

## Control of Substances Hazardous to Health (COSHH): Management Briefing

### Definition of a substance hazardous to health:

'A substance can only cause harm when it is able to make contact with the skin or enter the body and reach an organ where it can affect it. This can be by skin contact, by passing through the skin into the bloodstream, inhalation as a gas, vapour or dust, by ingestion or injection'.

### The key risk factors of hazardous substances are:

- exposure to substances at levels above approved Workplace Exposure Limits (WEL's)
- exposure to gases, vapours and dusts (particularly very fine dusts which are capable of penetrating the lungs such as asbestos fibres)
- exposure to carcinogens (cancer causing substances), mutagens (substances which may induce heritable genetic defects and reproductive toxins (non-hereditary progeny and or an impairment of reproductive functions or capacity)
- exposure to asthmagens which may cause asthma and to which people can become sensitized
- exposure to asbestos or asbestos containing materials
- skin contact with substances with the 'Sk' notation in HSE publication EH40 as this notation means that a substantial risk from skin absorption.

### Case Law

A Claimant was employed as a hospital catering assistant. She developed dermatitis in both hands as a result of undertaking wet work involving contact with detergents. She developed a dry scaly rash which later blistered and wept which led to termination of her employment.

She remained at risk of future hand dermatitis and would only remain free of further eruption if she avoided wet work and contact with detergents.

She was awarded £67,000 by the court.

### Recommendations for employers:

- carry out a suitable and sufficient risk assessment, which identifies routes of entry and ill health effects
- replace hazardous substances with non-hazardous substances where possible or substitute with less hazardous substances
- where prevention to exposure or substitution with less harmful substances is not possible, ensure effective control measures to ensure exposure is below any approved WEL and for carcinogens, mutagen and asthmagens ensure exposure is reduced as far below the WEL as is reasonably practicable
- be aware of any workers who may have pre-existing conditions such as asthma or dermatitis
- ensure a risk assessment is carried for new expectant mothers, pay particular attention to substances containing mutagens and reproductive toxins which may affect an unborn child
- implement a health surveillance programme where required, which may include skin checks, lung function testing or blood testing.

An overall management system must be provided and will include:

- providing a clear statement to workers that the risk of exposure to hazardous substances is taken seriously at all levels of the organization
- providing information on policy including implementation
- properly understanding what is involved in all areas of operation in order to implement appropriate and effective controls
- monitoring the control measures and reviewing them to ensure ongoing effectiveness
- ensuring all workers are aware of the risks posed by exposure to hazardous substances, particularly carcinogens and mutagens and their likely effects
- providing information on employer/employees general legal duties and those under the Regulations, covering the use of hazardous substances such as COSHH, the Control of Asbestos Regulations and the Control of Lead at Work Regulations as appropriate.

## Legal duties

The main areas of health and safety law relevant to hazardous substances are:

- The Health and Safety at Work etc. Act 1974
- The Management of Health and Safety at Work Regulations 1999
- Control of Substances Hazardous to Health 2002 (as amended) including EH40/2005 Workplace Exposure Limits (as amended in 2011)
- Substance specific regulations such as the Control of Asbestos Regulations 2012 and the Control of Lead at Work Regulations 2002.

HSE has published good practice advice to help employers decide on suitable control measures. Available material includes the guidance on Schedule 2A (Principles of Good Practice for the Control of Substances Hazardous to Health) which are legally required to be adopted.

The law is changing on classification and labelling of chemicals, which will mean changes to hazard symbols and labels over the coming years. Already in force in the UK, the CLP Regulations (European Regulation on the Classification, Labelling and Packaging of Substances and Mixtures) will take effect over a transitional period lasting until 1st June 2015.

The CLP Regulations will mean a few changes to how chemicals are classified, newly designed hazard symbols called "pictograms" and new wording ("hazard statements" and "precautionary statements") to help operational personnel understand the hazards of the chemicals being used and how to avoid those hazards

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