STATUTORY RULES OF NORTHERN IRELAND

2005 No. 165

HEALTH AND SAFETY

The Control of Substances Hazardous to Health (Amendment) Regulations (Northern Ireland) 2005

Made - - - -	*24th March 2005*
Coming into operation –	
All regulations except regulations 3(a), (c) to (f) and (h) and 4(b)	*1st May 2005*
Regulations 3(a), (c) to (f) and (h) and 4(b)	*1st June 2005*

The Department of Enterprise, Trade and Investment(**1**), being the Department concerned(**2**), in exercise of the powers conferred by Articles 2(5), 17(1), (2), (4), (5) and (6), and 55(2) of, and paragraphs 1(1) and (4), 7, 8, 10, 13, 14, 15 and 19 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**3**) and of every other power enabling it in that behalf and for the purpose under Article 46(1)(**4**) of that Order of giving effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland(**5**) under Article 13(1A)(**6**) of that Order after the carrying out by the said Executive of consultations in accordance with Article 46(3) of that Order, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Control of Substances Hazardous to Health (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 1st May 2005, except for regulations 3(a), (c) to (f) and (h), and 4(b) which shall come into operation on 1st June 2005.

(**1**) Formerly the Department of Economic Development; *see*S.I. 1999/283 (N.I. 1), Article 3(5); that Department was formerly the Department of Manpower Services; *see*S.I. 1982/846 (N.I. 11), Article 3
(**2**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**3**) S.I. 1978/1039 (N.I. 9); Article 47A was inserted by Article 3, and Article 2 was amended by Articles 4 and 8, of S.I. 1997/1774 (N.I. 16)
(**4**) Article 46 was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18
(**5**) Formerly the Health and Safety Agency for Northern Ireland; *see*S.I. 1998/2795 (N.I. 18), Article 3(1)
(**6**) Article 13(1A) was substituted by S.I. 1998/2795 (N.I. 18), Article 4

Amendment of the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2002

2. In the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2002(**7**) for paragraph 11 of Part II B of Schedule 5 there shall be substituted the following paragraph –

"**11.**—(1) The packaging of any cement or cement preparation which would contain, when hydrated, more than 0·0002% soluble chromium (VI) of the total dry weight of the cement but for the use of reducing agents shall be marked with information on the packing date, and on the storage conditions and the storage period appropriate to maintaining the activity of the reducing agent and to preventing the content of soluble chromium (VI) from exceeding 0·0002% of the total dry weight of the cement, unless it is supplied or used for controlled, closed and totally automated processes in which cement and cement-containing preparations are handled solely by machines and in which there is no possibility of contact with the skin.

(2) The packaging of any cement or cement preparation containing more than 0·0002% soluble chromium (VI) of the total dry weight of the cement shall bear the inscription:

"Contains chromium (VI). May produce an allergic reaction.",

unless the preparation is already classified and labelled as a sensitiser with phrase R43.".

Amendment of the Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003

3. In the Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003(**8**) –

(a) in regulation 2(1) –

(i) the definition of "maximum exposure limit" shall be omitted;

(ii) the definition of "occupational exposure standard" shall be omitted;

(iii) after the definition of "the risk assessment" there shall be added the following definition –

""risk phrase" has the meaning assigned to it in regulation 2(1) of the CHIP Regulations;";

(iv) in the definition of "substance hazardous to health", in sub-paragraph (b), for the words "a maximum exposure limit or an occupational exposure standard" there shall be substituted the words "a workplace exposure limit";

(v) after the definition of "workplace" there shall be added the following definition –

""workplace exposure limit" for a substance hazardous to health means the exposure limit approved by the Executive for that substance in relation to the specified reference period when calculated by a method approved by the Executive, as contained in the Great Britain Health and Safety Executive publication "EH/40 Workplace Exposure Limits 2005" as updated from time to time.";

(b) in regulation 3, for paragraph (3) there shall be substituted the following paragraph –

"(3) These Regulations shall not apply to the master or crew of a ship or to the employer of such persons in respect of the normal shipboard activities of a ship's crew which –

(**7**) S.R. 2002 No. 301
(**8**) S.R. 2003 No. 34

(a) are carried out solely by the crew under the direction of the master; and

(b) are not liable to expose persons other than the master and crew to a risk to their health and safety,

and for the purposes of this paragraph "ship" includes every description of vessel used in navigation, other than a ship forming part of Her Majesty's Navy.";

(c) in regulation 6(2)(f), for the words "occupational exposure standard, maximum exposure limit", there shall be substituted the words "workplace exposure limit";

(d) in regulation 7 –

(i) for paragraph (7), there shall be substituted the following paragraph –

"(7) Without prejudice to the generality of paragraph (1), where there is exposure to a substance hazardous to health, control of that exposure shall only be treated as adequate if –

(a) the principles of good practice for the control of exposure to substances hazardous to health set out in Schedule 2A are applied;

(b) any workplace exposure limit approved for that substance is not exceeded; and

(c) for a substance –

(i) which carries the risk phrase R45, R46 or R49, or for a substance or process which is listed in Schedule 1, or

(ii) which carries the risk phrase R42 or R42/43, or which is listed in section C of the Great Britain Health and Safety Executive publication "Asthmagen? Critical assessments of the evidence for agents implicated in occupational asthma"(**9**) as updated from time to time, or any other substance which the risk assessment has shown to be a potential cause of occupational asthma,

exposure is reduced to as low a level as is reasonably practicable."; and

(ii) paragraph (8) shall be omitted;

(e) in regulation 9, for paragraph (1) there shall be substituted the following paragraph –

"(1) Every employer who provides any control measure to meet the requirements of regulation 7 shall ensure that –

(a) in the case of plant and equipment, including engineering controls and personal protective equipment, it is maintained in an efficient state, in efficient working order, in good repair and in a clean condition; and

(b) in the case of the provision of systems of work and supervision and of any other measure, it is reviewed at suitable intervals and revised if necessary.";

(f) in regulation 12(2) –

(i) in sub-paragraph (a)(ii) for the words "occupational exposure standard, maximum exposure limit" there shall be substituted the words "workplace exposure limit"; and

(ii) in sub-paragraph (d) for the words "maximum exposure limit", in each place where they occur, there shall be substituted the words "workplace exposure limit";

(g) to the end of Schedule 2 there shall be added –

(i) in column 1 the entry –

(**9**) HSE Books 1997 ISBN 0 7176 1465 4