

**2004 No. 1417**

**CONSUMER PROTECTION**

**The Dangerous Substances and Preparations (Safety)  
(Consolidation) (Amendment) Regulations 2004**

*Made* - - - - *20th May 2004*

*Laid before Parliament* *25th May 2004*

*Coming into force*

*for the purpose of Regulation 2(3)* *15th January 2005*

*for all other purposes* *25th December 2004*

Whereas the Secretary of State has, in accordance with section 11(5) of the Consumer Protection Act 1987(a), consulted such organisations as appear to her to be representative of interests substantially affected by these Regulations, such other persons as she considers appropriate and the Health and Safety Commission;

Now, therefore, the Secretary of State, in exercise of the powers conferred on her by the said section 11, hereby makes the following Regulations—

**Citation, Commencement and Interpretation**

1.—(1) These Regulations may be cited as the Dangerous Substances and Preparations (Safety) (Consolidation) (Amendment) Regulations 2004 and shall come into force on 25th December 2004 except for regulation 2(3) which shall come into force on 15th January 2005.

(2) In these Regulations “the Principal Regulations” means the Dangerous Substances and Preparations (Safety) (Consolidation) Regulations 1994(b).

**Amendments to the Principal Regulations**

2.—(1) The entries in the tables in Part I of Schedule 1 to these Regulations shall be inserted in Schedule 2 to the Principal Regulations in accordance with paragraph (5) below.

(2) The entries in the table in Part II of Schedule 1 to these Regulations shall be deleted from the table headed “Carcinogenic Substances of Category 2” in Schedule 2 to the Principal Regulations.

(3) The entries in the tables in Schedule 2 to these Regulations shall be inserted in Schedule 2 to the Principal Regulations in accordance with paragraph (5) below.

(4) The entries relating to:

(a) “Chromium (VI) compounds” (Index number 024-017-00-8),

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(a) 1987 c.43.

(b) S.I. 1994/2844 has been amended by S.Is 1996/2635, 1999/2084, 2000/2897, 2002/1770 and 2002/3010 which inserted and deleted entries in Schedule 2.

- (b) “Benzidine based azo dyes; 4,4’-diarylazobiphenyl dyes” (Index number 611-024-00-1),  
and
- (c) “Refractory ceramic fibres; special purpose fibres” (Index number 650-017-00-8).

which appear in the table in Schedule 2 to the Principal Regulations under the heading “Carcinogenic substances of Category 2” shall be amended by substituting the words “the approved supply list” for the words “Annex I to Directive 67/548/EEC” or “Annex 1 to Directive 67/548/EEC” in whichever form the reference appears.

(5) Each entry inserted by paragraphs (1) and (3) above shall be inserted under the heading corresponding to that given in Schedule 1 or 2 to these Regulations and shall be inserted in the appropriate place in numerical order by reference to the entry’s Index Number.

*Gerry Sutcliffe,*  
Parliamentary Under Secretary of State for  
Employment Relations, Competition and Consumers,  
Department of Trade and Industry

20th May 2004

## SCHEDULE 1

Regulation 2(1) and 2(2)

### DANGEROUS SUBSTANCES AND PREPARATIONS RESTRICTED BY DIRECTIVE 2003/36 EC

#### PART 1

Entries to be inserted in Schedule 2 to the Principal Regulations by regulation 2(1) of these Regulations:

##### **Carcinogenic substances of Category 1**

<i>Substances</i>	<i>Index number</i>	<i>EC number</i>	<i>CAS number</i>
Butane [containing $\geq 0.1\%$ Butadiene (203-450-8)] [1]	601-004-01-8	203-448-7 [1]	106-97-8 [1]
Isobutane [containing $\geq 0.1\%$ Butadiene (203-450-8)] [2]	-	200-857-2 [2]	75-28-5 [2]
1,3-Butadiene; buta-1,3-diene	601-013-00-X	203-450-8	106-99-0

##### **Carcinogenic substances of Category 2**

<i>Substances</i>	<i>Index number</i>	<i>EC number</i>	<i>CAS number</i>
Beryllium oxide	004-003-00-8	215-133-1	1304-56-9
Sodium chromate	024-018-00-3	231-889-5	7775-11-3
Trichloroethylene; trichloroethene	602-027-00-9	201-167-4	79-01-6
$\alpha$ -Chlorotoluene; benzyl chloride	602-037-00-3	202-853-6	100-44-7
2,3-Dibromopropan-1-ol; 2,3-Dibromo-1-propanol	602-088-00-1	202-480-9	96-13-9
Propylene oxide; 1,2-epoxypropane; methyloxirane	603-055-00-4	200-879-2	75-56-9

Phenyl glycidyl ether; 2-3-epoxypropyl phenyl ether; 1,2-epoxy-3-phenoxypropane	603-067-00-X	204-557-2	122-60-1
Furan	603-105-00-5	203-727-3	110-00-9
(R)-2,3-Epoxy-1-propanol	603-143-00-2	404-660-4	57044-25-4
(R)-1-Chloro-2,3-epoxypropane	603-166-00-8	424-280-2	51594-55-9
2,3-Dinitrotoluene	609-050-00-3	210-013-5	602-01-7
3,4-Dinitrotoluene	609-051-00-9	210-222-1	610-39-9
3,5-Dinitrotoluene	609-052-00-4	210-566-2	618-85-9
2,5-Dinitrotoluene	609-055-00-0	210-581-4	619-15-8
6-Hydroxy-1-(3-isopropoxypropyl)-4-methyl-2-oxo-5-[4-(phenylazo)phenylazo]-1,2-dihydro-3-pyridine carbonitrile	611-057-00-1	400-340-3	85136-74-9
(6-(4-Hydroxy-3-(2-methoxyphenylazo)-2-sulfonato-7-naphthylamino)-1,3,5-triazin-2,4-diyl)bis[(amino-1-methylethyl)-ammonium] formate	611-058-00-7	402-060-7	108225-03-2
Trisodium-[4'-(8-acetylamino-3,6-disulfonato-2-naphthylazo)-4''-(6-benzoylamino-3-sulfonato-2-naphthylazo)biphenyl-1,3',3'',1''']-tetraolato-O,O',O'',O''']copper(II)	611-063-00-4	413-590-3	—
Phenylhydrazine [1]	612-023-00-9	202-873-5 [1]	100-63-0[1]
Phenylhydrazinium chloride [2]		200-444-7 [2]	59-88-1 [2]
Phenylhydrazine hydrochloride [3]		248-259-0 [3]	27140-08-5 [3]
Phenylhydrazinium sulphate (2:1) [4]		257-622-2 [4]	52033-74-6 [4]
A mixture of: N-[3-hydroxy-2-(2-methylacryloylamino-methoxy)propoxymethyl]-2-methylacrylamide; N-[2,3-Bis(2-methylacryloylamino-methoxy)propoxymethyl]-2-	616-057-00-5	412-790-8	—

methylacrylamide; methacrylamide; 2-methyl-N-(2-methyl-acryloylaminomethoxymethyl)-acrylamide; N-(2,3-dihydroxypropoxymethyl)-2-methylacrylamide			
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### Mutagenic substances of Category 2

<i>Substances</i>	<i>Index number</i>	<i>EC number</i>	<i>CAS number</i>
Sodium chromate	024-018-00-3	231-889-5	7775-11-3
Butane [containing $\geq 0.1\%$ Butadiene (203-450-8)] [1]	601-004-01-8	203-448-7 [1]	106-97-8 [1]
Isobutane [containing $\geq 0.1\%$ Butadiene (203-450-8)] [2]		200-857-2 [2]	75-28-5 [2]
1,3-Butadiene; buta-1,3-diene	601-013-00-X	203-450-8	106-99-0
Propylene oxide; 1,2-epoxypropane; Methyloxirane	603-055-00-4	200-879-2	75-56-9
1,3,5-tris-[(2S and 2R)-2,3-epoxypropyl]-1,3,5-triazine-2,4,6-(1H,3H,5H)-trione	616-091-00-0	423-400-0	59653-74-6

### Toxic for reproduction substances of Category 1

<i>Substances</i>	<i>Index number</i>	<i>EC number</i>	<i>CAS number</i>
2-Bromopropane	602-085-00-5	200-855-1	75-26-3

### Toxic for reproduction substances of Category 2

<i>Substances</i>	<i>Index number</i>	<i>EC number</i>	<i>CAS number</i>
Flusilazole (ISO); bis(4-fluorophenyl)-(methyl)-(1H-1,2,4-triazol-1-ylmethyl)-silane	014-017-00-6	-	85509-19-9
A mixture of: 4-[[bis(4-fluorophenyl)methylsilyl]methyl]-4H-1,2,4-triazole; 1-[[bis-(4-fluorophenyl)methylsilyl]methyl]-1H-1,2,4-triazole	014-019-00-7	403-250-2	—

Bis(2-methoxyethyl) ether	603-139-00-0	203-924-4	111-96-6
( <i>R</i> )-2,3-epoxy-1-propanol	603-143-002	404-660-4	57044-25-4
Fluazifop-butyl (ISO); butyl ( <i>RS</i> )-2-[4-(5-trifluoromethyl-2-pyridyloxy)phenoxy]propionate	607-304-00-8	274-125-6	69806-50-4
Vinclozolin (ISO); <i>N</i> -3,5-Dichlorophenyl-5-methyl-5-vinyl-1,3-oxazolidine-2,4-dione	607-307-00-4	256-599-6	50471-44-8
Methoxyacetic acid	607-312-00-1	210-894-6	625-45-6
Bis(2-ethylhexyl) phthalate; di-(2-ethylhexyl) phthalate; DEHP	607-317-00-9	204-211-0	117-81-7
Dibutyl phthalate; DBP	607-318-00-4	201-557-4	84-74-2
(+/-)tetrahydrofurfuryl ( <i>R</i> )-2-[4-(6-chloroquinoxalin-2-yloxy)phenoxy]propionate	607-373-00-4	414-200-4	119738-06-6
Flumioxazin (ISO); <i>N</i> -(7-Fluoro-3,4-dihydro-3-oxo-4-prop-2-ynyl-2 <i>H</i> -1,4-benzoxazin-6-yl)cyclohex-1-ene-1,2-dicarboxamide	613-166-00-X	–	103361-09-7
(2 <i>RS</i> ,3 <i>RS</i> )-3-(2-Chlorophenyl)-2-(4-fluorophenyl)-[(1 <i>H</i> -1,2,4-triazol-1-yl)-methyl]oxirane	613-175-00-9	406-850-2	106325-08-0
<i>N,N</i> -Dimethylacetamide	616-011-00-4	204-826-4	127-19-5
Formamide	616-052-00-8	200-842-0	75-12-7
<i>N</i> -Methylacetamide	616-053-00-3	201-182-6	79-16-3
<i>N</i> -Methylformamide	616-056-00-X	204-624-6	123-39-7

## PART 2

Entries to be deleted from Schedule 2 to the Principal Regulations by regulation 2(2) of these Regulations:

### **Carcinogenic substances of Category 2**

<i>Substances</i>	<i>Index number</i>	<i>EC number</i>	<i>CAS number</i>
Butane [containing $\geq 0.1\%$ Butadiene (203-450-8)] [1]	601-004-01-8	203-448-7 [1]	106-97-8 [1]
Isobutane [containing $\geq 0.1\%$ Butadiene (203-450-8)] [2]		200-857-2 [2]	75-28-5 [2]
1,3-Butadiene; buta-1,3-diene	601-013-00-X	203-450-8	106-99-0

## SCHEDULE 2

Regulation 2(3)

### DANGEROUS SUBSTANCES AND PREPARATIONS RESTRICTED BY DIRECTIVE 2003/34 EC

Entries to be inserted in Schedule 2 to the Principal Regulations by regulation 2(3) of these Regulations:

#### **Carcinogenic substances of Category 2**

<i>Substances</i>	<i>Index number</i>	<i>EC number</i>	<i>CAS number</i>
Cobalt dichloride	027-004-00-5	231-589-4	7646-79-9
Cobalt sulphate	027-005-00-0	233-334-2	10124-43-3
Cadmium fluoride	048-006-00-2	232-222-0	7790-79-6
Chrysene	601-048-00-0	205-923-4	218-01-9
Benzo[e]pyrene	601-049-00-6	205-892-7	192-97-2
2,2'-Bioxirane; 1,2:3,4-diepoxybutane	603-060-00-1	215-979-1	1464-53-5
2,3-Epoxypropan-1-ol; glycidol	603-063-00-8	209-128-3	556-52-5
2,4-Dinitrotoluene [1]; dinitrotoluene [2]; dinitrotoluene, technical grade	609-007-00-9	204-450-0 [1] 246-836-1 [2]	121-14-2[1] 25321-14-6 [2]
2,6-Dinitrotoluene	609-049-00-8	210-106-0	606-20-2
Hydrazine-trinitromethane	609-053-00-X	414-850-9	—
Azobenzene	611-001-00-6	203-102-5	103-33-3



<i>o</i> -Dianisidine based azo dyes; 4,4'-diarylazo-3,3'-dimethoxybiphenyl dyes, with the exception of those mentioned elsewhere in the approved supply list	611-029-00-9	–	–
<i>o</i> -Tolidine based dyes; 4,4'-diarylazo-3,3'-dimethylbiphenyl dyes, with the exception of those mentioned elsewhere in the approved supply list	611-030-00-4	–	–
1,4,5,8-Tetraaminoanthraquinone; C.I. Disperse Blue 1	611-032-00-5	219-603-7	2475-45-8

### Mutagenic substances of Category 2

<i>Substances</i>	<i>Index number</i>	<i>EC number</i>	<i>CAS number</i>
Cadmium fluoride	048-006-00-2	232-222-0	7790-79-6
Cadmium chloride	048-008-00-3	233-296-7	10108-64-2
2,2'-Bioxirane; 1,2:3,4-diepoxybutane	603-060-00-1	215-979-1	1464-53-5

### Toxic for reproduction substances of Category 2

<i>Substances</i>	<i>Index number</i>	<i>EC number</i>	<i>CAS number</i>
Cadmium fluoride	048-006-00-2	232-222-0	7790-79-6
Cadmium chloride	048-008-00-3	233-296-7	10108-64-2
2,3-Epoxypropan-1-ol; glycidol	603-063-00-8	209-128-3	556-52-5
2-Methoxypropanol	603-106-00-0	216-455-5	1589-47-5
4,4'-isobutylethylidenediphenol; 2,2-bis(4'-hydroxyphenyl)-4-methylpentane	604-024-00-8	401-720-1	6807-17-6
2-Methoxypropyl acetate	607-251-00-0	274-724-2	70657-70-4

Tridemorph (ISO); 2,6-dimethyl-4-tridecylmorpholine	613-020-00-5	246-347-3	24602-86-6
Cycloheximide	613-140-00-8	200-636-0	66-81-9

### EXPLANATORY NOTE

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

These Regulations implement European Parliament and Council Directives 2003/34/EC (O.J. No. L156, 25.6.03, p.14) and 2003/36/EC (O.J. No. L156, 25.6.03, p.26). These Directives amend (for the 23rd and 25th times) the Appendix to Annex I to Council Directive 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. The Appendix lists substances considered to be carcinogenic, mutagenic or toxic to reproduction.

Council Directive 76/769/EEC (as amended) is implemented in part by the Dangerous Substances and Preparations (Safety) (Consolidation) Regulations 1994 (S.I. 1994/2844) (“the Principal Regulations”). Schedule 2 to the Principal Regulations is amended by these Regulations which insert or delete as appropriate the substances listed in the annexes to Council Directives 2003/34/EC and 2003/36/EC.

Schedule 2 to the Principal Regulations contains references to Annex I (or 1) to Directive 67/548/EEC (O.J. L196, 16.8.1967, p.1). These references are amended to refer instead to the “approved supply list” which implements Annex I to that Directive and is defined in the Principal Regulations by reference to the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994 (SI 1994/3247) and the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 60). These have now been superseded by the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 (SI 2002/1689) and by the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2002 (S.R. 2002 No. 301).

Regulation 8(4) of the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 provides that the substances listed in Schedule 2 to the Principal Regulations should be labelled in accordance with that regulation (8(4)). Regulation 8(4) of Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2002 operates in the same way. The amendments to Schedule 2 made by these Regulations will therefore amend the list of substances to which the respective regulations 8(4) apply.

A full regulatory impact assessment of the effect that this instrument will have on costs to business is available from the Consumer and Competition Policy Directorate of the Department of Trade and Industry, 1 Victoria Street, London SW1H 0ET. Copies of a transposition note relating to these Regulations have been placed in the libraries of both Houses of Parliament. Copies are also available to the public from the Consumer and Competition Policy Directorate of the Department of Trade and Industry, 1 Victoria Street, London SW1H 0ET.



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