STATUTORY RULES OF NORTHERN IRELAND

2001 No. 168

HEALTH AND SAFETY

Chemicals (Hazard Information and Packaging for Supply) (Amendment) Regulations (Northern Ireland) 2001

Made - - - -	*11th April 2001*
Coming into operation	*15th May 2001*

The Department of Enterprise, Trade and Investment(**1**), being a Department designated(**2**) for the purpose of section 2(2) of the European Communities Act 1972(**3**) in relation to the regulation and control of classification, packaging and labelling of dangerous substances and preparations, and for measures related to consumer protection, in the exercise of the powers conferred on it by the said section 2(2) and, being the Department concerned(**4**), in exercise of the powers conferred by Articles 17(1), (2), (4), (5) and (6), and 55(2) of, and paragraphs 1(1), (4) and (5), and 2, 14 and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**5**) and of every other power enabling it in that behalf, and for the purpose of giving effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A) of that Order(**6**) after the carrying out by the said Executive of consultations in accordance with Article 46(3) of that Order(**7**), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Chemicals (Hazard Information and Packaging for Supply) (Amendment) Regulations (Northern Ireland) 2001 and shall come into operation on 15th May 2001.

Interpretation

2.—(1) In these Regulations, "the principal Regulations" means the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995(**8**).

(**1**) Formerly the Department of Economic Development; *see* S.I. 1999/283 (N.I. 1), Article 3(5)
(**2**) S.I. 1976/897 and S.I. 1993/2661
(**3**) 1972 c. 68; the definition of the Treaties referred to in section 2(2) was extended by section 1 of the European Economic Area Act 1993 (c. 51)
(**4**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**5**) S.I. 1978/1039 (N.I. 9)
(**6**) Article 13(1) was amended by S.I. 1998/2795 (N.I. 18), Article 4
(**7**) Article 46(3) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18(*c*)
(**8**) S.R.1995 No. 60, as amended by S.R. 1996 No. 376, S.R. 1997 No. 398, S.R. 1998 No. 459, S.R. 1999 No. 150 and S.R. 1999 No. 303

(2) The Interpretation Act (Northern Ireland) 1954(**9**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the principal Regulations

3.—(1) The principal Regulations shall be amended in accordance with the following paragraphs.

(2) In regulation 2(1), in the definition of "approved classification and labelling guide", for the words "3rd Edition" there shall be substituted the words "Fourth edition".

(3) For regulation 4 there shall be substituted the following regulation—

"**4.** In these Regulations, the "approved supply list" means the document approved by the Executive for the purposes of these Regulations and entitled "Information approved for the classification and labelling of substances and preparations dangerous for supply (Sixth Edition)" approved by the Health and Safety Commission on 15th August 2000.".

(4) In regulation 13—

(a) for paragraph (3), there shall be substituted the following paragraph—

"(3) Subject to paragraph (5), a person shall not supply a substance or preparation referred to in paragraph (4) in a receptacle of any size fitted with—

(a) a replaceable closure unless the packaging complies with the requirements of BS EN 28317 or ISO 8317; or

(b) a non-replaceable closure unless the packaging complies with the requirements of EN 682.";

(b) for sub-paragraph (*d*) of paragraph (4), there shall be substituted the following sub-paragraph—

"(d) substances and preparations which are assigned the risk phrase (R65) and classified and labelled according to paragraph 51 of the approved classification and labelling guide, except where such substances or preparations are supplied in aerosol dispensers or containers fitted with sealed spray attachments."; and

(c) in paragraph (8), for the words "BS 7280 or EN Standard 272" there shall be substituted the words "EN ISO 11683".

(5) In Schedule 6—

(a) for Part IIIA there shall be substituted the Part set out in the Schedule; and

(b) in Part IIIB, in the title, the words " "Restricted to professional users" " shall be omitted.

(6) In Schedule 7, for the words from " "BS 7280" " to "warning of danger", there shall be substituted the words—

""EN 862" means CEN Standard EN 862 (March 1997 edition) relating to 'Packaging — Child-resistant packaging — Requirements and testing procedures for non re-closable packages for non-pharmaceutical products' adopted by the European Committee for Standardisation (CEN);"

""EN ISO 11683" means EN ISO Standard 11683 (1997 edition) relating to 'Packaging — Tactile warnings of danger — Requirements';".

(**9**) 1954 c. 33 (N.I.)

Transitional provisions

4. Until 1st June 2001 any person who complies with the requirements of the principal Regulations, as they had effect immediately before 15th May 2001, shall be deemed to comply with the requirements of the principal Regulations as amended by these Regulations.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 11th April 2001.

M. Bohill
A senior officer of the
Department of Enterprise, Trade and Investment

SCHEDULE Regulation 3(5)(*a*)

Part to be substituted for Part IIIA of Schedule 6 to the principal Regulations

"Part III

Substances Requiring Additional Labelling Phrase

A

Category 1 and 2 Carcinogenic, Mutagenic and Toxic for Reproduction substances requiring additional labelling phrase.

The substances referred to in regulation 9(3A) are specified in the table below:

Carcinogenic substances of Category 1

Substances	*Index Number*	*EC number*	*CAS number*
Chromium trioxide	024-001-00-0	215-607-8	1333-82-0
Zinc chromates including zinc potassium chromate	024-007-00-3		
nickel monoxide	028-003-00-2	215-215-7	1313-99-1
nickel dioxide	028-004-00-8	234-823-3	12035-36-8
dinickel trioxide	028-005-00-3	215-217-8	1314-06-3
nickel sulphide	028-006-00-9	240-841-2	16812-54-7
nickel subsulphide	028-007-00-4	234-829-6	12035-72-2
diarsenic trioxide; arsenic trioxide	033-003-00-0	215-481-4	1327-53-3
arsenic pentoxide; arsenic oxide	033-004-00-6	215-116-9	1303-28-2
arsenic acid and its salts	033-005-00-1		
lead hydrogen arsenate	082-011-00-0	232-064-2	7784-40-9
Benzene	601-020-00-8	200-753-7	71-43-2
vinyl chloride; chloroethylene	602-023-00-7	200-831-0	75-01-4
Bis (chloromethyl) ether	603-046-00-5	208-832-8	542-88-1
Chloromethyl methyl ether; chlorodimethyl ether	603-075-00-3	203-480-1	107-30-2
2-naphthylamine; beta-naphthylamine	612-022-00-3	202-080-4	91-59-8

Substances	*Index Number*	*EC number*	*CAS number*
benzidine; 4,4'-diamino- biphenyl; biphenyl-4,4'-ylenediamine	612-042-00-2	202-199-1	92-87-5
salts of benzidine	612-070-00-5		
salts of 2-naphthylamine	612-071-00-0		
biphenyl-4-ylamine; xenylamine; 4-aminobiphenyl	612-072-00-6	202-177-1	92-67-1
salts of biphenyl-4-ylamine; salts of xenylamine; salts of 4-aminobiphenyl	612-073-00-1		
Tar, coal; coal tar (The by- product from the destructive distillation of coal. Almost black semisolid. A complex combination of aromatic hydrocarbons, phenolic compounds, nitrogen bases and thiophene.)	648-081-00-7	232-361-7	8007-45-2
Tar, coal, high-temp.; Coal tar (The condensation product obtained by cooling, to approximately ambient temperature, the gas evolved in the high temperature (greater than 700°C (1292°F)) destructive distillation of coal. A black viscous liquid denser than water. Composed primarily of a complex mixture of condensed ring aromatic hydrocarbons. May contain minor amounts of phenolic compounds and aromatic nitrogen bases.)	648-082-00-2	266-024-0	65996-89-6