

Control of Substances Hazardous to Health Regulations 2002 (COSHH)

The Control of Substances Hazardous to Health (COSHH) Regulations 2002 (as amended) apply to all workplaces using substances that are labelled as dangerous (i.e. very toxic, toxic, harmful irritant or corrosive) including substantial quantities of any dust; harmful micro-organisms and any material, mixture or compound used at work which can harm people's health. So they apply to workplaces where Unite members use substances such as solvents, cleaning materials, adhesives, inks, aerosols, pesticides, paint or where they are exposed to paper dust, fumes and biological hazards such as animal faeces.

Set out below are the main duties imposed on the employer by the COSHH Regs:

Employers' Duties

The employer must:

- Assess the risks.
- Decide what precautions are needed.
- Prevent or adequately control exposure.
- Ensure that the controls are used and maintained.
- Examine and test the control measures.
- Prepare plans and procedures to deal with accidents, incidents and emergencies.
- Ensure employees are properly informed, trained and supervised.

Additionally, where appropriate, they must:

- Monitor the exposure of employees and non-employees who may be on the premises.
- Ensure that employees who require it are under health surveillance.

The COSHH Assessment

Under Reg 6 employers have an absolute duty to carry out an assessment. It is against the law for work involving hazardous substances to continue unless there has been a suitable and sufficient assessment of the risk created by that work to the health of employees. This does not simply mean collecting data sheets. The employer must assess the steps needed to meet the Regs. and implement them.

The risk assessment shall include consideration of:

- a) The hazardous properties of the substance.
- b) Information on health effects provided by the supplier, e.g. safety data sheets.
- c) The level, type and duration of exposure.
- d) The circumstances of the work, including the amount of the substance involved.

- e) Activities such as maintenance, where there is the potential for a high level of exposure.
- f) Any relevant occupational exposure limit.
- g) The effect of preventive and control measures which have been or will be taken.
- h) The results of relevant health surveillance.
- i) The results of monitoring of exposure.
- j) Where work will involve exposure to more than one hazardous substance, the risk presented by combined exposure.
- k) The approved classification of any biological agent.
- l) Such additional information the employer may need in order to complete the risk assessment.

The assessment must be reviewed regularly and forthwith if there is any reason to suppose that the original assessment is no longer valid, or when there are significant changes to the work, or when the results of any monitoring show it to be necessary.

Where five or more people are employed a written record must be kept of the significant findings of the risk assessment, and the steps taken to prevent or control exposure.

Competent Persons

Employers can either carry out the assessment or appoint someone else to do it. Employers should use competent employees, where they exist, in preference to external sources, for competent advice and assistance. Whatever the case, those carrying out the assessment must:

- Have adequate knowledge, training and expertise in understanding hazard and risk.
- Know how the work activity uses or produces substances hazardous to health.
- Have the ability and authority to collate all necessary, relevant information, and
- Have the knowledge, skills and experience to make the right decisions about the risks and precautions that are needed.

The person who carries out the assessment does not always have to be fully familiar with the requirements of COSHH and the ACOP. However that person should have access to someone who has a firm grasp of those requirements. This pooling of knowledge would allow, for example, a supervisor's experience of a process to be combined with the technical and legal knowledge of a health and safety manager.

Employers have a duty to consult trade union safety reps, and Unite expects safety reps to have an input into COSHH assessments. The ACOP makes it clear that employers should involve reps in the process of carrying out and reviewing risk assessments

Prevention or Control

Under Reg 7 the employer must prevent or, where this is not reasonably practicable, adequately control exposure to substances hazardous to health.

Substitution is the preferred method of compliance. It is important that where substitutes are used, these do not themselves present a further risk to health. If it is not reasonably practicable to prevent exposure, then employers must control it.

Such control measures include in order of priority:

- Design and use of appropriate work processes, systems and engineering controls and the provision and use of suitable work equipment and materials
- Control of exposure at source, including adequate ventilation systems and appropriate organisational measures
- Where adequate control cannot be achieved by other means, the provision of suitable personal protective equipment in addition to the measures above.

Protection Measures

Reg 7 states that protection measures shall include:

- Safe handling, storage and transport of hazardous substances and hazardous waste.
- Adoption of suitable maintenance procedures.
- Reducing to the minimum required
 - the number of employees exposed
 - the level and duration of exposure
 - the quantity of hazardous substance present
- Control of the working environment, including appropriate general ventilation.
- Appropriate hygiene measures including adequate washing facilities.

Workplace Exposure Limits (WELs)

WELs have been established for a number of substances hazardous to health. They are intended to prevent excessive exposure by containing exposure below a set limit. A WEL is the maximum concentration of an airborne substance averaged over a reference period, to which employees may be exposed by inhalation. WELs should not be considered a hard and fast line between safe and unsafe. The principles require the degree to which exposure is reduced below the WEL to be proportionate to the health risk. If employers apply the principles of good control practice correctly, exposure should be below any relevant WEL.

Adequate Control

Control of exposure is adequate only if:

- The principles of good practice are applied (see below)
- Any Workplace Exposure Limit (WEL) is not exceeded,
- For any carcinogen labelled R45, R46 or R49, or any prohibited substance or process; or any asthmagen labelled R42 or R42/43; exposure is reduced to as low a level as is reasonably practicable.

Principles of good practice for the control of exposure to substances hazardous to health

Employers have a 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 part of the COSHH Regulations – they appear in Schedule 2A, aligned with Reg. 7(7). 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.

Use of Control Measures

Reg 8 requires employers to take all reasonable steps to ensure control measures are properly used or applied.

Employees are required to make full and proper use of control measures.

Maintenance Measures

Under Reg 9 the employer has a duty to ensure that the control measures are maintained in an efficient state, working order, good repair and in a clean condition. Local exhaust ventilation must be examined at least once every 14 months. There is a general requirement for all control measures to be examined at suitable intervals, including PPE and respiratory protective equipment. A record should be kept and made available for at least five years.

Monitoring

Under Reg 10 the employer has a duty to carry out monitoring where the risk assessment indicates that:

- a) It is requisite for ensuring the maintenance of adequate control of the exposure of employees.
- b) If it is otherwise requisite for protecting workers health.

Monitoring should be carried out at regular intervals, and when any change occurs which may affect exposure. Employers should consult HSE guidance notes such as HSG173 Monitoring Strategies for Toxic Substances.

A record should also be kept and made available to safety reps, covering:

- When the monitoring was done and the results.
- The monitoring procedures that were adopted.
- The location where the samples were taken.

Monitoring records must be kept by the employer:

- For at least 40 years where the record is representative of the personal exposures of identifiable employees.
- For at least five years in any other case.

Health Surveillance

Health surveillance is required under Reg 11 where employees are exposed to a substance linked to a particular disease or adverse health effect. This might involve examinations by a doctor or trained nurse, but trained supervisors could, for example, check employees' skin for dermatitis. A record of any health surveillance carried out must be kept and held for 40 years.

Information, Instruction and Training

Under Reg 12 employers must provide employees with suitable and sufficient information, instruction and training, including:

- Details of the hazardous substances to which they are liable to be exposed, including:
 - names and risks to health
 - any relevant exposure limits
 - access to data sheets
 - other legislative provisions that apply

- The significant findings of the risk assessment.
- Appropriate precautions and actions to be taken by the employees to safeguard themselves and others.
- The results of any monitoring, and in the case of substances assigned WELs, information forthwith if the WEL has been exceeded.
- The collective results of any health surveillance (not identifying particular persons).

Updating information

The ACOP to Reg 12 makes it clear that providing information, instruction and training is not a one-off exercise. Information, instruction and training should be reviewed and updated whenever significant changes are made to the type of work carried out, or to the work methods used. Significant changes might include the amount of substances used or produced, new control measures, new substances brought into the workplace, automation of certain processes. Further information and training following a review of the assessment should cover why the assessment was reviewed, any changes to the way the work is to be done and the precautions employees should take to protect themselves and others.

Information to safety reps

The employer must make all relevant information available to employees or their TU safety representatives in accordance with the Safety Representatives and Safety Committees Regs 1977. In non recognised workplaces, a similar requirement exists under the Health and Safety (Consultation with Employees) Regs 1996.

Accidents, incidents and emergencies

Reg 13 states that employers must prepare procedures, which can be put into effect, in the event of accidents, incidents or emergencies related to the presence of a hazardous substance in the workplace.

COSHH Essentials

COSHH Essentials is a simple step-by-step system that helps employers assess and control health risks when using chemicals (as required by the Control of Substances Hazardous to Health (COSHH) Regulations). It contains control solutions for many standard work situations and helps firms to produce quickly and efficiently, a reliable assessment containing clear advice on what they need to do to protect their employees.

The ACOP to Reg 7 states that employers may use the advice available from COSHH Essentials for identifying appropriate control measures for a wide range of hazardous substances/task combinations. If correctly applied, these control measures should provide adequate control of exposure. However, it remains the responsibility of employers to ensure that they:

- (a) Have made a suitable and sufficient assessment in accordance with Reg 6.

- (b) Are controlling exposure adequately to substances hazardous to health in accordance with Reg 7(7)
- (c) Are protecting employees health.

Employers who use the COSHH Essentials approach may use the completed checklist from the publication, or the printout from the web-based COSHH Essentials, as part of the significant findings of the assessment that the employer may need to record in accordance with Reg 6(4).



Unite action: reducing chemical hazards at work

“ I received training from the union on COSHH Essentials. As a result I managed to get a cleaning solution taken out of use on site. The chemical was used to clean ink from a printer head. I used COSHH Essentials to risk assess the chemical and analyse the process in which it was used. I found that the chemical had various hazardous classifications and I took the findings to the monthly safety meetings to prove my case. The company agreed with my findings and removed the product from our site. We still have to clean the print heads but use a substance which is less hazardous ”

Unite safety rep, Graphical, Paper and Media Sector

Safety Reps' Action Points

- Ensure you are involved in the COSHH assessment, so that no substance is used without having first been fully assessed.
- Use your rights to health and safety information to request and take copies of COSHH assessments and records of monitoring, including the results of local exhaust ventilation tests.
- Check that measures which first prevent and then control exposure are introduced.
- Ensure that the employer provides information and training in the risks and alternative means of working with substances hazardous to health.
- Ask your employer whether there is a COSHH Essentials control solution for the jobs you do. If there is, make sure it is applied.

Unite Action: hazardous substances in a fish farm – Scotland

Unite members who work for a salmon farming company insisted that the employer provide laundry facilities to eliminate the risk of exposure of Unite members and their families to substances such as mineral oil and anti-fungal agents. Prior to provision of these laundry facilities these members had to take their contaminated PPE home for cleaning or just not clean it at all.