

# SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4652 GIBRALTAR Thursday 16th January 2020

---

---

LEGAL NOTICE NO. 47 OF 2020

## FACTORIES ACT

### FACTORIES (CONTROL OF CARCINOGENS AND MUTAGENS AT WORK) (AMENDMENT) REGULATIONS 2020

In exercise of the powers conferred upon it by sections 58 and 81 of the Factories Act, and all other enabling powers, and for the purpose of transposing into the law of Gibraltar Directive 2017/2398 of the European Parliament and of the Council of 12 December 2017 amending Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Sixth individual Directive within the meaning of Article 16(1) of Council Directive 89/391/EEC), the Minister has made these Regulations-

#### **Title.**

1. These Regulations may be cited as the Factories (Control of Carcinogens and Mutagens at Work) (Amendment) Regulations 2020.

#### **Commencement.**

2. These Regulations come into operation on the 17<sup>th</sup> January 2020.

#### **Amendment of Regulations.**

3. The Factories (Control of Carcinogens and Mutagens at Work) Regulations 2003 are amended in accordance with the provisions of these Regulations as follows:

(a) in regulation 9(1) after the word “thereafter” insert the words “and the employer may indicate that health surveillance must continue after the end of exposure for as long as the employer considers the health surveillance to be necessary to safeguard the health of the worker concerned”;

(b) in Schedule 2 after “5. Work involving exposure to hardwood dusts” insert the following new entry –

“6. Work involving exposure to respirable crystalline silica dust generated by a work process.”;

(c) substitute Schedule 3 in its entirety with the following–

## "Schedule 3

## regulation 2

## Limit Values for occupational exposure

Name of agent	EC No (2)	CAS No (3)	Limit values (4)			Notation
			mg/m <sup>3</sup> (5)	ppm (6)	f/ml (7)	
Hardwood dusts			2 (8)			
Chromium (VI) compounds which are carcinogens within the meaning of regulation 2 (as chromium)			0,005			
Refractory ceramic fibres which are carcinogens within the meaning of regulation 2					0,3	
Respirable crystalline silica dust			0,1 (9)			
Benzene	200-753-7	71-43-2	3,25	1		skin (10)
Vinyl chloride monomer	200-831-0	75-01-4	2,6	1		
Ethylene oxide	200-849-9	75-21-8	1,8	1		skin (10)
1,2-Epoxypropane	200-879-2	75-56-9	2,4	1		
Acrylamide	201-173-7	79-06-1	0,1			skin (10)
2-Nitropropane	201-209-1	79-46-9	18	5		
o-Toluidine	202-429-0	95-53-4	0,5	0,1		skin (10)
1,3-Butadiene	203-450-8	106-99-0	2,2	1		
Hydrazine	206-114-9	302-01-2	0,013	0,01		skin (10)
Bromoethylene	209-800-6	593-60-2	4,4	1		

(<sup>2</sup>) EC No, i.e. EINECS, ELINCS or NLP, is the official number of the substance within the European Union, as defined in Section 1.1.1.2 in Annex VI, Part 1, to Regulation (EC) No 1272/2008.

(<sup>3</sup>) CAS No: Chemical Abstract Service Registry Number.

(<sup>4</sup>) Measured or calculated in relation to a reference period of eight hours.

(<sup>5</sup>)  $\text{mg/m}^3$  = milligrams per cubic metre of air at 20 °C and 101,3 kPa (760 mm mercury pressure).

(<sup>6</sup>) ppm = parts per million by volume in air ( $\text{ml/m}^3$ ).

(<sup>7</sup>) f/ml = fibres per millilitre.

(<sup>8</sup>) Inhalable fraction: if hardwood dusts are mixed with other wood dusts, the limit value shall apply to all wood dusts present in that mixture.

(<sup>9</sup>) Respirable fraction.

(<sup>10</sup>) Substantial contribution to the total body burden via dermal exposure possible”.

Dated 16<sup>th</sup> January 2020.

G H LICUDI QC,  
Minister with responsibility for employment.

### **EXPLANATORY MEMORANDUM**

These Regulations amend the Factories (Control of Carcinogens and Mutagens at Work) Regulations 2003 in light of Directive 2017/2398 of the European Parliament and of the Council of 12 December 2017 amending Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Sixth individual Directive within the meaning of Article 16(1) of Council Directive 89/391/EEC)