

1989 No. 319

HEALTH AND SAFETY

The Health and Safety (Emissions into the Atmosphere)
(Amendment) Regulations 1989

<i>Made - - - -</i>	<i>2nd March 1989</i>
<i>Laid before Parliament</i>	<i>9th March 1989</i>
<i>Coming into force</i>	<i>31st March 1989</i>

The Secretary of State for the Environment, as respects England, the Secretary of State for Wales as respects Wales, and the Secretary of State for Scotland, as respects Scotland, in exercise of the powers conferred on them by sections 1(1)(d), 5(3), 15(1) and 53(1)(a) of the Health and Safety at Work etc. Act 1974(b) and of all other powers enabling them in that behalf, and after consulting, in accordance with section 50(1) of that Act(c), the Health and Safety Commission and such other bodies as it appeared to them to be appropriate to consult, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Health and Safety (Emissions into the Atmosphere) (Amendment) Regulations 1989 and shall come into force on 31st March 1989.

(2) In these Regulations, “the principal Regulations” means the Health and Safety (Emissions into the Atmosphere) Regulations 1983(d).

Amendment of Schedule 1 to the principal Regulations

2. In Schedule 1 to the principal Regulations (List of Works)—

- (a) the paragraph headed “Chemical incineration works” shall be omitted;
- (b) the following shall be substituted for the paragraph headed “Asbestos works”—

“*Asbestos works*

Works in which—

- (a) raw asbestos ore is produced, but excluding any process directly associated with the mining of the ore; or
- (b) asbestos is used in the manufacture and industrial finishing of—
 - (i) asbestos cement,
 - (ii) asbestos cement products,
 - (iii) asbestos fillers,
 - (iv) asbestos filters,
 - (v) asbestos floor coverings,
 - (vi) asbestos friction products,
 - (vii) asbestos insulating board,
 - (viii) asbestos jointing, packaging and reinforcement materials,
 - (ix) asbestos packing,
 - (x) asbestos paper and card, or
 - (xi) asbestos textiles; or

(a) See the definition of “prescribed”.

(b) 1974 c.37; section 15(1) was substituted by the Employment Protection Act 1975 (c.71), Schedule 15, paragraph 6.

(c) Section 50(1) was substituted by the Employment Protection Act 1975, Schedule 15, paragraph 16(1).

(d) S.I. 1983/943.

(c) crocidolite is stripped from railway vehicles other than as part of repair or maintenance or during vehicle recovery after an accident; or

(d) railway vehicles containing crocidolite are destroyed by burning at purpose built installations.

For the purposes of this paragraph, "asbestos" means any of the following fibrous silicates:

actinolite, amosite, anthophyllite, chrysotile, crocidolite or tremolite.

(c) the following shall be substituted for sub-paragraph (b) of the paragraph headed "Electricity Works"—

"(b) for the generation of electricity for any purpose where the net rated thermal input of the works is 50 megawatts or more, other than those mentioned in sub-paragraph (a) of this paragraph."; and

(d) the following paragraphs shall be inserted at the appropriate places—

"Fibre works

Works in which glass fibre or mineral fibre (other than asbestos fibre) is made."

"Incineration works

Works for the destruction by burning of—

(a) waste produced from chemical manufacturing processes; or

(b) chemical waste containing combined bromine, cadmium, chlorine, fluorine, iodine, lead, mercury, nitrogen, phosphorus, sulphur or zinc; or

(c) waste produced in the manufacture of plastics; or

(d) other waste, where the works are capable of incinerating 1 tonne or more of waste per hour."

"Large combustion works

Works (other than those mentioned elsewhere in this Schedule) in which solid, liquid or gaseous fuel is burned in boilers or furnaces with a net rated thermal input of 50 megawatts or more."

"Large glass works

Works capable of producing 5,000 tonnes or more of glass (other than glass fibre) per year."

"Large paper pulp works

Works capable of producing 25,000 tonnes or more of paper pulp by chemical methods per year."

Amendment of Schedule 2 to the principal Regulations

3. In Schedule 2 to the principal Regulations (Noxious or offensive substances)—

(a) in the list of noxious or offensive substances, the following shall be inserted at the appropriate places—

Acrylic acid;

Glass fibres;

Isocyanates;

Mineral fibres;

Phenols;

Phosphorus or its compounds;

Styrene;

(b) in the list of elements following the words "Fumes or dust containing", the following shall be inserted at the appropriate places—

gallium,

nickel,

platinum,

silver,

sulphur,

tellurium,

thallium,

tin.

1st March 1989

Nicholas Ridley
Secretary of State for the Environment

2nd March 1989

Peter Walker
Secretary of State for Wales

2nd March 1989

Malcolm Rifkind
Secretary of State for Scotland

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Great Britain, amend the Health and Safety (Emissions into the Atmosphere) Regulations 1983, to take account of Council Directive 84/360/EEC (O.J. No. L188, 16.7.84, p.20) on the combating of air pollution from industrial plants and Council Directive 87/217/EEC (O.J. No. L85, 28.3.87, p.40) on the prevention and reduction of environmental pollution by asbestos, and make certain other provisions for the control of air pollution. Plants belonging to the categories listed in Annex I to Council Directive 84/360/EEC, and certain other plants, which were not previously subject to air pollution control under the provisions of Part I of the Health and Safety at Work etc. Act 1974 (c.37) are, by these Regulations, made subject to such control.

Regulation 2 extends the classes of premises from which emissions into the atmosphere may be controlled under Part I of the Act to include certain premises on which certain asbestos works, large combustion works, electricity works above a specified capacity, fibre works, large glass works, large paper pulp works and large general purpose incinerators (including those owned and operated by public authorities) are carried on.

Regulation 3 adds acrylic acid, glass fibres, isocyanates, mineral fibres, phenols, phosphorus or its compounds, styrene, and fumes or dust containing gallium, nickel, platinum, silver, sulphur, tellurium, thallium and tin to the substances that are to be treated as noxious or offensive for the purposes of section 5(1) of the Act.