

Implementation of Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work – the Chemical Agents Directive (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

Provision in Directive	Summary of Provision	Section of Great Britain Regulations (see key on the last page for the abbreviations used)	
		Health	Safety
Article 2(a)	Definition of “chemical agent”	Not implemented	
Article 2(b)	Definition of “hazardous chemical agent”	COSHH 2(1) definition of “substance hazardous to health” CLAW 2(1) definition of “lead” CAW 2(1) definition of “asbestos”	DSEAR 2 defines “dangerous substance”
Article 2(c)	Definition of “activity involving chemical agents”	COSHH 2(2) CLAW 2(2)	DSEAR does not explicitly define, although the application of the regulations ensures that it is covered.
Article 2(d)	Definition of “occupational exposure limit value”	COSHH 2(1) definitions of “maximum exposure limit” and “occupational exposure standard” CLAW 2(1) definition of “occupational exposure limit for lead” CAW 2(1) definition of “occupational exposure limit for asbestos”	Not applicable to safety

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		Health	Safety
Article 2(e)	Definition of “biological limit value”	CLAW 2(1) definitions of “suspension level” and “action level”	Not applicable to safety
Article 2(f)	Definition of “health surveillance”	COSHH 2(1) definition of “health surveillance” CLAW 2(1) definition of “medical surveillance” CAW 2(1) definition of “medical examination”	Not applicable to safety
Article 2(g)	Definition of “hazard”	COSHH 2(1) definition of “hazard” CLAW 2(1) definition of “hazard”	DSEAR 2 definition of “hazard”
Article 2(h)	Definition of “risk”	COSHH 2(1) definition of “risk” CLAW 2(1) definition of “risk”	DSEAR 2 definition of “risk”.
Article 3	Setting of occupational limit values and biological limit values	The UK implements the EC’s indicative and binding occupational exposure limit values as they are established. CAW 2(1) definition of “action level”	Not applicable to safety

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Article 4(1)	Duty to determine and assess the risk of hazardous chemical agents	COSHH 6(1) and (2) CLAW 5(1) and (2) CAW 6(1) and (2)	DSEAR 5(1) and (2)
Article 4(2)	Documenting and reviewing the assessment	COSHH 6(3) and (4) and 11(9)(b) CLAW 5(3) and (4) and 10(8)(c) CAW 6(1) and (3)	DSEAR 5(3) and (4)
Article 4(3)	Certain activities to be included in the risk assessment	COSHH 6(2)(e) CLAW 5(2)(e) CAW 6(2)	DSEAR 5(2)(d)
Article 4(4)	The assessment to consider the combined risk where there is exposure to several hazardous substances	COSHH 6(2)(j) CLAW 5(2)(j) CAW 5(a) and (b)	DSEAR 5(2)(c)(iii)
Article 4(5)	Work involving hazardous chemical agents only to commence after an assessment of the risk has been made and preventive measures implemented	COSHH 6(1) CLAW 5(1) CAW 6(1)	DSEAR 5(1) and 5(5)(a) and (b)
Article 4(6)	Practical guidelines for the	Not implemented. Duty on the	Not implemented. Duty on

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		Health	Safety
	determination and assessment of risk to be developed	European Commission	the European Commission
Article 5(1)	General principles for prevention of risks associated with hazardous chemical agents	COSHH 7 CLAW 6 CAW 10	DSEAR 6
Article 5(2)	Some general preventive measures to be used to eliminate or reduce the risks to the health and safety of workers	COSHH 7(3) and (4) CLAW 6(3) and (4) CAW 10(3), (4) and (5)	DSEAR 6 and Schedule 1. In particular, measures referred to in Article 5.2 are transposed through regulation 6(3) and (4)(a), (5)(a), (6) and regulation 6(8) read with paragraphs 2 to 4 of Schedule 1.
Article 5(3)	Specific protection measures where the assessment reveals a risk to the safety and health of workers	COSHH 7, 11 and 13 CLAW 6, 10 and 12 CAW 10, 13, 18 and 21	DSEAR 6 and 8 and paragraphs 2 and 3 of Schedule 1.
Article 5(4)	Disapplication of certain Articles where the risk to the safety and health of workers is only slight	COSHH 7, 11 and 13 (see 13(4)) CLAW 6, 10 and 12 (see 12(4)) CAW 6(1), 8(1), 10(1), 11(3)	DSEAR 8(4)

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		17(1), 18(2) and 21(1)	
Article 6(1)	Duty to ensure that the risk from hazardous chemical agents is eliminated or reduced to a minimum	COSHH 7(1) CLAW 6(1) CAW 10(1)	DSEAR 6(1)
Article 6(2)	Duty to use substitution as the preferred means for avoiding the use of a hazardous chemical agent and, where the activity does not permit the use of substitution, to reduce the risk to a minimum by applying protection and prevention measures in an order of priority	COSHH 7(2) and (3) CLAW 6(2) and (3) CAW 10(1) and (2)	DSEAR measures referred to in Article 6.2 and 6.6 are transposed through regulation 6(2), (3), (4)(b), (c), (d), (f) and (g), (5)(c), (d) and (f) and (6), and paragraphs 2 and 3 of Schedule 1 read with regulation 6(8).
Article 6(3)	Protection and prevention measures to be accompanied by health surveillance if appropriate	COSHH 11 CLAW 10 CAW 21(2)	Not applicable to safety
Article 6(4)	Duty to measure workers' exposure to chemical agents unless the employer can demonstrate by other means of evaluation that adequate prevention and protection have been	COSHH 10 (see 10(2)) CLAW 9 CAW 18(1) and (2)	Not applicable to safety

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	achieved		
Article 6(5)	Duty to take account of the results of measuring workers' exposure to chemical agents in carrying out and reviewing the risk assessment. If an occupational exposure limit value is exceeded, duty to take immediate steps, taking account of the nature of the limit, to remedy the situation	COSHH 6(2)(i) and 6(3)(c) CLAW 5(2)(i) and 5(3)(c) CAW 6(2) COSHH and 7(7) and 7(8) CLAW 6(6) CAW 10(6)	Not applicable to safety
Article 6(6)			See notes for Article 6.2
Article 7(1)	Duty to establish procedures to be put into effect to deal with an accident, incident or emergency related to the presence of a hazardous chemical agent at the workplace	COSHH 13(1)(a) CLAW 12(1)(a) CAW 14(1)	DSEAR 8(1)(a)
Article 7(2)	Duty to take immediate steps to mitigate the effect of an event, inform the workers and restore the situation to normal	COSHH 13(3)(a) and (b) CLAW 12(3)(a) and (b) CAW 14(4)	DSEAR 8(3)

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Article 7(3)	Duty to provide the workers permitted into the affected area with appropriate protective clothing, personal protective and specialised safety equipment	COSHH 13(3)(a) and (b) CLAW 12(3)(a) and (b) CAW 14(4)(b)	DSEAR 8(3)(b)(i) and (ii)
Article 7(4)	Duty to provide warning and other communication systems to signal an increased risk to safety and health	COSHH 13(1)(c) CLAW 12(1)(c) CAW 14(1)(c)	DSEAR 8(1)(c)
Article 7(5)	Duty to make information on emergency arrangements available, and accessible to internal and external emergency services	COSHH 13(1)(b) and (2)(a) CLAW 12(1)(b) and (2)(a) CAW 4(9)(c) and 14(1) and (2)	DSEAR 8(1)(b) and 8(2)
Article 8(1)	Duty to provide workers and/or their representatives with information and training, to provide information in an appropriate manner and to update it	COSHH 12(1), (2), (3) and (4) CLAW 11(1), (2), (3) and (4) CAW 9(1) and (2)	DSEAR 9
Article 8(2)	Duty to ensure that contents of containers and pipes used for hazardous chemical agents are clearly identifiable	COSHH 12(5) and Schedule 7 CLAW 11(5) and Schedule 2 CAW 23(1) and (2)	DSEAR 10 and Schedule 5

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Article 8(3)	Not implemented. Requirement not mandatory.		
Article 9(1)	Prohibits certain chemical agents or activities involving them	COSHH 4(1), (2) and (3) and Schedule 2, item 1	Not applicable to safety
Articles 9(2) and (3)	Provides for derogations from the prohibitions imposed under Article 9(1)	COSHH 15	Not applicable to safety
Article 9(4)	Duty on the Council		
Article 10(1)	Duty to introduce appropriate health surveillance of workers for whom the assessment reveal a risk to health	COSHH 11(1) and (2)(b) CLAW 10(1) CAW 21(2)	Not applicable to safety
Article 10(2)	Duty to ensure that individual health and exposure records are made and kept up-to-date for each worker who undergoes health surveillance	COSHH 10(6) and 11(3) CLAW 9(5) and 10(5) CAW 21(1)	Not applicable to safety
Article 10(3)	Requires that health and exposure records contain a summary of the results of monitoring of exposure and health surveillance in a suitable	COSHH 10(5) and (7) and 11(3) and (4) CLAW 9(4) and (5) and 10 (5) and (6)	Not applicable to safety

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	form to permit consultation; and copies are provided to the competent authority on request; individual workers have access to their personal records; records are made available to the competent authority when an undertaking ceases to trade	CAW 21(1) and (8)	
Article 10(4)	Duty to take a specific series of actions where as a result of health surveillance a worker is found to have an identifiable disease or adverse health effect which a doctor considers to be the result of exposure to a hazardous chemical agent	COSHH 11(9) CLAW 10(8) CAW 21(9)	Not applicable to safety
Article 11	Requires that consultation and participation of workers and/or their representatives on matters covered by the Directive takes place in accordance with Article 11 of Directive 89/391/EEC	Implemented through existing UK legislation: MHSWR SRSCR HS(CE)R	Implemented through existing UK legislation: SRSCR HS(CE)R

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Article 12	Duties on the European Commission		
Annex 1	List of binding occupational exposure limit values – inorganic lead and its compounds	CLAW 2(1) definition of “occupational exposure limit for lead” and 6(6)	Not applicable to safety
Annex II	Binding biological limit values and health surveillance measures – lead and its inorganic compounds	CLAW 2(1) definitions of “suspension level” and “significant” (see sub-paragraph (a)) and 10(1)(a) and (b) and (2)	Not applicable to safety
Annex III	Prohibitions of certain chemical agents	COSHH 4(1), (2) and (3) and Schedule 2	Not applicable to safety

Key to abbreviations

COSHH: The Control of Substances Hazardous to Health Regulations 2002
 CLAW: The Control of Lead at Work Regulations 2002
 CAW: The Control of Asbestos at Work Regulations 2002
 DSEAR: The Dangerous Substances and Explosive Atmospheres Regulations 2002
 MHSW: The Management of Health and Safety at Work Regulations 1999
 SRSCR: The Safety Representatives and Safety Committees Regulations 1977
 HS(CE)R: The Health and Safety (Consultation with Employees) Regulations 1996