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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 36**

**HEALTH AND SAFETY**

**Control of Substances Hazardous to Health  
(Amendment) Regulations (Northern Ireland) 1999**

*Made* - - - - *29th January 1999*

*Coming into operation* *15th March 1999*

The Department of Economic Development, being the Department concerned<sup>(1)</sup>, in exercise of the powers conferred on it by Article 17(1), (2) and (4) of, and paragraph 1(1) of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978<sup>(2)</sup> and of every other power enabling it 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 the Department to be appropriate, 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) 1999 and shall come into operation on 15th March 1999.

**Amendment of the Control of Substances Hazardous to Health Regulations (Northern Ireland) 1995**

2.—(1) The Control of Substances Hazardous to Health Regulations (Northern Ireland) 1995<sup>(3)</sup> shall be amended in accordance with paragraphs (2) to (4).

(2) In Schedule 1 (List of substances assigned maximum exposure limits) after the words “Vinylidene chloride” in the first column, there shall be inserted, in that column, the words “(1, 1-Dichloroethylene)”.

(3) For Schedule 2 (Prohibition of certain substances hazardous to health for certain purposes) there shall be substituted the Schedule set out in the Schedule to these Regulations.

(4) In Schedule 8 (Other substances and processes to which the definition of “carcinogen” relates), in the entry relating to “mustard gas”, for the words “B,B'Dichlorodiethyl” there shall be substituted the words “β, β'-Dichlorodiethyl”.

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(1) See Article 2(2) of S.I.1978/1039 (N.I. 9)

(2) S.I. 1978/1039 (N.I. 9)

(3) S.R. 1995 No. 51 as amended by S.R. 1995 No. 60 and S.R. 1998 No. 67

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Sealed with the Official Seal of the Department of Economic Development on

L.S.

29th January 1999.

*R. G. F. Fry*  
Assistant Secretary

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## SCHEDULE

Regulation 2(3)

## “SCHEDULE 2

Regulation 4(1)

## Prohibition of Certain Substances Hazardous to Health for Certain Purposes

<i>Item No.</i>	<i>Column 1 Description of substance</i>	<i>Column 2 Purposes for which the substance is prohibited</i>
1.	2-Naphthylamine; benzidine; 4-aminodiphenyl; 4-nitrodiphenyl;  their salts and any substance containing any of those compounds, in a total concentration equal to or greater than 0.1 per cent by mass.	Manufacture and use for all purposes including any manufacturing process in which a substance described in column 1 of this item is formed.
2.	Sand or other substance containing free silica.	Use as an abrasive for blasting articles in any blasting apparatus.
3.	A substance— (a) containing compounds of silicon calculated as silica to the extent of more than 3 per cent by weight of dry material, other than natural sand, zirconium silicate (zircon), calcined china clay, calcined aluminous fireclay, sillimanite, calcined or fused alumina, olivine; or (b) composed of or containing dust or other matter deposited from a fettling or blasting process.	Use as a parting material in connection with the making of metal castings.
4.	Carbon disulphide.	Use in the cold-cure process of vulcanising in the proofing of cloth with rubber.
5.	Oils other than white oil, or oil of entirely animal or vegetable origin or entirely of mixed animal and vegetable origin.	Use for oiling the spindles of self-acting mules.
6.	Ground or powdered flint or quartz other than natural sand.	Use in relation to the manufacture or decoration

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<i>Item No.</i>	Column 1 <i>Description of substance</i>	Column 2 <i>Purposes for which the substance is prohibited</i>
		<p>of pottery for the following purposes:</p> <p>(a) the placing of ware for the biscuit fire;</p> <p>(b) the polishing of ware;</p> <p>(c) as the ingredient of a wash for saggars, trucks, bats, cranks, or other articles used in supporting ware during firing; and</p> <p>(d) as dusting or supporting powder in potters' shops.</p>
7.	<p>Ground or powdered flint or quartz other than—</p> <p>(a) natural sand; or</p> <p>(b) ground or powdered flint or quartz which forms part of a slop or paste.</p>	<p>Use in relation to the manufacture or decoration of pottery for any purpose except—</p> <p>(a) use in a separate room or building for—</p> <p>(i) the manufacture of powdered flint or quartz, or</p> <p>(ii) the making of frits or glazes or the making of colours or coloured slips for the decoration of pottery;</p> <p>(b) use for the incorporation of the substance into the body of ware in an enclosure in which no person is employed and which is constructed and ventilated to prevent the escape of dust.</p>
8.	<p>Dust or powder of a refractory material containing not less than 80 per cent. of silica other than natural sand.</p>	<p>Use for sprinkling the moulds of silica bricks, namely bricks or other articles composed of refractory material and containing not less than 80 per cent of silica.</p>
9.	<p>White phosphorous.</p>	<p>Use in the manufacture of matches.</p>
10.	<p>Hydrogen cyanide.</p>	<p>Use in fumigation except when—</p> <p>(a) released from an inert material in which</p>

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<i>Item No.</i>	Column 1 <i>Description of substance</i>	Column 2 <i>Purposes for which the substance is prohibited</i>
		hydrogen cyanide is absorbed; (b) generated from a gassing powder; or (c) applied from a cylinder through suitable piping and applicators other than for fumigation in the open air to control or kill mammal pests.
11.	Benzene and any substance containing benzene in a concentration equal to or greater than 0.1 per cent. by mass, other than— (a) motor fuels covered by Council Directive No. <a href="#">85/210/EEC</a> (O.J. No. L96, 3.4.85, p. 25); (b) waste covered by Council Directive No. <a href="#">75/442/EEC</a> (O.J. No. L194, 25.7.75, p. 39) as amended by Council Directives No. <a href="#">91/156/EEC</a> (O.J. No. L78, 26.3.91, p. 32) and No. <a href="#">91/689/EEC</a> (O.J. No. L377, 31.12.91, p. 20).	Use for all purposes except— (a) use in industrial processes; and (b) for the purposes of research and development or for the purpose of analysis.
12.	The following substances—  Chloroform  CAS No. 67-66-3;  Carbon Tetrachloride  CAS No. 56-23-5;  1,1,2-Trichloroethane  CAS No. 79-00-5;  1,1,2,2-Tetrachloroethane  CAS No. 79-34-5;  1,1,1,2-Tetrachloroethane	Supply for use at work in diffusive applications such as in surface cleaning and the cleaning of fabrics except for the purposes of research and development or for the purpose of analysis.

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<i>Item No.</i>	<i>Column 1 Description of substance</i>	<i>Column 2 Purposes for which the substance is prohibited</i>
	CAS No. 630-20-6;  Pentachloroethane	
	CAS No. 76-01-7;  Vinylidene chloride (1,1-Dichloroethylene)	
	CAS No. 75-35-4;  1,1,1-Trichloroethane	
	CAS No. 71-55-6,  and any substance containing one or more of those substances in a concentration equal to or greater than 0.1 per cent by mass, other than— (a) medicinal products; (b) cosmetic products.	

In this Schedule—

“aerosol dispenser” means an article which consists of a non-reusable receptacle containing a gas compressed, liquefied or dissolved under pressure, with or without liquid, paste or powder and fitted with a release device allowing the contents to be ejected as solid or liquid particles in suspension in a gas, as a foam, paste or powder or in a liquid state;

“blasting apparatus” means apparatus for cleaning, smoothing, roughening or removing of part of the surface of any article by the use as an abrasive of a jet of sand, metal shot or grit or other material propelled by a blast of compressed air or steam or by a wheel;

“CAS No.” is the number assigned to a substance by the Chemical Abstract Service;

“cosmetic product” has the meaning assigned to it in regulation 2(1) of the Cosmetic Products (Safety) Regulations 1996<sup>(4)</sup> (including any aerosol dispenser containing a cosmetic product);

“gassing powder” means a chemical compound in powder form which reacts with atmospheric moisture to generate hydrogen cyanide;

“medicinal product” means a substance or preparation which is—

- (a) intended for use as a medicinal product within the meaning of section 130 of the Medicines Act 1968<sup>(5)</sup>, or
- (b) a substance or preparation specified in an order made under section 104 or 105 of the Medicines Act 1968 which is for the time being in force and which directs that specified provisions of that Act shall have effect in relation to that substance or preparation as such provisions have effect in relation to medicinal products within the meaning of that Act;

<sup>(4)</sup> S.I. 1996/2925 to which there are amendments not relevant to these Regulations

<sup>(5)</sup> 1968 c. 67

“use as a parting material” means the application of the material to the surface or parts of the surface of a pattern or of a mould so as to facilitate the separation of the pattern from the mould or the separation of parts of the mould;

“white oil” means a refined mineral oil conforming to a specification approved by the Department and certified by its manufacturer as so conforming.”

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

1. These Regulations implement, as regards Northern Ireland, that part of Commission Directive No. [96/55/EC](#) (O.J. No. L231, 12.9.96, p. 20) adapting to technical progress for the second time Annex I to Council Directive No. [76/769/EEC](#) (O.J. No. L262, 27.9.76, p. 201) on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations which relates to the supply of specified substances for use at work. They do so by amending the Control of Substances Hazardous to Health Regulations (Northern Ireland) 1995 ([S.R. 1995 No. 51](#) as amended by [S.R. 1995 No. 60](#) and [S.R. 1998 No. 67](#)) (COSHH).

2. The Regulations amend the entry for vinylidene chloride in Schedule 1 (List of substances assigned maximum exposure limits) to COSHH to include an alternative name (“1,1-Dichloroethylene”) for that substance (*regulation 2(2)*).

3. The Regulations substitute, for Schedule 2 (Prohibition of certain substances hazardous to health for certain purposes) to COSHH, the revised Schedule 2 set out in the Schedule to these Regulations. The main changes are:

- (a) in column 1, at item 3, named substances whose use as a parting material in connection with the making of metal castings is not prohibited are specified;
- (b) in column 1, after item 5, additional items 6 and 7 have been inserted specifying purposes for which the use of ground or powdered flint or quartz other than natural sand is prohibited;
- (c) former items 6, 7 and 8 have been renumbered as items 8, 9 and 10;
- (d) former item 9 has been renumbered item 11 and sub-paragraph (b) thereof has been amended to include references to European Council Directives Nos. [91/156/EEC](#) (O.J. No. L78, 26.3.91, p. 32) and [91/689/EEC](#) (O.J. No. L377, 31.12.91, p. 20) which amend Council Directive No. [75/442/EEC](#) (O.J. No. L194, 25.7.75, p. 39) which approximates the laws, regulations and administrative provisions of the Member States relating to waste disposal;
- (e) a new item 12 has been inserted which adds to the list of those substances hazardous to health whose use is prohibited for specified purposes certain chlorinated solvents whose supply for use at work in diffusive applications is prohibited (*regulation 2(3)*).

4. The Regulations correct an error in Schedule 8 (Other substances and processes to which the definition of “carcinogen” relates to COSHH, in the chemical name of mustard gas by substituting for the words “B,B9Dichlorodiethyl” the words “b, b9-Dichlorodiethyl” (*regulation 2(4)*).

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