
EXPLANATORY NOTE

(This note is not part of the Regulations.)

1. These Regulations revoke and re-make, with amendments, the Control of Substances Hazardous to Health Regulations (Northern Ireland) 2000 ([S.R. 2000 No. 120](#)) (“the 2000 Regulations”). The 2000 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.

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

- (a) Council Directive [78/610/EEC](#) (O.J. No. L197, 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](#) (O.J. No. L398, 30.12.89, p. 19) amending for the 8th time the Marketing and Use Directive in so far as that point relates to the supply or use of benzene and substances containing benzene for such purposes;
- (c) Council Directive [90/394/EEC](#) (O.J. No. L196, 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](#) (O.J. No. L231, 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”) (O.J. No. L262, 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](#) (O.J. No. L131, 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](#) (O.J. No. L262, 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](#) (O.J. No. L177, 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);
- (b) extend the matters to be considered when carrying out an assessment of the risk from exposure to substances hazardous to health (regulation 6);

Status: This is the original version (as it was originally made).

- (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 II of the Health and Safety at Work (Northern Ireland) Order 1978 to all Group 2, 3 or 4 biological agents and transfer certain provisions relating to biological agents which had been in Schedule 3 to the 2000 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 Executive for Northern Ireland 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. The numbers assigned to substances by the Chemical Abstract Service and referred to in Schedule 2 are given in the CAS Registry Handbook, ISSN 0093-058X, which may be inspected at the Royal Society of Chemistry, Burlington House, Piccadilly, London W1V 0BN. Details of how to obtain copies of the handbook on microfilm or microfiche may be obtained from the CAS customer website at: <http://www.cas.org/Support/custserv.html>.

7. In Great Britain, the corresponding Regulations are the Control of Substances Hazardous to Health Regulations 2002 (S.I. 2002/2175). Copies of the Regulatory Impact Assessment relating to those Regulations together with a Northern Ireland Supplement are held at the offices of the Health and Safety Executive for Northern Ireland at 83 Ladas Drive, Belfast BT6 9FR from where copies may be obtained on request.

8. A person who contravenes these Regulations or any requirement or prohibition imposed thereunder, is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978 and is liable, on summary conviction, to a fine not exceeding the statutory maximum (currently £5,000) or, on conviction on indictment, to a fine.