
EXPLANATORY NOTE

(This note is not part of the Regulations.)

1. These Regulations amend the Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003 (S.R. 2003 No. 34) (“the COSHH Regulations”), the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2002 (S.R. 2002 No. 301) (“the CHIP Regulations”), and the Control of Lead at Work Regulations (Northern Ireland) 2003 (S.R. 2003 No. 35) (“the CLAW Regulations”).

2. The Regulations implement as respects Northern Ireland the provisions concerning chromium VI in cement contained in Directive 2003/53/EC of the European Parliament and of the Council (O.J. No. L178, 17.7.2003, p. 24) amending for the 26th time Council Directive 76/769/EEC by amending the COSHH Regulations to prohibit the supply and use of cement and cement-containing preparations containing when hydrated more than 0.0002% soluble chromium VI of the dry weight of the cement except in certain fully automated and enclosed processes (regulation 3(g)), and by amending the CHIP Regulations by adding a requirement to mark the packaging of cement whose chromium VI content would exceed that limit but for the use of reducing agents with information on how long and in which conditions those agents will remain effective (regulation 2).

3. The Regulations further amend the COSHH Regulations by –

- (a) excluding defined shipboard activities of ships' crews from their operation, except for Navy ships (regulation 3(b));
- (b) replacing regulation 7(7) and (8) by substituting new requirements to observe principles of good practice for the control of exposure to substances hazardous to health introduced by Schedule 2A, to ensure that workplace exposure limits are not exceeded, and to ensure in respect of carcinogens and asthmagens that exposure is reduced to as low a level as is reasonably practicable (regulation 3(d)(i) and (h));
- (c) introducing a single new workplace exposure limit for substances hazardous to health which replaces occupational exposure standards and maximum exposure limits (regulation 3(a), (c), (d) and (f)); and
- (d) introducing a duty to review control measures other than the provision of plant and equipment, including systems of work and supervision, at suitable intervals (regulation 3(e)).

4. The Regulations amend the CLAW Regulations by excluding defined shipboard activities of ships' crews, except for Navy ships, from their operation (regulation 4(a)), and by introducing a duty to review control measures other than the provision of plant and equipment, including systems of work and supervision, at suitable intervals (regulation 4(b)).

5. Copies of the publications mentioned in the Regulations as follows –

- (a) the Great Britain Health and Safety Executive publication “EH40/2005, Workplace Exposure Limits 2005”, which contains the list of workplace exposure limits which the Health and Safety Executive for Northern Ireland has approved for use in Northern Ireland; and
- (b) “Asthmagens? Critical assessments of the evidence for agents implicated in occupational asthma”, HSE Books 1997; ISBN 0 7176 1465 4.

are obtainable from HSE Books, PO Box 1999 Sudbury, Suffolk CO10 2WA.

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

6. In Great Britain, the corresponding Regulations are the [Control of Substances Hazardous to Health \(Amendment\) Regulations 2004 \(S.I. 2004 No. 3386\)](#). Copies of the Regulatory Impact Assessments relating to those Regulations, together with a Northern Ireland Supplement, are held at the offices of the Health and Safety Executive for Northern Ireland at 83 Ladas Drive, Belfast BT6 9FR from where copies may be obtained on request.

7. A person who contravenes the Regulations is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978 and is liable, on summary conviction, to a fine not exceeding the statutory maximum (currently £5,000) or, on conviction on indictment, to a fine.