



National Irish Safety Organisation

New Irish legislation and information guides December 2010 - March 2011

Chemicals (Amendment) Act 2010 (No 32 of 2010)

The Chemicals (Amendment) Act 2010 came into operation on the 10 December 2010 under the Chemicals Act 2010 (Commencement) Order 2010 (S.I. No. 591). This Act amends the Chemicals Act 2008 (No 13 of 2008) which came into operation on 15 July 2008 through the Chemicals Act 2008 (Commencement) Order 2008 (S.I. No. 273).

The main purpose of the 2008 and 2010 Acts is to facilitate the enforcement of certain EU Regulations concerning chemicals. These Regulations include the:

Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Regulation (No. 1907/2006), Classification, Labelling and Packaging of Substances and Mixtures (CLP) Regulation (No. 1272/2008) Rotterdam Regulation (No. 689/2008) concerning the export and import of dangerous chemicals under the Rotterdam Convention, and the Detergents Regulation (No. 648/2004).

The Chemicals (Amendment) Act 2010 also includes minor technical amendments to the Safety, Health and Welfare at Work Act 2005.

The Chemicals Act (CLP Regulation) Regulations 2011 (S.I. No. 102 of 2011) came into operation on 2 March 2011, and designates the English language as the language for the purposes of labelling of hazardous chemicals.

Safety, Health and Welfare at Work (Exposure to Asbestos)(Amendment) Regulations 2010 (S.I. No. 589 of 2010)

These Regulations were signed by Dara Calleary, Minister of State at the Department of Enterprise, Trade and Innovation on the 8 December 2010. The Regulations amend the Safety, Health and Welfare at Work (Exposure to Asbestos) Regulations 2006 (S.I. No. 386 of 2006). These Regulations give effect to Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work.

The Regulations apply to all work activities which transpose persons to risks arising from the inhalation of dust from asbestos or materials containing asbestos. The Regulations provide a single exposure limit value for all work activities where exposure to asbestos dust in the air at a place of work may arise. The Regulations also emphasise the need for adequate training. Those involved in demolition and asbestos removal activities must provide evidence of their ability to do this work in a safe way to ensure the protection of their employees.

Chemicals (Amendment) Act 2010 (Commencement) Order 2010 (S.I. No. 591 of 2010)

This regulation gives effect to the Chemicals (Amendment) Act 2010 which came into operation on 10 December 2010.

European Communities (Carriage of Dangerous Goods by Road Act 1998)(Amendment) Regulations 2010 (S.I. No. 616 of 2010)

These Regulations were signed by Batt O’Keeffe, Minister for Enterprise, Trade and Innovation on 21 December 2010 and came into operation from that date. The Regulations amend the Carriage of Dangerous Goods by Road Act 1998 in order to allow for the transposition of Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods as amended by Commission Decision 2010/187/EU of 25 March 2010 by means of Regulations made under that Act.

Carriage of Dangerous Goods by Road Regulations 2010 (S.I. No. 617 of 2010)

These Regulations were signed by Batt O’Keeffe, Minister for Enterprise, Trade and Innovation on 21 December 2010 and came into operation from that date. The Regulations apply to the carriage, in tanks, in bulk and in packages, of dangerous goods by road, including the packing, loading, filling and unloading of the dangerous goods in relation to their carriage. They apply the provisions of Annexes A and B to the “European Agreement Concerning the International Carriage of Dangerous Goods by Road” (ADR) 2009.

The Regulations place duties on the various participants associated with the carriage of the dangerous goods. They contain requirements for the vehicles, tanks, tank containers, receptacles and packages containing the dangerous goods during their carriage. The Regulations require that the drivers, and others involved in the carriage of the dangerous goods by road, be adequately trained and, in the case of drivers, hold certificates of such training. The Regulations also contain provisions on an EU harmonised approach to the road checks aspect of their enforcement.

These regulations place duties on the Competent Authority, in Part 7, in respect of carrying out spot checks on vehicles and premises. This requirement is contained in provisions in Chapter 1.8.1 of ADR.

The Regulations transpose—

Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the approximation of the laws of the Member States with regard to the inland transport of dangerous goods (insofar as that Directive relates to the transport of dangerous goods by road) as amended by Commission Decision 2009/240/EC of 4 March 2009 and Commission Decision 2010/187/EU of 25 March 2010.

Directive 2008/68/EC as amended and adapted to technical progress (which has replaced Directive 94/55/EC) maintains the requirement of Directive 94/55/EC for national legislation to be in line with the Annexes to ADR, which are updated and replaced every two years, but with certain derogations for national transport, as provided for in separate regulations made under the European Communities Act, 1972.

These Regulations are complementary to the—

- (i) European Communities (Carriage of Dangerous Goods by Road)(ADR Miscellaneous Provisions) Regulations 2010,
- (ii) Carriage of Dangerous Goods by Road Act 1998 (Appointment of Competent Authorities) Order 2010, which specifies the competent authorities for the purposes of these Regulations, and
- (iii) Carriage of Dangerous Goods by Road Act 1998 (Fees) Regulations 2010, which specifies the fees that may be charged by a competent authority, authorised examiner or accreditation body under these Regulations.

The Regulations revoke and replace the Carriage of Dangerous Goods by Road Regulations 2007 (S.I. No. 288 of 2007).

Carriage of Dangerous Goods by Road Act 1998 (Appointment of Competent Authorities) Order 2010 (S.I. No. 618 of 2010)

These Regulations were signed by Batt O’Keeffe, Minister for Enterprise, Trade and Innovation on 21 December 2010 and came into operation from that date. Section 4 of the Carriage of Dangerous Goods by Road Act 1998 gives the Minister for Enterprise, Trade and Innovation power to appoint competent authorities to perform functions conferred by the Act and by Regulations made under the Act.

Together with the Act, the Carriage of Dangerous Goods by Road Regulations 2010 transpose the requirements of the European Union Directives on the transport of dangerous goods by road and the requirements of the associated 2009 version of the United Nations ADR (European Agreement Concerning the International Carriage of Dangerous Goods by Road). The 1998 Act and the Regulations referred to set out functions to be performed by various competent authorities.

This Order appoints the various competent authorities for the purposes of the 1998 Act and the Regulations referred to above as follows—

- Road Safety Authority,
- National Standards Authority of Ireland,
- Irish National Accreditation Board,
- Minister for Justice and Law Reform,
- Radiological Protection Institute of Ireland,
- National Roads Authority, and
- Health and Safety Authority,

to perform the functions assigned to them.

This Order is complementary to the—

(i) Carriage of Dangerous Goods by Road Regulations 2010 (“the Principal Regulations”), which apply to the carriage, in tanks, in bulk and in packages, of dangerous goods by road; in implementing the provisions of the technical Annexes to the “European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR) 2009”,

(ii) European Communities (Carriage of Dangerous Goods by Road)(ADR Miscellaneous Provisions) Regulations 2010, and

(iii) Carriage of Dangerous Goods by Road Act 1998 (Fees) Regulations 2010, which specifies the fees that may be charged by a competent authority, authorised examiner or accreditation body under “the Principal Regulations”.

The Order revokes and replaces the Carriage of Dangerous Goods by Road Act 1998 (Appointment of Competent Authorities) Order 2007 (S.I. No. 290 of 2007).

Carriage of Dangerous Goods by Road Act 1998 (Fees) Regulations 2010 (S.I. No. 619 of 2010)

These Regulations were signed by Batt O’Keeffe, Minister for Enterprise, Trade and Innovation on 21 December 2010 and came into operation from that date.

These Regulations are complementary to the—

- (i) Carriage of Dangerous Goods by Road Regulations 2010 (“the Principal Regulations”), which apply to the carriage, in tanks, in bulk and in packages, of dangerous goods by road; in implementing the provisions of the technical Annexes to the “European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR) 2009”,
- (ii) European Communities (Carriage of Dangerous Goods by Road)(ADR Miscellaneous Provisions) Regulations 2010, and
- (iii) Carriage of Dangerous Goods by Road Act 1998 (Appointment of Competent Authorities) Order 2010, which specifies the competent authorities for the purposes of “the Principal Regulations”.

The Regulations revoke and replace the Carriage of Dangerous Goods by Road Act 1998 (Fees) Regulations 2007 (S.I. No. 291 of 2007).

The Regulations specify the fees that may be charged by a competent authority, authorised examiner or accreditation body under the Carriage of Dangerous Goods by Road Regulations 2010.

European Communities (Carriage of Dangerous Goods by Road)(ADR Miscellaneous Provisions) Regulations 2010 (S.I. No. 620 of 2010)

These Regulations were signed by Batt O’Keeffe, Minister for Enterprise, Trade and Innovation on 21 December 2010 and came into operation from that date. These Regulations apply to the carriage, in tanks, in bulk and in packages, of dangerous goods by road. They complement the provisions of the “associated Regulations”, namely, the Carriage of Dangerous Goods by Road Regulations 2010 made under the Carriage of Dangerous Goods by Road Act 1998.

The Regulations contain provisions on an EC harmonised approach to the road checks aspect of their enforcement. They also implement certain exemptions which are in addition to those contained in the Annexes A and B to the “European Agreement Concerning the International Carriage of Dangerous Goods by Road” (ADR) 2009.

The Regulations transpose or re-transpose relevant elements of —

Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 as amended by Commission Decision 2009/240/EC of 4 March 2009 and Commission Decision 2010/187/EU of 25 March 2010, and Council Directive 95/50/EC of 6 October 1995 on uniform procedures for checks on transport of dangerous goods by road, as amended by Directive 2001/26/EC of the European Parliament and of the Council of 7 May 2001, by Commission Decision 2002/886/EC of 7 November 2002 by Commission Directive 2004/112/EC of 13 December 2004 as last adapted to technical progress by 2008/54/EC of the European Parliament and of the Council of 17 June 2008; which were not otherwise transposed through the Carriage of Dangerous Goods by Road Regulations 2010.

These Regulations are complementary to the —

- (i) Carriage of Dangerous Goods by Road Regulations 2010 which apply to the carriage, in tanks, in bulk and in packages, of dangerous goods by road; in implementing the provisions of the technical Annexes to the “European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR) 2009”;
- (ii) Carriage of Dangerous Goods by Road Act 1998 (Appointment of Competent Authorities) Order 2010, which specifies the competent authorities for the purposes of these Regulations; and
- (iii) Carriage of Dangerous Goods by Road Act 1998 (Fees) Regulations 2010, which specifies the fees that may be charged by a competent authority, authorised examiner or accreditation body under these Regulations

These Regulations revoke and replace the European Communities (Carriage of Dangerous Goods by Road) (ADR Miscellaneous Provisions) Regulations 2007 (S.I. No. 289 of 2007).

Dangerous Substances (Retail and Private Petroleum Stores) (Amendment) Regulations 2010 (S.I. No. 628 of 2010)

These Regulations were signed by the Minister on 20 December 2010. The Regulations extend, until 31 December 2011, the authority to license in certain circumstances petrol stations which were constructed before 28 September 1979. The Regulations amend the Dangerous Substances (Retail and Private Petroleum Stores) Regulations 1979.

European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Revocation) Regulations 2010 (S.I. No. 633 of 2010)

The European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Revocation) Regulations 2010 (S.I. No. 633 of 2010), were signed into law by the Minister for Enterprise, Trade and Innovation on 21 December 2010.

These Regulations revoke S.I. No. 220 of 2003, S.I. No. 503 of 2003, S.I. No. 852 of 2004, S.I. No. 364 of 2006, S.I. No. 746 of 2007 and S.I. No. 371 of 2008. Those S.I.'s transposed EU Council Directive 76/769/EEC (Marketing and Use), and its various amending Directives into Irish law. Since 1 June 2009, those Directives are repealed and replaced by Title VIII and Annex XVII of the EU REACH Regulation 1907/2006, as amended.

European Communities (Transport of Dangerous Goods by Rail) Regulations, 2010 (S.I. No. 651 of 2010)

The European Communities (Transport of Dangerous Goods by Rail) Regulations, 2010 (S.I. No. 651 of 2010), were signed into law by the Minister for Transport on 20 December 2010. The purpose of these Regulations (S.I. 651 of 2010) is to give effect to Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods by rail (insofar as that Directive relates to the transport of dangerous goods by rail) as amended by Commission Directive 2010/61/EU of 2 September 2010.

The Regulations revoke and replace the European Communities (Safety Advisers for the Transport of Dangerous Goods by Road and Rail) Regulations, 2001 (S.I. No. 6 of 2001), the European Communities (Transport of Dangerous Goods by Rail) Regulations, 2003 (S.I. No. 701 of 2003), and European Communities (Transport of Dangerous Goods by Rail) (Amendment) Regulations 2007 (S.I. No. 212 of 2007).

Chemicals Act (CLP Regulation) Regulations 2011 (S.I. No. 102 of 2011)

The Chemicals Act (CLP Regulation) Regulations, which came into operation on 2 March 2011, designate the English language as the language for the purposes of labelling of hazardous chemicals, pursuant to Article 17.2 of the EU Regulation on the Classification, Labelling and Packaging of Chemicals [No. 1272/2008].

The above Legislation can be downloaded from the NISO Website.

Guides and Information

Guide to the Construction Amendment Regulations 2010

In the last issue of NISO Update (Winter 2010) we published details of the Safety, Health and Welfare at Work (Construction)(Amendment) Regulations 2010 (S.I. No. 523 of 2010). A guide has now been published by the Health and Safety Authority which provides practical guidance on these regulations. It is aimed at all those responsible for the planning, design, implementation and maintenance of safe systems of work for construction, including clients, designers, project supervisors for the design process (PSDP), project supervisors for the construction stage (PSCS), contractors and employees. The guide is not intended as a legal interpretation of the legislation.

The amended Regulations substitute revised provisions for Regulations 2 (Definition for confined space), 22 (Duties of the project supervisor for the construction stage, notification to the Authority), 51 (Safety precautions), 79 (Health hazards) and 98 (Shelters and accommodation for clothing and for taking meals) and insert new Schedule 7 relating to “Minimum particulars to be notified by the Project Supervisor for the Construction Stage to the Health and Safety Authority before the construction work begins”, in the Safety, Health and Welfare at Work (Construction) Regulations 2006. The purpose of the amendments is to provide for the further transposition of Council Directive 92/57/EEC on the minimum safety and health requirements at temporary or mobile construction sites, on foot of communications between the EU Commission and the State.

This Guidance is intended to clarify the changes in the Safety, Health and Welfare at Work (Construction) (Amendment) Regulations 2010. The amended Regulations brings changes in five Regulations into effect:

1. Regulation 2 – Definition for Confined Space;
2. Regulation 22 – Duties of the project supervisor for the construction stage, notification to the Authority;
3. Regulation 51 – Safety precautions;
4. Regulation 79 – Health hazards; and
5. Regulation 98 – Shelters and accommodation for clothing and for taking meals.

Guidance is provided on the changes only, not on the unchanged Regulations.

Concerned about your Hearing - Information Sheet

This information sheet, produced by the Health and Safety Authority, details what noise does to our ears, what are the warning signs of hazardous noise, how hearing loss is measured, employers and employees duties, the selection of hearing protection, who can help and further information.

Your Steps to Chemical Safety

This booklet, produced by the Health and Safety Authority, shows a three step approach whereby a small business can safely manage its chemicals. It shows you how to carry out a chemical risk assessment, which is required by law but more importantly, it will help you protect your employees safety and health. It will also potentially introduce cost savings to your business through more effective work practices, such as correct storage, handling, use and disposal procedures.

The above guides are available from the Health and Safety Authority website.

HSA Programme of Work 2011

NISO has produced a document outlining legislation, reviews, information guides and other developments planned by the HSA for 2011. This can be downloaded from the NISO website.