HYDROGEN CYANIDE (FUMIGATION)

Buildings, *p.* 238 | *Ships*, *p.* 253

Fumigation of Buildings

REGULATIONS, DATED THE 6TH DAY OF NOVEMBER, 1952, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION ONE OF THE HYDROGEN CYANIDE (FUMIGATION) ACT (NORTHERN IRELAND), 1938.

1952. No. 213

I, THE RIGHT HONOURABLE BRIAN MAGINESS, Q.C., Minister of Home Affairs for Northern Ireland, in pursuance of Section one of the Hydrogen Cyanide (Fumigation) Act (Northern Ireland), 1938, do hereby make the following Regulations :—

1.—(1) These Regulations may be cited as the Hydrogen Cyanide (Fumigation of Buildings) Regulations (Northern Ireland), 1952, and shall come into operation on the first day of December, 1952.

(2) In these Regulations —

" absorbent liquids " means liquids, not being foodstuffs, of such a kind and so stored as to be liable to absorb the fumigant ;

" authorised person " means any person directly engaged in the supervision or carrying out of the fumigation or who is in possession of a certificate of authority in Form A of the forms set out in the First Schedule to these Regulations permitting him, on behalf of a government department or of a medical officer of health, to attend fumigations ;

" building " means any building, hut, shed or similar structure ;

" exposed foodstuffs " means foodstuffs, whether liquid or not, which are so stored as to be exposed to the fumigant ;

" first aid " means resuscitation of persons suffering from poisoning by the fumigant and self-protection from the fumigant, and includes the use of the apparatus provided in pursuance of Regulation 9 for the administration of oxygen and carbon-dioxide ;

" fumigant " means hydrogen cyanide from whatever source evolved ;

" fumigation " means the fumigation with hydrogen cyanide of a building or part of a building, or anything contained in a building ;

" fumigation area " means the building or part of a building in respect of which the requirements of Regulation 3 as to the giving of notice have been complied with ;

" harbour authority " means any person or body of persons in whom are vested by or under any Act of Parliament powers and duties of improving, maintaining or managing a harbour or, where as respects any dock within a harbour such powers and duties are separately vested by or under any Act of Parliament in any person or body of persons, that person or body of persons ;

" health authority " means a health authority constituted under the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland), 1946 ;

" medical officer of health ", except in Regulation 4, means the medical officer of health of the health authority within whose area it is proposed to carry out the fumigation or, where it is proposed to carry out the fumigation within the area of a port sanitary authority, of that authority ;

" occupier " means the occupier of the fumigation area, and includes a duly authorised servant or agent of the occupier ;

" operator " means the person designated in writing by the undertaker to be in charge of the fumigation ;

" port sanitary authority " means a port sanitary authority constituted under the Public Health (Ireland) Act, 1896 ;

" risk area " means the fumigation area and any structure or space from which, in the opinion of the operator, persons other than authorised persons should, having regard to the danger to be apprehended from the penetration of the fumigant from the fumigation area, be excluded, and, except wherethe agreement in writing of the medical officer of health to the contrary as regards any particular room or enclosed space is obtained, includes all rooms and other enclosed spaces with any wall, floor or ceiling contiguous with the fumigation area ;

" undertaker " means any person who, under contract or otherwise, by himself or by his agent, undertakes the fumigation.

(3) Nothing in these Regulations shall apply to —

(*a*) the fumigation of grain by the admixture therewith of calcium cyanide, or

(*b*) a fumigation carried out exclusively for horticultural purposes in a case where no part of the building in which the fumigation takes place is used for human habitation.

(4) The Interpretation Act, 1889 (**a**), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

2. In connection with any fumigation the requirements of Regulations 3 to 12 of these Regulations shall be observed.

(a) 52 & 53 Vict. c. 63.

3.—(1) Before commencing the fumigation the undertaker shall complete and sign three copies of a notice of the fumigation in Form B of the forms set out in the First Schedule to these Regulations and shall send one copy —

(*a*) except where the building in which the fumigation is to be carried out is situated within the area of a harbour authority, to the officer in charge of the police station for the police district in which the building is situated, or,

(*b*) if the building is situated within the area of a harbour authority, to that authority,

and shall send one copy to the medical officer of health.

(2) Any document required by paragraph (1) of this Regulation to be sent to a person therein specified shall be despatched so as to reach that person not less than forty-eight hours before the commencement of the fumigation unless in any case of special urgency the undertaker has otherwise arranged with that person.

(3) The undertaker shall supply to the medical officer of health any further particulars with regard to the fumigation that he may require.

4.—(1) Where the purpose of the fumigation is or includes the fumigation of foodstuffs, or where it is otherwise intended to leave exposed foodstuffs in the fumigation area, the undertaker shall, before undertaking the fumigation, apply for a certificate (hereinafter called a foodstuffs fumigation certificate) authorising the fumigation or the retention in the fumigation area of such foodstuffs as are specified therein, and the application shall be made —

(*a*) in any case where the fumigation is to be carried out solely for the purpose of compliance with any regulations made, or having effect, under Sections one hundred and forty-eight and one hundred and forty-nine of the Public Health (Ireland) Act, 1878, and Section one hundred and forty-three of the Public Health Act, 1936, as extended to Northern Ireland by the Public Health (Northern Ireland) (Extension of Enactments) Order, 1939, (which Sections empower the making of regulations for the treatment of certain diseases and for preventing the spread of such diseases), to the medical officer of health appropriate to the case ;

(*b*) in any case where the fumigation is to be carried out solely for the purpose of compliance with a notice served under Section five of the Rats and Mice (Destruction) Act, 1919, (which empowers certain authorities to serve a notice requiring the taking of steps to destroy rats and mice), to the medical officer of health appropriate to the case ;

(*c*) in any other case to a person designated for that purpose by the Ministry of Agriculture, Northern Ireland.

(2) On any such application as aforesaid the person to whom the application was made may, subject as provided in paragraph (3) of this Regulation, grant a foodstuffs fumigation certificate authorising the fumigation or the retention in the fumigation area of such foodstuffs as are specified therein on such conditions stated in the certificate as he may think necessary to prevent danger from the contamination of those foodstuffs by exposure to the fumigant, and the undertaker shall take all steps necessary to ensure that the operator shall comply with any conditions stated in the certificate.

(3) Where such an application as aforesaid is made to a person designated for the purpose by the Ministry of Agriculture, and the purposes for which the fumigation is to be carried out include the purpose mentioned in sub-paragraph (*a*) of paragraph (1) of this Regulation, or the purpose mentioned in sub-paragraph (*b*) of the said paragraph, or both such purposes, the person to whom the application is made shall, before granting a foodstuffs fumigation certificate, consult the medical officer of health appropriate to the case or, if there are two such medical officers, both of them.

(4) In this Regulation a reference to the medical officer of health appropriate to the case is —

(*a*) in relation to the purpose referred to in sub-paragraph (*a*) of paragraph (1) of this Regulation, a reference to the medical officer of health of the authority by whom the regulations referred to in the said sub-paragraph are enforced and executed in the place where the fumigation is carried out ;

(*b*) in relation to the purpose specified in sub-paragraph (*b*) of the said paragraph, a reference to the medical officer of health of the authority by whom the notice referred to in the said sub-paragraph was served.

5.—(1) The fumigation shall not be carried out except by an adequate fumigation staff, which shall consist of at least two persons.

(2) One member of the fumigating staff shall be designated in writing by the undertake to be the operator in charge of the fumigation.

(3) The operator shall during the two years immediately preceding the fumigation have been engaged in fumigating with the fumigant on not less than twenty occasions, of which not less than six shall have been concerned with fumigating buildings, and shall be otherwise competent for the purpose.

(4) One member of the fumigating staff, other than the operator, shall during the six months immediately preceding the fumigation have been engaged in fumigating with the fumigant on not less than six occasions, of which not less than two shall have been concerned with fumigating buildings, and shall be otherwise competent for the purpose.

(5) Each member of the fumigating staff shall be adequately trained in the use of the respirator or other apparatus which, in pursuance

of sub-paragraph (*a*) of paragraph (1) of Regulation 9 of these Regulations, he is wearing or carrying.

(6) Each member of the fumigating staff shall be adequately trained in first aid and be fully conversant with the contents of the two notices (being notices setting out respectively the symptoms of hydrogen cyanide poisoning with preliminary action to be taken and appropriate first-aid treatment for that poisoning) which, under Regulation 9 of these Regulations and paragraphs 2 and 4 of the Second Schedule thereto, are required to be displayed.

6.—(1) In any case where the fumigant is in liquid form the undertaker shall take all reasonable steps to secure that the fumigant is contained in containers constructed either in accordance with the British Standard Specification Number 401 or in accordance with a specification approved by the Minister of Home Affairs for the purpose of this Regulation, and that the fumigant shall, before liberation thereof commences, be not less than ninety-five per cent. by weight of the total contents of the container.

(2) In any case where the fumigant is in absorbed form the undertaker shall take all reasonable steps to secure that the fumigant is contained in containers impervious to the fumigant, clearly marked with the weight of fumigant contained therein, and that the total water content, excluding water of crystallisation, of the absorbed fumigant and the absorbent in each container, before the liberation of the fumigant commences, shall not exceed five per cent. by weight of the absorbed fumigant present in the container.

(3) In any case —

(*a*) the undertaker shall take all reasonable steps to secure that any fumigant to be used in the fumigation shall be suitably stabilised ;

(*b*) the fumigant shall not be brought into the fumigation area except in such a container as is referred to in paragraph (1) or paragraph (2) of this Regulation and shall, except so far as is necessary for the purpose of liberation, be contained therein throughout the fumigation ; and

(*c*) every container when not in use shall be kept securely closed to avoid risk of leakage.

7.—(1) Before the fumigant is liberated the operator shall ensure that —

(*a*) all persons other than authorised persons have left the risk area ;

(*b*) all absorbent liquids and all exposed foodstuffs, except foodstuffs in respect of which the undertaker has obtained a foodstuffs fumigation certificate in accordance with Regulation 4 of these Regulations, have been removed from the fumigation area ;