

## HSSE Regulatory Update



### *Proposed Fumigation Control Act 2026 to Replace the Hydrogen Cyanide (Fumigation) Act 1953*

#### Summary

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].

The Ministry of Health is proposing the new Fumigation Control Act 2026 to replace the 70-year-old Act 260 which is now considered outdated and misaligned with modern safety risks. This new legislative framework seeks to modernize Malaysia's regulatory oversight by expanding control beyond Hydrogen Cyanide and Methyl Bromide to include all modern fumigants such as Phosphine and Sulfuryl Fluoride. The draft proposal was open for public consultation from 26 January to 30 March 2026 to gather stakeholder insights on these significant industrial shifts.

A major focus of the Act is the transition toward industry digitalization where manual procedures are replaced by a mandatory electronic system requiring a 48-hour advance notice and QR-code site verification. Safety standards are also being drastically strengthened through the prohibition of traditional "smell tests" in favour of calibrated digital gas detection along with mandatory Risk Assessments (HIRARC) and Emergency Response Plans. To ensure high levels of accountability, the Act introduces a dual licensing system for both individual operators and companies while increasing maximum penalties from a nominal RM 500 up to RM 200,000 for corporate non-compliance.

#### Basic Info & Links

Agency: Ministry of Health  
Malaysia – Public Health  
Development Division

Proposed New Regulations for Online  
Public Engagement: [Access via Unified  
Public Consultation \(UPC\) Official Website](#)  
or summary via [FMM portal](#).

Current Regulation for Reference: [Hydrogen  
Cyanide \(Fumigation\) Act 1953](#)

## Review/ Q&A

### Which stakeholders will be affected?

- *Service Providers: fumigator, pest control company, fumigant chemical supplier*
- *Logistics & Transportation: port and airport operators, freight forwarders & cargo agents, warehouse owners & transportation companies*
- *Commodities & Trace: agricultural exporters & importers, grain silo operators, timber & wood industries*
- *Authorities: Local Authorities (PBT), Malaysia Maritime Enforcement Agency, Marine Department Malaysia, Department of Occupational Safety & Health, Department of Agriculture, Fire & Rescue Department of Malaysia*
- *Training Providers: Institutions offering technical or vocational training related to pest control.*
- *Local communities living near industrial areas or ports who may be exposed to the potential risks of fumigation activities.*

### What is new in the draft Fumigation Control Act 2026?

#### A. Licensing & Professional Competency

*The new framework moves beyond individual licensing to include corporate accountability:*

- *Individual Operators: Must pass the National Fumigation Examination, be certified “Fit to Work,” and participate in continuous accredited training.*
- *Company Registration: All firms must be registered as Registered Fumigation Companies.*
- *Mandatory Requirements: Companies must maintain valid Public Liability Insurance and utilize only calibrated, industry-standard equipment.*

#### B. Digitalization & 48-Hour Notification

*The legacy manual notice system will be abolished in favour of a modern digital ecosystem:*

- *Online Submissions: Parties intending to conduct fumigation must submit a formal job notice via the online system 48 hours prior to commencement.*
- *QR Code Verification: Every work site is required to display warning signage featuring a QR Code for real-time enforcement and safety verification.*

#### C. High-Risk Fumigation Permits

*Stricter oversight is now applied to sensitive environments:*

- *Specialized Areas: Operations in hospitals, passenger vessels, or residential zones are categorized as High-Risk Fumigation.*
- *DG Approval: These activities require a Special Permit issued by the Director General of Health before any work can begin.*

#### D. Scientific Safety Standards (No “Smell Test”)

*To eliminate human error, the Act mandates the use of precision technology:*

- *Detection Standards: Relying on the sense of smell to determine safety levels is strictly prohibited.*
- *Certificate of Clearance: A site can only be declared safe and a certificate issued after gas levels are confirmed via calibrated digital detection devices.*
- *The new Act also calls for implementation of risk assessment (HIRARC), emergency response plan (ERP), and mandatory digital gas detectors.*

### Why is the limited chemical coverage in the old Act considered a problem, and which gases are currently unregulated?

*The Hydrogen Cyanide (Fumigation) Act 1953 is considered problematic because it only controls two types of gas, whereas modern industry utilizes a variety of other fumigants that lack specific regulation, leading to uncontrolled safety risks. Common examples of these unregulated modern gases include:*

- Phosphine*
- Ethanenitrile*
- Sulfuryl Fluoride*

### How does the Fumigation Control Act 2026 modernize safety protocols?

*The proposed legislation introduces high-tech and structured safety mandates that did not exist in the Hydrogen Cyanide (Fumigation) Act 1953:*

- *Mandatory Digital tools - All operations must now utilize calibrated digital gas detectors to ensure accuracy, replacing the outdated “smell test”.*
- *Structured Safety Planning - Every job now requires a formal Risk Assessment and a documented Emergency Response Plan to mitigate potential hazards.*
- *Enhanced Site Visibility - Each work site must now display a warning sign with a QR Code for digital enforcement and safety verification.*

### How does the licensing system under the new Act differ from the old 1953 regulations?

*Under the Hydrogen Cyanide (Fumigation) Act 1953, licensing was only required for individual operators. The new Fumigation Control Act 2026 introduces a dual requirement where both individual operators must be licensed, and companies must be officially registered.*

### What are the new maximum penalties for non-compliance?

*Penalties have increased significantly compared to the original RM500 fine:*

- *Individuals: Maximum penalty of RM50,000*
- *Companies: Maximum penalty of RM200,000*

### What is the expected impact of the Fumigation Control Act 2026 on the pest control industry?

*The implementation of the Fumigation Control Act 2026 is expected to increase industry professionalism. Companies will need to prepare for new registration costs, invest in employee competency training, and procure modern gas detection equipment.*