



STATUTORY INSTRUMENTS.

S.I. No. 128 of 2026

SAFETY, HEALTH AND WELFARE AT WORK (CARCINOGENS,
MUTAGENS and REPROTOXIC SUBSTANCES) (AMENDMENT)
REGULATIONS 2026

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I, ALAN DILLON, Minister of State at the Department of Enterprise, Tourism and Employment, in exercise of the powers conferred on me by section 58 of the Safety, Health and Welfare at Work Act 2005 (no. 10 of 2005) (as adapted by the Business, Enterprise and Innovation (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 519 of 2020) and the Enterprise, Tourism and Employment (Delegation of Ministerial Functions) Order 2025 (S.I. No. 240/2025)), and for the purpose of giving effect to Directive (EU) 2024/869 of the European Parliament and of the Council¹ amending Directive 2004/37/EC of the European Parliament and of the Council² and Council Directive 98/24/EEC³, and after consultation with the Health and Safety Authority, hereby make the following regulations:

1. These Regulations may be cited as the Safety, Health and Welfare at Work (Carcinogens, Mutagens and Reprotoxic Substances) (Amendment) Regulations 2026.

2. The Principal Regulations and these Regulations may be cited together as the Safety, Health and Welfare at Work (Carcinogens, Mutagens and Reprotoxic Substances) Regulations 2024 and 2026.

3. These Regulations come into operation on 09 April 2026.

4. In these Regulations—

“Principal Regulations” means the Safety, Health and Welfare at Work (Carcinogens, Mutagens and Reprotoxic Substances) Regulations 2024 (S.I. No. 122/2024).

5. Regulation 2 of the Principal Regulations is amended-

(a) by the substitution of following for the definition of “carcinogen”:

““carcinogen” means

(a) a substance or mixture which meets the criteria for classification as a category 1A or 1B carcinogen set out in

¹ OJ L, 2024/869, 19.3.2024

² OJ No. L 158, 30.4.2004, p.50

³ OJ No. L 131, 5.5.1998, p.11

Annex I to Regulation (EC) No. 1272/2008 of the European Parliament and of the Council³, or

- (b) a substance, mixture or process referred to in Schedule 4 of the Code of Practice as well as a substance or mixture released by a process referred to in Schedule 4 of that Code of Practice;’
- (b) by the substitution of following for the definition of “mutagen”:
 - “mutagen” means
 - (a) a substance or mixture which meets the criteria for classification as a category 1A or 1B germ cell mutagen set out in Annex I to Regulation (EC) No. 1272/2008 of the European Parliament and of the Council³;
 - (b) a substance, mixture or process referred to in the list of carcinogenic substances, mixtures or processes set by the Authority in Schedule 4 of the Code of Practice as well as a substance or mixture released by a process referred to in Schedule 4 of that Code of Practice;’
- (c) by the insertion after “safety representative” has the meaning attached to it in the Act of 2005’ of the following:
 - ‘;
 - “workplace” has the meaning attached to “place of work” in the Act of 2005’

6. Regulation 3 of the Principal Regulations is amended as follows:

- (a) by the substitution of the following for paragraph (1):
 - ‘(1) These Regulations apply where carcinogens, mutagens or reprotoxic substances are or may be present at the workplace and to activities in which workers are or are likely to be exposed to carcinogens or mutagens or reprotoxic substances as a result of their work.’
- (b) by the substitution of the following for paragraph (6):
 - ‘(6) As regards asbestos, these Regulations shall apply in addition to the Safety, Health and Welfare at Work (Exposure to Asbestos) Regulations 2006-2025, where such application is more favourable to health and safety at work.’

GIVEN under my hand,
31 March, 2026.

ALAN DILLON,
Minister of State at the Department of Enterprise,
Tourism and Employment.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

Directive (EU) 2024/869 of the European Parliament and of the Council introduces amendments to Directive 98/24/EC and Directive 2004/37/EC as regards the limit values for lead and inorganic compounds and for diisocyanates.

Lead and its inorganic compounds are key occupational reprotoxic substances that can cause adverse effects on both fertility and the development of the foetus. Although Directive 2004/37/EC introduced stricter requirements in regard to the regulation of reprotoxins to those previously regulated under Directive 98/24/EC (the Chemical Agents Directive), Directive (EU) 2024/869 reduced both the biological and occupational exposure limit values for lead and its inorganic compounds in order to improve the protection of workers exposed to a potential health risk.

Diisocyanates are skin and respiratory sensitisers (asthmagens) that can have harmful respiratory health effects such as occupational asthma, isocyanate sensitisation and bronchial hyper-responsiveness, as well as dermal occupational disease. A limit value for diisocyanates is established by Directive (EU) 2024/869.

These Regulations, together with changes to the Code of Practice, are necessary to enable national effect to be given to the provisions of Directive (EU) 2024/869.

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