

SCHEDULE 3

ADDITIONAL PROVISIONS RELATING TO WORK WITH BIOLOGICAL AGENTS

PART I

PROVISIONS OF GENERAL APPLICATION TO BIOLOGICAL AGENTS

Special control measures for laboratories, animal rooms and industrial processes

3.—(1) Every employer who is engaged in any of the activities specified in sub-paragraph (3) shall ensure that measures taken to control adequately the exposure of his employees to biological agents include, in particular, the most suitable combination of containment measures from those listed in Parts II and III of this Schedule as appropriate, taking into account—

- (a) the nature of the activity specified in sub-paragraph (3);
- (b) the minimum containment level specified in sub-paragraph (4);
- (c) the risk assessment; and
- (d) the nature of the biological agent concerned.

(2) An employer who is engaged in—

- (a) any of the activities specified in sub-paragraph (3)(a) or (b) shall select measures from Part II of this Schedule;
- (b) the activity specified in sub-paragraph (3)(c) shall select measures from Part III of this Schedule and, subject to sub-paragraph (4), when making that selection he may combine measures from different containment levels on the basis of a risk assessment related to any particular process or part of a process.

(3) The activities referred to in sub-paragraph (1) are—

- (a) research, development, teaching or diagnostic work in laboratories which involves working with a Group 2, Group 3 or Group 4 biological agent or material containing such an agent;
- (b) working with animals which have been deliberately infected with a Group 2, Group 3 or Group 4 biological agent or which are, or are suspected of being, naturally infected with such an agent; and
- (c) industrial processes which involve working with a Group 2, Group 3 or Group 4 biological agent.

(4) Subject to sub-paragraph (5), the minimum containment level referred to in sub-paragraph (1) shall be—

- (a) level 2 for activities which involve working with a Group 2 biological agent;
- (b) level 3 for activities which involve working with a Group 3 biological agent;
- (c) level 4 for activities which involve working with a Group 4 biological agent;
- (d) level 2 for laboratories which do not intentionally propagate, concentrate or otherwise increase the risk of exposure to a biological agent but work with materials in respect of which it is unlikely that a Group 3 or Group 4 biological agent is present;
- (e) level 3 or 4, where appropriate, for laboratories which do not intentionally propagate, concentrate or otherwise increase the risk of exposure to a Group 3 or Group 4 biological agent but where the employer knows, or it is likely, that such a containment level is necessary; and

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- (f) level 3 for activities where it has not been possible to carry out a conclusive assessment but where there is concern that the activity might involve a serious health risk for employees.
- (5) The Health and Safety Commission may approve guidelines specifying the minimum containment measures which are to apply in any particular case.
- (6) The Health and Safety Commission shall not approve any guidelines under paragraph (5) unless it is satisfied that the health of any person who is likely to be affected by the use of those guidelines will not be prejudiced.