

S.I. No. 619/2001 — Safety, Health and Welfare At Work (Chemical Agents) Regulations, 2001

STATUTORY INSTRUMENTS

S.I. No. 619 of 2001

Safety, Health and Welfare at Work (Chemical Agents) Regulations, 2001

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I, Tom Kitt, Minister of State of the Department of Enterprise, Trade and Employment, in exercise of the powers conferred on me by [section 28 of the Safety, Health and Welfare at Work Act, 1989 \(No. 7 of 1989\)](#) in relation to the matters set out in paragraphs (2), (3), (5), (25) (26), (28) and (32) of the Fourth Schedule to that Act, as adapted by the Labour (Transfer of Departmental Administration and Ministerial Functions) Order, 1993 ([S.I. No. 18 of 1993](#)), and the Enterprise and Employment (Alteration of Name of Department and Title of Minister) Order, 1997 ([S.I. No. 305 of 1997](#)), and the Enterprise, Trade and Employment (Delegation of Ministerial Functions) (No. 2) Order, 1997 ([S.I. No. 330 of 1997](#)), and after consultation with the National Authority for Occupational Safety and Health, and for the purpose of giving effect to Council Directive 98/24/EC¹ and Commission Directive 2000/39/EC² hereby make the following regulations:

Citation and commencement.

1. These Regulations may be cited as the Safety, Health and Welfare at Work (Chemical Agents) Regulations, 2001.

Interpretation.

2. (1) In these Regulations -

“Act” means [the Safety, Health and Welfare at Work Act, 1989 \(No. 7 of 1989\)](#) ;

“activity” means any work in which chemical agents or hazardous chemical agents are used, or are intended to be used, in any process, including production, handling, storage, transport or disposal and treatment, or which result from such work and cognate words shall be construed accordingly;

“approved” means approved in writing for the time being by the Authority or conforming with a specification in writing by the Authority;

“Authority” means the National Authority for Occupational Safety and Health;

“biological limit value” means the limit of the concentration in the appropriate biological medium of the relevant agent, its metabolite or an indicator of effect;

“chemical agent” means any chemical element or compound, on its own or admixed, as it occurs in the natural state or as produced, used or released, including release as waste, by any work activity, whether or not produced intentionally and whether or not placed on the market;

“Code of Practice” means a code of practice issued under section 30 of the Act;

“employer” means, without prejudice to the interpretation in the Act and for the purposes of these Regulations, any employer of employees who are, or are likely to be, exposed to a chemical agent or hazardous chemical agent as a result of their work;

“hazard” means the intrinsic property of a chemical agent with the potential to cause harm;

“hazardous chemical agent” means:

- (i) any chemical agent which meets the criteria for classification as a dangerous substance according to the criteria in Annex VI to Directive 67/548/EEC³, whether or not that substance is classified under that Directive, other than those substances which only meet the criteria for classification as dangerous for the environment;
- (ii) any chemical agent which meets the criteria for classification as a dangerous preparation within the meaning of Directive 99/45/EC⁴, whether or not that preparation is classified under that Directive, other than those preparations which only meet the criteria for classification as dangerous for the environment;
- (iii) any chemical agent which, whilst not meeting the criteria for classification as dangerous in accordance with (i) and (ii), may, because of its physicochemical, chemical or toxicological properties and the way it is used or is present in the workplace, present a risk to the safety and health of employees, including any chemical agent assigned an occupational exposure limit value in the relevant code of practice under these regulations;

“health surveillance” means, for the purposes of these Regulations, the assessment of an individual employee to determine the state of health of that individual, as related to exposure to specific chemical agents at work and includes biological monitoring;

“Inspector” means an inspector appointed under [the Safety, Health and Welfare at Work Act, 1989 \(No. 7 of 1989\)](#) ;

“occupational exposure limit value” means, unless otherwise specified, the limit of the time-weighted average of the concentration of a chemical agent in the air within the breathing zone of a worker in relation to a specified reference period, as approved by the Authority;

“occupational healthcare professional” means a registered medical practitioner or other suitable qualified person employed, or otherwise engaged, by an employer to be responsible for health surveillance of employees covered by these Regulations;

“Principal Regulations” means the Safety, Health and Welfare at Work (General Application) Regulations, 1993 ([S.I. No. 44 of 1993](#)) as amended by the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations, 2001 ([S.I. No. 188 of 2001](#));

“risk”, in relation to the exposure of an employee to chemical agents, means the likelihood that the potential for harm will be attained under the conditions of use and/or exposure and also the extent of that harm.

Application.

3. (1) The requirements of these Regulations apply where hazardous chemical agents are present or may be present in the workplace without prejudice to the provisions for chemical agents to which measures for radiation protection apply under Directives adopted under the Treaty establishing the European Atomic Energy Community.

(2) For carcinogens present or likely to be present in the workplace, the requirements of these Regulations apply without prejudice to more stringent or more specific provisions contained in Council Directive 90/394/EEC⁵ on the protection of workers from the risks related to exposure to carcinogens, as amended by Council Directives 97/42/EC⁶ and 99/38/EC⁷

(3) The requirements of these Regulations apply to the transport of hazardous chemical agents by road, rail, sea or air, without prejudice to more stringent or more specific provisions contained in Council Directive 94/55/EEC⁸ on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road, as amended, in Council Directive 96/49/EEC⁹ on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail, as amended, in Council Directive 93/75/EEC¹⁰ concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods, as amended, or in the technical instructions for the safe transport of dangerous goods issued by the International Civil Aviation Organisation.

(4) These Regulations shall apply to a self-employed person as they apply to an employer and as if that self-employed person was an employer and his or her own employee.

(5) These Regulations shall apply to an employer in respect of the use by him or her of the services of a fixed-term employee or a temporary employee, as interpreted in Regulation 2 of the Principal Regulations and taking into account the provisions of Regulation 4 of those Regulations.

(6) Where duties, however expressed, are placed by these Regulations on an employer in respect of any of his or her employees at a workplace, he or she shall be under a like duty in respect of every other person at work at that workplace who is or may be exposed at that place to a chemical agent or hazardous chemical agent except that the duties under

Regulation 10 shall not apply to persons who are not his or her employees.

(7) In these Regulations, a reference to a paragraph is to a paragraph in the Regulation in which the reference occurs, unless it is indicated that reference to some other Regulation is intended, and a reference to a Regulation or a Schedule is to a Regulation of, or a Schedule to, these Regulations, unless it is indicated that reference to some other Regulation or Schedule is intended.

**Determination
and assessment
of the risk of
hazardous
chemical
agents.**

4. (1) Without prejudice to the Principal Regulations, it shall be the duty of every employer to determine whether any hazardous chemical agents are present at the workplace and to assess any risk to the safety and health of employees arising from the presence of those chemical agents, taking into consideration the following -

- (a) their hazardous properties,
- (b) information provided by the supplier of the hazardous chemical agent including information contained in the relevant safety data sheet and any additional information as may reasonably be required to complete the assessment,
- (c) the level, type and duration of exposure,
- (d) the circumstances of work involving such agents and the quantities stored and in use in the workplace,
- (e) any occupational exposure limit value or biological limit value contained in an approved code of practice,
- (f) the effect of preventative measures taken,
- (g) where available, the conclusions from health surveillance already undertaken, and
- (h) any activity including maintenance and accidental release in respect of which it is foreseeable that there is a potential for significant exposures.

(2) In the case of activities involving exposure to several hazardous chemical agents, the risk shall be assessed on the basis of the risk presented by all such chemical agents in combination.

(3) Any risk assessment made under this Regulation shall be recorded in writing.

(4) Where, as a result of such risk assessment, a further detailed risk assessment is deemed to be unnecessary the employer may include a justification for this decision.

(5) Any risk assessment made under this Regulation shall be reviewed regularly and shall be reviewed immediately if -

- (a) there is reason to suspect that the assessment is no longer valid,
- (b) there has been a significant change in the work to which the assessment relates,
- (c) where the results of health surveillance show it to be necessary, or
- (d) where as a result of exposure monitoring an occupational exposure limit value is found to have been exceeded.

(6) A risk assessment made pursuant to this Regulation must identify the measures that have been taken or that are to be taken in relation to the requirements of these Regulations.

(7) In the case of a new activity involving hazardous chemical agents, work shall not commence until after an assessment of the risk of that activity has been made and the preventive measures identified in the risk assessment have been implemented.

Prevention and control of exposure to hazardous chemical agents.

5. (1) Without prejudice to the requirements of the Principal Regulations, it shall be the duty of every employer, so far as is reasonably practicable, to take the following measures:

- (a) where the results of the risk assessment made pursuant to Regulation 4 reveal a risk to the health and safety of employees in relation to hazardous chemical agents, to eliminate those risks or reduce them to a minimum by -
 - (i) the design and organisation of safe systems of work at the workplace,
 - (ii) the provision of suitable equipment for work with chemical agents and maintenance procedures which ensure the health and safety of employees,
 - (iii) reducing to a minimum the number of employees

exposed or likely to be exposed,

- (iv) reducing to a minimum the duration and intensity of exposure,
 - (v) putting in place appropriate hygiene measures including washing facilities,
 - (vi) reducing the quantity of chemicals in the work area to the minimum required for the type of work concerned, and
 - (vii) putting in place suitable working procedures, including arrangements for the safe handling, storage and transport within the workplace of hazardous chemical agents and wastes containing such hazardous chemical agents;
- (b) where the results of the risk assessment made pursuant to Regulation 4 reveal a risk to the health and safety of employees in relation to hazardous chemical agents, to apply the specific protection and prevention measures specified in Regulation 6 and the health surveillance measures and maintenance of health records requirements specified in Regulation 10.

(2) Where the results of the assessment referred to in Regulation 4 show that, because of the quantities of a hazardous chemical agent present in the workplace there is a minimal risk to the safety and health of employees, the provisions of Regulations 6, 8 and 10 need not apply.

Specific protection and prevention measures.

6. (1) It shall be the duty of every employer:

- (a) to ensure that the risk to the safety and health of employees from hazardous chemical agents is eliminated so far as is reasonably practicable or reduced to a minimum by application of the following measures -
 - (i) avoidance of the use of a hazardous chemical agent or process by replacing it by one which under its condition of use is not hazardous or less hazardous than the hazardous chemical agent or process in use at the time of the risk assessment,
 - (ii) design of work processes, engineering control measures and the use of adequate equipment and

materials so as to avoid or minimise the release of hazardous chemical agents into the place of work,

- (iii) the use of appropriate systems for the extraction of hazardous chemical agents at source,
 - (iv) where exposure cannot be prevented by other means, application of individual protective measures including personal protective equipment in addition to the measures required by subparagraphs (i), (ii) and (iii);
- (b) to ensure that any engineering control measure, personal protective equipment or other means or facility provided pursuant to these Regulations is properly maintained and used or applied, as the case may be;
 - (c) to carry out on a regular basis, and when any change occurs in the conditions which may affect employees' exposure to hazardous chemical agents, measurements of hazardous chemical agents in accordance with an internationally validated procedure and in particular in relation to any occupational exposure limit values listed in an approved code of practice, unless it can be demonstrated that, in accordance with this Regulation, adequate prevention and protection measures have been taken to prevent risk;
 - (d) to ensure that an occupational exposure limit value set out in a relevant code of practice shall not be exceeded when measured or calculated in relation to a reference period listed in the relevant code of practice;
 - (e) where as a result of any measurement an occupational exposure limit value is found to be exceeded, to take immediate steps to remedy the situation in accordance with paragraph (a);
 - (f) to ensure that health surveillance is made available to his or her employees in accordance with Regulation 10 when appropriate to the nature of the risk;
 - (g) to maintain a record of exposure in a suitable form taking into account any confidentiality obligations under Regulation 10.

(2) It shall also be the duty of every employer:

- (a) to ensure that the risk from hazardous chemical agents to the safety and health of employees arising from the physico-chemical properties of such agents is eliminated so far as is reasonably practicable or reduced to a minimum by the design and organisation of the workplace to ensure their safe storage, handling and segregation, taking account of the incompatibility of certain hazardous chemical agents;
- (b) to take the following measures -
 - (i) prevent the presence of hazardous concentrations of flammable substances or hazardous quantities of chemically unstable substances, or where the nature of the work does not allow that,
 - (ii) avoid the presence of ignition sources which could give rise to fires and explosions or adverse conditions which could cause chemically unstable substances or mixtures of substances to give rise to harmful physical effects, and
 - (iii) mitigate the detrimental effects to the safety and health of employees in the event of fire or explosion due to the ignition of flammable substances or harmful physical effects arising from chemically unstable substances or mixtures of substances;
- (c) to ensure that work equipment and protective systems comply with the relevant provisions laid down in the European Communities (Equipment and Protective Systems Intended for use in Potentially Explosive Atmospheres) Regulations, 1999 ([S.I. No. 83 of 1999](#));
- (d) to ensure that the technical measures or organisational measures or both put in place to eliminate the risk from hazardous chemical agents to the safety and health of employees arising from their physico-chemical properties take account of and are consistent with the equipment group categorisation specified in the European Communities (Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres) Regulations, 1999 ([S.I. No. 83 of 1999](#));
- (e) to provide sufficient control of plant, equipment and machinery or provision of explosion suppression equipment or explosion pressure relief arrangements.

7. It shall be the duty of every employee -

Duties of employees.

- (a) to make full and proper use of any control measure, personal protective equipment or other thing or facility provided under these Regulations,
- (b) to take all reasonable steps to ensure such control measure, equipment, thing or facility is returned after use to any accommodation provided for it, and
- (c) if he or she discovers any defect therein, to report it forthwith to his or her employer.

Arrangements to deal with accidents, incidents and emergencies.

8. Without prejudice to the Principal Regulations, it shall be the duty of every employer:

- (a) to draw up an action plan to be put into effect in the event of an accident, incident or emergency related to the presence of hazardous chemical agents in the workplace, including -
 - (i) arrangements for safety drills to be performed at regular intervals,
 - (ii) appropriate first aid facilities,
 - (iii) provision of warning and other communication systems to signal an increased risk to safety and health,
 - (iv) arrangements to ensure that only those workers who are essential to the carrying out of repairs and other necessary work are to remain in the affected area,
 - (v) arrangements to ensure that the workers referred to in paragraph (iv) are provided with appropriate protective clothing, personal protective equipment, specialised safety equipment and plant for use as the accident, incident or emergency persists, and that unprotected workers do not remain in the affected area;
- (b) to ensure that the action plan provided for in paragraph

- (1) is put in place immediately on the occurrence of an accident, incident or emergency, in order to ensure that appropriate remedial actions, escape and rescue operations are in place to restore the situation to normal as soon as possible and to inform those of his or her employees who may be affected;
- (c) to make available to employees and, on request, to the relevant internal or external emergency services information on emergency arrangements in relation to hazardous chemical agents including the following -
 - (i) advance notice of relevant work hazards, hazard identification arrangements, precautions and procedures so that the emergency services can prepare their own response procedures and precautionary measures,
 - (ii) any available information concerning specific hazards arising, or likely to arise, at the time of an accident, incident or emergency, including information on procedures prepared pursuant to this Regulation.

**Information,
training and
consultation.**

9. (1) Without prejudice to the Principal Regulations, the employer shall ensure that employees and their safety representatives or both are provided with -
- (a) the data used to carry out, and obtained as a result of, the risk assessment specified under Regulation 4 and are further informed whenever a major alteration at the workplace leads to a change in these data,
 - (b) information on the hazardous chemical agents occurring in the workplace including the identity of those agents, the risks they present to the safety and health of employees, relevant occupational exposure limit values and other legislative provisions which apply to those agents,
 - (c) training and information on appropriate precautions and actions which should be taken in order to safeguard themselves and other employees at the workplace, and
 - (d) access to any safety data sheet provided in accordance with the European Communities (Classification, Packaging and Labelling of Dangerous Preparations) Regulations, 1995 ([S.I. No. 272 of 1995](#)) and the European Communities (Classification, Packaging,

Labelling and Notification of Dangerous Substances)
Regulations, 2000 (S.I. 393 of 2000) and the European
Communities.

(2) The employer shall ensure that the information required under paragraph (1) is provided to the extent and form that is appropriate to the outcome of the risk assessment made pursuant to Regulation 4 and is updated to take account of changing circumstances.

(3) Without prejudice to the Safety, Health and Welfare at Work (Signs) Regulations, 1995 ([S.I. No. 132 of 1995](#)), the employer shall ensure that all containers and pipes used at work for hazardous chemical agents are clearly labelled or identified as to the nature of their contents and associated hazards.

(4) It shall be the duty of every employer to ensure that consultation as regards the requirements of these Regulations takes place with employees or their safety representatives or both, in accordance with the provisions of the Principal Regulations.

**Health
surveillance
and health and
exposure
records.**

10. (1) Without prejudice to the Principal Regulations, it shall be the duty of every employer to make provision for appropriate health surveillance to be made available, under the responsibility of an occupational healthcare professional, to those employees for whom a risk assessment specified under Regulation 4 reveals a risk to their safety and health.

(2) Health surveillance shall be regarded as being appropriate when

-

- (a) the exposure of an employee to a hazardous chemical agent is such that an identifiable disease or adverse health effect may be related to the exposure,
- (b) there is a reasonable likelihood that the disease or effect may occur under the particular conditions of his or her work, and
- (c) there are valid low risk techniques to the employee for detecting indications of the disease or the effect.

(3) Health surveillance shall be mandatory for employees when a biological limit value for a hazardous chemical agent is listed in Schedule 2 or in an approved code of practice and it shall be the duty of the employer to ensure that employees are informed of this requirement before being assigned to a task involving risk of exposure to a hazardous chemical agent for which a biological limit value is listed.

(4) It shall be the duty of the employer to ensure that an individual health record containing particulars approved by the Authority is made and

maintained in respect of every employee to which this Regulation relates.

(5) It shall be the duty of any occupational healthcare professional under whose responsibility an employee receives health surveillance under this Regulation -

- (a) to keep an individual confidential medical record containing the results of the health surveillance carried out and of any biological monitoring or other available exposure monitoring,
- (b) to ensure that such record or a copy thereof is kept in a suitable form for an appropriate time from the date of the last entry made in it,
- (c) to propose any protective or preventative measures necessary in respect of any individual employee,
- (d) to give access to an employee, upon request by that employee, to his or her own health surveillance records,
- (e) to allow access to individual confidential medical records to an occupational medical advisor who is designated under section 34(4)(a) of the Act,
- (f) to take account of the recommendations of an approved code of practice.

(6) Where as a result of health surveillance in accordance with this Regulation an employee is found to have an identifiable disease or adverse health effect which is considered by an occupational healthcare professional or occupational medical advisor to be the result of exposure at work to a hazardous chemical agent, or a biological limit value is found to be exceeded, the occupational healthcare professional or occupational medical advisor shall inform the employee of the result which relates to him or her personally, including information and advice regarding such health surveillance which he or she should undergo following the end of the exposure, and shall inform the employer of the outcome of the health surveillance.

(7) It shall be the duty of the employer -

- (a) to ensure that an employee or his or her representatives receives the results of any health surveillance that employee may undergo,
- (b) to ensure, when measurements of hazardous chemical

agents are carried out under Regulation 6(1)(c), that a record of exposure to the relevant hazardous chemical agents is maintained in respect of every employee to which this Regulation relates -

- (i) to ensure that such record or a copy thereof is kept in a suitable form for an appropriate time from the date of the last entry made in it,
- (ii) to ensure that the collective results of measurements of hazardous chemical agents carried out pursuant to Regulation 6(1)(c) are made available to workers or their representatives or both,
- (iii) to give an employee access to his or her own such record,
- (iv) to make such records available to the Authority on request.

(8) Where an undertaking ceases to trade, it shall be the duty of an employer to ensure that any health records or records of exposure are made available to the Authority.

(9) It shall be the duty of the employer to ensure that, where an employee is subject to health surveillance in accordance with this Regulation and an occupational healthcare professional or occupational medical advisor has made an entry in the individual's health record and has certified to the employer that, in his or her professional opinion, that employee should not be engaged in work which exposes him or her to that substance or that he or she should only be engaged under conditions specified in the record, that the employee is not engaged in such work except in compliance with the conditions, if any, specified in the health record, unless that entry has been cancelled by the responsible health care professional or occupational medical advisor.

(10) Where as a result of health surveillance in accordance with this Regulation an employee is found to have an identifiable disease or adverse health effect which is considered by an occupational healthcare professional or occupational medical advisor to be the result of exposure at work to a hazardous chemical agent or a biological limit value is found to be exceeded, the employer shall:

- (a) review the risk assessment made under Regulation 4,
- (b) review the measures provided to eliminate or reduce the risk under Regulations 5 and 6,

- (c) take account of the advice of the occupational healthcare professional or an Inspector in implementing any measures required to eliminate or reduce risk in accordance with Regulation 6, including the possibility of assigning the affected employee to alternative work where there is no risk of further exposure, and
- (d) arrange continued health surveillance and provide for a review of the health status of any worker who has been similarly exposed and take account of the recommendations of the occupational healthcare professional or an occupational medical advisor regarding further medical examination.

**Prohibitions
and
exemptions.**

11. (1) The production, manufacture, or use at work of those substances listed in Schedule 3 are prohibited to the extent set out therein.

(2) Subject to paragraph (3) and to any other appropriate statutory provisions, the Authority may, by a certificate in writing, and if it is satisfied that the safety and health of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it, exempt any person or any substance or class of substances from all or any of the prohibitions imposed by this Regulation, and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by a certificate in writing at any time.

(3) The exemptions referred to in paragraph (2) may be granted -

- (a) for the sole purpose of scientific research and testing, including analysis,
- (b) for work activities intended to eliminate a specific substance present in the form of by-products or waste products, or
- (c) for the production of the hazardous chemical agents covered by paragraph (1) for use as intermediates and for such use;

provided the procedures and measures set out in paragraph (4) are complied with.

(4) An employer who is applying for an exemption shall take all necessary precautions to protect the safety and health of his or her employees, and shall submit:

- (a) a written justification of the reasons for requesting the

exemption,

- (b) information on the quantities of a specific substance to be used in the year of application and thereafter,
- (c) a description of the activities or the reactions or processes involved, or both,
- (d) information on the number of employees likely to be involved in the work,
- (e) information on the precautions to be taken to protect the safety and health of the employees concerned,
- (f) information on the technical and organisational measures to be taken to prevent exposure.

(5) The exposure of workers to the hazardous chemical agents referred to in paragraph (1) shall be prevented, in particular, by providing that the production and earliest possible use of any such agent as an intermediate shall take place in a single closed system, from which the chemical agent may be removed only to the extent necessary to monitor the process or service the processing system.

Revocations. 12. The Regulations mentioned in column (2) of Schedule 4 are revoked.

SCHEDULE 1

[Regulation 6](#)

List of Binding Occupational Exposure Limit Values

Name of agent	EINECS ¹¹ No.	CAS ¹² No.	Occupational exposure limit, 8 h ¹³		Occupational exposure limit value, short-term ¹⁴	
			mg/m ³ ¹⁵	ppm ¹⁶	mg/m ³	ppm
Inorganic lead and its compounds	-	-	0.15	-	-	-

SCHEDULE 2

[Regulation 10](#)

Binding Biological Limit Values and Health Surveillance Measures

Lead and its ionic compounds

Biological monitoring must include measuring the blood-lead level (PbB) using absorption spectrometry or a method giving equivalent results. The binding biological limit value is:

70 µg Pb/100 ml blood

Health surveillance is carried out if:

- a. exposure to a concentration of lead in air is greater than 0.075 mg/m³, calculated as a time-weighted average over 40 hours per week, or
- b. a blood-lead level greater than 40mg Pb/100 ml blood is measured in individual employees.

SCHEDULE 3

[Regulation 11](#)

Prohibitions

The production, manufacture or use at work of the chemical agents and activities involving chemical agents set out below are prohibited. The prohibition does not apply if the chemical agent is present in another chemical agent, or as a constituent of waste, provided that its individual concentration therein is less than the limit specified.

(a) Chemical Agents

EINECS No ⁽¹⁾	CAS No ⁽²⁾	Name of Agent	Concentration limit for exemption
202-080-4	91-59-8	2 - naphthylamine and its salts	0.1 % w / w
202-177-1	92-67-1	4 - aminodiphenyl and its salts	0.1 % w / w
202-199-1	92-87-5	Benzidene and its salts	0.1 % w / w
202-204-7	92-93-3	4 - nitrodiphenyl	0.1 % w / w

(b) Work Activities

None

SCHEDULE 4

[Regulation 12](#)

Revocation of Regulations

Statutory Instrument Number and Year (1)	Title (2)
S.I. No. 219 of 1988	European Communities (Protection of Workers) (Exposure to Lead) Regulations, 1998
S.I. No. 251 of 1989	European Communities (Protection of Workers) (Exposure to Chemical, Physical and Biological Agents) Regulations, 1989
S.I. No. 285 of 1991	Safety, Health and Welfare at Work Act, 1989 (Control of Specific Substances and Activities) Regulations, 1991
S.I. No. 445 of 1994	Safety, Health and Welfare at Work (Chemical Agents) Regulations, 1994

GIVEN under my Hand,

this 19th day of December 2001.

TOM KITT, T.D.

Tom Kitt

**Minister of State at the
Department of Enterprise, Trade
and Employment**

Explanatory Note

(This note is not part of the instrument and does not purport to be a legal interpretation.)

These Regulations transpose Council Directive 98/24/EC of 7 April, 1998, on the protection of the health and safety of workers from the risks related to chemical agents at work. The Regulations also transpose the related Commission Directive 2000/39/EC of 8 June, 2000, establishing a first list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC, through an approved Code of Practice.

The Regulations define, inter alia, activity involving chemical agents, biological limit value, chemical agent, hazard, hazardous chemical agent,

health surveillance, occupational exposure limit value and risk.

The Regulations set down obligations on employers as regards:-

- (i) determination and assessment of the risk of hazardous chemical agents
- (ii) prevention and control of exposure to hazardous chemical agents
- (iii) specific protection and prevention measures
- (iv) arrangements to deal with accidents, incidents and emergencies
- (v) information, training and consultation
- (vi) health surveillance, including biological monitoring, and exposure records.

The Regulations also set out duties for employees and they provide for prohibitions and exemptions relating to the production, manufacture, or use at work of specified chemical agents.

The Regulations revoke and replace the following Regulations:-

- (a) European Communities (Protection of Workers) (Exposure to Lead) Regulations, 1988 ([S.I. No. 219 of 1988](#)),
- (b) European Communities (Protection of Workers) (Exposure to Chemical, Physical and Biological Agents) Regulations, 1989 ([S.I. No. 251 of 1989](#)),
- (c) Safety, Health and Welfare at Work Act, 1989 (Control of Specific Substances and Activities) Regulations, 1991 ([S.I. No. 285 of 1991](#)),
- (d) Safety, Health and Welfare at Work (Chemical Agents) Regulations, 1994 ([S.I. No. 445 of 1994](#)).

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¹ O.J. No. L 131, 5.5.1998, p. 11

² O.J. No. L 142, 16.6.2000, p. 47

³ O.J. No. 196, 16.8.1967, p. 1

⁴ O.J. No. L 200, 30.7.1999, p. 1

⁵ O.J. No. L 196, 26.7.1990, p. 1

⁶ O.J. No. L179, 8.7.1997, p.4

⁷ O.J. No. 138, 1.6.1999, p. 66

⁸ O.J. No. L 319, 12.12.1994, p. 7-13

⁹ O.J. No. L 235, 17.09.1996, p. 25-30

¹⁰ O.J. No. L 247, 05.10.1993, p. 19-27

¹¹ EINECS: European Inventory of Existing Chemical Substances

¹² CAS: Chemical Abstract Service

¹³ Measured or calculated in relation to a reference period of eight hours

¹⁴ A limit value above which exposure should not occur, and which is related to a 15 minute period unless otherwise specified

¹⁵ mg/m³ = milligrams per cubic metre of air at 20°C and 101.3 kPa (760 mm mercury pressure)

¹⁶ ppm = parts per million by volume in air (ml/m³)

(1) EINECS: European Inventory of Existing Commercial Chemical Substances

(2) CAS: Chemical Abstracts Service

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