

Federal Law of 21 July 1997 N 116-FZ
"On Industrial Safety of Hazardous Production Facilities"
(with Amendments of 7 August 2000, 10 January 2003,
22 August 2004, 9 May 2005, 18 December 2006, 30 December
2008,
27 December 2009, 23, 27 July 2010, 1, 18, 19 July, 28 November
2011)

Adopted by the State Duma on 20 June 1997

The present Federal Law determines legislative, economic and social bases to ensure safe operation of hazardous production facilities and is focused on prevention of accidents at hazardous production facilities and ensuring that legal entities and individual business owners operating the hazardous production facilities (hereinafter – organizations operating the hazardous production facilities) are prepared for localization and elimination of the mentioned accidents.

Provisions of this Federal Law shall apply to all organizations, regardless their business entities and forms of ownership, carrying out activities in the field of industrial safety of hazardous production facilities in the territory of the Russian Federation.

Chapter I. General Provisions

Article 1. Basic Concepts

The following concepts will be applied for the purpose of the present Federal Law:

Industrial Safety of Hazardous Production Facilities (hereinafter – industrial safety) – the state of protection of vital interests of an individual and public against accidents at hazardous production facility and consequences thereof;

accident – damage of structures and (or) equipment used at hazardous production facility, uncontrolled explosion and (or) release of hazardous materials;

incident – failure or damage of equipment used at hazardous production facility, deviation from process mode, violation of the provisions of this Federal Law and other federal laws, regulatory legal enactments of the President of the Russian Federation, regulatory legal enactments of the Government of Russian Federation and federal codes and standards in the field of industrial safety adopted pursuant to the a.m. laws;

equipment used at Hazardous Production Facility - machines, process equipment, systems of machines and (or) equipment, assemblies, hardware and machinery used in operation of the hazardous production facility.

Article 2. Hazardous Production Facilities

1. Pursuant to this Federal law, enterprises or their shops, sections, sites or other production facilities listed in **Attachment 1** hereto shall be regarded as Hazardous Production Facilities.

2. Hazardous Production Facilities shall be subject to registration in public register in compliance with the **procedure** established by the Government of Russian Federation.

Comment of GARANT

Article 3. Industrial Safety Requirements

1. Industrial Safety Requirements - conditions, prohibitions, limitations and other mandatory requirements set forth in the present Federal Law and other federal laws, regulatory legal enactments of the President of Russian Federation, regulatory legal enactments of the Government of Russian Federation and federal codes and standards in the field of industrial safety adopted pursuant to the a.m. laws.

2. Industrial Safety Requirements shall comply with the standards in the field of protection of the public and territories against extraordinary situations, protection of sanitary and epidemiological welfare of the public, environmental protection, environmental safety, fire safety, construction as well as with mandatory requirements established in accordance with **the laws** of the Russian Federation in the field of technical regulation.

Article 4. Legal Regulation in the Field of Industrial Safety

1. Legal regulation in the field of industrial safety shall be implemented by the present Federal Law and other federal laws, regulatory legal enactments of the President of the Russian Federation, regulatory legal enactments of the Government of the Russian Federation and federal codes and standards in the field of industrial safety adopted pursuant to the a.m. laws.

2. Should international agreement of the Russian Federation establish other regulations than those stipulated by this Federal Law, the international agreement regulations shall prevail.

3. Federal codes and standards in the field of industrial safety establish mandatory requirements for:

activities carried out in the field of industrial safety, including the requirements for the employees of the hazardous production facilities;

safety of processes at the hazardous production facilities, including mandatory requirements for the procedure of actions in response to an accident or incident at the hazardous production facility.

Federal codes and standards in the field of industrial safety shall be developed and endorsed in compliance with the procedures established by the Government of Russian Federation.

Article 5. Federal Executive Bodies in the Field of Industrial Safety

1. For the purpose of execution of the national policy in the field of industrial safety, the President of the Russian Federation or the Government of the Russian Federation by the President's order shall determine the federal executive bodies in the field of industrial safety and shall assign to them implementation of the relevant regulation and specific licensing, regulatory and supervisory functions in the field of industrial safety. **Federal executive bodies in the field of industrial safety** have jurisdictional territorial bodies, set up in compliance with the established procedure.

2. Federal executive bodies shall be entitled by the Federal laws and regulatory enactments of the President of Russian Federation or the Government of Russian Federation to fulfill the functions of normative-legal regulation, special licensing, control or supervisory functions in the field of industrial safety and shall concur the adopted regulatory enactments and coordinate their activities in the field of industrial safety with the federal executive body in the field of industrial safety.

Chapter II. Industrial Safety Fundamentals

Article 6. Activities in the Field of Industrial Safety

1. Activities in the field of industrial safety are related to design, construction, operation, reconstruction, overhaul, technical re-equipment, preservation and liquidation of hazardous production facility, manufacture, erection, adjustment, maintenance and repair of equipment, used at hazardous industrial facility, examination of industrial safety, training and retraining of employees of hazardous industrial facility in non-educational institutions.

Pursuant **to the law** of the Russian Federation, particular kinds of activities in the field of industrial safety shall be subject to licensing.

2. For decision-making on granting a license for operation of hazardous industrial facilities, mandatory requirement for a License Applicant shall be possession of documents certifying commissioning of hazardous industrial facilities or positive findings of examination conducted for industrial safety of equipment used at hazardous industrial facilities, of buildings and structures at hazardous industrial facilities, and in cases stipulated by **Article 14 hereof** and declarations of industrial safety.

Licensing authority shall not be entitled to request from a License Applicant the a.m. documents given that such documents are at the disposal of the licensing authority, authorities providing state services, authorities providing municipal services, other state authorities, local self-governments or organizations dependent on the state authorities or local self-governments, except for the documents included into the list of documents as per Federal Law of 27 July 2010 No. 210-FZ "On Organization of the State and Municipal Services". The Licensing Authority shall independently request such documents (information contained therein) from authorized bodies, if the Applicant has not submitted them on its own initiative.

The a.m. documents may be submitted by the License Applicant in electronic document format.

Article 7. Equipment used at hazardous production facility

1. Mandatory requirements for equipment used at hazardous production facility, and the forms for evaluation of their conformance with such mandatory requirements shall be established in accordance with technical regulation **law** of the Russian Federation.

2. **Expired.**

3. **Expired.**

4. **Expired.**

5. In the process of operation, the equipment used at hazardous production facility shall be subject to examination for industrial safety in accordance with the procedure established by the federal executive body in the field of industrial safety, if no other form for evaluation of compliance of such equipment with mandatory requirements has been established by technical specifications.

6. Equipment at hazardous production facilities shall be used on condition that a permit has been granted by the federal executive body in the field of industrial safety, if no other form for evaluation of compliance of such equipment with mandatory requirements has been established by technical specification.

State fee shall be paid for the permit to use the equipment at hazardous production facilities in the amount and order established by the fiscal **law** of Russian Federation.

Article 8. Industrial Safety Requirements for Design, Construction, Reconstruction, Overhaul, Commissioning, Technical Re-equipment, Preservation and Liquidation of Hazardous Production Facility

1. Technical re-equipment, overhaul, preservation and liquidation of hazardous production facility shall be implemented on the basis of documents developed in accordance

with the procedure established by this Federal Law, with due consideration of architectural **law**. Should technical re-equipment of hazardous production facility be implemented simultaneously with its reconstruction, documentation for technical re-equipment of such facility shall be part of the relevant design documentation. Documentation on overhaul, preservation and liquidation of hazardous production facility shall be subject to examination for industrial safety. Documentation on technical re-equipment of hazardous production facility shall be subject to examination for industrial safety in cases when the a.m. documentation is not included in design documentation of the facility subject to state examination in accordance with architectural **law** of Russian Federation. Technical re-equipment, overhaul, preservation and liquidation of hazardous production facility shall not be permitted without positive decision following the industrial safety examination, approved by the federal executive body in the field of industrial safety, or without positive decision following the state examination of design documentation for such facility, given that documentation on technical re-equipment of hazardous production facility is part of design documentation of such facility.

2. Deviations from design documentation of hazardous production facility in the course of its construction, reconstruction, overhaul and deviations from documentation on technical re-equipment, overhaul, preservation and liquidation of hazardous production facility in the course of technical re-equipment, overhaul, preservation and liquidation shall be inadmissible. Modifications and changes incorporated into design documentation on construction and reconstruction of hazardous production facility shall be subject to the state examination of design documentation in accordance with architectural **law** of Russian Federation. Modifications and changes incorporated into documentation on overhaul, preservation and liquidation of hazardous production facility shall be subject to examination for industrial safety and endorsed by the federal executive body in the field of industrial safety or by its territorial authority. Modifications and changes incorporated into documentation on technical re-equipment of hazardous production facility shall be subject to examination for industrial safety and endorsed by the federal executive body in the field of industrial safety or its territorial authority, with exception of the case when the a.m. documentation is included in design documentation of the facility subject to state examination in compliance with architectural **law** of Russian Federation.

3. Construction, reconstruction, overhaul, commissioning, technical re-equipment, preservation and liquidation of hazardous production facility shall be carried out under author's supervision of organization that developed the relevant documentation in accordance with the established procedure.

3.1. Compliance of constructed or reconstructed hazardous production facilities with design documentation, construction codes and standards and other regulations shall be determined by the decision of the federal executive body authorized to conduct state supervision of construction or by the decision of the federal executive body of the constituent entity of Russian Federation authorized to conduct state supervision of construction in compliance with architectural **law** of Russian Federation.

4. Commissioning of a hazardous production facility shall be carried out in compliance with the procedure established by architectural **law** of Russian Federation.

Herewith, organization preparedness for operation of a hazardous production facility and for measures on localization and elimination of accident consequences shall be inspected.

Article 9. Industrial Safety Requirements for Operation of Hazardous Production Facility

1. Organization operating hazardous production facility shall:

observe provisions of the present Federal Law and other federal laws, regulatory legal enactments of the President of the Russian Federation, regulatory legal enactments of the Government of the Russian Federation and federal codes and standards in the field of industrial safety adopted pursuant to the a.m. laws;

hold a license for specific kind of activities in the field of industrial safety subject to licensing in compliance with the laws of the Russian Federation;

make provisions for staffing of the hazardous production facility in compliance with the established requirements;

grant permits to work at hazardous production facility to persons who satisfy qualification requirements and have no medical contra-indications for the said work;

make provisions for training and qualification of the staff in the field of **industrial safety**;

have regulatory enactments establishing the industrial safety requirements and guidance for conducting the works at hazardous production facility;

organize and conduct production inspection and control over observance of industrial safety requirements;

make provisions for availability and operation of necessary instrumentation and control systems to monitor the processes in compliance with established requirements;

make provisions for examination of industrial safety of buildings and conduct diagnostics, tests, inspection of structures and equipment used at hazardous production facility within the specified dates and in compliance with the instruction of the federal executive body in the field of industrial safety or by its territorial authority submitted in compliance with the established procedure;

prevent access of unauthorized persons to the hazardous production facility;

make provisions for observance of industrial safety requirements for storage of hazardous materials;

elaborate industrial safety declaration;

conclude a contract of insurance against liability risk for damnification resulting from operation of hazardous production facility;

fulfill directives, orders and instructions of the federal executive body in the field of industrial safety, its territorial authority and officers given in accordance with their powers;

suspend operation of hazardous production facility independently or by court decision in the event of an accident or **incident** at hazardous production facility, and in case of newly disclosed circumstances affecting the industrial safety;

implement measures on localization and elimination of accident consequences at hazardous production facility, render assistance to the national authorities in investigation of the accident causes;

participate in technical investigation of causes of the accident at hazardous production facility, take measures to eliminate the identified causes and prevent reoccurrence of such accidents;

participate in technical investigation of causes of the incident at hazardous production facility, take measures to eliminate the identified causes and prevent reoccurrence of such incidents;

timely advise the federal executive body in the field of industrial safety, its territorial authorities and other national authorities and local self-governments;

take actions to protect the life and health of the workers in case of an accident at hazardous production facility;

keep records of accidents and incidents at hazardous production facility;
submit information on the number of accidents and incidents, their causes and measures taken to the federal executive body **in the field of industrial safety** or to its territorial bodies.

2. Workers of hazardous production facility shall:

observe provisions of regulatory enactments establishing the industrial safety requirements, guidance of conducting the works at hazardous production facility and procedure of actions in response to an accident or incident at hazardous production facility;

undergo training and qualification in the field of industrial safety;

promptly advise the immediate supervisor or other officers (as per established procedure) of an accident or **incident** at hazardous production facility;

in case of an accident or incident at hazardous production facility suspend the work in compliance with the established procedure;

participate in the works on accident localization at hazardous production facility in compliance with the established procedure.

State due shall be paid for certificate issued to the worker of organization operating hazardous production facilities, in the amount and order established by the fiscal **law** of Russian Federation.

Article 10. Industrial Safety Requirements for Preparedness for Localization and Elimination of Accident Consequences at Hazardous Production Facility

To ensure preparedness for localization and elimination of accident consequences, the organization operating the hazardous production facility shall:

plan and implement measures on localization and elimination of accident consequences at hazardous production facility;

conclude service contracts with professional rescue services or units, and in cases stipulated by legislation of the Russian Federation, establish their own professional rescue services or units and voluntary rescue units made up of facility workers;

have reserve of financial and material resources for localization and elimination of accident consequences in compliance with the legislation of the Russian Federation;

conduct emergency exercises for the employees;

establish monitoring, alarm, communication systems and emergency supporting systems and maintain the a.m. systems available.

Article 11. Production Control over Observance of Industrial Safety Requirements

1. Organization operating a hazardous production facility shall be entitled to organize and implement production control over observance of industrial safety requirements in compliance with the requirements established by the government of Russian Federation.

2. Information on organization of production control over observance of industrial safety requirements and on the workers authorized to implement the control shall be submitted to the federal executive body in the field of industrial safety or to its territorial body.

Article 12. Technical Investigation of Accident Causes

1. For each accident at hazardous production facility, investigation of its causes shall be conducted.

2. Technical investigation of accident causes shall be conducted by a special Commission headed by a representative of the federal executive body in the field of industrial safety, or of its territorial body.

The a.m. Commission shall be composed of:

representative of the constituent entity of the Russian Federation and (or) local self-governments, on the territory of which the hazardous production facility is located;

representatives of organization operating the hazardous production facility;
other representatives as stipulated by the law of the Russian Federation.

3. The President of the Russian Federation or the Government of the Russian Federation may make decision on establishing a state Commission on technical investigation of the accident causes and assign the chairman of the a.m. Commission.

4. Commission investigating the accident causes may involve expert organizations and experts in the field of industrial safety, survey, design, research and development, insurance, manufacture of equipment and experts in other fields.

5. Organization operating the hazardous production facility and its employees shall submit to the accident investigation Commission all information required for the Commission to exercise its powers.

6. The findings of technical investigation of accident causes shall be recorded in the report stating the causes and circumstances of the accident, the extent of damage, violations of industrial safety requirements, the worker who violated the a.m. requirements, and measures taken to localize and eliminate the causes of the accident and proposals on prevention of reoccurrence of such accidents.

7. Materials on technical investigation of accident causes shall be sent to the federal executive body in the field of **industrial safety** or to its territorial body and other national bodies concerned.

8. Procedure of technical investigation of the accident causes and drawing up of the report on investigation findings shall be established by the federal executive body in the field of industrial safety.

9. Financing of technical investigation of the accident causes shall be handled by the organization operating the hazardous industrial facility, at which the **accident occurred**.

Article 13. Examination of Industrial Safety

1. The following shall be subject to examination for industrial safety:

documentation related to overhaul, preservation and liquidation of the hazardous production facility;

documentation related to technical re-equipment of the hazardous production facility in case when the a.m. documentation is not included in design documentation of the facility subject to state examination in accordance with architectural **law** of Russian Federation;

equipment used at hazardous industrial facility;

buildings and structures of hazardous industrial facility;

industrial safety declaration elaborated as part of documentation related to technical re-equipment (in case when the a.m. documentation is not included in design documentation of the facility subject to state examination in accordance with architectural **law** of Russian Federation), overhaul, preservation and liquidation of hazardous production facility and other documents related to operation of hazardous production facility.

2. Examination of industrial safety shall be conducted by organizations holding a license for conducting such examination, at the expense of the organization which intends to operate the hazardous production facility or is operating it.

3. The output of examination for industrial safety shall be the expert report.

4. Expert report on industrial safety submitted to the federal executive body or its territorial body, shall be reviewed and approved by the a.m. bodies in compliance with the established procedure.

5. Industrial safety examination procedure and requirements for drawing up of expert report on industrial safety shall be established by the federal executive body in the field of industrial safety.

6. Examination of industrial safety may be simultaneous with other examinations in compliance with the established procedure.

Comments of GARANT

Article 14. Elaboration of Industrial Safety Declaration

1. Elaboration of industrial safety declaration implies comprehensive assessment of accident risk and associated threats; analysis of the adequacy of measures taken to prevent accidents and ensure preparedness of organization for operation of hazardous production facility in compliance with industrial safety requirements and for localization and elimination of accident consequences at hazardous production facility; elaboration of measures to reduce the scale of accident consequences and extent of damage due to an accident at hazardous production facility.

The list of data contained in industrial safety declaration and its execution **procedure** shall be determined by the federal executive body of Russian Federation in the field of industrial safety.

2. The present Federal Law establishes mandatory elaboration of **industrial safety** declaration for hazardous production facilities at which hazardous materials are produced, used, reprocessed, generated, stored, transferred and disposed in the amounts stated in **Attachment 2** to this Law.

Mandatory elaboration of industrial safety declaration for hazardous production facilities that are not mentioned in the first paragraph of this clause may be established by the Government of the Russian Federation or a federal executive body in the field of industrial safety within the framework of their powers.

3. Industrial safety declaration shall be elaborated as part of design documentation for construction, reconstruction, and overhaul, documentation on technical re-equipment, preservation and liquidation of hazardous production facility.

Industrial safety declaration shall be adjusted or newly elaborated in case of changes of data contained in the declaration or in case of changes in industrial safety requirements.

For hazardous production facilities, operating by the commencement date of the present Federal Law, industrial safety declarations shall be elaborated within the dates specified by the Government of the Russian Federation.

4. Industrial safety declaration shall be approved by the head of organization operating the hazardous production facility.

The head of organization operating the hazardous production facility shall be responsible for completeness and validity of data presented in industrial safety declaration, as per the law of the Russian Federation.

5. Industrial safety declaration, developed as part of documentation on overhaul, technical re-equipment, preservation and liquidation of hazardous production facility, shall be subject to examination for industrial safety in compliance with the established procedure. Design documentation for construction and reconstruction of hazardous production facility containing industrial safety declaration, shall be subject to state examination in compliance with architectural **law** of Russian Federation.

6. Industrial safety declaration shall be submitted to the national authorities, local self-governments, public associations and citizens in compliance with the procedure established by the Government of the Russian Federation.

Article 15. Mandatory Insurance of Liability for Causing Damage during Operation of Hazardous Production Facility

1. Organization operating a hazardous production facility shall insure liability for causing damage to the life, health or property of other persons or environment in the event of an accident at hazardous production facility.

2. Minimum sum of insurance of liability for causing damage to the life, health or property of other persons or environment in the event of an **accident** at hazardous production facility shall amount to:

a) for hazardous production facility, indicated in **paragraph 1** of Attachment 1 to the present Federal Law, provided that at this facility:

hazardous materials are produced, used, reprocessed, generated, stored, transferred and disposed in the amounts stated in **Attachment 2** to this Federal Law or exceeding them - 7000000 rubles;

hazardous materials are produced, used, reprocessed, generated, stored, transferred and disposed in the amounts that are less than those stated in **Attachment 2** to this Federal Law, - 1000000 rubles;

b) other hazardous production facility - 100000 rubles.

Article 16. National Federal Supervision in the Field of Industrial Safety

1. National federal supervision in the field of industrial safety implies activities of authorized federal executive bodies oriented at prevention and suppression of violations of requirements established by the present Federal Law, other federal laws or other regulatory legal acts of Russian Federation in the field of industrial safety (hereinafter – mandatory requirements), on the part of legal entities, their supervisors or other officers, individual business owners, through organization and conduct of inspections of the a.m. persons, implementation of measures on suppression, prevention and (or) elimination of identified violations and through activities of the a.m. authorized national bodies related to systematic monitoring and control over fulfillment of mandatory requirements, analysis and prediction of the status of fulfillment of the a.m. requirements by legal entities and individual business owners while they carrying out their activities.

2. National federal supervision in the field of industrial safety shall be carried out by the authorized federal executive bodies (hereinafter – national supervisory bodies) in accordance with their competencies and procedure established by the Government of the Russian Federation.

3. Relations connected to implementation of the federal national supervision in the field of industrial safety, organization and conduct of inspections of legal entities, individual business owners fall under provisions of Federal Law of 26 December 2008 No. 294-FZ "On Protection of the Rights of Legal Entities and Individual Business Owners in National Inspection (Supervision) and Municipal Inspection" with due consideration of specific features of organization and inspections as established in **paragraphs 4-10** of this article.

4. The subject of inspection shall be adherence of legal entities and individual business owners to mandatory requirements in the course of their activities and compliance of the buildings, rooms, structures, equipment, materials and processes.

5. The basis for inclusion of planned inspection into annual inspection plan may be

expiration of one year from the date of:

a) decision made on commissioning after construction, reconstruction and overhaul of a hazardous production facility, including its buildings, structures, equipment and materials, in accordance with the procedure established by the Government of the Russian Federation;

b) registration of a hazardous production facility in the public register of hazardous production facilities;

c) completion of the last planned inspection.

6. The annual inspection plan, order (directive) of the national supervisory body regarding inspection and inspection report shall additionally contain the title and location of the hazardous production facility, in relation to which inspection activities are planned or the said activities have been actually completed.

7. The reason for unscheduled inspection may be as follows:

a) expiration of the time of execution by the legal entity or individual business owner of the order on correction of identified failure to conform to the mandatory requirements issued by the national regulatory body;

b) applications of citizens, including individual business owners, legal entities, information coming from national authorities (officers of the national supervisory authority, local self-governments, from mass media on the facts of violation of mandatory requirements, on non-compliance of buildings, structures, equipment and materials, processes with mandatory requirements, when such violations jeopardize the life, health of people, animals, plants, environment, national security, the property of natural persons and legal entities, national or municipal property, or present a risk of an accident and (or) extraordinary man-induced situations or cause such damage, accident and (or) extraordinary man-induced situations;

b) availability of an order (directive) of the head (or his deputy) of national supervisory body on the conduct of unscheduled inspection issued in accordance with the assignment of the President of the Russian Federation the Government of Russian Federation or at the prosecutor's request of unscheduled inspection of observance of law in response to materials and claims coming to public prosecution bodies.

8. Unscheduled field inspection on the basis as per **sub-paragraph "b", paragraph 7** hereof, may be conducted without delay with notification of the public prosecution body in accordance with the procedure established in **Part 12 of Article 10** of Federal Law of 26 December 2008 No 294-FZ "On Protection of the Rights of Legal Entities and Individual Business Owners in National Inspection (Supervision) and Municipal Inspection", without agreement with the public prosecution body.

9. Preliminary notification of legal entity and individual business owner of unscheduled field inspection, the bases of which are stated **sub-paragraph "b", paragraph 7** hereof, is impermissible.

10. The period of inspection shall not exceed thirty working days from the date of its commencement.

In exceptional cases related to the need for comprehensive and (or) long-duration research, tests, special examinations and investigations based on justified proposals of the officers of the national supervisory body conducting the inspection, inspection period may be extended by the head (or his deputy) of this body, but not for more than twenty working days.

11. For particular hazardous production facilities continual national supervision policy may be established, pursuant to provisions of **Federal Law of 26 December, 2008 No. 294-FZ "On Protection of the Rights of Legal Entities and Individual Business Owners in National Inspection (Supervision) and Municipal Inspection"**.

Conditions of continual national supervision, list of operating hazardous production facilities exposed to such conditions and the relevant procedure shall be established by the Government of the Russian Federation.

12. Pursuant to the procedure established by the law of the Russian Federation, officers of national supervisory bodies shall be entitled to:

a) make a request and receive information and documents required in the course of inspection, based on justified written request from legal entity of an individual business owner;

b) upon presentation of certificate of employment and a copy of an order (directive) of the head (or deputy head) of the national supervisory body on inspection - free access to hazardous production facilities and inspection of buildings, structures, equipment and materials used by legal entities and individual business owners in their activities, and conduct necessary analyses, tests, examinations and other inspection activities;

c) issue instructions to legal entities and individual business owners on correction of identified violations of mandatory requirements, on implementation of measures to prevent damage to life and health of the public, damage to animals, plants, environment, national security, the property of natural persons and legal entities, national or municipal property and to prevent natural and man-induced extraordinary situations;

d) draw up reports on administrative offences related to violation of mandatory requirements, try cases of the a.m. administrative offences and take preventive measures;

e) send the materials related to violation of mandatory requirements to the authorized bodies to make decision on institution of proceedings on crime signs;

f) give instructions on people evacuation from their workplaces when their life and health are jeopardized.

13. The court may get the national supervisory bodies involved in the proceedings or they will be entitled to participate in proceedings on their own initiative to conclude on the claim for damages caused to the life and health of the public, damage caused to animals, plants, environment, national security, property of legal entities and individual business owners, national or municipal property as a result of violation of mandatory industrial safety requirements.

Article 16.1. State Supervision in Construction and Reconstruction of Hazardous Industrial Facilities

State supervision in construction and reconstruction of hazardous industrial facilities shall be exercised by the federal executive body, executive bodies of the constituent entities of the Russian Federation authorized to implement construction supervision in compliance with the architectural **law** of Russian Federation.

Article 17. Liability for Breach of the Industrial Safety Legislation

Persons at fault in violation of the present Federal Law incur liability pursuant to the law of the Russian Federation.

Chapter III. Final Provisions

Article 18. Entry into force of the Federal Law

1. The present Federal Law becomes effective from the day of its **official publication**.

2. Suggest to the President of Russian Federation that all regulatory legal acts should be made consistent with the present Federal Law and entrust the Government of Russian Federation with this task.

President
of the Russian Federation

B. Yeltsin

Moscow, the Kremlin
21 July 1997
No. 116-FZ

Hazardous Production Facilities (Amended on 30 December 2008)

Facilities categorized as hazardous production facilities are those at which:

- 1) the following hazardous substances are used, treated, generated, stored, transferred and disposed:
 - a) inflammables - gases which under normal pressure and mixed with air become inflammable and boiling temperature under normal pressure is 20 degrees Celsius or lower;
 - b) oxidizing agents - substances sustaining combustion, causing ignition and (or) promoting ignition of other substances as a result of redox exothermal reaction;
 - c) combustibles - liquids, gases, dust capable of self-ignition and ignition from ignition source and of burning independently following the source elimination;
 - d) explosives - substances that at specific kinds of exposure become capable of very fast self-propagating chemical transformation with generation of heat and gases;
 - e) toxicants - substances, which, when attacking the living organisms, may cause their death and have the following characteristics:
 - average lethal dose when placed in a stomach - from 15 milligrams per kilogram up to 200 milligrams per kilogram inclusive;
 - average lethal dose when applied on skin - from 50 milligrams per kilogram up to 400 milligrams per kilogram inclusive;
 - average lethal concentration in air - from 0.5 milligrams per liter up to 2 milligrams per liter inclusive;
 - f) highly toxic substances - substances, which, when attacking the living organisms, may cause their death and have the following characteristics:
 - average lethal dose when placed in a stomach – not exceeding 15 milligrams per kilogram;
 - average lethal dose when applied on skin - not exceeding 50 milligrams per kilogram;
 - average lethal concentration in air - not exceeding 0.5 milligrams per liter;
 - g) substances jeopardizing the environment – substances that in water medium are characterized by the following indices of acute toxicity:
 - average lethal dose when inhaled by fish during 96 hours – not exceeding 10 milligrams per liter;
 - average concentration of poison causing specific effect on Daphnia s during 48 hours, not exceeding 10 milligrams per liter;
 - average inhibiting concentration when drift weed is exposed during 72 hours - not exceeding 10 milligrams per liter;
- 2) equipment operating under pressure exceeding 0.07 MPa or at water heat-up temperature above 115 degrees Celsius;
- 3) fixed hoisting machinery, escalators, ropeways and cable railways are used;
- 4) melts of ferrous and nonferrous metal and alloys based on these melts are obtained;
- 5) mining, mineral processing and works in underground conditions are carried out.

**Limits of Hazardous Substances the Presence of Which at the
Hazardous Production Facility is the Reason for Mandatory
Elaboration of Industrial Safety Declaration
(Amended on December 30 2008)**

Table 1

Title of hazardous substance	Limit of hazardous substance
Ammonium	500
Ammonium nitrate (ammonium nitrate and ammonium mixtures in which the nitrogen content of ammonium nitrate amounts to 28 percent of the mass, and water solutions of ammonium nitrate in which concentration of ammonium nitrate exceeds 90% of the mass	2500
Ammonium nitrate in the form of fertilizers (simple fertilizers on the basis of ammonium nitrate and complex fertilizers in which the content of ammonium nitrate is more than 28% of the mass (complex fertilizers contain ammonium nitrate with phosphate and (or) potassium)	10 000
Acrylonitrile	200
Chlorine	25
Ethylene oxide	50
Hydrogen cyan	20
Anhydrous hydrogen fluoride	50
Hydrogen sulfide	
Sulfur dioxide	250
Sulfur trioxide	75
Alkyls	50
Phosgene	0.75
Methyl isocyanate	0.15

Table 2

Kinds of hazardous substance	Limit of hazardous substance
Inflammable gases	200
Combustible liquids in warehouses	50 000
Combustible liquids used in process or transferred by manifolds	200
Toxicants	200
Highly toxic substances	20
Oxidizing agents	200
Explosives	50
Substances jeopardizing environment	200

Note 1. For hazardous substances that are not listed in **Table 1**, data of **Table 2** shall be applied.

Note 2. In cases when the distance between the hazardous production facilities is less than five hundred meters, the total amount of hazardous substance shall be considered.

Note 3. When several kinds of hazardous substances of the same category are used, their summary threshold amount shall be determined by the following condition:

$$\frac{0}{0}$$

$$\sum_{i=1}^n \{ m(i) / [M(i)] \} \geq 1,$$

where $m(i)$ – amount of substance used; $M(i)$ - threshold amount of the same substance as per the present list for all i from 1 to n .