
STATUTORY INSTRUMENTS

1993 No. 1643

ENVIRONMENTAL PROTECTION

The Environmental Protection (Controls on Injurious Substances) (No. 2) Regulations 1993

<i>Made</i>	- - - -	<i>29th June 1993</i>
<i>Laid before Parliament</i>		<i>7th July 1993</i>
<i>Coming into force</i>	- -	<i>31st July 1993</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 section 2(2) of the European Communities Act 1972⁽¹⁾, being the Ministers designated for the purposes of that subsection in relation to restrictions on the marketing and use of certain dangerous substances and preparations⁽²⁾, and of all other powers enabling them in that behalf, hereby make the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Environmental Protection (Controls on Injurious Substances) (No. 2) Regulations 1993 and shall come into force on 31st July 1993.

(2) In these Regulations—

“cadmium” means cadmium CAS Number 7440—43—9 and its compounds;

“cadmium plating” means any deposit or coating of metallic cadmium on a metallic surface;

“CAS Number” means a number described in the CAS Registry Handbook, ISSN 0093—058X, published in instalments from 1965 to 1971 with supplements for 1972 to 1976, 1977 to 1981, 1982 to 1986 and 1987 to 1991 by the Chemical Abstracts Service, American Chemical Society, Columbus, Ohio, USA;

“CN code number” means a code number of the combined nomenclature established by Council Regulation (EEC) No. 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽³⁾;

“substance” means any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour and it includes mixtures of substances.

(1) 1972 c. 68.

(2) S.I.1992/1711.

(3) OJ No. L256, 7.9.1987, p.1.

Restrictions on use of cadmium in pigments and marketing of products coloured with cadmium

2.—(1) No person shall on or after 31st July 1993 use cadmium to give colour to finished products manufactured from any of the following substances—

- (a) polyvinyl chloride (PVC) CN code numbers 3904 10, 3904 21 and 3904 22,
- (b) polyurethane (PUR) CN code number 3909 50,
- (c) low-density polyethylene (ld PE) CN code number 3901 10, with the exception of low-density polyethylene used for the production of coloured masterbatch,
- (d) cellulose acetate (CA) CN code numbers 3912 11 and 3912 12,
- (e) cellulose acetate butyrate (CAB) CN code numbers 3912 11 and 3912 12,
- (f) epoxy resins CN code number 3907 30.

(2) No person shall on or after 31st December 1995 use cadmium to give colour to—

- (a) finished products manufactured from any of the following substances—
 - (i) melamine — formaldehyde (MF) resins CN code number 3909 20,
 - (ii) urea — formaldehyde (UF) resins CN code number 3909 10,
 - (iii) unsaturated polyesters (UP) CN code number 3907 91,
 - (iv) polyethylene terephthalate (PET) CN code number 3907 60,
 - (v) polybutylene terephthalate (PBT),
 - (vi) transparent/general purpose polystyrene CN code numbers 3903 11 and 3903 19,
 - (vii) acrylonitrile methylmethacrylate (AMMA),
 - (viii) cross-linked polyethylene (VPE),
 - (ix) high-impact polystyrene,
 - (x) polypropylene (PP) CN code number 3902 10, or
- (b) paints CN code numbers 3208 and 3209.

(3) No person shall—

- (a) on or after 31st July 1993 place on the market finished products or components of products manufactured from any of the substances specified in paragraph (1)(a) to (f) above which have been coloured with cadmium, or
- (b) on or after 31st December 1995 place on the market finished products or components of products manufactured from any of the substances specified in paragraph (2)(a) above which have been coloured with cadmium,

if their cadmium content (expressed as Cd metal) exceeds 0.01 per cent by mass of the plastic material.

Restrictions on the marketing of paints containing cadmium

3.—(1) Except where paragraph (2) applies, no person shall on or after 31st December 1995 place on the market paints CN code numbers 3208 and 3209 if their cadmium content (expressed as Cd metal) exceeds 0.01 per cent by mass.

(2) No person shall on or after 31st December 1995 place on the market paints CN code numbers 3208 and 3209 which have a high zinc content unless the residual concentration of cadmium is as low as possible and in any case does not exceed 0.1 per cent by mass.

Restrictions on use of cadmium as a stabiliser and marketing of products stabilised with cadmium

4.—(1) No person shall on or after 30th June 1994 use cadmium to stabilise the following finished products manufactured from polymers or copolymers of vinyl chloride—

- (a) packaging materials (bags, containers, bottles, lids) CN code numbers 3923 29 10, 3920 41 and 3920 42,
- (b) office or school supplies CN code number 3926 10,
- (c) fittings for furniture, coachwork or the like CN code number 3926 30,
- (d) articles of apparel and clothing accessories (including gloves) CN code number 3926 20,
- (e) floor and wall coverings CN code number 3918 10,
- (f) impregnated, coated, covered or laminated textile fabrics CN code number 5903 10,
- (g) imitation leather CN code number 4202,
- (h) gramophone records CN code number 8524 10,
- (i) tubes and pipes and their fittings CN code number 3917 23,
- (j) swing doors,
- (k) vehicles for road transport (interior, exterior, underbody),
- (l) coating of steel sheet used in construction or in industry,
- (m) insulation for electrical wiring.

(2) No person shall on or after 30th June 1994 place on the market any of the finished products or components of products specified in paragraph (1)(a) to (m) above which have been manufactured from polymers or copolymers of vinyl chloride stabilised by substances containing cadmium if their cadmium content (expressed as Cd metal) exceeds 0.01 per cent by mass of the polymer.

Restrictions on use of cadmium plating and marketing of products plated with cadmium

5.—(1) No person shall on or after 31st July 1993 use cadmium for cadmium plating metallic products, or components of such products, used in—

- (a) equipment and machinery for—
 - (i) food production CN code numbers 8210, 8417 20, 8419 81, 8421 11, 8421 22, 8422, 8435, 8437, 8438 and 8476 11,
 - (ii) agriculture CN code numbers 8419 31, 8424 81, 8432 to 8434 and 8436,
 - (iii) cooling and freezing CN code number 8418,
 - (iv) printing and book binding CN code numbers 8440, 8442 and 8443,
- (b) equipment and machinery for the production of—
 - (i) household goods CN code numbers 7321, 8421 12, 8450, 8509 and 8516,
 - (ii) furniture CN code numbers 8465, 8466 and 9401 to 9404,
 - (iii) sanitary ware CN code number 7324,
 - (iv) central heating and air conditioning plant CN code numbers 7322, 8403, 8404 and 8415.

(2) No person shall on or after 31st July 1993—

- (a) place on the market cadmium-plated products, or components of such products, used in the sectors/applications specified in paragraph (1)(a) and (b) above, or

- (b) place on the market cadmium-plated products manufactured in the sectors specified in paragraph (1)(b) above.
- (3) No person shall on or after 30th June 1995 use cadmium for cadmium plating metallic products, or components of such products, used in equipment and machinery for the production of—
 - (a) paper and board CN code numbers 8419 32, 8439 and 8441,
 - (b) textiles and clothing CN code numbers 8444, 8445, 8447 to 8449, 8451 and 8452,
 - (c) industrial handling equipment and machinery CN code numbers 8425 to 8431,
 - (d) road and agricultural vehicles CN code numbers 8701 to 8716,
 - (e) rolling stock CN code numbers 8601 to 8609,
 - (f) vessels CN code numbers 8901 to 8908.
- (4) No person shall on or after 30th June 1995—
 - (a) place on the market cadmium-plated products, or components of such products, used in the sectors/applications specified in paragraph (3)(a) to (f) above, or
 - (b) place on the market cadmium-plated products manufactured in the sectors specified in paragraph (3)(c) to (f) above.

Exceptions to regulations 2 to 5

- 6.—(1) Regulations 2 to 5 do not apply to—
 - (a) the use of cadmium for research and development or analysis purposes, or the placing on the market of products intended for use for research and development or analysis purposes,
 - (b) products containing cadmium which are already covered by Community legislation other than Council Directive [76/769/EEC](#) 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⁽⁴⁾ as amended for the tenth time by Council Directive^{91/338/EEC}(5).
- (2) Regulations 2 and 3 do not apply to finished products coloured with cadmium for safety reasons.
- (3) Regulation 4 does not apply to finished products using cadmium-based stabilisers for safety reasons.
- (4) Regulation 5 does not apply to—
 - (a) products and components of the products used in the aeronautical, aerospace, mining, offshore and nuclear sectors whose applications require high safety standards and in safety devices in road and agricultural vehicles, rolling stock and vessels, or
 - (b) electrical contacts in any sector of use, on account of the reliability required of the apparatus on which they are installed.

Offences and penalties

7. A person who contravenes regulation 2, 3, 4 or 5, or causes or permits another person to contravene one of those regulations, shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale and, on conviction on indictment, to imprisonment for a term not exceeding two years, or a fine, or both.

(4) OJ No. L262, 27.9.76, p.201.

(5) OJ No. L186, 12.7.91, p.59.

25th June 1993

John Selwyn Gummer
Secretary of State for the Environment

25th June 1993

John Redwood
Secretary of State for Wales

29th June 1993

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect to Council Directive [91/338/EEC](#) (OJ No. L186, 12.7.91, p.59) which amended for the tenth time Directive [76/769/EEC](#) (OJ 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.

Regulation 2 restricts from 31st July 1993 the use of cadmium to give colour to finished products made from certain plastics, with restrictions in relation to additional plastics imposed from 31st December 1995. The regulation also restricts the marketing of products manufactured from the specified plastics. Regulation 3 makes additional provision from 31st December 1995 in relation to levels of cadmium in paints.

Regulation 4 restricts from 30th June 1994 the use of cadmium to stabilise certain finished products made from PVC, and the marketing of such products.

Regulation 5 restricts from 31st July 1993 the use of cadmium in the metallic plating of certain products, and the marketing of those products so plated. Additional products are brought within the restrictions from 30th June 1995.

Regulation 6 makes exceptions from the provisions of regulations 2 to 5. Regulation 7 makes it a criminal offence to contravene regulation 2, 3, 4 or 5 and specifies the penalties for such offences.

The CAS Registry Handbook may be inspected by appointment at the Library of the Royal Society of Chemistry, Burlington House, Piccadilly, London W1V 0BN.