LEGISLATION AND STANDARDS

New Control of Substances Hazardous Health (COSHH) (Amendment) Regulations 2004

Updated Regulations

As of 6th April 2005, a new set of amendment regulations regarding the control of hazardous substances have come into force.

These amendment regulations do not replace the COSHH 2002 Regulations, but simply act to introduce some changes.

The main change is an introduction of a new framework of control via the introduction of 8 new ‘Principles of Good Practice for the Control of Exposure to Substances Hazardous to Health’

These principles are set out in a new Schedule – Schedule 2A of COSHH (Amendment) Regulations 2004. Employers who do not follow these principles may not be properly protecting their employees. However, Micheal Topping of HSC ACTS states ‘those employers who are currently in compliance with COSHH 2002 will still be able to comply with the new regulations by continuing to apply good practice’.

The reason for this change has been to further clarify existing duties and bring together the principles of good practice.

The new regulations also introduce a new Exposure Limit system. The current list of OELs, which split down into MELs and OESs is to be replaced with a new list of WELs or Workplace Exposure Limits. All the MELs and most of the OESs will keep their current numerical value and be transferred into the new system of WELs.

100’s of OESs are to be deleted. The reasons for these deletions are due to the fact that some of these substances have already been banned, are not used anymore or there has been little evidence of adverse health effects.

The HSE will soon issue a revised version of EH40:2005.

The reason for the introduction of a new WEL system was due to HSE research that showed that the previous system of OELs was confusing and was not being applied adequately.

Therefore, as of April 6th 2005, employers who are responsible for adequately controlling exposure should:

• Apply the 8 principles of control (regardless of whether a substance has an exposure limit)
• Ensure that the WEL is not exceeded: and
• Ensure that exposure to substances that can cause occupational asthma, cancer, or damage to genes that can be passed from one generation to another, is reduced as low as is reasonably practicable.*

* Source - HSE press release – 1st April 2005

Manufacturers and suppliers who mention OELs, MELs and OESs in their information/literature are allowed to exhaust their stocks before the need to produce new guidance to include WELs.

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