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STATUTORY INSTRUMENTS

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**2001 No. 3141**

**ENVIRONMENTAL PROTECTION**

**The Environmental Protection (Controls on Injurious  
Substances) (Amendment) Regulations 2001**

*Made* - - - - *13th September 2001*  
*Laid before Parliament* *20th September 2001*  
*Coming into force* - - *11th October 2001*

The Secretary of State, being a Minister designated<sup>(1)</sup> for the purposes of subsection (2) of section 2 of the European Communities Act 1972<sup>(2)</sup> in relation to measures relating to restrictions on the marketing and use of certain dangerous substances and preparations, in exercise of the powers conferred by that subsection and of all other powers enabling her in that behalf, hereby makes the following regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Environmental Protection (Controls on Injurious Substances) (Amendment) Regulations 2001 and shall come into force on 11th October 2001.

(2) In these Regulations, “the principal Regulations” means the Environmental Protection (Controls on Injurious Substances) Regulations 1993<sup>(3)</sup>.

**Amendment of the principal Regulations**

2. For regulation 3 of the principal Regulations there shall be substituted the following:

**“Marketing PCP**

3.—(1) Subject to paragraph (2), no person shall place on the market, other than for research and development or analysis purposes, any substance containing PCP in a concentration equal to or greater than 0.1 per cent by weight.

(2) Until 31st December 2008, paragraph (1) shall not apply to the placing on the market of any substance containing PCP, which has a total H<sub>6</sub>CDD content below 2 parts per million and which—

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(1) 1992/1711.  
(2) 1972 c. 68. For the continued exercise of the powers under section 2(2) in relation to Scotland by the Secretary of State, see section 57(1) of the Scotland Act 1988 (c. 46).  
(3) 1993/1.

- (a) is intended solely for use in industrial installations for the impregnation of fibres or heavy duty textiles not intended for clothing or for decorative furnishings;
  - (b) is placed on the market in packages of 20 litres or more marked clearly and indelibly with the words “Reserved for industrial and professional use”;
  - (c) is not for sale to the general public; and
  - (d) is not waste to which Council Directive [75/442/EEC](#)(4) or Council Directive [91/689/EEC](#)(5) applies.”
3. Regulation 4 of the principal Regulations shall be amended by—
- (a) omitting “PCP, or” from paragraph (1); and
  - (b) substituting the following for paragraph (2):
    - “(2) Until 31st December 2008, paragraph (1) shall not apply to the use of any substance containing PCP which has a total H<sub>6</sub>CDD content below 2 parts per million, in industrial installations for the impregnation of fibres or heavy duty textiles not intended for clothing or for decorative furnishings.”

Signed by authority of the Secretary of State

*Michael Meacher*  
Minister of State,  
Department for Environment, Food and Rural  
Affairs

13th September 2001

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(4) OJ No. L194, 25.7.1975, p. 39 as amended by OJ No. L78, 26.3.1991, p. 32.

(5) OJ No. L377, 31.12.1991 p. 20.

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## EXPLANATORY NOTE

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

These Regulations amend the Environmental Protection (Controls on Injurious Substances) Regulations 1993 (which restrict the marketing and use of Pentachlorophenol—“PCP”), in order to give effect, in part, to Commission Directive [1999/51/EC](#) (OJNo. L142, 5.6.99, p. 22), which adapts to technical progress for the fifth time Annex I to Council 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.