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**FACTORIES (CONTROL OF CARCINOGENS AT WORK)  
REGULATIONS, 1997.**

**Subsidiary  
1997/021**

Regulations made under ss.58 and 81.

**FACTORIES (CONTROL OF CARCINOGENS AT  
WORK) REGULATIONS, 1997.**

**Revoked by LN. 2003/082 as from 7.8.2003**

**(LN. 1997/021)**

**1.4.1997**

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**ARRANGEMENT OF REGULATIONS.**

Regulation

1. Title and commencement.
2. Interpretation.
3. Assessment of health risks created by work involving carcinogens.
4. Presentation or control of exposure to carcinogens.
5. Unforeseen exposure.
6. Information, instruction and training for persons who may be exposed to substances hazardous to health.
7. Health surveillance.

**SCHEDULE.**

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**Title and commencement.**

1. These Regulations may be cited as the Factories (Control of Carcinogens at Work) Regulations, 1997 and shall come into effect on the 1st day of April, 1997.

**Interpretation.**

2. In these Regulations, unless the context otherwise requires—

“Carcinogenic Hazard” means—

- (a) those substances set out in the Schedule;
- (b) the following processes, namely—
  - (i) manufacture of ansamine;
  - (ii) work involving exposure to aromatic polycyclic hydrocarbons present in coal tar, pitch, fumes or dust;
  - (iii) work involving exposure to dusts, fumes and sprays produced during the roasting and electro-refining of cupro-nickel matters;
  - (iv) strong acid process in the manufacture of isopropyl alcohol; and
- (c) any preparation containing the substances referred to in paragraph (a) which are present at a concentration of not less than 1% of the total volume, and “carcinogen” means a substance referred to in that paragraph.

**Assessment of health risks created by work involving carcinogens.**

3.(1) An employer shall not carry out any work which is liable to expose any employees to any carcinogenic hazard unless he has made a suitable and sufficient assessment of the risks created by that work to the health of those employees and of the steps that need to be taken to meet the requirements of these Regulations.

(2) The assessment required by subregulation (1) shall be reviewed regularly and forthwith if—

- (a) there is reason to suspect that the assessment is no longer valid;  
or

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- (b) there has been a significant change in the work to which the assessment relates, and, where as a result of the review, changes in the assessments are required, those changes shall be made.

### **Presentation or control of exposure to carcinogens.**

4.(1) Every employer shall ensure that the exposure of his employees to carcinogenic substances is either prevented or, where this is not reasonably practicable, adequately controlled.

(2) Without prejudice to the generality of subregulation (1), where the assessment made under regulation 3 shows that it is not reasonably practicable to prevent exposure to a carcinogenic hazard by using an alternative substance or process, the employer shall apply the following measures, namely—

- (a) the total enclosure of the process of handling systems unless this is not reasonably practicable;
- (b) the limitation of the quantities of a carcinogenic hazard at the place of work;
- (c) the keeping of the number of persons who might be exposed to a carcinogenic hazard to a minimum;
- (d) the use of plant, processes and systems of work which minimise the generation of, or suppress and contain, spills, leaks, dust, fumes and vapours of carcinogenic substances;
- (e) the provision of hygiene measures including adequate washing facilities and regular cleaning of walls and surfaces;
- (f) the designation of those areas and installations which may be contaminated by carcinogenic substances, and the use of suitable and sufficient warning signs;
- (g) the prohibition of eating, drinking and smoking in areas that may be contaminated by carcinogenic substances; and
- (h) the safe storage, handling and disposal of carcinogenic substances and use of closed and clearly labelled containers.

(3) Where the measure taken in accordance with subregulation (1) does not prevent, or provide adequate control of, exposure to carcinogenic substances to which that subregulation applies, then, in addition to taking

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that measure, the employer shall provide those employees with such suitable personal protective equipment as will adequately control their exposure to those substances.

(4) Every employer who provides a control measure to meet the requirements of subregulations (1) and (2) shall ensure that it is maintained in an efficient state, in an efficient working order and in good repair and, in the case of personal protective equipment, in a clean condition.

**Unforeseen exposure.**

5. In the event of the failure of a control measure which might result in the escape of carcinogenic substances into the workplace, the employer shall ensure that employees and other persons who may be affected are informed of the failure as quickly as possible.

**Information, instruction and training for persons who may be exposed to substances hazardous to health.**

6.(1) An employer who undertakes work which may expose any of his employees to substances hazardous to health shall provide that employee with such information, instruction and training as is suitable and sufficient for him to know—

- (a) the risks to health created by such exposure; and
- (b) the precautions which should be taken.

(2) Without prejudice to the generality of subregulation (1), the information provided under that subregulation shall include information on the collective results of any health surveillance undertaken in accordance with regulation 7 in a form calculated to prevent it from being identified as relating to any particular person.

**Health surveillance.**

7.(1) Where it is appropriate for the protection of the health of his employees who are, or are liable to be, exposed to a substance hazardous to health, the employer shall ensure that such employees are under suitable health surveillance.

(2) The employer shall ensure that a health record, in respect of each of his employees to whom subregulation (1) relates is made and maintained and that that record or a copy thereof is kept in a suitable form for at least 40 years from the date of the last entry made in it.

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(3) Where an employer who holds records in accordance with subregulation (2) ceases to trade, he shall forthwith notify the Gibraltar Health Authority thereof in writing and offer those records to the Gibraltar Health Authority.

(4) Where, for the purpose of carrying out his functions under these Regulations, an employment medical adviser or appointed doctor requires to inspect any workplace or any record kept for the purposes of these Regulations, the employer shall permit him to do so.

(5) On reasonable notice being given, the employer shall allow any of his employees access to the health record which relates to him.

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**SCHEDULE**

Regulation 2

Acrylamide  
Acrylonitrile  
4-Aminoazobenzene  
4-Aminobiphenyl (4-Aminodiphenyl)  
Salts of 4-Aminobiphenyl (Salts of 4-Aminodiphenyl)  
4-Amino-3-fluorophenol  
Arsenic acid and its salts  
Arsenic pentoxide  
Arsenic trioxide  
Asbestos (all types)  
Benzene  
Benzidine  
Salts of benzidine  
Benzo-(a)-anthracene  
Benzo-(a)-pyrene  
Benzo-(b)-fluoranthene  
Benzo-(j)-fluoranthene  
Benzo-(k)-fluoranthene  
Bis(chloromethyl)ether(BCME)  
Butane(1), isobutane[2], (containing  $\geq 0.10\%$  butadiene (203-450-8))  
1,3-Butadiene  
Cadmium chloride  
Calcium chromate  
Captafol (ISO)  
Carbadox (INN)  
2-Chloroallyl diethyldithiocarbamate (Sulfallate ISO)  
Chlorodimethyl ether  
1-Chloro-2,3-epoxypropane (Epichlorohydrin)

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Chromium III chromate (Chromic chromate)  
 Clarified oils (petroleum), catalytic cracked  
 Clarified oils (petroleum), hydrodesulphurised catalytic cracked  
 Coke (coal tar), high temperature pitch  
 Coke (coal tar), mixed coal-high temperature pitch  
 Coke (coal tar), low temperature, high temperature pitch  
 4,4'-Diaminodiphenylmethane  
 o-Dianisidine  
 Salts of o-dianisidine  
 Diarsenic trioxide  
 Diazomethane  
 Dibenz(a,h)anthracene  
 1,2-Dibromo-3-chloropropane  
 1,2-Dibromoethane (Ethylene dibromide)  
 3,3'-Dichlorobenzidine  
 Salts of 3,3'-dichlorobenzidine  
 1,4-Dichlorobut-2-ene  
 1,2-Dichloroethene (Ethylene dichloride)  
 2,2'-Dichloro-4,4'-methylenedianiline (MbOCA)  
 Salts of 2,2-Dichloro-4,4'-methylenedianiline  
 1,3-Dichloro-2-propanol  
 Diethyl sulphate  
 3,3'-Dimethylbenzidine  
 Salts of 3,3'-dimethylbenzidine  
 Dimethylcarbamoyl chloride  
 1,2-Dimethylhydrazine  
 N,N-Dimethylhydrazine  
 Dimethylnitrosamine  
 Dimethylsulphamoyl chloride  
 Dimethyl sulphate  
 Disodium {5-[(4'-((2,6-hydroxy-3-((2-hydroxy-5-sulphophenyl)azo)phenyl)azo)(1,'-biphenyl)-4-yl)azo] salicylato(4-)}cuprate(2-)  
 Distillates (petroleum), intermediate vacuum  
 Distillates (petroleum), petroleum residues vacuum  
 Distillates (petroleum), chemically neutralised heavy paraffinic  
 Distillates (petroleum), hydrodesulphurized light catalytic cracked  
 Distillates (petroleum), hydrodesulphurized full-range middle  
 Distillates (petroleum), light paraffinic  
 Distillates (petroleum), light vacuum  
 Distillates (petroleum), vacuum  
 Distillates (petroleum), hydrodesulphurized middle coker  
 Distillates (petroleum), heavy naphthenic  
 Distillates (petroleum), heavy steam-cracked  
 Distillates (petroleum), acid-treated light naphthenic  
 Distillates (petroleum), acid-treated light paraffinic

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Distillates (petroleum), chemically neutralised light paraffinic  
Distillates (petroleum), chemically neutralised heavy naphthenic  
Distillates (petroleum), chemically neutralised light naphthenic  
Distillates (petroleum), light catalytic cracked  
Distillates (petroleum), intermediate catalytic cracked  
Distillates (petroleum), light thermal cracked  
Distillates (petroleum), light steam-cracked naphtha  
Distillates (petroleum), cracked steam-cracked petroleum distillate  
Distillates (petroleum), hydrodesulphurized thermal cracked middle  
Distillates (petroleum), acid-treated heavy paraffinic  
Distillates (petroleum), light catalytic cracked, thermally degraded  
Distillates (petroleum), light naphthenic  
Distillates (coal tar), benzole fraction  
Distillates (coal tar), heavy oils  
Distillates (petroleum), intermediate catalytic cracked, thermally degraded  
Distillates (petroleum), acid treated heavy naphthenic  
Distillates (petroleum), heavy catalytic cracked  
Distillates (petroleum), heavy thermal cracked  
Distillates (petroleum), heavy paraffinic  
Distillates (petroleum), hydrodesulphurized intermediate catalytic cracked  
Distillates (petroleum), hydrodesulphurized heavy catalytic cracked  
1,2-Epoxypropane (Propylene oxide)  
Erionite  
Ethyleneimine  
Ethylene oxide  
Extracts (Petroleum), heavy naphthenic distillate solvent  
Extracts (Petroleum), heavy paraffinic distillate solvent  
Extracts (Petroleum), light naphthenic distillate solvent  
Extracts (Petroleum), light paraffinic distillate solvent  
Extracts (Petroleum), light vacuum gas oil solvent  
Fuel oil-6  
Fuel oil, heavy high-sulphur  
Fuel oil, residues-straight-run gas oils, high sulphur  
Fuel oil, residual  
Gas oils (petroleum), thermal-cracked, hydrodesulphurised  
Gas oils (petroleum), heavy atmospheric  
Gas oils (petroleum), hydrodesulphurised coker heavy vacuum  
Gas oils (petroleum), steam-cracked  
Gas oils (petroleum), hydrodesulphurised heavy vacuum  
Gas oils (petroleum), heavy vacuum  
Gas oils (petroleum), light vacuum, thermal-cracked hydrodesulphurised  
Gas oils (petroleum), hydrotreated vacuum  
Gases (petroleum), catalytic cracked naphtha depropanizer overhead, c3-  
rich acid-free  
Gasoline, coal solvent extn., hydrocracked naphtha  
Hexachlorobenzene

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Hexamethylphosphoric triamide  
 Hydrazine  
 Salts of hydrazine  
 Hydrazine bis (3-carboxy-4-hydroxybenzene sulphonate)  
 Hydrazobenzene  
 Hydrocarbons C26-55, aromatic rich  
 Lead hydrogen arsenate  
 2-methylaziridine  
 4,4'-Methylenedi-o-toluidine  
 Methyl acrylamidomethoxy acetate (containing  $\geq 0.1\%$  acrylamide)  
 Methyl acrylamidoglycolate (containing 20.1% acrylamide)  
 2-Methoxyaniline  
 4-Methyl-m-phenylenediamine  
 1-Methyl-3-nitro-1-nitrosoguanidine  
 Methyl-ONN-azoxymethyl acetate (Methyl azoxy methyl acetate)  
 2-Naphthylamine  
 Salts of 2-naphthylamine  
 5-Nitroacenaphthene  
 2-Nitroanisole  
 4-Nitrobiphenyl (4-nitrodiphenyl)  
 Nitrofen (ISO)  
 2-Nitronaphthalene  
 2-Nitropropane  
 N-Nitrosodimethylamine  
 N-Nitrosodipropylamine  
 2,2'-(nitrosoimino)bis ethanol  
 Potassium bromate  
 1,3 Propanesultone  
 3-Propanolide (Propiolactone)  
 Residual oils (petroleum)  
 Residues (petroleum), coker, scrubber, condensed-ring-arom.-contg.  
 Residues (petroleum), hydrodegenated steam-cracked naphtha  
 Residues (petroleum), atm.tower  
 Residues (petroleum), vacuum, light  
 Residues (petroleum), steam-cracked naphtha distn.  
 Residues (petroleum), steam-cracked  
 Residues (petroleum), heavy coker and light vacuum  
 Residues (petroleum), catalytic reformer fractionator  
 Residues (petroleum), hydrodesulphurised atmospheric tower  
 Residues (petroleum), topping plant, low-sulphur  
 Residues (petroleum), heavy coker gas oil and vacuum gas oil  
 Residues (petroleum), thermal cracked  
 Residues (petroleum), catalytic reformer fractionator residue distn.  
 Residues (petroleum), catalytic cracking  
 Residues (petroleum), steam-cracked light  
 Residues (petroleum), hydrocracked



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Residues (petroleum), light vacuum  
Residues (petroleum), steam-cracked heat-soaked naphtha  
Residues (petroleum), steam-cracked  
Residues (petroleum), steam-cracked, distillates  
Residues (petroleum), atmospheric  
Residues (petroleum), steam-cracked thermally treated  
Strontium chromate  
Styrene oxide  
Tar, brown-coal, low-temp.  
Tar, coal, low-temp.  
Tar, coal, high-temp.  
Tar, coal  
Tar, brown-coal  
o-Toluidine  
Salts of o-toluidine  
Thioacetamide  
4-o-Tolylazo-o-toluidine  
 $\alpha, \alpha, \alpha$ - Trichlorotoluene  
Urethane (INN)  
Vinyl chloride (Chloroethylene)  
Zinc chromates (including zinc potassium chromate)