1965 No. 76

AGRICULTURAL EMPLOYMENT

SAFETY, HEALTH AND WELFARE

The Agriculture (Poisonous Substances) (Amendment) Regulations 1965

Made - - - -	19*th January* 1965
Laid before Parliament	28*th January* 1965
Coming into Operation	29*th January* 1965

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the powers conferred on them by section 1 of the Agriculture (Poisonous Substances) Act 1952(a) (as extended by the Agriculture (Poisonous Substances) (Extension) Order 1960(b)), and of all other powers enabling them in that behalf, after consultation with such organisations as appear to them to represent the interests concerned, hereby make the following regulations:—

Citation, extent and commencement

1. These regulations, which apply to Great Britain, may be cited as the Agriculture (Poisonous Substances) (Amendment) Regulations 1965, and shall come into operation on 29th January 1965.

Interpretation

2. These regulations shall be construed as one with the Agriculture (Poisonous Substances) Regulations 1963 and 1964(c).

Amendment of the Agriculture (Poisonous Substances) Regulations 1963

3.—(1) On the coming into operation of these regulations, the Agriculture (Poisonous Substances) Regulations 1963 (as amended by the Agriculture (Poisonous Substances) (Amendment) Regulations 1964)(c) shall have effect subject to the amendments set out in the following provisions of this regulation.

(2) In regulation 3, for the definitions of " aerosol dispenser ", " specified substance " and " spraying " respectively, there shall be substituted the following definitions:—

" ' aerosol ' means a spray the majority of the particles of which are less than 80 microns in diameter, and ' aerosol dispenser ' means a spraying apparatus so constructed as to release an aerosol;"

" ' specified substance ' means any substance specified in column 2 of Schedule 2 hereto to which the Act applies, and any preparation or mixture containing such a substance, except—

(*a*) a preparation or mixture used exclusively as an insecticide where the only such substance contained in it is not more than 5 per cent. by weight of dinoseb or DNOC;

(*b*) an aerosol used exclusively as an insecticide where the only such substance contained in it is not more than 0.4 per cent. by weight of dichlorvos; and

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 60. (b) S.I. 1960/398 (1960 I, p. 83).
(c) S.I. 1963/845, 1964/663 (1963 I, p. 1241; 1964 II, p. 1252).

(*c*) an impregnated resin strip used exclusively as an insecticide where the only such substance contained in it is not more than 20 per cent. by weight of dichlorvos;"

" ' spraying ' does not include soil-application or the use of a specified substance in capsule or granular form, but save as aforesaid includes any process whereby plants are treated with a specified substance and in relation to any plants includes the spraying of the soil in which the plants are being or are to be grown, and 'spraying apparatus' includes any apparatus or device through or by means of which spraying is carried out;"

(3) In regulation 3, after the definitions of " agricultural unit " and " specified substance in capsule form " respectively, there shall be inserted the following definitions:—

" ' granule placement ' means the process whereby a specified substance in granular form is deposited on or in the soil or on plants, and ' granule placement apparatus ' includes any apparatus or device through or by means of which granule placement is carried out;"

" ' specified substance in granular form ' means a preparation—

(*a*) which consists of absorbent mineral or synthetic solid particles impregnated with a specified substance, the size of the particles being such that not more than 4 per cent. by weight of the preparation is capable of passing a sieve with a mesh of 250 microns, and not more than 1 per cent. a sieve with a mesh of 150 microns;

(*b*) which has an apparent density of not less than 0.4 grammes per millilitre if compacted without pressure; and

(*c*) not more than 12 per cent. of which by weight consists of a specified substance;"

(4) In Schedule 1, Part I, for the definitions of " mackintosh ", " overall " and " rubber gloves " respectively, there shall be substituted the following definitions:—

" ' mackintosh ' means a waterproof coat covering the whole of the body except the head, the hands and below the knees, and when required by these regulations to be worn in connection with the use of a specified substance in granular form, having all external pockets covered; "

" ' overall ' means an overall with fastenings at the neck and wrists covering all clothing other than headgear, footwear and gloves, and when required by these regulations to be worn in connection with the use of—

(*a*) a specified substance containing dinoseb or DNOC, not so coloured that the presence of the stains thereof is not clearly visible;

(*b*) a specified substance in granular form, having all external pockets covered;"

" ' rubber gloves ' means rubber gloves which completely cover the hands and wrists; "

(5) In Schedule 1, Part I, after the definition of " rubber coat " the following definition shall be added:—

" ' rubber gauntlet gloves ' means rubber gloves not less than 12 inches in length measured from the tip of the second finger to the edge of the cuff; "

(6) For paragraph 2 of Schedule 1, Part I, there shall be substituted the following paragraph:—

" 2. In Part II of this Schedule ' ground-marker ' means a person who by means of any visual signal indicates to the pilot of an aircraft while airborne where spraying or granule placement therefrom is to be effected."

(7) For Part II of Schedule 1 there shall be substituted Schedule 1 to these regulations.

(8) In Schedule 2, Part III, there shall be included the entries contained in Schedule 2 to these regulations.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 18th January 1965.

(L.S.)

Frederick Peart,

Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 19th January 1965.

(L.S.)

William Ross,

Secretary of State for Scotland.

Regulation 3 (7)

SCHEDULE 1

SCHEDULE TO BE SUBSTITUTED FOR PART II OF SCHEDULE 1 TO PRINCIPAL REGULATIONS

Column 1 Operations prohibited except when protective clothing is worn	Column 2 Substances in relation to which operations are carried out	Column 3 Protective clothing required to be worn
1. Except where items 2 or 3 hereof apply or where the specified substance is in capsule form:— (*a*) opening a container containing a specified substance; or (*b*) diluting or mixing a specified substance, or transferring it from one container to another.	Any substance mentioned in Part I of Schedule 2.	Rubber gloves, rubber boots, respirator, and either— (*a*) an overall and rubber apron; or (*b*) a mackintosh.
	Any substance mentioned in Part II of Schedule 2.	Rubber gloves, rubber boots, face-shield, and either— (*a*) an overall and rubber apron; or (*b*) a mackintosh.
	Any substance mentioned in Part III of Schedule 2.	Rubber gloves and face-shield.
2. The like operations where either of the substances mentioned opposite this item in column 2 is to be used exclusively as an insecticide.	Dinoseb or DNOC.	Rubber gloves, and either a face-shield or eye-shield.
3. Opening a container containing a specified substance in granular form or transferring the contents from one container to another.	Any substance mentioned in Part I of Schedule 2.	Rubber gauntlet gloves, rubber boots, respirator and either— (*a*) an overall and rubber apron; or (*b*) a mackintosh; with the sleeves worn over the cuffs of the rubber gauntlet gloves.
	Any substance mentioned in Part II of Schedule 2.	Rubber gauntlet gloves and either an overall or mackintosh, with the sleeves worn over the cuffs of the rubber gauntlet gloves.
	Any substance mentioned in Part III of Schedule 2.	Rubber gloves.

Column 1 Operations prohibited except when protective clothing is worn	Column 2 Substances in relation to which operations are carried out	Column 3 Protective clothing required to be worn
4. Washing or cleansing spraying apparatus or soil-application apparatus that has been used with a specified substance.	Any substance mentioned in Parts I and II of Schedule 2.	Rubber boots, face-shield, and either— (*a*) an overall and rubber apron; or (*b*) a mackintosh.
5. Spraying any ground-crop except where carried out— (*a*) from aircraft; or (*b*) in a greenhouse.	Any substance mentioned in Part I of Schedule 2.	Overall, hood, rubber gloves, rubber boots and respirator.
	Any substance mentioned in Part II of Schedule 2.	Overall, hood, rubber gloves, rubber boots and either a face-shield or a dust-mask.
6. Spraying bushes, climbing plants (other than hops) or trees.	Any substance mentioned in Part I of Schedule 2.	Rubber coat, rubber gloves, rubber boots, sou'wester and respirator.
	Any substance mentioned in Part II of Schedule 2.	Rubber coat, rubber gloves, rubber boots, sou'wester and face-shield.
7. Spraying hops.	Any substance mentioned in Part I of Schedule 2.	Rubber coat, rubber gloves, sou'wester and respirator.
	Any substance mentioned in Part II of Schedule 2.	Rubber coat, rubber gloves, sou'wester and face-shield.
8. Spraying in a greenhouse (except where an aerosol dispenser or smoke-generator is used).	Any substance mentioned in Part I of Schedule 2.	Rubber gloves, rubber boots, hood, respirator and either an overall or mackintosh.
	Any substance mentioned in Part II of Schedule 2.	Rubber gloves, rubber boots, hood, face-shield and either an overall or mackintosh.
9. Spraying in a greenhouse where an aerosol dispenser is used.	Any substance mentioned in Schedule 2.	Overall, hood, rubber gloves and respirator.
10. Granule placement by hand or by means of hand-operated granule placement apparatus.	Any substance mentioned in Part I of Schedule 2.	Overall, hood, rubber gauntlet gloves, rubber boots and respirator, with the sleeves of the overall worn over the cuffs of the rubber gauntlet gloves.
	Any substance mentioned in Part II of Schedule 2.	Rubber gauntlet gloves and either an overall or a mackintosh, with the sleeves worn over the cuffs of the rubber gauntlet gloves.
11. Granule placement (except where carried out from aircraft) by means of granule placement apparatus operated otherwise than by hand, or, where such apparatus is being used for the purpose mounted on or drawn either directly or indirectly by a tractor, operating any other apparatus mounted on or so drawn by the tractor.	Any substance mentioned in Part I of Schedule 2.	Overall, hood, rubber gauntlet gloves, rubber boots and respirator, with the sleeves of the overall worn over the cuffs of the rubber gauntlet gloves.
	Any substance mentioned in Part II of Schedule 2.	Either an overall or a mackintosh.

Column 1 Operations prohibited except when protective clothing is worn	Column 2 Substances in relation to which operations are carried out	Column 3 Protective clothing required to be worn
12. Handling hops which have been sprayed—		
(*a*) within the previous 24 hours;	TEPP or mevinphos.	Rubber gloves.
(*b*) within the previous 4 days.	Any substance mentioned in Part I of Schedule 2 or in Part II thereof (other than TEPP and mevinphos).	Rubber gloves.
13. Handling potato plants which have been sprayed within the previous 10 days.	Potassium arsenite or sodium arsenite.	Overall, rubber gloves, rubber boots and dust-mask.
14. Acting as a ground-marker in connection with the spraying of ground-crops from aircraft.	Any substance mentioned in Part I of Schedule 2.	Overall, hood, rubber gloves, rubber boots and respirator.
	Any substance mentioned in Part II of Schedule 2.	Overall, hood, rubber gloves, rubber boots and face-shield.
15. Acting as a ground-marker in connection with granule placement from aircraft.	Any substance mentioned in Part I of Schedule 2.	Overall, hood, rubber gauntlet gloves, rubber boots and respirator, with the sleeves of the overall worn over the cuffs of the rubber gauntlet gloves.
	Any substance mentioned in Part II of Schedule 2.	Hood, face-shield and either an overall or mackintosh.
16. Soil-application (other than in a greenhouse) when carried out by—		
(*a*) the driver of— (i) tractor-mounted soil-application apparatus; or (ii) tractor-drawn soil-application apparatus (if the driver is unaccompanied);	Any substance mentioned in Parts I and II of Schedule 2.	Overall, rubber gloves and rubber boots.
(*b*) any operator on foot (including a person principally engaged as a tractor-driver whilst not engaged in tractor-driving).	Any substance mentioned in Parts I and II of Schedule 2.	Overall, rubber apron, rubber gloves and rubber boots.
17. Soil-application in a greenhouse.	Any substance mentioned in Part I of Schedule 2.	Overall, rubber apron, rubber gloves, rubber boots and respirator.
	Any substance mentioned in Part II of Schedule 2.	Overall, rubber apron, rubber gloves and rubber boots.

SCHEDULE 2 Regulation 3 (8)

ENTRIES TO BE ADDED TO PART III OF SCHEDULE 2 TO PRINCIPAL REGULATIONS

Column 1 Common Name and Classification	Column 2 Substance
demeton-S-methyl (b)	S-[2-(ethylthio)ethyl]dimethyl phosphorothiolate.

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

These regulations, which are made under the Agriculture (Poisonous Substances) Act 1952, amend the Agriculture (Poisonous Substances) Regulations 1963 and 1964. Workers to whom those regulations apply may not, and their employers may not cause or permit them to, carry out certain operations with specified poisonous substances unless the prescribed safety measures, including the wearing of protective clothing, are observed.

These regulations reduce the amount of protective clothing required to be worn when certain substances are used in granular form, and exempt from restrictions aerosols and impregnated resin strips used as insecticides if the only poisonous substance which they contain is a limited amount of dichlorvos. The definition of spraying is amended to make it clear that pre-emergent spraying is covered by the regulations. The handling of hops which have been sprayed with mevinphos is now permitted without rubber gloves after one day instead of four.

A further organo-phosphorus compound, demeton-S-methyl, is added to the list of poisonous substances.