

DOKUMEN KONSULTASI AWAM CADANGAN PENGUBALAN AKTA KAWALAN PEWASAPAN 2026 (*Bagi Menggantikan Akta Hidrogen Sianida (Pewasapan) 1953*)

1. PENGENALAN

Aktiviti pewasapan (*Fumigation*) adalah proses kritikal menggunakan gas beracun (fumigan) untuk membasmi makhluk perosak bagi tujuan biosekuriti dan keselamatan makanan. Ia sering dilakukan di pelabuhan, kapal, gudang, dan premis komersial.

Pada masa ini, aktiviti ini dikawal selia di bawah **Akta Hidrogen Sianida (Pewasapan) 1953 [Akta 260]**. Undang-undang ini telah berusia lebih 70 tahun dan asalnya digubal hanya untuk mengawal penggunaan gas Hidrogen Sianida dan kemudiannya Metil Bromida.

Kementerian Kesihatan Malaysia (KKM) kini dalam usaha menggubal dasar bagi **Akta Kawalan Pewasapan yang baharu** untuk menggantikan akta lapuk ini demi memastikan piawaian keselamatan yang lebih tinggi selaras dengan risiko bahan kimia moden.

2. JUSTIFIKASI: MENGAPA UNDANG-UNDANG BAHARU DIPERLUKAN?

Terdapat empat (4) sebab utama mengapa pembaharuan undang-undang ini mendesak:

- i. **Liputan Bahan Kimia Terhad:** Akta semasa tidak mengawal gas moden seperti Fosfin dan Sulfuril Fluorida yang kini meluas digunakan industri. Ini mendedahkan pekerja dan orang awam kepada risiko keracunan tanpa kawalan undang-undang khusus.
- ii. **Hukuman Tidak Relevan:** Denda maksimum sedia ada hanyalah RM 500. Denda sedia ada perlu dikaji semula agar setimpal dengan risiko keselamatan semasa, terutamanya bagi kesalahan yang melibatkan ancaman nyawa.
- iii. **Ketiadaan Kawalan Syarikat:** Akta lama hanya melesenkan individu (operator). Cadangan baharu bertujuan mendaftar syarikat bagi memastikan majikan turut bertanggungjawab dalam penyediaan kelengkapan keselamatan yang lengkap dan penyelenggaraan peralatan.
- iv. **Keperluan Infrastruktur Moden:** Mewujudkan piawaian bagi 'Zon Keselamatan Pewasapan' di pelabuhan untuk mengelakkan risiko pendedahan gas di kawasan awam.

3. APA YANG BAHARU DALAM DRAF AKTA KAWALAN PEWASAPAN

Cadangan ini memperkenalkan perubahan besar ekosistem pewasapan:

A. Pendaftaran Syarikat & Kompetensi

- **Pendaftaran Syarikat & Kompetensi Syarikat:** Dicapadangkan agar syarikat wajib mendaftar sebagai Syarikat Pewasapan Berdaftar dan memastikan semua peralatan dikalibrasi serta mematuhi piawaian keselamatan pekerjaan.
- **Penyeliaan Ketat:** Nisbah penyeliaan akan ditetapkan (contoh: 1 Operator menyelia maksimum 4 Pembantu) untuk menjamin kualiti kerja.
- **Penyedia Latihan:** Institusi latihan pewasapan perlu diakreditasi untuk menjalankan kursus kompetensi yang diiktiraf.

B. Pendigitalan & Notis 48 Jam Notis manual dimansuhkan. Notis pekerjaan wajib dihantar **48 jam** sebelum memulakan kerja melalui sistem dalam talian. Setiap tapak kerja mesti mempamerkan tanda amaran dengan **Kod QR** untuk semakan penguatkuasaan.

C. Zon Pewasapan Terkawal & Infrastruktur Menteri bolehewartakan kawasan berisiko tinggi sebagai "Zon Pewasapan Terkawal". Pengendali di zon ini mungkin perlu menetapkan kawasan operasi yang khusus (*designated zones*) bagi memastikan penjarakan keselamatan dengan orang awam.

D. Liabiliti Bersama Pelanggan Tanggungjawab keselamatan bukan sahaja pada kontraktor pewasapan. Pemilik premis atau pelanggan (pengimport/eksport) juga bertanggungjawab jika gagal memastikan kawasan dikosongkan atau jika tanda amaran diturunkan sebelum Sijil Pelepasan dikeluarkan.

E. Larangan "Ujian Hidung" (Smell Test) Penggunaan deria bau dilarang sama sekali kerana sesetengah gas moden tidak berbau. Sijil Pelepasan (*Certificate of Clearance*) hanya sah dengan bacaan alat pengesanan digital

4. PERBANDINGAN: AKTA LAMA (1953) VS DRAF AKTA BAHARU

PERKARA	Akta Hidrogen Sianida 1953 (Sedia Ada)	Draf RUU Kawalan Pewasapan (Cadangan)
BAHAN DIKAWAL	Hidrogen Sianida & Metil Bromida sahaja	Semua jenis fumigan (termasuk Fosfin & Sulfuril Fluorida)
ENTITI DIKAWAL	Hanya Operator (Individu)	Operator, Syarikat, Pembekal, & Penyedia Latihan
INFRASTRUKTUR	Tiada peruntukan	Kuasa mewajibkan Infrastruktur Khas (Fumigation Bays) di pelabuhan
PENALTI MAKSIMUM	RM500	RM 50,000 (Individu) / RM 200,000(Syarikat).
PROSEDUR NOTIS	Notis Bertulis Manual 24 Jam	Notis Dalam Talian 48 jam dengan sistem elektronik
KESELAMATAN	Keperluan asas (topeng gas, lampu suluh)	Penilaian Risiko (HIRARC), Pelan Kecemasan (ERP), dan alat pengesan gas digital wajib.

5. SIAPA YANG TERLIBAT?

Cadangan akta ini memberi kesan langsung kepada kumpulan berikut, dan maklum balas anda amat diperlukan:

- Penyedia Perkhidmatan: Operator pewasapan, syarikat kawalan perosak (*Pest Control*), dan pembekal gas fumigan.
- Sektor Logistik & Pengangkutan: Pengendali pelabuhan, lapangan terbang, ejen penghantaran kargo (*freight forwarders*), pemilik gudang, dan pengusaha pengangkutan.
- Sektor Komoditi & Perdagangan: Pengimport dan pengeksport hasil pertanian, pengusaha silo bijirin, dan industri perkayuan.
- Penyedia Latihan: Institusi yang menawarkan kursus latihan teknikal atau vokasional berkaitan kawalan perosak.
- Orang Awam & Komuniti: Penduduk yang menetap berhampiran kawasan industri, pelabuhan, atau zon pewasapan.

6. IMPAK & PERALIHAN (TRANSITION)

Pelaksanaan akta ini dijangka memberi impak positif kepada tahap profesionalisme industri dan imej biosekuriti negara.

- Tempoh Peralihan: Bagi mengelakkan gangguan operasi, satu tempoh peralihan (contoh: 6-12 bulan) akan diberikan selepas Akta diwartakan bagi membolehkan industri mendaftar dan mematuhi syarat baharu. Lesen sedia ada akan kekal sah sehingga tamat tempoh peralihan tersebut.
- Kos Pematuhan: Syarikat perlu bersedia dengan kos pendaftaran dan kalibrasi peralatan, manakala pemilik premis perlu meneliti keperluan infrastruktur keselamatan.

7. MAKLUM BALAS ANDA

Pihak Kementerian Kesihatan Malaysia mengalu-alukan pandangan anda mengenai cadangan ini. Sila teruskan ke bahagian soal selidik untuk memberikan maklum balas anda mengenai aspek pelesenan, penalti, dan prosedur operasi yang dicadangkan.

Untuk pertanyaan lanjut, sila hubungi: En. Muhammad Ikmal bin Ahmad Rashiden, Pegawai Kesihatan Persekitaran, Bahagian Perkembangan Kesihatan Awam, KKM

Tel: 03-8094 4864 / 03-8094 4857 | E-mel: supsip@moh.gov.my

Terima kasih atas kerjasama anda dalam menjamin keselamatan negara.

PUBLIC CONSULTATION DOCUMENT PROPOSAL FOR THE ENACTMENT OF THE FUMIGATION CONTROL ACT 2026

(To Replace the Hydrogen Cyanide (Fumigation) Act 1953)

1. INTRODUCTION

Fumigation is a critical process involving the use of poisonous gases (fumigants) for pest control, biosecurity, and food safety. It is frequently performed at ports, on ships, in warehouses, and commercial premises.

Currently, this activity is regulated under the Hydrogen Cyanide (Fumigation) Act 1953 [Act 260]. This 70-year-old law was originally drafted to control only Hydrogen Cyanide and later Methyl Bromide.

The Ministry of Health Malaysia (MOH) is proposing a new Fumigation Control legislative framework to replace this outdated Act, ensuring higher safety standards aligned with modern chemical risks.

2. JUSTIFICATION: WHY IS A NEW LAW NEEDED?

There are four (4) main drivers for this reform:

- **Limited Chemical Coverage:** The current Act does not regulate widely used modern gases like Phosphine and Sulfuryl Fluoride. This leaves workers and the public exposed to unregulated poisoning risks.
 - **Irrelevant Penalties:** The existing maximum fine is only **RM 500**. This amount is no longer an effective deterrent against negligence that could result in fatalities.
 - **Lack of Corporate Accountability:** The old Act licenses individuals only. The new proposal aims to register companies to ensure employers are equally responsible for providing proper safety equipment and maintenance regimes.
 - **Need for Modern Infrastructure:** There is no current mandate for designated **fumigation bays** at ports, leading to high-risk activities being conducted in open, unsafe areas.
-

3. WHAT IS NEW IN THE DRAFT FUMIGATION CONTROL ACT?

The proposed Bill introduces significant changes to the fumigation ecosystem:

A. Company Registration & Competency

- **Company Registration & Competency Companies:** It is proposed that companies must register as a Registered Fumigation Company and ensure all equipment is calibrated and compliant with safety standards.
- **Strict Supervision:** A supervision ratio will be introduced (e.g., 1 Operator supervising max 4 Assistants) to ensure quality control.
- **Training Providers:** Training institutions must be accredited to conduct recognized competency courses.

B. Digitalization & 48-Hour Notice Manual notices are abolished. A mandatory **48-hour online notice** is required before starting work. Every site must display warning signs with a **QR Code** for enforcement verification.

C. Controlled Zones & Infrastructure: The Minister may gazette specific high-risk areas as "Controlled Fumigation Zones." Operators in these zones may be required to designate specific safety areas to ensure safe distancing from public activities.

D. Joint Liability (Client Responsibility) Safety is a shared responsibility. Premises owners or clients (importers/exporters) will also be liable if they fail to secure the area or if warning signs are removed before the Certificate of Clearance is issued.

E. Ban on "Smell Test" Relying on smell is strictly prohibited as some modern gases are odorless. A Certificate of Clearance is only valid based on readings from calibrated digital detectors.

4. COMPARISON: OLD ACT (1953) VS. NEW DRAFT ACT

Subject	Hydrogen Cyanide Act 1953 (Existing)	Draft New Fumigation Control Act (Proposed)
Controlled Materials	Hydrogen Cyanide & Methyl Bromide only	All types of fumigants (including Phosphine & Sulfuryl Fluoride)
Licensing	Only Operators (Individuals) are licensed	Operators Licensed and Companies Registered
Maximum Penalty	RM 500	RM 50,000 (Individual) / RM 200,000 (Company)
Notice Procedure	Manual Written Notice (24 Hours)	Online Notice (48 Hours) with electronic system
Safety	Basic requirements (gas mask, flashlight)	Risk Assessment (HIRARC), Emergency Plan (ERP), and mandatory digital gas detectors

5. WHO IS AFFECTED?

The proposed Act directly impacts the following groups, and your feedback is essential:

- Service Providers: Fumigation operators, pest control companies, and fumigant gas suppliers.
- Logistics & Transportation: Port and airport operators, freight forwarders, warehouse owners, and transport operators.
- Commodities & Trade: Importers and exporters of agricultural produce, grain silo managers, and the timber industry.
- Training Providers: Institutions offering technical or vocational training related to pest control.
- Public & Community: Residents living near industrial areas, ports, or fumigation zones.

6. REGULATORY IMPACT

Implementation aims to boost industry professionalism and national biosecurity reputation.

- **Transitional Period:** To prevent disruption, a transitional period (e.g., 6-12 months) is proposed post-gazettement to allow the industry to register and comply. Existing licenses will remain valid during this period.
 - **Compliance Costs:** Companies should anticipate costs for registration and equipment calibration, while premises owners should review safety infrastructure needs.
-

7. YOUR FEEDBACK

- The Ministry of Health Malaysia welcomes your views regarding this proposal.
- Please proceed to the questionnaire section to provide your feedback regarding the licensing aspects, penalties, and proposed operating procedures.
- If there are any inquiries or needs for further clarification, please contact Mr. Muhammad Ikmal bin Ahmad Rashiden, Environmental Health Officer from Public Health Development Division.
 - **Phone:** 03-8094 4864 / 03-8094 4857
 - **Email:** supsip@moh.gov.my

Thank you for your cooperation in ensuring national safety.
