

## 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'.*

Examples of hazardous substances include pure chemicals, chemical preparations, toxic wastes and biological materials.

The types of health effect which are associated with hazardous substances include asthma, skin irritation and dermatitis, infection, cancer, loss of consciousness, and many other more subtle consequences.

Many of these health effects are immediate or short-term (acute - for example, poisoning by cyanide, or corrosive burns with acid) but some are delayed or developed over long periods of time (chronic - for example, chemicals that induce cancers).

Because of the potentially serious adverse health effects that can be caused by exposure to hazardous substances, it is essential to have a risk-management strategy in place to eliminate or control exposure.

### The duties of employers:

- Arrange for a competent person to carry out suitable and sufficient risk assessments, which identify the hazards; the routes of entry, exposures and ill health effects; the risk control measures required; and any necessary monitoring of exposure.
- 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 HSE published Workplace Exposure Level (WEL) and for carcinogens, mutagen and asthmagens, ensure exposure is reduced as far below the WEL as is reasonably practicable.
- In planning risk control measures take into account those who may be more susceptible to ill health.
- Ensure a risk assessment is carried out of the work of new or expectant mothers, paying particular attention to substances containing mutagens and reproductive toxins which may affect an unborn child.
- Implement a health surveillance and exposure monitoring programme where required.

### 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.

An overall management system must be provided and should include:

- Putting in place, and clearly communicating, policies and procedures for the control of hazardous substances.
- Ensuring that there is access to an appropriate level of competent advice on the management of hazardous substances, and where necessary, support from occupational hygienists and occupational health advisors.
- Having a process which ensures that COSHH assessments are undertaken prior to work with hazardous substances and which ensures they are regularly reviewed and updated.
- Control of purchasing of substances so that the level of risk is evaluated prior to purchase and substitutions with lower hazard alternatives are properly considered.
- Implementing the control measures specified within COSHH assessments and monitoring their ongoing effectiveness.
- Implementing maintenance programmes where required to ensure the continued effectiveness of engineering control measures and personal protective equipment.
- Ensuring all workers are aware of the risks posed by exposure to hazardous substances and that they are trained to implement safe systems of work including the correct use of engineering controls and personal protective equipment.
- Preparing for emergencies, with the right equipment and procedures, in order that incidents of over-exposure, leak or spillage, are dealt with effectively.
- Maintaining records relating to hazardous substances, monitoring and health surveillance, in accordance with statutory requirements.

## 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)
- EH40/2005 Workplace Exposure Limits (2nd edition 2013).

HSE has published good practice advice to help employers decide on suitable control measures.

NB. Substance specific regulations such as the Control of Asbestos Regulations 2012 and the Control of Lead at Work Regulations 2002 also place duties on employers. The Dangerous Substances and Explosive Atmospheres Regulations 2002 are also of relevance. These other pieces of legislation are described in separate Hettle Andrews guidance.

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