
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 34

**Control of Substances Hazardous to Health
Regulations (Northern Ireland) 2003**

Prevention or control of exposure to substances hazardous to health

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

(2) In complying with his duty of prevention under paragraph (1), substitution shall by preference be undertaken, whereby the employer shall avoid, so far as is reasonably practicable, the use of a substance hazardous to health at the workplace by replacing it with a substance or process which, under the conditions of its use, either eliminates or reduces the risk to the health of his employees.

(3) Where it is not reasonably practicable to prevent exposure to a substance hazardous to health, the employer shall comply with his duty of control under paragraph (1) by applying protection measures appropriate to the activity and consistent with the risk assessment, including, in order of priority—

- (a) the design and use of appropriate work processes, systems and engineering controls and the provision and use of suitable work equipment and materials;
- (b) the control of exposure at source, including adequate ventilation systems and appropriate organizational measures; and
- (c) where adequate control of exposure cannot be achieved by other means, the provision of suitable personal protective equipment in addition to the measures required by subparagraphs (a) and (b).

(4) The measures referred to in paragraph (3) shall include—

- (a) arrangements for the safe handling, storage and transport of substances hazardous to health, and of waste containing such substances, at the workplace;
- (b) the adoption of suitable maintenance procedures;
- (c) reducing, to the minimum required for the work concerned—
 - (i) the number of employees subject to exposure;
 - (ii) the level and duration of exposure; and
 - (iii) the quantity of substances hazardous to health present at the workplace;
- (d) the control of the working environment, including appropriate general ventilation; and
- (e) appropriate hygiene measures including adequate washing facilities.

(5) Without prejudice to the generality of paragraph (1), where it is not reasonably practicable to prevent exposure to a carcinogen, the employer shall apply the following measures in addition to those required by paragraph (3)—

- (a) totally enclosing the process and handling systems, unless this is not reasonably practicable;
- (b) the prohibition of eating, drinking and smoking in areas that may be contaminated by carcinogens;

- (c) cleaning floors, walls and other surfaces at regular intervals and whenever necessary;
 - (d) designating those areas and installations which may be contaminated by carcinogens and using suitable and sufficient warning signs; and
 - (e) storing, handling and disposing of carcinogens safely, including using closed and clearly labelled containers.
- (6) Without prejudice to the generality of paragraph (1), where it is not reasonably practicable to prevent exposure to a biological agent, the employer shall apply the following measures in addition to those required by paragraph (3)–
- (a) displaying suitable and sufficient warning signs, including the biohazard sign shown in Part IV of Schedule 3;
 - (b) specifying appropriate decontamination and disinfection procedures;
 - (c) instituting means for the safe collection, storage and disposal of contaminated waste, including the use of secure and identifiable containers, after suitable treatment where appropriate;
 - (d) testing, where it is necessary and technically possible, for the presence, outside the primary physical confinement, of biological agents used at work;
 - (e) specifying procedures for working with, and transporting at the workplace, a biological agent or material that may contain such an agent;
 - (f) where appropriate, making available effective vaccines for those employees who are not already immune to the biological agent to which they are exposed or are liable to be exposed;
 - (g) instituting hygiene measures compatible with the aim of preventing or reducing the accidental transfer or release of a biological agent from the workplace, including–
 - (i) the provision of appropriate and adequate washing and toilet facilities; and
 - (ii) where appropriate, the prohibition of eating, drinking, smoking and the application of cosmetics in working areas where there is a risk of contamination by biological agents; and
 - (h) where there are human patients or animals which are, or are suspected of being, infected with a Group 3 or 4 biological agent, the employer shall select the most suitable control and containment measures from those listed in Part II of Schedule 3 with a view to controlling adequately the risk of infection.
- (7) Without prejudice to the generality of paragraph (1), where there is exposure to a substance for which a maximum exposure limit has been approved, control of exposure shall, so far as the inhalation of that substance is concerned, only be treated as being adequate if the level of exposure is reduced so far as is reasonably practicable and in any case below the maximum exposure limit.
- (8) Without prejudice to the generality of paragraph (1), where there is exposure to a substance for which an occupational exposure standard has been approved, control of exposure shall, so far as the inhalation of that substance is concerned, only be treated as being adequate if–
- (a) that occupational exposure standard is not exceeded; or
 - (b) where that occupational exposure standard is exceeded, the employer identifies the reasons for the standard being exceeded and takes appropriate action to remedy the situation as soon as is reasonably practicable.
- (9) Personal protective equipment provided by an employer in accordance with this regulation shall be suitable for the purpose and shall–

- (a) comply with any provision in the Personal Protective Equipment Regulations 2002(1) which is applicable to that item of personal protective equipment; or
- (b) in the case of respiratory protective equipment, where no provision referred to in subparagraph (a) applies, be of a type approved or shall conform to a standard approved, in either case, by the Executive.

(10) Without prejudice to the provisions of this regulation, Schedule 3 shall have effect in relation to work with biological agents.

(11) In this regulation, “adequate” means adequate having regard only to the nature of the substance and the nature and degree of exposure to substances hazardous to health.