



Environmental Health & Safety Audit Protocol Peru 2021

release notes

STP ComplianceEHS (STP) announces the release of its newly developed environmental, health and safety (EHS) audit protocol for Peru. This audit protocol covers relevant national EHS requirements. The regulatory date for the current release is May 2021.

This EHS audit protocol is organized around twenty topics, with a separate section devoted to each, as follows:

- General Environmental
- Air Emissions
- Water and Wastewater Management
- Solid and Hazardous Waste
- Environmental Product Stewardship
- Tank Management
- Community Noise
- PCBs
- Asbestos
- Occupational Health
- Equipment, Machine and Electrical Safety
- Material Handling and General In-Plant Safety
- Fire Safety
- Transport of Dangerous Goods
- Industrial Hygiene
- Chemical Management
- Construction Work Site Safety
- Incident Prevention and Response
- Marine Protection and Operations
- Flora and Fauna

highlights of the regulatory framework

The Republic of Peru has a political regime defined as mixed or compound because it combines presidential and parliamentary government institutions. Peru is a democratic, social, independent, and sovereign republic. The State is one and indivisible. Its government is unitary, representative, and decentralized and is organized according to the principle of the separation of powers: the Executive Power, Legislative Power, and Judicial Power.

The Executive Power consists of the President and two Vice-Presidents, and the Legislative Power of a parliament of 130 members (Congress of the Republic). The president appoints the Council of Ministers, which is formed by the heads of the sectoral portfolios (ministries). Each sectorial Ministry is in charge of managing its sector, by proposing laws to the President or the Legislative Power, and also establishing regulations of minor hierarchy in its sector, as Ministerial Resolutions or Supreme Decrees that complement the laws approved by the Legislative Power.

release notes

please review

The Congress of the Republic has, as its main duties, the representation of the nation, a legislative function, continuous inspection, and political control. Within those functions, the legislative function includes the debate and approval of Constitution reforms, laws, and legislative resolutions. Laws can be proposed by either the Executive or Legislative power and become one after being approved by Congress and enacted by the President.

The Ministry of Environment is the authority and the governing body on environmental management and renewable natural resources. The Ministry is comprised of the National Environmental Certification Service (SENACE), which is the cornerstone of the National Environmental Impact Assessment System (SEIA) in charge of assessment and approval of Environmental Impact Assessments of the main investment projects of the country, and the Environmental inspection and Evaluation Body (OEFA), which is the inspection authority for environmental matters.

In 2001, the National System of *Environmental Impact Assessment Law* was approved, to create a unique and coordinated system to identify, prevent, supervise, control, and correct in advance the negative environmental impacts derived from human actions expressed through investment projects. This law and its regulation (approved in 2009) establish the environmental impact assessment procedures for every company developing projects and establish that every sector adapts its procedures to said regulation. Based on this regulation and the sectorial laws and other regulations established for environmental protection, every company must develop environmental impact assessments for its operations and present proper documentation to the authorities, on a regular basis, proving that the potential impact from its activities is under control.

Regarding Occupational Health and Safety (OHS), the main law is the *Occupational Health and Safety Law (Law № 29783)*, established in 2011, and its regulation, approved by the Ministry of Labor and Promotion of Employment (MINTRA), through *Supreme Decree № 005-2012-TR*, which is applicable to every company in the territory. Based on this regulation, employers must assess the potential risks and hazards associated with the employee's activities and established procedures and control measures, as well, employers must also establish a representative of the employees, through a supervisor or committee chosen among the employees.

The main authority on OHS management is the Ministry of Labor and Promotion of Employment (MINTRA), while the inspection institution is the National Superintendence of Labor Inspection (SUNAFIL). Occupational health is also regulated by the Ministry of Health, which, through different regulations, establishes occupational medical exam obligations and identification of occupational diseases.



industry insight

For insight into current industry developments, subscribe to the STP blog at <http://blog.stpub.com/>.