POISONOUS SUBSTANCES

1954 No. 828

The Agriculture (Poisonous Substances) Regulations, 1954

Made - - - -	*22nd June*, 1954
Laid before Parliament	*29th June*, 1954
Coming into Operation	*1st July*, 1954

The Minister of Agriculture and Fisheries and the Secretary of State for Scotland, acting jointly, in exercise of the powers conferred on them by section one of the Agriculture (Poisonous Substances) Act, 1952(a), 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 may be cited as the Agriculture (Poisonous Substances) Regulations, 1954, apply to Great Britain and shall come into operation on the first day of July, nineteen hundred and fifty-four.

Revocation

2. The Agriculture (Poisonous Substances) Regulations, 1953(b), and the Agriculture (Poisonous Substances) (Amendment) Regulations, 1953(c), are hereby revoked.

Interpretation

3.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

"the Act" means the Agriculture (Poisonous Substances) Act, 1952;

"aerosol dispenser" means a spraying apparatus so constructed that the majority of the particles of the spray released therefrom are less than eighty microns in diameter;

"agriculture" has the meaning assigned to it by section ten of the Act and "agricultural" shall be construed accordingly;

"agricultural unit" means land which is occupied as a unit for agricultural purposes;

"greenhouse" includes any enclosed building or erection in which plants are grown;

"ground-crop" means any crop grown in the ground and includes the plant on which the crop is grown, but does not include bushes, climbing plants (including hops), or trees, or the crops grown thereon;

"inspector" means an inspector appointed by the Minister for the execution of the Act;

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 60. (b) S.I. 1953/358 (1953 I, p. 77).
(c) S.I. 1953/849 (1953 I, p. 85).

" the Minister " means, as respects England and Wales, the Minister of Agriculture and Fisheries, and as respects Scotland, the Secretary of State ;

" protective clothing " means the clothing and equipment required by these regulations to be worn, and references in these regulations to articles of protective clothing of which there are definitions in paragraph 1 of Part I of the First Schedule hereto shall be construed as references to the protective clothing so defined ;

" smoke-generator " includes any device by means of which a specified substance is thermally distributed by a heater composition ;

" specified substance " means any such substance to which the Act applies as is specified in the first column of the Second Schedule hereto and any preparations or mixtures containing any such substance, but shall not include a substance containing not more than five per cent. by weight of DNC or dinoseb where the purpose for which it is used is as an insecticide ;

" spraying apparatus " includes any apparatus or device through or by means of which a specified substance is discharged or released, after being extracted from the tank or container in which it is for the time being stored ;

" wetter " means a chemical agent which when added to a specified substance promotes on the surface of a solid (including rubber) the formation of a continuous liquid film ;

" worker " means a person employed under a contract of service or apprenticeship—

(*a*) in connection with the use in agriculture of a specified substance ; or

(*b*) on land on which a specified substance is being or has been used in agriculture,

and " employer " means the employer of such a person.

(2) In these regulations the abbreviated or common name of a specified substance as mentioned in the second column of the said Second Schedule means the specified substance mentioned opposite thereto in the first column thereof.

(3) Paragraph 2 of the said Part I of the First Schedule shall have effect for the purpose of defining the expressions " specified substance in capsule form " and " ground marker " used in Part II of that Schedule.

(4) The Interpretation Act, 1889(a), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Operations prohibited except when protective clothing is worn

4.—(1) A worker shall not, and his employer shall not require or permit him to carry out any such operations as are mentioned in the first column of Part II of the First Schedule hereto in relation to a substance mentioned in the second column thereof unless he is wearing the protective clothing respectively set forth opposite thereto in the third column thereof.

(2) In the foregoing paragraph " operations " includes operations which a worker carries out, either—

(*a*) as the principal or only worker engaged in carrying them out ; or

(*b*) as a member of a team of persons engaged in carrying them out, if he is in risk of being poisoned by the specified substance that is used.

(a) 52 & 53 Vict. c. 63.

Greenhouses

5.—(1) A worker shall not and his employer shall not require or permit him to enter or be present in a greenhouse in which a specified substance has been used unless he is wearing the protective clothing required by this regulation to be worn.

(2) Such protective clothing shall where the spraying apparatus used was an aerosol dispenser or a smoke-generator consist of that mentioned opposite item 8 in the third column of Part II of the said First Schedule, and in all other cases shall consist of that mentioned opposite item 4 therein as the appropriate protective clothing in relation to the substance that has been used.

(3) The foregoing paragraphs shall not apply where—

(*a*) a period of six hours has elapsed since the specified substance was used, and a sufficient number of windows in the greenhouse have been open for at least one hour after the expiration of that period to ensure ventilation ; or

(*b*) a period of twelve hours has elapsed since the specified substance was used.

(4) Where a specified substance has been used in a greenhouse and the occupier of the agricultural unit comprising the greenhouse employs persons who work in such unit, the occupier shall immediately after the specified substance has been so used cause notices to be affixed on all doors of the greenhouse warning such persons of the specified substance which has been used in the greenhouse and of the effect of paragraphs (1), (2), and (3) of this regulation.

Provision and maintenance of protective clothing

6.—(1) An employer of a worker who carries out operations to which regulation four of these regulations applies shall—

(*a*) provide the worker with the protective clothing required by or under these regulations and, where such protective clothing includes a respirator or dust-mask, provide an adequate supply of filters for replacement of those used ;

(*b*) maintain or cause to be maintained all protective clothing in good and serviceable condition ; and

(*c*) provide accommodation for the keeping of—

(i) protective clothing, and

(ii) the worker's personal clothing not worn during working hours.

(2) The accommodation provided under subparagraph (*c*) of paragraph (1) hereof shall be such as to ensure ventilation and that the worker's personal clothing does not become contaminated by a specified substance whether from protective clothing or otherwise.

Miscellaneous obligations relating to employers

7.—(1) The employer of a worker who carries out operations to which regulation four of these regulations applies shall—

(*a*) at a place which is conveniently accessible but outside the area in which the worker might be in risk of poisoning by any specified substance that has been used provide adequate and suitable washing facilities including soap and clean towels and either a supply of piped running water or clean water in containers (clearly marked " Personal washing only ") for the personal use of the worker ;

(*b*) provide—

(i) a supply of wholesome drinking water ;

(ii) clean drinking vessels ; and

(iii) suitable facilities for keeping any food or drink intended for the worker's consumption free from risk of contamination by a specified substance ;

(*c*) (except where a supply of piped running water is available) provide clean water in a container for the washing or cleaning of the protective clothing (other than overalls, hoods, respirators, dust-masks, or mackintoshes) which the worker has worn ;

(*d*) at the end of each day's operations cause to be thoroughly washed with water (or where appropriate with water and a suitable wetter) all protective clothing (other than overalls, hoods, respirators, dust-masks, or mackintoshes) which the worker has worn during the day's operations in connection with the use of a specified substance, and in the case of respirators and dust-masks cause them to be both cleaned and ventilated ;

(*e*) keep all spraying apparatus and the exterior of all tanks and containers which contain or have contained a specified substance free from contamination by any such substance, so far as it is practicable so to do ;

(*f*) keep the openings of all tanks and containers in which a specified substance is stored, when not in use, securely closed or covered over ; and

(*g*) cause every overall and hood which has been worn in connection with the use of a specified substance to be thoroughly washed with soap (or other suitable detergent) and water at least once in every six days in which it has been so worn and also whenever by reason of the presence of stains of a specified substance thereon there are reasonable grounds for apprehending that a worker may be in risk of poisoning.

(2) For the purpose of subparagraph (*a*) of paragraph (1) of this regulation, in considering whether a place is conveniently accessible account may be taken of any transport provided for workers at appropriate times ; and in considering whether washing facilities are adequate and suitable at any time and place regard shall be had to the number of workers for whom such facilities are required at that time and place.

Miscellaneous prohibitions and obligations relating to workers

8.—(1) A worker who carries out operations to which regulation four of these regulations applies shall not—

(*a*) at any time blow, suck, or apply his mouth to any jet, sprinkler, nozzle, or other spraying apparatus which contains or has contained a specified substance whether for the purpose of removing any obstruction or otherwise ;

(*b*) make use of any container marked "Personal washing only" for the washing of protective clothing, or of any container not so marked for personal washing ;

(*c*) make use of any drinking vessel provided by his employer otherwise than to drink from ; or

(*d*) eat, drink, or smoke unless he has removed all protective clothing (other than any overall or rubber boots), has washed his hands and face, and is outside an area in which he might be poisoned by any specified substance that has been, is being, or is about to be used, or by any protective clothing that has been worn in connection with the use of a specified substance.

(2) A worker who carries out operations as aforesaid shall—

(*a*) deposit his personal clothing not worn during working hours in the accommodation provided by his employer in accordance with regulation six hereof; and

(*b*) at the end of each day's operations forthwith—

(i) remove all protective clothing worn by him and deposit it in such accommodation as aforesaid; and

(ii) wash his hands, face, and neck.

Repair of spraying apparatus

9.—(1) A worker shall not and his employer shall not require or permit him to repair any spraying apparatus that has been, is being, or is about to be used for spraying a specified substance, unless such apparatus or so much thereof as requires repair is first thoroughly washed with water (or where appropriate with water and a suitable wetter).

(2) The foregoing paragraph shall not apply to repairs carried out in the course of spraying operations if the worker is wearing the protective clothing required by these regulations to be worn when carrying out such operations.

Keeping of a register

10.—(1) Subject to paragraph (3) hereof an employer shall keep a register containing particulars of—

(*a*) the name and address of every worker employed by him who carries out operations to which regulation four of these regulations applies;

(*b*) the number of hours worked on such operations by any such worker on each day;

(*c*) the specified substances in connection with which the worker has worked as aforesaid;

(*d*) any matters which the employer is required to notify to an inspector in accordance with regulation twelve hereof; and

(*e*) any matters required to be entered in the register as a condition of granting a certificate of exemption under regulation fifteen of these regulations.

(2) An employer shall preserve the register required to be kept by this regulation for at least a year after the date of the last entry therein.

(3) The foregoing paragraphs shall not apply in the case of an employer who is the occupier of an agricultural unit as respects workers employed in that unit, where—

(*a*) DNC or dinoseb is used for the treatment of any ground-crops in that unit and the total area of ground-crops in that unit does not exceed one hundred and fifty acres;

(*b*) any other specified substance is used for the treatment of—

(i) any bushes, climbing plants (including hops), or trees in that unit and the total area of any land so cultivated by him in that unit does not exceed fifty acres;

(ii) strawberries, sugar beet, or brassicae in that unit and the total area of any such ground-crops in that unit does not exceed one hundred and fifty acres;

(iii) any plants in a greenhouse in that unit and the aggregate superficial area of all greenhouses in that unit does not exceed two acres:

Provided that any exemption created by this paragraph from the obligation to keep a register shall be limited to the operations and conditions in respect of which the exemption applies.

(4) An employer shall give to a worker who ceases to be employed by him a copy of any particulars contained in the register kept by the employer in accordance with this regulation, so far as such particulars relate to that worker during the last six months of his employment, and the worker, on entering the employment of any other employer at any time within six months of so ceasing to be employed, shall give to that employer any such copy as aforesaid.

Restriction on hours of work

11. A worker shall not work on operations to which regulation four of these regulations applies, and his employer shall not require or permit him so to work, for more than—

(*a*) ten hours on any day ;

(*b*) sixty hours in any period of seven consecutive days ; or

(*c*) one hundred and twenty hours in any period of twenty-one consecutive days.

Notification of sickness and of absence

12.—(1) If at any time there are reasonable grounds for an employer to apprehend that a worker may be suffering from poisoning from a specified substance, the employer shall forthwith notify an inspector thereof.

(2) Without prejudice to paragraph (1) hereof, if a worker absents himself from duty for more than three days—

(*a*) otherwise than for a reason known to his employer not to be caused by poisoning from DNC or dinoseb, and during the fortnight immediately preceding such absence the worker has worked for more than sixty hours in connection with the use in agriculture of DNC or dinoseb ; or

(*b*) otherwise than for a reason known to his employer not to be caused by poisoning from any other specified substance, and during the four weeks' period immediately preceding such absence the worker has worked for more than sixty hours in connection with the use in agriculture of any other such specified substance ;

the employer shall forthwith notify an inspector of such absence.

Training and supervision of workers

13.—(1) An employer shall not require or permit a worker to work on operations to which regulation four of these regulations applies unless the worker has been thoroughly trained in the precautions to be observed, and is under adequate supervision.

(2) Nothing in the foregoing paragraph shall release a worker from any obligation or prohibition imposed on him by the Act or by these regulations.

Prohibition of employment of persons under eighteen years

14. No person under the age of eighteen years shall in any circumstances be employed to work on operations—

(*a*) to which regulation four of these regulations applies ; or

(*b*) involving the use in agriculture of a smoke-generator.

Certificates of exemption

15.—(1) If the employer of a worker satisfies an inspector that—

(*a*) any of the provisions of these regulations could reasonably be dispensed with if alternative conditions to protect the worker from the risk of poisoning by a specified substance were observed ; or

(*b*) by reason of exceptional circumstances, or of the small extent of the operations carried out, or for any other reason, any of the provisions of these regulations are unnecessary for the protection of a worker;

and the inspector certifies accordingly, then the employer and the worker to whom the certificate applies shall be exempt from such of the provisions of these regulations to which each of them would otherwise respectively be subject as are specified in the certificate.

(2) Any such certificate shall in addition specify the conditions (if any) subject to the observance of which the employer and the worker are to be exempted as aforesaid, and so long as the certificate remains in force the employer and the worker shall comply with those conditions.

(3) Any such certificate may at any time be revoked by notice in writing to the person to whom it was granted.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this 21st day of June, nineteen hundred and fifty-four.

Tom Dugdale,
Minister of Agriculture and Fisheries.

Given under the Seal of the Secretary of State for Scotland this 22nd day of June, nineteen hundred and fifty-four.

James Stuart,
Secretary of State for Scotland.

FIRST SCHEDULE

PART I

1. In Part II of this Schedule, and also where mentioned elsewhere in these regulations, the following expressions relating to articles of protective clothing have the meanings hereby respectively assigned to them:—

"dust-mask" means a filtering apparatus of a type that—

(*a*) is so designed as to eliminate so far as practicable the risk of pollution, by liquid and solid particles containing a specified substance, of the air breathed by the person wearing it, and

(*b*) has been approved for that purpose by the Minister;

"eye-shield" means a shield so designed as to protect the eyes from being splashed by a specified substance;

"face-shield" means a shield covering the whole of the forehead and face, so designed as to protect the forehead and face from being splashed by a specified substance;

"hood" means a hat or other covering to the head, so designed as to protect the forehead, and back and sides of the neck, and, when required by these regulations to be worn in connection with the use of a specified substance containing DNC or dinoseb, not so coloured that the presence of the stains thereof is not clearly visible;

"mackintosh" means a waterproof coat covering the whole of the body except the head, the hands, and below the knees;

"overall" means an overall with fastenings at the neck and wrists covering all clothing other than headgear, rubber boots, and such parts of rubber gloves as extend below the wrists, and when required by these regulations to be worn in connection with the use of a specified substance containing DNC or dinoseb, not so coloured that the presence of the stains thereof is not clearly visible;

" respirator " means a filtering apparatus of a type that—

(*a*) is so designed as to eliminate so far as practicable the risk of pollution, by gas and liquid and solid particles containing a specified substance, of the air breathed by the person wearing it, and

(*b*) has been approved for that purpose by the Minister;

" rubber " includes synthetic rubber, oilskin, and other substances or materials impermeable in the circumstances in which they are used to liquids and gases;

" rubber apron " means a rubber apron covering the front and sides of the body from immediately below the shoulders to at least three inches below the knees;

" rubber boots " means rubber boots extending from the feet upwards to at least immediately below the knees;

" rubber coat " means a rubber coat covering the whole of the body except the head, the hands, and below the knees;

" rubber gloves " means rubber gloves or gauntlets completely covering the hands, and fitting sufficiently closely around the wrists and forearms to be covered by the sleeves of a mackintosh, an overall, or rubber coat, when worn together with any of such articles of protective clothing;

" sou'wester " means a rubber hat or other covering which completely covers the head (other than the face), and is so shaped as to protect the back of the neck from falling spray.

2. In Part II of this Schedule—

(*a*) " ground-marker " means a person who by means of any visual signal indicates to the pilot of an aircraft while airborne any ground-crop which is to be sprayed therefrom; and

(*b*) " specified substance in capsule form " means a specified substance prepared in such manner that it is completely isolated by some substance that is not poisonous from a person handling the capsule, and has been approved for that purpose by the Minister.

PART II

Operations prohibited except when protective clothing is worn Column 1	Substances in relation to which operations are carried out Column 2	Protective clothing required to be worn Column 3
1. Except where item 2 hereof applies 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 the Second Schedule.	Rubber gloves, rubber boots, and respirator, and either— (*a*) an overall and rubber apron; or (*b*) a mackintosh.
	Any substance mentioned in Part II of the Second Schedule.	Rubber gloves, rubber boots, and face-shield, and either— (*a*) an overall and rubber apron; or (*b*) a mackintosh.
2. The like operations where either of the substances mentioned opposite this item in column 2 is to be used exclusively as an insecticide.	DNC or dinoseb ...	Rubber gloves, and either a face-shield or eye-shield.

Operations prohibited except when protective clothing is worn Column 1	Substances in relation to which operations are carried out Column 2	Protective clothing required to be worn Column 3
3. Washing or cleansing spraying apparatus that has been used with a specified substance.	Any substance mentioned in the Second Schedule.	Rubber boots, face-shield and either— (*a*) an overall and rubber apron; or (*b*) a mackintosh.
4. Spraying any ground-crop with a specified substance, except where carried out— (*a*) from aircraft; or (*b*) in a greenhouse.	Any substance mentioned in Part I of the Second Schedule.	Overall, hood, rubber gloves, rubber boots, and respirator.
	Any substance mentioned in Part II of the Second Schedule.	Overall, hood, rubber gloves, rubber boots, and either a face-shield or a dust-mask.
5. Spraying bushes, climbing plants (other than hops), or trees with a specified substance.	Any substance mentioned in Part I of the Second Schedule.	Rubber coat, rubber gloves, rubber boots, sou'wester, and respirator.
	Any substance mentioned in Part II of the Second Schedule.	Rubber coat, rubber gloves, rubber boots, sou'wester, and face-shield.
6. Spraying hops with a specified substance.	Any substance mentioned in Part I of the Second Schedule.	Rubber coat, rubber gloves, sou'wester, and respirator.
	Any substance mentioned in Part II of the Second Schedule.	Rubber coat, rubber gloves, sou'wester, and face-shield.
7. Spraying in a greenhouse with a specified substance (except where an aerosol dispenser or smoke-generator is used).	Any substance mentioned in Part I of the Second Schedule.	Rubber gloves, rubber boots, hood, respirator, and either an overall or mackintosh.
	Any substance mentioned in Part II of the Second Schedule.	Rubber gloves, rubber boots, hood, face-shield, and either an overall or mackintosh.
8. Spraying in a greenhouse with a specified substance where an aerosol dispenser is used.	Any substance mentioned in the Second Schedule.	Overall, hood, rubber gloves and respirator.
9. Handling hops on land where within four days previously the hops have been sprayed with a specified substance.	Any substance mentioned in the Second Schedule.	Rubber gloves.

Operations prohibited except when protective clothing is worn Column 1	Substances in relation to which operations are carried out Column 2	Protective clothing required to be worn Column 3
10 Acting as a ground-marker in connection with the spraying of ground-crops from aircraft with a specified substance.	Any substance mentioned in Part I of the Second Schedule.	Overall, hood, rubber gloves, rubber boots, and respirator.
	Any substance mentioned in Part II of the Second Schedule.	Overall, hood, rubber gloves, rubber boots, and face-shield.

SECOND SCHEDULE

Substance	Abbreviated or common name
PART I	
bis(dimethylamino)fluorophosphine oxide	dimefox
O, O-diethyl O-ethylmercaptoethyl thiophosphate (otherwise known as diethyl thiophosphate of ethylmercaptoethanol)	demeton-O
O, O-diethyl S-ethylmercaptoethyl phosphate	demeton-S
bis(dimethylamino)azidophosphine oxide	—
PART II	
2-methyl-4:6-dinitrophenol	DNC
2-(1-methyl-*n*-propyl)-4:6-dinitrophenol	dinoseb
O,*O*-diethyl *O*-*p*-nitrophenyl thionphosphate	parathion
bis(dimethylamino)phosphonous anhydride	schradan
bis(mono*iso*propylamino)fluorophosphine oxide	mipafox
tetraethyl pyrophosphate	TEPP (HETP)
tetraethyl dithiopyrophosphate	sulfotepp

EXPLANATORY NOTE

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

These Regulations consolidate and amend the Agriculture (Poisonous Substances) Regulations, 1953 (S.I. 1953/358), and the Agriculture (Poisonous Substances) (Amendment) Regulations, 1953 (S.I. 1953/849).

The principal amendments made by the Regulations are:—

(i) a new organo-phosphorus compound is added to the list of poisonous substances to which the former regulations applied;

(ii) modifications are made in the protective clothing a worker is required to wear when carrying out the scheduled operations; and

(iii) certificates of exemption may now be granted by an inspector in respect of all the Regulations (in lieu of certain only of the Regulations), and the conditions subject to which certificates may be granted are made more flexible.