STATUTORY INSTRUMENTS

2002 No. 2677

The Control of Substances Hazardous to Health Regulations 2002

Interpretation

2.—(1) In these Regulations—

"the 1974 Act" means the Health and Safety at Work etc. Act 1974;

"the Agreement" means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993(**1**) and adopted as respects Great Britain by the European Economic Area Act 1993(**2**);

"appointed doctor" means a registered medical practitioner appointed for the time being in writing by the Executive for the purpose of these Regulations;

"approved" means approved for the time being in writing;

"approved classification" of a biological agent means the classification of that agent approved by the Health and Safety Commission;

"approved supply list" has the meaning assigned to it in regulation 2(1) of the CHIP Regulations;

"biological agent" means a micro-organism, cell culture, or human endoparasite, whether or not genetically modified, which may cause infection, allergy, toxicity or otherwise create a hazard to human health;

"carcinogen" means—

(a) a substance or preparation which if classified in accordance with the classification provided for by regulation 4 of the CHIP Regulations would be in the category of danger, carcinogenic (category 1) or carcinogenic (category 2) whether or not the substance or preparation would be required to be classified under those Regulations; or

(b) a substance or preparation—

(i) listed in Schedule 1, or

(ii) arising from a process specified in Schedule 1 which is a substance hazardous to health;

"cell culture" means the in-vitro growth of cells derived from multicellular organisms;

"the CHIP Regulations" means the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002(**3**);

"control measure" means a measure taken to reduce exposure to a substance hazardous to health (including the provision of systems of work and supervision, the cleaning of workplaces, premises, plant and equipment, the provision and use of engineering controls and personal protective equipment);

(**1**) The Agreement was amended by Decision 7/94 of the EEA Joint Committee of 21st March 1994 (OJNo. L160, 28.6.94, p. 1). There are other amendments to the Agreement not relevant to these Regulations.
(**2**) 1993 c. 51.
(**3**) S.I. 2002/1689.

"employment medical adviser" means an employment medical adviser appointed under section 56 of the Health and Safety at Work etc. Act 1974;

"the Executive" means the Health and Safety Executive;

"fumigation" means an operation in which a substance is released into the atmosphere so as to form a gas to control or kill pests or other undesirable organisms and "fumigate" and "fumigant" shall be construed accordingly;

"Group", in relation to a biological agent, means one of the four hazard Groups specified in paragraph 2 of Schedule 3 to which that agent is assigned;

"hazard", in relation to a substance, means the intrinsic property of that substance which has the potential to cause harm to the health of a person, and "hazardous" shall be construed accordingly;

"health surveillance" means assessment of the state of health of an employee, as related to exposure to substances hazardous to health, and includes biological monitoring;

"inhalable dust" means airborne material which is capable of entering the nose and mouth during breathing, as defined by BS EN 481 1993;

"maximum exposure limit" for a substance hazardous to health means the maximum exposure limit approved by the Health and Safety Commission for that substance in relation to the specified reference period when calculated by a method approved by the Health and Safety Commission;

"medical examination" includes any laboratory tests and X-rays that a relevant doctor may require;

"member State" means a State which is a Contracting Party to the Agreement;

"micro-organism" means a microbiological entity, cellular or non-cellular, which is capable of replication or of transferring genetic material;

"mine" has the meaning assigned to it by section 180 of the Mines and Quarries Act 1954(**4**);

"occupational exposure standard" for a substance hazardous to health means the standard approved by the Health and Safety Commission for that substance in relation to the specified reference period when calculated by a method approved by the Health and Safety Commission;

"personal protective equipment" means all equipment (including clothing) which is intended to be worn or held by a person at work and which protects that person against one or more risks to his health, and any addition or accessory designed to meet that objective;

"preparation" means a mixture or solution of two or more substances;

"public road" means (in England and Wales) a highway maintainable at the public expense within the meaning of section 329 of the Highways Act 1980(**5**) and (in Scotland) a public road within the meaning assigned to that term by section 151 of the Roads (Scotland) Act 1984(**6**);

"registered dentist" has the meaning assigned to it in section 53(1) of the Dentists Act 1984(**7**);

"relevant doctor" means an appointed doctor or an employment medical adviser;

"respirable dust" means airborne material which is capable of penetrating to the gas exchange region of the lung, as defined by BS EN 481 1993;

"risk", in relation to the exposure of an employee to a substance hazardous to health, means the likelihood that the potential for harm to the health of a person will be attained under the conditions of use and exposure and also the extent of that harm;

(**4**) 1954 c. 70, section 180 was modified by S.I. 1974/2013, 1993/1897 and 1999/2024.
(**5**) 1980 c. 66.
(**6**) 1984 c. 54.
(**7**) 1984 c. 24.

"the risk assessment" means the assessment of risk required by regulation 6(1)(a);

"safety data sheet" means a safety data sheet within the meaning of regulation 5 of the CHIP Regulations;

"substance" means a natural or artificial substance whether in solid or liquid form or in the form of a gas or vapour (including micro-organisms);

"substance hazardous to health" means a substance (including a preparation)—

(a) which is listed in Part I of the approved supply list as dangerous for supply within the meaning of the CHIP Regulations and for which an indication of danger specified for the substance is very toxic, toxic, harmful, corrosive or irritant;

(b) for which the Health and Safety Commission has approved a maximum exposure limit or an occupational exposure standard;

(c) which is a biological agent;

(d) which is dust of any kind, except dust which is a substance within paragraph (a) or (b) above, when present at a concentration in air equal to or greater than—

(i) 10 mg/m^3, as a time-weighted average over an 8-hour period, of inhalable dust, or

(ii) 4 mg/m^3, as a time-weighted average over an 8-hour period, of respirable dust;

(e) which, not being a substance falling within sub-paragraphs (a) to (d), because of its chemical or toxicological properties and the way it is used or is present at the workplace creates a risk to health;

"workplace" means any premises or part of premises used for or in connection with work, and includes—

(a) any place within the premises to which an employee has access while at work; and

(b) any room, lobby, corridor, staircase, road or other place—

(i) used as a means of access to or egress from that place of work, or

(ii) where facilities are provided for use in connection with that place of work,

other than a public road.

(2) In these Regulations, a reference to an employee being exposed to a substance hazardous to health is a reference to the exposure of that employee to a substance hazardous to health arising out of or in connection with work at the workplace.

(3) Where a biological agent has an approved classification, any reference in these Regulations to a particular Group in relation to that agent shall be taken as a reference to the Group to which that agent has been assigned in that approved classification.