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*FEDERAL GOVERNMENT
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*HYDROGEN CYANIDE (FUMIGATION)
REGULATIONS 1953*

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LAWS OF MALAYSIA

HYDROGEN CYANIDE (FUMIGATION)
ACT 1953

[ACT 260]

HYDROGEN CYANIDE (FUMIGATION)
REGULATIONS 1953

(Made under section 3)

(Revised—2020)

*Revised by the Commissioner of Law Revision under
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ARRANGEMENT OF REGULATIONS

Regulation

1. Citation
2. Non-application
3. Interpretation
4. Duties of undertaker and operator
5. Operators to be licensed
6. Application for licence
7. Renewal of licence
8. Form of licence
9. Refusal of licence
10. Suspension and cancellation of licence
11. Production of licence
12. Condition for grant of licence
13. Qualifications for grant of licence
14. Register of persons to whom licences have been granted
15. Proper staff to carry out fumigation
16. Conditions for fumigation
17. Notice of intended fumigation to officials, etc.
18. Notice of intended fumigation to occupiers, etc.
19. Access to fumigation area to be prevented and notices to be exhibited

20. Time of fumigation
21. Operator to take charge of keys
22. Method of application of hydrogen cyanide
23. Gas masks and first aid
24. Action upon completion of fumigation
25. Operator's records of fumigation
26. Notice of accident

SCHEDULE

LAWS OF MALAYSIA
HYDROGEN CYANIDE (FUMIGATION) ACT 1953

[ACT 260]

HYDROGEN CYANIDE (FUMIGATION)
REGULATIONS 1953

(Made under section 3)

(Revised—2020)

[1 June 1953]

Citation

1. These regulations may be cited as the **Hydrogen Cyanide (Fumigation) Regulations 1953**.

Non-application

2. These Regulations shall not apply to—
 - (a) any fumigation carried out exclusively for agricultural or horticultural purposes; and
 - (b) any fumigation of premises which have been specially constructed or adapted for the purposes of effecting the fumigation of any article.

Interpretation

3. In these Regulations—

“Director General of Health” means the officer carrying out the duties of the Director General of Health, Malaysia;

“fumigant” means hydrogen cyanide;

“fumigation” means the fumigation with hydrogen cyanide of any premises or any part thereof;

“fumigation area” means the premises or any part thereof undergoing fumigation;

“operator” means any person designated in writing by the undertaker to be in charge of the carrying out of a fumigation and duly licensed under these Regulations;

“premises” includes any building, vehicle, ship, aircraft or enclosed space;

“risk area” means any part of a building, vehicle, ship, aircraft or any other enclosed space into which there is any reason to apprehend that the fumigant may penetrate from the fumigation area, and in any case includes those parts of any building, vehicle, ship, aircraft or other enclosed space which are less than twenty feet from the nearest boundary of any fumigation area unless separated therefrom by a yard, street, or other open space not less than ten feet in width or by a solid wall, or two adjoining walls of a total thickness of not less than eighteen inches;

“undertaker” means any person who, under contract or otherwise, undertakes the carrying out of a fumigation.

Duties of undertaker and operator

4. (1) It shall be the duty of the undertaker—

- (a) to observe the requirements of regulations 15, 17, 18 and 20;
- (b) to take such steps as may be necessary to enable the operator to carry out the requirements of regulations 16, 19, 22, 23 and 24; and
- (c) generally to exercise such supervision and take such steps as are within his power to secure the due observance of the regulations by those engaged by him to carry out a fumigation.

(2) It shall be the duty of the operator to secure that the requirements of regulations 16, 19, 22, 23 and 24 are complied with and of all the persons employed in connection with the fumigation to co-operate with the operator for that purpose.

Operators to be licensed

5. No undertaker shall carry out a fumigation except by means of an operator duly licensed in accordance with these Regulations.

Application for licence

6. (1) Every application for a licence shall be made to the Director General of Health in writing in Form A in the Schedule, and shall be accompanied by a fee of one hundred ringgit.

(2) Notwithstanding subregulation (1), where an application for a licence is made after 1 July in any year the fee shall be fifty ringgit.

Renewal of licence

7. Every application for renewal of a licence shall be made to the Director General of Health in writing in Form B in the Schedule, at least two months before the expiry of the current licence, and shall be accompanied by a fee of one hundred ringgit.

Form of licence

8. Every licence issued by the Director General of Health shall be in Form C in the Schedule and shall unless sooner cancelled or suspended remain in force until 31 December next following the date of issue.

Refusal of licence

9. Where an application is refused, the fee accompanying the application shall be returned to the applicant.

Suspension and cancellation of licence

10. The Director General of Health may suspend for such period as he may think fit or cancel any licence at any time if he is satisfied that the holder of the licence is not a fit and proper person to hold such licence.

Production of licence

11. The holder of a licence shall produce the licence for inspection when required to do so by any police officer, any Medical Officer of Health or any other officer authorized by the Director General of Health on his behalf.

Condition for grant of licence

12. The Director General of Health shall not grant a licence unless he is satisfied that the applicant is a fit and proper person to carry out a fumigation as an operator.

Qualifications for grant of licence

13. Every applicant shall—

- (a)* produce a certificate of a registered medical practitioner showing that he is not suffering from any infirmity to render his use of hydrogen cyanide for the purpose of fumigation dangerous either to himself or to the public;
- (b)* undergo a further medical examination before a renewal of a licence is granted or when required to do so by the Director General of Health;
- (c)* furnish such particulars and pass such theoretical or practical test as the Director General of Health may require to satisfy himself that he is a fit and proper person to be granted a licence; and
- (d)* have had not less than six months regular experience of fumigating together with twelve months regular experience of fumigating one or both of the following, namely, ships or buildings and shall be otherwise competent for the purpose.

Register of persons to whom licences have been granted

14. (1) The Director General of Health shall keep or cause to be kept a register in which shall be entered the name, address and such other particulars as the Director General of Health deems necessary of every person to whom a licence has been granted.

(2) The holder of a licence shall notify the Director General of Health in writing of any change of address within seven days after such change.

Proper staff to carry out fumigation

15. (1) Every fumigation shall be carried out by an adequate staff of which one member shall be designated in writing by the undertaker as the operator in charge of the fumigation.

(2) The fumigation staff shall in all cases include two persons both of whom shall be adequately trained in first aid.

Conditions for fumigation

16. No person shall commence to fumigate any premises until—

(a) he has by personal inspection ascertained that all portions of the fumigation area and the risk area have been vacated;

(b) all fires and naked lights in the fumigation area have been extinguished;

(c) all liquids and foods which are liable to absorb the fumigant have been removed from the fumigation area; and

(d) all practical steps have been taken to seal all openings, cracks or crevices so as to prevent the escape of the fumigant from the fumigation area.

Notice of intended fumigation to officials, etc.

17. (1) Every person intending to fumigate any premises shall at least twenty-four hours before commencing such fumigation deliver a notice in writing to the Director General of Health in Form D in the Schedule and—

- (a) in the case of a building or other enclosed space within limits of a local authority area, to the Medical Officer of Health of a local authority;
- (b) in the case of a building or other enclosed space outside limits of a local authority area, to the Medical Officer of Health;
- (c) in the case of a ship, to the Director of Marine and the Port Medical Officer of Health; or
- (d) in the case of an aircraft, to the Civil Aviation Authority of Malaysia and the Airport Medical Officer of Health.

(2) If such fumigation is not commenced within a reasonable period after the time specified in the notice, no person shall commence such fumigation unless he has again given the notice required by subregulation (1).

(3) Where in the case of a ship or an aircraft it is for any reason not practicable to give the twenty-four hours' notice as required by subregulation (1), the Director General of Health, the Director of Marine or the Civil Aviation Authority of Malaysia, as the case may be, may authorize a shorter period of notice.

Notice of intended fumigation to occupiers, etc.

18. (1) In addition to complying with regulation 17, every person intending to fumigate any premises shall, at least twenty-four hours before commencing such fumigation, deliver a notice in writing—

- (a) in the case of—
- (i) a building or other enclosed space, to the occupier of the building or other enclosed space; or
 - (ii) a ship or an aircraft, to the master, captain or other person in charge of the ship or aircraft; and
- (b) to every tenant and occupier within the fumigation area and the risk area.

(2) Notices under subregulation (1) shall be in duplicate and in Form E in the Schedule, and one copy of such notice shall be signed by the person receiving the notice and shall be retained by the person issuing the same.

Access to fumigation area to be prevented and notices to be exhibited

19. Any person fumigating any premises shall—

- (a) close and securely fasten all doors or other means of access to the fumigation area and the risk area;
- (b) provide notices written in English, Malay, Chinese and Tamil containing in block letters not less than two inches in height the words “DANGER: POISON GAS: DO NOT ENTER” where they may readily be seen by any person approaching the fumigation area or the risk area; and
- (c) inform the nearest police station and fire brigade.

Time of fumigation

20. No person shall commence to fumigate any premises on weekly or public holidays nor at any time except between 7.00 a.m. and 5.00 p.m. unless special permission to do so has been granted by the Director General of Health.

Operator to take charge of keys

21. The operator shall take charge of all keys of any premises within the fumigation area and the risk area, and shall be responsible for the due observance of the requirements of these Regulations.

Method of application of hydrogen cyanide

22. Hydrogen cyanide shall not be applied in such a manner as to be absorbed in liquid form by floors, walls, ceilings or household effects nor in such quantities as to effect an average concentration exceeding one part in every hundred parts of air within the fumigation area.

Gas masks and first aid

23. After liberation of hydrogen cyanide has commenced and until the fumigation area and the risk area are free from danger—

- (a) any member of the fumigating staff being in any part of those areas shall have in his possession ready for immediate use an efficient mask or other apparatus which affords complete protection to the wearer against hydrogen cyanide gas, and shall carry or have in his possession ready for immediate use an efficient electric torch; and
- (b) there shall be constantly available such first aid appliances and remedies as the Director General of Health may from time to time require by written notice addressed to holders of licences.

Action upon completion of fumigation

24. (1) No person other than a member of the fumigating staff shall be permitted to enter the fumigation area after fumigation until both the fumigation area and the risk area are declared safe for re-entry by means of a written declaration in Form F in the Schedule served by the operator on all persons to whom the notice required by regulation 18 has been served.

- (2) The declaration under subregulation (1) shall not be given until—
- (a) the fumigation area has been ventilated in such a manner and for such period as shall be effective to secure that the area is free from danger;
 - (b) it has been established by tests, other than the sense of smell that the premises are free from danger and for this purpose the operator shall be equipped with test papers or other means approved by the Director General of Health for objectively testing the atmosphere;
 - (c) all residues of the materials used for fumigation have been removed;
 - (d) all water taps have been turned on for at least one minute and the water allowed to run to waste;
 - (e) all water closet cisterns have been emptied and the pans adequately flushed;
 - (f) all other receptacles containing water or other liquid which is liable to absorb hydrogen cyanide or gas arising therefrom have been emptied; and
 - (g) all bedding, blankets, pillows, clothing, cushions and other articles which are liable to absorb the hydrogen cyanide or gas arising therefrom have been well shaken or beaten or aired until they are free from any dangerous concentration of hydrogen cyanide or gas arising therefrom.

Operator's records of fumigation

25. The operator shall keep records of fumigation in Form G in the Schedule and such records shall be preserved in good condition and shall be produced if required by the Director General of Health at any time within the licence period.

Notice of accident

26. In the event of the occurrence of any accident which occasions loss of human life or personal injury as the result of the fumigation of any premises, the operator shall immediately give notice of the accident to the Director General of Health.

SCHEDULE

[Regulations 6, 7, 8, 17, 18, 24 and 25]

FORM A

HYDROGEN CYANIDE (FUMIGATION)
REGULATIONS 1953

(Regulation 6)

APPLICATION FOR A LICENCE TO CARRY OUT FUMIGATION

To

THE DIRECTOR GENERAL OF HEALTH,
MALAYSIA

I hereby make application for a licence to carry out fumigation.

Full name.....

Age.....

Business address.....

Statement of experience in fumigation.....

.....

.....

Statement of accidents or fatalities which have occurred during fumigation by me
or under my supervision.....

.....

.....

Signed.....

Date.....

FORM B

HYDROGEN CYANIDE (FUMIGATION)
REGULATIONS 1953

(Regulation 7)

APPLICATION FOR RENEWAL OF A LICENCE TO CARRY OUT FUMIGATION

To

THE DIRECTOR GENERAL OF HEALTH,
MALAYSIA

I hereby make application for the renewal of my Licence No.
dated..... to carry out fumigation.

Full name.....

Business address.....

Date.....

Signed.....

FORM C

HYDROGEN CYANIDE (FUMIGATION)
REGULATIONS 1953

(Regulation 8)

LICENCE TO CARRY OUT FUMIGATION

This is to certify that.....
was on licensed as a person competent to
carry out fumigation.

This Licence is valid until.....
(date)

Date.....

Number.....

.....
*Director General of Health,
Malaysia*

FORM D

HYDROGEN CYANIDE (FUMIGATION)
REGULATIONS 1953

(Regulation 17)

NOTICE OF INTENTION TO CARRY OUT FUMIGATION TO OFFICIALS, ETC.

To

THE DIRECTOR GENERAL OF HEALTH,
MALAYSIA

Copy to:

- *(a) The Medical Officer of Health of a local authority,
.....
- (b) The Medical Officer of Health,
.....
- (c) The Director of Marine,
.....
- (d) The Civil Aviation Authority of Malaysia,
.....

Please take notice that it is my intention to carry out fumigation **

.....

.....

on..... commencing at..... a.m./p.m.

Date.....

Signed.....

*Delete whichever not applicable
 **Here state name or number and location of building, ship, aircraft or other enclosed space intended to be fumigated.

FORM E

HYDROGEN CYANIDE (FUMIGATION)
REGULATIONS 1953

(Regulation 18)

NOTICE OF INTENTION TO CARRY OUT FUMIGATION TO OCCUPIERS, ETC.

To.....
.....
.....

Please take notice that it is my intention to carry out fumigation *.....
.....
.....
on..... commencing at..... a.m./p.m.

Date.....

Signed.....

You are required to acknowledge receipt of this notice by signing the duplicate hereof.

Date.....

Signed.....

*Here state name or number and location of building, ship, aircraft or other enclosed space intended to be fumigated.

FORM F

HYDROGEN CYANIDE (FUMIGATION)
REGULATIONS 1953

(Regulation 24)

DECLARATION OF SAFETY UPON COMPLETION OF FUMIGATION

To.....

.....

.....

Please take notice that *.....

.....

fumigated by me on.....is now safe
for re-entry.

Date.....

Signed.....

*Here state name or number and location of building, ship, aircraft or other enclosed space which has been fumigated.

FORM G

HYDROGEN CYANIDE (FUMIGATION)
REGULATIONS 1953

(Regulation 25)

OPERATOR'S RECORD OF FUMIGATION

1. Address of premises fumigated.....
2. Time of commencing fumigation.....
Date..... Hour.....a.m./p.m.
3. Notice required by regulations 17 and 18 delivered to—
 - (a) Authority.
Date..... Time.....a.m./p.m.
How delivered.....
 - (b) Occupiers of building or other enclosed space fumigated or master or captain or other person in charge of ship/aircraft, fumigated, as the case may be.
Date..... Time.....a.m./p.m.
How delivered.....
 - (c) Occupiers and tenants within fumigation and risk area.
Date..... Time.....a.m./p.m.
How delivered.....
4.
 - (a) Have the fumigation and risk areas been vacated?
 - (b) Have all fires and naked lights within the fumigation area been extinguished?
 - (c) Have all moist foods been removed from the fumigation area before fumigation?
 - (d) Have basement and ground-floor windows been securely fastened?
 - (e) Have all doors been securely fastened?
 - (f) Have all openings been securely sealed?
 - (g) Have warning notices been displayed?
 - (h) Are efficient masks carried by the fumigating staff?
 - (i) Have overalls been worn by fumigating staff?
 - (j) Is an efficient electric torch carried by fumigating staff?

5. (a) Has operator/assistant been in attendance throughout process of fumigation?
- (b) What tests have been made to establish safety of premises following fumigation?
- (c) Have residues been safely disposed of?
- (d) Have water taps and cisterns been flushed?
- (e) Has bedding, etc., been aired until free from danger?
6. Declaration of safety of premises delivered to.....
.....on.....at.....a.m./p.m.
7. Name of assistant to operator.....

Date.....

Time.....

Signed.....
(Operator)

LAWS OF MALAYSIA

HYDROGEN CYANIDE (FUMIGATION)
ACT 1953

[ACT 260]

HYDROGEN CYANIDE (FUMIGATION)
REGULATIONS 1953

(Made under section 3)

(Revised—2020)

*Particulars under paragraphs 7(ii) and (iii) of the Revision of
Laws Act 1968 [Act 1]*

LIST OF AMENDMENTS

Amending law	Short Title	In force from
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975
P.U. (A) 168/1978	Hydrogen Cyanide (Fumigation) (Amendment) Regulations 1978	22-06-1979

LIST OF LAWS OR PARTS THEREOF SUPERSEDED

No.	Title
L.N. 285/1953	The Hydrogen Cyanide (Fumigation) Regulations, 1953