
STATUTORY INSTRUMENTS

1996 No. 1092

HEALTH AND SAFETY

The Chemicals (Hazard Information and Packaging for Supply) (Amendment) Regulations 1996

Made - - - - 11th April 1996
Laid before Parliament 18th April 1996
Coming into force in accordance with regulation 1

The Secretary of State, being the designated Minister⁽¹⁾ for the purpose of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the regulation and control of classification, packaging and labelling of dangerous substances and preparations, and for measures related to consumer protection, in the exercise of the powers conferred on him by the said section 2(2) and sections 15(1) and (2) of, and paragraphs 1(1)(b) and (4) of Schedule 3 to, the Health and Safety at Work etc. Act 1974⁽³⁾ (“the 1974 Act”) and of all other powers enabling him in that behalf, for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following regulations:—

Citation and commencement

1. These Regulations may be cited as the Chemicals (Hazard Information and Packaging for Supply) (Amendment) Regulations 1996 and shall come into force on 1 June 1996, except for regulation 3(4), which shall come into force on 1 September 1996.

Interpretation

2. In these Regulations “the principal Regulations” means the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994⁽⁴⁾.

(1) S.I. 1976/897 and S.I. 1993/2661.
(2) 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).
(3) 1974 c. 37; sections 15(1) and 50(3) were amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraphs 6 and 16(3) respectively.
(4) S.I. 1994/3247.

Modifications to the principal Regulations

3.—(1) The principal Regulations shall be modified in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1)—

(a) in the definition of “EEC number” , in head (c), for the footnote to ELINCS substitute the footnote “OJNo. C361, 17.12.94, p.1” ; and

(b) after the definition of “pesticide” insert the following definitions—

“ “petrol” has the same meaning as in regulation 2(1) of the Motor Fuel (Lead Content of Petrol) Regulations 1981(5);

“plant protection product” has the same meaning as in regulation 2(1) of the Plant Protection Products Regulations 1995(6);”.

(3) In regulation 3—

(a) in paragraph (1)—

(i) delete the word “or” at the end of sub-paragraph (n),

(ii) at the end of sub-paragraph (o) for the full stop substitute a semi-colon, followed by the word “or” , and

(iii) after sub-paragraph (o) insert the following sub-paragraph—

“(p) a plant protection product, which has been approved under the Plant Protection Products Regulations 1995(6).”; and

(b) after paragraph (4) insert the following paragraph—

“(4A) Notwithstanding sub-paragraphs (a), (b), (e), (f), (i), (n) and (o) of paragraph (1), paragraphs (3A) and (3B) of regulation 9 shall apply to the substances and preparations referred to in those sub-paragraphs whether or not they are substances or preparations dangerous for supply.”.

(4) In regulation 4—

(a) for the words “2nd Edition” substitute the words “3rd Edition” ;

(b) for the date “18 October 1994” substitute the date “24 January 1996” ; and

(c) after paragraph (f) insert the following paragraph—

“(g) in Part VII, the descriptions specified in the European Inventory of Existing Commercial Chemical Substances for complex coal, oil and gas derived substances.”.

(5) In regulation 9—

(a) delete the word “and” at the end of paragraph (2)(b);

(b) in paragraph (2)(c)—

(i) in paragraph (iv), for the words “the words “EEC label” ” , substitute the words “either the words “EC label” or “EEC label” ” , and

(ii) for the full stop at the end of the paragraph substitute a semi-colon, followed by the word “and” ;

(c) after paragraph (2)(c) insert the following sub-paragraph—

“(d) where required by paragraph (3A) or (3B), the labelling phrase specified therein.”;

(5) S.I. 1981/1523, amended by S.I. 1985/1728 and S.I. 1989/547.

(6) S.I. 1995/887.

(6) S.I. 1995/887.

- (d) delete the word “and” at the end of paragraph (3)(c);
 - (e) for the full stop at the end of paragraph (3)(d) substitute a semi-colon, followed by the word “and” ;
 - (f) after paragraph (3)(d), insert the following sub-paragraph—
 - “(e) where required by paragraph (3A) or (3B), the labelling phrase specified therein.”; and
 - (g) after paragraph (3) insert the following paragraphs—
 - “(3A) Subject to paragraph (3C), and without prejudice to any other requirements in these Regulations, in respect of a substance specified in Part III A of Schedule 6 or a preparation containing such a substance, either of which is required to be classified and labelled in accordance with these Regulations (or would be so required, but for any of the exceptions contained in sub-paragraphs (a), (b), (e), (f), (i), (n) and (o) of paragraph (1) of regulation 3), as—
 - (a) Carcinogenic of category 1 or 2;
 - (b) Mutagenic of category 1 or 2; or
 - (c) Toxic for reproduction of category 1 or 2,the labelling phrase “Restricted to professional users” shall be included in the particulars specified in paragraph (2) or (3), as the case may be.
 - (3B) Without prejudice to any other requirements in these Regulations, in respect of—
 - (a) a substance specified in Part III B of Schedule 6; or
 - (b) a preparation containing such a substance in a concentration by weight of 0.1% or more,which is dangerous for supply, the labelling phrase “Restricted to professional users” shall be included in the particulars specified in paragraph (2) or (3), as the case may be, and where such a substance or preparation is not dangerous for supply the said phrase shall be clearly shown in accordance with the requirements of regulation 11 as if it were dangerous for supply.
 - (3C) Notwithstanding regulation 3(4A), paragraph (3A) shall not apply to—
 - (a) petrol which complies with paragraph (1) of regulation 4 of the Motor Fuel (Lead Content of Petrol) Regulations 1981;
 - (b) mineral oil products intended for use as fuel in mobile or fixed combustion plants;
 - (c) fuels sold in closed systems; and
 - (d) artists' paints.”.
- (6) In regulation 12(4)(d), for the number “3291” substitute the number “3219” .
- (7) In regulation 16, for paragraph (1) substitute the following paragraph—
 - “(1) Subject to paragraphs (2) and (3)—
 - (a) the provisions of the Health and Safety at Work etc. Act 1974(7) which relate to the approval of codes of practice and their use in criminal proceedings, to enforcement and to offences; and
 - (b) sub-section (2) of section 47 of the Health and Safety at Work etc. Act 1974,

(7) 1974 c. 37; section 15 was amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraph 6.

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shall apply to the provisions of regulations 5 to 14 as if those provisions had been made under section 15 of the said Act, whether or not the provisions of that Act would apply but for this paragraph.”.

(8) In regulation 18, for “the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1989” substitute “the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1995” **(8)**.

(9) Part II of Schedule 3 shall be modified in accordance with Schedule 1 to these Regulations.

(10) Schedule 6 shall be modified in accordance with Schedule 2 to these Regulations.

11th April 1996

John Selwyn Gummer
Secretary of State for the Environment

SCHEDULE 1

Regulation 3(9)

MODIFICATIONS TO PART II OF SCHEDULE 3 TO THE PRINCIPAL REGULATIONS

1. Part II of Schedule 3 to the principal Regulations shall be modified in accordance with the following paragraphs of this Schedule.

2. In Table III, in the first entry in the column headed “Classification of the substance”, for the symbol “T+” substitute the symbol “T”.

3. In Table IIIA, in the first entry in the column headed “Classification of the substance (gas)”, for the symbol “T+” substitute the symbol “T”.

4. Table IVA shall be modified as follows—

- (a) under the column headed “Xi with R41” delete the last entry, that is, the words “concentration >5% R41 obligatory”;
- (b) in the notes below the table, in paragraph (a)—
 - (i) for each occurrence of the figure “10%” substitute the figure “5%”, and
 - (ii) for the figure “5%” substitute the figure “0.2%”; and
- (c) in the notes below the table, in paragraph (b)—
 - (i) for the figure “20%” substitute the figure “5%”,
 - (ii) for each occurrence of the figure “5%” substitute the figure “0.5%”, and
 - (iii) for the figure “1%” substitute the figure “0.02%”.

SCHEDULE 2

Regulation 3(10)

MODIFICATIONS TO SCHEDULE 6 OF THE PRINCIPAL REGULATIONS
After Part II of Schedule 6 to the principal Regulations insert the following Part—

PART III

SUBSTANCES REQUIRING ADDITIONAL LABELLING PHRASE

A

*Category 1 and 2 Carcinogenic, Mutagenic and Toxic for
Reproduction substances requiring additional labelling phrase*

The substances referred to in regulation 9(3A) are specified in the table below—

Substance	CAS Number
<i>Carcinogenic substances of Category 1</i>	
2-naphthylamine; β -naphthylamine	91-59-8
biphenyl-4-ylamine; xenylamine; 4-aminobiphenyl	92-67-1
benzidine; 4,4'-diaminobiphenyl; biphenyl-4,4'-ylenediamine	92-87-5

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Substance	CAS Number
chromium trioxide	1333-82-0
arsenic acid and its salts	—
arsenic pentoxide; arsenic oxide	1303-28-2
diarsenic trioxide; arsenic trioxide	1327-52-3
asbestos	132207-33-1
	132207-32-0
	12172-73-5
	77536-66-4
	77536-68-6
	77536-67-5
benzene	71-43-2
bis (chloromethyl) ether	542-88-1
chloromethyl methyl ether, chlorodimethyl ether	107-30-2
dinickel trioxide	1314-06-3
erionite	12510-42-8
nickel dioxide	12035-36-8
nickel monoxide	1313-99-1
nickel subsulphide	12035-72-2
nickel sulphide	16812-54-7
salts of 2-naphthylamine	—
salts of biphenyl-4-ylamine; salts of xenylamine; salts of 4-aminobiphenyl	—
salts of benzidine	—
vinyl chloride; chloroethylene	75-01-4
zinc chromates including zinc potassium chromate	—
<i>Carcinogenic substances of Category 2</i>	
1-methyl-3-nitro-1-nitrosoguanidine	70-25-7
1,2-dibromo-3-chloropropane	96-12-8
1,2-dimethylhydrazin	540-73-8
1,3-butadiene, buta-1,3-diene	106-99-0
1,3-dichloro-2-propanol	96-23-1
1,3-propanesultone	1120-71-4
3-propanolide; 1,3-propiolactone	57-57-8

Substance	CAS Number
1,4-dichlorobut-2-ene	764-41-0
2-nitronaphthalene	581-89-5
2-nitropropane	79-46-9
2,2'-dichloro-4,4'-methylenedianiline; 4,4'-methylene bis(2-chloroaniline)	101-14-4
2-2'-(nitrosoimino)bisethanol	1116-54-7
3,3'-dichlorobenzidine; 3,3'-dichlorobiphenyl-4,4'-ylenediamine	91-94-1
3,3'-dimethoxybenzidine; o-dianisidine	119-90-4
3,3'-dimethylbenzidine; o-toluidine	119-93-7
4-aminoazobenzene	60-09-3
4-amino-3-fluorophenol	399-95-1
4-methyl-m-phenylenediamine	95-80-7
4-nitrobiphenyl	92-93-3
4,4'-methylenedi-o-toluidine	838-88-0
4,4'-diaminodiphenylmethane; 4,4'-methylenedianiline	101-77-9
5-nitroacenaphthene	602-87-9
4-o-tolylazo-o-toluidine; 4-amino-2',3'-dimethylazobenzene; fast garnet GBC base, AAT; o-aminoazotoluene	97-56-3
disodium- {5[4'-((2,6-hydroxy-3-((2-hydroxy-5-sulphophenyl)azo)phenyl)azo)(1,1'-biphenyl)-4-yl)azo]salicylato(4-)} cuprate(2-); C1 Direct Brown 95	16071-86-6
cadmium oxide	1306-19-0
Extracts (petroleum), heavy naphthenic distillate solvent	64742-11-6
Extracts (petroleum), heavy paraffinic distillate solvent	64742-04-7
Extracts (petroleum), light naphthenic distillate solvent	64742-03-6
Extracts (petroleum), light paraffinic distillate solvent	64742-05-8
Extracts (petroleum), light vacuum gas oil solvent	91995-78-7
Hydrocarbons, C26-55, arom. rich	97722-04-8
N,N-dimethylhydrazine	57-14-7
acrylamide	79-06-1

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Substance	CAS Number
acrylonitrile	107-13-1
α,α,α -trichlorotoluene; benzotrichloride	98-07-7
benzo[a]anthracene	56-55-3
benzo[a]pyrene; benzo[d,e,f]chrysene	50-32-8
benzo[b]fluoranthene; benzo[e]acephenanthrylene	205-99-2
benzo[j]fluoranthene	205-82-3
benzo[k]fluoranthene	207-08-9
beryllium	7440-41-7
beryllium compounds with the exception of aluminium beryllium silicates	—
cadmium chloride	10108-64-2
cadmium sulphate	10124-36-4
calcium chromate	13765-19-0
captafol (ISO); 1,2,3,6-tetrahydro-N-(1,1,2,2- tetrachloroethylthio)phthalimide	2425-06-1
carbadox (INN); methyl-3-(quinoxalin-2- ylmethylene)carbazate 1,4-dioxide; 2- (methoxycarbonylhydrazonomethyl)quinoxaline 1,4-dioxide	6804-07-5
chromium III chromate; chromic chromate	24613-89-6
diazomethane	334-88-3
dibenz[a,h]anthracene	53-70-3
diethyl sulphate	64-67-5
dimethyl sulphate	77-78-1
dimethyl carbamoyl chloride	79-44-7
N-nitrosodimethylamine; dimethylnitrosamine	62-75-9
dimethylsulfamochloride	13360-57-1
1-chloro-2,3-epoxypropane; epichlorohydrin	106-89-8
1,2-dichloroethane; ethylene dichloride	107-06-2
ethylene oxide; oxirane	75-21-8
ethyleneimine; aziridine	151-56-4
hexachlorobenzene	118-74-1
hexamethylphosphoric triamide; hexamethylphosphoramide	680-31-9
hydrazine	302-01-2
hydrazobenzene; 1,2-diphenylhydrazine	122-66-7

Substance	CAS Number
methyl acrylamidomethoxyacetate (containing >0.1% acrylamide)	77402-03-0
methyl-ONN-azoxymethyl acetate; methyl azoxy methyl acetate	592-62-1
nitrofen (ISO); 2,4-dichlorophenyl 4-nitrophenyl ether	1836-75-5
nitrosodipropylamine	621-64-7
2-methoxyaniline; o-anisidine	90-04-0
potassium bromate	7758-01-2
propylene oxide; 1,2-epoxypropane; methyloxirane	75-56-9
o-toluidine	95-53-4
2-methylaziridine; propyleneimine	75-55-8
salts of 2,2'-dichloro-4,4'-methylenedianiline; salts of 4,4'-methylenebis (2-chloroaniline)	—
salts of 3,3'-dichlorobenzidine; salts of 3,3'-dichlorobiphenyl-4,4'-ylenediamine	—
salts of 3,3'-dimethoxybenzidine; salts of o-dianisidine	—
salts of 3,3'-dimethylbenzidine; salts of o-toluidine	—
strontium chromate	7789-06-2
styrene oxide; (epoxyethyl)benzene; phenyloxirane	96-09-3
sulfallate (ISO); 2-chlorallyl diethyldithiocarbamate	95-06-7
thioacetamide	62-55-5
urethane (INN); ethyl carbamate	51-79-6
<i>Mutagenic substances of Category 1</i>	
There are no substances classified in this category,	
<i>Mutagenic substances of Category 2</i>	
1,2-dibromo-3-chloropropane	96-12-8
acrylamide	79-06-1
benzo[a]pyrene; benzo[d,e,f]chrysene	50-32-8
diethyl sulphate	64-67-5
ethylene oxide; oxirane	75-21-8
ethyleneimine, aziridine	151-56-4

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Substance	CAS Number
hexamethylphosphoric triamide; hexamethylphosphoramidate	680-31-9
methyl acrylamidomethoxyacetate (containing >0.1% acrylamide)	77402-03-0
<i>Toxic for reproduction substances of Category 1,</i>	
lead hexafluorosilicate	25808-74-6
lead acetate	1335-32-6
lead alkyls	—
lead azide	13424-46-9
lead chromate	7758-97-6
lead compounds, with the exception of those specified elsewhere in this Part of this Schedule	—
lead di(acetate)	301-04-2
lead 2,4,6-trinitroresorcinoxide; lead styphnate	15245-44-0
lead (II) methanesulfonate	17570-76-2
trilead bis(orthophosphate)	7446-27-7
warfarin; 4-hydroxy-3-(3-oxo-1- phenylbutyl)coumarin	81-81-2
<i>Toxic for reproduction substances of Category 2</i>	
2-ethoxyethanol; ethylene glycol monoethyl ether	110-80-5
2-ethylhexyl 3,5-bis(1,1-dimethylethyl)-4- hydroxyphenyl methyl thio acetate	80387-97-9
2-methoxyethanol, ethylene glycol monoethyl ether	109-86-4
benzo[a]pyrene; benzo[d,e,f]chrysene	50-32-8
binapacryl (ISO); 2-sec butyl-4,6- dinitrophenyl-3-methylcrotonate	485-31-4
N,N-dimethylformamide; dimethyl formamide	68-12-2
dinoseb; 6-sec butyl-2,4-dinitrophenol	88-85-7
dinoterb; 2-tert-butyl-4,6-dinitrophenol	1420-07-1
ethylene thiourea; imidazolidine-2-thione; 2- imidazoline-2-thiol	96-45-7
2-ethoxyethyl acetate; ethylglycol acetate	111-15-9
methyl-ONN-azoxymethyl acetate; methyl azoxy methyl acetate	592-62-1

Substance	CAS Number
2-methoxyethyl acetate; methylglycol acetate	110-49-6
nickel tetracarbonyl	13463-39-3
nitrofen (ISO); 2,4-dichlorophenyl 4-nitrophenyl ether	1836-75-5
salts and esters of dinoseb, with the exception of those specified elsewhere in this Part of this Schedule	—
salts and esters of dinoterb	—

*B**Chlorinated solvents requiring additional labelling phrase*

The substances referred to in regulation 9(3B) are specified in the table below—

Substance	CAS Number
chloroform	67-66-3
carbon tetrachloride	56-23-5
1,1,2-trichloroethane	79-00-5
1,1,2,2-tetrachloroethane	79-34-5
1,1,1,2-tetrachloroethane	630-20-6
pentachloroethane	76-01-7
1,1-dichloroethylene	75-35-4
1,1,1-trichloroethane	71-55-6

Note The CAS Number is the number assigned to the substance by the Chemicals Abstract Service.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994 (S.I. 1994/3247) (“the principal Regulations”) to—

- (a) implement part of Council Directive 94/60/EC (OJ No. L 365, 31.12.94, p.1), the 14th Amendment to Council Directive 67/769/EEC (“the Marketing and Use Directive”);
- (b) implement Commission Directive 94/69/EC (OJ No. L 381, 31.12.94, p.1) the 21st Adaptation to Technical Progress of Commission Directive 67/548/EEC (“the Dangerous Substances Directive”);

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- (c) remove from the scope of the Regulations plant protection products which are approved under separate product-specific legislation; and
 - (d) make several minor amendments to correct typographical errors, update references and clarify the drafting.
2. Regulations 2(1), 3 and 9 of, and Schedule 6 to, the principal Regulations are amended to implement the part of Council Directive [94/60/EC](#) which requires a special labelling phrase (“Restricted to professional users”) in certain circumstances.
3. Regulation 3(1) of the principal Regulations is amended to remove from the scope of those Regulations plant protection products which are approved under the Plant Protection Products Regulations 1995 ([S.I. 1995/887](#)).
4. Regulation 4 of the principal Regulations is amended to refer to the new 3rd Edition of the Approved Supply List, which is approved by the Health and Safety Commission under that regulation and replaces the 2nd Edition. The Approved Supply List implements Annex I to the Dangerous Substances Directive and the 3rd Edition incorporates the modifications required by Commission Directive [94/69/EC](#), which amends that Annex.