
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations re-enact, with minor modifications, the Control of Substances Hazardous to Health Regulations 1994 (S.I. 1994/3246) (“the 1994 Regulations”) as amended. The 1994 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 (*regulations 1 to 17 and Schedules 1 to 8*).

2. The Regulations—

(a) are consistent with the provisions of—

- (i) Council Directive [80/1107/EEC](#) on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work (OJNo. L 237, 3.12.80, p.8),
- (ii) 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 the risks related to exposure to chemical, physical and biological agents at work,
- (iii) Commission Directive [96/94/EC](#) (OJ No. L 338, 28.12.96, p.86) establishing a second list of indicative limit values by implementing Council Directive [80/1107/EEC](#) on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work;

(b) implement as respects Great Britain—

- (i) Council Directive [78/610/EEC](#) (OJ No. 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,
- (ii) Council Directive [88/364/EEC](#) (OJ No. L 179, 9.7.1988, p.44) on the protection of workers by the banning of certain specified agents and/or certain work activities (fourth individual directive within the meaning of Article 8 of Directive [80/1107/EEC](#)),
- (iii) 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 in so far as that point relates to the importation, supply or use of benzene and substances containing benzene for such purposes,
- (iv) Council Directive [90/394/EEC](#) (OJ No. L 196, 26.7.90, p.38) on the protection of workers from the 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,
- (v) Council Directive [90/679/EEC](#) on the protection of workers from risks related to exposure to biological agents at work (OJ No. L 374, 31.12.90, p.1), and
- (vi) 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

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approximation of the laws, regulations and administrative provisions of the Member States relating to restriction on the marketing and use of certain dangerous substances and preparations which relates to supply of specified substances for use at work.

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

- (a) provide for the approval by the Health and Safety Commission of maximum exposure limits for substances in place of the provisions previously contained in Schedule 1 of the 1994 Regulations (*regulation 2(1)*);
- (b) include certain further definitions (*regulation 2(1)*);
- (c) require personal protective equipment provided by an employer in pursuance of these Regulations to comply with the Personal Protective Equipment (EC Directive) Regulations (*regulation 7(5)*); and
- (d) revoke those Regulations mentioned in paragraph (1) of regulation 18 and make consequential amendments to the provisions mentioned in paragraphs (2) and (3) of that regulation (*regulation 18*).

4. 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 6FS; and
- (b) the British Standards referred to in Part II of Schedule 3 (relating to safety cabinets) are obtainable from (by personal callers only) the British Standards Institution, 2 Park Street, London W1A 2BS or (by post) from the British Standards Institution, Linford Wood, Milton Keynes, MK14 6LE.

5. A copy of the cost benefit 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. Copies have been placed in the Library of each House of Parliament.