

COSHH REGULATIONS UPDATED

From 6 April, 2005 the Control of Substances Hazardous to Health Regulation 2002 have been significantly updated. There is now a new focus on good practice to help employers prevent their employees' health being harmed by workplace chemicals, and a change to the way limits are set for exposure to chemicals in the workplace.

EMPLOYERS' COSHH DUTIES

To comply with COSHH employers currently need to follow these eight steps:-

- Step 1** - Assess the risks
- Step 2** - Decide what precautions are needed
- Step 3** - Prevent or adequately control exposure
- Step 4** - Ensure that control measures are used and maintained
- Step 5** - Monitor the exposure
- Step 6** - Carry out appropriate health surveillance
- Step 7** - Prepare plans and procedures to deal with accidents, incidents and emergencies
- Step 8** - Ensure employees are properly informed, trained and supervised

WORKPLACE EXPOSURE LIMITS (WELS)

In addition the regulations have now introduced a new, simpler occupational exposure limit system. Maximum Exposure Limits (MELs) and Occupational Exposure Standards (OESs) are replaced with a single limit - the Workplace Exposure Limit (WEL). All the MELs, and most of the OESs, are being transferred into the new system and will retain their previous numerical values.

A WEL is the maximum concentration of an airborne substance, averaged over a reference period, to which employees may be exposed by inhalation. This means it is a figure that, at worst, should not be exceeded.

ADEQUATE CONTROL

As of 6 April, 2005 adequate control of exposure will not rely merely on numerical limits, but will place greater emphasis on good control practice.

COSHH now requires employers to:

- apply the eight principles of good practice for the control of substances hazardous to health (regardless of whether a substance has an exposure limit);
- ensure that the WEL is not exceeded; and
- ensure that exposure to substances that can cause occupational asthma; cancer; or damage to genes that can be passed from one generation to another; is reduced as low as is reasonably practicable.

PRINCIPLES OF GOOD PRACTICE FOR THE CONTROL OF EXPOSURE TO SUBSTANCES HAZARDOUS TO HEALTH

Employers already have a clear responsibility to manage and minimise the risks from work activities. They must develop suitable and sufficient control measures and ways of maintaining them. They should:

- identify hazards and potentially significant risks
- take action to prevent and control risks
- keep control measures under regular review

To be effective in the long term, control measures must be practical, workable and sustainable. The principles of good control are now part of the COSHH Regulations - they appear in Schedule 2A, aligned with Reg. 7(7).

Employers who do not follow these principles will not be properly protecting their employees. They are to:

- (a) Design and operate processes and activities to minimise emission, release and spread of substances hazardous to health
- (b) Take into account all relevant routes of exposure
- (c) Control exposure by measures that are proportionate to the health risk
- (d) Choose the most effective and reliable control options which minimise the escape and spread of substances hazardous to health
- (e) Where adequate control of exposure cannot be achieved by other means, provide, in combination with other control measures, suitable personal protective equipment
- (f) Check and review regularly all elements of control measures for their continuing effectiveness
- (g) Inform and train all employees on the hazards and risks from the substances with which they work and the use of control measures developed to minimise the risks
- (h) Ensure that the introduction of control measures does not increase the overall risk to health and safety

Guidance on applying the principles was also published on 6 April to help employers. In the coming months case studies illustrating good practice will be published on HSE's COSHH website.

<http://www.hse.gov.uk/coshh/index.htm>

Good practice advice on controlling chemicals is available at HSE's COSHH Essentials website

<http://www.coshh-essentials.org.uk/>

New versions of the COSHH Approved Code of Practice; EH40 (the list of exposure limits); and the brief guide to COSHH leaflet is available from HSE Books (<http://www.hsebooks.co.uk/>) or telephone 01787 881 165, fax 01787 313995 The brief guide is also available on the HSE website at:

<http://www.hse.gov.uk/pubns/indg136.pdf>

Information on COSHH is available on the Amicus H&S website at:

<http://www.amicustheunion.org/main.asp?page=2070>

WHAT SHOULD EMPLOYERS' BE DOING?

- ensure you involve your Safety Representatives in the COSHH assessment, so that no substance is used without having first been fully assessed
- take copies of COSHH assessments and records of monitoring, including the results of local exhaust ventilation tests
- check that measures to first prevent and then control exposure are introduced
- ensure that you provide information and training in the risks and alternative means of working with substances hazardous to health.