
STATUTORY INSTRUMENTS

2002 No. 2677

**The Control of Substances Hazardous
to Health Regulations 2002**

Interpretation

2.—(1) In these Regulations—

“the 1974 Act” means the Health and Safety at Work etc. Act 1974;

[^{F1}“the Agreement” means the EEA agreement;]

“appointed doctor” means a registered medical practitioner appointed for the time being in writing by the Executive for the purpose of these Regulations;

[^{F2}“appropriate authority” means—

(a) in relation to a record which relates to employment wholly or mainly on—

(i) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013);

(ii) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998); or

(iii) a new nuclear build site (within the meaning given in regulation 2A those Regulations),

the Office for Nuclear Regulation;

(b) otherwise, the Executive;]

“approved” means approved for the time being in writing;

“approved classification” of a biological agent means the classification of that agent approved by [^{F3}the Health and Safety Executive];

“approved supply list” has the meaning assigned to it in regulation 2(1) of the CHIP Regulations;

“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;

[^{F4}“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;

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[^{F6}“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 sub-paragraphs and Annexes I to VII are to be read as amended from time to time;]

“control measure” means a measure taken to reduce exposure to a substance hazardous to health (including the provision of systems of work and supervision, the cleaning of workplaces, premises, plant and equipment, the provision and use of engineering controls and personal protective equipment);

“employment medical adviser” means an employment medical adviser appointed under section 56 of the Health and Safety at Work etc. Act 1974;

“the Executive” means the Health and Safety Executive;

“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 “fumigate” and “fumigant” shall be construed accordingly;

“Group”, in relation to a biological agent, means one of the four hazard Groups specified in paragraph 2 of Schedule 3 to which that agent is assigned;

“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” shall be construed accordingly;

[^{F7}“hazard statement” has the meaning that it has in Article 2 of the CLP Regulation]

“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;

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...

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

“member State” means a State which is a Contracting Party to the Agreement;

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

“mine” has the meaning assigned to it by section 180 of the Mines and Quarries Act 1954 ^{M1};

[^{F9}“mixture” means a mixture or solution composed of two or more substances;]

[^{F10}“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;]

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...

“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 his health, and any addition or accessory designed to meet that objective;

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...

“public road” means (in England and Wales) a highway maintainable at the public expense within the meaning of section 329 of the Highways Act 1980 ^{M2} and (in Scotland) a public road within the meaning assigned to that term by section 151 of the Roads (Scotland) Act 1984 ^{M3};

“registered dentist” has the meaning assigned to it in section 53(1) of the Dentists Act 1984^{M4};

“relevant doctor” means an appointed doctor or an employment medical adviser;

“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;

“the risk assessment” means the assessment of risk required by regulation 6(1)(a);

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...

“safety data sheet” means a safety data sheet within the meaning of regulation 5 of the CHIP Regulations;

“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 [F14mixture])—

- (a) [F15which meets the criteria for classification as hazardous within any health hazard class [F16as provided for] in the CLP Regulation whether or not the substance is classified under that Regulation;]
- (b) for which [F3the Health and Safety Executive] has approved [F17a workplace exposure limit];
- (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/m³, as a time-weighted average over an 8-hour period, of inhalable dust, or
 - (ii) 4 mg/m³, as a time-weighted average over an 8-hour period, of respirable dust;
- (e) which, not being a substance falling within sub-paragraphs (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.

[F18“workplace exposure limit” for a substance hazardous to health means the exposure limit approved by [F3the Health and Safety Executive] for that substance in relation to the specified reference period when calculated by a method approved by [F3the 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 shall be taken as a reference to the Group to which that agent has been assigned in that approved classification.

Textual Amendments

- F1** Words in reg. 2(1) substituted (31.12.2020) by The Health and Safety (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1370), regs. 1(1), **7(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in reg. 2(1) inserted (1.4.2014) by The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014 (S.I. 2014/469), art. 1(2), **Sch. 3 para. 107(2)** (with Sch. 4)
- F3** Words in reg. 2 substituted (1.4.2008) by The Legislative Reform (Health and Safety Executive) Order 2008 (S.I. 2008/960), art. 1, **Sch. 3** (with art. 21)
- F4** Words in reg. 2(1) substituted (1.6.2015) by The Classification, Labelling and Packaging of Chemicals (Amendments to Secondary Legislation) Regulations 2015 (S.I. 2015/21), regs. 1(3), **12(2)(a)**
- F5** Words in reg. 2(1) omitted (1.6.2015) by virtue of The Classification, Labelling and Packaging of Chemicals (Amendments to Secondary Legislation) Regulations 2015 (S.I. 2015/21), regs. 1(3), **12(2)(b)**
- F6** Words in reg. 2(1) inserted (1.6.2015) by virtue of The Classification, Labelling and Packaging of Chemicals (Amendments to Secondary Legislation) Regulations 2015 (S.I. 2015/21), regs. 1(3), **12(2)(c)**
- F7** Words in reg. 2(1) inserted (1.6.2015) by The Classification, Labelling and Packaging of Chemicals (Amendments to Secondary Legislation) Regulations 2015 (S.I. 2015/21), regs. 1(3), **12(2)(d)**
- F8** Words in reg. 2(1) revoked (6.4.2005) by The Control of Substances Hazardous to Health (Amendment) Regulations 2004 (S.I. 2004/3386), regs. 1, **2(a)(i)**
- F9** Words in reg. 2(1) inserted (1.6.2015) by The Classification, Labelling and Packaging of Chemicals (Amendments to Secondary Legislation) Regulations 2015 (S.I. 2015/21), regs. 1(3), **12(2)(e)**
- F10** Words in reg. 2(1) substituted (1.6.2015) by The Classification, Labelling and Packaging of Chemicals (Amendments to Secondary Legislation) Regulations 2015 (S.I. 2015/21), regs. 1(3), **12(2)(f)**
- F11** Words in reg. 2(1) revoked (6.4.2005) by The Control of Substances Hazardous to Health (Amendment) Regulations 2004 (S.I. 2004/3386), regs. 1, **2(a)(ii)**
- F12** Words in reg. 2(1) omitted (1.6.2015) by virtue of The Classification, Labelling and Packaging of Chemicals (Amendments to Secondary Legislation) Regulations 2015 (S.I. 2015/21), regs. 1(3), **12(2)(g)**
- F13** Words in reg. 2(1) omitted (1.6.2015) by virtue of The Classification, Labelling and Packaging of Chemicals (Amendments to Secondary Legislation) Regulations 2015 (S.I. 2015/21), regs. 1(3), **12(2)(h)**
- F14** Word in reg. 2(1) substituted (1.6.2015) by The Classification, Labelling and Packaging of Chemicals (Amendments to Secondary Legislation) Regulations 2015 (S.I. 2015/21), regs. 1(3), **12(2)(i)(i)**
- F15** Words in reg. 2(1) substituted (1.6.2015) by The Classification, Labelling and Packaging of Chemicals (Amendments to Secondary Legislation) Regulations 2015 (S.I. 2015/21), regs. 1(3), **12(2)(i)(ii)**
- F16** Words in reg. 2(1) substituted (31.12.2020) by The Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/720), reg. 1(2), **Sch. 1 para. 3(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in reg. 2(1) substituted (6.4.2005) by The Control of Substances Hazardous to Health (Amendment) Regulations 2004 (S.I. 2004/3386), regs. 1, **2(a)(iv)**
- F18** Words in reg. 2(1) added (6.4.2005) by The Control of Substances Hazardous to Health (Amendment) Regulations 2004 (S.I. 2004/3386), regs. 1, **2(a)(v)**

Marginal Citations

- M1** 1954 c. 70, **section 180** was modified by S.I. 1974/2013, 1993/1897 and 1999/2024.
- M2** 1980 c. 66.

Changes to legislation: There are currently no known outstanding effects for the The Control of Substances Hazardous to Health Regulations 2002, Section 2. (See end of Document for details)

M3 1984 c. 54.

M4 1984 c. 24.

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There are currently no known outstanding effects for the The Control of Substances Hazardous to Health Regulations 2002, Section 2.