

1995 No. 60

**HEALTH AND SAFETY****Chemicals (Hazard Information and Packaging for Supply)  
Regulations (Northern Ireland) 1995**

*Made* . . . . . 2nd March 1995

*Coming into operation* . . . . . 31st March 1995

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The Department of Economic Development, being a Department designated by the European Communities (Designation) Order 1976(a) and the European Communities (Designation) (No. 3) Order 1993(b) for the purposes of section 2(2) of the European Communities Act 1972(c) in relation to the regulation and control of classification, packaging and labelling of dangerous substances and preparations, and for measures relating to consumer protection, in exercise of the powers conferred on it by the said section 2(2) and being the Department concerned(d) in exercise of the powers conferred by Articles 17(1) to (6), 54(1) and (4) and 55(2) of, and paragraphs 1(1), (4) and (5), and 2, 14 and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(e) and of every other power enabling it in that behalf, after consultation in accordance with Articles 46(1) and 54(5) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to it to be appropriate, hereby makes the following Regulations:—

#### *Citation and commencement*

1. These Regulations may be cited as the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995 and shall come into operation on 31st March 1995.

#### *Interpretation*

2.—(1) In these Regulations—

“aerosol dispenser” means an article which consists of a non-reusable receptacle containing a gas compressed, liquefied or dissolved under pressure, with or without liquid, paste or powder and fitted with a

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(a) S.I. 1976/897

(b) S.I. 1993/2661

(c) 1972 c. 68; the definition of the Treaties referred to in section 2(2) was extended by section 1 of the European Economic Area Act 1993 (c. 51)

(d) See Article 2(2) of S.I. 1978/1039 (N.I. 9)

(e) S.I. 1978/1039 (N.I. 9)

release device allowing the contents to be ejected as solid or liquid particles in suspension in a gas, as a foam, paste or powder or in a liquid state;

- “the Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1992(a) and adopted as respects the United Kingdom by the European Economic Area Act 1993(b);
- “approved classification and labelling guide” means the guide approved by the Department and published by the Health and Safety Commission entitled “Approved Guide to the Classification and Labelling of Substances and Preparations Dangerous for Supply (2nd Edition)”;
- “approved supply list” means the list described in regulation 4;
- “category of danger” means, in relation to a substance or preparation dangerous for supply, one of the categories of danger specified in Column 1 of Part I of Schedule 1;
- “classification” means, in relation to a substance or preparation dangerous for supply, classification in accordance with regulation 5;
- “commercial sample” means, in relation to a substance or preparation dangerous for supply a sample of that substance or preparation provided to the recipient with a view to subsequent purchase;
- “the Community” means the European Economic Community and other States in the European Economic Area;
- “concentration limits” means, in relation to a substance dangerous for supply, the concentration limits for the substance (if any) specified in column 4 of Part V of the approved supply list, or where that substance is not listed in that list or appears therein without concentration limits being specified means the concentration limits for that substance ascertained from Part II of Schedule 3;
- “the Department” means the Department of Economic Development;
- “EEC number” means, in relation to a substance dangerous for supply in the case of—
- (a) a substance that is included in the approved supply list, the number (if any) specified in column 3 of Part V of that list;
  - (b) a substance that is not included in the approved supply list or for which an EEC number is not given in Part V of that list, the number for that substance (if any) specified in the European Inventory of Existing Commercial Chemical Substances (EINECS)(c); or

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(a) The Agreement was amended by Decision 7/94 of the EEA Joint Committee of 21st March 1994 (O.J. No. L160, 28.6.94, p. 1). There are other amendments to the Agreement which are not relevant to these Regulations.

(b) 1993 c. 51

(c) O.J. No. C146A, 15.6.90, p. 1

- (c) a substance that is a new substance within the meaning of regulation 2(1) of the Notification of New Substances Regulations (Northern Ireland) 1994(a) the number for that substance (if any) listed in the European List of Notified Chemical Substances (EINECS)(b);
- “the European Economic Area” means the Area referred to in the Agreement;
- “flash point” means the flash point determined in accordance with Part III of Schedule 1;
- “freight container” means a container within the meaning of regulation 2 of the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992(c);
- “the Health and Safety Commission” means the Health and Safety Commission established under section 10 of the Health and Safety at Work etc. Act 1974(d);
- “index number” means, in relation to a substance dangerous for supply which appears in Part I of the approved supply list, the number for that substance specified in column 2 of that Part;
- “indication of danger” means, in relation to a substance or preparation dangerous for supply, one or more of the indications of danger referred to in Column 1 of Schedule 2 and in the case of—
- (a) a substance dangerous for supply listed in Part I of the approved supply list, one or more indications of danger for that substance specified by a symbol-letter in column 3 of Part V of that list; or
  - (b) a substance dangerous for supply not listed in Part I of the approved supply list or a preparation dangerous for supply, one or more indications of danger determined in accordance with the classification of that substance or preparation under regulation 5 and the approved classification and labelling guide;
- “member State” means a State which is a Contracting Party to the Agreement, but until the Agreement comes into force in relation to Liechtenstein does not include the State of Liechtenstein;
- “package” means, in relation to a substance or preparation dangerous for supply, the package in which the substance or preparation is supplied and which is liable to be individually handled during the course of the supply and includes the receptacle containing the substance or preparation and any other packaging associated with it and any pallet or other device which enables more than one receptacle containing a substance or preparation dangerous for supply to be handled as a unit, but does not include—
- (a) a freight container (other than a tank container), a skip, a vehicle or other article of transport equipment; or

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(a) S.R. 1994 No. 6

(b) Current edition (4th) O.J. No. C361, 17.12.94, p. 1

(c) S.R. 1992 No. 2

(d) 1974 c. 37

(b) in the case of supply by way of retail sale, any wrapping such as a paper or plastic bag into which the package is placed when it is presented to the purchaser;

- “packaging” means, in relation to a substance or preparation dangerous for supply, the receptacle, or any components, materials or wrappings associated with the receptacle for the purpose of enabling it to perform its containment function or both;
- “pesticide” shall be construed in accordance with paragraph 1 of Schedule 4;
- “poisons advisory centre” means a body approved for the time being for the purposes of regulation 15 by the Department of Health and Social Services for Northern Ireland in consultation with the Department, the Health and Safety Agency for Northern Ireland and such other persons or bodies as appear to it to be appropriate;
- “preparation” means a mixture or solution of two or more substances;
- “preparation dangerous for supply” means a preparation which is in one or more of the categories of danger specified in Column 1 of Part I of Schedule 1;
- “property” means, in relation to a substance or preparation dangerous for supply, a property described in Column 2 of Part I of Schedule 1 and further described in the approved classification and labelling guide;
- “receptacle” means, in relation to a substance or preparation dangerous for supply, a vessel, or the innermost layer of packaging, which is in contact with that substance or preparation and which is liable to be individually handled when that substance or preparation is used and includes any closure or fastener;
- “risk phrase” means, in relation to a substance or preparation dangerous for supply, a phrase listed in Part III of the approved supply list and in these Regulations a specific risk phrase may be designated by the letter “R” followed by a distinguishing number or combination of numbers notwithstanding that the risk phrase shall be quoted in full on any label or safety data sheet on which the risk phrase is required to be shown;
- “safety phrase” means, in relation to a substance or preparation dangerous for supply, a phrase listed in Part IV of the approved supply list and in these Regulations a specific safety phrase may be designated by the letter “S” followed by a distinguishing number or combination of numbers notwithstanding that the safety phrase shall be quoted in full on any label or safety data sheet in which the safety phrase is required to be shown;
- “substance” means a chemical element and its compounds in the natural state or obtained by any production process, including any additive necessary to preserve the stability of the product and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition;
- “substance dangerous for supply” means—

- (a) a substance listed in Part I of the approved supply list; or
- (b) any other substance which is in one or more of the categories of danger specified in Column 1 of Part I of Schedule 1;

“supplier” means a person who supplies a substance or preparation dangerous for supply, and in the case of a substance which is imported (whether or not from a member State) includes the importer established in Northern Ireland of that substance or preparation;

“supply” in relation to a substance or preparation—

- (a) means, subject to sub-paragraphs (b) and (c), supply of that substance or preparation in the course of or for use at work, by way of—

- (i) sale or offer for sale,
- (ii) commercial sample, or
- (iii) transfer from a factory, warehouse or other place of work and its curtilage to another place of work, whether or not in the same ownership,

whether as principal or agent for another;

- (b) for the purposes of regulation 17(2)(a) and (b), except in relation to regulations 7 and 13, in any case for which by virtue of those sub-paragraphs the enforcing authority for these Regulations is the Department of Health and Social Services or the district council, has the meaning assigned to it by Article 3 of the Consumer Protection (Northern Ireland) Order 1987(a) and also includes offer to supply and expose for supply; or

- (c) in relation to regulations 7 and 13 shall have the meaning assigned to it by regulations 7(2) and 13(12) respectively;

“symbol” means the symbol shown in Column 3 of Schedule 2 for the indication of danger shown in Column 1 of that Schedule; and

“symbol-letter” means the letter shown in the corresponding entry in Column 2 of Schedule 2;

(2) In these Regulations any reference to a quantity of a substance or preparation dangerous for supply expressed in litres, shall be construed as a reference—

- (a) in the case of a liquid, to the volume in litres of that liquid;
- (b) in the case of a gas, to the volume in litres of the receptacle containing that gas; and

(c) in the case of a solid, to the same number of kilograms of that solid, and for the purposes of aggregation, one kilogram of a solid shall be deemed to be equivalent to one litre of a liquid or gas.

(3) Subject to regulations 12, 18 and 19, these Regulations are without prejudice to any other requirement imposed by or under any statutory provision which relates to a substance or preparation dangerous for supply.

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(a) S.I. 1987/2049 (N.I. 20)

(4) The Interpretation Act (Northern Ireland) 1954(a) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

### *Application*

3.—(1) These Regulations shall apply to any substance or preparation which is dangerous for supply except—

- (a) a substance or preparation which is dangerous for supply by reason only that it is a radioactive substance within the meaning of regulation 2(1) of the Ionising Radiations Regulations (Northern Ireland) 1985(b) but is not otherwise dangerous for supply;
- (b) a substance or preparation which is—
  - (i) intended for use as a feeding stuff within the meaning of section 66(1) of the Agriculture Act 1970(c) as modified by regulation 19(1) of the Feeding Stuffs Regulations (Northern Ireland) 1992(d), and
  - (ii) in a finished state intended for the final user;
- (c) a preparation which is intended for use as a cosmetic product within the meaning of regulation 2(1) of the Cosmetic Products (Safety) Regulations 1989(e) (including any aerosol dispenser containing a cosmetic product);
- (d) a substance or preparation which is—
  - (i) intended for use as a medicinal product within the meaning of section 130 of the Medicines Act 1968(f), or
  - (ii) a substance or preparation specified in an order made under section 104 or 105 of the Medicines Act 1968 which is for the time being in force and which directs that specified provisions of that Act shall have effect in relation to that substance or preparation as such provisions have effect in relation to medicinal products within the meaning of that Act;
- (e) a substance or preparation which is a controlled drug within the meaning of section 2(1) of the Misuse of Drugs Act 1971(g) except that these Regulations shall apply to drugs which are excepted from section 4(1)(b) of that Act (which makes it unlawful to supply or offer to supply a controlled drug to another) by Regulations made under section 7(1)(a) of that Act;
- (f) a substance or preparation which is dangerous for supply by reason only that it contains disease producing micro-organisms but is not otherwise dangerous for supply;

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(a) 1954 c. 33 (N.I.)

(b) S.R. 1985 No. 273, to which there are amendments not relevant to these Regulations

(c) 1970 c. 40

(d) S.R. 1992 No. 270

(e) S.I. 1989/2233

(f) 1968 c. 67

(g) 1971 c. 38

- (g) a substance or preparation which is a sample taken by an authority responsible for the enforcement of any requirement imposed by or under any statutory provision;
  - (h) munitions, and preparations which are supplied with a view to producing a practical effect by explosion or a pyrotechnic effect;
  - (i) a substance to which the Explosives Acts (Northern Ireland) 1875 to 1970(a) or the Explosives (Northern Ireland) Order 1972(b) applies;
  - (j) a substance or preparation which is—
    - (i) intended for use as food within the meaning of Article 2(2) of the Food Safety (Northern Ireland) Order 1991(c), and
    - (ii) in a finished state intended for the final user;
  - (k) a substance or preparation which is under customs control;
  - (l) subject to Council Regulation EC 2455/92(d) on the export and import of certain dangerous chemicals, a substance or preparation which is intended for export to a country which is not a member State;
  - (m) a pesticide which has been approved under the Food and Environment Protection Act 1985(e);
  - (n) a substance or preparation which is transferred from a factory, warehouse or other place of work and its curtilage to another place of work in the same ownership and in the immediate vicinity;
  - (o) a substance to which regulation 6(7) of the Notification of New Substances Regulations (Northern Ireland) 1994 (which relates to certain new substances not yet fully tested) applies and which is labelled in accordance with the provisions of that regulation; or
  - (p) a substance or preparation to which Annex 1 of Council Directive 91/156/EEC(f) on waste and Article 1 of Council Directive 91/689/EEC(g) on hazardous waste apply:
- (2) Regulations 8 to 11 and regulation 13 shall only apply to a substance or preparation dangerous for supply which is supplied in a package.
- (3) Regulations 8 to 11 and regulation 13 shall not apply to—
- (a) a substance which is supplied with a view to producing a practical effect by explosion or a pyrotechnic effect; or
  - (b) propane, butane, or liquefied petroleum gas.
- (4) Notwithstanding paragraph (1), regulations 9(3), 10(1) and 13(3) shall apply to the preparations referred to in those paragraphs (unless expressly otherwise provided for) whether or not those preparations would otherwise be dangerous for supply within the meaning of regulation 2(1).

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(a) 1875 c. 17; 1924 c. 5 (N.I.); 1970 c. 10 (N.I.)

(b) S.I. 1972/730 (N.I. 3)

(c) S.I. 1991/762 (N.I. 7)

(d) O.J. No. L251, 29.8.92, p. 13

(e) 1985 c. 48

(f) O.J. No. L78, 26.3.91, p. 32

(g) O.J. No. L377, 31.12.91, p. 20



(5) Where a substance or preparation dangerous for supply has been imported for delivery to its importer at his place of work, the provisions of these Regulations which relate to the labelling of that substance or preparation shall not apply until ten days after it has been delivered to the importer, if during that period it is not—

- (a) supplied to any other person; or
- (b) subjected to any form of manipulation, treatment or processing which results in the substance or preparation being exposed, or for any purpose (other than labelling in accordance with these Regulations) which results in any receptacle containing the substance or preparation being removed from its outer packaging.

*Meaning of the approved supply list*

4. The “approved supply list” means the list approved by the Department for the purpose of these Regulations and published by the Health and Safety Commission entitled “Information Approved for the Classification and Labelling of Substances and Preparations Dangerous for Supply (2nd Edition)” which comprises—

- (a) in Part I—
  - (i) in column 1, a list of the names of the substances for which the Department has approved information, and
  - (ii) in the corresponding entries in columns 2 and 3 the index number and (if any) the CAS Number (for reference only) for the substance;
- (b) in Part II—
  - (i) in column 1, a list of the index numbers of the substances for which the Department has approved information, and
  - (ii) in the corresponding entries in column 2 the names of those substances;
- (c) in Part III, a numbered list of the risk phrases and combinations of risk phrases which the Department has approved;
- (d) in Part IV, a numbered list of the safety phrases and combinations of safety phrases which the Department has approved;
- (e) in Part V, the information which the Department has approved for each substance referred to in Part I, namely—
  - (i) in column 1, the index number and abbreviated name (for reference only), and
  - (ii) in the corresponding entries in columns 2 to 4 the classification, the labelling data (including the EEC number) and any concentration limits which the Department has approved for the substance for the classification of preparations containing that substance; and
- (f) in Part VI, a list of the conventional oral toxicity ( $LD_{50}$ ) values which the Department has approved in relation to pesticides for the purpose of classifying those pesticides in accordance with Schedule 4,

together with such notes and explanatory material as are requisite for the use of the list.

*Classification of substances and preparations dangerous for supply*

5.—(1) A supplier shall not supply a substance or preparation dangerous for supply, unless it has been classified in accordance with paragraphs (2) to (6).

(2) In the case of a substance which is listed in the approved supply list, the classification shall be that specified in the entry for that substance in column 2 of Part V of that list.

(3) In the case of a substance which is a new substance within the meaning of regulation 2(1) of the Notification of New Substances Regulations (Northern Ireland) 1994 and which has been notified in accordance with regulation 4 or 6(1) or (2) of those Regulations, the substance shall be classified in conformity with that notification.

(4) In the case of any other substance dangerous for supply, after an investigation to become aware of relevant and accessible data which may exist, the substance shall be classified by placing it into one or more of the categories of danger specified in Column 1 of Part I of Schedule 1 corresponding to the properties of the substance specified in the entry opposite thereto in Column 2 and by assigning appropriate risk phrases by the use of the criteria set out in the approved classification and labelling guide.

(5) Subject to paragraph (6), a preparation to which these Regulations apply shall be classified as dangerous for supply in accordance with Schedule 3 by the use of the criteria set out in the approved classification and labelling guide.

(6) A preparation which is intended for use as a pesticide (other than a pesticide which has been approved under the Food and Environment Protection Act 1985) shall be classified as dangerous for supply in accordance with Schedule 4.

*Safety data sheets for substances and preparations dangerous for supply*

6.—(1) Subject to paragraphs (2) and (5), the supplier of a substance or preparation dangerous for supply shall provide the recipient of that substance or preparation with a safety data sheet containing information under the headings specified in Schedule 5 to enable the recipient of that substance or preparation to take the necessary measures relating to the protection of health and safety at work and relating to the protection of the environment and the safety data sheet shall clearly show its date of first publication or latest revision, as the case may be.

(2) In this regulation “supply” shall not include supply by way of—

(a) offer for sale;

(b) transfer from a factory, warehouse or another place of work and its curtilage to another place of work in the same ownership; or

(c) returning a substance or preparation to the person who supplied it, providing that the properties of that substance or preparation remain unchanged.

(3) The supplier shall keep the safety data sheet up to date and revise it forthwith if any significant new information becomes available regarding safety or risks to human health or the protection of the environment in relation to the substance or preparation concerned and the revised safety data sheet shall be clearly marked with the word "revision".

(4) Except in circumstances to which paragraph (5) relates, the safety data sheet shall be provided free of charge no later than the date on which the substance or preparation is first supplied to the recipient and where the safety data sheet has been revised in accordance with paragraph (3), a copy of the safety data sheet so revised shall be provided free of charge to any recipient who has received the substance or preparation within the preceding 12 months and the changes in it shall be brought to his notice.

(5) A safety data sheet need not be provided with a substance or preparation dangerous for supply sold to the general public in circumstances to which regulation 17(2)(a) or (b) applies (relating to supply from a shop etc.) if sufficient information is furnished to enable any user to take the necessary measures as regards the protection of health and safety, except that a safety data sheet shall be provided free of charge at the request of any person who intends the substance or preparation to be used at work, but in those circumstances paragraph (4) (insofar as it relates to the subsequent provision of revised data sheets) shall not apply to such requests.

(6) The particulars required to be given in a safety data sheet supplied under this regulation shall be in English, except that where a substance or preparation is intended to be supplied to a recipient in another member State the safety data sheet may be in an official language of that State.

#### *Advertisements for substances dangerous for supply*

7.—(1) A person who supplies or offers to supply a substance dangerous for supply shall ensure that the substance is not advertised unless mention is made in the advertisement of the hazard or hazards presented by the substance.

(2) In this regulation the word "supply" has the same meaning as in Article 3 of the Consumer Protection (Northern Ireland) Order 1987(a).

#### *Packaging of substances and preparations dangerous for supply*

8. The supplier of a substance or preparation which is dangerous for supply shall not supply any such substance or preparation unless it is in a package which is suitable for that purpose, and in particular, unless—

- (a) the receptacle containing the substance or preparation and any associated packaging are designed, constructed, maintained and closed so as to prevent any of the contents of the receptacle from escaping when subjected to the stresses and strains of normal handling, except that this sub-paragraph shall not prevent the fitting of a suitable safety device;

- (b) the receptacle and any associated packaging, insofar as they are likely to come into contact with the substance or preparation, are made of materials which are neither liable to be adversely affected by that substance or preparation nor liable in conjunction with that substance or preparation to form any other substance or preparation which is itself a risk to the health or safety of any person; and
- (c) where the receptacle is fitted with a replaceable closure, that closure is designed so that the receptacle can be repeatedly re-closed without its contents escaping.

*Labelling of substances and preparations dangerous for supply*

9.—(1) Subject to regulations 9 and 10 of the Carriage of Dangerous Goods by Road and Rail (Classification, Packaging and Labelling) Regulations (Northern Ireland) 1995(a) and paragraphs (4) to (8), a supplier shall not supply a substance or preparation dangerous for supply unless the particulars specified in paragraph (2) relating to a substance or in paragraph (3) relating to a preparation, as the case may be, are clearly shown in accordance with the requirements of regulation 11—

- (a) on the receptacle containing the substance or preparation; and
  - (b) if that receptacle is inside one or more layers of packaging, on any such layer which is likely to be the outermost layer of packaging during the supply or the use of the substance or preparation, unless such packaging permits the particulars shown on the receptacle or other packaging to be clearly seen.
- (2) The particulars required under paragraph (1) in relation to a substance dangerous for supply shall be—
- (a) the name, full address and telephone number of a person in a member State who is responsible for supplying the substance, whether as manufacturer, importer or distributor of that substance;
  - (b) the name of the substance, being the name or one of the names for the substance listed in Part I of the approved supply list, or if it is not so listed, an internationally recognised name; and
  - (c) the following particulars ascertained in accordance with Part I of Schedule 6—
    - (i) one or more of the indications of danger and the corresponding symbols (if any),
    - (ii) the risk phrases (set out in full),
    - (iii) the safety phrases (set out in full), and
    - (iv) the EEC number (if any), and, in the case of a substance dangerous for supply which is listed in Part I of the approved supply list, the words “EEC label”.

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(a) S.R. 1995 No. 47

(3) The particulars required under paragraph (1) in relation to a preparation which is, or (where sub-paragraph (d) applies) may be, dangerous for supply shall be—

- (a) the name, full address and telephone number of a person in a member State who is responsible for supplying the preparation, whether as manufacturer, importer or distributor of that preparation;
- (b) the trade name or other designation of the preparation; and
- (c) the following particulars ascertained in accordance with Part I of Schedule 6—
  - (i) identification of the constituents of the preparation which result in the preparation being classified as dangerous for supply,
  - (ii) one or more of the indications of danger and the corresponding symbol or symbols (if any),
  - (iii) the risk phrases (set out in full),
  - (iv) the safety phrases (set out in full),
  - (v) in the case of a pesticide, the information specified in paragraph 5 of Part I of Schedule 6, and
  - (vi) in the case of a preparation intended for sale to the general public, the nominal quantity, that is to say, nominal mass or nominal volume; and
- (d) where required by paragraph 5(5), of Part I of Schedule 3, the words specified in that paragraph.

(4) Where the Department receives a notification of a derogation under paragraph 3(2) of Part I of Schedule 6, it shall forthwith inform the European Commission thereof.

(5) Indications such as “non-toxic” or “non-harmful” or any other statement indicating that the substance or preparation is not dangerous for supply shall not appear on the package.

(6) Except for the outermost packaging of a package in which a substance or preparation is transferred, labelling in accordance with this regulation shall not be required where a substance or preparation dangerous for supply is supplied by way of transfer from a factory, warehouse or other place of work and its curtilage to another place of work, if, at that other place of work it is not subject to any form of manipulation, treatment or processing which results in the substance or preparation dangerous for supply being exposed or, for any purpose other than labelling in accordance with these Regulations, results in any receptacle containing the substance or preparation being removed from its outer packaging.

(7) Except in the case of a substance or preparation dangerous for supply for which the indication of danger is required to be “explosive”, “very toxic” or “toxic”, or which is classified as “sensitising”, labelling under this regulation shall not be required for such small quantities of that substance or preparation if there is no reason to fear danger to persons handling that substance or preparation or to other persons.

(8) Where, in the case of a substance or preparation dangerous for supply, other than a pesticide, the package in which the substance or preparation is supplied does not contain more than 125 millilitres of the substance or preparation, the risk phrases required by paragraph (2)(c)(ii) or (3)(c)(iii), and the safety phrases required by paragraph (2)(c)(iii) or (3)(c)(iv), as the case may be, need not be shown unless the substance or preparation is classified only in one or more of the categories of danger, "highly flammable", "flammable", "oxidising" or "irritant" or in the case of a substance not intended to be supplied to the public, "harmful".

(9) Where, because of the size of the label, it is not reasonably practicable to provide the safety phrases required under paragraph 2(c)(iii) or (3)(c)(iv), as the case may be, on the label, that information may be given on a separate label or on a sheet accompanying the package.

#### *Particular labelling requirements for certain preparations*

**10.**—(1) In the case of a preparation to which Part II of Schedule 6 applies the appropriate provisions of that Part shall have effect so as to regulate the labelling of such preparations even if the preparations referred to in Part IIB would not otherwise be dangerous for supply.

(2) In the case of a preparation packaged in an aerosol dispenser, the flammability criteria set out in Part II of Schedule 1 shall have effect for the classification and labelling of such a preparation for supply in place of the categories of danger "highly flammable", "extremely flammable" or "flammable" set out in Part I of that Schedule, and where a dispenser contains a substance so classified, that dispenser shall be labelled in accordance with the provisions of paragraph 2 of the said Part II.

#### *Methods of marking or labelling packages*

**11.**—(1) Any package which is required to be labelled in accordance with regulations 9 and 10 may carry the particulars required to be on the label clearly and indelibly marked on a part of that package reserved for that purpose and any reference in these Regulations to a label includes a reference to that part of the package so reserved.

(2) Subject to paragraph (7), any label required to be carried on a package shall be securely fixed to the package with its entire surface in contact with it and the label shall be clearly and indelibly printed.

(3) The colour and nature of the marking shall be such that the symbol (if any) and wording stand out from the background so as to be readily noticeable and the wording shall be of such size and spacing as to be easily read.

(4) The package shall be so labelled that the particulars can be read horizontally when the package is set down normally.

(5) Subject to paragraph (7), the dimensions of the label required under regulation 9 shall be as follows—

*Capacity of package*  
(a) not exceeding 3 litres

*Dimensions of label*  
if possible at least 52 × 74  
millimetres

- (b) exceeding 3 litres but not exceeding 50 litres at least  $74 \times 105$  millimetres
- (c) exceeding 50 litres but not exceeding 500 litres at least  $105 \times 148$  millimetres
- (d) exceeding 500 litres at least  $148 \times 210$  millimetres

(6) Any symbol required to be shown in accordance with regulation 9(2)(c)(i) or 9(3)(c)(ii) and specified in Column 3 of Schedule 2 shall be printed in black on an orange-yellow background and its size (including the orange-yellow background) shall be at least equal to an area of one-tenth of that of a label which complies with paragraph (5) and shall not in any case be less than 100 square millimetres.

(7) If the package is an awkward shape or so small that it is unsuitable to attach a label complying with paragraphs (2) and (5), the label shall be attached in some other appropriate manner.

(8) The particulars required to be shown on the label shall be in English, except that where a substance or preparation is intended to be supplied to a recipient in another member State the label may be in an official language of that State.

#### *Labelling deemed to satisfy the requirements of certain enactments*

12. Where a substance or preparation dangerous for supply is required to be labelled in accordance with these Regulations and is so labelled, that labelling shall be deemed to satisfy the requirements of—

- (a) section 5 of the Petroleum (Consolidation) Act (Northern Ireland), 1929(a) including that section as applied to any dangerous substance by an Order in Council made under section 19 of that Act; and
- (b) regulation 6 of the Highly Flammable Liquids and Liquefied Petroleum Gases Regulations (Northern Ireland) 1975(b).

#### *Child resistant fastenings and tactile warning devices*

13.—(1) The British and International Standards referred to in this regulation are described in Schedule 7.

(2) This regulation shall not apply in relation to a pesticide.

(3) Subject to paragraph (5), a person shall not supply a substance or preparation referred to in paragraph (4) in a receptacle of any size fitted with a replaceable closure unless the packaging complies with the requirements of BS EN 28317 or ISO 8317.

(4) Paragraph (3) shall apply to—

- (a) substances and preparations dangerous for supply which are required to be labelled with the indication of danger “very toxic”, “toxic” or “corrosive”;

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(a) 1929 c. 13 (N.I.), to which there are amendments not relevant to these Regulations

(b) S.R. 1975 No. 256, to which there are amendments not relevant to these Regulations

- (b) preparations containing methanol in a concentration equal to or more than 3% by weight;
- (c) preparations containing dichloromethane in a concentration equal to or more than 1% by weight;
- (d) liquid preparations having a kinematic viscosity measured by rotative viscosity in accordance with BS 2782 method 730 B or ISO 3219 of less than  $7 \times 10^6 \text{ m}^2\text{s}^{-1}$  at 40°C and containing aliphatic or aromatic hydrocarbons or both in a total concentration equal to or more than 10% by weight, except where such a preparation is supplied in an aerosol dispenser.

(5) Paragraph (3) shall not apply if the person supplying a substance or preparation referred to in paragraph (4) can show that it is obvious that the packaging in which it is supplied is sufficiently safe for children because they cannot obtain access to the contents without the help of a tool.

(6) If the packaging in which the substance or preparation referred to in paragraph (4) is supplied was approved on or before 31st May 1993 by the British Standards Institution as complying with the requirements of the British Standards Specification BS 6652: 1989 it shall be treated in all respects as complying with the requirements of BS EN 28317.

(7) A person shall not supply a preparation dangerous for supply if the packaging in which the preparation is supplied has—

- (a) a shape or designation or both likely to attract or arouse the active curiosity of children or to mislead consumers; or
- (b) a presentation or a designation or both used for human or animal foodstuffs, medicinal or cosmetic products.

(8) A person shall not supply a substance or preparation referred to in paragraph (9) in a receptacle of any size, unless the packaging carried a tactile warning of danger in accordance with BS 7280 or EN Standard 272.

(9) Paragraph (8) shall apply to substances and preparations dangerous for supply which are required to be labelled with the indication of danger “very toxic”, “toxic”, “corrosive”, “harmful”, “extremely flammable” or “highly flammable”.

(10) A duly authorised officer of the enforcing authority, for the purpose of ascertaining whether there has been a contravention of paragraph (3) may require the person supplying a substance or preparation to which that paragraph applies to provide him with a certificate from a qualified test house stating that—

- (a) the closure is such that it is not necessary to test to BS EN 28317 or ISO 8317; or
- (b) the closure has been tested and found to conform to that standard.

(11) For the purpose of paragraph (10) a “qualified test house” means a laboratory that conforms to BS 7501 or EN 45.000.

(12) In this regulation, “supply” means offer for sale, sell or otherwise make available to the general public.



*Retention of classification data for substances and preparations dangerous for supply*

**14.** A person who classifies a substance in accordance with regulation 5(4) or a preparation dangerous for supply shall keep a record of the information used for the purposes of classifying that substance or preparation for at least 3 years after the date on which the substance or preparation was supplied by him for the last time and shall make the record or a copy of it available to the appropriate enforcing authority referred to in regulation 17(2) at its request.

*Notification of information to the poisons advisory centre in relation to certain preparations dangerous for supply*

**15.—(1)** This regulation shall apply to any preparation which is classified on the basis of one or more of its health effects referred to in Column 1 of Schedule 1.

(2) Subject to regulation 20, the supplier of a preparation to which this regulation applies shall, if it was first supplied before these Regulations came into operation (or, if it was supplied after that date, before first supplying it), notify the poisons advisory centre of the information required to be in the safety data sheet prepared for the purposes of regulation 6 relating to the preparation.

(3) The supplier shall ensure that the information supplied to the poisons advisory centre in pursuance of paragraph (2) is kept up to date.

(4) The poisons advisory centre shall only disclose any information sent to it in pursuance of paragraph (2) or (3) on a request by, or by a person working under the direction of, a registered medical practitioner in connection with the medical treatment of a person who may have been affected by the preparation.

(5) In this regulation, “registered medical practitioner” means a fully registered person within the meaning of the Medical Act 1983(a).

*Exemption certificates*

**16.—(1)** Subject to paragraph (2) and to any of the provisions imposed by the Community in respect of the free movement of dangerous substances and preparations, the Department may, by a certificate in writing, exempt any person or class of persons, substance or preparation to which these Regulations apply, or class of such substances or preparations, from all or any of the requirements or prohibitions imposed by or under these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by a certificate in writing.

(2) The Department shall not grant any such exemption unless, having regard to the circumstances of the case, and in particular to—

- (a) the conditions, if any, which it proposes to attach to the exemption;  
and

- (b) any requirements imposed by or under any enactments which apply to the case,

it is satisfied that the health or safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

*Enforcement, civil liability and defence*

17.—(1) Insofar as any provision of regulations 5 to 11 and 13 to 15 is made under section 2(2) of the European Communities Act 1972(a)—

- (a) subject to paragraph (2), the provisions of the Health and Safety at Work (Northern Ireland) Order 1978(b) which relate to the approval of codes of practice and their use in criminal proceedings, to enforcement and to offences shall apply to that provision as if that provision had been made under Article 17 of that Order; and
- (b) a breach of a duty imposed by that provision shall confer a right of action in civil proceedings, insofar as that breach of duty causes damage.

(2) Notwithstanding regulation 4 of the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1993(c), the enforcing authority for these Regulations shall be the Department, except that—

- (a) where a substance or preparation dangerous for supply is supplied in or from premises which are registered under section 75 of the Medicines Act 1968(d), the enforcing authority shall be the Department of Health and Social Services for Northern Ireland;
- (b) where a substance or preparation dangerous for supply is supplied otherwise than as in sub-paragraph (a)—
- (i) in or from any shop, mobile vehicle, market stall or other retail outlet, or
- (ii) otherwise to members of the public, including by way of free sample, prize or mail order,
- the enforcing authority shall be the district council for the area in which are situated the premises in or from which such substance or preparation dangerous for supply is supplied; and
- (c) for regulations 7 and 13, the enforcing authority shall be the district council for the area in which are situated the premises in or from which such substance or preparation dangerous for supply is supplied.

(3) In every case where by virtue of paragraph (2)(a) these Regulations are enforced by the Department of Health and Social Services for Northern Ireland, or where by virtue of paragraph (2)(b) or (c) they are enforced by a district council, they shall be enforced as if they were safety regulations made under section 11 of the Consumer Protection Act 1987(e) and the provisions

(a) 1972 c. 68; the definition of the Treaties referred to in section 2(2) was extended by section 1 of the European Economic Area Act 1993 (c. 51)

(b) S.I. 1978/1039 (N.I. 9)

(c) S.R. 1993 No. 147, amended by S.R. 1995 No. 47 regulation 17(9) and Schedule 8

(d) 1968 c. 67

(e) 1987 c. 43

of section 12 of that Act shall apply to these Regulations as if they were safety regulations and as if the maximum period of imprisonment on summary conviction specified in subsection (5) thereof were 3 months instead of 6 months.

(4) In any proceedings for an offence under these Regulations, it shall be a defence for any person to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of that offence.

*Amendments to various enactments*

**18.**—(1) In the Control of Industrial Major Accident Hazards Regulations (Northern Ireland) 1985(a) in the first Note following the table in Part II of Schedule 2 for the words “the Carriage of Dangerous Goods by Road and Rail (Classification, Packaging and Labelling) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 47)”(b) there shall be substituted the words “the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 60)”.

(2) In the Control of Asbestos at Work Regulations (Northern Ireland) 1988(c), in paragraph 1(1)(a) of Schedule 2 for the words “the Carriage of Dangerous Goods by Road and Rail (Classification, Packaging and Labelling) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 47)” there shall be substituted the words “the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 60)”.

(3) In the Dangerous Substances in Harbour Areas Regulations (Northern Ireland) 1991(d), in Note 1 to Schedule 1 for the words “the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993” there shall be substituted the words “the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 60)”.

(4) In the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1993 in regulation 2(1)—

(a) in the definition of “preparation dangerous for supply” for the words “the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 412)”(e) there shall be substituted the words “the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 60)”;

(b) in the definition of “substances dangerous for supply” for the words “the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993” there shall be substituted the words “the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995”.

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(a) S.R. 1985 No. 175, relevant amending Regulations are S.R. 1988 No. 388, S.R. 1991 No. 141 and S.R. 1993 No. 412

(b) S.R. 1995 No. 47

(c) S.R. 1988 No. 74, relevant amending Regulations are S.R. 1993 No. 412 and S.R. 1995 No. 47

(d) S.R. 1991 No. 509, amended by S.R. 1993 No. 412 and S.R. 1995 No. 47 regulation 17(3) and Schedule 4

(e) S.R. 1993 No. 412, the definitions referred to were inserted by S.R. 1995 No. 47 regulation 17(11) and Schedule 9

- (5) The Notification of New Substances Regulations (Northern Ireland) 1994(a) shall be amended as follows—
- (a) in regulation 2(1) in the definition of “the approved supply list” for the words “in regulation 4(1) of the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993” there shall be substituted the words “in regulation 4 of the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 60)”; and
  - (b) in regulations 4(d), 6(7) and 18(3)(h) in each place where the words occur, for the words “Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993” there shall be substituted the words “Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995”; and
  - (c) regulation 25(2) shall be revoked.
- (6) In the Carriage of Dangerous Goods by Road and Rail (Classification, Packaging and Labelling) Regulations (Northern Ireland) 1995(b)—
- (a) in regulation 2(1) for the definition of “the supply Regulations” there shall be substituted the following definition—
    - “the supply Regulations” means the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 60), except that for the purposes of regulation 16 (Transitional defences) it means Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 412 as amended by S.R. 1994 No. 6) excluding those amendments made by paragraphs 2 to 19, 21 to 28 and 30 to 32 of Schedule 9; ;
  - (b) in regulation 11(5) for the words “regulation 14” there shall be substituted the words “regulation 11”; and
  - (c) in paragraphs (1), (2)(a) and (3)(a) of regulation 16, the words “as in operation immediately before the commencement of these Regulations” shall be deleted in each place where those words occur.
- (7) In the Dangerous Substances and Preparations (Safety) (Consolidation) Regulations 1994(c), in regulation 3(2) for the words “the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993” there shall be substituted the words “the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995”.
- (8) In the Control of Substances Hazardous to Health Regulations (Northern Ireland) 1995(d), in regulation 2(1)—
- (a) in the definition of “approved supply list” for the words “regulation 4(1) of the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993” there shall be substituted the

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(a) S.R. 1994 No. 6  
(b) S.R. 1995 No. 47  
(c) S.I. 1994/2844  
(d) S.R. 1995 No. 51

words “regulation 4 of the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 60)”.

- (b) in the definition of “carcinogen” in sub-paragraph (a) for the words “the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993” there shall be substituted the words “the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995”; and
- (c) in the definition of “substance hazardous to health” in sub-paragraph (a) for the words “the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993” there shall be substituted the words “the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 60)”.

(9) The enactments relating to the flash point of flammable liquids specified in Column 1 of Schedule 8 shall be amended to the extent set out in Column 2.

#### *Revocations*

**19.**—(1) The following Regulations are revoked in respect of Northern Ireland—

- (a) The Child Resistant Packaging (Safety) Regulations 1986(a);
- (b) The Child Resistant Packaging (Safety) (Amendment) Regulations 1990(b); and
- (c) The Child Resistant Packaging (Safety) (Amendment) Regulations 1993(c).

(2) The Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993(d) are revoked.

#### *Transitional provisions*

**20.**—(1) Until 30th September 1995 it shall be a sufficient compliance with the requirements of these Regulations (except regulation 13(3)) if a substance or preparation is classified, packaged and labelled and a safety data sheet provided for it in accordance with the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 as in operation immediately before the coming into operation of these Regulations.

(2) Until 30th September 1995 it shall be a sufficient compliance with regulation 13(3) if the packaging complies with the requirements of the Child Resistant Packaging (Safety) Regulations 1986 as in operation immediately before the coming into operation of these Regulations.

(3) Until 1st June 1995 in any case in which—

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(a) S.I. 1986/758  
(b) S.I. 1990/1736  
(c) S.I. 1993/1546  
(d) S.R. 1993 No. 412, amended by S.R. 1994 No. 6

- (a) the package or receptacle in which one or more substances or preparations dangerous for supply is supplied contains a total quantity of 25 litres or less;
- (b) the substances or preparations were packaged and labelled before 1st December 1994 and were not removed from their package or receptacle since that date; and
- (c) it was not reasonably practicable either—
  - (i) to repackage and relabel the substances or preparations before they were supplied, or
  - (ii) to supply them on a date earlier than the date on which they were in fact supplied,

it shall be a sufficient compliance with the requirements of these Regulations (not being the requirement to provide the safety data sheets described in regulation 6(1)) if the substance or preparation is classified, packaged and labelled in accordance with the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985(a) as in operation immediately before 1st December 1993 (on which date the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 came into operation).

(4) Regulation 15 shall not apply until the date on which the Department of Health and Social Services for Northern Ireland has approved the poisons advisory centre and it shall be a sufficient compliance with that regulation if the information required to be provided in relation to any preparation is received by the poisons advisory centre—

- (a) in the case of a preparation which is required to have the indication of danger “very toxic”, “toxic” or “corrosive”, before six months after that date;
- (b) in the case of a preparation which is required to have the indication of danger “harmful” or “irritant”, before 1 year after that date; or
- (c) in either case, before such later date as the Department may approve.

Sealed with the Official Seal of the Department of Economic Development on 2nd March 1995.

(L.S.)

*Philip B. Strong*

Assistant Secretary

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(a) S.R. 1985 No. 81, amended by S.R. 1988 No. 288, S.R. 1989 No. 182, S.R. 1990 No. 120 and S.R. 1990 No. 303.

## Classification of substances and preparations dangerous for supply

## PART I

## CATEGORIES OF DANGER

Column 1 <i>Category of danger</i>	Column 2 <i>Property (See Note 1)</i>	Column 3 <i>Symbol-letter</i>
<i>Physico-chemical properties</i>		
Explosive	Solid, liquid, pasty or gelatinous substances and preparations which may also react exothermically without atmospheric oxygen thereby quickly evolving gases, and which under defined test conditions detonate, quickly deflagrate or upon heating explode when partially confined.	E
Oxidizing	Substances and preparations which give rise to a highly exothermic reaction in contact with other substances particularly flammable substances.	O
Extremely flammable	Liquid substances and preparations having an extremely low flash point and a low boiling point and gaseous substances and preparations which are flammable in contact with air at ambient temperature and pressure. (See Note 2)	F+
Highly flammable	The following substances and preparations— <ul style="list-style-type: none"> <li data-bbox="432 1184 804 1345">(a) substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy,</li> <li data-bbox="432 1354 804 1533">(b) solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition,</li> <li data-bbox="432 1542 804 1628">(c) liquid substances and preparations having a very low flash point, or</li> </ul>	F

Column 1 <i>Category of danger</i>	Column 2 <i>Property (See Note 1)</i>	Column 3 <i>Symbol-letter</i>
	(d) substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities. (See Note 2)	
Flammable	Liquid substances and preparations having a low flash point. (See Note 2)	None
<i>Health effects</i>		
Very toxic	Substances and preparations which in very low quantities cause death or acute or chronic damage to health when inhaled, swallowed or absorbed via the skin.	T+
Toxic	Substances and preparations which in low quantities cause death or acute or chronic damage to health when inhaled, swallowed or absorbed via the skin.	T
Harmful	Substances and preparations which may cause death or acute or chronic damage to health when inhaled, swallowed or absorbed via the skin.	Xn
Corrosive	Substances and preparations which, may on contact with living tissues, destroy them.	C
Irritant	Non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membrane, may cause inflammation.	Xi
Sensitizing	Substances and preparations which, if they are inhaled or if they penetrate the skin, are capable of eliciting a reaction by hypersensitization such that on further exposure to the substance or preparation, characteristic adverse effects are produced.	
Sensitizing by inhalation		Xn
Sensitizing by skin contact		Xi
Carcinogenic (See Note 3)	Substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence.	
Category 1		T



Column 1 <i>Category of danger</i>	Column 2 <i>Property (See Note 1)</i>	Column 3 <i>Symbol-letter</i>
Category 2		T
Category 3		Xn
Mutagenic (See Note 3)	Substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce heritable genetic defects or increase their incidence.	
Category 1		T
Category 2		T
Category 3		Xn
Toxic for reproduction (See Note 3)	Substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may produce, or increase the incidence of non-heritable adverse effects in the progeny and/or an impairment of male or female reproductive functions or capacity.	
Category 1		T
Category 2		T
Category 3		Xn
Dangerous for the environment (See Note 4)	Substances which, were they to enter into the environment, would present or might present an immediate or delayed danger for one or more components of the environment.	N

*Notes*

1. As further described in the approved classification and labelling guide.
2. Preparations packed in aerosol dispensers shall be classified as flammable in accordance with the additional criteria set out in Part II.
3. The categories are specified in the approved classification and labelling guide.
4. (a) In certain cases specified in the approved supply list and in the approved classification and labelling guide substances classified as dangerous for the environment do not require to be labelled with the symbol for this category of danger.  
(b) This category of danger does not apply to preparations.

## PART II

## CLASSIFICATION OF SUBSTANCES AND PREPARATIONS DANGEROUS FOR SUPPLY IN AEROSOL DISPENSERS AS FLAMMABLE

1. A substance or preparation which is packed in an aerosol dispenser shall be classified as dangerous for supply at least as "flammable" if that dispenser contains either—

- (a) more than 45 per cent by weight of flammable substances; or
- (b) more than 250 grammes of flammable substances.

For the purposes of this paragraph, "flammable substances" means highly flammable gases or flammable liquids having flash points equal to or less than 100°C.

2. Where an aerosol dispenser contains a substance or preparation which is classified in accordance with paragraph 1 as "flammable" it shall show in accordance with the requirements of regulation 10 either—

- (a) the word "flammable"; or
- (b) the symbol having the symbol-letter F in Column 2 of Schedule 2, or both the word "flammable" and that symbol.

## PART III

## METHODS FOR THE DETERMINATION OF FLASH POINT

1. For the purpose of classifying a substance or preparation dangerous for supply in accordance with Part I the flash point shall be determined—

- (a) by one of the equilibrium methods referred to in paragraph 3; or
- (b) by one of the non-equilibrium methods referred to in paragraph 4, except that when the flash point so determined falls within one of the following ranges—
  - (i)  $-2^{\circ}\text{C}$  to  $+2^{\circ}\text{C}$ ,
  - (ii)  $19^{\circ}\text{C}$  to  $23^{\circ}\text{C}$ , or
  - (iii)  $53^{\circ}\text{C}$  to  $57^{\circ}\text{C}$ ,

that flash point shall be confirmed by one of the equilibrium methods referred to in paragraph 3 using like apparatus.

2. The use of any method or apparatus referred to in paragraphs 3, 4 and 5 is subject to the conditions specified in the appropriate standard having regard in particular to the nature of the substance (for example viscosity) and to the flash point range and also to the advice provided in paragraphs 21 to 25 of the approved classification and labelling guide.

3. The equilibrium methods referred to in paragraph 1(a) are those defined in the following standards—

- (a) International Standards ISO 1516 and ISO 3680 (which show whether or not a liquid is classified on the basis of flash point as "extremely flammable", "highly flammable" or "flammable");
- (b) International Standards ISO 1523 and ISO 3679 (which provide a value for a flash point).

4. The non-equilibrium methods referred to in paragraph 1(b) use the apparatus referred to in sub-paragraphs (a) to (d) in accordance with the following standards—

(a) Abel Apparatus—

- (i) British Standard BS 2000 Part 170,
- (ii) French Standard NF M07-011,
- (iii) French Standard NF T66-009;

(b) Abel-Pensky Apparatus—

- (i) German Standard DIN 51755, Part 1 (for temperatures from 5 to 65 degrees C),
- (ii) German Standard DIN 51755, Part 2 (for temperatures below 5 degrees C),
- (iii) French Standard NF M07-036,
- (iv) European Standard EN57;

(c) Tag Apparatus—

- (i) American Standard ASTM D-56;








(d) Pensky-Martens Apparatus—




- (i) British Standard BS 6664 Part 5,
- (ii) International Standard ISO 2719,
- (iii) American Standard ASTM D-93,
- (iv) French Standard NF M07-019,
- (v) German Standard DIN 51758,
- (vi) European Standard EN11.

5. To determine the flash point of viscous liquids (paints, gums and similar) containing solvents, only apparatus and test methods suitable for determining the flash point of viscous liquids may be used in accordance with the following standards—

- International Standards ISO 3679, ISO 3680, ISO 1523 and German Standard DIN 53213, Part 1.

**Indications of danger and symbols for substances and preparations dangerous for supply**

Column 1 <i>Indication of danger</i>	Column 2 <i>Symbol-letter</i>	Column 3 <i>Symbol</i>
Explosive	E	
Oxidizing	O	
Extremely flammable	F+	
Highly flammable	F	
Very toxic	T+	
Toxic	T	
Harmful	Xn	

Column 1 <i>Indication of danger</i>	Column 2 <i>Symbol-letter</i>	Column 3 <i>Symbol</i>
Corrosive	C	
Irritant	Xi	
Dangerous for the environment	N	

**Classification provisions for preparations dangerous for supply**

## PART I

## GENERAL PROVISIONS

*Application*

1. The provisions of this Schedule shall apply for the classification of preparations (other than pesticides).

*Interpretation*

2. In this Schedule, for the purposes of classification—

“physico-chemical properties” means the properties to be applied for the classifications “explosive”, “oxidizing”, “extremely flammable”, “highly flammable” or “flammable”;

“health effects” means the effects to be assessed for the classifications “very toxic”, “toxic”, “harmful”, “corrosive”, “irritant”, “sensitizing”, “carcinogenic”, “mutagenic” or “toxic for reproduction”.

*Classification of preparations by physico-chemical properties*

3.—(1) The requisite physico-chemical properties for the classification of preparations shall be determined in accordance with the criteria set out in the approved classification and labelling guide.

(2) Preparations shall be classified as explosive, oxidizing, extremely flammable, highly flammable or flammable when they satisfy the criteria referred to in sub-paragraph (1) for the category of danger.

(3) By way of derogation from sub-paragraph (2), the determination of explosive, oxidizing, extremely flammable, highly flammable or flammable properties is not necessary provided that none of the constituents possess such properties and that, on the basis of information available to the manufacturer, the preparation is unlikely to present dangers of this kind.

*Classification of preparations by health effects*

4.—(1) The health effects of a preparation shall be assessed by one or more of the following methods—

(a) by the conventional method described in the following paragraphs using concentration limits; or

(b) by the criteria set out in the approved classification and labelling guide in relation to the preparation for an appropriate classification and label.

(2) Any one or more of the health effects of the preparation which are not assessed by the method set out in sub-paragraph (1)(b) shall be assessed in accordance with the conventional method.

(3) Where the health effects have been established by both methods, the results of the method set out in sub-paragraph (1)(b) shall be used for classifying the preparation except in the case of carcinogenic and mutagenic effects and toxic effects for reproduction, when the conventional method set out in sub-paragraph (1)(a) shall always be used.

- (4) Where it can be demonstrated that—
- (a) the health effects on man differ from those suggested by a toxicological determination or a conventional assessment, then the preparation shall be classified according to its effects on man;
- (b) owing to effects such as potentiation a conventional assessment would underestimate the health effects, these effects shall be taken into account in classifying the preparation; or
- (c) owing to effects such as antagonism a conventional assessment would overestimate the health effects, these effects shall be taken into account in classifying the preparation.
- (5) For preparations of a known composition classified in accordance with the method set out in sub-paragraph (1)(b), a new health effect assessment either by the method set out in sub-paragraph (1)(a) or (1)(b) shall be performed whenever—
- (a) changes of composition of the initial concentration of a weight/weight percentage of one or more of the constituents are introduced by the manufacturer which exceed the permitted variations set out in the following table—

<i>Initial concentration range of the constituent</i>	<i>Permitted variation in actual concentration of the constituent</i>
≤ 2.5%	± 15%
> 2.5 ≤ 10%	± 10%
> 10 ≤ 25%	± 6%
> 25 ≤ 50%	± 5%
> 50 ≤ 100%	± 2.5%

- (b) changes of composition involving the substitution or addition of one or more constituents, which may or may not be dangerous within the definitions in Schedule 1, are introduced by the manufacturer.

#### *Classification by the conventional method*

5.—(1) In accordance with paragraph 4(1)(a), the health effects shall be assessed by the conventional method described below using concentration limits.

(2) Where the substances concerned are dangerous for supply and are listed as dangerous for supply in the approved supply list and are assigned concentration limits necessary for the application of the method of assessment described below, these concentration limits shall be used.

(3) Where the substances concerned are dangerous for supply and do not appear in the approved supply list as dangerous for supply or appear there without the concentration limits necessary for the application of the method of evaluation described below, the concentration limits shall be assigned in accordance with Part II.

(4) In its application to preparations that are gases, this Part shall be modified so that references to concentrations expressed as percentage by weight are to concentrations expressed as the same percentage by volume.

(5) Where a preparation contains at least one substance which, in accordance with regulation 6(7) of the Notification of New Substances Regulations (Northern Ireland) 1994(a) bears the warning "Caution — Substance not yet fully tested", the

label of the preparation must bear the words "Caution — This preparation contains a substance not yet fully tested" if the substance is present in a concentration equal to or in excess of 1% by weight.

(6) A substance referred to in sub-paragraph (5) must, whatever its concentration level, be treated on the same basis as the other substances present in the preparation when applying the method of evaluation by calculation, if its labelling gives at least an indication of the health effect.

*Classification by the conventional method as very toxic*

6. The following preparations shall be regarded as very toxic—

- (a) owing to their acute lethal effects, preparations containing one or more substances classified or regarded as very toxic in concentrations exceeding—
  - (i) either the concentration specified in the approved supply list for the substance or substances under consideration, or
  - (ii) the concentration specified in paragraph 1 of Part II (Table I or Table IA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits;
- (b) owing to their acute lethal effects, preparations containing more than one substance classified or regarded as very toxic in individual concentrations not exceeding the limits specified in the approved list or in paragraph 1 of Part II (Table I or Table IA in the case of gases), if the sum of the quotients obtained by dividing the percentage by weight of each very toxic substance in the preparation by the very toxic limit specified for that substance is 1 or more, i.e.—

$$\sum \left( \frac{P_{T+}}{L_{T+}} \right) \geq 1$$

where—

$P_{T+}$  is the percentage by weight of each very toxic substance in the preparation,

$L_{T+}$  is the very toxic limit specified for each very toxic substance expressed as a percentage;

- (c) owing to their non-lethal irreversible effects after a single exposure, preparations containing one or more substances dangerous for supply which produce such effects in individual concentrations exceeding—
  - (i) either the concentration specified in the approved supply list for the substance or substances under consideration, or
  - (ii) the concentration specified in paragraph 2 of Part II (Table II or Table IIA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits.

*Classification by the conventional method as toxic*

7. The following preparations shall be regarded as toxic—

- (a) owing to their acute lethal effects, preparations containing one or more substances classified or regarded as very toxic or toxic in concentrations exceeding—
  - (i) either the concentration specified in the approved supply list for the substance or substances under consideration, or



- (ii) the concentration specified in paragraph 1 of Part II (Table I or Table IA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits;
- (b) owing to their acute lethal effects, preparations containing more than one substance classified or regarded as very toxic or toxic in individual concentrations not exceeding the limits specified in the approved supply list or in paragraph 1 of Part II (Table I or Table IA in the case of gases) if the sum of the quotients obtained by dividing the percentage by weight of each very toxic or toxic substance in the preparation by the toxic limit specified for that substance is 1 or more, i.e.—

$$\sum \left( \frac{P_{T+}}{L_T} + \frac{P_T}{L_T} \right) \geq 1$$

where—

$P_{T+}$  is the percentage by weight of each very toxic substance in the preparation,

$P_T$  is the percentage by weight of each toxic substance in the preparation,

$L_T$  is the toxic limit specified for each very toxic or toxic substance expressed as a percentage;

- (c) owing to their non-lethal irreversible effects after a single exposure, preparations containing one or more substances dangerous for supply which produce such effects in individual concentrations exceeding—
- (i) either the concentration specified in the approved supply list for the substance or substances under consideration, or
  - (ii) the concentration specified in paragraph 2 of Part II (Table II or Table IIA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits;
- (d) owing to their long term effects after repeated or prolonged exposure, preparations containing one or more substances dangerous for supply which produce such effects in individual concentrations exceeding—
- (i) either the concentration specified in the approved supply list for the substance or substances under consideration, or
  - (ii) the concentration specified in paragraph 3 of Part II (Table III or Table IIIA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits.

*Classification by the conventional method as harmful*

8. The following preparations shall be regarded as harmful—

- (a) owing to their acute lethal effects, preparations containing one or more substances classified or regarded as very toxic, toxic or harmful in concentrations exceeding—
- (i) either the concentration specified in the approved supply list for the substance or substances under consideration, or
  - (ii) the concentration specified in paragraph 1 of Part II (Table I or Table IA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits;
- (b) owing to their acute lethal effects, preparations containing more than one substance classified or regarded as very toxic, toxic or harmful in individual

concentrations not exceeding the limits specified in the approved supply list or in paragraph 1 of Part II (Table I or Table IA in the case of gases) if the sum of the quotients obtained by dividing the percentage by weight of each very toxic, toxic or harmful substance in the preparation by the harmful limit specified for that substance is 1 or more, i.e.—

$$\sum \left( \frac{P_{T+}}{L_{Xn}} + \frac{P_T}{L_{Xn}} + \frac{P_{Xn}}{L_{Xn}} \right) \geq 1$$

where—

$P_{T+}$  is the percentage by weight of each very toxic substance in the preparation,

$P_T$  is the percentage by weight of each toxic substance in the preparation,

$P_{Xn}$  is the percentage by weight of each harmful substance in the preparation,

$L_{Xn}$  is the harmful limit specified for each very toxic, toxic or harmful substance expressed as a percentage;

- (c) owing to their non-lethal irreversible effects after a single exposure, preparations containing one or more substances dangerous for supply which produce such effects in individual concentrations exceeding—
- (i) either the concentration specified in the approved supply list for the substance or substances under consideration, or
  - (ii) the concentration specified in paragraph 2 of Part II (Table II or Table IIA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits;
- (d) owing to their long-term effects after repeated or prolonged exposure, preparations containing one or more substances dangerous for supply that produce such effects in individual concentrations exceeding—
- (i) either the concentration specified in the approved supply list for the substance or substances under consideration, or
  - (ii) the concentration specified in paragraph 3 of Part II (Table III or Table IIIA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits;
- (e) owing to their sensitizing effects by inhalation, preparations containing at least one substance dangerous for supply to which is assigned the risk phrase R42 (may cause sensitization by inhalation) that produces such effects in individual concentrations exceeding—
- (i) either the concentration specified in the approved supply list for the substance or substances under consideration, or
  - (ii) the concentration specified in paragraph 5 of Part II (Table V or Table VA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits.

#### *Classification by the conventional method as corrosive*

9.—(1) In this Schedule a preparation shall be regarded as “very corrosive” if it has been classified as corrosive with the risk phrase R35 (causes severe burns).

(2) The following preparations shall be regarded as very corrosive—

- (a) preparations containing one or more substances classified or regarded as very corrosive in concentrations exceeding—

- (i) either the concentration specified in the approved supply list for the substance or substances under consideration, or
  - (ii) the concentration specified in paragraph 4 of Part II (Table IV or Table IVA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits;
- (b) preparations containing more than one substance classified or regarded as very corrosive in individual concentrations not exceeding the limits specified either in the approved supply list or in paragraph 4 of Part II (Table IV or Table IVA in the case of gases) if the sum of the quotients obtained by dividing the percentage by weight of each very corrosive substance in the preparation by the corrosive (R35) limit specified for that substance is 1 or more, i.e.—

$$\sum \left( \frac{P_{C.R35}}{L_{C.R35}} \right) \geq 1$$

where—

$P_{C.R35}$  is the percentage by weight of each very corrosive substance in the preparation,

$L_{C.R35}$  is the corrosive (R35) limit specified for each very corrosive substance expressed as a percentage by weight.

10. The following preparations shall also be regarded as corrosive—

- (a) preparations containing one or more substances classified or regarded as corrosive to which is assigned the risk phrase R35 or R34 (causes burns) in individual concentrations exceeding—
  - (i) either the concentration specified in the approved supply list for the substance or substances under consideration, or
  - (ii) the concentration specified in paragraph 4 of Part II (Table IV or Table IVA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits;
- (b) preparations containing more than one substance classified or regarded as corrosive to which is assigned the risk phrase R35 or R34 in individual concentrations not exceeding the limits specified either in the approved supply list or in paragraph 4 of Part II (Table IV or Table IVA in the case of gases) if the sum of the quotients obtained by dividing the percentage by weight of each corrosive substance in the preparation by the corrosive (R34) limit specified for that substance is 1 or more, i.e.—

$$\sum \left( \frac{P_{C.R35}}{L_{C.R34}} + \frac{P_{C.R34}}{L_{C.R34}} \right) \geq 1$$

where—

$P_{C.R35}$  is the percentage by weight of each corrosive substance to which is assigned the risk phrase R35 in the preparation,

$P_{C.R34}$  is the percentage by weight of each corrosive substance to which is assigned the risk phrase R34 in the preparation,

$L_{C.R34}$  is the corrosive (R34) limit specified for each corrosive substance to which is assigned the risk phrase R35 or R34 expressed as a percentage by weight.

*Classification by the conventional method as irritant*

11. The following preparations shall be regarded as liable to cause serious eye damage—

- (a) preparations containing one or more substances classified or regarded as irritant to which is assigned the risk phrase R41 (risk of serious damage to eyes) in individual concentrations exceeding—
- (i) either the concentration specified in the approved supply list for the substance or substances under consideration, or
  - (ii) the concentration specified in paragraph 4 of Part II (Table IV or Table IVA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits;
- (b) preparations containing more than one substance classified or regarded as corrosive to which is assigned the risk phrase R35 or R34, or irritant, to which is assigned the risk phrase R41 in individual concentrations not exceeding the limits specified either in the approved supply list or in paragraph 4 of Part II (Table IV or Table IVA in the case of gases) if the sum of the quotients obtained by dividing the percentage by weight of each irritant substance in the preparation by the irritant (R41) limit specified for that substance is 1 or more, i.e.—

$$\sum \left( \frac{P_{C.R35}}{L_{Xi.R41}} + \frac{P_{C.R34}}{L_{Xi.R41}} + \frac{P_{Xi.R41}}{L_{Xi.R41}} \right) \geq 1$$

where—

$P_{C.R35}$  is the percentage by weight of each corrosive substance to which is assigned the risk phrase R35 in the preparation,

$P_{C.R34}$  is the percentage by weight of each corrosive substance to which is assigned the risk phrase R34 in the preparation,

$P_{Xi.R41}$  is the percentage by weight of each irritant substance to which is assigned the risk phrase R41 in the preparation,

$L_{Xi.R41}$  is the irritant (R41) limit specified for each irritant substance expressed as a percentage by weight to which is assigned the risk phrase R41 in the preparation.

12. The following preparations shall be regarded as skin irritants—

- (a) preparations containing one or more substances classified or regarded as corrosive to which is assigned the risk phrase R35 or R34, or irritant, to which is assigned the risk phrase R38 (irritating to skin) in individual concentrations exceeding—
- (i) either the concentration specified in the approved supply list for the substance or substances under consideration, or
  - (ii) the concentration specified in paragraph 4 of Part II (Table IV or Table IVA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits;
- (b) preparations containing more than one substance classified or regarded as corrosive to which is assigned the risk phrase R35 or R34, or irritant, to which

is assigned the risk phrase R38, in individual concentrations not exceeding the limits specified either in the approved supply list or in paragraph 4 of Part II (Table IV or Table IVA in the case of gases) if the sum of the quotients obtained by dividing the percentage by weight of each substance in the preparation by the irritant (R38) limit specified for that substance is 1 or more, i.e.—

$$\sum \left( \frac{P_{C.R34}}{L_{Xi.R38}} + \frac{P_{C.R35}}{L_{Xi.R38}} + \frac{P_{Xi.R38}}{L_{Xi.R38}} \right) \geq 1$$

where—

$P_{C.R35}$  is the percentage by weight of each corrosive substance to which is assigned the risk phrase R35 in the preparation,

$P_{C.R34}$  is the percentage by weight of each corrosive substance to which is assigned the risk phrase R34 in the preparation,

$P_{Xi.R38}$  is the percentage by weight of each irritant substance to which is assigned the risk phrase R38 in the preparation,

$L_{Xi.R38}$  is the irritant (R38) limit specified for each corrosive or irritant substance expressed as a percentage by weight to which is assigned the risk phrase R35, R34 or R38 in the preparation;

- (c) owing to their sensitizing effects by skin contact preparations containing at least one substance dangerous for supply to which is assigned the risk phrase R43 (may cause sensitization by skin contact) that produces such effects in individual concentrations exceeding—
- (i) either the concentration specified in the approved supply list for the substance under consideration, or
  - (ii) the concentration specified in paragraph 5 of Part II (Table V or Table VA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits.

13. The following preparations shall be regarded as eye irritants—

- (a) preparations containing one or more substances classified or regarded as irritant to which is assigned the risk phrase R41 (risk of serious damage to eyes) or R36 (irritating to eyes) in individual concentrations exceeding—
- (i) either the concentration specified in the approved supply list for the substance or substances under consideration, or
  - (ii) the concentration specified in paragraph 4 of Part II (Table IV or Table IVA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits;
- (b) preparations containing more than one substance classified or regarded as irritant to which is assigned the risk phrase R41 or R36 in individual concentrations not exceeding the limits specified either in the approved supply list or in paragraph 4 of Part II (Table IV or Table IVA in the case of gases) if the sum of the quotients obtained by dividing the percentage by weight of each irritant substance in the preparation by the irritant (R36) limit specified for that substance is 1 or more, i.e.—

$$\sum \left( \frac{P_{Xi.R41}}{L_{Xi.R36}} + \frac{P_{Xi.R36}}{L_{Xi.R36}} \right) \geq 1$$

where—

$P_{X_i,R41}$  is the percentage by weight of each irritant substance to which is assigned the risk phrase R41 in the preparation,

$P_{X_i,R36}$  is the percentage by weight of each irritant substance to which is assigned the risk phrase R36 in the preparation,

$L_{X_i,R36}$  is the irritant (R36) limit specified for each irritant substance expressed as a percentage by weight to which is assigned the risk phrase R41 or R36 in the preparation.

14. The following preparations shall be regarded as irritants for the respiratory system—

- (a) preparations containing one or more substances classified or regarded as irritant to which is assigned the risk phrase R37 (irritating to the respiratory system) in individual concentrations exceeding—
  - (i) either the concentration specified in the approved supply list for the substance or substances under consideration, or
  - (ii) the concentration specified in paragraph 4 of Part II (Table IV or Table IVA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits;
- (b) preparations containing more than one substance classified or regarded as irritant to which is assigned the risk phrase R37 in individual concentrations not exceeding the limits specified either in the approved supply list or in paragraph 4 of Part II (Table IV or Table IVA in the case of gases) if the sum of the quotients obtained by dividing the percentage by weight of each irritant substance in the preparation by the irritant (R37) limit specified for that substance is 1 or more, i.e.—

$$\sum \left( \frac{P_{X_i,R37}}{L_{X_i,R37}} \right) \geq 1$$

where—

$P_{X_i,R37}$  is the percentage by weight of each irritant substance to which is assigned the risk phrase R37 in the preparation,

$L_{X_i,R37}$  is the irritant (R37) limit specified for each irritant substance expressed as a percentage by weight to which is assigned the risk phrase R37 in the preparation.

#### *Classification by the conventional method as carcinogenic*

15.—(1) Preparations shall be regarded as carcinogenic and assigned at least the symbol and indication of danger “toxic” if they contain a substance producing such effects to which is assigned either the risk phrase R45 (may cause cancer) or R49 (may cause cancer by inhalation) which denotes carcinogenic substances in category 1 or category 2 in a concentration equal to or exceeding—

- (a) either the concentration specified in the approved supply list for the substance or substances under consideration, or
- (b) the concentration specified in paragraph 6 of Part II (Table VI or Table VIA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits.

(2) Preparations shall be regarded as suspect for humans owing to their possible carcinogenic effects and assigned at least the symbol and indication of danger “harmful” if they contain a substance producing such effects to which is assigned the risk phrase R40 (possible risk of irreversible effects) which denotes carcinogenic substances in category 3 in a concentration equal to or exceeding—

- (a) either the concentration specified in the approved supply list for the substance or substances under consideration, or
- (b) the concentration specified in paragraph 6 of Part II (Table VI or Table VIA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits.

*Classification by the conventional method as mutagenic*

16.—(1) Preparations shall be regarded as mutagenic and assigned at least the symbol and indication of danger “toxic” if they contain a substance producing such effects to which is assigned the risk phrase R46 (may cause heritable genetic damage) which denotes mutagenic substances in category 1 in a concentration equal to or exceeding—

- (a) either the concentration specified in the approved supply list for the substance or substances under consideration, or
- (b) the concentration specified in paragraph 6 of Part II (Table VI or Table VIA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits.

(2) Preparations shall be regarded as mutagenic and assigned at least the symbol and indication of danger “toxic” if they contain a substance producing such effects to which is assigned the risk phrase R46 (may cause heritable genetic damage) which denotes mutagenic substances in category 2 in a concentration equal to or exceeding—

- (a) either the concentration specified in the approved supply list for the substance or substances under consideration, or
- (b) the concentration specified in paragraph 6 of Part II (Table VI or Table VIA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits.

(3) Preparations shall be regarded as suspect for humans because of their possible mutagenic effects and assigned at least the symbol and indication of danger “harmful” if they contain a substance producing such effects to which is assigned the risk phrase R40 (possible risk of irreversible effects) which denotes mutagenic substances in category 3 in a concentration equal to or exceeding—

- (a) either the concentration specified in the approved supply list for the substance or substances under consideration, or
- (b) the concentration specified in paragraph 6 of Part II (Table VI or Table VIA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits.

*Classification by the conventional method as toxic for reproduction*

17.—(1) Preparations shall be regarded as toxic for reproduction and assigned at least the symbol and indication of danger “toxic” if they contain a substance producing such effects to which is assigned the appropriate risk phrase as ascertained from the approved classification and labelling guide which denotes substances toxic for reproduction in category 1 in a concentration equal to or exceeding—

- (a) either the concentration specified in the approved supply list for the substance or substances under consideration, or
- (b) the concentration specified in paragraph 6 of Part II (Table VI or Table VIA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits.

(2) Preparations shall be regarded as having to be treated as toxic for reproduction and assigned at least the symbol and indication of danger "toxic" if they contain a substance producing such effects to which is assigned the appropriate risk phrase as ascertained from the approved classification and labelling guide which denotes substances toxic for reproduction in category 2 in a concentration equal to or exceeding—

- (a) either the concentration specified in the approved supply list for the substance or substances under consideration, or
- (b) the concentration specified in paragraph 6 of Part II (Table VI or Table VIA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits.

(3) Preparations shall be regarded as having to be treated as toxic for reproduction and assigned at least the symbol and indication of danger "harmful" if they contain a substance producing such effects to which is assigned the appropriate risk phrase as ascertained from the approved classification and labelling guide which denotes substances toxic for reproduction in category 3 in a concentration equal to or exceeding—

- (a) either the concentration specified in the approved supply list for the substance or substances under consideration, or
- (b) the concentration specified in paragraph 6 of Part II (Table VI or Table VIA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits.

#### *Lower limits of concentration*

18.—(1) For preparations to which this Schedule applies, no account shall be taken of substances, whether or not listed in the approved supply list, whether existing as impurities or as additives, if their concentration by weight is less than—

- (a) 0.1% for substances classified as very toxic, toxic, carcinogenic (category 1 or 2) or mutagenic (category 1 or 2);
- (b) 0.5% for substances classified as toxic for reproduction (category 1 or 2);
- (c) 1% for substances classified as harmful; corrosive, irritant, sensitizing, carcinogenic (category 3) or mutagenic (category 3); or
- (d) 5% for substances classified as toxic to reproduction (category 3),

unless lower limits are referred to in Part V of the approved supply list, or in the case of gases in Part II of this Schedule.

(2) Some substances may have more than one health effect and each of these properties shall be characterised by its specific concentration limit.



## PART II

CONCENTRATION LIMITS TO BE USED IN APPLYING THE CONVENTIONAL METHOD OF ASSESSING HEALTH EFFECTS IN ACCORDANCE WITH PART I WHERE NO SUCH LIMITS ARE GIVEN IN THE APPROVED SUPPLY LIST

An assessment must be made of the health effects that the use of a substance or a preparation might entail. For that purpose the dangerous health effects have been subdivided into—

1. acute lethal effects;
2. non-lethal irreversible effects after a single exposure;
3. severe effects after repeated or prolonged exposure;
4. corrosive effects, irritant effects;
5. sensitizing effects;
6. carcinogenic effects, mutagenic effects, toxic effects for reproduction.

The systematic assessment of the dangerous health effects is expressed by means of concentration limits, expressed as weight/weight percentage except for gaseous preparations (Tables A) where they are expressed as a volume/volume percentage and in conjunction with the classification of a substance.

The classification of the substance is expressed either by a symbol and one or more risk phrases or by categories (category 1, category 2 or category 3) also expressed by risk phrases when substances are shown to be carcinogenic, mutagenic or toxic for reproduction. Therefore it is important to consider, in addition to the symbol, all the phrases denoting specific risks which are assigned to each substance under consideration.

1. *Acute lethal effects*

(1) **Other than gaseous preparations:** The concentration limits fixed in Table I determine the classification of the preparation in relation to the individual concentration of the substance(s) present whose classification is also shown.

TABLE I

Classification of the substance	Classification of the preparation		
	T+	T	X <sub>n</sub>
T+ with R26, R27, R28	conc. ≥ 7%	1% ≤ conc. < 7%	0.1% ≤ conc. < 1%
T with R23, R24, R25		conc. ≥ 25%	3% ≤ conc. < 25%
X <sub>n</sub> with R20, R21, R22			conc. ≥ 25%

The R phrases denoting risk shall be assigned to the preparation in accordance with the following criteria:

- the label shall include one or more of the above-mentioned R phrases according to the classification used,
- in general, the R phrases selected should be those applicable to the substance(s) present in the concentration which gives rise to the most severe classification.

(2) **Gaseous Preparations:** The concentration limits expressed as a volume/volume percentage in Table 1A determine the classification of the gaseous preparations in relation to the individual concentration of the gas(es) present whose classification is also shown.

TABLE IA

Classification of the substance (gas)	Classification of the preparation		
	T+	T	X <sub>n</sub>
T+ with R26, R27, R28	conc. ≥ 1%	0.2% ≤ conc. < 1%	0.02% ≤ conc. < 0.2%
T with R23, R24, R25		conc. ≥ 5%	0.5% ≤ conc. < 5%
X <sub>n</sub> with R20, R21, R22			conc. ≥ 5%

The R phrases denoting risk shall be assigned to the preparation in accordance with the following criteria:

- the label shall include one or more of the above-mentioned R phrases according to the classification used,
- in general, the R phrases selected should be those applicable to the substance(s) present in the concentration which gives rise to the most severe classification.

## 2. Non-lethal irreversible effects after a single exposure

(1) **Other than gaseous preparations:** For substances that produce non-lethal irreversible effects after a single exposure (R39/route of exposure, R40/route of exposure), the individual concentration limits specified in Table II determine, when appropriate, the classification of the preparation.

TABLE II

Classification of the substance	Classification of the preparation		
	T+	T	X <sub>n</sub>
T+ with R39/ route of exposure	conc. ≥ 10% R39(*) obligatory	1% ≤ conc. < 10% R39(*) obligatory	0.1% ≤ conc. < 1% R40(*) (†) obligatory
T with R39/ route of exposure		conc. ≥ 10% R39(*) obligatory	1% ≤ conc. < 10% R40(*) (†) obligatory
X <sub>n</sub> with R40/ route of exposure			conc. ≥ 10% R40(*) (†) obligatory

(\*) In order to indicate the route of administration/exposure the combined R phrases listed in paragraphs 44, 45 and 46 of the approved classification and labelling guide shall be used.

(†) R40 here refers to substances classified as harmful. Concentration limits for substances required to be labelled R40 but classified as carcinogenic or mutagenic are given in Table VI.

(2) **Gaseous preparations:** For gases that produce non-lethal irreversible effects after a single exposure (R39/route of exposure, R40/route of exposure), the individual concentration limits specified in Table IIA, expressed as a volume/volume percentage, determine, when appropriate, the classification of the preparation.

TABLE IIA

Classification of the substance (gas)	Classification of the preparation		
	T+	T	X <sub>n</sub>
T± with R39/ route of exposure	conc. ≥ 1% R39(*) obligatory	0.2% ≤ conc. < 1% R39(*) obligatory	0.02% ≤ conc. < 0.2% R40(*) (†) obligatory
T with R39/ route of exposure		conc. ≥ 5% R39(*) obligatory	0.5% ≤ conc. < 5% R40(*) (†) obligatory
X <sub>n</sub> with R40/ route of exposure			conc. ≥ 5% R40(*) (†) obligatory

(\*) In order to indicate the route of administration/exposure the combined R phrases listed in paragraphs 44, 45 and 46 of the approved classification and labelling guide shall be used.

(†) R40 here refers to substances classified as harmful. Concentration limits for substances required to be labelled R40 but classified as carcinogenic or mutagenic are given in Table VI.

### 3. Severe effects after repeated or prolonged exposure

(1) **Other than gaseous preparations:** For substances that produce severe effects after repeated exposure (R48/route of exposure), the individual concentration limits specified in Table III determine, when appropriate, the classification of the preparation.

TABLE III

Classification of the substance	Classification of the preparation	
	T	X <sub>n</sub>
T with R48/ route of exposure	conc. ≥ 10% R48(*) obligatory	1% ≤ conc. < 10% R48(*) obligatory
X <sub>n</sub> with R48/ route of exposure		conc. ≥ 10% R48(*) obligatory

(\*) In order to indicate the route of administration/exposure the combined R phrases listed in paragraphs 44, 45 and 46 of the approved classification and labelling guide shall be used.

(2) **Gaseous preparations:** For gases that produce severe effects after repeated or prolonged exposure (R48/route of exposure), the individual concentration limits specified in Table IIIA, expressed as a volume/volume percentage, determine, when appropriate, the classification of the preparation.

TABLE IIIA

Classification of the substance (gas)	Classification of the preparation	
	T	X <sub>n</sub>
T with R48/ route of exposure	conc. ≥ 5% R48(*) obligatory	0.5% ≤ conc. < 5% R48(*) obligatory
X <sub>n</sub> with R48/ route of exposure		conc. ≥ 5% R48(*) obligatory

(\*) In order to indicate the route of administration/exposure the combined R phrases listed in paragraphs 44, 45 and 46 of the approved classification and labelling guide shall be used.

#### 4. Corrosive and irritant effects including serious damage to eye

(1) **Other than gaseous preparations:** For substances that produce corrosive effects (R34, R35) or irritant effects (R36, R37, R38, R41), the individual concentration limits specified in Table IV determine, when appropriate, the classification of the preparation.

(2) **Gaseous preparations:** For gases that produce such effects (R34, R35 — or R36, R37, R38, R41), the individual concentration limits specified in Table IVA, expressed as a volume/volume percentage determine, when appropriate, the classification of the preparation.

TABLE IV

Classification of the substance	Classification of the preparation			
	C with R35	C with R34	X <sub>i</sub> with R41	X <sub>i</sub> with R36, R37, R38
C with R35	conc. ≥ 10% R35 obligatory	5% ≤ conc. < 10%(*) R34 obligatory		1% ≤ conc. < 5% R36/38 obligatory
C with R34		conc. ≥ 10% R34 obligatory	(*)	5% ≤ conc. < 10% R36/38 obligatory
X <sub>i</sub> with R41			conc. ≥ 10% R41 obligatory	5% ≤ conc. < 10% R36 obligatory
X <sub>i</sub> with R36, R37, R38				conc. ≥ 20% R36, R37 and R38 are obligatory in the light of the concentration present if they apply to the substances under consideration

(\*) According to the approved classification and labelling guide (paragraph 57) when a substance or preparation is classified as corrosive and assigned the risk phrase R34 or R35, the risk phrase R41 does not need to be included. Consequently, if the preparation contains corrosive substances with R35 or R34 below the concentration limits for a classification of the preparation as corrosive, such substances can contribute to a classification of the preparation as irritant (R41) or irritant (R36).

Therefore when the formulae in paragraphs 11(b) and 13(b) of Part I are applied the following concentration limits must be used unless different values are fixed in the approved supply list—

- (a) when the formula in paragraph 11(b) is applied the limit values for  $L_{X_i R41}$  are:
- 10% for the substances  $X_i$  R41,
  - 10% for the substances C R34,
  - 5% for the substances C R35;
- (b) when the formula in paragraph 13(b) is applied the limit values for  $L_{X_i R36}$  are:
- 20% for the substances  $X_i$  R36,
  - 5% for the substances  $X_i$  R41,
  - 5% for the substances C R34,
  - 1% for the substances C R35.

TABLE IVA

Classification of the substance (gas)	Classification of the preparation			
	C with R35	C with R34	$X_i$ with R41	$X_i$ with R36, R37, R38
C with R35	conc. $\geq$ 1% R35 obligatory	0.2% $\leq$ conc. $<$ 1% R34 obligatory	(*)	0.02% $\leq$ conc. $<$ 0.2% R37 obligatory
C with R34		conc. $\geq$ 5% R34 obligatory	(*)	0.5% $\leq$ conc. $<$ 5% R37 obligatory
$X_i$ with R41			conc. $\geq$ 5% R41 obligatory	0.5% $\leq$ conc. $<$ 5% R36 obligatory
$X_i$ with R36, R37, R38				conc. $\geq$ 5% R36, R37, R38 obligatory as appropriate

(\*) According to the approved classification and labelling guide (paragraph 57) when a substance or preparation is classified as corrosive and assigned the risk phrase R34 or R35, the risk phrase R41 does not need to be included. Consequently, if the preparation contains corrosive substances with R35 or R34 below the concentration limits for a classification of the preparation as corrosive, such substances can contribute to a classification of the preparation as irritant (R41) or irritant (R36).

Therefore when the formulae in paragraphs 11(b) and 13(b) of Part I are applied the following concentration limits must be used unless different values are fixed in the approved supply list—

- (a) when the formula in paragraph 11(b) is applied the limit values for  $L_{X_i R41}$  are:
- 5% for the substances  $X_i R41$ ,
  - 5% for the substances  $C R34$ ,
  - 0.2% for the substances  $C R35$ ;
- (b) when the formula in paragraph 13(b) is applied the limit values for  $L_{X_i R36}$  are:
- 5% for the substances  $X_i R36$ ,
  - 0.5% for the substances  $X_i R41$ ,
  - 0.5% for the substances  $C R34$ ,
  - 0.02% for the substances  $C R35$ .

### 5. Sensitizing effects

(1) **Other than gaseous preparations:** Substances that produce such effects are classified as sensitizing and assigned—

- the symbol  $X_n$  and phrase R42 if this effect can be produced by inhalation,
- the symbol  $X_i$  and phrase R43 if this effect can be produced through contact with the skin,
- the symbol  $X_n$  and phrase R42/43 if this effect can be produced by inhalation and through contact with the skin.

The individual concentration limits specified in Table V determine, when appropriate, the classification of the preparation.

TABLE V

Classification of the substance	Classification of the preparation	
	Sensitizing with R42	Sensitizing with R43
Sensitizing with R42	conc. $\geq 1\%$ R42 obligatory	
Sensitizing with R43		conc. $\geq 1\%$ R43 obligatory
Sensitizing with R42/43	conc. $\geq 1\%$ R42/43 obligatory	

(2) **Gaseous preparations:** Gases that produce such effects are classified as sensitizing and assigned—

- the symbol  $X_n$  and phrase R42 if this effect can be produced by inhalation.
- the symbol  $X_n$  and phrase R42/43 if this effect can be produced by inhalation and through contact with the skin.

The individual concentration limits specified in Table VA, expressed as a volume/volume percentage, determine, when appropriate, the classification of the preparation.

TABLE VA

Classification of the substance (gas)	Classification of the preparation	
	Sensitizing with R42	Sensitizing with R43
Sensitizing with R42	conc. $\geq$ 0.2% R42 obligatory	
Sensitizing with R42/43	conc. $\geq$ 0.2% R42/43 obligatory	

6. *Carcinogenic/mutagenic/toxic effects for reproduction*

(1) **Other than gaseous preparations:** For substances which produce such effects and for which specific concentration limits do not yet appear in the approved supply list, concentration limits laid down in Table VI shall determine, where appropriate, the classification of the preparation.

TABLE VI

Classification of the substance	Classification of the preparation	
	Categories 1 and 2	Category 3
Carcinogenic substances of category 1 or 2 with R45 or R49	$\geq$ 0.1% carcinogenic R45, R49 obligatory as appropriate	
Carcinogenic substances of category 3 with R40(*)		$\geq$ 1% carcinogenic R40(*) obligatory
Mutagenic substances of category 1 or 2 with R46	$\geq$ 0.1% mutagenic R46 obligatory	
Mutagenic substances of category 3 with R40(*)		$\geq$ 1% mutagenic R40(*) obligatory
Substances "toxic for reproduction" of category 1 or 2 with R60 (fertility)	$\geq$ 0.5% toxic for reproduction (fertility) R60 obligatory	
Substances "toxic for reproduction" of category 3 with R62 (fertility)		$\geq$ 5% toxic for reproduction (fertility) R62 obligatory
Substances "toxic for reproduction" of category 1 or 2 with R61 (development)	$\geq$ 0.5% toxic for reproduction (development) R61 obligatory	

Substances "toxic for reproduction" of category 3 with R63 (development)

≥ 5% toxic for reproduction (development)  
R63 obligatory

(\*) R40 here refers to substances classified as carcinogenic or mutagenic. Concentration limits for substances required to be labelled R40 but classified as harmful are given in Table II.

(2) **Gaseous preparations:** For gases which produce such effects and for which specific concentration limits do not yet appear in the approved supply list, concentration limits laid down in Table VIA, expressed as a volume/volume percentage, shall determine, where appropriate, the classification of the preparation.

TABLE VIA

Classification of the substance (gas)	Classification of the preparation	
	Categories 1 and 2	Category 3
Carcinogenic substances of category 1 or 2 with R45 or R49	≥ 0.1% carcinogenic R45, R49 obligatory as appropriate	
Carcinogenic substances of category 3 with R40(*)		≥ 1% carcinogenic R40(*) obligatory
Mutagenic substances of category 1 or 2 with R46	≥ 0.1% mutagenic R46 obligatory	
Mutagenic substances of category 3 with R40(*)		≥ 1% mutagenic R40(*) obligatory
Substances "toxic for reproduction" of category 1 or 2 with R60 (fertility)	≥ 0.2% toxic for reproduction (fertility) R60 obligatory	
Substances "toxic for reproduction" of category 3 with R62 (fertility)		≥ 1% toxic for reproduction (fertility) R62 obligatory
Substances "toxic for reproduction" of category 1 or 2 with R61 (development)	≥ 0.2% toxic for reproduction (development) R61 obligatory	
Substances "toxic for reproduction" of category 3 with R63 (development)		≥ 1% toxic for reproduction (development) R63 obligatory

(\*) R40 here refers to substances classified as carcinogenic or mutagenic. Concentration limits for substances required to be labelled R40 but classified as harmful are given in Table IIA.



**Classification provisions for preparations intended  
to be used as pesticides**

*Interpretation*

1. A pesticide means a preparation designed—
- (a) to destroy organisms harmful to plants or to plant products or to protect plants and plant products from such organisms;
  - (b) to improve or regulate plant production, with the exception of a fertiliser and a soil conditioner;
  - (c) to preserve plant products except—
    - (i) a wood preservative which does not contain preservatives which penetrate into the wood, or
    - (ii) a food preservative to which the Preservatives in Food Regulations (Northern Ireland) 1989(a) apply;
  - (d) to destroy undesired plants;
  - (e) to destroy parts of plants or to prevent undesired growth; or
  - (f) to render harmless or to destroy, or to give protection against, any nuisance or harmful animals or insect pests and to control organisms with harmful or unwanted effects on water systems, buildings or other structures, or manufactured products.

*Classification as very toxic, toxic or harmful*

2.—(1) A preparation intended for use as a pesticide shall be classified as very toxic, toxic or harmful if its toxicity as determined by an internationally recognised test method in accordance with sub-paragraph (2) is within the range for that classification in the following Table.

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(a) S.R. 1989 No. 152, amended by S.R. 1989 No. 460, S.R. 1991 No. 203, S.R. 1991 No. 344 and S.R. 1992 No. 417

TABLE

Classification	<i>LD<sub>50</sub> absorbed orally in rat, mg/kg</i>		<i>LD<sub>50</sub> absorbed percutane- ously in rat or rabbit, mg/kg</i>		<i>LC<sub>50</sub> absorbed by inhalation in rat, mg/litre (4 hours)</i>
	<i>Solids other than baits and tablets</i>	<i>Liquids and bait prepara- tions and pesticides in tablet form</i>	<i>Solids other than baits and tablets</i>	<i>Liquids and bait prepara- tions and pesticides in tablet form</i>	<i>Gases, liquefied gases, fumigants and aerosols, powders having particle diameter ≤ 50 microns</i>
Very toxic	≤ 5	≤ 25	≤ 10	≤ 50	≤ 0.5
Toxic	> 5 to 50	> 25 to 200	> 10 to 100	> 50 to 400	> 0.5 to 2
Harmful	> 50 to 500	> 200 to 2000	> 100 to 1000	> 400 to 4000	> 2 to 20

(2) Subject to sub-paragraphs (3) and (4), a pesticide shall be classified as very toxic, toxic or harmful by carrying out toxicity tests on the pesticide in the form in which it is intended to be used and these tests shall be suitable having regard to the nature and intended method of use of the pesticide and in particular—

- (a) in the case of pesticides which can be absorbed through the skin, the percutaneous LD<sub>50</sub> value shall be used where it is such that it would place a pesticide in a more restrictive class than the oral LD<sub>50</sub> value or the inhalation LC<sub>50</sub> value; and
- (b) in the case of gases, liquefied gases, fumigants and aerosols and powders in which the diameter of the particles does not exceed 50 microns, the inhalation LC<sub>50</sub> values shall be used.

(3) In a case where a preparation to which this Schedule applies—

- (a) contains only one active ingredient;
- (b) the toxicity of that active ingredient is known; and
- (c) there are valid grounds for believing that the toxicity determined on the basis of a calculation carried out in accordance with this sub-paragraph would not differ substantially from the toxicity determined by biological testing carried out in accordance with sub-paragraphs (1) and (2), the toxicity of the preparation may be calculated in accordance with the formula—

$$\frac{L \times 100}{C}$$

C

where L is the oral toxicity ( $LD_{50}$ ) of the active ingredient and C its concentration as a percentage by weight and in this sub-paragraph where the active ingredient is listed in column 1 of Part VI of the approved supply list, its toxicity shall be taken as the conventional  $LD_{50}$  value given in the corresponding entry in Column 2.

- (4) Account shall also be taken of any fact which suggests that—
- (a) the preparation in normal use involves a risk to human health;
  - (b) the preparation is less toxic or harmful than its ingredients seem to indicate; or
  - (c) in relation to a particular preparation, the rat is not the most suitable animal for testing.

(5) In relation to a preparation intended for use as a pesticide, classification other than as very toxic, toxic or harmful shall be carried out in accordance with the provisions of regulation 5(5).

**Headings under which particulars are to be provided in safety data sheets**

The safety data sheet referred to in regulation 6 shall contain the following obligatory headings:

1. Identification of the substance/preparation and company/undertaking.
2. Composition/information on ingredients.
3. Hazards identification.
4. First-aid measures.
5. Fire-fighting measures.
6. Accidental release measures.
7. Handling and storage.
8. Exposure controls/Personal protection.
9. Physical and chemical properties.
10. Stability and reactivity.
11. Toxicological information.
12. Ecological information.
13. Disposal considerations.
14. Transport information.
15. Regulatory information.
16. Other information.

**Particulars to be shown on labels for substances and preparations  
dangerous for supply and certain other preparations**

## PART I

## GENERAL PROVISIONS RELATING TO LABELS

*Labelling particulars for substances dangerous for supply*

1.—(1) In the case of a substance dangerous for supply which is listed in Part I of the approved supply list, the particulars to be shown on the label in accordance with regulation 9(2)(c) shall be the particulars specified for the substance in the relevant entry in column 3 of Part V of that list.

(2) Subject to paragraph 4, in the case of a substance dangerous for supply which is not listed in Part I of the approved supply list the particulars required to be shown on the label in accordance with regulation 9(2)(c) shall be determined from the classification of the substance in accordance with regulation 5 in conjunction with the approved classification and labelling guide.

*Labelling particulars for preparations dangerous for supply*

2.—(1) Subject to paragraphs 3, 4 and 5, the provisions of this paragraph shall have effect in relation to the labelling of preparations dangerous for supply.

(2) Subject to sub-paragraph (4), the chemical names of the substances dangerous for supply present in the preparation shall be shown in accordance with the following rules—

- (a) in the case of a preparation classified as requiring the symbol-letter T+, T or X<sub>n</sub>, only substances requiring those indications of danger present in the preparation in concentrations exceeding the lowest limit (X<sub>n</sub> limit) for the substance laid down in column 4 of Part V of the approved supply list, or if no such limit is laid down the relevant limit laid down in Part II of Schedule 3 need be referred to;
- (b) in the case of a preparation classified as requiring the symbol-letter C, only substances requiring that indication of danger present in the preparation in concentrations exceeding the lowest limit (X<sub>i</sub> limit) for the substance laid down in column 4 of Part V of the approved supply list, or if no such limit is laid down the relevant limit laid down in Part II of Schedule 3 need be referred to; and
- (c) if the preparation is assigned one or more of the standard risk phrases R39, R40, R42, R43, R42/43, R45, R46, R48, R49, R60, R61 or R62, the name of any substance causing the preparation to be so assigned shall be referred to.

(3) The chemical name referred to in sub-paragraph (2) shall be—

- (a) in the case of a substance listed in Part I of the approved supply list, the name or one of the names under which it is listed; or
- (b) in the case of a substance not so listed, an internationally recognised name.

(4) For the purposes of labelling, no account shall be taken of any substance in the preparation if its concentration is less than the concentration referred to in paragraph 18(1) of Part I of Schedule 3.

(5) Subject to sub-paragraph (4), the particulars to be shown on the label in accordance with regulation 9(3)(c)(ii), (iii) and (iv) shall be determined from the classification of the preparation made in accordance with regulation 5 in conjunction with the approved classification and labelling guide.

*Derogation for naming the ingredients of certain preparations containing harmful substances*

3.—(1) Where a person can demonstrate to the Department that the disclosure of the chemical identity of a substance required to show the symbol-letter  $X_n$  (not being a substance which would cause the preparation to be assigned one of the risk phrases referred to in paragraph 2(2)(c)) on the label will put at risk the confidential nature of his property, he shall be permitted to refer to that substance either by means of a name that identifies the most important functional chemical groups of the substance or by means of an alternative name giving equivalent information.

(2) In such a case the manufacturer shall notify the Department of his intention so to label the preparation.

(3) Regulation 18 of the Notification of New Substances Regulations (Northern Ireland) 1994(a) (which relates to confidentiality of information notified) shall apply to information notified under sub-paragraph (2) as it applies to information notified under those Regulations.

*Indications of danger and symbols for substances and preparations dangerous for supply.*

4.—(1) Except in the case of a substance dangerous for supply which is listed in Part I of the approved supply list, where a substance or preparation is required to have more than one indication of danger in either of the following groups listed in decreasing order of severity—

(a) explosive, oxidizing, extremely flammable and highly flammable; or

(b) very toxic, toxic, corrosive, harmful and irritant,

only one of the indications of danger with its symbol from each group corresponding to the most severe indication of danger in that group need be shown.

(2) The risk phrases R12 (extremely flammable) and R11 (highly flammable) need not be used if they repeat the indication of danger shown on the label.

*Designation of pesticides to which Schedule 4 applies*

5.—(1) A preparation which is a pesticide shall be designated by—

(a) the trade name or trade designation of the preparation;

(b) the name and concentration of each active ingredient in the preparation and the concentration thereof shall be expressed—

(i) in the case of pesticides which are supplied as solids, in aerosol dispensers, or as volatile or viscous liquids, as percentage by weight,

(ii) for other liquids as percentage by weight or as grammes per litre, or

(iii) for gases, as percentage by volume; and

(c) the name of each other ingredient which is—

- (i) required to have the indication of danger T+ or T, if the concentration thereof exceeds 0.2 per cent by weight,
  - (ii) required to have the indication of danger C or X<sub>n</sub>, if the concentration thereof exceeds 5 per cent by weight.
- (2) The label shall also show—
- (a) the net quantity of the preparation;
  - (b) the batch number; and
  - (c) in the case of a preparation required to have the indication of danger T+, T or X<sub>n</sub>, an indication that the container must not be re-used except in the case of containers that are specifically designed for re-use, recharging or refilling by the supplier of the pesticide.

## PART II

### PARTICULAR PROVISIONS CONCERNING CERTAIN PREPARATIONS

#### A

#### **Special provisions for preparations dangerous for supply**

##### *Preparations to be supplied to the general public*

1.—(1) The labels on packages of preparations dangerous for supply intended to be supplied to the general public must bear relevant safety phrase S1, S2, S45 or S46 in accordance with the approved classification and labelling guide.

(2) When such a preparation is classified as very toxic, toxic, or corrosive and where it is physically impossible to give the information on the package itself, packages containing such preparations must be accompanied by precise and easily understandable instructions for use including, where appropriate, instructions for the destruction of the empty package.

##### *Preparations intended for use by spraying*

2. The labels on packages containing preparations dangerous for supply intended to be used for spraying shall bear the safety phrase S23 and the safety phrase S38 or S51 assigned in accordance with the approved classification and labelling guide.

##### *Preparations containing a substance affected by the risk phrase R33 (danger of cumulative effects)*

3. When a preparation dangerous for supply contains at least one substance required to show the risk phrase R33, that phrase must be shown on the label of the preparation when the concentration of that substance is equal to or higher than 1% unless a different value for that substance is shown in Part V of the approved supply list.

##### *Preparations containing a substance affected by the risk phrase R64 (may cause harm to breast-fed babies)*

4. When a preparation dangerous for supply contains at least one substance required to show the risk phrase R64, that phrase must be shown on the label of the preparations when the concentration of that substance is equal to or higher than 1% unless a different value for that substance is shown in Part V of the approved supply list.

## B

**Special provisions for preparations whether or not dangerous for supply***Paints and varnishes containing lead*

1.—(1) Labels of packages of paints and varnishes containing lead in quantities exceeding 0.15% expressed as a percentage of the weight of metal in relation to the percentage of the total weight of the preparation, as determined in accordance with ISO standard 6503/1984 shall show the following particulars—

“Contains lead. Should not be used on surfaces that are liable to be chewed or sucked by children.”.

(2) In the case of packages containing less than 125 millilitres of such preparations the label may show the following particulars—

“Warning. Contains Lead.”.

*Cyanoacrylate-based adhesives*

2.—(1) The immediate packages of glues based on cyanoacrylates shall bear the following inscription—

“Cyanoacrylate.  
Danger.  
Bonds skin and eyes in seconds.  
Keep out of the reach of children.”.

(2) Appropriate safety advice shall accompany a package to which subparagraph (1) applies.

*Preparations containing isocyanates*

3. The package label of a preparation containing isocyanates (whether as monomers, oligomers, prepolymers etc. or as mixtures thereof) shall bear the following inscriptions—

“Contains isocyanates.  
See information supplied by the manufacturer.”.

*Certain preparations containing epoxy constituents*

4. The package label of a preparation containing epoxy constituents with an average molecular weight  $\leq 700$ , shall bear the following inscription—

“Contains epoxy constituents.  
See information supplied by the manufacturer.”.

*Preparations intended to be sold to the general public that contain active chlorine*

5. The package labels of preparations containing more than 1% of active chlorine which are intended to be sold to the general public shall bear the following inscription—

“Warning! Do not use with other products. May release dangerous gases (chlorine).”.

*Preparations containing cadmium (alloys) intended to be used for brazing or soldering*

6. The package labels of preparations containing cadmium (alloys) intended to be used for brazing or soldering shall bear the following inscription—



“Warning! Contains cadmium.  
Dangerous fumes are formed during use.  
See information supplied by the manufacturer.  
Comply with the safety instructions.”

**Provisions relating to child resistant fastenings and tactile warning devices**

The British and International Standards referred to in regulation 13 are as follows—

- “BS 2782” means the British Standard Specification for the determination of the viscosity of polymers in the liquid, emulsified or dispersed state using a rotational viscometer working at a defined shear rate, BS 2782: Part 7: Method 730B:1978 (1991) which was published by the British Standards Institution and came into effect on 31st October 1978;
- “ISO 3219” means the International Standard ISO 3219 (December 15th 1977 edition) adopted by the International Standards Organisation (ISO);
- “BS EN 28317” means the British Standard Specification for packagings resistant to opening by children, BS EN 28317:1993 which was published by the British Standards Institution and came into effect on 15th February 1993;
- “ISO 8317” means the International Standard ISO 8317 (1st July 1989 edition) relating to “Child-resistant packaging — Requirements for the testing of reclosable packages adopted by the International Standards Organisation (ISO)”;
- “BS 6652” means the British Standard Specification for packagings resistant to opening by children, BS 6652:1989 which was published by the British Standards Institution and came into effect on 30th June 1989;
- “BS 7280” means the British Standard Specification for the requirements for tactile danger warnings for packaging, BS 7280: 1990 which was published by the British Standards Institution and came into effect on 28th February 1990;
- “EN 272” means European Standard EN 272 (20th August 1989 edition) relating to tactile warning of danger;
- “BS 7501” means the British Standard on the general criteria for the operation of testing laboratories, BS 7501:1989 which was published by the British Standards Institution and came into effect on 31st October 1989;
- “EN 45 000” means European Standards Series 45 000 which sets out the general criteria which laboratories must adhere to in order to obtain accreditation for the certification of child resistant fastenings.

**Amendments to enactments relating to the flash point of flammable liquids**

Column 1 <i>Provision of enactment</i>	Column 2 <i>Extent of amendment</i>
1. Petroleum (Consolidation) Act (Northern Ireland), 1929(a) Section 23(1)	In the definition of "Petroleum-spirit", for the words "Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 412)" there shall be substituted the words "Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 60)".
2. Petroleum (Mixtures) Order (Northern Ireland) 1930(b) (i) Article 1 (ii) The Schedule, Part II, paragraphs 1, 2 and 3	In each place where those words occur, for the words "Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 412)" there shall be substituted the words "Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 60)".
3. Dry Cleaning Special Regulations (Northern Ireland) 1950(c) Regulation 2(2)	In the definition of "Flash point" for the words "Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 412)" there shall be substituted the words "Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 60)".

- (a) 1929 c. 13 (N.I.); section 23(1) was amended by S.R. 1992 No. 413 regulation 3 and Schedule 2 and S.R. 1993 No. 412 regulation 20(11) and Schedule 10
- (b) S.R. & O (N.I.) 1930 No. 21 (p. 325), as amended by S.R. 1992 No. 413 regulation 3 and Schedule 2 and S.R. 1993 No. 412 regulation 20(11) and Schedule 10
- (c) S.R. & O. (N.I.) 1950 No. 117 (p. 268), as amended by S.R. 1992 No. 413 regulation 3 and Schedule 2 and S.R. 1993 No. 412 regulation 20(11) and Schedule 10

Column 1	Column 2
<i>Provision of enactment</i>	<i>Extent of amendment</i>
<p>4. The Shipbuilding and Ship-repairing Regulations (Northern Ireland) 1971(a) Regulation 3</p>	<p>In the definition of “Abel closed test” for the words “Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 412)” there shall be substituted the words “Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 60)”.</p>
<p>5. Highly Flammable Liquids and Liquefied Petroleum Gases Regulations (Northern Ireland) 1975(b) Regulation 2(1)</p>	<p>In the definition of “highly flammable liquid” in sub-paragraph (a) for the words “Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 412)” there shall be substituted the words “Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 60)”.</p>

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- (a) S.R. & O. (N.I.) 1971 No. 372, as amended by S.R. 1992 No. 413 regulation 3 and Schedule 2 and S.R. 1993 No. 412 regulation 20(11) and Schedule 10
- (b) S.R. 1975 No. 256, as amended by S.R. 1992 No. 413 regulation 3 and Schedule 2 and S.R. 1993 No. 412 regulation 20(11) and Schedule 10

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

1. These Regulations revoke and re-enact with amendments the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 412) (“the 1993 Regulations”). The 1993 Regulations were substantially amended by the Carriage of Dangerous Goods by Road and Rail (Classification, Packaging and Labelling) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 47) which revoked those parts of the 1993 Regulations which regulated the classification, packaging and labelling for carriage by road of substances dangerous for carriage.

2. By virtue of the European Economic Area Act 1993 (c. 51), these Regulations have effect so that a reference to the Communities in the Regulations is to be read as a reference to the European Economic Area and a reference to a member State as a reference to a State in the Area.

3. Like the 1993 Regulations, these Regulations implement as respects Northern Ireland—

- (a) Council Directive 92/32/EEC (O.J. No. L154, 5.6.92, p. 1) amending for the 7th time Council Directive 67/548/EEC (O.J. No. L196, 16.8.67, p. 1 (O.J./S.E. 1967, p. 234)) insofar as its provisions relate to the classification, packaging and labelling of dangerous substances (“the substances Directive”); and
- (b) Council Directive 88/379/EEC (O.J. No. L187, 16.7.88, p. 14) relating to the classification, packaging and labelling of dangerous preparations (“the preparations Directive”).

4. These Regulations also implement the following Directives which adapt to technical progress and modify the substances Directive and the preparations Directive—

- (a) Commission Directive 90/35/EEC (O.J. No. L19, 24.1.90, p. 14), which defines the categories of preparations to which Article 6 of the preparations Directive applies;
- (b) Commission Directive 91/410/EEC (O.J. No. L228, 17.8.91, p. 67), relating to the 14th adaptation to technical progress of the substances Directive;
- (c) Commission Directive 91/442/EEC (O.J. No. L238, 27.8.91, p. 25), which defines the packaging which must be fitted when Article 6 of the preparations Directive applies;
- (d) Commission Directive 92/37/EEC (O.J. No. L154, 5.6.92, p. 30), relating to the 16th adaptation to technical progress of the substances Directive;
- (e) Commission Directive 93/18/EEC (O.J. No. L104, 29.4.93, p. 46), relating to the 3rd adaptation to technical progress of the preparations Directive;

- (f) Commission Directive 93/21/EEC (O.J. No. L110, 4.5.93, p. 20), relating to the 18th adaptation to technical progress of the substances Directive;
- (g) Commission Directive 93/72/EEC (O.J. No. L258, 16.10.93, p. 29), relating to the 19th adaptation to technical progress of the substances Directive;
- (h) Commission Directive 93/101/EC (O.J. No. L13, 15.1.94, p. 1), relating to the 20th adaptation to technical progress of the substances Directive; and
- (i) Commission Directive 93/112/EC (O.J. No. L314, 16.12.93, p. 38), amending the safety data sheets Directive (Commission Directive 91/155/EEC, (O.J. L76, 22.3.91, p. 39)).

5. Regulation 3 describes the scope of the Regulations. Regulation 4 defines and describes the approved supply list which has been approved by the Department of Economic Development ("the Department") and published by the Health and Safety Commission for the purposes of classifying substances and preparations dangerous for supply.

6. Regulation 5 prohibits the supply of substances and preparations dangerous for supply unless they are classified in accordance with that regulation. Procedures for classifying substances and preparations dangerous for supply are also prescribed (regulation 5 and Schedules 1, 3 and 4).

7. Regulation 6 describes the safety data sheets which (with certain exceptions) are required to be provided when dangerous substances or preparations are supplied and Schedule 5 sets out the headings under which particulars are to be provided in safety data sheets.

8. Regulation 7 requires that advertisements for a substance which is dangerous for supply must refer to the hazards presented by that substance.

9. The Regulations impose requirements in respect of the packaging of substances and preparations dangerous for supply (regulation 8); in respect of the particulars to be displayed on labels for substances and preparations dangerous for supply (regulation 9); in respect of particular labelling for certain preparations (regulation 10 and Schedule 6); in respect of the methods of marking and labelling of such substances and preparations (regulation 11 and Schedule 2) and permits certain derogations from the labelling requirements (regulation 12).

10. The Regulations require that the packaging of certain substances and preparations be provided with child resistant fastenings or tactile warning devices or both, and set out the standards to which such fastenings or devices must conform (regulation 13 and Schedule 7).

11. Regulation 14 requires the person who classifies a substance or preparation dangerous for supply to retain the data used for classification for

at least three years after the substance or preparation was last supplied and make it available to the enforcing authority on request. Regulation 15 requires information in relation to certain preparations dangerous for supply to be notified to the poisons advisory centre.

12. The Regulations make provision for exemptions to be granted by the Department in certain circumstances and for the enforcement of the Regulations (regulations 16 and 17).

13. Regulation 18 and Schedule 8 amends certain enactments.

14. Regulation 19 revokes, in respect of Northern Ireland, the Child Resistant Packaging (Safety) Regulations 1986 (S.I. 1986/758) as amended by the Child Resistant Packaging (Safety) (Amendment) Regulations 1990 (S.I. 1990/1736) and the Child Resistant Packaging (Safety) (Amendment) Regulations 1993 (S.I. 1993/1546). Regulation 19 also revokes the 1993 Regulations as amended by S.R. 1995 No. 47.

15. Regulation 20 sets out transitional provisions.

16. Copies of the publications referred to in these Regulations are obtainable as follows:—

- (a) (i) the approved supply list [ISBN 0-7176 0858 1],  
(ii) the approved classification and labelling guide [ISBN 0-7176 0860 3],

from Dillons Books, 44-46 Fountain Street, Belfast, BT1 5EE or from HSE Books, PO Box 1999, Sudbury, Suffolk, CO10 6FS;

- (b) The British and International Standards referred to in Part III of Schedule 1 (relating to the determination of flash point), regulation 13 and Schedule 7 (relating to child resistant fastenings and tactile warning devices) from (by personal callers) the British Standards Institution, 2 Park Street, London W1A 2BS or (by post) from the British Standards Institution, Lindford Wood, Milton Keynes, MK14 6LE.

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.