1964. No. 106 **[C]**

AGRICULTURE

Poisonous Substances

REGULATIONS, DATED 10TH JULY, 1964, MADE BY THE MINISTER OF AGRICULTURE UNDER SECTIONS 9(2) AND 10 OF THE AGRICULTURE (POISONOUS SUBSTANCES) ACT (NORTHERN IRELAND) 1954.

The Minister of Agriculture in exercise of the powers conferred upon him by section 9(2) and section 10 of the Agriculture (Poisonous Substances) Act (Northern Ireland) 1954(a) and of every other power enabling him in that behalf, and after consultation with such organisations as appear to him to represent the interests concerned, hereby makes the following regulations:—

Short Title and Commencement

1. These regulations may be cited as the Agriculture (Poisonous Substances) Regulations (Northern Ireland) 1964 and shall come into operation on the 1st day of August, 1964.

Revocation

2. The Regulations mentioned in the Third Schedule are hereby revoked.

Interpretation

3.—(1) In these regulations:—

"the Act" means the Agriculture (Poisonous Substances) Act (Northern Ireland) 1954;

"aerosol dispenser" means a spraying apparatus so constructed that the majority of the particles of the spray released therefrom are less than eighty microns in diameter;

"agricultural unit" means land which is occupied as a unit for agricultural purposes;

"greenhouse" includes any enclosed building or erection in which plants are grown;

"ground-crop" means any crop grown in the ground and includes the plant on which the crop is grown, but does not include bushes, climbing plants or trees, or the crops grown thereon;

"inspector" means an inspector appointed by the Minister for the execution of the Act;

"plant" includes any form of vegetable life;

"protective clothing" means the clothing and equipment required by these regulations to be worn, and reference in these regulations to articles of protective clothing of which there are definitions in paragraph 1 of Part I of the First Schedule shall be construed as reference to the protective clothing so defined;

"scheduled operations" has the meaning assigned to it by regulation 5 of these regulations;

(a) 1954, c. 5.

"smoke-generator" includes any device by means of which a specified substance is thermally distributed by a heater composition;

"soil-application" means the process whereby a specified substance is discharged or released in unbroken liquid form directly on to or into the soil for absorption by the roots of plants grown therein, and "soil-application apparatus" includes any apparatus or device through or by means of which soil-application is carried out;

"specified substance" means any substance specified in column 2 of the Second Schedule, and any preparation or mixture containing such a substance, except a preparation or mixture used exclusively as an insecticide where the only such substance contained in it is not more than 5 per cent. by weight of dinoseb or D.N.O.C.;

"specified substance in capsule form" means a specified substance prepared in such a manner approved by the Minister that it is completely isolated by some substance that is not poisonous from a person handling the capsule;

"spraying" does not include soil-application or the use of a specified substance in capsule form, but save as aforesaid includes any process whereby plants are treated with a specified substance, and "spraying apparatus" includes any apparatus or device through or by means of which spraying is carried out;

"wetter" means a chemical agent which when added to a specified substance promotes on the surface of a solid (including rubber) the formation of a continuous liquid film;

"worker" means a person employed under a contract of service or apprenticeship—

(*a*) in connection with the use in agriculture of a specified substance; or

(*b*) on land on which a specified substance is being or has been used in agriculture,

and "employer" means the employer of such a person.

(2) In these regulations the common name (if any) of a specified substance as mentioned in the first column of the Second Schedule means the specified substance mentioned opposite thereto in the second column thereof.

(3) References in these regulations to dinoseb or D.N.O.C. include references to the respective salts thereof.

Additional substances to which the Act shall apply

4. In pursuance of the powers conferred on him by section 9(2) of the Act the Minister hereby directs that in addition to the substances referred to in section 9(1) of the Act, the Act shall apply to:

(1) Organo-mercury compounds;

(2) Arsenical compounds;

(3) Substances the molecular structure of which consists of a bridged six-membered ring with substituents in the ring, and

(4) Fluoroacetic acid and its derivatives.

Operations prohibited except when protective clothing is worn

5.—(1) A worker shall not and his employer shall not cause or permit him to carry out any such operations as are mentioned in the first column of Part II of the First Schedule (in these regulations referred to as "scheduled operations") in relation to a substance mentioned in the second column of the said Part II unless he is wearing the protective clothing respectively set forth opposite the said second column in the third column thereof.

(2) In paragraph (1) "operations" includes operations which a worker carries out, either—

(*a*) as the principal or only worker engaged in carrying them out; or

(*b*) as a member of a team of persons engaged in carrying them out, if he is in risk of being poisoned by the specified substance that is used.

(3) Nothing in paragraph (2)(*b*) shall operate so as to include a person principally engaged as a tractor-driver in connection with soil-application operations (not being operations carried out with soil-application apparatus mounted on a tractor) so long as such person is engaged exclusively in tractor-driving.

Greenhouses

6.—(1) A worker shall not and his employer shall not cause or permit him to enter or be present in a greenhouse in which a specified substance has been used unless he is wearing the protective clothing required by this regulation to be worn.

(2) Such protective clothing shall where the apparatus used was an aerosol dispenser or a smoke-generator consist of that mentioned opposite item 7 in the third column of Part II of the First Schedule, and in all other cases shall consist of that mentioned opposite item 6 therein as the appropriate protective clothing in relation to the substance that has been used.

(3) Paragraphs (1) and (2) shall not apply where—

(*a*) a period of six hours has elapsed since the specified substance was used, and a sufficient number of windows in the greenhouse have been open for at least one hour after the expiration of that period to ensure ventilation; or

(*b*) a period of twelve hours has elapsed since the specified substance was used.

(4) Where a specified substance has been used in a greenhouse and the occupier of the agricultural unit comprising the greenhouse employs persons who work in such unit, the occupier shall immediately after the specified substance has been so used cause notices to be affixed on all doors of the greenhouse warning such persons of the specified substance which has been used in the greenhouse and of the effect of paragraphs (1), (2) and (3) of this regulation.

(5) This regulation shall not apply to the use in a greenhouse of a specified substance in capsule form.

Provision and maintenance of protective clothing

7.—(1) An employer of a worker who carries out scheduled operations shall—

(*a*) provide the worker with the protective clothing required by or under these regulations and, where such protective clothing includes a respirator or dust-mask, provide an adequate supply of filters for replacement of those used;

(*b*) maintain or cause to be maintained all protective clothing in good and serviceable condition; and

(*c*) provide accommodation for the keeping of—
(i) protective clothing, and
(ii) the worker's personal clothing not worn during working hours.

(2) The accommodation provided under paragraph (1)(*c*) shall be such as to ensure ventilation and that the worker's personal clothing does not become contaminated by a specified substance whether from protective clothing or otherwise.

Miscellaneous obligations relating to employers

8.—(1) The employer of a worker who carries out scheduled operations shall—

(*a*) at a place which is conveniently accessible but outside the area in which the worker might be in risk of poisoning by any specified substance that has been used, provide adequate and suitable washing facilities including soap and clean towels and either a supply of piped running water or clean water in containers (clearly marked "Personal washing only") for the personal use of the worker;

(*b*) provide a supply of wholesome drinking water, clean drinking vessels and suitable facilities for keeping any food or drink intended for the worker's consumption free from risk of contamination by a specified substance;

(*c*) (except where a supply of piped running water is available) provide clean water in a container for the washing or cleaning of the protective clothing (other than overalls, hoods, respirators, or dust-masks) which the worker has worn;

(*d*) at the end of each day's operations cause to be thoroughly washed with water (or where appropriate with water and a suitable wetter) all protective clothing (other than overalls, hoods, respirators, or dust-masks) which the worker has worn during the day's operations in connection with the use of a specified substance, and, in the case of—
(i) rubber gloves, cause the insides as well as the outsides to be so washed, and
(ii) respirators and dust-masks, cause them to be both cleaned and ventilated;

(*e*) keep all spraying apparatus, soil-application apparatus and the exterior of all tanks and containers which contain or have contained a specified substance free from contamination by any such substance, so far as it is practicable so to do;

(*f*) keep the openings of all tanks and containers in which a specified substance is stored, when not in use, securely closed or covered over; and

(*g*) cause every overall and hood which has been worn in connection with the use of a specified substance to be thoroughly washed with soap (or other suitable detergent) and water at least once in every six days

in which it has been so worn and also whenever by reason of the presence of stains of a specified substance thereon there are reasonable grounds for suspecting that a worker may be in a risk of poisoning.

(2) For the purpose of paragraph (1)(*a*) of this regulation in considering whether a place is conveniently accessible account may be taken of any transport provided for workers at appropriate times; and in considering whether washing facilities are adequate and suitable at any time and place regard shall be had to the number of workers for whom such facilities are required at that time and place.

Miscellaneous prohibitions and obligations relating to workers

9.—(1) A worker who carries out scheduled operations shall not—

(*a*) at any time blow, suck, or apply his mouth to any jet, sprinkler, nozzle, or other spraying apparatus or soil-application apparatus which contains or has contained a specified substance whether for the purpose of removing any obstruction or otherwise;

(*b*) make use of any container marked "Personal washing only" for the washing of protective clothing, or of any container not so marked for personal washing;

(*c*) make use of any drinking vessel provided by his employer otherwise than to drink from; or

(*d*) eat, drink, or smoke unless he has removed all protective clothing (other than any overall or rubber boots), has washed his hands and face, and is outside an area in which he might be poisoned by any specified substance that has been, is being, or is about to be used, or by any protective clothing that has been worn in connection with the use of a specified substance.

(2) A worker who carries out scheduled operations shall—

(*a*) deposit his personal clothing not worn during working hours in the accommodation provided by his employer in accordance with regulation 7; and

(*b*) at the end of each day's operations forthwith—

(i) remove all protective clothing worn by him and deposit it in such accommodation as aforesaid; and

(ii) wash his hands, face, and neck.

Repair of apparatus

10.—(1) A worker shall not and his employer shall not cause or permit him to repair any spraying apparatus or soil-application apparatus that has been, is being, or is about to be used for spraying or for soil-application, unless such apparatus or so much thereof as requires repair is first thoroughly washed with water (or where appropriate with water and a suitable wetter).

(2) Paragraph (1) shall not apply to repairs carried out in the course of spraying or soil-application operations if the worker is wearing the protective clothing required by these regulations to be worn when carrying out such operations.

Keeping of a register

11.—(1) Subject to paragraph (3) an employer shall keep a register containing particulars of—