
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations re-enact, with modifications, the Control of Substances Hazardous to Health Regulations 1999 (S.I. 1999/437) (“the 1999 Regulations”). The 1999 Regulations imposed duties on employers to protect employees and other persons who may be exposed to substances hazardous to health and also imposed certain duties on employees concerning their own protection from such exposure, and prohibited the import into the United Kingdom of certain substances and articles from outside the European Economic Area.

2. The Regulations, with the exception of regulations 8, 9, 11(8), (10) and (11) and 14, implement as respects Great Britain—

- (a) Council Directive [78/610/EEC](#) (OJNo. L 197, 22.7.78, p.12) on the approximation of the laws, regulations and administrative provisions of the Member States on the protection of the health of workers exposed to vinyl chloride monomer,
- (b) point 3 of Article 1 of Council Directive [89/677/EEC](#) (OJ No. L 398, 30.12.89, p.19) amending for the 8th time the Marketing and Use Directive insofar as that point relates to the importation, supply or use of benzene and substances containing benzene for such purposes,
- (c) Council Directive [90/394/EEC](#) (OJ No. L 196, 26.7.90, p.1) on the protection of workers from risks related to exposure to carcinogens at work (sixth individual Directive within the meaning of Article 16(1) of Directive [89/391/EEC](#)) insofar as it relates to carcinogens other than asbestos,
- (d) that part of Commission Directive [96/55/EC](#) (OJ No. L 231, 12.9.96, p.20) adapting to technical progress for the 2nd time Annex I to Council Directive [76/769/EEC](#) (“the Marketing and Use Directive”) (OJ No. L 262, 27.9.76, p.201) on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations which relates to supply of specified substances for use at work,
- (e) Council Directive [98/24/EC](#) (OJ No. L 131, 5.5.98, p.11) on the protection of the health and safety of workers from risks related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive [89/391/EEC](#)) insofar as it relates to risks to health from exposure to substances other than asbestos or lead, and
- (f) Directive [2000/54/EC](#) (OJ No. L 262, 17.10.2000, p.21) of the European Parliament and of the Council on the protection of workers from risks related to exposure to biological agents at work (seventh individual Directive within the meaning of Article 16(1) of Directive [89/391/EEC](#)).

3. The Regulations are consistent with the provisions of Commission Directive [91/322/EEC](#) (OJ No. L 177, 5.7.91, p.22) on establishing indicative limit values by implementing Council Directive [80/1107/EEC](#) on the protection of workers from risks related to exposure to chemical, physical and biological agents at work.

4. In addition to minor and drafting amendments, the Regulations make the following changes of substance—

- (a) include certain further definitions (regulation 2);

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- (b) extend the matters to be considered when carrying out an assessment of the risk from exposure to substances hazardous to health (regulation 6);
 - (c) detail the measures which the employer must take to prevent or adequately control the exposure of his employees to substances hazardous to health (regulation 7);
 - (d) provide for further duties in respect of care and decontamination of personal protective equipment (regulation 9);
 - (e) provide for the keeping of an individual record of air monitoring where an employee is required to be under health surveillance (regulation 10);
 - (f) extend the duties on employers with respect to health surveillance where an employee is found to have an identifiable disease or adverse health effect caused by exposure to a substance hazardous to health (regulation 11);
 - (g) introduce a duty to ensure that the contents of containers and pipes for substances hazardous to health used at work are clearly identifiable (regulation 12(5));
 - (h) introduce a duty on the employer to prepare procedures, provide information and establish warning systems to deal with an emergency in the workplace related to the presence of a substance hazardous to health (regulation 13); and
 - (i) apply the extension to the meaning of “work” in Part I of the 1974 Act to all Group 2, 3, or 4 biological agents and transfer certain provisions relating to biological agents which had been in Schedule 3 of the 1999 Regulations to regulations 7 and 12.
5. Copies of the publications mentioned in the Regulations are obtainable as follows—
- (a) a list of the maximum exposure limits and occupational exposure standards which the Health and Safety Commission has approved is available in the publication “EH40, Occupational Exposure Limits” obtainable from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA; and
 - (b) British Standard BS EN 481 1993, referred to in regulation 2(1), relating to workplace atmospheres is obtainable from the British Standards Institution, BSI House, 389 Chiswick High Road, London W4 4AL.

6. A copy of the regulatory impact assessment prepared in respect of these Regulations can be obtained from the Health and Safety Executive, Economic Advisers Unit, Rose Court, 2 Southwark Bridge, London SE1 9HS. A copy of the transposition note in relation to implementation of the Directives set out in paragraph 2 can be obtained from the Health and Safety Executive, International Branch at the same address. Copies of both these documents have been placed in the Library of each House of Parliament.