OFFICIAL GAZETTE OF THE REPUBLIC OF FRANCE

MINISTRY OF INDUSTRY AND RESEARCH

Entries in the Registers of Poisonous Substances (Section I)

The Minister of Agriculture, Minister of Health and Minister of Industry and Research,

Considering the code of public health, and in particular articles L.626, R.5149 and R.5150;

The Order of 15th November 1951 as amended and supplemented by subsequent orders, specifying the composition of section I of poisonous substances;

and the opinions expressed by the French Supreme Council of Health,

Order :

Art. I - the following products are entered in section I of register C of poisonous substances :

Polychlorobiphenyls (P.C.B.);
Polychloroterphenyls (P.C.T.),

with the exception of those which are contained in the closed systems specified below in conformity with the requirements for make-up, presentation and use laid down by an order made under article R.5168 of the Code of Public Health:

Tranformers and industrial electrical equipment such as rectifiers, rheostats, resistances and induction coils:

Condensers;

Heat-carrying systems;

Hydraulic systems.

Art. 2 - the Director of Chemical, Textile and Miscellaneous Industries at the Ministry of Industry and Research, the Director General of Administration and Finance at the Ministry of Agriculture, the Head of the Central Department of Pharmacy and Medicaments at the Ministry of Health are instructed, each for the matters concerning him, to implement this order which will be published in the Official Gazette of the Republic of France.

Made at Paris, 8th July 1975

The Minister of Industry and Research
for and on behalf of the Minister :
Head of Department, Jacques Parmo

MONS 056911

The Minister of Agriculture
for and on behalf of the Minister,
Head of Department
Gabriel Vught

The Minister of Health
for and on behalf of the Minister,
Head of Department
Dominique le Vert

CONDITIONS FOR THE USE OF POLYCHLOROBIPHENYLS.

The Minister of Agriculture, Minister of the Quality of Life, the Minister of Health and Minister of Industry and Research, considering the Code of Public Health, and in particular articles L.626, R.519, R.5150 and R.5168;

The Order of 8th July 1975 supplementing register C (Section I) of poisonous substances;

The opinion of the French Supreme Council of Public Health;

The communication dated 23rd July 1974 to the Commission of the European Communities,

ORDER:

Art.1 - the marketing and use of polychlorobiphenyls or mixtures containing polychlorobiphenyls and polychloroterphenyls are subject to the restrictions of the present order.

In the following articles the above-mentioned substances are called "P.C.B." for abbreviation.

Art. 2 - the use of PCB's is authorised under the conditions laid down in articles 6 to 8 below in closed systems permitting control of the product and described with restrictive effect below :

1. Transformers and industrial electrical appliances such as rectifiers, rheostats, resistances and induction coils; provided that these systems are planned to permit the recovery of more than 95% of the PCB's contained in them.

2. Condensers not specified in article 3.

3. Heat-carrying systems, save in installations for the treatment of foodstuffs for human or animal food or for the preparation of pharmaceutical or veterinary products, provided that all measures are taken for any escapes which may occur to be fully recovered and not to be dispersed in any way in the environment.

4. Hydraulic systems used in mining plant, excluding those used for any other purpose.

For the systems specified in 3 and 4 above, the provisions laid down will only come into force, so far as installations in operation are concerned, on the expiry of a period of 1 year after the date of publication of this order in the case of heat-carrying circuits and two years after this date of publication in the case of hydraulic systems.

Art. 3 - the use of PCB in condensers containing less

than 1 kg thereof is authorised, provided that:

The average number of chlorine atoms in the molecule is not more than three;

The total content of pentachlorobiphenyls and more strongly chlorinated homologs is not more than 3.5% in weight.

Waste or manufacturing rejects must be destroyed and any risk of dispersal in the environment must be avoided.

Art. 4 - the use of PCB's in installations or for purposes connected with scientific and technical research is authorised provided that no risk results to the environment.

Any new uses which arise from this must be the subject of a new order.

Art. 5 - all other uses of PCB's are prohibited, in particular certain applications such as paints for swimming pools, water plant and materials normally in contact with foodstuffs.

Art. 6 - the emptying and recovering of PCB's used or contained in unused equipment specified in article 2 is obligatory.

When equipment is no longer used it is the duty of users of PCB or owners of systems specified in article 2 containing it to contact either a manufacturer or importer of PCB of their choice, or the builder, fitter or importer of the system in question, or a body for the treatment of chemical waste which is approved for the treatment of PCB's.

As soon as they are informed of the request and if they do not collect the material themselves, the manufacturer or importer of PCB, the builder, fitter or importer of equipment or the body for the treatment of waste must remind the user or owner of the PCB of the measures to be taken for emptying if possible, package and despatch, and the user or owner must comply with these measures. Condensers will be despatched as they stand.

Manufacturers or importers of PCB, builders, fitters or importers of systems and bodies for the treatment of chemical waste which are approved for the treatment of PCB's, must treat or procure the treatment of the PCB's which they receive with a view to their regeneration or destruction under conditions which must avoid any risk of dispersal in the environment.

The provisions laid down in the third paragraph of this article and the treatment required in the fourth paragraph are subject to approval by the authorities.

Art. 7 - the approval of a waste-treatment body for the destruction or regeneration of PCB's is given by a joint order of the Minister in Charge of Industry and the Minister in Charge of the Environment, on sight of an application which is shown to be a proper one with regard to technical and economic factors.

The authorities have a period of three months commencing with the receipt of a file which is judged to be sufficiently complete, in order to decide applications for obtaining approval. In the absence of any reply after the expiry of this period approval is deemed to have been given.

Approval may be partial or subject to any conditions deemed necessary by the authorities. It may not be given for a period of more than five years.

Art. 8 - for all uses in closed systems specified in article 2, the importer, builder or fitter must place on the equipment, in a visible location, an indelible inscription on a yellow background of dimensions not less than 50 x 75mm bearing the following statement which may be accompanied by the brand name of the product :

"This equipment contains PCB's which could contaminate the environment and the elimination of which is subject to regulations. If the equipment does not operate properly or is no longer used, you must conform with the provisions of the order of ..."

Art. 9 - manufacturers and importers of PCB and the manufacturers, importers or sellers of equipment specified in article 2 must be in a position to supply the authorities with a list of their customers and to facilitate controls to see that articles 6 to 8 are carried out.

Manufacturers and importers of PCB must be in a position to supply on request statistics of the quantities of PCB manufactured, marketed, used or treated.

Art. 10 - the Director of Chemical, Textile and Miscellaneous Industries at the Ministry of Industry and Research, the General Director of Administration and Finance (Department for the Prevention of Fraud and Control of the Quality of Life) at the Ministry of Agriculture the Director for the Prevention of Pollution and Nuisances at the Ministry of the Quality of Life and the Head of the General Department of Pharmacy and Medicaments at the Ministry of Health are instructed, each for the matters concerning

him, to carry out the present order which will be published in the Official Gazette of the Republic of France.

Made at Paris, 8th July 1975.

The Minister of Industry and Research,
for and on behalf of the Minister:
Head of Department,
Jacques Darmon

The Minister of Agriculture,
for and on behalf of the Minister;
Head of Department,
Gabriel Vucht

The Minister of the Quality of Life,
for and on behalf of the Minister:
Head of Department,
Georges Badault

The Minister of Health,
for and on behalf of the Minister:
Head of Department,
Dominique Levert.

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