



STATUTORY INSTRUMENTS.

S.I. No. 623 of 2015



SAFETY, HEALTH AND WELFARE AT WORK (CHEMICAL AGENTS)
(AMENDMENT) REGULATIONS 2015

SAFETY, HEALTH AND WELFARE AT WORK (CHEMICAL AGENTS)
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I, RICHARD BRUTON, Minister for Jobs, Enterprise and Innovation, in exercise of the powers conferred on me by section 58 of the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005) (as adapted by the Enterprise, Trade and Innovation (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 245 of 2011)) and to give effect to Article 4 of Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014¹ and after consultation with the Health and Safety Authority, hereby make the following regulations:

1. (1) These Regulations may be cited as the Safety, Health and Welfare at Work (Chemical Agents) (Amendment) Regulations 2015.

(2) The Principal Regulations and these Regulations may be cited together as the Safety, Health and Welfare at Work (Chemical Agents) Regulations 2001 and 2015.

2. (1) In these Regulations—

“Directive” means Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014¹;

“Principal Regulations” means the Safety, Health and Welfare at Work (Chemical Agents) Regulations 2001 (S.I. No. 619 of 2001).

(2) A word or expression that is used in these Regulations and is also used in Article 4 of the Directive, has, unless the contrary intention appears, the same meaning in these Regulations and the Principal Regulations as it has in that Article.

3. Regulation 2(1) of the Principal Regulations is amended—

(a) in the definition of “hazardous chemical agent”—

(i) by the substitution of the following paragraph for paragraph (i) of that definition:

“(i) any chemical agent which meets the criteria for classification as hazardous within any physical and health hazard classes, or either such class, laid down in Regulation (EC) No. 1272/2008 of the European Parliament and of the

¹OJ No. L65, 5.3.2014, p.1

Council of 16 December 2008², referred to in Article 4(1)(a) of the Directive, whether or not that chemical agent is classified under that Regulation;”,

- (ii) by deleting paragraph (ii) of the definition of “hazardous chemical agent”, and
- (iii) by the substitution of the following paragraph for paragraph (iii) of that definition:

“(iii) any chemical agent which, whilst not meeting the criteria for classification as hazardous in accordance with paragraph (i), may, because of its physico-chemical, chemical or toxicological properties and the way it is used or is present in the workplace, present a risk to the safety and health of workers, including any chemical agent that is assigned an occupational exposure limit value in the code of practice specifying the occupational exposure limit values assigned to chemical agents;”,

(b) by deleting the definition of “Principal Regulations”, and

(c) by inserting the following definition:

“ ‘Act of 2005’ means the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005);”.

4. Regulation 3 of the Principal Regulations is amended in paragraph (5) by—

- (a) the deletion of “as interpreted in Regulation 2 of the Principal Regulations and”, and
- (b) the substitution of “section 8(3) of the Act of 2005” for “Regulation 4 of those Regulations”.

5. Regulation 4 of the Principal Regulations is amended in paragraph (1) by—

- (a) the substitution of “section 19 of the Act of 2005” for “the Principal Regulations”, and
- (b) the substitution of the following subparagraph for subparagraph (b):

“(b) information on safety and health that shall be provided by the supplier and which shall include the relevant safety data sheet provided in accordance with Regulation (EC) No. 1907/2006 of the European Parliament and of the Council of 18 December 2006³, referred to in Article 4(2) of the Directive;”.

²OJ No. L353, 31.12.2008, p.1

³OJ No. L396, 30.12.2006, p.1

6. Regulation 5 of the Principal Regulations is amended in paragraph (1) by the substitution of “section 8 of the Act of 2005” for “the Principal Regulations”.

7. Regulation 8 of the Principal Regulations is amended by the substitution of “section 11 of the Act of 2005” for “the Principal Regulations”.

8. Regulation 9 of the Principal Regulations is amended—

(a) in paragraph (1)—

(i) by the substitution of “section 9(3) of the Act of 2005” for “Principal Regulations”, and

(ii) by the substitution of the following subparagraph for subparagraph (d):

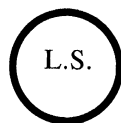
“(d) access to any safety data sheet provided by the supplier in accordance with Article 31 of Regulation (EC) No. 1907/2006.”,

(b) in paragraph (3), by the substitution of “Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007)” for “Safety, Health and Welfare at Work (Signs) Regulations, 1995 (S.I. No. 132 of 1995)”, and

(c) in paragraph (4), by the substitution of “sections 9 and 10 of the Act of 2005” for “the Principal Regulations”.

9. Regulation 10 of the Principal Regulations is amended in paragraph (1) by the substitution of “section 22 of the Act of 2005” for “the Principal Regulations”.

10. Schedule 2 to the Principal Regulations is amended by the substitution of “40µg” for “40mg”.



GIVEN under my Official Seal,
22 December 2015.

RICHARD BRUTON,
Minister for Jobs, Enterprise and Innovation.

EXPLANATORY NOTE

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

Directive 2014/27/EU seeks to amend five EU Directives on health and safety at work as a result of the adoption of the EU “CLP” Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures in 2008.

The Safety, Health and Welfare at Work (Chemical Agents) (Amendment) Regulations 2015 amend S.I. No. 619 of 2001 in order to transpose Article 4 of Directive 2014/27/EU.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
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