registration and control of natural or legal national or international persons authorized to operate in the country, dedicated to the transportation and management of internal and international cargo, subject to the control of customs authorities.	4, 8, 11 y 12

LEGAL INSTRUMENT	RESPONSIBLE AUTHORITIES	CATEGORY OF THE CHEMICAL PRODUCTS OR HAZARDOUS RESIDUES	LIFE CYCLE PHASE	OBJECTIVE OF THE LEGAL INSTRUMENT	PERTINENT ARTICLES/ DISPOSITIONS
<p>35. Regulation of the Bonded Warehouses and Private Exception Customs Deposits. Agreement 0681.</p>	<p>Executive Directorate of Revenue</p>	<p>Chemical Substances in General that are stored or deposited in bonded warehouse of private legal deposits</p>	<p>Storage</p>	<p>Establish the standards and procedures to regulate the operations carried out at the merchandise deposit at bonded warehouses and private exception customs deposits.</p>	<p>3, 6, 8, 18, 19, 39, 51, 52, 59</p>
<p>36. Regulation on the Registration, Use and Control of Fertilizers and Raw Material. Agreement 002-02</p>	<p>Secretariat of Agriculture and Livestock (SAG) through SENASA</p>	<p>Fertilizers and raw materials</p>	<p>All the life cycle except the final disposal</p>	<p>Establish the technical, administrative and legal dispositions established in the plant-animal health law referring to the registration, importing, manufacture, formulation, re-packing, storage, transportation, sale, use, management and exporting of fertilizer and raw materials.</p>	<p>All</p>
<p>37. Regulation of the National System for the Evaluation of Environmental Impact (SINEIA). Agreement 189-2009</p>	<p>Secretariat of Natural Resources and the Environment (SERNA)</p>	<p>Chemical products utilized in industrial projects including hazardous waste</p>	<p>Transportation, storage, use, and final disposal</p>	<p>Organize, coordinate and regulate the national system of evaluation of the environmental impact.</p>	<p>All</p>

LEGAL INSTRUMENT	RESPONSIBLE AUTHORITIES	CATEGORY OF THE CHEMICAL PRODUCTS OR HAZARDOUS RESIDUES	LIFE CYCLE PHASE	OBJECTIVE OF THE LEGAL INSTRUMENT	PERTINENT ARTICLES/ DISPOSITIONS
<p>38. Regulation for the Control of Emissions Generated by Fixed Sources. Agreement 1566-2010</p>	<p>Secretariat of Natural Resources and Environment (SERNA)</p>	<p>Emissions into the atmosphere by fixed sources including dioxins and furans, mercury, suspended particles and gases</p>	<p>Control and surveillance of emissions</p>	<p>Establish the obligatory registration of all companies that generate emissions into the atmosphere by fixed sources. Establish a program of periodical self-monitoring for the companies that generate emissions. Regulate emissions through the establishment of standards by industrial sector. Regulate the establishment of industries in a geographic zone according to the prevailing air quality</p>	<p>All</p>
<p>39. Regulation of Environmental Audits Agreement 887-2009</p>	<p>Secretariat of Natural Resources and the Environment (SERNA)</p>	<p>Chemical products utilized in industrial projects including hazardous wastes</p>	<p>All the Life Cycle</p>	<p>Standardize everything related to environmental audits, derived from the process of licensing and environmental control, in their diverse modalities for the purpose of establishing a mechanism for efficient environmental control and follow up.</p>	<p>All</p>
<p>40. Special Regulation for the Sanitary Control of Domestic, Garden, Industrial and Public Health Use Pesticides. 2012</p>	<p>Secretariat of Health</p>	<p>Domestic use, garden, industrial and public health pesticides</p>	<p>All the Life Cycle, except the final disposal</p>	<p>Regulate all natural and legal persons dedicated to the fabrication, formulation, importing, packing, commercialization, transportation, storage, management and use of domestic, industrial, and public health campaign pesticide use; and to provide fumigation services for the</p>	<p>All</p>

LEGAL INSTRUMENT	RESPONSIBLE AUTHORITIES	CATEGORY OF THE CHEMICAL PRODUCTS OR HAZARDOUS RESIDUES	LIFE CYCLE PHASE	OBJECTIVE OF THE LEGAL INSTRUMENT	PERTINENT ARTICLES/ DISPOSITIONS
				purpose of protecting the health of persons and the environment.	
MINISTERIAL AGREEMENTS AND RESOLUTIONS					
41. Resolution CPNSV-014-88	Secretariat of Agriculture and Livestock, through the National Service of Agricultural Health (SENASA)	Endosulfan	Use	Authorize the sale and use of endosulfan insecticide only and exclusively to coffee producers which should use it only for the control of Coffee Berry Borer.	1-3
42. Resolution No. 017-91.	Secretariat of Agriculture and Livestock, through the National Service of Agricultural Health (SENASA)	Endosulfan	Use	Suspend the restriction of Thiodan (Endosulfan), described in Resolution CPNSV-014-88	---
43. Resolution No. 0002-94	Secretariat of Agriculture and Livestock through the National Service of Agricultural Health (SENASA)	Endosulfan	Use	Make null and void resolution no. 17/91 dated September 23, 1991, referring to the release of the use of endosulfan insecticide for horticultural crops and others for exporting, in consequence this insecticide is limited to be used exclusively for the control of Coffee Berry Borer.	1-6

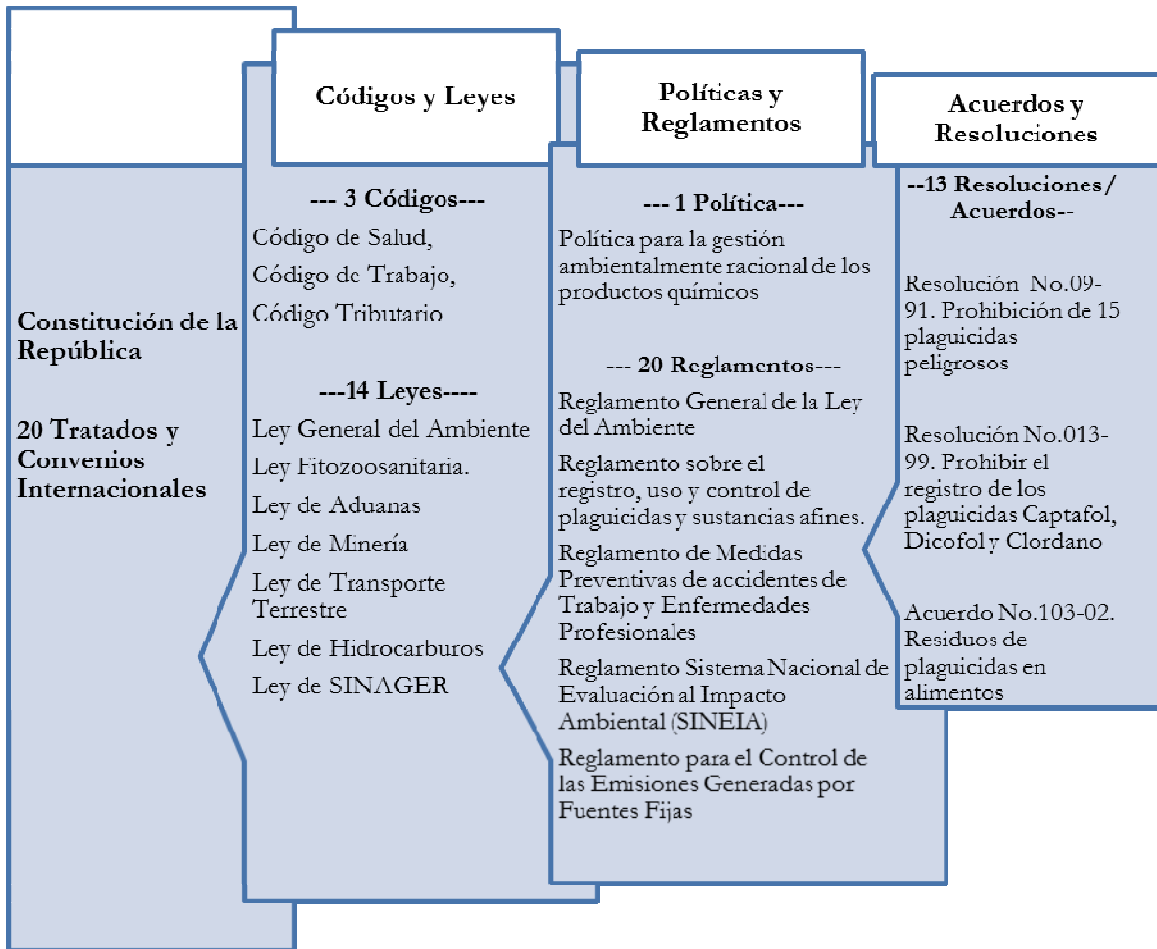
LEGAL INSTRUMENT	RESPONSIBLE AUTHORITIES	CATEGORY OF THE CHEMICAL PRODUCTS OR HAZARDOUS RESIDUES	LIFE CYCLE PHASE	OBJECTIVE OF THE LEGAL INSTRUMENT	PERTINENT ARTICLES/ DISPOSITIONS
44. Resolution No. 09-91	Secretariat of Agriculture and Livestock, through the National Service of Agricultural Health (SENASA)	1) Aldrin; 2)Amitrole; 3)B.H.C.; 4)Mercury compounds5) Mercurial and lead 6) 2, 4, 5-t; 7) Dieldrin 8) Dinozeb 9) Ethyl parathion parathion; 10)Heptachlor11)Lindane 12)Mirex;13) Toxaphene and 14)Terbutylazine 15)Pentachlorophenol	Importing, commercialization and use	Prohibit for an indefinite period of time the registration of these pesticides with the exception of Pentachlorophenol, for which registration is authorized only of industrial use, as a preservative for construction, railway ties, fence posts, electric light posts, and closed circuit under pressure.	1-6
45. Resolution No. 004-98	Secretariat of Agriculture and Livestock, through the National Service of Agricultural Health (SENASA)	Terbutylazine	Use	Make null and void Resolution No. 0991 dated May 9, 1981 in regards to the prohibition of the registration of the Terbutylazine pesticides.	1-7
46. Resolution No. 013-99	Secretariat of Agriculture and Livestock, through the National Service of Agricultural Health (SENASA)	Parathion Methyl	Importing, distribution and sales	Authorize importing, distribution and sale of pesticides with the active ingredient of Methyl Parathion, making it “restricted”	1-6
47. Agreement No.674-06	Secretariat of Agriculture and Livestock, through the National Service of Agricultural Health, SENASA	Parathion Methyl	Importing and commercialization	Deny or cancel the registration of pesticides based on the active ingredient of Parathion Methyl for an indefinite period of time. Prohibit the importing and commercialization	1-6

LEGAL INSTRUMENT	RESPONSIBLE AUTHORITIES	CATEGORY OF THE CHEMICAL PRODUCTS OR HAZARDOUS RESIDUES	LIFE CYCLE PHASE	OBJECTIVE OF THE LEGAL INSTRUMENT	PERTINENT ARTICLES/ DISPOSITIONS
				of pesticides that contain the active ingredient of Parathion Methyl, in every formulation and concentration.	
48. Resolution No. 014-99	Secretariat of Agriculture and Livestock, through the National Service of Agricultural Health (SENASA)	Captafol, Dicofol and Chlordane	Importing	Prohibit the registration of Captafol, Dicofol y Chlordane during and indefinite period of time. Cancel the registration of Captafol, Dicofol and Chlordane for an indefinite period of time.	1-5
49. Resolution No. 015-99	Secretariat of Agriculture and Livestock, through the National Service of Agricultural Health (SENASA)	Pesticides with the active ingredient catalogued as extremely hazardous and highly dangerous.	Importing, distribution and sale	Under strict security measures, authorize importing, distribution and sale of pesticides with the active ingredient catalogued in the toxicological category of extremely hazardous and highly dangerous (Red label), according to the classification of dangerousness of the World Health Organization, resulting in its restriction	1-6
50. Resolution No. 044-99	Secretariat of Agriculture and Livestock, through the National Service of Agricultural Health (SENASA)	Pesticides based on the active ingredient of Acefate.	Importing	Prohibit the registration of pesticides based on the active ingredient of Acefate during an indefinite period of time. Cancel the registration of pesticides based on the active ingredient of Acefate for an indefinite period of time.	1-5

LEGAL INSTRUMENT	RESPONSIBLE AUTHORITIES	CATEGORY OF THE CHEMICAL PRODUCTS OR HAZARDOUS RESIDUES	LIFE CYCLE PHASE	OBJECTIVE OF THE LEGAL INSTRUMENT	PERTINENT ARTICLES/ DISPOSITIONS
51. Agreement No.103-02	Secretariat of Agriculture and Livestock	Pesticide residues in foods	Exports and imports	Recognize and validate the maximum limits of pesticide residues (LMR) in foods, established by the FAO through the Codex Alimentarius for vegetable origin products and byproducts for exporting and importing until the Honduran LMR standards are approved.	1-4
52. Agreement No.798-03	Secretariat of Agriculture and Livestock, through the National Service of Agricultural Health (SENASA)	Nitrofurans, Furazolidona, Furaladone, Chloranphenicol, Lead, Cadmium	Chemical substance residues	Prohibit the presence of residues from these chemical substances in aquaculture products	1-6
NORMAS TÉCNICAS					
53. Technical Standards for the Discharge of Residual Waters into bodies of water, sanitary sewers Agreement No. 058	Secretariat of Health, Secretariat of Natural Resources and the Environment.	Chemical substances including heavy metals, pesticides, POCs, PCBs and others	Final Disposal	Regulate the discharges of residual waters in bodies of water and sanitary sewers	All
54. National Technical Standard for the Quality of Potable Water. Agreement No. 084 – 1991	Water services providers for human consumption	Parameters for organic and inorganic substances with significance for health and pesticides, POCs, PCBs, among others	Storage and use	Protect public health through the establishment of adequate or maximum levels those components should have or the characteristics of water that could represent a risk for the health of the community and inconvenient for the preservation of	All

LEGAL INSTRUMENT	RESPONSIBLE AUTHORITIES	CATEGORY OF THE CHEMICAL PRODUCTS OR HAZARDOUS RESIDUES	LIFE CYCLE PHASE	OBJECTIVE OF THE LEGAL INSTRUMENT	PERTINENT ARTICLES/ DISPOSITIONS
				the water supply systems.	

As observed in Table 2 (previous) in Honduras, the diversity of legal instruments is broad, however, although all regulate some aspect related to chemical products, this regulation is sectioned and general with the majority related to agriculture prohibitions and limitations of the use of pesticides, which results in legal gaps for industrial chemical products in all phases of the life cycle (see Illustration 2).



Nota de traductor: La tabla arriba es una imagen y no se puede manipular para traducirla. Abajo esta la traducción de los términos.

	Codes and Laws	Policies and Regulations	Agreements and Resolutions
<p>Constitution of the Republic</p> <p>20 Treaties and International Conventions</p>	<p>---3 Codes---</p> <p>Health Code</p> <p>Labor Code</p> <p>Tax Code</p> <p>---14 Laws---</p> <p>General Law of the Environment</p> <p>Plant and Animal Health Law</p> <p>Customs Law</p> <p>Mining Law</p> <p>Inland Transportation Law</p> <p>Hydrocarbons Law</p> <p>SINAGER Law</p>	<p>---1 Policy---</p> <p>Policy for the Environmentally Sound Management of Chemical Products</p> <p>---Regulations---</p> <p>General Regulation for the Law of the Environment</p> <p>Regulation on the Registration, Use and Control of Pesticides and Similar Substances</p> <p>Regulation of Preventive Measures for Work Accidents and Professional Diseases</p> <p>Regulation for the National System of Evaluation of Environmental Impact</p> <p>Regulation for Control of Emissions Generated by Fixed Sources</p>	<p>---13 Resolutions/Agreements---</p> <p>Resolution No. 09-91 Prohibition of 15 Hazardous Pesticides</p> <p>Resolution No. 03-99 Prohibit Registration of the Pesticides Capafol, Dicofol and Chlordane</p> <p>Agreement No. 103-02 Pesticide Residues in Foods</p>

Illustration 2. Number of Legal Instruments approved and related to the management of chemical products in Honduras.

It is important to emphasize that since 2009, to date nine legal instruments have been approved by different government institutions which are directly or indirectly related to the management of chemical products in Honduras, as demonstrated in Table 3.

Table 3. Legal instruments approved since 2009 to date and their link to the life cycle of chemical products

LEGAL INSTRUMENT	Imports	Production	Storage	Transport	Distribution Marketing	Use/ Manipulation	Exports	Final Disposal
1. New General Mining Law		X				X		
2. Law for the National Risk Management System (SINAGER)	X	X	X	X	X	X	X	X
3. Water Law			X	X	X	X		X
4. Policy for the Environmentally Sound Management of Chemical Products in Honduras and the creation of the National Commission for the Management of Chemical Products (CNG)	X	X	X	X	X	X	X	X
5. Regulation for the Integrated Management of Solid Residues								X
6. Regulation of the National System for the Evaluation of Environmental Impact (SINEIA).		X	X	X	X	X		X
7. Regulation for the Control of Emissions Generated by Fixed Sources						X		X

8. Regulation of Environmental Audits		X	X		X	X		X
9. Special Regulation for the Health Control of domestic, garden, industrial and public health use of Pesticides	X	X	X	X	X	X	X	

However it is important to mention that recently some proposed regulation projects were prepared and discussed, associated with the management of chemical products, such as the Regulation for the Environmentally Sound Management of Hazardous Chemical Substances in Honduras and others described below, which are in different stages with a view towards their approval by national authorities (See Table 4):

Table 4. Regulation Project associated with the management of chemical products

Project	Objective	Current Situation
1. Regulation for the Environmentally Sound Management of Hazardous Chemical Substances in Honduras	Regulate the integrated management of every hazardous chemical substance and dangerous residue in the national territory.	Prepared, reviewed and in process of approval by the Secretariat of the Presidency of the Republic.
2. Regulation for the Registration of Emissions and the Transfer of Contaminants (RETC)	<p>a) Establish the Registration of Emissions and Transfers of Contaminants in Honduras, which will operate through a digital data base with information accessible to the public.</p> <p>b) Regulate the functioning of the Registration of Emissions and Transfers of Contaminants to organize, process and systematize the required information in the generation of environmental management instruments and policies.</p> <p>c) Promote among the population, access and consultations on national environmental information referring to emissions and the transfer of contaminants.</p>	Prepared and in process of approval by the SERNA Secretary
3. Regulation for the Management of Sites Contaminated by Chemical Substances	Regulate the different phases of the management of sites contaminated with chemical substances and hazardous residues for the purpose	Validation of the final draft document

Project	Objective	Current Situation
	of preventing and reducing risks to the health of the population and the environment	
4. National Soil and Sediment Standard	Regulate the problem of contaminated land and the mechanisms associated to the contamination of ground water. Also sediments in the natural setting by establishing criteria of soil quality based on the analysis of environmental risks and the soil treatment systems and contaminated groundwater	En Proceso de Elaboración
5. Regulation for the Highway transportation of Hazardous Substances, Merchandise and Waste	Regulate the transportation of hazardous substances and residues by taking preventive and control measures to prevent adverse effects on the health of personnel and negative impacts on the environment	Approved during a meeting of the President of the Republic in the Council of Ministers. Actually awaiting publication in the official journal of La Gaceta.
6. Ministerial Agreement of the “Environmentally Sound Management of Equipment and waste containing or are contaminated with polychlorinated byphenols”	Establish the procedures, measures, terms and responsibilities in the environmentally sound management of equipment and waste that consist of, contain, or are contaminated with polychlorinated byphenols (PCBs) in order to prevent contamination and protect the environment	Prepared and reviewed with participating actors
7. National Regulation for the Discharge and Reutilization of Residual Waters.	Structure a system of registration, authorization, monitoring and control of discharges of liquid contaminants into bodies of water in such a manner as to ensure protection of human health and protection and restoration of the quality of natural water and receptor bodies in general, through the regulation of the discharges of residual waters and other contaminants with the capacity of alteration	Under review in the Office of the Secretary of the Presidency.
8. Law for the Control of the Traffic, Development, Production, Storage and Employment of Precursor Substances for Chemical Weapons and their	Establish the standards to control chemical substances susceptible to deviation for the fabrication of chemical weapons, in conformance with stipulations determined in the Convention on the Prohibition of	Under review

Project	Objective	Current Situation
Destruction.	the Development, Production, Stockpiling and Employment of Chemical Weapons and on their destruction;	
9. Environmental Policy of Honduras	Orient coherent actions of the Government and society, in order to achieve an elevated environmental quality and ensure the sustainable use of natural resources, improving the quality of life of the population, in the framework of sustainable economic growth and maintaining opportunities for future generations.	In process of approval.
10. National Policy for the Integrated Management of Solid Residues with a 3R Focus (reduce, reutilize and recycle)	Orient the Integrated Management of Solid Residues through planned and coordinated actions between all public, private sectors, the population and international cooperation that contribute to reducing risks or damages to health and to the environment.	Under review at the Office of the Secretary of the Presidency.

As related to the coordination mechanisms in Honduras, there are several inter-ministerial commissions created through Ministerial Agreements or Executive Decrees, as appropriate (See table 5). The National Commission for the Environmentally Sound Management of Chemical Products (CNG) was recently created during a meeting of the President of the Republic in the Council of Ministers, under Executive Decree number PCM-035-2013, with the objective of coordinating the System for the Environmentally Sound Management of Chemical Products, through the integration of different national level public, private sector, academic and civil society actors.

Below are general details of some commissions related to the management of chemical products in Honduras:

Table 5. Mechanisms for Coordination related to the management of chemical products in Honduras.

Legal Instrument	Competent Authority	Category of Chemical Products	Objective
1. National Commission for the Environmentally Sound Management of Chemical Products (CNG). PCM-035-2013	Secretariat of Natural Resources and the Environment (SERNA)	Chemical products in general	Coordinate the System for the Environmentally Sound Management of Chemical Products.
2. National Commission of Workers' Health (CONASATH) Agreement No.156-94	Secretariat of Health and Secretariat of Labor	Diverse chemical substances in the work environment	Form the organization and functioning of the National Commission for Occupational Health or of the Workers in Honduras.
3. Inter-institutional Commission for Pesticides Agreement No. 1132-99	Secretariat of Agriculture and Livestock	Pesticides	Create the Inter-institutional Commission for Pesticides.
4. National Commission for the Codex Alimentarius Agreement No. 521-03	Secretariat of Agriculture and Livestock.	Diverse chemical substances	Create and regulate the National Committee for the Codex Alimentarius.
5. Inter-institutional Committee for the Environment and Health (COTIAS). Agreement No. 056	Secretariat of Health	Chemical products in general	Support the processes of coordination, compatibilization, integration and following up actions in matters of health and the environment.
6. Permanent Inter-institutional Commission for the Control and Fiscalization of Precursor Chemicals and Synthetic Drugs	Secretariat of Health	Precursor Chemical and Synthetic Drugs	Support processes related to the Control and Fiscalization of Precursor Chemicals and Synthetic Drugs
7. Inter-institutional Commission for Chemical Weapons	Secretariat of Foreign Relations	Chemical Weapons and their precursors	This commission will be formed by technical specialists from the different involved institutions
8. Inter-institutional for the Integrated Management of Solid Residues (CIMIRS)	Secretariat of Natural Resources and the Environment (SERNA)	Solid Residues	Inter-sectorial mechanism for coordination, consultation and socialization of the strategies that lead to fulfillment of the Policy for the Integrated Management of Solid Residues

3. Additional Information on the Legal Instruments Related to Chemical Products

The Constitution of Honduras (1982) as general regulator of the functioning of the government is the generating source of the national legal standards and in the particular case of chemical products, implicitly establishes their regulation in view of the health of humans and protection of the environment and as such supports the issuance of secondary laws by the legislative power and the secondary standard by the executive power that as a group constitute the regulatory framework for chemical products.

Below is a summary of the most relevant instruments related to chemical substances and products in Honduras:

a. **The Basil Convention on the Control of Trans-Boundary Movements of Hazardous Waste and their Elimination¹.**

The Basil Convention on the control of trans-boundary movements of hazardous waste and their elimination is the environmental multilateral treaty that most exhaustively deals with hazardous waste and other wastes and its objective is to protect the environment and human health against adverse effects derived from the generation, management, trans-boundary movements and the elimination of hazardous waste and other waste.

The Basil Convention was signed and ratified by Honduras on December 27, 1995, under Decree 31-95, for the purpose of protecting human health and the environment from the adverse effects that can be derived from the generation and management of hazardous waste and residue.

¹ According to UNEP (United Nations Environment Program), trans-boundary transportation of hazardous waste first attracted public attention in the decade of the 80s. The misfortunes of "toxic ships" such as the Katrin B or the Pelican, navigating from port to port attempting to unload their toxic shipments appeared in headlines around the world. These tragic incidents were motivated largely because stricter regulations on the environment had been imposed in the industrialized countries. As the costs for eliminating waste increased, in the search for more economic solutions, toxic product merchants began sending hazardous waste to Africa, Eastern Europe and other regions. Once on land, these shipments of wastes were indiscriminately dumped or inadequately managed, which produced serious health problems (even deaths) as well as the intoxication of the land, water and air during decades or centuries. In order to struggle against these practices, at the end of the 1980s the Basil Convention was negotiated under the auspices of the United Nations Environment Program. It was approved in 1989 and entered into force on May 5, 1992.

In 2000 Honduras carried out its first environmentally sound elimination of hazardous waste, specifically POCs and obsolete pesticides (100 tons) destined for Holland, under the requirements of this Convention.

In July 2013, through the Department for the Management of Chemical Products, CESCOO carried out a diagnostic of trans-boundary movements of hazardous waste in Honduras in the framework of this Convention, with the results demonstrating that during 15 year period (1998 to 2013), 73 shipments of hazardous waste have moved through Honduras, for an average of 5.2 movements per year, with a reduction during the past few years. The largest number of trans-boundary movements of hazardous waste was 21 shipments in 2008. (CESCCO-SERNA, 2013).

b. Stockholm Convention on Persistent Organic Contaminants².

The Stockholm Convention on persistent organic contaminants (POCs) is a legally binding international treaty that obligates the government to manage the POCs, which are highly hazardous chemical substances, for the purpose of protecting human health and ecosystems globally from the adverse effects caused by these substances during all phases of their life cycle. Some POCs are pesticides, others are industrial chemical substances and some are unintentional byproducts of certain combustion processes and the chemical industry.

Because of their characteristics of persistence, lipo-solubility, bio-accumulation in the food chains and the capacity of being transported from where they were utilized or generated, for long distances, these substances began to be severely restricted and prohibited in the 1970s. Although the use of some POCs is prohibited in many countries, including Honduras, high concentrations are still found in the environment because these substances are highly persistent.

In order to apply these measures, governments should promote the development of strategies aimed at reducing their use, mitigate their effects and where it is possible, eliminate their stocks. Production and utilization will be permitted, but under important restrictions. The main justification will be to demonstrate that there are no alternative substances that could exercise the required biological control or any application in question. As such, the Stockholm sets five (5) essential goals. They are, eliminate the most hazardous persistent organic contaminants beginning with the 12 that are most harmful, support the transition to other safer solutions, propose new persistent organic contaminant for measures to be taken,

² The Convention was adopted by 150 governments, including EU member states, as well as the Council, in the name of the European Union, during a conference which took place in Stockholm in May 22 and 23, 2001. The Convention entered into force on May 17, 2004.

eliminate the existing accumulated stocks and the equipment that could contain persistent organic contaminant and work together for a future free of persistent organic contaminants.

Honduras ratified this Convention in 2004 which was published in the Official Journal of La Gaceta under number 30,678 on April 23, 2005. The focal point is the Secretariat of Natural Resources and the Environment (SERNA), through the Center for Studies and Control of Contaminants (CESCCO), executing the Project of "Assisting the Government of Honduras to meet its obligations under the Stockholm Convention on Persistent Organic Contaminants (POCs)", also known as NIP POCs, which was financed by the Global Environmental Fund (GEF). This project fulfilled two specific objectives during a three year work period (2006-2009).

The first is to prepare a National Implementation Plan (NIP) for the fulfillment of obligations acquired by Honduras according to the Stockholm Convention related to the POCs with the participation of sectors involved in the management of chemical products in Honduras, through the conformation of a mechanism for inter-institutional coordination known as the "National Commission for the Management of Chemical Substances and Hazardous Residues (CNG)" and the second is to contribute to strengthening national capacities for the management of chemical substances and hazardous residues in Honduras, through the formulation of a Policy for the Environmentally Sound Management of Chemical Products.

Similarly and simultaneously with the process of preparation of the NIP, Honduras requested before the GEF, the Project of: "Strengthening National Capacities for the Management and Reduction of Emissions of Persistent Organic Contaminants (POCs) in Honduras", which is currently administered by the UNDP, with a goal of four (4) years' duration (2011-2015) and which is providing a framework of opportunities for investing funds in the institutional scope, the strengthening of national capacities, the education and development of pilot sites for the management of chemical products with an emphasis on persistent organic contaminants with the Honduras NIP.

In addition, in May 2013 the Project was initiated for Updating the National Implementation Plan for the Stockholm Convention, which has the general objective of reviewing and updating the NIP, including 12 initial POCs with 11 new POCs. This project is financed by the Global Environment Fund and is administered by the United Nations Industrial Development Organization (UNIDO).

c. Rotterdam Convention

The Rotterdam Convention on the prior informed consent procedure applicable to certain pesticides and hazardous chemical products which are the object of trade, entered into force

on February 24, 2004³ at international level. Honduras made it official on April 16, 2011 when it was published in the Official Journal of La Gaceta, under Decree number 68-2009.

The Convention is an important step to guarantee protection for the population and the environment of all countries from possible hazards resulting from the commerce of pesticides and highly hazardous chemical products. It will contribute to saving lives and protecting the environment from the adverse effects of toxic pesticides and other chemical products. It will establish a first line of defense against future tragedies by preventing the undesired imports of hazardous chemical products, in particular in developing countries. When all countries have the capacity of protecting themselves against the risks of toxic substances, all will be on an equal footing and global standards will increase in the protection of human health and the environment.

The objective is to establish a mechanism of authorization previous to importing and exporting hazardous chemical substances and commercial pesticides, known as the Prior Informed Consent Procedure or PIC – and is frequently known by this acronym in the Convention, for the purpose of having all the necessary information to know the characteristics and risks implied by the management of these substances, permitting the countries to decide which chemical substances they wish to receive and exclude those that they can't safely handle in order to avoid risks to human health and the environment.

This will also contribute to its environmentally sound utilization, by facilitating the exchange of information on their characteristics, and establishing a national process of decision making on the imports and exports and divulging these decisions to the parties.

In 2013, the Government of Honduras received technical assistance from the Secretariat of the Rotterdam Convention for execution of the Project of: “Case Study for Strengthening National Capacities for Management of Industrial Chemical Products under the Rotterdam Convention”, the objectives of which are:

- Facilitate and promote the development of integrated and harmonized national legal and administrative frameworks on industrial chemical products, and
- Analyze the priorities for future activities in order achieve sound management of industrial chemical products.

³ The first meeting of the Conference of the Parties to the Rotterdam Convention took place on September 20 to 24, 2004 in Geneva and the second took place on September 27 to 30, 2005 in Rome.

d. International Sanitary Regulation (ISR)

The International Sanitary Regulation (ISR) is an international legal instrument that is binding for 194 countries, all of which are WHO member states. It has the purpose of helping the international community to prevent and address acute public health risks that are susceptible to border crossings and threaten populations throughout the world (WHO, 2013).

In today's globalized world, diseases can rapidly propagate to great distances through international travel and commerce. A health crisis in one country can affect livelihoods and the economy of many parts of the world. These crises can originate in emergent infectious diseases such as the severe acute respiratory syndrome (SARS) or a new human flu pandemic. The ISR can also be applied to other public health emergencies caused, for example, by spills, leaks or **discharges of chemical products** or nuclear accidents. The ISR is designed to interfere as little as possible in international traffic and commerce and at the same time protect public health by preventing the spread of diseases. (WHO, 2013)

The ISR, which went into effect on June 15, 2007, obligates the countries to communicate to the WHO regarding outbreaks of certain diseases and determined public health events. Based on the WHO unique experience in matters of surveillance, sanitary alerts and response to diseases in the world, the ISR defines the rights and obligations of the countries as to notifications of public health events and institutes a series of procedures that should be followed by the WHO in its work to protect global public health.

The ISR also obligates the countries to reinforce the current surveillance methods and sanitary responses. The WHO, in close collaboration with the countries and associates, provides support and technical assistance in order to obtain the necessary resources for timely and efficiently application of the new standard (WHO, 2013).

e. Convention for the Prohibition of Chemical Weapons (OPAQ)

The rationale of the Convention on Chemical Weapons is concisely expressed in its preamble: “. . .Resolved, for the good of all humanity to completely exclude the possibility that chemical weapons be employed, through the application of the dispositions of this Convention...”. It also emphasizes the positive aspects of chemistry for peaceful purposes and the desire to promote the free trade of chemical substances and international cooperation in chemical activities not prohibited by the Convention (OPAQ, 2013).

The Convention prohibits the States Parties to employ chemical weapons or to prepare militarily for the employment of chemical weapons. The States Parties should never “develop,

produce, otherwise acquire, store or preserve chemical weapons nor transfer these weapons to anyone directly or indirectly”. As such, the States Parties will not encourage or collaborate with any activity – carried out by individuals, groups, or another State – prohibited by the Convention. Every State Party should destroy all stocks of chemical weapons in its possession, as well as all facility for the production of weapons that are in its territory and all chemical weapons it would have abandoned in the territory of another State Party. Article I also prohibits the employment of agents of repression of disturbances (for example, tear gas) as a method of war (OPAQ, 2013).

f. United Nations Framework Convention on Climate Change

The United Nations Framework Convention on Climate Change was adopted in 1992, by ratifying it through Decree No. 26-95 dated July 29, 1995. It permits, among other things, reinforcement of public awareness, on a global scale, of the problems related to climate change, and is the first attempt in the country, at least through international conventions, to regulate chemical products.

g. International Convention for the Security of Human Life at Sea and protocol.

The main objective of the SOLAS Convention is to specify standards for the construction, equipping and exploitation of ships to guarantee their security and of the persons aboard. The flag States that have adopted the SOLAS are responsible for guaranteeing that the ships under their flag meet its prescriptions, through timely recognitions and the issuance of certificates established in the Convention as proof of this fulfillment. The dispositions for control also permit contracting governments to inspect the ships of other contracting States if there is reasonable cause to believe that the ship and its equipment do not substantially meet the requisites of the Convention. This procedure is known by the name of the Port State Control.

The SOLAS convention includes articles that establish general obligations, the procedure for amendments and an annex structured in 12 chapters. Chapter VII establishes the obligatory dispositions that govern the transportation of hazardous bagged merchandise or in solid form in bulk. Honduras adopted the convention in 1974 and it came into effect in 1979.

h. International Convention to prevent Contamination by Ships (MARPOL)

This tries to prevent contamination of the maritime environment produced by ships. It was created under Decree No 173-99 and published in La Gaceta No 29,164 dated May 6, 2000

i. Central American Uniform Customs Code and Regulation

It emerged with the need of the Central American Common Market and subsequently was perfected by the Central American Economic Integration System (SIECA). The Code and Regulation establish the Central American customs framework

In the question of chemical products, it addresses aspects of prohibited, hazardous, loading and unloading, transshipment, repacking and storage of chemical products.

j. Health Code

The Health Code was approved through Decree No. 65-91 dated May 28, 1991 establishes diverse dispositions for the promotion and protection of human health through the conservation and protection of the environment. This Code issues a series of prohibitions related to the use, transportation and storage of chemical substances such as: prohibiting the manufacture, imports, trade or utilization of all those chemical substances that the Secretariat of Health does not authorize. It prohibits the joint transport of foods or beverages with hazardous substances or any other substance that puts contamination of foods or beverages at risk.

This Code also establishes coordinated responsibility among diverse Secretariats of State to regulate the importing, fabrication, storage, transportation, handling, commerce and disposal of hazardous substances such as pesticides, insecticides, herbicides, rodenticides, explosives, corrosives, radioactives, inflammables among many others

It equally considers occupational health through providing and maintaining a work environment in the productions processes under adequate conditions of hygiene and security, by establishing work systems with the minimum risk for health which it should coordinate with the Secretariat of Labor and Social Security.

k. Labor Code

Created through Decree No. 189 dated July, 1959, the Labor Code and subsequent reforms establish the legal framework for labor safety, establishes that “The State, as well as mercantile companies, should develop measures oriented towards ensuring those rights and the workers to respect them” and Chapter I, Articles 391-400 estipulate what refers to safety and hygiene at work that all employer or company is obligated to provide and to improve facilities and work equipment that guarantee the safety and health for the workers. The General Inspection of Work will verify that every government enterprise or institution assume measures oriented towards reducing or eliminating risks; these should be visible to the workers.

However, in practice the work inspectors are more focused on physical risks but are not trained in situations of chemical risks. Further, when their recommendations are issued to employers, these are written in a broader sense, for example: Improve the kinds of storage, keep track of the expiration dates of fire extinguishers, etc.

The Labor Code defines what hazardous work, facilities or industries are, which damage or could immediately seriously damage the life of the workers whether by their own nature or by the materials used, prepared, displaced or discarded, whether these are solid, liquid or gas or due to storage of toxic, corrosive, flammable or explosive substances, in any manner this is carried out.

1. General Law of the Environment

Approved through Decree No. 104-93 dated June 30, 1993, it also regulates chemical substances through bans. It bans imports of radioactive toxic waste, household waste, sewage sludge and slurries and others. It also bans dumping toxic and non-toxic waste in soils, rivers, lakes, lagoons or water sources related to mining or operations related to hydrocarbons. It establishes that discharges and elimination of solid and liquid waste from whatever source, toxic or non-toxic, are carried out at locations set aside by competent authorities.

It authorizes the competence to the Secretariat of Health that only chemical substances it approves and registers can be imported, manufactured, stored, commercialized, transported, utilized and be disposed of in the country. It establishes that the following actions related to the disposal of chemical substances will be considered environmental crimes:

- Expel or discharge active or potentially hazardous chemicals in the atmosphere, the use of which is banned or have not been treated as prescribed in the applicable technical standards, that cause or could cause the death of one or more persons, or seriously damage human health or the ecosystem;
- Discharge hazardous contaminants without the appropriate or previous treatment, in national jurisdiction oceans, including the maritime – land zone, or in continental and groundwater courses or deposits, including water supply systems, or that filter into the soil or subsoil, residual waters or the rights with the same characteristics as those indicated, that cause or could cause the death of one or more persons or serious damage to human or environmental health;
- Manufacture, store, import, trade, transport, use or dispose of without observing what is included in the legal disposition on the issue, toxic substances or products or contaminants that cause or could cause risk or are a hazard to public health or to the ecosystem; and,
- Contaminate or permit the contamination of foods and beverages.

It equally authorizes the Secretariat of Natural Resources the competence of knowing the claims of complaints related to chemical substances.

m. Plant and Animal Health Law

It was created through Decree No. 157-94 dated January 13, 1995 with the objective of ensuring the protection and health of vegetables and animals destined as foods and the conservation of their products and by products against harmful action from plagues and diseases of economic, quarantine and human importance.

It creates the National Agricultural Health Service, SENASA in Spanish, which is an independent unit of the Secretariat of Agriculture and Livestock, SAG; that should ensure quality and control of the health of seeds, biological and chemical, pharmaceutical and food products for animal and vegetable use.

It follows the Health Code guidelines when establishing inter-institutional coordination as the axis for legal regulation, since it orders for SENASA and Health to coordinate standards and regulation procedures, bans or restrictions, confiscations and quarantines of agro-chemicals, biologicals bio-technologicals and similar substances. This includes permits for importing, manufacturing, production, distribution and sale of these products.

n. Traffic Law

It was created through Decree No. 205-2005 dated January 3, 2006, and authorizes the General Directorate of Traffic, which is a dependency of the Secretariat of Security, the authority to supervise cargo transportation and public vehicles and orders their registration at that Directorate. It establishes the obligation of warning signals on the cargo being transported and other signs to identify the transportation unit and the cargo.

o. General Regulation for Environmental Health

It was created under agreement 94-97 and develops the rules for compliance of environmental health issued through the Health Code and the General Law of the Environment. It emphasizes aquifer contamination by chemical products and as such, prohibits the manual or aerial spraying of agro-chemicals in a 30 to 100 meter strip from the edge of bodies of water. It also prohibits the use of unregistered pesticides. It also establishes as a pillar of industrial security, the training and instruction for workers on the risks to which they are exposed.

p. Regulation on the Registration, Use and Control of Pesticides and Similar Substances

Created through Agreement No. 642-98, it develops the dispositions found in the Plant and Animal Health Law as referring to the registration, imports, formulation, re-packing, transportation, storage, sale, use, handling and exporting agro-chemicals, biologicals, biotechnologicals or similar substances in the records kept by the Secretariat of Agriculture and Livestock (SAG) through the National Agricultural Health Service (SENASA) and through which the Department for the Control and Use of Pesticides is created.

The Department of Control and Use of Pesticides is also responsible for the registration of persons and companies dedicated to these activities.

q. Regulation for Agricultural Quarantine

It was created through Agreement No. 1618-97 for the purpose of establishing the rules for importing animals, vegetables and vegetable and animal based products for agricultural use.

r. Regulation for the Health Control of Products, Services and Health Facilities

Created under Agreement No. 06-2005 which develops the Health Code and includes foods, beverages, cosmetics, hygiene products, hazardous substances, medical devices and equipment, natural products and laboratory reagents in relation to labels and packaging, health control measures and acts for products, services and health facilities, publicity, infractions, sanctions among other aspects.

s. Regulation for Preventive Measures against Labor Accidents and Professional Diseases

Created under Agreement No STSS-053-04 and develops aspects in the Labor Code related to work health. It establishes minimum work safety and health conditions in the work centers. Some of the measures it includes are information provided to the workers, the formation of mixed health and safety commissions in the companies, the obligatory use of personal protection, industrial use chemical products, the duties and rights of the company and the workers in the utilization of chemical products, the appropriate labeling of packaging, transportation, among others.

4. Coverage of the Phases of the Life Cycle of Chemical Products in Existing Legal Instruments

The following table (6) is based on information provided in section 3 and has the purpose of providing a general vision of the coverage of legal instruments throughout the total life cycle of the management of chemical products.

Table 6. Life Cycle Phase Coverage of Chemical Products in Existing Legal Instruments

Category of the Chemical Product	Imports	Production	Storage	Transportation	Distribution/ Marketing	Use/ Manipulation	Exports	Final Disposal
Pesticides (Agriculture, public health and consumer use)	X	X	X	X	X	X	X	X
Fertilizers	X	X	X	X	X	X	X	
Industrial Chemical Products (used in processing and manufacturing)	X	X	X		X		X	
Petroleum Products	X		X	X	X	X	X	
Chemical Consumer Products	X	X	X	X		X		
Chemical Waste	X						X	
Others								

As demonstrated in the previous table, the final disposal phase of chemical products is found to have the greatest deficiency as to the legal frameworks, which is congruent with the Chemical Waste category.

As related to Industrial Chemical Products, some which are considered as precursors for drugs and narcotics are registered and controlled by the Secretariat of Health; however, there is a large gap with regards to the rest of the chemical products which are still not controlled.

5. Summarized Description of Key Administrative Procedures for the Control of Chemical Products

❖ Regulation on the registration, use and control of pesticides and similar substances. Agreement No. 642-98

This regulation has the purpose of establishing the technical, administrative and legal dispositions framed in the Plant and Animal Health Law in reference to registration, imports, manufacturing, formulation, re-packing, transportation, storage, sale, use, handling and exporting of agro-chemicals, biologicals, biotechnologicals or similar substances.

This framework standardizes that every importer, manufacturer, formulator, re-packager, and seller of the technical product should be inserted as such in the Register that will be kept by the Secretariat of Agriculture and Livestock. Therefore, no person, whether natural or legal, will be able to import, re-package, export, manufacture, formulate, store, transport, sale, manipulate, mix and use technical products, if they aren't duly registered as established in the Law and this Regulation.

The manufacturers, importers, formulators, re-packagers, distributors, exporters and persons who provide services for application and storage, as well as the regent, whether natural or legal persons should request the permit issued by the Secretariat.

The regulation on the registration, use and control of pesticides and similar substance standardizes the following aspects in a detailed manner:

- Records administration
- Imports, fabrication, formulation, and repacking
- Publicity for agricultural use pesticides
- Control
- Storage and transportation
- Research with pesticides and similar substances during the experimental phase
- General conditions for restricted use
- Precautions in handling and use
- Rectification of registration errors
- Destruction of empty packages, remnants, unusable pesticides and the re-collection of spills
- Accreditation system
- Education, training and divulging
- Personnel in pesticide control
- Obligations of natural or legal persons

- Infractions and sanctions
- Sanctions
- Procedure for applying sanctions
- Transitional dispositions

❖ **General Regulation for Environmental Health. Agreement 94-97**

The referred regulation develops the group of rules to comply with the environmental health dispositions contained in the Health Code, and for purposes of the management of chemical products it is of interest to those related to the promotion and protection of health.

As such, the regulation establishes that for control of contamination of water from the application of agro-chemicals, manual or aerial application is banned in a thirty and one hundred meter strip, measured at the edge of all bodies of water.

Likewise, treatment of vegetation with unregistered pesticides is banned. The installation of structures for storing hydrocarbons and harmful substances is also banned, whether they are subterranean or on the surface in a radius of 300 meters from a source or well for supplying water for human consumption, domestic use or the preparation of food products.

In matters of industrial safety, the regulation standardizes that all industrial companies should instruct their workers on the risks to which they are exposed and wherever there is a risk, permanent signs should be installed warning of such risks. As such, it is established that each industry should install the adequate equipment for protection to control and prevent professional risks and the workers are obligated to use this equipment.

More specifically, the regulation contains a chapter dealing with hazardous substance that establishes that:

- Inter-institutional coordination is fundamental in order to ensure environmental protection and the health of persons with respect to importing, storage, transporting, handling, trade and the disposal in general of hazardous substances such as pesticides, insecticides, herbicides, rodenticides, explosives, corrosives, radioactives, flammable substances and others. To this effect a special regulation will be issued for the registration, importing, manufacturing, storage, transportation, handling, trade and elimination in general of hazardous substances.
- Under this consideration, the Secretariat of Health will organize the inter-institutional coordinating commission for it to propose technical standards for the management, manufacture, use, storage, regulation and control of hazardous substances, and the handling and final disposal of packaging with representatives designated for this purpose by the Secretariat of Natural Resources and the Environment, Economy and

Trade, Work and Social Security, Governance and Justice, Defense and Public Security, the Municipality and the Secretariat of Health. This commission will propose laws to ban radioactive waste and others.

- Under no circumstance will entry into the country be permitted of toxic waste and other radioactive, teratogenic, carcinogenic substances and others, the violation of which would be sanctioned as a lesser to a serious fault.
- The health authorities will issue the corresponding license to every natural or legal person that, without prejudice to the dispositions contained in the Basil Convention, owns or utilizes X-ray products or ionizing radiations, with a request from the interested party and in compliance with the requisites established in the technical standards issued by the competent General Directorate of Health.

❖ ***Agricultural Quarantine Regulation Agreement No. 1618-97***

This regulation establishes that importing animals, vegetables, animal and vegetable origin products and by-products and agricultural use products and articles will be subject to obtaining a plant or animal health permit, which will be issued to the interested party as established in the corresponding requisite manuals for importing. SENASA will prepare these manuals for this effect. The request for a plant or animal health permit should be made with a minimum of 15 days before the arrival in the country of the corresponding import, except in exceptional cases which will be considered in accordance with the technical procedures manuals.

When importing animals, vegetables, and animal or vegetable origin or products and supplies for agricultural use that represent a risk for human or animal health, vegetable health or the environment, or for use by universities, research institutes or any other public or private national or international entity installed in the country, they will only be able to do so through SENASA, after meeting all security specifications as required, such as post-entry quarantine, which will be established by the corresponding Technical Sub-directorates, in coordination with technical commissions created for this purpose by the National Animal and Vegetable Health Committee.

Importing animals, vegetables, animal or vegetable origin products and byproducts, products and supplies for agricultural use will be carried out only at places authorized by SENASA.

In relation to exporting animals, vegetables, animal and vegetable origin products and byproducts and supplies for agricultural use, these are subject to plant and animal health control of SENASA, through the Technical Sub-directorates.

The animal, vegetable, animal and vegetable origin products and byproducts and agricultural supplies that enter the Honduran territory in transit to another country should be covered and accompanied by the respective plant or animal health export permit issued by the country of origin and the sanitary permit or guarantee of the country of destination. The request for the

plant or animal health certificate for international transit should be made with a minimum of 15 days before arrival at the corresponding place of entry, except in special cases which shall be considered in accordance with the corresponding technical procedures manuals.

In addition the regulation bans the sale of animals, vegetables, animal and vegetable origin products and byproducts and supplies for agricultural use, in means of transportation from abroad that includes in their itinerary a temporary stay in the national territory or territorial waters.

Finally, it establishes sanctions for the non-compliance of what is established in this regulation.

❖ ***Regulation for the Health Control of Products, Services and Health Facilities.
Agreement No. 06-2005***

The purpose of this regulation is to develop and ensure compliance with Book II of the Promotion and Protection of Health, Title II of Foods and Beverages, Book III of Health Recovery, Title I of Pharmaceutical Products and Medical Equipment, Title II of Health Institutions, Book IV, Title II Administrative Measures and Acts, Title III Procedures in Actions of Health Authorities as to the Health Code. This is based on the following principles:

a.- Protect the health and life of users and consumers in relation to products, services and health facilities.

b.- Regulate conditions of harmlessness, efficacy and safety of products, services and health facilities.

Health products covered by the regulation include foods, beverages, medications, biologicals, hygiene products, hazardous substances, medical devices and equipment, natural products, laboratory reagents.

The regulation develops health standards applicable to products, services and health facilities; labels and packaging of the products; measures and administrative acts for the health control of products, services and health facilities; publicity for the products, services and health facilities; infractions, sanctions and procedures; recovery quotas for rights and services; and final and transitory dispositions.

❖ ***Regulation of Preventive Measures for Work Accidents and Professional Diseases.
Agreement No. STSS-053-04***

This regulation establishes the standards that govern application of Title V on the Protection of Worker Health and other dispositions on the matter contained in the Labor Code. Its objective is to establish conditions of security and health in which work should be carried out in the work centers, without prejudice for the regulations that are dictated for each particular activity.

Through the mixed health and security commissions of the company, the employers will inform all workers in a timely and convenient manner, on the risks implied by their work, on the preventive measures and the correct methods of working.

In order to prevent professional risks, public and private employers, contractors and subcontractors, should provide a security and health program for working in their companies. Utilization of personal protection will be obligatory whenever it isn't possible to employ collective protection means, or if these means do not guarantee total protection from professional risks.

The regulation standardizes the following aspects in a detailed manner:

- General conditions at work centers
- Industrial use chemical products:
 - Duties of the company and the workers in the utilization of chemical products
 - Training on the utilization of chemical products
 - Tagging and labeling
 - Handling and mixing chemical products
 - Transportation
 - Warehouses
 - Storage
 - Elimination of residues and containers
 - Procedures in case of emergency
- Agricultural use chemical products:
 - General dispositions
 - Labeling
 - Personal protection equipment
 - Spraying equipment
 - Agro-chemical application on soil
 - Agro-chemical application by air
 - Protection of water sources
 - Decontamination and elimination of agro-chemical packaging
 - Working in confined locations
- Sanctions

❖ **Regulation of the National System of Environmental Impact Evaluation (SINEIA in Spanish). Agreement 189-2009.**

The National System of Environmental Impact Evaluation is defined as group of processes and procedures which seek to provide sustainable development for the country, by seeking a balance between the development of projects, works and activities and the care and

preservation of the environment. Its fundamental responsibilities aim to the evaluation and environmental control of new or operating human activities which are capable of generating adverse effects on the environment.

Projects, industrial facilities or any other public or private activity susceptible to contaminating or degrading the environment, the natural resources or the cultural historic patrimony of the nation will be subject to an obligatory Environmental Impact Evaluation which will permit preventing possible negative effects. The evaluation is especially requested in chemical products warehouses or deposits.

The development of the environmental diagnostic implies the following activities:

- a) Information collecting on the company: A review of legal administrative documents and data on environmental aspects of the company, obtaining legal duly authenticated documents, according to the attached lists.
- b) Environmental inspection of the project area: This includes inspection visits for the evaluation of each of the sites and surroundings from the biophysical and socioeconomic viewpoint, use of GPS equipment and digital cameras for locating the site and preparing photographic reports.
- c) Evaluation of environmental aspects to be incorporated: potential environmental impacts will be incorporated for the construction and operating phases of the project. The methodology of integrated relevant criteria will be utilized.
- d) The formulation of mitigation and compensation measures: activities and measures will be recommended to solve the problems identified during the inspection.
- e) Preparation of the qualitative report on environmental diagnostics: according to the requirements demanded by SERNA and the number of copies required

6. Legal Instruments on Related Activities that Influence the Management of Chemical Products

Many of the broader areas of the legislation that are not specifically or directly related to chemical substances could have an important impact on the management of chemical products. This section provides an opportunity for reviewing these additional areas of the legal and policy instruments in relation to the sound management of chemical products.

a. Law for the establishment of a Country Vision (2010 – 2038) and Country Plan

With the approval of the “Law for the establishment of a Country Vision (2010 – 2038) and Country Plan (2010 – 2022)”, under Legislative Decree No. 286-2009, initiates an effort for

the redefinition of roles and functions in the governmental-institutional structure, based on six (6) particular elements that become the route and motor for development in Honduras, which are:

- i. The creation of 16 “Development Regions” based on the hydrographic structure of the country.
- ii. The definition of four (4) macro-objectives for development and twenty-two (22) goals with quantitative indicators.
- iii. The creation of National Councils and Regional Councils
- iv. The creation of the Technical Secretariat for Planning and Foreign Cooperation – SEPLAN in Spanish
- v. The incorporation of the General Directorate of Territorial Organization –DGOT in Spanish
- vi. The adoption of a model for “Joint Financial Planning and Programming”

Likewise, the Law for the Country Vision and Country Plan establishes four strategic objectives:

- 1) A Honduras without poverty, educated and healthy, with consolidated ecosystems for social security
- 2) A Honduras that develops in democracy, with security and without violence
- 3) A productive Honduras, generating opportunities and employment, that sustainably uses its resources and reduces environmental vulnerability
- 4) A modern, transparent, responsible, transparent, efficient and competitive State.

Of these objectives, we have identified their link to the Environmentally Sound Management of Chemical Products, specifically with objectives 1 and 3.

Likewise, through the 2011-2013 SAICM-2- SERNA/UNDP Project, a process has been carried out for the insertion of environmentally sound management of chemical products in the country plan, resulting in the inclusion of the issue in five Territorial Organization Plans and at the level of the Secretariat of Natural Resources through the Strategic Institutional Plan.

b. General Law of Waters

This law has the purpose of establishing the principles and regulations applicable to the adequate management of water resources for the protection, conservation, valuation and use of the water resources to propitiate the integrated management of this resource at national level.

The use, exploitation, development, applications and any manner for the use of the water resources, as well as exploitation and use of related ecosystems and resources will be administered by the state through the water authority as authorized by this law and other associated laws. The central government holds the title for administering water, and associated goods and rights.

c. Law for the National Risk Management System (SINAGER in Spanish)

The SINAGER Law has the purpose of creating the National Risk Management System, which will be known by the acronym of “SINAGER”, by constituting the Honduran legal framework oriented for the country to have and develop the capacity to prevent and reduce risks from potential disasters, in addition to being prepared, responding and recovering from damages from natural phenomena that impact us or those generated by human activities.

The National Risk Management System (SINAGER) will be regulated in an institutional framework, which includes all sectors of Honduran society, for existing institutions as well as those to be created, without any exclusion whatsoever. These sectors are public and private, identifying the de-concentrated and decentralized organisms as well as the autonomous entities, the private sector, worker and *campesino* organizations, different development organizations and all that are grouped in what is known as civil society and gender and ethnic groups.

All actions related to the prevention, adaptation to climate change and other types of events, the financial management of disaster risk, the permanent and effective preparation, humanitarian assistance in case of disasters and emergencies, rehabilitation and reconstruction of zones affected by disasters will be defined in this inter-institutional framework, all of which are included in the concept of **“Risk Management”** referred to in this Law.

The National Risk Management System will be governed by the following principles: Security and responsibility, risk reduction as a social process, decentralized and de-concentrated management, coordination, citizen participation, the incorporation of the risk management component as part of national development, the scope of responsibilities, ethics and transparency, development strategies in support of solidarity, non-discrimination, a gender focus and affirmative actions.

7. Non Regulatory Mechanisms for Chemical Product Management

- **Free Trade Agreement between Central America, the United State and the Dominican Republic (DR-CAFTA)**

On the issue of the environment, Honduras was subject to a strong drive for regulation as of the entry into force of the Free Trade Agreement between Central America, the United States and the Dominican Republic (DR-CAFTA). The DR-CAFTA is the first trade treaty that dedicates a chapter to the field of environmental protection, as opposed to the reference to

labor laws where it does not contribute measures or procedures, moreover it only obligates the States to comply with existing national and international laws.

The guideline of the chapter is based on strengthening national environmental laws, which are defined in Article 17.13 as:

- ✓ the law or regulation of one Party, or the dispositions, with the main purpose of protecting the environment or the prevention of some hazard against human life or health, whether animal or vegetable, through:
- ✓ the prevention, reduction or control of a leaks or discharges from environmental contaminants;
- ✓ the control of environmentally hazardous or toxic and the dissemination of related information; or
- ✓ the protection or conservation of the flora and fauna, including species in danger of extinction, the habitats and natural areas under special protection.

The good management of chemical products and other hazardous substances is an important factor in the protection of the environment and human health. It is also essential for complying with the requirements of the DR-CAFTA in relation to national and international environmental standards. Because the agriculture sector is one of the main beneficiaries of the DR-CAFTA— and the United States is the main importer of agricultural products from the region, pesticide management is of particular importance.

Equally, the Association Agreement between Central America and the European Union⁴, is not just commercial but also encompasses dialogue and political cooperation in addition to trade. The Agreement which includes a chapter on sustainable development with the corresponding support, also addresses social and environmental aspects associated to the commercial part.

These environmental aspects can include:

- a. Multilateral Environmental Treaties (TAMs in Spanish)
- b. Regional Focus
- c. Mechanisms for monitoring impacts
- d. Environmental standards
- e. Wildlife and biodiversity

⁴ In 1993 the European Union (EU) and Central America signed the Framework Agreement for Cooperation. It entered into force on March 1, 1999. During the EU – Latin America and the Caribbean Summit, celebrated in May 2002, the EU and six Central American countries (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama) agreed to negotiate the Political Dialogue and Cooperation Agreement, which was signed on December 15, 2003 in Rome, Italy. In Brussels on March 22, 2011, after concluding the legal review of the texts, the association agreement was initialized by both parties. On October 25, 2011, the European Commission reviewed and approved the agreement, fulfilling the first phase of signing. During the next phase, the European Union Council will in turn review the agreement and authorize signing it. The Association Agreement between the European Union and Central America (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama) was signed in Tegucigalpa, Honduras, on June 29, 2012. The European Parliament approved the agreement on December 11, 2012.

- f. Specific sectorial issues (for example, on forests, fishing, biofuels, organic agriculture, etc.)

The entry of these two trade agreements has had a greater impact on industrial processes than the approval of laws. This is because the industrial companies, agro-industries and pharmaceutical companies have opted for assuming ISO certification programs for quality and environment, in two predominant factors: the beginning of cleaner production programs and complying with national legislation in the DR-CAFTA member countries and the Association Agreement, which in general terms have developed the management of chemical products more efficiently and coordinated and the second factor is obtaining international recognition for cleaner production, the management of chemical waste, green export seals, among others.

- **Strategic Approach for International Chemicals Management (SAICM)**

The Strategic Approach for International Chemicals Management (SAICM) is a policy framework to promote chemical safety globally. SAICM has the general objective of achieving the sound management of chemical products during their life cycle, so that by 2020 chemical products are produced and utilized in a manner as to reduce significant adverse effects on human health and the environment. This "objective 2020" was adopted by the World Summit on Sustainable Development in 2002 as part of the Johannesburg Implementation Plan (SAICM, 2013).

SAICM is distinguished by its broad and ambitious scope of "2020" including the objective of the sound management of chemical products, multiple interested parties and its multi-sectorial character, support from the highest political level, emphasis on chemical safety as a sustainable issue, the provision for the mobilization of resources, and the formal approval or recognition by the steward organisms of key inter-government organizations.

SAICM includes the Dubai Declaration on the Management of Chemical Products, which expresses the high level political commitment for the SAICM, and a strategy of global policy that establishes its scope of application, the needs, objectives, financial consideration, underlying principles and the focus and mechanisms for execution and review. The objectives are grouped in five issues: risk reduction, awareness and information, governance, the creation of capacities and technical cooperation and illicit international traffic (SAICM, 2013).

The Declaration and Strategy are accompanied by a Global Action Plan that serves as a work tool and guiding document for supporting implementation of the SAICM and other pertinent international instruments and initiatives. Activities in the plan will be carried out by the stakeholders in function of their applicability (SAICM, 2013).

At national level, during 2008-2009, the Project for Strengthening National Governance was developed for implementation of the SAICM (UNDP/UNITRA/SERNA), the objective of which was to strengthen national capacity for the development of a country plan for the implementation of the Strategic Approach for International Chemicals Management (SAICM), by developing the following activities: Updating the National Profile for the Management of Chemical Substances (2009), Evaluation of National Capacities for Implementing the SAICM, Establishment of National Priorities and Action Plans and the Design of a Policy for the Environmentally Sound Management of Chemical Products.

Subsequently in 2011, the SAICM-2 project of “Insertion of the Environmentally Sound Management of Chemical Products in the Country Plan” initiated, which was executed during 2011-2013, with support from UNDP-UNEP. This project contemplated two priority activities: the Insertion of the Environmentally Sound Management of Chemical Products in the Country Plan in compliance of the National Policy for the Implementation of SAICM in Honduras and the Consolidation of the National Commission for the Environmentally Sound Management of Chemical Products (CNG) to fulfill the SIP Honduras goals.

- **International code of conduct for pesticide management**

The international code of conduct for pesticide management constitutes the reference framework on pesticide management for all public and private entities committed to, or associated with the production, regulation and management of pesticides. The new international Code of Conduct for the management of pesticides was approved by the FAO Conference in June 2013.

The Code offers standards of conduct and serves as a point of reference in relation to the practices of safe management of the life cycle of pesticides in particular for government authorities and the pesticide industry. In addition, its implementation is supported by technical directives that are prepared by a panel of experts on pesticide management (FAO, 2013).

Since 2007 highly hazardous pesticides constitute an area of special interest for FAO as to the application of the Code of Conduct. Likewise at international level, FAO participates in the activities of the Strategic Approach for International Chemicals Management (SAICM) and is a participating organization in the Inter-institutional Program for the Sound Management of Chemical Products (IOMC).

- **International Narcotics Control Board (JIFE in Spanish)**

The International Narcotics Control Board is an independent and legal organism constituted by experts which was established under the Single Convention on Narcotic Drugs, 1961, through the fusion of two organisms, the Permanent Central Narcotics

Board, created after the International Opium Convention in 1925 and the Drug Supervisory Board, created in virtue of the Convention to Limit and Regulate the Distribution of Narcotics in 1931. The International Narcotics Control Board is formed by 13 members, each of which is elected by the Economic and Social Council to carry out a five year mandate. Likewise, derived from this International Board an Inter-American Commission for the Control of Drug Abuse (CICAD in Spanish), of which Honduras is also a part.

8. Evaluation

Honduran legislation does not coherently regulate the life cycle of chemical products. In addition, current regulatory dispositions for chemical products are disaggregated in a diversity of codes, laws and regulations, all of which results in a distortion in their application. Another negative characteristic of the legal framework for chemical products is that the standards issued have been carried out in different periods and moments, under momentary particular interests, which has not permitted harmonizing regulations since there is a sectorial and not integrated vision of the management of chemical products.

Something that is important to emphasize is that in Honduras, according to constitutional standards, environmental protection and the control of contaminants, including chemical products, have the purpose of protecting and ensuring human health. Therefore, this constitutional mandate establishes from the legal view point that human health⁵ is the primary factor in the management of chemical products.

The previously described situation has resulted in gaps or legal loopholes, which results in a situation of lack of clarity or gaps in the environmental law. In this case, it has suffered from legal pathology of the omission in the concrete regulation of a determined situation, partially or totally, that does not provide a specific legal response, so that as such, this obligates those who apply this law (judges, attorneys, lawyers, legal secretaries etc.) to employ techniques to substitute the gaps, thereby obtaining an efficient response to what is legally expressed. These gaps are more evident in some issues such as cases dealing with final elimination of chemical products, public consumption substances, standards for the control and prevention of chemical disasters.

⁵ With the entry into force of the General Law of the Environment and the creation of the Secretariat of Natural Resources and the Environment, SERNA, some responsibilities for protection of human health are delegated, which until this time were held as a monopoly by the Secretariat of Public Health. They are related to environmental protection and contaminant control. This duality of responsibilities has resulted in that SERNA as well as Health do not concretely limit the scope of their functions.

Another aspect to consider are the foreseen environmental incentives. Despite the fact that the General Law of the Environment establishes a system of environmental incentives, in practice these are implemented, resulting in that responsible management of chemical products by the companies, particular persons and the government itself, is mostly voluntary.

A major aspect to consider is the implementation of existing legal standards, that although weak, dispersed and not coherent, the biggest problem is that compliance is low. It could be because the competent authority lacks the financial and technical resources for implementing it, the lack of qualified technical staff to carry out field controls and laboratory analysis, also due to a lack of infrastructure (and investment in this area) to carry out effective control of chemical products. There is also a lack of culture and valuation of chemical products (see Table 7)

Table 7. Priorities and Possible Actions: Non-Regulatory Legal Instruments and Mechanisms for the Sound Management of Chemical Products

Priority Issues (Classified from greater to lesser)	Level of existing capacity (Low, medium, high)	Summary of Strengths, Opportunities, Weaknesses and Threats	Possible Actions	Stakeholder Actors
1. Gaps in the existing legal framework on the management of chemical products, and duplication of functions and responsibilities by the authorities.	Low	<p>Opportunity: There is a mechanism for inter-institutional coordination for the issue of chemical products (CNG)</p> <p>Threat: Dispersed instruments for the management of chemical products.</p>	Creation of a Framework Law for the Management of Chemical Products	CNG
2. Effectiveness of the application of different legal instruments	Low	<p>Weakness: There is no budget line item for the issue of chemical products in different secretariats of state associated to</p>	Insert the necessary financial resources in the draft project for the SERNA budget to be executed in 2015	SERNA

Priority Issues (Classified from greater to lesser)	Level of existing capacity (Low, medium, high)	Summary of Strengths, Opportunities, Weaknesses and Threats	Possible Actions	Stakeholder Actors
		the issue. Lack of personnel in charge of mandated activities.		
3. Effectiveness of the non-regulatory instruments in the reduction of chemical risks in the country	Low	Gap: Non-existence of incentives oriented to the industrial sector	Create a system of fiscal incentives	SERNA SIC COHEP DEI
4. New law projects or legal instruments being proposed in the country	Low	Weakness: Lack of empowerment of the issue by higher authorities Threat: Proposed Regulation projects not approved by the Secretariat of the Presidency	Carry out advocacy with authorities for approval of new projects or legal instruments	SERNA SSH Secretariat of the Presidency
5. Existing control instruments are appropriate, effective, and thorough for each life cycle phase of chemical products	Low	Threat: Insufficient legislation around the storage, treatment and final elimination of hazardous products and residues	Adoption of the Globally Harmonized System for labeling and classification of chemical products Preparation of proposed regulation around storage, treatment and final elimination.	SERNA

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Annexes

Annex I. Acronyms

CAP	Comisión Administradora del Petróleo/Petroleum Administrating Commission
CAUCA	Código Aduanero Uniforme Centroamericano/Uniform Central American Customs Code
CCAD	Comisión Centroamericana de Ambiente y Desarrollo / Central American Commission for the Environment and Development
CESCCO	Centro de Estudios y Control de Contaminantes / Center for the Study and Control of Contaminants
CICAD	Comisión Interamericana para el Control de Abuso de Drogas / Interamerican Commission for Controlling Drug Abuse
CNG	Comisión Nacional para la Gestión Ambientalmente Racional de los Productos Químicos / National Commission for the Environmentally Sound Management of Chemical Products
CONASATH	Comisión Nacional de Salud de los Trabajadores de Honduras / National Commission for the Health of Honduran Workers
COPECO	Comisión Permanente de Contingencias / Permanent Commission for Contingencies
COPs	Contaminantes Orgánicos Persistentes / Persistent Organic Contaminants
DEI	Dirección Ejecutiva de Ingresos / Executive Directorate of Revenue
DGPQ	Departamento de Gestión de Productos Químicos / Department for Chemical Products Management
FAO	Organización de las Naciones Unidas para la Alimentación y la Agricultura / United Nations Food and Agriculture Organization
FMAM	Fondo para el Medio Ambiente Mundial/Fund for the Gobar Environment
GEF	Global Environmental Facility (Fondo para el Medio Ambiente Mundial)
INHGEOMIN	Instituto Hondureño de Geología y Minas / Honduran Institute of Geology and Mining
JIFE	Junta Internacional de Fiscalización de Estupefacientes / International Narcotics Control Board
ONUDI	Organización de las Naciones Unidas para el Desarrollo Industrial / United Nations Organization for Industrial Development
PCBs	Bifenilos Policlorados / Polychlorate Biphenols

PNI-COPs	Plan Nacional de Implementación del Convenio de Estocolmo / National Plan for the Implementation of the Stockholm Convention
PNUD	Programa de las Naciones Unidas para el Desarrollo / United Nations Development Program
PNUMA	Programa de las Naciones Unidas para el Medio Ambiente / United Nations Environmental Program
RECAUCA	Reglamento del Código Aduanero Uniforme Centroamericano / Uniform Central American Customs Code Regulation
RETC	Registro de Emisiones y Transferencia de Contaminantes / Record of Emissions and Contaminant Transfer
RSI	Reglamento Sanitario Internacional / International Health Regulation
SAICM	Enfoque Estratégico para la Gestión de Productos Químicos a Nivel Internacional / Strategic Approach for International Chemicals Management
SAG	Secretaría de Agricultura y Ganadería / Secretariat of Agriculture and Livestock
SIC	Secretaría de Industria y Comercio / Secretariat of Industry and Commerce
SENASA	Servicio Nacional de Sanidad Agropecuaria / National Service for Agricultural Health
SERNA	Secretaría de Recursos Naturales y Ambiente / Secretariat of Natural Resources and the Environment
SESAL	Secretaría de Salud / Secretariat of Health
SEFIN	Secretaría de Finanzas/Secretariat of Finance
SGA	Sistema Globalmente Armonizado de Clasificación y Etiquetado de Productos Químicos / Globally Harmonized System for the Classification and Labeling of Chemical Products
SINAGER	Sistema Nacional de Gestión de Riesgo / National Risk Management System
SOPTRAVI	Secretaría de Obras Públicas Transporte y Vivienda / Secretariat of Public Works, Transportation and Housing
SRE	Secretaría de Relaciones Exteriores / Secretariat of Foreign Relations
STSS	Secretaría de Trabajo y Seguridad Social / Secretariat of Labor and Social Security

Annex II. Banned or Restricted Chemical Substances by the Basil, Stockholm and Rotterdam Conventions and their basis on national legislation

In accordance with criteria established by the Basil, Stockholm and Rotterdam Conventions, there are approximately 56 chemical substances (see Table 8) that have been the object of international level studies, given their characteristics of toxicity and the potential for affecting human health and the environment. Likewise, at national level certain specific legislation has been issued regarding these substances, including regulations, agreements and resolutions. It is estimated that for 64% (36/56) of these substances, Honduras still has not made any statement regarding the regulation of their imports, use or any other phase of their life cycle. However, it is important to mention that three of these substances are currently under proposed regulation: Polychlorate Biphenols (PCBs), Polybromate Biphenils (PBB) and Polychlorate Trifenils (PCT). Below is a description of each of these substances, their association with international chemical conventions and national legislation

Table 8. Banned or Restricted Chemical Substances by the Basil, Stockholm and Rotterdam Conventions and their basis on national legislation

Name of the Chemical Product	National Legislation	Basil Convention	Stockholm Convention	Rotterdam Convention
1) Aldrin	Resolution No. 09-91. Registration of this pesticide banned for an indefinite period of time.	X	X	X
2) Chlordane	Resolution No. 014-99. Ban registration of this pesticide	X	X	X
3) DDT	Not Identified	X	X	X
4) Dieldrine	Resolution No. 09-91. Ban registration of this pesticide for an indefinite period of time.	X	X	X
5) Endrine	Not Identified	X	X	
6) Heptachlor	Resolution No. 09-91. Ban registration of this pesticide for an indefinite period of time.	X	X	X
7) Hexachlorobenzene	Not Identified	X	X	X
8) Mirex	Resolution No. 09-91. Ban the registration of this pesticide for an	X	X	

Name of the Chemical Product	National Legislation	Basil Convention	Stockholm Convention	Rotterdam Convention
	indefinite period of time.			
9) Toxaphene	Resolution No. 09-91. Ban the registration of this product for an indefinite period of time.	X	X	X
10) Polychlorinated Biphenyls (PCB)	Draft Regulation in approval process	X	X	X
11) Polychlorinated Dibenzo-p-dioxins (PCDD)	Regulation for the Control of Emissions Generated by Fixed Sources	X	X	
12) Polychlorinated Dibenzo Furans (PCDF)	Regulation for the Control of Emissions Generated by Fixed Sources.	X	X	
13) Alpha Hexachlorocyclohexane	Not Identified	X	X	
14) Beta Hexachlorocyclohexane	Not Identified	X	X	
15) Lindane	Resolution No. 09-91. Ban the registration of this product for an indefinite period of time.	X	X	X
16) Chlordecone	Not Identified	X	X	
17) Hexabromobiphenyl	Not Identified	X	X	
18) Octabromodiphenyl ether, including Hexabromodifenile ether and Heptabromodifenile ether	Not Identified	X	X	X
19) Tetrabromodifenil ether y Pentabromodifenil ether	Not Identified	X	X	X
20) Pentachlorobenzene	Not Identified	X	X	
21) Perfluorooctane sulfonate and salts	Not Identified	X	X	X
22) Endosulfan	<ul style="list-style-type: none"> Resolution CPNSV-014-88. Authorize the sale and use only for control of Coffee Fruit Rust. Resolution No. 017-91. Suspends the previous restriction. Resolution No. 0002-94 Cancel and annul Resolution No. 17/91 and the use is limited of this insecticide exclusively for the control of Coffee Fruit Rust 	X	X	X

Name of the Chemical Product	National Legislation	Basil Convention	Stockholm Convention	Rotterdam Convention
23) Hexabromocyclododecane (HBCD)	Not Identified	X	X	
24) 2,4,5-T and its salts and esters	Resolution No. 09-91. Ban the registration of this product for an indefinite period of time	X		X
25) Alachlor	Not Identified	X		X
26) Aldicarb	Not Identified	X		X
27) Azympfos-Methyl	Not Identified	X		X
28) Binapacryl	Not Identified	X		X
29) Captafol	Resolution No. 014-99. Ban the registration of this pesticide	X		X
30) Chlordimeform	Not Identified	X		X
31) Chlorbenzilate	Not Identified	X		X
32) Mercury compounds	Resolution No. 09-91. Ban the registration of this product for an indefinite period of time	X		X
33) Tributyltin (TBT) compounds	Not Identified	X		X
34) Ethylene dichloride	Not Identified	X		X
35) Dinitro-ortho-cresol (DNOC) and its salts (such as ammonium salt, potassium salt and sodium salt)	Not Identified	X		X
36) Dinoseb, its salts and esters	Resolution No. 09-91. Ban the registration of this product for an indefinite period of time	X		X
37) EDB (ethylene dibromine)	Not Identified	X		X
38) Fluoroacetamide	Not Identified	X		X
39) Monocrotophos	Not Identified	X		X
40) Ethylene Oxide	Not Identified	X		X
41) Parathion	<ul style="list-style-type: none"> Resolution No. 013-99. Authorize the imports, distribution and sale of Methyl Parathion, giving it the description of "Restricted" Agreement No.674-06. Cancellation of the registration of Methyl Parathion. 	X		X

Name of the Chemical Product	National Legislation	Basil Convention	Stockholm Convention	Rotterdam Convention
42) Pentachlorophenol, its salts and esters	Resolution No. 09-91. Registration is authorized only for industrial use, as a preservative of construction lumber, railroad ties, fence posts, electric posts and rods for closed circuits under pressure	X		X
43) Formulations of dry powder that contain a combination of benomile in a quantity that is equal to or higher than 7 %, carbofurane in a quantity equal to or higher than 10% and thiram in a quantity equal to or higher than 15%	Not Identified	X		X
44) Phosphamidon (Liquid soluble formulations of the substance that surpass 1000 g/l of active ingredient)	Not Identified	X		X
45) Metamidophos (Liquid soluble formulation of the substance that surpass 600 g/l of active ingredient)	Not Identified	X		X
46) Methylparathion (Emulsifiable concentrates with 19.5% or more active ingredient and powders containing 1.5% or more of active ingredient)	<ul style="list-style-type: none"> Resolution No. 013-99. Authorize imports, distribution and sale of Methyl Parathion, giving it the character of "Restricted" Agreement No.674-06. Cancellation of the registration of Methyl Parathion. 	X		X
47) Actinolite asbestos	Not Identified	X		X
48) Anthophyllite	Not Identified	X		X
49) Amosite asbestos;	Not Identified	X		X
50) Crocidolite	Not Identified	X		X
51) Tremolite	Not Identified	X		X
52) Polybrominated biphenyls (PBB)	Regulation Project under approval process	X	X	X
53) Phosphate tris (dibromo-2,3 propile)	Not Identified	X		X

Name of the Chemical Product	National Legislation	Basil Convention	Stockholm Convention	Rotterdam Convention
54) Tetraethyl lead	Not Identified	X		X
55) Tetramethyl lead	Not Identified	X		X
56) Polychlorinated terphenyls (PCT)	Regulation process under approval process	X		X