

SCHEDULE 9

SPECIAL PROVISIONS RELATING TO BIOLOGICAL AGENTS

PART I

PROVISIONS OF GENERAL APPLICATION TO BIOLOGICAL AGENTS

Special control measures for laboratories, animal rooms and industrial processes

8.—(1) Every employer who is engaged in any of the activities specified in sub-paragraph (3) below shall ensure that measures taken to control adequately the exposure of his employees to biological agents include, in particular, the most suitable combination of containment measures from those listed in Parts II and III of this Schedule as appropriate, taking into account—

- (a) the nature of the activity specified in sub-paragraph (3) below;
- (b) the minimum containment level specified in sub-paragraph (4) below;
- (c) the assessment of risk made under regulation 6; and
- (d) the nature of the biological agent concerned.

- (a) (2) (a) An employer who is engaged in any of the activities specified in sub-paragraphs (a) or (b) of paragraph (3) below shall select measures from Part II of this Schedule;
- (b) an employer who is engaged in the activity specified in sub-paragraph (c) of paragraph (3) below shall select measures from Part III of this Schedule and, subject to paragraph (4) below, when making that selection he may combine measures from different categories of containment on the basis of a risk assessment related to any particular process or part of a process.

(3) The activities referred to in sub-paragraph (1) above are—

- (a) research, development, teaching or diagnostic work in laboratories which involves the handling of a Group 2, Group 3 or Group 4 biological agent or material containing such an agent;
- (b) keeping or handling of laboratory animals which have been deliberately infected with a Group 2, Group 3 or Group 4 biological agent or which are, or are suspected of being, naturally infected with such an agent; and
- (c) industrial processes which involve the use of a Group 2, Group 3 or Group 4 biological agent.

(4) The minimum containment level referred to in sub-paragraph (1) above shall be—

- (a) level 2 for activities involving the handling of a Group 2 biological agent;
- (b) level 3 for activities involving the handling of a Group 3 biological agent;
- (c) level 4 for activities involving the handling of a Group 4 biological agent;
- (d) level 2 for laboratories which do not intentionally work with biological agents but handle materials in respect of which there exist uncertainties about the presence of a Group 2, Group 3 or Group 4 biological agent;
- (e) level 3 or 4, where appropriate, for laboratories which do not intentionally work with biological agents but where the employer knows or suspects that such a containment level is necessary; except where guidelines approved by the Health and Safety Commission indicate that, in the particular case, a lower containment level is appropriate; and

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- (f) level 3 for activities where it has not been possible to carry out a conclusive assessment but concerning which it appears that the activity might involve a serious health risk for employees.