1993 No. 41

HEALTH AND SAFETY

Control of Substances Hazardous to Health (Amendment) Regulations (Northern Ireland) 1993

Made . . . . . *5th February 1993*

Coming into operation . . *15th March 1993*

The Department of Agriculture, the Department of Economic Development and the Department of the Environment acting jointly as the Department concerned(**a**) in exercise of the powers conferred by Articles 17(1) and (2) of and paragraphs 1(1), (2), (3) and 6 to 10, 12(1), 14(1), 15 and 19 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**b**) and of every other power enabling them in that behalf after consultation in accordance with Article 46(1) of that Order, with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to them to be appropriate, hereby make the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Control of Substances Hazardous to Health (Amendment) Regulations (Northern Ireland) 1993 and shall come into operation on 15th March 1993.

Amendments to the Control of Substances Hazardous to Health Regulations (Northern Ireland) 1990

2. The Control of Substances Hazardous to Health Regulations (Northern Ireland) 1990(**c**) shall be amended as provided in regulations 3 to 10.

Interpretation

3. In regulation 2(1) after the definition of "approved list" there shall be inserted—

' "carcinogen" means—

(*a*) any substance or preparation which if classified in accordance with the classification provided for by regulation 5 of the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985 (S.R. 1985 No. 81 amended by S.R. 1988 No. 288, S.R. 1989 No. 182, S.R. 1990 No. 120 and S.R. 1990 No. 303) would be required to be labelled with the risk phrase R45 (may cause cancer) or

(**a**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**b**) S.I. 1978/1039 (N.I. 9)
(**c**) S.R. 1990 No. 374, amended by S.R. 1992 No. 61

R49 (may cause cancer by inhalation), whether or not the substance or preparation is required to be classified in accordance with those Regulations; or

(*b*) any substance or preparation listed in Schedule 10 and any substance or preparation arising from a process specified in that Schedule which is a substance hazardous to health;''.

Prohibitions relating to certain substances

4. In regulation 4(2) for the words ''exceeding 0.1 per cent'' there shall be substituted ''equal to or greater than 0.1 per cent by mass.''

Assessment of health risks created by work involving substances hazardous to health

5. In regulation 6(2), after the words ''shall be reviewed'' there shall be inserted ''regularly, and''.

Prevention or control of exposure to substances hazardous to health

6. In regulation 7—

(*a*) in paragraph (2) after the word ''health'' there shall be inserted ''except to a carcinogen'';

(*b*) after paragraph (2) there shall be inserted—

''(2A) Without prejudice to the generality of paragraph (1), where the assessment made under regulation 6 shows that it is not reasonably practicable to prevent exposure to a carcinogen by using an alternative substance or process, adequate control of exposure to the carcinogen shall be achieved by the application of all the following measures—

(*a*) the total enclosure of the process and handling systems unless this is not reasonably practicable;

(*b*) plant, processes and systems of work which minimise the generation of, or suppress and contain, spills, leaks, dust, fumes and vapours of carcinogens;

(*c*) limitation of the quantities of a carcinogen at the place of work;

(*d*) keeping the number of persons who might be exposed to a carcinogen to a minimum;

(*e*) prohibiting eating, drinking and smoking in areas that may be contaminated by carcinogens;

(*f*) the provision of hygiene measures including adequate washing facilities and regular cleaning of walls and surfaces;

(*g*) the designation of those areas and installations which may be contaminated by carcinogens, and the use of suitable and sufficient warning signs; and

(*h*) the safe storage, handling and disposal of carcinogens and use of closed and clearly labelled containers.''.

(*c*) in paragraph (3) for the words ''paragraph (2)'' there shall be substituted ''paragraph (2) or (2A), as the case may be,'';

(*d*) after paragraph (6) there shall be inserted—

"(6A) In the event of the failure of a control measure which might result in the escape of carcinogens into the workplace, the employer shall ensure that—

(*a*) only those persons who are responsible for the carrying out of repairs and other necessary work are permitted in the affected area and they are provided with appropriate respiratory protective equipment and protective clothing; and

(*b*) employees and other persons who may be affected are informed of the failure forthwith.".

Monitoring exposure at the workplace and health surveillance

7. In regulations 10(3)(*a*) and 11(3) for the words "30 years" there shall be substituted "40 years" in both places where those words appear.

List of substances assigned maximum exposure limits

8. For Schedule 1 there shall be substituted the Schedule set out in Schedule 1 to these Regulations

Prohibition of certain substances hazardous to health for certain purposes

9. In Schedule 2—

(*a*) in item 1, column 1 at the end, after the words "0.1 per cent" there shall be inserted "by mass";

(*b*) in item 9, column 1 after the words "0.1 per cent" there shall be inserted "by mass.";

Other substances and processes to which the definition of carcinogen relates

10. After Schedule 9 there shall be inserted the Schedule set out in Schedule 2.

Sealed with the Official Seal of the Department of Agriculture on 5th February 1993.

(L.S.) *I. C. Henderson*
Assistant Secretary

Sealed with the Official Seal of the Department of Economic Development on 5th February 1993.

(L.S.) *Philip B. Strong*
Assistant Secretary

Sealed with the Official Seal of the Department of the Environment on 5th February 1993.

(L.S.) *Trevor Pearson*
Assistant Secretary