CONTROL OF SUBSTANCES HAZARDOUS TO HEALTH REGULATIONS 2025

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Statutory Document No. 20XX/XXXX

Health and Safety at Work etc. Act 1974

CONTROL OF SUBSTANCES HAZARDOUS TO HEALTH REGULATIONS 2025

Approved by Tynwald:
Coming into operation: *1 October 2026*

The Department of Environment, Food and Agriculture makes the following Regulations, after consulting such organisations as it considers represent the interests affected by the Regulations[1], under section 2(2) and sections 15(1), (2), (3)(b), (4), (5)(b) and (6)(b), 52(2) and (3) and 82(3)(a) of, and paragraphs 1(1) to (4), 2, 6(1), 8, 9, 11, 14, 15(1), 16 and 20 of Schedule 3 to, the Health and Safety at Work etc. Act 1974 (of Parliament) as those provisions apply to the Island[2].

1 Title

These Regulations are the Control of Substances Hazardous to Health Regulations 2025.

2 Commencement

If approved by Tynwald[3], these Regulations come into operation on 1 October 2026.

3 Interpretation

(1) In these Regulations —

"the 1974 Act" means the Health and Safety at Work etc. Act 1974 as it applies to the Island;

"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 Executive;

[1] As required by section 82(4) of the Health and Safety at Work Etc. Act 1974 as it applies to the Island.
[2] 1974 c. 37: currently applied by SD 2024/0073.
[3] Tynwald approval is required under section 82(5) of the Health and Safety at Work Etc. Act 1974 as it applies to the Island.

"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;

"BS EN 481 1993" means the standard BS EN 481:1993 "Workplace atmospheres: Size fraction definitions for measurement of airborne particles" issued on 15 September 1993, as revised from time to time;

"carcinogen" means —

(a) a substance or mixture which meets the criteria for classification as a category 1A or 1B carcinogen set out in Annex I to the CLP Regulation whether or not the substance or mixture would be required to be classified under the Regulation; or

(b) a substance or mixture which is —

(i) referred to in Schedule 1; or

(ii) released by a process referred to in Schedule 1 and is a substance hazardous to health;

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

"the CLP Regulation" means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC and amending Regulation (EC) No 1907/2006, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third subparagraphs and Annexes I to VII are to be read as amended from time to time[4];

"control measure" means a measure taken to reduce exposure to a substance hazardous to health, including —

(a) the provision of systems of work and supervision;

(b) the cleaning of workplaces, premises, plant and equipment; and

(c) the provision and use of engineering controls and personal protective equipment;

"EEA State" means a State which is a Contracting Party to the EEA agreement;

"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 "fumigator" and "fumigant" are to be construed accordingly;

"Group", in relation to a biological agent, means one of the four hazard Groups specified in paragraph 2 of Schedule 4 to which that agent is assigned;

[4] Paragraph 67(5) of the Schedule to the European Union and Trade Act 2019 (Retained Direct EU Legislation) (DEFA and OFT) Regulations 2019 (SD 2019/0037).

"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" are to be construed accordingly;

"hazard statement" has the meaning that it has in Article 2 of the CLP Regulation;

"Health and Safety Executive" means the body corporate established in the United Kingdom under section 10 (establishment of executive) of the Health and Safety at Work etc. Act 1974 (of Parliament);

"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;

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

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

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

"mutagen" means a substance or mixture which meets the criteria for classification as a category 1A or 1B germ cell mutagen set out in Annex I to the CLP Regulation, whether or not the substance or mixture would be required to be classified under that Regulation;

"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 their health, and any addition or accessory designed to meet that objective;

"public road" means a highway maintainable at the public expense within the meaning of section 3 (duty to maintain certain highways) of the Highways Act 1986;

"registered dentist" has the meaning assigned to it in section 11 (interpretation) of the Dental Act 1985;

"registered medical practitioner" has the meaning assigned to it in section 3 (interpretation) of the Health Care Professionals Act 2014;

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

"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;

"risk assessment" means the assessment of risk required by regulation 7(1)(a) (assessment of the risk to health created by work involving substances hazardous to health);

"safety data sheet" means a safety data sheet within the meaning of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals as it forms part of the law of England;

"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 mixture) —

(a) which meets the criteria for classification as hazardous within any health hazard class as provided for in the CLP Regulation whether or not the substance is classified under that Regulation;

(b) for which the Health and Safety Executive has approved a workplace exposure limit for the purposes of the Control of Substances Hazardous to Health Regulations 2002[5];

(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 subparagraphs (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; and

[5] SI 2002/2677.

"workplace exposure limit" for a substance hazardous to health means the exposure limit approved by the Health and Safety Executive for that substance in relation to the specified reference period when calculated by a method approved by the Health and Safety Executive, as contained in HSE publication "EH/40 Workplace Exposure Limits 2005" as updated from time to time.

(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 is a reference to the Group to which that agent has been assigned in that approved classification.

4 Duties under these Regulations

SI 2002/2677/3

(1) Where a duty is placed by these Regulations on an employer in respect of his or her employees, the employer is, so far as is reasonably practicable, under a like duty in respect of any other person, whether at work or not, who may be affected by the work carried out by the employer except that the duties of the employer —

(a) under regulation 12 (health surveillance) do not extend to persons who are not employees of that employer; and

(b) under regulations 11 (monitoring exposure at the workplace), 13(1) and (2) (information, instruction and training for persons who may be exposed to substances hazardous to health) and 14 (arrangements to deal with accidents, incidents and emergencies) do not extend to persons who are not employees of that employer, unless those persons are on the premises where the work is being carried out.

(2) These Regulations apply to a relevant self-employed person as they apply to an employer and an employee and as if that self-employed person were both an employer and an employee, except that regulations 11 and 12 do not apply to a self-employed person.

(3) For the purposes of this regulation **"relevant self-employed person"** means a self-employed person who conducts an undertaking of a prescribed description for the purposes of section 3(2) of the 1974 Act.

(4) These Regulations do not apply to the master or crew of a ship or to the employer of such persons in respect of the normal shipboard activities of a ship's crew which —

(a) are carried out solely by the crew under the direction of the master; and

(b) are not liable to expose persons other than the master and crew to a risk to their health and safety,

and for the purposes of this paragraph **"ship"** includes every description of vessel used in navigation, other than a ship forming part of His Majesty's Navy.

5 Prohibitions relating to certain substances

SI 2002/2677/4

(1) Those substances described in Column 1 of Schedule 2 are prohibited to the extent set out in the corresponding entry in Column 2 of that Schedule.

(2) The importation into the Island, other than from the British Islands or an EEA State, of matches made with white phosphorus is prohibited and a contravention of this paragraph is punishable under the Customs and Excise Management Act 1986 and not as a contravention of a health and safety regulation.

(3) A person must not supply during the course of or for use at work a substance or article specified in paragraph (2).

6 Application of regulations 7 to 14

SI 2002/2677/5

(1) Regulations 7 to 14 have effect with a view to protecting persons against a risk to their health, whether immediate or delayed, arising from exposure to substances hazardous to health except —

(a) where and to the extent that the Control of Asbestos Regulations 2012[6] apply;

(b) where the substance is hazardous to health solely by virtue of its radioactive, explosive or flammable properties, or solely because it is at a high or low temperature or a high pressure;

(c) where the risk to health is a risk to the health of a person to whom the substance is administered in the course of medical treatment.

(2) In paragraph (1)(c) **"medical treatment"** means medical or dental examination or treatment which is conducted by, or under the direction of a —

(a) registered medical practitioner;

(b) registered dentist; or

(c) other person who is an appropriate practitioner for the purposes of section 5 (medicinal products on prescription only) of the Medicines Act 2003,

[6] Applied to the Island by the Control of Asbestos (Application) Order 2022 (SD 2022/0034).

and includes any such examination or treatment conducted for the purpose of research.

7 Assessment of the risk to health created by work involving substances hazardous to health

SI 2002/2677/6

(1) An employer must not carry out work which is liable to expose any employees to any substance hazardous to health unless the employer has —

(a) made a suitable and sufficient assessment of the risk created by that work to the health of those employees and of the steps that need to be taken to meet the requirements of these Regulations; and

(b) implemented the steps referred to in subparagraph (a).

(2) The risk assessment must include consideration of —

(a) the hazardous properties of the substance;

(b) information on health effects provided by the supplier, including information contained in any relevant safety data sheet;

(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 workplace exposure limit or similar occupational exposure limit;

(g) the effect of preventive and control measures which have been or will be taken in accordance with regulation 8 (prevention or control of exposure to substances hazardous to health);

(h) the results of relevant health surveillance;

(i) the results of monitoring of exposure in accordance with regulation 11 (monitoring exposure at the workplace);

(j) in circumstances where the work will involve exposure to more than one substance hazardous to health, the risk presented by exposure to such substances in combination;

(k) the approved classification of any biological agent; and

(l) such additional information as the employer may need in order to complete the risk assessment.

(3) The risk assessment must be reviewed regularly and must be reviewed immediately if —

(a) there is reason to suspect that the risk assessment is no longer valid;

(b) there has been a significant change in the work to which the risk assessment relates; or

(c) the results of any monitoring carried out in accordance with regulation 11 show it to be necessary,

and where, as a result of the review, changes to the risk assessment are required, those changes must be made.

(4) Where the employer employs 5 or more employees, the employer must record —

(a) the significant findings of the risk assessment as soon as is practicable after the risk assessment is made; and

(b) the steps which the employer has taken to meet the requirements of regulation 8.

8 Prevention or control of exposure to substances hazardous to health

SI 2002/2677/7 [and drafting]

(1) Every employer must ensure that the exposure of his or her employees to substances hazardous to health is —

(a) prevented; or

(b) adequately controlled, where prevention is not reasonably practicable.

(2) In complying with the duty of prevention under paragraph (1)(a), for preference the employer must use substitution; that is the employer must avoid, as far as reasonably practicable, using a substance hazardous to health at the workplace by replacing it with a substance or process which, under the conditions of its use, either eliminates or reduces the risk to the health of employees.

(3) Where it is not reasonably practicable to prevent exposure to a substance hazardous to health, the employer must comply with the duty of control under paragraph (1)(b) by applying protection measures appropriate to the activity and consistent with the risk assessment, including, in order of priority —

(a) the design and use of appropriate work processes, systems and engineering controls and the provision and use of suitable work equipment and materials;

(b) the control of exposure at source, including adequate ventilation systems and appropriate organisational measures; and

(c) where adequate control of exposure cannot be achieved by other means, the provision of suitable personal protective equipment in addition to the measures required by subparagraphs (a) and (b).

(4) The measures referred to in paragraph (3) include —

(a) arrangements for the safe handling, storage and transport of substances hazardous to health, and of waste containing such substances, at the workplace;

(b) the adoption of suitable maintenance procedures;

(c) reducing, to the minimum required for the work concerned —

(i) the number of employees subject to exposure;

(ii) the level and duration of exposure; and

(iii) the quantity of substances hazardous to health present at the workplace;

(d) the control of the working environment, including appropriate general ventilation; and

(e) appropriate hygiene measures including adequate washing facilities.

(5) Without limiting paragraph (1), where it is not reasonably practicable to prevent exposure to a carcinogen or mutagen, the employer must apply the following measures in addition to those required by paragraph (3) —

(a) totally enclosing the process and handling systems, unless this is not reasonably practicable;

(b) the prohibition of eating, drinking and smoking in areas that may be contaminated by carcinogens or mutagens;

(c) cleaning floors, walls and other surfaces at regular intervals and whenever necessary;

(d) designating those areas and installations which may be contaminated by carcinogens or mutagens and using suitable and sufficient warning signs; and

(e) storing, handling and disposing of carcinogens or mutagens safely, including using closed and clearly labelled containers.

(6) Without limiting paragraph (1), where it is not reasonably practicable to prevent exposure to a biological agent, the employer must apply the following measures in addition to those required by paragraph (3) —

(a) displaying suitable and sufficient warning signs, including the biohazard sign shown in Part 4 of Schedule 4;

(b) specifying appropriate decontamination and disinfection procedures;

(c) instituting means for the safe collection, storage and disposal of contaminated waste, including the use of secure and identifiable containers, after suitable treatment where appropriate;

(d) testing, where it is necessary and technically possible, for the presence, outside the primary physical confinement, of biological agents used at work;

(e) specifying procedures for working with, and transporting at the workplace, a biological agent or material that may contain such an agent;

(f) where appropriate, making available effective vaccines for those employees who are not already immune to the biological agent to which they are exposed or are liable to be exposed;

(g) instituting hygiene measures compatible with the aim of preventing or reducing the accidental transfer or release of a biological agent from the workplace, including —

(i) the provision of appropriate and adequate washing and toilet facilities, and

(ii) where appropriate, the prohibition of eating, drinking, smoking and the application of cosmetics in working areas where there is a risk of contamination by biological agents; and

(h) where there are human patients or animals which are, or are suspected of being, infected with a Group 3 or 4 biological agent, the employer must select the most suitable control and containment measures from those listed in Part II of Schedule 4 with a view to controlling adequately the risk of infection.

(7) Without limiting paragraph (1), where there is exposure to a substance hazardous to health, control of that exposure must only be treated as adequate if —

(a) the principles of good practice for the control of exposure to substances hazardous to health set out in Schedule 3 are applied;

(b) any workplace exposure limit approved for that substance is not exceeded; and

(c) for a substance —

(i) which carries the hazard statement H340, H350 or H350i[7], or for a substance or process which is listed in Schedule 1; or

(ii) which carries the hazard statement H334, or which is listed in section C of HSE publication "Asthmagen? Critical assessments of the evidence for agents implicated in occupational asthma" as updated from time to time, or any other substance which the risk assessment has shown to be a potential cause of occupational asthma,

exposure is reduced to as low a level as is reasonably practicable.

(8) Personal protective equipment provided by an employer in accordance with this regulation must be suitable for the purpose and must —

[7] The hazard statements relevant for each specific hazard classification are set out in the tables contained in parts 2 to 5 of Annex I to the CLP Regulation.

(a) comply with any legal requirement which is applicable to that item of personal protective equipment; or

(b) in the case of respiratory protective equipment, where no provision referred to in subparagraph (a) applies, be of a type approved or must conform to a standard approved, in either case, by the Health and Safety Executive.

(9) Without limiting the provisions of this regulation, Schedule 4 has effect in relation to work with biological agents.

(10) In this regulation, **"adequate"** means adequate having regard only to the nature of the substance and the nature and degree of exposure to substances hazardous to health and **"adequately"** is to be construed accordingly.

(11) In paragraph (8)(a), **"legal requirement"** means any requirement of the Personal Protective Equipment Regulations 2026[8].

9 Use of control measures etc.

SI 2002/2677/8

(1) Every employer who provides any control measure, other thing or facility in accordance with these Regulations must take all reasonable steps to ensure that it is properly used or applied as the case may be.

(2) Every employee must make full and proper use of any control measure, other thing or facility provided in accordance with these Regulations and, where relevant, must —

(a) take all reasonable steps to ensure it is returned after use to any accommodation provided for it; and

(b) if the employee discovers a defect, report it immediately to the employer.

10 Maintenance, examination and testing of control measures

SI 2002/2677/9

(1) Every employer who provides any control measure to meet the requirements of regulation 8 (prevention or control of exposure to substances hazardous to health) must ensure that —

(a) in the case of plant and equipment, including engineering controls and personal protective equipment, it is maintained in an efficient state, in efficient working order, in good repair and in a clean condition; and

(b) in the case of the provision of systems of work and supervision and of any other measure, it is reviewed at suitable intervals and revised if necessary.

[8] SD tbc

(2) Where engineering controls are provided to meet the requirements of regulation 8, the employer must ensure that thorough examination and testing of those controls is carried out —

(a) in the case of local exhaust ventilation plant, at least once every 14 months, or for local exhaust ventilation plant used in conjunction with a process specified in Column 1 of Schedule 5, at not more than the interval specified in the corresponding entry in Column 2 of that Schedule; or

(b) in any other case, at suitable intervals.

(3) Where respiratory protective equipment (other than disposable respiratory protective equipment) is provided to meet the requirements of regulation 8, the employer must ensure that thorough examination and, where appropriate, testing of that equipment is carried out at suitable intervals.

(4) Every employer must keep a suitable record of —

(a) examinations and tests carried out in accordance with paragraphs (2) and (3); and

(b) repairs carried out as a result of those examinations and tests,

and that record or a suitable summary of it must be kept available for at least 5 years from the date on which it was made.

(5) Every employer must ensure that personal protective equipment, including protective clothing, is —

(a) properly stored in a well-defined place;

(b) checked at suitable intervals; and

(c) when discovered to be defective, repaired or replaced before further use.

(6) Personal protective equipment which may be contaminated by a substance hazardous to health must be removed on leaving the working area and kept apart from uncontaminated clothing and equipment.

(7) The employer must ensure that the equipment referred to in paragraph (6) is subsequently decontaminated and cleaned or, if necessary, destroyed.

11 Monitoring exposure at the workplace

SI 2002/2677/10

(1) Where the risk assessment indicates that —

(a) it is necessary for maintaining adequate control of the exposure of employees to substances hazardous to health; or

(b) it is otherwise necessary for protecting the health of employees,

the employer must ensure that the exposure of employees to substances hazardous to health is monitored in accordance with a suitable procedure.

(2) Paragraph (1) does not apply where the employer is able to demonstrate by another method of evaluation that the requirements of regulation 8(1) (prevention or control of exposure to substances hazardous to health) have been complied with.

(3) The monitoring referred to in paragraph (1) must take place —

(a) at regular intervals; and

(b) when any change occurs which may affect that exposure.

(4) Where a substance or process is specified in Column 1 of Schedule 6, monitoring must be carried out at least at the frequency specified in the corresponding entry in Column 2 of that Schedule.

(5) The employer must ensure that a suitable record of monitoring carried out for the purpose of this regulation is made and maintained and that that record or a suitable summary of it is kept available —

(a) where the record is representative of the personal exposures of identifiable employees, for at least 40 years; or

(b) in any other case, for at least 5 years, from the date of the last entry made in it.

(6) Where an employee is required by regulation 12 (health surveillance) to be under health surveillance, an individual record of any monitoring carried out in accordance with this regulation must be made, maintained and kept in respect of that employee.

(7) The employer must —

(a) on reasonable notice being given, allow an employee access to the employee's personal monitoring record;

(b) provide the Department with copies of such monitoring records as the Department may require; and

(c) if the employer ceases to trade, notify the Department immediately in writing and make available to the Department all monitoring records kept by the employer.

12 Health surveillance

SI 2002/2677/11

(1) Where it is appropriate for the protection of the health of employees who are, or are liable to be, exposed to a substance hazardous to health, the employer must ensure that such employees are under suitable health surveillance.

(2) Health surveillance is treated as being appropriate where —

(a) the employee is exposed to one of the substances specified in Column 1 of Schedule 7 and is engaged in a process specified in Column 2 of that Schedule, and there is a reasonable likelihood that an identifiable disease or adverse health effect will result from that exposure; or

(b) the exposure of the employee to a substance hazardous to health is such that —

(i) an identifiable disease or adverse health effect may be related to the exposure;

(ii) there is a reasonable likelihood that the disease or effect may occur under the particular conditions of the employee's work; and

(iii) there are valid techniques for detecting indications of the disease or effect,

and the technique of investigation is of low risk to the employee.

(3) The employer must ensure that a health record, containing information approved by the Department, in respect of each of any employees to whom paragraph (1) applies, is made and maintained and that that record or a copy of it is kept available in a suitable form for at least 40 years from the date of the last entry made in it.

(4) The employer must —

(a) on reasonable notice being given, allow an employee access to the employee's personal health record;

(b) provide the Department with copies of such health records as the Department may require; and

(c) if the employer ceases to trade, notify the Department immediately in writing and make available to the Department all health records kept by the employer.

(5) If an employee is exposed to a substance specified in Schedule 7 and is engaged in a process specified in that Schedule, the health surveillance required under paragraph (1) includes medical surveillance under the supervision of a relevant doctor at intervals of not more than 12 months or at such shorter intervals as the relevant doctor may require.

(6) Where an employee is subject to medical surveillance in accordance with paragraph (5) and a relevant doctor has certified by an entry in the health record of that employee that in the doctor's professional opinion that employee should not be engaged in work which exposes the employee to that substance or that the employee should only be so engaged under conditions specified in the record, the employer must not permit the employee to be engaged in such work except in accordance with the conditions, if any, specified in the health record, unless that entry has been cancelled by a relevant doctor.

(7) Where an employee is subject to medical surveillance in accordance with paragraph (5) and a relevant doctor has certified by an entry in the employee's health record that medical surveillance should be continued after the employee's exposure to that substance has ceased, the employer must ensure that the medical surveillance of that employee is continued in accordance with that entry while the employee is employed by the employer, unless that entry has been cancelled by a relevant doctor.

(8) An employee to whom this regulation applies must, when required by the employer and at the cost of the employer, present themselves during the employee's working hours for such health surveillance procedures as may be required for the purposes of paragraph (1) and, in the case of an employee who is subject to medical surveillance in accordance with paragraph (5), must furnish the relevant doctor with such information concerning the employee's health as the relevant doctor may reasonably require.

(9) Where, as a result of health surveillance, an employee is found to have an identifiable disease or adverse health effect which is considered by a relevant doctor or other occupational health professional to be the result of exposure to a substance hazardous to health the employer of that employee must —

(a) ensure that a suitably qualified person informs the employee accordingly and provides the employee with information and advice regarding further health surveillance;

(b) review the risk assessment;

(c) review any measure taken to comply with regulation 8 (prevention or control of exposure to substances hazardous to health), taking into account any advice given by a relevant doctor, occupational health professional or by the Department;

(d) consider assigning the employee to alternative work where there is no risk of further exposure to that substance, taking into account any advice given by a relevant doctor or occupational health professional; and

(e) provide for a review of the health of any other employee who has been similarly exposed, including a medical examination where such an examination is recommended by a relevant doctor, occupational health professional or by the Department.

(10) Where, for the purpose of carrying out functions under these Regulations, a relevant doctor requires to inspect any workplace or any record kept for the purposes of these Regulations, the employer must permit the doctor to do so.

(11) Where an employee or an employer is aggrieved by a decision recorded in the health record by a relevant doctor to suspend an employee from work which exposes the employee to a substance hazardous to health (or

to impose conditions on such work), the employee or employer may, by an application in writing to the Department within 28 days of the date on which the employee or employer was notified of the decision, apply for that decision to be reviewed in accordance with a procedure approved for the purposes of this paragraph by the Department, and the result of that review must be notified to the employee and employer and entered in the health record in accordance with the approved procedure.

13 Information, instruction and training for persons who may be exposed to substances hazardous to health

SI 2002/2677/12

(1) Every employer who undertakes work which is liable to expose an employee to a substance hazardous to health must provide that employee with suitable and sufficient information, instruction and training.

(2) Without limiting paragraph (1), the information, instruction and training provided under that paragraph must include —

(a) details of the substances hazardous to health to which the employee is liable to be exposed including —

(i) the names of those substances and the risk which they present to health;

(ii) any relevant workplace exposure limit or similar occupational exposure limit;

(iii) access to any relevant safety data sheet; and

(iv) other legislative provisions which concern the hazardous properties of those substances;

(b) the significant findings of the risk assessment;

(c) the appropriate precautions and actions to be taken by the employee in order to safeguard themselves and other employees at the workplace;

(d) the results of any monitoring of exposure in accordance with regulation 11 (monitoring exposure at the workplace) and, in particular, in the case of a substance hazardous to health for which a workplace exposure limit has been approved, the employee or the employee's representatives must be informed immediately, if the results of such monitoring show that the workplace exposure limit has been exceeded;

(e) the collective results of any health surveillance undertaken in accordance with regulation 12 (health surveillance) in a form calculated to prevent those results from being identified as relating to a particular person; and

(f) where employees are working with a Group 4 biological agent or material that may contain such an agent, the provision of written instructions and, if appropriate, the display of notices which outline the procedures for handling such an agent or material.

(3) The information, instruction and training required by paragraph (1) must be —

(a) adapted to take account of significant changes in the type of work carried out or methods of work used by the employer; and

(b) provided in a manner appropriate to the level, type and duration of exposure identified by the risk assessment.

(4) Every employer must ensure that any person (whether or not an employee) who carries out work in connection with the employer's duties under these Regulations has suitable and sufficient information, instruction and training.

(5) Where containers and pipes for substances hazardous to health used at work are not marked in accordance with any relevant legislation listed in Schedule 8, the employer must, without prejudice to any derogations provided for in that legislation, ensure that the contents of those containers and pipes, together with the nature of those contents and any associated hazards, are clearly identifiable.

14 Arrangements to deal with accidents, incidents and emergencies

SI 2002/2677/13

(1) Subject to paragraph (4) and without limiting the relevant provisions of the Management of Health and Safety at Work Regulations 2003[9], in order to protect the health of his or her employees from an accident, incident or emergency related to the presence of a substance hazardous to health at the workplace, the employer must ensure that —

(a) procedures, including the provision of appropriate first-aid facilities and relevant safety drills (which must be tested at regular intervals), have been prepared which can be put into effect when such an event occurs;

(b) information on emergency arrangements, including —

(i) details of relevant work hazards and hazard identification arrangements; and

(ii) specific hazards likely to arise at the time of an accident, incident or emergency, is available; and

(c) suitable warning and other communication systems are established to enable an appropriate response, including remedial actions and rescue operations, to be made immediately when such an event occurs.

[9] SD 877/03.

(2) The employer must ensure that information on the procedures and systems required by paragraph (1)(a) and (c) and the information required by paragraph (1)(b) is —

(a) made available to relevant accident and emergency services to enable those services, whether internal or external to the workplace, to prepare their own response procedures and precautionary measures; and

(b) displayed at the workplace, if this is appropriate.

(3) Subject to paragraph (4), in the event of an accident, incident or emergency related to the presence of a substance hazardous to health at the workplace, the employer must ensure that —

(a) immediate steps are taken to —

(i) mitigate the effects of the event;

(ii) restore the situation to normal; and

(iii) inform those employees who may be affected;

(b) only those persons who are essential for the carrying out of repairs and other necessary work are permitted in the affected area and they are provided with —

(i) appropriate personal protective equipment; and

(ii) any necessary specialised safety equipment and plant, which must be used until the situation is restored to normal; and

(c) in the case of an incident or accident which has or may have resulted in the release of a biological agent which could cause severe human disease, as soon as practicable thereafter his or her employees or their representatives are informed of —

(i) the causes of that incident or accident; and

(ii) the measures taken or to be taken to rectify the situation.

(4) Paragraph (1) and, provided the substance hazardous to health is not a carcinogen, mutagen or biological agent, paragraph (3) does not apply where —

(a) the results of the risk assessment show that, because of the quantity of each substance hazardous to health present at the workplace, there is only a slight risk to the health of employees; and

(b) the measures taken by the employer to comply with the duty under regulation 8(1) (prevention or control of exposure to substances hazardous to health) are sufficient to control that risk.

(5) An employee must immediately report, to the employer or to any other employee of that employer with specific responsibility for the health and safety of fellow employees, any accident or incident which has or may

have resulted in the release of a biological agent which could cause severe human disease.

15 Provisions relating to certain fumigations

SI 2002/2677/14

(1) This regulation applies to fumigations in which the fumigant used or intended to be used is hydrogen cyanide, phosphine or methyl bromide, except that paragraph (2) does not apply to fumigations using the fumigant specified in Column 1 of Schedule 9 when the nature of the fumigation is that specified in the corresponding entry in Column 2 of that Schedule.

(2) An employer must not undertake fumigation to which this regulation applies unless the employer has —

(a) notified the persons specified in Part I of Schedule 10 of the employer's intention to undertake the fumigation; and

(b) provided to those persons the information specified in Part II of that Schedule,

at least 24 hours in advance, or such shorter time in advance as the persons required to be notified may agree.

(3) An employer who undertakes a fumigation to which this regulation applies must ensure that, before the fumigant is released, suitable warning notices have been affixed at all points of reasonable access to the premises or to those parts of the premises in which the fumigation is to be carried out and that after the fumigation has been completed, and the premises are safe to enter, those warning notices are removed.

16 Exemption certificates

SI 2002/2677/15 [and drafting]

(1) Subject to paragraph (2) the Department may, by a certificate in writing, exempt any person or class of persons or any substance or class of substances from all or any of the requirements or prohibitions imposed by regulations 5 (prohibitions relating to certain substances), 9 (use of control measures etc.), 10 (maintenance, examination and testing of control measures), 12(8), (10) and (11) (health surveillance), and 15 (provisions relating to certain fumigations) of these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by a certificate in writing at any time.

(2) The Department must not grant any such exemption unless having regard to the circumstances of the case and, in particular, to —

(a) the conditions, if any, which it proposes to attach to the exemption; and

(b) any requirements imposed by or under any enactments which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

17 Exemptions relating to national security

SI 2002/2677/16

(1) In this regulation —

(a) "His Majesty's Forces" means any of the naval, military or air forces of the Crown, whether raised inside or outside the United Kingdom and whether any such force is a regular, auxiliary or reserve force, and includes any civilian employed by those forces;

(b) "visiting force" has the same meaning as it does for the purposes of any provision of Part I of the Visiting Forces Act 1952[10]; and

(c) "headquarters" means a headquarters for the time being specified in Schedule 2 to the Visiting Forces and International Headquarters (Application of Law) Order 1999[11].

(2) The Department may, in the interests of national security, by a certificate in writing exempt —

(a) any of His Majesty's Forces;

(b) any visiting force;

(c) members of a visiting force working in or attached to a headquarters; or

(d) any person engaged in work involving substances hazardous to health, if that person is under the direct supervision of a representative of the Secretary of State for Defence of the United Kingdom,

from all or any of the requirements or prohibitions imposed by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by a certificate in writing, except that, where any such exemption is granted, suitable arrangements must be made for the assessment of the health risk created by the work involving substances hazardous to health and for adequately controlling the exposure to those substances of persons to whom the exemption relates.

(3) Regulation 12(11) does not apply in relation to —

(a) any visiting force; or

[10] Applied to the Island by the Visiting Forces Act (Application to the Isle of Man) Order, 1962 (SI 1962/170).

[11] SI 1999/1736.

(b) members of a visiting force working in or attached to a headquarters.

18 Extension to the territorial sea

SI 2002/2677/17

These Regulations apply to and in relation to any activity in the territorial sea to which the 1974 Act applies by virtue of the Health and Safety at Work etc. Act 1974 (Application to the Territorial Sea) Order 2025[12] as those provisions apply within the Island, excluding the territorial sea.

19 Extension of meaning of "work"

SI 2002/2677/19

For the purposes of Part I of the 1974 Act the meaning of **"work"** is extended to include any activity involving the consignment, storage or use of a Group 2, 3 or 4 biological agent and the meaning of **"at work"** is extended accordingly, and in that connection the references to employer in paragraphs 5 and 6 of Schedule 4 include references to any persons carrying out such an activity.

20 Modification of section 3(2) of the 1974 Act

SI 2002/2677/20 [and drafting]

Section 3(2) (general duties of employers and self-employed to persons other than their employees) of the 1974 Act is modified in relation to an activity involving the consignment, storage or use of any of the biological agents referred to in regulation 19 so as to have effect as if —

(a) the reference to a self-employed person who conducts an undertaking of a prescribed description is a reference to any person who is not an employer or an employee; and

(b) the reference to the undertaking includes a reference to such an activity.

21 Defence

SI 2002/2677/21

Subject to regulation 16B of the Management of Health and Safety at Work Regulations 2003, in any proceedings for an offence consisting of a contravention of these Regulations it is a defence for any person to prove that the person took all reasonable precautions and exercised all due diligence to avoid the commission of that offence.

[12] SD TBC

MADE

CLARE BARBER
Minister for Environment, Food and Agriculture

SCHEDULE 1

OTHER SUBSTANCES AND PROCESSES TO WHICH THE DEFINITION OF "CARCINOGEN" RELATES

[Regulation 3(1)]

SI 2002/2677/Schedule 1

Aflatoxins.
Arsenic.
Auramine manufacture.
Calcining, sintering or smelting of nickel copper matte or acid leaching or electrorefining of roasted matte.
Coal soots, coal tar, pitch and coal tar fumes.
Hardwood dusts.
Isopropyl alcohol manufacture (strong acid process).
Leather dust in boot and shoe manufacture, arising during preparation and finishing.
Magenta manufacture.
Mustard gas (β, *β′* -dichlorodiethyl sulphide).
Rubber manufacturing and processing giving rise to rubber process dust and rubber fume.
Used engine oils.

The following polychlorodibenzodioxins:
2,3,7,8-TCDD
1,2,3,7,8-PeCDD
1,2,3,4,7,8-HxCDD
1,2,3,6,7,8-HxCDD
1,2,3,7,8,9-HxCDD
1,2,3,4,6,7,8-HpCDD
OCDD.

The following polychlorodibenzofurans:
2,3,7,8-TCDF
2,3,4,7,8-PeCDF
1,2,3,7,8-PeCDF
1,2,3,4,7,8-HxCDF
1,2,3,7,8,9-HxCDF
1,2,3,6,7,8-HxCDF
2,3,4,6,7,8-HxCDF
1,2,3,4,6,7,8-HpCDF
1,2,3,4,7,8,9-HpCDF
OCDF.

Where T=tetra, Pe=penta, Hx=hexa, Hp=hepta and O=octa.

SCHEDULE 2

PROHIBITION OF CERTAIN SUBSTANCES HAZARDOUS TO HEALTH FOR CERTAIN PURPOSES

[Regulation 5(1)]

SI 2002/2677/Schedule 2

Column 1 ***Description of substance***	**Column 2** ***Purpose for which the substance is prohibited***
1. 2-naphthylamine; benzidine; 4-aminodiphenyl; 4-nitrodiphenyl; their salts and any substance containing any of those compounds, in a total concentration equal to or greater than 0.1 per cent by mass.	Manufacture and use for all purposes including any manufacturing process in which a substance described in Column 1 of this item is formed.
2. Sand or other substance containing free silica.	Use as an abrasive for blasting articles in any blasting apparatus.
3. A substance — (a) containing compounds of silicon calculated as silica to the extent of more than 3 per cent by weight of dry material, other than natural sand, zirconium silicate (zircon), calcined china clay, calcined aluminous fireclay, sillimanite, calcined or fused alumina, olivine; or (b) composed of or containing dust or other matter deposited from a fettling or blasting process.	Use as a parting material in connection with the making of metal castings.
4. Carbon disulphide.	Use in the cold-cure process of vulcanising in the proofing of cloth with rubber.
5. Ground or powdered flint or quartz other than natural sand.	Use in relation to the manufacture or decoration of pottery for the following purposes: (a) the placing of ware for the biscuit fire; (b) the polishing of ware; (c) as the ingredient of a wash for saggars, trucks, bats, cranks, or other articles used in supporting ware during firing; and (d) as dusting or supporting powder in potters' shops.
6. Ground or powdered flint or quartz other than — (a) natural sand; or	Use in relation to the manufacture or decoration of pottery for any purpose except — (a) use in a separate room or building for —

Column 1 *Description of substance*	**Column 2** *Purpose for which the substance is prohibited*
(b) ground or powdered flint or quartz which forms parts of a slop or paste.	(i) the manufacture of powdered flint or quartz, or (ii) the making of frits or glazes or the making of colours or coloured slips for the decoration of pottery; (b) use for the incorporation of the substance into the body of ware in an enclosure in which no person is employed and which is constructed and ventilated to prevent the escape of dust.
7. Dust or powder of a refractory material containing not less than 80 per cent of silica other than natural sand.	Use for sprinkling the moulds of silica bricks, namely bricks or other articles composed of refractory material and containing not less than 80 per cent of silica.
8. Hydrogen cyanide.	Use in fumigation except when — (a) released from an inert material in which hydrogen cyanide is absorbed; (b) generated from a gassing powder; or (c) applied from a cylinder through suitable piping and applicators other than for fumigation in the open air to control or kill mammal pests.

In this Schedule —

"aerosol dispenser" means an article which consists of a non-reusable receptacle containing a gas compressed, liquefied or dissolved under pressure, with or without liquid, paste or powder and fitted with a release device allowing the contents to be ejected as solid or liquid particles in suspension in a gas, as a foam, paste or powder or in a liquid state;

"blasting apparatus" means apparatus for cleaning, smoothing, roughening or removing of part of the surface of any article by the use as an abrasive of a jet of sand, metal shot or grit or other material propelled by a blast of compressed air or steam or by a wheel;

"CAS No." is the number assigned to a substance by the Chemical Abstract Service;

"cosmetic product" has the meaning assigned to it in Article 2 of Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products[13] (recast) as amended from time to time (including any aerosol dispenser containing a cosmetic product);

[13] Paragraph 71(1) of the Schedule to the European Union and Trade Act 2019 (Retained Direct EU Legislation) (DEFA and OFT) Regulations 2019 (SD 2019/0037).

"gassing powder" means a chemical compound in powder form which reacts with atmospheric moisture to generate hydrogen cyanide;

"use as a parting material" means the application of the material to the surface or parts of the surface of a pattern or of a mould so as to facilitate the separation of the pattern from the mould or the separation of parts of the mould; and

"white oil" means a refined mineral oil conforming to a specification approved by the Department or the Health and Safety Executive and certified by its manufacturer as so conforming.

SCHEDULE 3

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

[Regulation 8(7)]

SI 2002/2677/Schedule 2A

1. Design and operate processes and activities to minimise emission, release and spread of substances hazardous to health.

2. Take into account all relevant routes of exposure– inhalation, skin absorption and ingestion — when developing control measures.

3. Control exposure by measures that are proportionate to the health risk.

4. Choose the most effective and reliable control options which minimise the escape and spread of substances hazardous to health.

5. Where adequate control of exposure cannot be achieved by other means, provide, in combination with other control measures, suitable personal protective equipment.

6. Check and review regularly all elements of control measures for their continuing effectiveness.

7. 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.

8. Ensure that the introduction of control measures does not increase the overall risk to health and safety.

SCHEDULE 4

ADDITIONAL PROVISIONS RELATING TO WORK WITH BIOLOGICAL AGENTS

[Regulation 8(9)]

SI 2002/2677/Schedule 3

PART 1 — PROVISIONS OF GENERAL APPLICATION TO BIOLOGICAL AGENTS

1 Interpretation

In this Schedule **"diagnostic service"** means any activity undertaken solely with the intention of analysing specimens or samples from a human patient or animal in which a biological agent is or is suspected of being present for purposes relating to the assessment of the clinical progress, or assistance in the clinical management, of that patient or animal, and "diagnosis" are to be construed accordingly.

2 Classification of biological agents

(1) Where a biological agent does not have an approved classification, the employer must provisionally classify that agent in accordance with subparagraph (2), having regard to the nature of the agent and the properties of which the employer may reasonably be expected to be aware.

(2) When provisionally classifying a biological agent the employer must assign that agent to one of the following Groups according to its level of risk of infection and, if in doubt as to which of two alternative Groups is the most appropriate, the employer must assign it to the higher of the two —

(a) Group 1 — unlikely to cause human disease;

(b) Group 2 — can cause human disease and may be a hazard to employees; it is unlikely to spread to the community and there is usually effective prophylaxis or treatment available;

(c) Group 3 — can cause severe human disease and may be a serious hazard to employees; it may spread to the community, but there is usually effective prophylaxis or treatment available;

(d) Group 4 — causes severe human disease and is a serious hazard to employees; it is likely to spread to the community and there is usually no effective prophylaxis or treatment available.

(3) Where an employer is using a biological agent which has an approved classification and the risk of infection for that particular agent is different

to that expected, the employer must reclassify the agent in consultation with the Department as if performing a provisional classification under subparagraph (2).

3 Special control measures for laboratories, animal rooms and industrial processes

(1) Every employer who is engaged in any of the activities specified in subparagraph (3) must ensure that measures taken to control adequately the exposure of employees to biological agents include, in particular, the most suitable combination of containment measures from those listed in Parts 2 and 3 of this Schedule as appropriate, taking into account —

(a) the nature of the activity specified in subparagraph (3);

(b) the minimum containment level specified in subparagraph (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 subparagraph (3)(a) or (b) must select measures from Part 2 of this Schedule;

(b) the activity specified in subparagraph (3)(c) must select measures from Part 3 of this Schedule and, subject to subparagraph (4), when making that selection the employer 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 subparagraph (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 subparagraph (5), the minimum containment level referred to in subparagraph (1) is —

(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

(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 Department may approve guidelines specifying the minimum containment measures which are to apply in any particular case.

(6) The Department must 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.

4 List of employees exposed to certain biological agents

(1) Subject to subparagraph (2), every employer must keep a list of employees exposed to a Group 3 or Group 4 biological agent, indicating the type of work done and, where known, the biological agent to which they have been exposed, and records of exposures, accidents and incidents, as appropriate.

(2) Subparagraph (1) does not apply where the results of the risk assessment indicate that —

(a) the activity does not involve a deliberate intention to work with or use that biological agent; and

(b) there is no significant risk to the health of employees associated with that biological agent.

(3) The employer must ensure that the list or a copy of it is kept available in a suitable form for at least 40 years from the date of the last entry made in it.

(4) The relevant doctor referred to in regulation 12, and any employee of that employer with specific responsibility for the health and safety of fellow employees, must have access to the list.

(5) Each employee must have access to the information on the list which relates to that employee personally.

5 Notification of the use of biological agents

(1) Subject to subparagraph (7), an employer must not use for the first time one or more biological agents in Group 2, 3 or 4 at particular premises for any of the activities listed in paragraph 3(3) unless the employer has —

(a) notified the Department in writing of the employer's intention to do so at least 20 working days in advance, or such shorter period as the Department may allow;

(b) furnished with that notification the particulars specified in subparagraph (5); and

(c) received the acknowledgement required by subparagraph (4).

(2) Subject to subparagraph (8), an employer must not use a biological agent which is specified in Part V of this Schedule, except where the use of that agent has been notified to the Department in accordance with subparagraph (1), for any of the activities listed in paragraph 3(3) unless the employer has —

(a) notified the Department in writing of the employer's intention to do so at least 20 working days in advance, or such shorter period as the Department may allow;

(b) furnished with that notification the particulars specified in subparagraph (5); and

(c) received the acknowledgement required by subparagraph (4).

(3) The Department may accept a single notification under subparagraph (2) in respect of the use of more than one biological agent by the same person.

(4) Upon receipt of the notification required by subparagraph (1) or (2), the Department must, within 20 working days —

(a) send to the notifier an acknowledgement of receipt; or

(b) if the notification does not contain all of the particulars specified in subparagraph (5) —

(i) inform the notifier in writing of the further particulars required; and

(ii) within 10 working days of receipt of those further particulars, send to the notifier an acknowledgement of receipt.

(5) The particulars to be included in the notification referred to in subparagraphs (1) and (2) are —

(a) the name and address of the employer and the address of the premises where the biological agent will be stored or used;

(b) the name, qualifications and relevant experience of any employee of that employer with specific responsibility for the health and safety of fellow employees;

(c) the results of the risk assessment;

(d) the identity of the biological agent and, if the agent does not have an approved classification, the Group to which the agent has been assigned; and

(e) the preventive and protective measures that are to be taken.

(6) Where there are changes to processes, procedures or the biological agent which are of importance to health or safety at work and which render the original notification invalid the employer must notify the Department immediately in writing of those changes.

(7) The requirement in subparagraph (1) to notify first use of a biological agent in Group 2 or 3 does not apply to an employer whose only use of that agent is in relation to the provision of a diagnostic service, provided that use will not involve a process likely to propagate, concentrate or otherwise increase the risk of exposure to that agent.

(8) The requirement in subparagraph (2) to notify use of a biological agent specified in Part 5 of this Schedule does not apply to an employer whose only use of that agent is in relation to the provision of a diagnostic service, provided that use will not involve a process likely to propagate, concentrate or otherwise increase the risk of exposure to that agent.

6 Notification of the consignment of biological agents

(1) An employer must not consign a Group 4 biological agent or anything containing, or suspected of containing, such an agent to any other premises, whether or not those premises are under the employer's ownership or control, unless the employer has notified the Department in writing of the employer's intention to do so at least 30 days in advance or before such shorter time as the Department may approve and with that notification has furnished the particulars specified in subparagraph (4).

(2) Subparagraph (1) does not apply where —

(a) the biological agent or material containing or suspected of containing such an agent is being consigned solely for the purpose of diagnosis;

(b) material containing or suspected of containing the biological agent is being consigned solely for the purpose of disposal; or

(c) the biological agent is or is suspected of being present in a human patient or animal which is being transported for the purpose of medical treatment.

(3) Where a Group 4 biological agent is imported into the Island, the consignee must give the notice required by subparagraph (1).

(4) The particulars to be included in the notification referred to in subparagraph (1) are —

(a) the identity of the biological agent and the volume of the consignment;

(b) the name of the consignor;

(c) the address of the premises from which it will be transported;

(d) the name of the consignee;

(e) the address of the premises to which it will be transported;

(f) the name of the transport operator responsible for the transportation;

(g) the name of any individual who will accompany the consignment;

(h) the method of transportation;

(i) the packaging and any containment precautions which will be taken;

(j) the route which will be taken; and

(k) the proposed date of transportation.

PART 2 — CONTAINMENT MEASURES FOR HEALTH AND VETERINARY CARE FACILITIES, LABORATORIES AND ANIMAL ROOMS

Containment measures	*Containment levels*		
	2	**3**	**4**
1 The workplace is to be separated from any other activities in the same building.	No	Yes	Yes
2 Input air and extract air to the workplace are to be filtered using HEPA or equivalent.	No	Yes, on extract air	Yes, on input and double on extract air
3 Access is to be restricted to authorised persons only.	Yes	Yes	Yes, via airlock key procedure
4 The workplace is to be sealable to permit disinfection.	No	Yes	Yes
5 Specified disinfection procedure.	Yes	Yes	Yes
6 The workplace is to be maintained at an air pressure negative to atmosphere.	No	Yes	Yes
7 Efficient vector control e.g. rodents and insects.	Yes, for animal containment	Yes, for animal containment	Yes
8 Surfaces impervious to water and easy to clean.	Yes, for bench	Yes, for bench and floor (and walls for animal containment)	Yes, for bench, floor, walls and ceiling
9 Surfaces resistant to acids, alkalis, solvents, disinfectants.	Yes, for bench	Yes, for bench and floor (and walls for animal	Yes, for bench, floor, walls and ceiling

Containment measures	*Containment levels*		
		containment)	
10 Safe storage of biological agents.	Yes	Yes	Yes, secure storage
11 An observation window, or alternative, is to be present, so that occupants can be seen.	No	Yes	Yes
12 A laboratory is to contain its own equipment.	No	Yes, so far as is reasonably practicable	Yes
13 Infected material, including any animal, is to be handled in a safety cabinet or isolator or other suitable containment.	Yes, where aerosol produced	Yes, where aerosol produced	Yes
14 Incinerator for disposal of animal carcases.	Accessible	Accessible	Yes, on site

PART 3 — CONTAINMENT MEASURES FOR INDUSTRIAL PROCESSES

Containment measures	*Containment levels*		
	2	**3**	**4**
1 Viable micro-organisms should be contained in a system which physically separates the process from the environment (closed system).	Yes	Yes	Yes
2 Exhaust gases from the closed system should be treated so as to-	Minimise release	Prevent release	Prevent release
3 Sample collection, addition of materials to a closed system and transfer of viable micro-organisms to another closed system, should be performed so as to-	Minimise release	Prevent release	Prevent release
4 Bulk culture fluids should not be removed from the closed system unless the viable micro-organisms have been-	Inactivated by validated means	Inactivated by validated chemical or physical means	Inactivated by validated chemical or physical means
5 Seals should be designed so as to-	Minimise release	Prevent release	Prevent release
6 Closed systems should be located within a controlled area —	Optional	Optional	Yes, and purpose-built
(a) biohazard signs should be posted;	Optional	Yes	Yes
(b) access should be restricted to nominated personnel only;	Optional	Yes	Yes, via airlock
(c) personnel should wear protective clothing;	Yes, work clothing	Yes	Yes, a complete change

Containment measures	*Containment levels*		
(d) decontamination and washing facilities should be provided for personnel;	Yes	Yes	Yes
(e) personnel should shower before leaving the controlled area;	No	Optional	Yes
(f) effluent from sinks and showers should be collected and inactivated before release;	No	Optional	Yes
(g) the controlled area should be adequately ventilated to minimise air contamination;	Optional	Optional	Yes
(h) the controlled area should be maintained at an air pressure negative to atmosphere;	No	Optional	Yes
(i) input and extract air to the controlled area should be HEPA filtered;	No	Optional	Yes
(j) the controlled area should be designed to contain spillage of the entire contents of closed system;	Optional	Yes	Yes
(k) the controlled area should be sealable to permit fumigation	No	Optional	Yes
7 Effluent treatment before final discharge.	Inactivated by validated means	Inactivated by validated chemical or physical means	Inactivated by validated physical means

PART 4 — BIOHAZARD SIGN

The biohazard sign required by regulation 8(6)(a) must be in the form shown below —

PART 5 — BIOLOGICAL AGENTS WHOSE USE IS TO BE NOTIFIED IN ACCORDANCE WITH PARAGRAPH 5(2) OF PART I OF THIS SCHEDULE

Any Group 3 or 4 agent.

The following Group 2 agents —

Bordetella pertussis

Corynebacterium diphtheriae

Neisseria meningitides

SCHEDULE 5

FREQUENCY OF THOROUGH EXAMINATION AND TEST OF LOCAL EXHAUST VENTILATION PLANT USED IN CERTAIN PROCESSES

[Regulation 10(2)(a)]

SI 2002/2677/Schedule 4

Column 1 ***Process***	**Column 2** ***Minimum frequency***
Processes in which blasting is carried out in or incidental to the cleaning of metal castings, in connection with their manufacture.	1 month.
Processes, other than wet processes, in which metal articles (other than of gold, platinum or iridium) are ground, abraded or polished using mechanical power, in any room for more than 12 hours in any week.	6 months
Processes giving off dust or fume in which non-ferrous metal castings are produced.	6 months
Jute cloth manufacture.	1 month

SCHEDULE 6

SPECIFIC SUBSTANCES AND PROCESSES FOR WHICH MONITORING IS REQUIRED

[Regulation 11(4)]

SI 2002/2677/Schedule 5

Column 1 ***Substance or process***	**Column 2** ***Minimum frequency***
Vinyl chloride monomer.	Continuous or in accordance with a procedure approved by the Health and Safety Executive.
Spray given off from vessels at which an electrolytic chromium process is carried on, except trivalent chromium.	Every 14 days while the process is being carried on.

SCHEDULE 7

MEDICAL SURVEILLANCE

[Regulation 12(2)(a) and (5)]

SI 2002/2677/Schedule 6

Column 1 ***Substance for which medical surveillance is appropriate***	**Column 2** ***Process***
Vinyl chloride monomer (VCM).	In manufacture, production, reclamation, storage, discharge, transport, use or polymerisation.
Nitro or amino derivatives of phenol and of benzene or its homologues.	In the manufacture of nitro or amino derivatives of phenol and of benzene or its homologues and the making of explosives with the use of any of these substances.
Potassium or sodium chromate or dichromate.	In manufacture.
Ortho-tolidine and its salts. Dianisidine and its salts. Dichlorobenzidine and its salts.	In manufacture, formation or use of these substances.
Auramine, Magenta.	In manufacture.
Carbon disulphide. Disulphur dichloride, Benzene, including benzol, Carbon tetrachloride, Trichlorethylene.	Processes in which these substances are used, or given off as vapour, in the manufacture of indiarubber or of articles or goods made wholly or partially of indiarubber.
Pitch.	In manufacture of blocks of fuel consisting of coal, coal dust, coke or slurry with pitch as a binding substance.

SCHEDULE 8

LEGISLATION CONCERNED WITH THE LABELLING OF CONTAINERS AND PIPES

[Regulation 13(5)]

SI 2002/2677/Schedule 7

The Health and Safety (Safety Signs and Signals) Regulations 2026[14]; and

The CLP Regulation.

[14] SD 2026/xxxx.

SCHEDULE 9

FUMIGATIONS EXCEPTED FROM REGULATION 14

[Regulation 15(1)]

SI 2002/2677/Schedule 8

Column 1 ***Fumigant***	**Column 2** ***Nature of fumigation***
Hydrogen cyanide.	Fumigations carried out for research. Fumigations in fumigation chambers. Fumigations in the open air to control or kill mammal pests.
Methyl bromide.	Fumigations carried out for research. Fumigations in fumigation chambers. Fumigations of soil outdoors under gas-proof sheeting where not more than 1000 kg is used in any period of 24 hours on the premises. Fumigations of soil under gas-proof sheeting in glasshouses where not more than 500 kg is used in any period of 24 hours on the premises. Fumigations of compost outdoors under gas-proof sheeting where not more than 10 kg of methyl bromide is used in any period of 24 hours on the premises. Fumigations under gas-proof sheeting inside structures other than glasshouses and mushroom houses where not more than 5 kg of methyl bromide is used in each structure during any period of 24 hours. Fumigations of soil or compost in mushroom houses where not more than 5 kg of methyl bromide is used in any one fumigation in any period of 24 hours. Fumigations of containers where not more than 5 kg of methyl bromide is used in any one fumigation in a period of 24 hours.
Phosphine.	Fumigations carried out for research. Fumigations in fumigation chambers. Fumigations under gas-proof sheeting inside structures where not more than 1 kg of phosphine in each structure is used in any period of 24 hours. Fumigations in containers where not more than 0.5 kg of phosphine is used in any one fumigation in any period of 24 hours. Fumigations in individual impermeable packages. Fumigations in the open air to control or kill mammal pests.

SCHEDULE 10

NOTIFICATION OF CERTAIN FUMIGATIONS

[Regulation 15(2)]

SI 2002/2677/Schedule 9

PART 1 — PERSONS TO WHOM NOTIFICATIONS MUST BE MADE

1

In the case of a fumigation to be carried out within the area of a harbour for which the Department of Infrastructure has authority, advance notification of fumigation must, for the purposes of regulation 15(2)(a), be given to —

(a) the Department of Infrastructure;

(b) an inspector appointed under section 19 (appointment of inspectors) of the 1974 Act, if that inspector so requires; and

(c) where the fumigation —

(i) is to be carried out on a sea-going ship, the Chief Fire Officer referred to in section 1(2) (provision of fire services) of the Fire Services Act 1984 and the officer in charge of the Customs and Excise Division of the Treasury; or

(ii) is the space fumigation of a building, the Chief Fire Officer.

2

In the case of a fumigation, other than a fumigation to which paragraph (1) applies, advance notification of fumigation must be given to —

(a) the Chief Constable;

(b) an inspector appointed under section 19 of the 1974 Act, if that inspector so requires; and

(c) where the fumigation is to be carried out on a sea-going ship or is the space fumigation of a building, the Chief Fire Officer.

PART 2 — INFORMATION TO BE GIVEN IN ADVANCE NOTICE OF FUMIGATIONS

3

The information to be given in a notification made for the purposes of regulation 15(2) must include the following —

(a) the name, address, place of business and telephone number of the fumigator;

(b) the name of the person requiring the fumigation to be carried out;

(c) the address and description of the premises where the fumigation is to be carried out;

(d) the date on which the fumigation is to be carried out and the estimated time of commencement and completion;

(e) the name of the operator in charge of the fumigation; and

(f) the fumigant to be used.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations impose duties on employers to protect employees and other persons who may be exposed to substances hazardous to health and also impose certain duties on employees concerning their own protection from such exposure. They are drawn from the Control of Substances Hazardous to Health Regulations 2002 (of Parliament).

In particular, the Regulations —

(a) specify the matters to be considered when carrying out an assessment of the risk from exposure to substances hazardous to health (regulation 7);

(b) detail the measures which the employer must take to prevent or adequately control the exposure of his employees to substances hazardous to health (regulation 8);

(c) specify duties in respect of care and decontamination of personal protective equipment (regulation 10);

(d) provide for the keeping of an individual record of air monitoring where an employee is required to be under health surveillance (regulation 11);

(e) specify the duties on employers with respect to health surveillance where an employee is found to have an identifiable disease or adverse health effect caused by exposure to a substance hazardous to health (regulation 12);

(f) introduce a duty to ensure that the contents of containers and pipes for substances hazardous to health used at work are clearly identifiable (regulation 13(5));

(g) introduce a duty on the employer to prepare procedures, provide information and establish warning systems to deal with an emergency in the workplace related to the presence of a substance hazardous to health (regulation 14); and

(h) apply the extension to the meaning of "work" in Part I of the 1974 Act to all Group 2, 3, or 4 biological agents.

Copies of the publications mentioned in the Regulations are obtainable as follows —

(a) a list of the maximum exposure limits and occupational exposure standards which the Health and Safety Commission has approved is available in the publication "EH40, Occupational Exposure Limits" obtainable from the website https://www.hse.gov.uk/pubns/ or from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA; and

(b) British Standard BS EN 481 1993, referred to in regulation 3(1), relating to workplace atmospheres is obtainable from or the website bsigroup.com or the British Standards Institution, BSI House, 389 Chiswick High Road, London W4 4AL.