



Health &
Safety
Commission

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News Release

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COSHH REGULATIONS HERALDED AS LEGISLATION FOR THE 21ST CENTURY

New regulations to protect the health of people at work were hailed today by Employment Secretary Norman Fowler as the most far reaching health and safety legislation since the Health and Safety at Work Act 1974.

The Control of Substances Hazardous to Health Regulations, (COSHH), which begin to come into force on 1 October next year, will apply to virtually all work activities wherever substances which are hazardous to health are used or produced.

Mr Fowler told a press conference to launch the regulations and the associated Approved Codes of Practice and publications that they would focus attention on the health problems which people at work face from the substances they come into contact with and would bring about a much needed improvement in occupational health.

He said the regulations would be just as relevant well into the next century as in the final period of this century because of their unique flexibility.

"That flexibility comes from the underlying principle that the action which is required to be taken depends almost entirely upon the nature and degree of the risks that are present in the particular work."

Mr Fowler said that the regulations would be able to adapt readily to changes in the pattern of employment in Britain, changes in technology and industrial processes and new international and European Community initiatives and obligations.

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"This is the kind of de-regulation we need in the safety and health field. About 50 sets of outdated, restricted and inflexible regulations and orders, some of which date back to the turn of the century will be swept away and replaced with a clear statement of good occupational hygiene practice," he said.

"With COSHH we are getting the best of both worlds: simplification of the law and extension to all employees of the protection afforded by specific health provisions."

A key factor in the approach of the new regulations is a requirement for employers to make an assessment of the risks to health which arise from exposure to hazardous substances in the circumstances of their own particular work activities. In the light of that employers must establish what measures are necessary to prevent or adequately control exposure to hazardous substances and what further precautions need to be taken to protect people's health. These come under the headings of proper use and maintenance of the control measures, information and training for employees and, in some circumstances, but only where necessary, routine exposure monitoring and health surveillance.

The Chairman of the Health and Safety Commission, Dr John Cullen, said "These regulations are the culmination of some very hard work over a long period. They stem from the thinking and action that has already been taking place in some businesses and has been stimulated in many others by the prospect of new legislation.

"All employers will have responsibilities under these regulations but the action they need to take will not be the same. It will depend on the risks and their own assessment of those risks. This is a big step forward which places occupational health clearly and firmly on the workplace agenda."

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"The whole package will be kept under review for years to come, so that we can add further guidance where there is a need and adjust the specific contents of the schedules to the regulations and approved lists in the light of new knowledge and research. Indeed, we have already made a start in looking at some of the exposure limits and carcinogens. We know from past experience that information in these areas is expanding all the time, and we already have the systems in place to keep COSHH up to date," Dr Cullen said.

Practical guidance on what the new regulations will require is contained in a number of publications published today. These include three free pamphlets: one is a brief guide to COSHH, while the other two provide an introduction to carrying out assessments and explain the terminology that may be encountered.

For those employers who face more complex situations and more far-reaching decisions, there is a more detailed guide to assessments, on sale from HMSO. A general Approved Code of Practice on the Regulations, which comes together with a short supplementary Code on carcinogenic substances, setting out the regulations in full is also available. (A further special Code is available for employers engaged in fumigation operations.)

NOTES TO EDITORS

1. A summary of the regulations is attached.
2. The Statutory Instrument SI 1988 no 1657, has been on sale at HMSO, price £3.30, since the regulations were laid in Parliament on 12 October 1988.
3. For all employers who need to find out more about COSHH the following three free leaflets are available from HSE enquiry points at Sheffield, 0742 752539, Bootle, 051 951 4381 and London, 01 221 0870, and from Area Offices:
 - (i) 'Introducing COSHH'
 - (ii) 'Introducing Assessment'
 - (iii) 'Hazard and Risk Explained'CTL018824
4. The following Codes of Practice have been approved by the Health and Safety Commission with the consent of the Secretary of State for Employment to give practical guidance with compliance on the regulations and are available from HMSO or bookshops.

'Control of Carcinogenic Substances', ISBN 0 11 885468 2, price £4.00.

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'Control of Substances Hazardous to Health in Fumigation Operations', ISBN 0 11 885469 0 price, £3.00.

The Approved Code of Practice, 'Control of Vinyl Chloride at Work', ISBN 0 71 760317 2, price £2.00, is only available from the HSE sales point at Room 414, St Hugh's House, Stanley Precinct, Bootle, Merseyside, L20 3QY, telephone 051 951 4224.

5. The following guidance is also available:

'COSHH Assessments: A step-by-step guide to assessment and the skills needed for it', HMSO, ISBN 0 11 885470 4, price £2.00.

6. Although the regulations as a whole take effect from 1 October 1989, the assessment requirement only comes into force on 1 January 1990.

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SUMMARY OF THE CONTROL OF SUBSTANCES HAZARDOUS TO HEALTH (COSHH) REGULATIONS 1988

The regulations are designed to protect people against risks to their health, whether immediate or delayed, from substances hazardous to health arising from a work activity. Substances hazardous to health are those which are listed in Part IAI of the Approved List under the Classification, Packaging and Labelling of Dangerous Substances Regulations 1984 and are classified as very toxic, toxic, harmful, corrosive or irritant; substances listed in Schedule 1 to the Regulations as having a Maximum Exposure Limit; substances for which the Health and Safety Commission has approved an Occupational Exposure Standard; substantial quantities of dust of any kind; and any substance which creates a risk to health comparable to any of the foregoing. The Regulations also apply to micro-organisms hazardous to health which arise from the work activity.

The Regulations do not apply where the Control of Asbestos at Work, the Control of Lead at Work and the Ionising Radiations Regulations are in force, nor underground in mines.

The Regulations impose duties on employers for the protection of employees who may be exposed to substances hazardous to health at work, and of other persons who may be affected by such work. Specific duties are also placed on self-employed persons and employees.

The main provisions of the COSHH Regulations are:-

Prohibitions (Regulation 4)

Prohibitions on the use of certain substances which already exist in safety law are carried forward.

Assessment (Regulation 6)

An employer may not carry on any work which is liable to expose any employee to a substance hazardous to health unless a suitable and sufficient assessment has been made of the risks to health created by that work and about measures necessary to control exposure to substances hazardous to health. It allows an employer to show that all the factors pertinent to the work have been considered and that an informed judgement has been reached about the risks, the steps which need to be taken to achieve and maintain adequate control, the need for monitoring exposure at the workplace and for health surveillance.

Control (Regulation 7)

The employer must ensure that the exposure of employees to substances hazardous to health is either prevented or where this is not reasonably practicable adequately controlled. This applies whether the substance is hazardous through inhalation, ingestion, absorption through the skin or contact with the skin.

Many substances hazardous through inhalation have been assigned occupational exposure limits. For those substances hazardous

through inhalation which have been assigned maximum exposure limits (MELs), exposure should not exceed those limits and should be reduced below them to the greatest extent that is reasonably practicable. Inhalation of a substance which has been assigned an occupational exposure standard (OES) should be reduced to that standard; however if exposure exceeds the OES, control will still be deemed to be adequate provided that the employer has identified why the OES has been exceeded and is taking appropriate steps to comply with the OES as soon as is reasonably practicable.

In all cases, prevention or adequate control of exposure should be achieved by measures other than personal protective equipment to the greatest extent which is reasonably practicable - ie the use of process, engineering and procedural controls are the preferred methods.

Use of Control Measures (Regulation 8)

Every employer who provides any control measure should ensure that it is properly used and every employee should make full and proper use of the control measures provided.

Maintenance, Examination and Testing of Control Measures (Regulation 9)

Every employer who provides a control measure in pursuance of Regulation 7 (ie to control the exposure of employees) should ensure that it is maintained in an efficient working order and in good repair. The employer should ensure that periodic thorough examinations and tests of engineering controls are carried out; in the case of local exhaust ventilation plant this should be done at least once every fourteen months. Respiratory protective equipment has to be examined at suitable intervals and, for all control measures, a record of the results of the examinations must be kept for 5 years.

Routine Monitoring of Exposure (Regulation 10)

Monitoring of exposure should be carried out when it is necessary to ensure that exposure is adequately controlled or otherwise to protect the health of employees. It is required for example, when failure or deterioration of the control measures could result in serious risk to health or where it is necessary to ensure that an MEL or OES is not exceeded. A record should be kept showing when the monitoring was done, what monitoring procedures were adopted and what the results were.

Health Surveillance (Regulation 11)

Where the assessment shows that health surveillance is appropriate for the protection of employees the employer should ensure that this is carried out. Health surveillance is appropriate where the employee is exposed to one of the substances in Schedule 5, and it is also appropriate in other circumstances where the exposure of the employee is such that an identifiable disease or adverse health effect may be related to the exposure, there is a reasonable likelihood that the disease or effect may occur under the particular conditions of work and there are valid techniques of detecting signs of the disease or the effect.

Information, Instruction and Training for Persons who may be exposed to Substances Hazardous to Health (Regulation 12)

Suitable and sufficient information, instruction and training must be given on risks to health, and precautions to be taken. Where these procedures are carried out, there must also be information on the results of monitoring and collective results of health surveillance. Anyone carrying out any tasks for an employer under the Regulations must also have the necessary information, instruction and training to do the job properly.

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