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STATUTORY INSTRUMENTS

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**1992 No. 2382**

**HEALTH AND SAFETY**

**The Control of Substances Hazardous to  
Health (Amendment) Regulations 1992**

<i>Made</i>	- - - -	<i>6th October 1992</i>
<i>Laid before Parliament</i>		<i>14th October 1992</i>
<i>Coming into force</i>	- -	<i>1st January 1993</i>

The Secretary of State, in the exercise of the powers conferred on her by section 15(1) and (2) of, and paragraphs 1(1)(b), (2) and (3), 7, 11, 13(1), 15(1), 16 and 20 of Schedule 3 to, the Health and Safety at Work etc. Act 1974(1) (“the 1974 Act”) and of all other powers enabling her in that behalf and for the purpose of giving effect without modification to proposals submitted to her by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Control of Substances Hazardous to Health (Amendment) Regulations 1992 and shall come into force on 1st January 1993.

(2) In these Regulations, “the principal Regulations” means the Control of Substances Hazardous to Health Regulations 1988(2).

**Amendments to the principal Regulations**

2.—(1) The regulations of, and Schedule 2 to, the principal Regulations shall be amended in accordance with Schedule 1 to these Regulations.

(2) For Schedule 1 to the principal Regulations there shall be substituted the Schedule set out in Schedule 2 to these Regulations.

(3) There shall be inserted as Schedule 10 to the principal Regulations the Schedule set out in Schedule 3 to these Regulations.

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(1) 1974 c. 37; sections 15 and 50 were amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraphs 6 and 16 respectively.  
(2) S.I. 1988/1675, amended by S.I. 1990/2025 and S.I. 1991/2431.

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Signed by order of the Secretary of State.

6th October 1992

*Patrick McLoughlin*  
Parliamentary Under Secretary of State,  
Department of Employment

## SCHEDULE 1

Regulation 2(1)

### AMENDMENTS TO THE PRINCIPAL REGULATIONS

1. In regulation 2(1) of the principal Regulations, after the definition of “approved list” insert the following definition—

““carcinogen” means—

- (a) any substance or preparation which if classified in accordance with the classification provided for by regulation 5 of the Classification, Packaging and Labelling of Dangerous Substances Regulations 1984 (S.I. 1984/1244, amended by S.I. 1986/1922, S.I. 1988/766, S.I. 1989/2208 and S.I. 1990/1255) would be required to be labelled with the risk phrase R45 (may cause cancer) or R49 (may cause cancer by inhalation), whether or not the substance or preparation is required to be classified in accordance with those Regulations; or
- (b) any substance or preparation listed in Schedule 10 and any substance or preparation arising from a process specified in that Schedule which is a substance hazardous to health;”.

2. In regulation 4(2)(a) of the principal Regulations, for the words “exceeding 0.1 per cent.” “equal to or greater than 0.1 per cent. by mass”.

3. In regulation 6(2) of the principal Regulations, after the words “shall be reviewed” insert the words “regularly, and”.

4. In regulation 7 of the principal Regulations—

- (a) in paragraph (2) after the word “health” insert the words “except to a carcinogen”;
- (b) after paragraph (2) insert the following new paragraph—

“(2A) Without prejudice to the generality of paragraph (1), where the assessment made under regulation 6 shows that it is not reasonably practicable to prevent exposure to a carcinogen by using an alternative substance or process, adequate control of exposure to the carcinogen shall be achieved by the application of all the following measures, namely—

- (a) the total enclosure of the process and handling systems unless this is not reasonably practicable;
- (b) plant, processes and systems of work which minimise the generation of, or suppress and contain, spills, leaks, dust, fumes and vapours of carcinogens;
- (c) limitation of the quantities of a carcinogen at the place of work;
- (d) keeping the number of persons who might be exposed to a carcinogen to a minimum;
- (e) prohibiting eating, drinking and smoking in areas that may be contaminated by carcinogens;
- (f) the provision of hygiene measures including adequate washing facilities and regular cleaning of walls and surfaces;
- (g) the designation of those areas and installations which may be contaminated by carcinogens, and the use of suitable and sufficient warning signs; and
- (h) the safe storage, handling and disposal of carcinogens and use of closed and clearly labelled containers.”.

- (c) in paragraph (3) for the words “paragraph (2)” substitute the words “paragraph (2) or (2A), as the case may be,”;

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(d) after paragraph (6) insert the following new paragraph—

“(6A) In the event of the failure of a control measure which might result in the escape of carcinogens into the workplace, the employer shall ensure that—

- (a) only those persons who are responsible for the carrying out of repairs and other necessary work are permitted in the affected area and they are provided with appropriate respiratory protective equipment and protective clothing; and
- (b) employees and other persons who may be affected are informed of the failure forthwith.”.

5. In regulations 10(3)(a) and 11(3) of the principal Regulations for the words “30 years” substitute the words “40 years” in both places where those words appear.

6. In Schedule 2 to the principal Regulations—

- (a) in item 1, column 1 at the end, after the words “0.1 per cent.” insert the words “by mass”;
- (b) in item 11 after the words “0.1 per cent.” insert the words “by mass”.

## SCHEDULE 2

Regulation 2(2)

### SCHEDULE TO BE SUBSTITUTED AS SCHEDULE 1 TO THE PRINCIPAL REGULATIONS

#### “SCHEDULE 1

Regulations 2(1), 7(4) and 12(2)

#### LIST OF SUBSTANCES ASSIGNED MAXIMUM EXPOSURE LIMITS

The maximum exposure limits of the dusts included in the list below refer to the total inhalable dust fraction, unless otherwise stated.

Substance	Formula	Reference periods		Short-term maximum exposure limit (10-minute reference period)	
		Long-term maximum exposure limit (8-hour TWA reference period)	Long-term maximum exposure limit (8-hour TWA reference period)	ppm	mg m <sup>-3</sup>
Acrylamide	CH <sub>2</sub> =CHCONH <sub>2</sub>	—	0.3	—	—
Acrylonitrile	CH <sub>2</sub> =CHCN	2	4	—	—
Arsenic and compounds except arsine (as As)	As	—	0.1	—	—
Benzene	C <sub>6</sub> H <sub>6</sub>	5	16	—	—
Bischloromethyl ether	ClCH <sub>2</sub> OCH <sub>2</sub> Cl	0.001	0.005	—	—

\* In addition to the maximum exposure limit specified above man-made mineral fibre is also subject to a maximum exposure limit of 2 fibres ml<sup>-1</sup>, 8-hour TWA, when measured or calculated by a method approved by the Health and Safety Commission.

† Limit relates to cyclohexane soluble material.

‡ In addition to the maximum exposure limit specified above vinyl chloride is also subject to an overriding annual exposure limit of 3 ppm.

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Substance	Formula	Reference periods		Short-term maximum exposure limit (10-minute reference period)	
		ppm	mg m <sup>-3</sup>	ppm	mg m <sup>-3</sup>
Buta-1,3-diene	CH <sub>2</sub> =CHCH=CH <sub>2</sub>	—	22	—	—
2-Butoxyethanol	C <sub>4</sub> H <sub>9</sub> OCH <sub>2</sub> CH <sub>2</sub> OH	—	120	—	—
Cadmium and cadmium compounds, except cadmium oxide fume and cadmium sulphide pigments (as Cd)	Cd	—	0.05	—	—
Cadmium oxide fume (as Cd)	CdO	—	0.05	—	0.05
Cadmium sulphide pigments (respirable dust as Cd)	CdS	—	0.04	—	—
Carbon disulphide	CS <sub>2</sub>	10	30	—	—
Chromium (VI) compounds (as Cr)	Cr	—	0.05	—	—
1,2-Dibromoethane (Ethylene dibromide)	BrCH <sub>2</sub> CH <sub>2</sub> Br	0.5	4	—	—
Dichloromethane	CH <sub>2</sub> Cl <sub>2</sub>	100	350	—	—
2,2',4,4'-Dichloromethylene	CH <sub>2</sub> (C <sub>6</sub> H <sub>3</sub> Cl <sub>2</sub> NH <sub>2</sub> ) <sub>2</sub>	—	0.005	—	—

\* In addition to the maximum exposure limit specified above man-made mineral fibre is also subject to a maximum exposure limit of 2 fibres ml<sup>-1</sup>, 8-hour TWA, when measured or calculated by a method approved by the Health and Safety Commission.

† Limit relates to cyclohexane soluble material.

‡ In addition to the maximum exposure limit specified above vinyl chloride is also subject to an overriding annual exposure limit of 3 ppm.

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Substance	Formula	Reference periods		Short-term maximum exposure limit (10-minute reference period)	
		ppm	mg m <sup>-3</sup>	ppm	mg m <sup>-3</sup>
dianiline (MbOCA)					
2— Ethoxyethanol	C <sub>2</sub> H <sub>5</sub> OCH <sub>2</sub> CH <sub>2</sub> OH		37	—	—
2— Ethoxyethyl acetate	C <sub>2</sub> H <sub>5</sub> OCH <sub>2</sub> CH <sub>2</sub> OCCH <sub>3</sub>		54	—	—
Ethylene oxide	CH <sub>2</sub> CH <sub>2</sub> O	5	10	—	—
Formaldehyde	HCHO	2	2.5	2	2.5
Grain dust		—	10	—	—
Hydrogen cyanide	HCN	—	—	10	10
Isocyanates, all as—NCO		—	0.02	—	0.07
*Man-made mineral fibre		—	5	—	—
2— Methoxyethanol	CH <sub>3</sub> OCH <sub>2</sub> CH <sub>2</sub> OH		16	—	—
2— Methoxyethyl acetate	CH <sub>3</sub> COOCH <sub>2</sub> CH <sub>2</sub> OCH <sub>3</sub>		24	—	—
Nickel and its inorganic compounds (except nickel carbonyl):	Ni				
water-soluble nickel compounds (as Ni)		—	0.1	—	—
nickel and water-insoluble nickel		—	0.5	—	—
* In addition to the maximum exposure limit specified above man-made mineral fibre is also subject to a maximum exposure limit of 2 fibres ml <sup>-1</sup> , 8-hour TWA, when measured or calculated by a method approved by the Health and Safety Commission.					
† Limit relates to cyclohexane soluble material.					
‡ In addition to the maximum exposure limit specified above vinyl chloride is also subject to an overriding annual exposure limit of 3 ppm.					

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Substance	Formula	Reference periods		Short-term maximum exposure limit (10-minute reference period)	
		Long-term maximum exposure limit (8-hour TWA reference period)	mg m <sup>-3</sup>	ppm	mg m <sup>-3</sup>
compounds as (Ni)					
Rubber process dust		—	8	—	—
†Rubber fume		—	0.6	—	—
Silica, respirable crystalline	SiO <sub>2</sub>	—	0.4	—	—
Styrene	C <sub>6</sub> H <sub>5</sub> CH=CH <sub>2</sub>	100	420	250	1050
1,1,1—Trichloroethane	CH <sub>3</sub> CCl <sub>3</sub>	350	1900	450	2450
Trichloroethylene	CCl <sub>2</sub> =CHCl	100	535	150	802
‡Vinyl chloride	CH <sub>2</sub> =CHCl	7	—	—	—
Vinylidene chloride	CH <sub>2</sub> =CCl <sub>2</sub>	10	40	—	—
Wood dust (hard wood)		—	5	—	—

\* In addition to the maximum exposure limit specified above man-made mineral fibre is also subject to a maximum exposure limit of 2 fibres ml<sup>-1</sup>, 8-hour TWA, when measured or calculated by a method approved by the Health and Safety Commission.

† Limit relates to cyclohexane soluble material.

‡ In addition to the maximum exposure limit specified above vinyl chloride is also subject to an overriding annual exposure limit of 3 ppm.

## SCHEDULE 3

Regulation 2(3)

## SCHEDULE TO BE INSERTED AS SCHEDULE 10 TO THE PRINCIPAL REGULATIONS

## “SCHEDULE 10

Regulation 2(1)

## OTHER SUBSTANCES AND PROCESSES TO WHICH THE DEFINITION OF “CARCINOGEN” RELATES

Aflatoxins

Arsenic and inorganic arsenic compounds

Beryllium and beryllium compounds

Bichromate manufacture involving the roasting of chromite ore

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Electrolytic chromium processes, excluding passivation, which involve hexavalent chromium compounds

Mustard gas (B,B'Dichlorodiethyl sulphide)

Calcining, sintering or smelting of nickel copper matte or acid leaching or electrorefining of roasted matte

Ortho-toluidine

Coal soots, coal tar, pitch and coal tar fumes

The following mineral oils:

- (i) unrefined and mildly refined vacuum distillates;
- (ii) catalytically cracked petroleum oils with final boiling points above 320C;
- (iii) used engine oils;

Auramine manufacture

Leather dust in boot and shoe manufacture, arising during preparation and finishing

Hard wood dusts

Isopropyl alcohol manufacture (strong acid process)

Rubber manufacturing and processing giving rise to rubber process dust and rubber fume

Magenta manufacture

4—Nitrobiphenyl”

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. These Regulations amend the Control of Substances Hazardous to Health Regulations 1988 (“the principal Regulations”).

2. These Regulations, together with the principal Regulations, implement as respects Great Britain Council Directive 90/394/EEC (OJNo. L194, 26.7.90, p. 1) on the protection of workers from the risks related to exposure to carcinogens at work (“carcinogens Directive”) except insofar as that Directive relates to asbestos.

3. The implementation referred to in paragraph 2 above is achieved by inserting a definition of carcinogens into regulation 2(1) of the principal Regulations, by Schedule 1 to these Regulations, and by Schedule 3 to these Regulations inserting a new Schedule in the principal Regulations (Schedule 10); new regulations 7(2A) and 7(6A) of the principal Regulations which apply only to carcinogens are introduced by Regulation 2(1) of, and Schedule 1 to, these Regulations.

4. Amendments also required by the carcinogens Directive namely, that assessments under regulation 6 of the principal Regulations must be reviewed regularly and that health records must be kept for 40 years are made by Schedule 1 to these Regulations.

5. Minor amendments to regulation 4 of, and Schedule 2 to, the principal Regulations are made by Schedule 1 to these Regulations to align the wording of the principal Regulations with that used



in Council Directive [89/677/EEC](#) (OJ No. L398, 30.12.89, p. 19) on the marketing and use of certain dangerous substances.

**6.** Regulation 2(2) of these Regulations substitutes a new Schedule for Schedule 1 to the principal Regulations. That Schedule prescribes maximum exposure limits for certain substances hazardous to health; a new exposure limit for bis(chloromethyl) ether is introduced and the exposure limit for benzene is amended.