

A C T No. 85/1968

relating to Toxic and Hazardous Substances

SECTION I

INITIAL PROVISIONS

Toxic and Hazardous Substances

Art. 1

Toxic substances (strong poison; poison) under the present Act are such substances as are recorded in lists I and II in supplement I to the Act as well as any chemical composition and goods containing such substances in a form and quantity causing the normal use thereof to constitute danger of poisoning in humans and animals in the opinion of the Director General of Public Health after his having had the views of the Committee on Toxic Substances (cf. Art. 2).

Hazardous substances under the present Act are such substances as are recorded in lists III, IV A, IV B and V in supplement II to the Act as well as any chemical composition and goods containing such substances in a form and quantity causing the normal use thereof to endanger the health of humans and animals in the opinion of the Director General of Public Health after his having had the views of the Committee on Toxic Substances (cf. Art. 2).

The Committee on Toxic Substances

Art. 2

The Minister will appoint 4 persons to a Committee on Toxic Substances for 6 years at a time in accordance with proposals from the Director General of Public Health. One of the members of the Committee shall be a toxicologist, and he shall be the Committee Chairman. Another member of the Committee shall be a graduate of pharmacy. A third member of the Committee shall be a chemist (chemical engineer) and the fourth shall be a hygienist or a person having special knowledge of hygiene.

The Committee on Toxic Substances will submit proposals relating to amendments and supplements to lists covering toxic

and hazardous substances, cf. Art. 1. The Committee will also, acting under the supervision of the Director General of Public Health, submit proposals relating to the preparation of new lists if required and to other factors pertaining to the present Act. The Committee shall prepare a list of toxic and hazardous substances approved for use in agriculture and horticulture and for the extermination of vermin, cf. Art 14. The Committee on Toxic Substances may be called upon to give advice on the execution of other Acts, if necessary (cf. also Art. 15, para. 1).

When the Committee consider toxic and hazardous substances used in horticulture, agriculture or grass cultivation, a person having specialized knowledge of such matters and being appointed by the Ministry of Trade will take a seat on the Committee.

The Committee may call upon specialists in an advisory capacity if necessary.

Costs incurred in the work of the Committee on Toxic Substances shall be paid by the Treasury.

The Minister will lay down in Regulations further provisions relating to the sphere and functions of the Committee on Toxic Substances.

Art. 3

The provisions of the present Act do not apply to toxic and hazardous substances if these are used in accordance with the provisions of:-

- 1) The Act on Drugs and Sale of Medicines No. 30, April 29th, 1963 (medicines, veterinary drugs),
- 2) The Act respecting the Destruction of Minks and Foxes No. 52, June 5th, 1957 cf. Act No. 9, March 19th, 1964, provided that the use of toxic and hazardous substances for this purpose is not authorized without the approval of the Committee on Toxic Substances (cf. also Art. 5, para. 3),
- 3) The Act respecting Safety Measures at Work Stations No. 23, Feb. 1st, 1952,
- 4) The Act respecting the Importation, Sale and Handling of Firearms, Ammunition, all kinds of Explosives and parts and material therefor No. 69, June 23rd, 1936,

- 5) The Act respecting Safety Arrangements against Ionizing Radiation from Radioactive Substances or Equipment Producing Ionizing Radiation No. 95, Dec. 20th, 1962.

SECTION II

PROVISIONS RESPECTING TOXIC SUBSTANCES

Production of Toxic Substances

Art. 4

Toxic substances may be produced only by those having obtained the Minister's permission to do so and provided that the Director of Safety Measures and the Committee on Toxic Substances recommend the granting of such permits.

The mixing and dilution of toxic substances and packing into saleable containers and packing material, including re-packing and repouring as well as the impregnation of cloth, shall be considered to constitute production unless otherwise decided (cf. Art. 5, para. 2).

Acceptance of Toxic Substances

Art. 5

Only the following parties may accept, purchase, sell or import toxic substances:-

- 1) Producers of toxic substances, cf. Art. 4,
- 2) Managers of chemical manufacturing firms, chemical plants or other firms having notified the Director of Safety Measures that the operation or manufacturing activities of the firm require specific toxic substances,
- 3) The State Import of Drugs and Medicines, other medicine manufacturers and wholesale firms dealing in medicines,
- 4) Apothecaries and physicians (veterinary surgeons) licenced to sell medicines,
- 5) Retail outlets having been licensed by the Minister to sell toxic and hazardous substances for use in agriculture and horticulture and for the extermination of vermin,
- 6) Hospitals and approved laboratories,
- 7) Individuals, 18 years of age and thereover, presenting to the parties under clauses 1 - 5 special applications for poisons or other valid licences for the purchase of toxic substances cf. Art. 6.

Firms specified in clauses 3, 4 and 5 above and dealing in toxic substances are, however, authorized (cf. Art. 4, para. 2) to weigh these apart, mix or dilute and repack or repour these into new saleable containers.

These provisions respecting sale and importation also apply to toxic substances for the extermination of minks and foxes (cf. Art. 3, clause 2).

Purchase of Poison by Individuals

Art. 6

Individuals may purchase toxic substances for their own use provided they present special poison applications or other valid licences for the purchase of toxic substances, cf. clause 7, para. 1, Art. 5.

The Chief of Police will issue poison applications. Delivery will be made once only against the selfsame poison application in case of a substance specified in list I, but thrice in case of a substance specified in list II. Poison applications will remain valid for a year at the most as of the date of issue.

In case tradesmen or other individuals use specific toxic substances permanently in their work, licences for the purchase thereof and remaining valid for 1 - 3 years at a time may be granted.

Further provisions relating to the issue of poison applications and other corresponding licences, their delivery and preservation, shall be laid down in Regulations.

Instructions to be laid down in Regulations (cf. Art. 14) shall be abided by in respect of the purchase of toxic substances for use in agriculture and horticulture and for the extermination of vermin.

Delivery of Toxic Substances

Art. 7

Toxic substances may be sold or delivered only to those being 18 years of age or thereover. Toxic substances may not be delivered in case there be reason for assuming that the parties concerned might endanger themselves or cause harm to others by means of the substances due to mental derangement, intoxication, immaturity, unruliness or ignorance etc.

Only firms and individuals referred to in clause 1 - 5, para. 1, Art. 5, may deliver and sell toxic substances. Firms under clause 2 may sell toxic substances only provided these form a part of their normal production. It is permissible to sell in the open market goods containing specific toxic substances provided that instructions relating thereto which will be laid down in Regulations (cf. Art. 16) be heeded. Such exemptions from Art. 5 of the Act shall be specially announced (cf. Art. 21).

Art. 8

Toxic substances shall be delivered and sold in strong and well closed containers. The containers shall be of such appearance or so clearly marked that these will not be confused with containers used for medicines, foodstuff and fodder or other harmless substances. The contents shall be stated on the containers and these and the outside packing of toxic substances shall have Icelandic poison markings as well as the requisite inscription respecting caution cf. Art. 17.

Poison markings may not be used on containers and packing for substances other than those recorded in lists I and II unless this be specifically authorized in Laws or Regulations.

Keeping of Toxic Substances

Art. 9

Firms and individuals, cf. Art. 5, shall abide by the provisions of the Act respecting Safety Measures at Work Stations as it pertains to the keeping of toxic substances and the provisions of the Act respecting the Control of Foodstuff and other Consumer Goods and Necessities, provided that the named Acts be applicable. The State Import of Drugs and Medicines, other manufacturers of medicines and wholesale firms dealing in medicines and apothecaries (cf. clauses 3 and 4, para. 1, Art. 5) shall also be subject to the provisions of the Act on Drugs and the Sale of Medicine.

Retail outlets licenced to sell toxic substances for use in agriculture and horticulture and for the extermination of vermin (cf. clause 5, para. 1, Art. 5) shall abide by instructions pertaining hereto which will be laid down in Regulations (cf. Art. 14).

In hospitals and approved research laboratories (cf. clause 6, para. 1, Art. 5) toxic substances shall be kept in sellers' packings or other equally safe packings. Individuals (cf. clause 7, para. 1, Art. 5) shall keep toxic substances in manufacturers' (sellers') packings.

Toxic substances shall at all times be safely kept and in such a manner that these be separated from foodstuff and fodder, and also from medicines, cosmetics and toilet articles, and in such a manner that parties not concerned therewith cannot reach these.

SECTION III

PROVISIONS RESPECTING HAZARDOUS SUBSTANCES

Delivery of Hazardous Substances

Art. 10

Hazardous substances shall be delivered and sold in strong and well closed containers. The containers shall be of such appearance or marked so that these will not be confused with containers used for medicines, foodstuff, fodder or other harmless substances. The containers shall be clearly marked and the contents shall be stated. The containers and outside packing shall furthermore have an inscription respecting caution in Icelandic, cf. Art. 17.

Keeping of Hazardous Substances

Art. 11

Hazardous substances shall be kept in sellers' packings or other equally safe packings.

Hazardous substances shall be kept safely so that these be separated from foodstuff and fodder, and also from medicines, cosmetics and toilet articles, and in such a manner that parties not concerned therewith cannot reach these.

Hazardous Gases

Art. 12

The Minister may lay down in Regulations further provisions respecting hazardous gases not having curative qualities and specified in list V.

SECTION IV

JOINT PROVISIONS

General Provisions on Use

Art. 13

Toxic and hazardous substances shall be used with care and caution and in such a manner as not to cause harm to humans and domestic animals or that foodstuff be contaminated by the substances (see Art. 15), cf. also provisions of the Act respecting Safety Measures at Work Stations and the Act respecting the Control of Foodstuff and other Consumer Goods and Necessities.

In case toxic or hazardous substances be formed or presented as offal in industrial operations, other operations or in another manner, care shall at all times be taken that the substances shall not cause harm to humans (cf. the provisions of the Act respecting Safety Measures at Work Stations) and domestic animals or contaminate the environment (atmosphere, soil and lakes, including ground water and wells), so that these may endanger humans, animals or plants. As proposed by the Director General of Public Health and the Committee on Toxic Substances the Minister will, if necessary, lay down in Regulations further provision in order to prevent the contamination of air, land and water caused by toxic and hazardous substances.

Provisions relating to the use of Toxic and Hazardous Substances in Agriculture and Horticulture and for the Extermination of Vermin

Art. 14

Toxic and hazardous substances, pure and mixed, may be sold or imported and used as insecticides, herbicides, growth regulation substances or as substances specially intended for the extermination of vermin only provided these have been registered in lists of such substances either under the proprietary or non-proprietary name of the manufacturer, cf. para. 2, Art. 2. The Minister will lay down further provisions on the aforementioned substances in Regulations.

Provisions respecting Foodstuff and Fodder

Art. 15

Toxic and hazardous substances may not be introduced to or mixed with foodstuff (including sweets) or fodder unless this be specially authorized in Regulations under the present Act, the Act respecting the Control of Foodstuff and other Consumer Goods and Necessities or other Acts. The Committee on Toxic Substances shall be consulted about the admixture of any additives in foodstuff and fodder intended for sale to the public.

In case there be considered to be danger of foodstuff or fodder being contaminated in manufacture or in another manner by specific toxic or hazardous substances so that this may cause harm to humans or animals, the Minister can by means of Regulations and after having received the proposals of the Director General of Public Health and the Committee on Toxic Substances decide in further detail upon the maximum quantity of such substances which may be contained in each unit of weight or fluid (g, ml).

Further rules respecting the use and prohibition
of use of Toxic and Hazardous Substances

Art. 16

After having received the proposals of the Director General of Public Health and the Committee on Toxic Substances the Minister will lay down more detailed rules relating to the use and prohibition of use of toxic and hazardous substances, both when used pure, in mixtures or in another manner in compositions.

Further instructions respecting Containers etc.

Art. 17

The Committee on Toxic Substances (see Art. 2) will submit proposals relating to the make of containers and packing material, marking, poison marks and inscription or marks of caution respecting the delivery, sale and keeping of toxic and hazardous substances. The Minister will lay down more detailed instructions relating hereto in Regulations.

Transport

Art. 18

The transport of toxic and hazardous substances by ships, automobiles, aircraft and mail shall be subject to the Acts and rules applicable and in force at each given time. More detailed provisions relating to any kind of transport of toxic and hazardous substances may be laid down in Regulations.

Used Containers. - Disposal of Toxic and

Hazardous Substances

Art. 19

Empty bottles, other containers as well as packing material which have contained toxic or hazardous substances shall be disposed of or cleaned in such a manner as not to endanger humans or animals. Alternatively containers and packing material shall be returned closed and marked in a fitting manner.

Large stocks of toxic or hazardous substances may not be disposed of without the approval of the medical officer or supervisor concerned, cf. Art. 20. In case of a limited quantity of further specified substances it is permissible to dispose of these without the knowledge of the medical officer concerned, provided that the instructions laid down in that respect be adhered to.

Execution and Control

Art. 20

The Director General of Public Health will supervise matters relating to toxic and hazardous substances under the superior direction of the Minister charged with the portfolio of health.

The Committee on Toxic Substances will submit proposals relating to the execution of the present Act and to the further arrangement of the control of toxic and hazardous substances, cf. Art. 2, cf. also the following paragraph.

The supervision of the execution of the provisions of the present Act rests with the Director of Safety Measures provided this be within his sphere of activities, but alternatively with Chiefs of Police, medical officers and inspectors in accor-

dance with the Act on Drugs and the Sale of Medicine, as well as other persons who may be nominated.

Cost of the execution and control shall be paid by the Treasury.

The aforementioned officials and the Committee on Toxic Substances as well as other persons who may be nominated are entitled to inspect retail outlets, factories and work stations where toxic and hazardous substances are sold or repacked, produced, kept or used or where goods containing such substances in such form and quantity as may endanger humans or animals are produced. They are also authorized to open packings and remove samples therefrom for further inspection and study. The owner of a sample may demand a receipt from the official taking it. The receipt shall specify the quantity and type of sample concerned. The holder of the receipt is thereafter entitled, against presentation thereof, to receive refund from the importer or producer.

The officials referred to in para. 3 and 5 may require the producer or importer to give a declaration to the best of their knowledge relating to the content of toxic or hazardous substances in specific goods, such as cosmetics and toilet goods, foodstuff and fodder. The importer or producer giving such a declaration may require that it be treated as confidential.

Exemptions

Art. 21

The Minister may, after having received proposals from the Director General of Public Health and the Committee on Toxic Substances, authorize the exemption of a toxic or hazardous substance or goods containing such substances, in part or in full from the provisions of the present Act. Exemptions may, however, be granted only provided conditions which may be laid down at each given time (cf. Art. 16) or specified in Regulations established under authority in other Acts be met. All exemptions from the provisions of the Act shall be officially announced.

Penalties

Art. 22

Lawsuits arising out of violations of the present Act or

Regulations laid down in accordance therewith shall be handled as criminal cases.

Art. 23

Violations of the present Act or Regulations laid down in accordance therewith shall be subject to fines unless a heavier penalty apply under another Act. In case of repeated or gross violation, the penalty may be custody or imprisonment for upto 2 years. Attempted violations or participation in violations under the present Act are subject to penalty as stated in Section III or the Penal Code.

Toxic and hazardous substances illegally imported or illegally sold or produced in Iceland may be confiscated by means of judgment and so may profit derived from such illegal operations. The value of confiscated goods shall be contributed to the Treasury.

SECTION V

Concluding Provisions

Art. 24

Further provisions relating to the execution of the present Act may be laid down in Regulations by the Minister after his having received the proposals of the Director General of Public Health and the Committee on Toxic Substances.

Art. 25

The present Act enters into force on January 1st, 1970.

The present Act abrogates instructions contained in Acts which are in conflict with the provisions of this Act.

Provisions contained in Regulations, announcements and other administrative rules respecting matters to which the present Act applies and which are not in conflict with its provisions shall continue in force until these have been abrogated by means of administrative rules laid down in accordance with the present Act.