

Ministerial Regulation

Control of Places of Business Hazardous to Health

B.E.2560 (A.D.2017)

By virtue of the provisions of Section 5 paragraph one and Section 6 paragraph one of the Public Health Act B.E.2535 (A.D.1992), the Public Health Minister by advice of the Public Health Committee issues this Ministerial Regulation as follows.

Clause 1. Prescribing that the Ministerial Regulation on Prescribing of Criteria, Methods and Measures for Control of Places of Business Hazardous to Health B.E.2545 (A.D.2002) shall be repealed.

Clause 2. In this Ministerial Regulation,

“place of business” means any place which operates business that is hazardous to health in accordance with the Notification of the Ministry of Public Health issued in pursuance of Section 31;

“business operator” means the owner or any person responsible for the operation of a place of business;

“staff” means staff working at a place of business;

“noise pollution” means any noise that may be caused from an operation of a place of business and has effect or may have effect to people’s health;

“air pollution” means air pollution that may be caused from an operation of a place of business and has effect or may have effect to people’s health;

“water pollution” means drain water that may be caused from an operation of a place of business and has effect or may have effect to people’s health;

“light pollution” means light disturbances that may be caused from an operation of a place of business and has effect or may have effect to people’s health;

“thermal pollution” means heat that may be caused from an operation of a place of business and has effect or may have effect to people’s health;

“vibration pollution” means vibration that may be caused from an operation of a place of business and has effect or may have effect to people’s health;

“hazardous waste” means waste, sewage, wastewater, polluted air, pollutants, or any matter contaminated with toxic that may be caused from an operation of a place of business and has effect or may have effect to people’s health;

“hazardous substance” means any hazardous substance in accordance with the Act on Hazardous Substances.

Clause 3. Prescribing that places of business shall follow the pollutant standard values for noise pollution, air pollution, water pollution, light pollution, thermal pollution and vibration pollution prescribed by the Minister by advice of the Committee and promulgated in the Government Gazette.

Standard values prescribed in related laws shall be used to support consideration for the promulgation of the pollutant standard values under paragraph one.

Clause 4. Any place of business that requires control measures to monitor the business or operate technical subject matters or matters that rapidly change due to social conditions shall need to follow the criteria prescribed by the Minister by advice of the Committee and promulgated in the Government Gazette.

Clause 5. A business operator of a place of business which belongs to the category, announced to be under control by the local government and the announcement has already come into force in the locality, shall follow the provisions of this Ministerial Regulation.

Places of business located in the locality in which the Act on Town Planning or Act on Building Control come into force, the places of business which are considered factory in accordance with the Act on Factories or the Act on Places of Business Related to Hazardous Substances shall follow the said laws and other related laws as the case may be.

Chapter 1

Location, Building Type and Sanitation

Clause 6. Places of business must not be situated in close proximity to religious site, hospitals, educational institutes, child care, nursing home care for elderly, patients, or handicapped persons, or other locations that need special cares for the health of people who live in the area or require an effective health protection system by concerning the features and types of the places of business.

Prescribing of additional locations, distance, and protection system under paragraph one shall be in accordance with the provisions prescribed by the Minister by advice of the Committee and promulgated in the Government Gazette.

The provisions under paragraph one and paragraph two shall not be applied to places of business considered factories in accordance with the Act on Factories.

Clause 7. For any place of business that has a building, the building must be industrial-strength, well built, and suitable for the business operated in accordance with the Act on Building Control and other related laws.

Fire exit, fire staircase or emergency exit shall follow the specifications prescribed in the Act on Building Control and other related laws. The exit must be free from obstacles and must provide sufficient light with clear boards or signs. There shall also be emergency lights in the case that the usual electricity system is out of control.

Clause 9. Places of business shall have bathrooms and toilets following the design and the number prescribed in the Act on Building Control or other related laws. The room shall be maintained hygienically clean daily.

Clause 10. Places of business shall hygienically keep, collect or dispose waste as follows.

(1) There shall be suitable containers sufficient to types and quantities of waste. The containers and surrounding areas must be cleaned regularly.

(2) Onsite waste disposal shall need approval from local officials and the operation must comply with local regulations and related laws.

(3) In the case that there is any toxic waste or hazardous substance or other substances that may be hazardous to health or have impact to the environment, the operation shall comply with related laws.

Clause 11. Places of business shall manage to drain water from the area in order not to cause any nuisance or hazard to health of people who live nearby.

In the case that there is wastewater or drain water caused by places of business under paragraph one, of which the business operation is under the execution of the Act on Factories or Act on Promotion and Conservation of National Environment Quality, the places of business shall take actions in accordance with the provisions prescribed in the acts.

Prescribing that the Minister by advice of the Committee shall promulgate in the Government Gazette regarding places of business that require a grease trap and prescribe criteria, methods and conditions for grease trap arrangement as well as standards for the grease trap.

Clause 12. Places of business shall have prevention and eradication of insects and disease carrying vectors in accordance with basic principles. In any case, the procedures shall be in accordance with the criteria prescribed by the Minister by advice of the Committee and promulgated in the Government Gazette.

Clause 13. Places of business that have a canteen or a kitchen arranged for food preparation, cooking, or food storage for business operators shall operate in accordance with food sanitary principles and local regulations.

Clause 14. Places of business shall safely arrange and organize their stocks into sections and hygienically maintain the cleanliness for safety purpose without causing any nuisance or hazard to health.

Clause 15. Places of business shall sufficiently provide clean drinking water of which the quality is not below the standards of drinking water quality, defined by the Department of Health, for business operators daily. Also, containers for drinking water, which is clean and free from contamination, must be provided. The water service point and ways of drinking must not cause any contamination from dirt or anything hazardous to health.

Clause 16. Places of business shall provide water supply of which the quantity and quality are suitable for the business operation. However, the water supply in this Clause does not include the water supply used in the production process.

Chapter 2

Safety, Occupational Health, and Prevention of Nuisances

Clause 17. Places of business shall have measures for work safety and take action in accordance with the Act on Safety, Occupational Health and Work Environment and other related laws.

Clause 18. Places of business that handle hazardous substances shall have a safe location to store hazardous substances or items that may easily cause danger or fire in accordance with the Act on Hazardous Substances and other related laws.

Clause 19. Places of business in which staff may be contaminated by chemical, hazardous substances or things that may be hazardous to health shall provide emergency shower and eyewash stations as deemed necessary and appropriate to each type of chemical, hazardous substances or things that may be hazardous to health and the size of the business as prescribed in the Act on Factories, the Act on Hazardous Substances and other related laws.

Clause 20. Places of business shall utilize equipment, utensils or machines of which the condition is safe for usage within the place. Each equipment must be well installed, strong and safe with danger prevention system and warning signboards or suggestions to avoid dangers caused by the equipment, utensils or machines. The arrangement or storage of equipment, utensils and machines shall be well organized and not block any walkway and business operation. There shall also be monitoring, inspection and maintenance services at all times.

Clause 21. Places of business shall provide health check up for staff in accordance with the Act on Safety, Occupational Health and Work Environment.

In the case that it is necessary for health of staff or people who may be impacted from the staff working in the place of business, it prescribes that the Minister by advice of the Committee shall determine additional criteria for staff's health check up and promulgate in the Government Gazette.

Clause 22. Any place of business operating businesses that may cause noise pollution, air pollution, water pollution, light pollution, thermal pollution, vibration pollution, hazardous waste, or may use of chemicals or hazardous substances, shall operate to control and prevent the impact that may cause nuisances or hazards to health of the staff and people who live nearby or people handling the situation.

In the case that it is deemed appropriate, the Minister by advice of the Committee prescribes criteria to control and prevent impact that may cause nuisances or be hazardous to health of staff, people who live nearby or people handling the situation and promulgate in the Government Gazette.

Transitional Provisions

Clause 23. During the time that no announcement prescribing of criteria is issued under this Ministerial Regulations, the local government shall follow the criteria, methods and measures for place of business control prescribed in other related laws, mutatis mutandis, until there are announcement issued under this Ministerial Regulation.

Clause 24. Subject to Section 5, any place of business that is established prior to the enforcement of this Ministerial Regulation shall manage to comply with this Ministerial Regulation within one year, from the day of the enforcement of this Ministerial Regulation.

Announced on the 19th day of July 2017

Piyasakol Sakolsattayatorn

The Minister of Public Health

Note :- The reasons for the promulgation of this Ministerial Regulation are as follows. As the Ministerial Regulation on Prescribing of Criteria, Methods and Measures for Control of Places of Business Hazardous to Health B.E.2545 (A.D.2002) has been enforced for a long time and, at present, commercial businesses have adopted state-of-the-art technologies in their production process or services, which may cause more pollution or waste that is hazardous to health. If these places of business are not monitored properly, there shall surely be an impact to health of the people living nearby or the staff working at the site. As it is deemed necessary to revise criteria, methods and measures for the control of places of business hazardous to health to cope with the changing situations, this Ministerial Regulation is issued.

