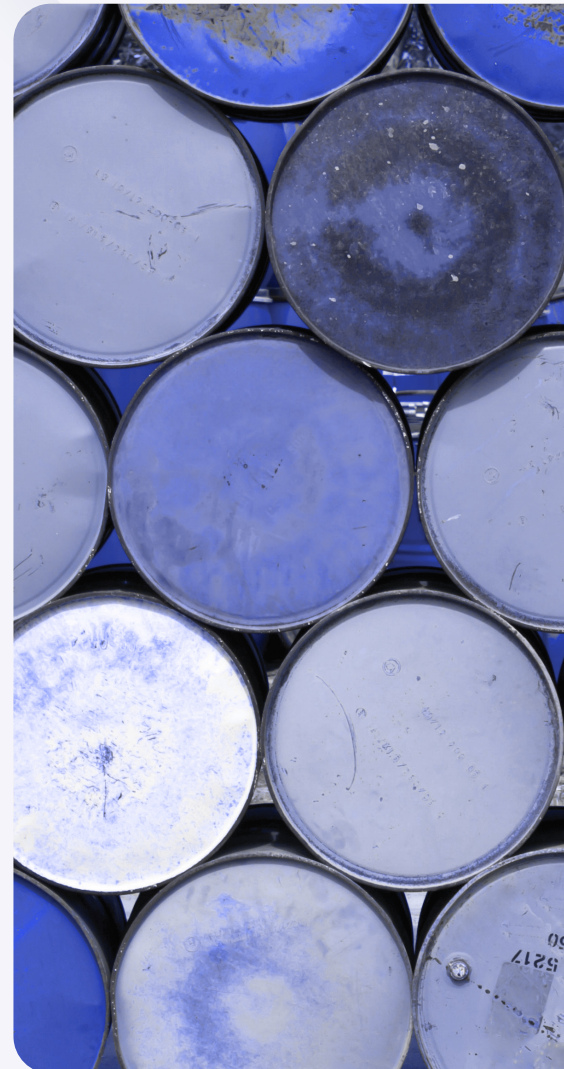




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**Organization of American States (OAS)
Inter-American Drug Abuse Control Commission (CICAD)**



**REFERENCE GUIDE FOR THE DEVELOPMENT
OR UPDATING OF REGULATIONS FOR THE
COMPREHENSIVE HANDLING AND FINAL DISPOSAL
OF SEIZED OR CONFISCATED CHEMICAL SUBSTANCES**

REFERENCE GUIDE FOR THE DEVELOPMENT OR UPDATING OF REGULATIONS FOR THE COMPREHENSIVE HANDLING AND FINAL DISPOSAL OF SEIZED OR CONFISCATED CHEMICAL SUBSTANCES



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Part I.

Purpose and Scope of Application

Article 1

The objective of this “Reference Guide for the Development or Updating of Regulations for the Comprehensive Handling and Final Disposal of Seized or Confiscated Chemical Substances” (hereinafter referred to as the Reference Guide) is to serve as a guidance tool for OAS member states to regulate the various stages involved in the handling and final disposal of chemical substances that have been seized or confiscated due to their link to the illicit manufacture of drugs. These stages include handling, packaging, transportation, delivery, storage, final disposal and any other operation, act, or transaction related to those actions.

Article 2

The regulations for the comprehensive handling and final disposal of seized or confiscated chemical substances shall be applicable in accordance with national legislation within the jurisdiction of each country, including, but not limited to, customs, border areas, ports, airports, bonded warehouses, and free trade zones of OAS member states.

Part II.

Definitions

Article 3

The definitions in this Reference Guide shall be subject to the provisions of the domestic laws of the member states. Except where otherwise expressly indicated or where the context otherwise requires, the following definitions shall be applicable throughout the text of the Reference Guide:

Authorizations: Administrative act consisting of the granting, by the competent national authorities, of licenses, registrations, permits, or other similar documents to carry out operations with chemical substances.

Chemical substances: Chemical compounds or products that contain them and can be used directly or indirectly in the manufacture of narcotic drugs, psychotropic substances, or other chemical substances. The term precursor chemical shall be considered synonymous with chemical substance unless national regulations establish a different definition. The term includes, but is not limited to, the chemical substances listed in Tables I, II, and III of the CICAD's Model Regulations for the Control of Chemical Substances Used in the Illicit Manufacture of Narcotic Drugs and Psychotropic Substances.¹

Comprehensive handling: Set of coordinated and planned actions carried out from the seizure or confiscation of chemical substances to their final disposal. This handling includes conditioning, storage, transportation, and eventually, the treatment and final disposal of the chemicals. The handling of chemical substances must be carried out in compliance with the standards and regulations in force, with the aim of protecting the health of the personnel involved and the environment. Comprehensive handling also includes monitoring and traceability of each stage of the process, as well as coordination between the different agencies and operators involved.

Confiscation: According to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 means “the permanent deprivation of property by order of a court or other competent authority”. Given the differences and specificities that exist in the legislation of each country, the precise definition of this term is subject to the legislation of each member state.

Final disposal: Treatment carried out on seized or confiscated chemical substances, which requires prior authorization from the competent entity. Final disposal may include, but is not limited to destruction, recycling, transformation, sale, or donation of the chemical substances, with the aim of minimizing risks to human health and the environment and preventing the re-entry of these chemical substances into the illicit market.

Identification: Process that includes, but is not limited to, physicochemical analyses to indicate the presence of a substance.

National Competent Entity: Refers to state agencies that, according to national regulations, have authority and responsibility in activities related to chemical substances. This includes, but is not limited to, regulatory agencies, intelligence organizations, security forces, and judicial bodies.

Operator: A person or entity that engages or intends to engage in operations, acts, or transactions involving chemical substances and is duly registered with the competent national entity.

Operator for the final disposal of chemical substances: A specific category of operator. It refers to those entities, both public and private, authorized to carry out the treatment of chemical substances and ensure their safe and sustainable final disposal. Their responsibilities may include handling, transportation, packaging, storage, treatment, and final disposal of seized or confiscated chemical substances. The methods employed by this operator shall comply with the current national regulations.

¹ CICAD, *CICAD's Model Regulations for the Control of Chemical Substances used in the Illicit Manufacture of Narcotic Drugs and Psychotropic Substances* (2019).

Packaging: All actions necessary after the seizure or confiscation of a chemical substance to ensure its safety during storage and transportation. These actions include, if warranted and feasible, identification, labeling, transfer, packaging, and documentation of the seized or confiscated chemical substances, with the aim of minimizing the risks associated with their handling.

Personal Protective Equipment (PPE): Devices, accessories, and clothing designed to be used or worn by a person with the aim of protecting them from potential risks and hazards to their health and safety during the performance of a specific activity, such as the handling of hazardous chemicals.

Preliminary test: Assay used to indicate the possible presence of a particular substance in a sample. This type of test guides the presumptive identification of the substance at the seizure site.

Safety Data Sheet (SDS): Document created by the manufacturer, which provides information on a chemical substance. Each chemical substance must have its own safety data sheet. This document provides data on composition, physical and chemical properties, chemical reactivity and stability, health hazards, first aid measures, handling and storage precautions, exposure control and personal protection, fire and explosion prevention measures, emergency procedures for spills and accidents, and environmental hazards, among others. These sheets allow for advance planning of the precautions that must be taken for safe use, handling, and storage.

Seizure: According to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 means “temporarily prohibiting the transfer, conversion, disposition or movement of property or temporarily assuming custody or control of property on the basis of an order issued by a court or a competent authority”. Given the differences and specificities that exist in the legislation of each country, the precise definition of this term is subject to the legislation of each member state.

Selective analytical methods: Techniques used for the identification and quantification of chemical substances. These techniques make use of specialized instruments, including but not limited to chromatographs and spectrophotometers, to confirm the presence of a substance in a sample.

Storage: The act of storing and safeguarding seized or confiscated chemical substances in facilities that comply with basic storage regulations. This ensuring the safety of the individuals responsible for the custody of the location and the nearby communities, the protection of the environment, and the preservation of the chemical substances until their final disposal.

Transfer: Process in which the possession of seized or confiscated chemical substances passes from one entity to another during the final disposal process. For this purpose, a traceability and documentation system is required to track their location and condition at all times, in order to prevent diversion and reintroduction into the illicit market.

Transportation: Process of moving seized or confiscated chemical substances from one location to another by any mode of conveyance.

Part III.

Control Measures

Article 4

If national regulations stipulate so, operators for the final disposal of chemical substances, before carrying out any type of operation, act, or transaction with seized or confiscated chemical substances, shall register with the competent national entity, so that the scope and nature of the activities they conduct may be known.

The competent national entity may take necessary measures to control, monitor, and supervise the transactions carried out by operators for the final disposal of chemical substances.

The activity of operators for the final disposal of chemical substances shall be subject to supervision and control by the competent national authorities, to ensure compliance with legal and technical requirements and prevent any negative impact on human health and the environment.

Article 5

Operators for the final disposal of chemical substances shall have the necessary facilities, equipment, and permits, as well as the corresponding chemical waste management authorizations, environmental certifications, and other pertinent authorizations from the jurisdictions involved. Additionally, they may require specific authorization from the competent national entity to handle and dispose of the chemicals in question.

The competent national entity may require that the authorizations stipulated herein be updated on a regular basis.

Article 6

To grant an authorization to an operator for the final disposal of chemical substances, competent authorities shall verify that the operator complies with state, regional, or national health and environmental regulatory provisions. Among other aspects, the following points shall be fulfilled, according to the capacities of each member state:

1. Applicant's requirements and background information as established in the national legislation that regulate activities with chemical substances.
2. A safety plan for the storage of chemical substances.
3. Appropriate professional training of personnel involved in the handling of chemical substances.
4. Compilation of safety data sheets (SDS) for the substances to be handled at the applicant's establishment.
5. Contingency plan for emergency situations, including immediate notification of authorities and relevant agencies.

6. Plans for the prevention and mitigation of environmental impacts.
7. Procedures for the final disposal of waste generated during the treatment of chemical substances.
8. Security requirements at the facilities to prevent theft and diversion. Minimum safety criteria and standards should be established for the facilities of operators for the final disposal of chemical substances, such as, uninterrupted video surveillance systems with recording and dual access controls, among others.
9. Protocols for the safe handling of chemical substances, including the use of personal protective equipment, sampling techniques, labeling, and management of chemical substances.
10. Safety elements such as showers, eye wash stations and first aid kits that enable addressing emergency situations caused by contact of individuals with chemical substances.

The national competent entity may conduct periodic inspections to verify compliance with these requirements and request the updating of one or more procedures if necessary.

Article 7

In order to safeguard community health and prevent possible negative environmental impacts, chemical treatment and disposal sites should be located at a safe distance from sensitive areas such as schools, hospitals, densely populated residential areas, natural parks, protected areas, waterways, aquifers, and fragile ecosystems.

Article 8

Operators for the final disposal of chemical substances shall acknowledge receipt of transfer of the chemical substance. The acknowledgment of receipt shall be supported by the pertinent documentation and include the following information:

1. Place, date, and time of receipt of chemical substances.
2. Name of the chemical substances and their respective concentrations, as well as the quantities received by weight or volume, as applicable, indicating any discrepancies between the received quantity and the quantity initially agreed upon.
3. Type and condition of the packaging and container of the chemical substance received.
4. In the case of mixtures, the percentage concentration of each chemical substance present in the respective mixture.
5. Complete data of the sender, as well as the means of transport and the identification of the transport company.
6. Authorization from the competent entity for the final disposal of chemical substances.

Article 9

After the treatment and final disposal of the chemical substances, a final disposal report shall be issued in order to certify this operation and will be supported by the relevant documentation. The report should include the following information:

1. Exact address where the procedure took place.
2. Date and time of final disposal of chemical substances.
3. Acknowledgment of receipt number initially consigned.
4. Name of chemical substances and their respective concentrations, as well as the quantities treated by weight or volume, as applicable.
5. Method of final disposal used.
6. Complete data and signatures of the observers present during the final disposal of the chemical substances.
7. Signature and stamp of the responsible person in charge of the final disposal operation.

The final disposal report should consist of an original document, which the operator will retain, and a copy that will be provided to the sender.

Article 10

In accordance with the applicable national legislation, operators for the final disposal of chemical substances shall submit a report of movements to the competent national entity related to the seized or confiscated chemical substances that have undergone treatment and final disposal. The information, frequency and form of the report will be established by the aforementioned entity.

In addition, the operators for the final disposal of chemical substances shall maintain accurate and up-to-date records of all transactions involving seized or confiscated chemical substances, including details such as the quantity received, treated, and destroyed, as well as identification of the shippers and transporters involved in each operation. These records shall be kept for a period to be determined by the national competent entity and shall be available in the event of an inspection or request by that agency.

Failure by operators for the final disposal of chemical substances to comply with reporting and record keeping obligations may result in administrative or criminal penalties.

Article 11

In accordance with the applicable national legislation, the competent national entity shall be empowered to carry out unannounced inspections of operators for the final disposal of chemical substances to verify their activities related to the treatment and disposal of seized or confiscated chemical substances, as well as to assess compliance

with applicable laws and regulations. Inspections shall also include the evaluation of security measures, documentation, records of movements, and internal control.

In the event that operators for the final disposal of chemical substances obstruct, prevent, or refuse to allow a regulatory inspection, an immediate suspension of the operator's license may be imposed, among other administrative sanctions and refer the matter to the competent judicial authority, if national regulations so provide. In addition, if during the inspections and investigations irregularities are detected or verified that, in the opinion of the administrative authority could constitute a crime, a report with relevant evidence will be submitted to the competent authority in criminal matters, without prejudice to the corresponding administrative measures that may be taken.

Likewise, the competent entity shall have the power to take precautionary or executive measures, as appropriate, with regard to chemical substances at any stage of the operation, when conduct is detected that contravenes the regulations related to such operations.

Part IV.

Traceability System

Article 12

The competent national entity shall endeavor to implement and maintain a digital traceability system that allows for the detailed tracking and recording of each stage of the process of handling and final disposal of seized or confiscated chemical substances.

The digital traceability system shall be subject to continuous supervision and monitoring by the competent national entity.

Operators for the final disposal of chemical substances shall report, through the system, every movement involving seized or confiscated chemical substances to provide accurate information on their location, including details on their transportation, storage, treatment, final disposal, and any other relevant activities.

Article 13

The traceability system shall include the following elements, tailored to meet national needs and circumstances:

1. A single identification code for each seized or confiscated chemical substance, making it possible to keep track of each of them throughout the handling and final disposal process.

2. Complete and detailed record of the operations carried out with the seized or confiscated chemical substances, including transportation, transfer, storage, treatment, and final disposal. This record should indicate the dates, places, and persons responsible for each of the aforementioned actions.
3. Mechanisms for verification and validation of the information recorded to ensure its integrity and accuracy, making the best possible use of available technologies and following international best practices.
4. Backup and secure preservation of the records generated, in accordance with the deadlines and requirements established by the national regulations in force.

Part V.

Packaging

Article 14

The competent national entity, or as provided for by national legislation, shall establish measures to ensure the safe packaging of seized or confiscated chemical substances. The measures will aim to include, according to the capacities of each member state, the following aspects:

1. Chemical testing: Preliminary tests should be carried out to presumptively identify the chemical substances and determine their characteristics. Subsequently, laboratory tests should be carried out using analytical selective methods to reliably identify the substance and determine its nature, purity, and any hazards that may be associated with it.
2. Material safety data sheet: Material safety data sheets shall be obtained for each of the seized chemical substances. It shall also ensure that such reference material is updated and available to the personnel in charge of handling and packaging the substances.
3. Professionally trained personnel: Adequate preparation and training must be provided for personnel in charge of handling and packaging chemical substances to ensure correct implementation of the corresponding safety measures.

Likewise, the competent national entity shall implement control mechanisms to verify that the procedures for the packaging of seized or confiscated chemical substances are adequate and comply with the established guidelines.

Article 15

In order to ensure proper packaging of chemical substances, the competent national entity shall establish a protocol that should include the following guidelines:

1. Identification and classification of chemical substances, according to internationally established criteria and classification systems.
2. Preparation of a complete inventory of seized or confiscated chemical substances, providing precise information on their quantity, characteristics, and storage conditions.
3. Development and implementation of a chemical segregation plan to separate incompatible substances, thus avoiding their mixing and consequent dangerous chemical reactions.
4. Transferring chemical substances from one container to another. In cases where containers are unsuitable or damaged, transfer operations should be carried out using suitable, clearly labeled containers. The labeling shall include accurate information on the contents, chemical properties, and hazards associated with the substances, such as the hazard pictograms of the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). In addition, if applicable, a label indicating the case number should be included to ensure proper traceability.
5. Development of a contingency plan that includes preventive and response measures for spills, leaks, fires, or other emergency situations that may arise during the packaging and handling of chemicals. The plan should include clear procedures for spill control and containment, protection of personnel and the environment, and timely notification to the competent authorities.

Part VI.

Transportation

Article 16

The competent national entity, or as provided for by national legislation, shall establish guidelines for the safe transportation of seized or confiscated chemical substances. These guidelines will aim to include, according to the capacities of each member state, the following aspects:

1. Adequate packaging to ensure the protection of the substances during transportation and to prevent any type of leakage, spillage, or unwanted exposure.

2. Clear and legible labeling on chemical containers that provides accurate information on the contents, chemical properties, and hazards associated with the substances, such as the hazard pictograms of the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). In addition, if applicable, a label indicating the case number should be included to ensure proper traceability.
3. Security measures to prevent theft, robbery, or other incidents, such as, the implementation of GPS tracking systems, surveillance or police escorts, among others.
4. Development of a safe transportation plan that considers the routes, times, and resources required for the transfer of chemical substances.
5. Specialized training and education of personnel in charge of transportation, covering aspects such as applicable regulations and standards, proper handling of chemical substances, packaging and labeling requirements, safety measures during transportation, management of emergency situations, proper loading and unloading procedures, as well as accident prevention during those operations.
6. Complete and updated regulatory documentation, as well as the required national authorizations and permits, in compliance with the national regulations applicable to transportation in general and to the transfer of chemical substances in particular.

The competent entity shall establish the necessary control mechanisms, such as in route controls, inspections, and audits, to verify compliance with the established measures and ensure the safe transportation of chemical substances.

Part VII.

Storage

Article 17

The competent national entity, or as provided for by national legislation, shall establish the safety, technical, and infrastructure requirements to be met by storage sites for seized or confiscated chemical substances. These requirements will aim to include, according to the capacities of each member state, the following points:

1. Specific storage requirements for each group of substances, taking into consideration the chemical segregation plan referred to in Article 15.3 of this Reference Guide. In addition, controlled temperature and humidity conditions and adequate ventilation systems must be provided.
2. Internal procedures for the transfer, handling, and transportation of chemical substances within the storage site.

3. Adequate containment and protective measures and equipment to prevent spills, leaks, fires, or other emergency situations, such as sprinkler systems, fire extinguishers, alarm systems and smoke detection systems. Fire extinguishers must be suitable according to the materials stored in each section of the establishment.
4. Availability of emergency showers and eyewash facilities in strategic areas of the storage site.
5. Suitable and sufficient personal protective equipment for personnel handling chemicals, as well as any other equipment required by applicable national regulations.
6. Professional training for personnel in charge of handling and storing chemical substances, including ongoing training and education.
7. Emergency response protocols that include training of personnel in response procedures and periodic drills.
8. Regular maintenance of facilities, equipment, and storage systems, including technical reviews, calibrations, and necessary repairs.
9. Compliance with current safety and environmental regulations, as well as obtaining and updating the necessary authorizations to operate as a storage site for chemical substances.
10. Systematized and available documentation including inventory records, chemical safety data sheets, inspection records, and any other documents required by current regulations.

The competent national entity shall establish the necessary control mechanisms, such as inspections and audits, to verify compliance with the measures required at storage sites.

Part VIII.

Final Disposal

Article 18

The competent national entity, or as provided for by national legislation, shall establish a final disposal protocol for each of the seized chemical substances. The final disposal method selected shall consider the reality of each member state and prioritize safety, efficiency, and environmental sustainability during its application.

The competent national entity shall ensure that the protocols for the final disposal of chemical substances are up to date and available to competent personnel.

Article 19

The competent national entity shall engage in the necessary coordination and communication with other relevant entities, such as companies specialized in chemical waste management and environmental agencies, to ensure adequate and safe final disposal of chemical substances.

Article 20

The competent national entity shall establish the guidelines that a final disposal site for seized or confiscated chemical substances must comply with in order to ensure safety, efficiency, and environmental protection. These guidelines will aim to include, according to the capacities of each member state, the following aspects.:

1. The disposal site shall have adequate facilities and equipment to perform the disposal methods established, while abiding by the provisions of Article 18.
2. National standards and regulations related to chemical substances final disposal, including safety standards, surveillance of facilities, hazardous waste management, and environmental protection, shall be complied with.
3. Personnel involved in the handling and disposal of chemical substances shall have the necessary training and skills to process these compounds in a safe manner, as well as to implement procedures for emergency situations.
4. A reliable record shall be kept of the chemical substances entering the final disposal site, including detailed information on their origin, quantity, and characteristics, as well as the corresponding relevant documents.

If national regulations allow the final disposal site to also serve as a storage site, the safety requirements listed in Article 17 should be considered.

The national competent entity shall carry out periodic inspections of the final disposal site to verify compliance with the established requirements and take the necessary corrective measures if irregularities are detected.

Article 21

The presence of observers may be required to attest to the final disposal process, to ensure transparency and integrity of the procedure. These observers could be representatives of the competent national authorities or designated entities for such purpose.

Observers may be authorized to verify the quantity and identity of the chemical substances to be treated, as well as the entire final disposal process.

Necessary measures should be taken to establish sound cooperation and coordination practices to avoid delays in the final disposal process due to the absence, or inability of an observer to attend.

Article 22

In accordance with the provisions of Article 9 of this Reference Guide, once the final disposal of the chemical substances has been carried out, the corresponding certificates shall be issued. These certificates shall contain detailed information on the method used, the place, date, and time of final disposal and the signature of all participants, as well as any other information required by the competent national entity. The certificates of final disposal will be considered official documentation to support the proper treatment of seized or confiscated chemical substances.

Article 23

The competent national entity shall implement control and monitoring measures, including conducting scientific studies, to verify the effectiveness of the disposal methods and guarantee compliance with safety requirements, ensuring that no negative impacts on human health or the environment are generated during the disposal process.

RECOMMENDATIONS

It is recommended that each member state:

1. Conduct an assessment of the resources and tools available within the country for the comprehensive handling and final disposal of seized or confiscated chemical substances, exploring new ways to dispose of these compounds in a safe and responsible manner.
2. In order to mitigate the adverse effects on the environment and the financial costs associated with the final disposal of seized or confiscated chemical substances, assess measures to reintroduce these substances into the licit circuit, through donations, sales, or other viable alternatives, as long as the national regulatory framework allows such alternatives.
3. Identify suitable disposal sites at the national level. The competent national entity shall endeavor to maintain an updated list of sites in the country that have the necessary capacity and authorization to carry out the final disposal of chemical substances. These sites may include companies specializing in chemical waste disposal, the pharmaceutical industry, universities, and other entities that have appropriate equipment and processes for the safe disposal of chemicals.
4. Base the selection of final disposal methods of seized or confiscated chemical substances on evidence-based sound practices, as well as on the materials and references provided by the United Nations Office on Drugs and Crime (UNODC).²
5. In the event that the only viable option is to destroy the chemical substances at the seizure site (on-site), strictly follow the methods set forth in the UNODC guides and guidelines.
6. Ensure that operators for the final disposal of chemical substances do not recover or market by-products of the chemical substances being treated unless they have the corresponding authorization from the competent entity.
7. Designate a competent national entity to centralize and supervise all activities related to the handling and final disposal of seized or confiscated chemical substances, including the development of specific regulations, protocols, and guidelines on the matter.
8. Have regulations in place to expedite the final disposal processes, enabling them to be carried out as promptly as possible after the seizure or confiscation of the chemical substances.

² UNODC, *Illustrated Guide for the Disposal of Chemicals Used in the Illicit Manufacture of Drugs* (Vienna: United Nations, 2020) and UNODC, *Guidelines for the Safe Handling and Disposal of Chemicals Used in the Illicit Manufacture of Drugs* (New York: United Nations, 2012).

9. Raise awareness among judicial authorities and other relevant authorities, about the importance of timely final disposal of seized chemical substances in order to avoid prolonged storage, which can lead to dangerous situations.
10. Establish interagency working groups and joint work schedules to efficiently coordinate activities related to the handling and final disposal of chemical substances, by promoting cooperation among the different entities involved.
11. Foster cooperation with forensic laboratories to strengthen collaboration between them and the competent national entity in order to expedite the analysis processes of seized or confiscated chemical substances.
12. Consider incorporating portable equipment based on Raman technology and/or infrared spectroscopy to facilitate rapid identification and analysis of chemicals during handling and disposal processes.
13. Develop an annual plan for the final disposal of seized or confiscated chemical substances.
14. Allocate appropriate annual budgetary resources for the final disposal of seized or confiscated chemical substances stored throughout the country.
15. In accordance with the current national legislation, consider allocating part of the recovery of confiscated assets from drug trafficking to provide the needed financial resources for the final disposal of seized chemical substances.
16. Consider the possibility that the costs of the final disposal of seized or confiscated chemicals should be covered by the offender, in accordance with current national legislation.



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