
STATUTORY INSTRUMENTS

1999 No. 437

**The Control of Substances Hazardous
to Health Regulations 1999**

Prevention or control of exposure to substances hazardous to health

7.—(1) Every employer shall ensure that the exposure of his employees to substances hazardous to health is either prevented or, where this is not reasonably practicable, adequately controlled.

(2) So far as is reasonably practicable, the prevention or adequate control of exposure of employees to a substance hazardous to health, except to a carcinogen or a biological agent, shall be secured by measures other than the provision of personal protective equipment.

(3) 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, the employer shall apply all the following measures, namely—

- (a) the total enclosure of the process and handling systems unless this is not reasonably practicable;
- (b) the use of plant, processes and systems of work which minimise the generation of, or suppress and contain, spills, leaks, dust, fumes and vapours of carcinogens;
- (c) the limitation of the quantities of a carcinogen at the place of work;
- (d) the keeping of the number of persons who might be exposed to a carcinogen to a minimum;
- (e) the prohibition of 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.

(4) Where the measures taken in accordance with paragraph (2) or (3), as the case may be, do not prevent, or provide adequate control of, exposure to substances hazardous to health to which those paragraphs apply, then, in addition to taking those measures, the employer shall provide those employees with such suitable personal protective equipment as will adequately control their exposure to those substances.

(5) Any personal protective equipment provided by an employer in pursuance of this regulation shall comply with any provision in the Personal Protective Equipment (EC Directive) Regulations 1992(1) which is applicable to that item of personal protective equipment.

(6) Where there is exposure to a substance for which a maximum exposure limit has been approved, the control of exposure shall, so far as the inhalation of that substance is concerned, only be treated as being adequate if the level of exposure is reduced so far as is reasonably practicable and in any case below the maximum exposure limit.

(1) [S.I. 1992/3139](#).

(7) Without prejudice to the generality of paragraph (1), where there is exposure to a substance for which an occupational exposure standard has been approved, the control of exposure shall, so far as the inhalation of that substance is concerned, be treated as being adequate if—

- (a) that occupational exposure standard is not exceeded; or
- (b) where that occupational exposure standard is exceeded, the employer identifies the reasons for the standard being exceeded and takes appropriate action to remedy the situation as soon as is reasonably practicable.

(8) Where respiratory protective equipment is provided in pursuance of this regulation, then it shall—

- (a) be suitable for the purpose; and
- (b) comply with paragraph (5) or, where no requirement is imposed by virtue of that paragraph, be of a type approved or shall conform to a standard approved, in either case, by the Executive.

(9) 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 suitable respiratory protective equipment and protective clothing; and
- (b) employees and other persons who may be affected are informed of the failure forthwith.

(10) Schedule 3 of these Regulations shall have effect in relation to biological agents.

(11) In this regulation, “adequate” means adequate having regard only to the nature of the substance and the nature and degree of exposure to substances hazardous to health and “adequately” shall be construed accordingly.