
STATUTORY INSTRUMENTS

2010 No. 330

The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Chemical Agents) Regulations 2010

PART 2

DUTIES OF EMPLOYERS AND OTHERS

Assessment of health risks

6.—(1) In carrying out the assessment required by regulation 7 of the General Duties Regulations, the employer shall first determine whether hazardous chemical agents are present.

(2) If the employer determines that hazardous chemical agents are present the employer shall then assess any risk to the health and safety of workers arising from the presence of those agents, taking into consideration—

- (a) their hazardous properties;
- (b) information on health and safety provided by the supplier;
- (c) the level, type and duration of exposure;
- (d) the circumstances of work involving such agents, including their amount;
- (e) the occupational exposure limit values and binding biological limit values relevant to those agents;
- (f) the effect of preventive measures taken or to be taken; and
- (g) where available, the conclusions to be drawn from any health surveillance already undertaken.

(3) The employer shall obtain additional information which is needed for the regulation 6(2) assessment from the supplier of each chemical agent concerned or other readily available sources

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(4) The regulation 6(2) assessment—

- (a) shall identify the measures taken in accordance with regulations 7 and 8;
- (b) shall be documented in a suitable form;
- (c) may include a justification by the employer that the nature and extent of the risks related to chemical agents make a further detailed risk assessment unnecessary;
- (d) shall be kept up-to-date, particularly if there have been significant changes which could render it out-of-date, or when the results of health surveillance show it to be necessary;
- (e) shall cover activities such as maintenance, in respect of which it is foreseeable that there is a potential for significant exposure, or which may result in deleterious effects to health and safety for other reasons, even after the taking of all technical measures; and
- (f) in the case of activities involving exposure to several hazardous chemical agents, shall include an assessment on the basis of the risk presented by all such chemical agents in combination.

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Chemical Agents) Regulations 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) In the case of a new activity involving hazardous chemical agents, the employer shall ensure that work does not start until a further regulation 6(2) assessment of the risk of that activity has been made and any preventive measures identified have been implemented.

(6) The employer shall take into account the results of the procedures referred to in regulation 8(7) and (8) in carrying out the obligations imposed, or resulting from, this regulation.

(7) An assessment carried out in accordance with paragraph (2), whether for the first time or by way of renewal, is in these Regulations called a regulation 6(2) assessment.

Textual Amendments

F1 Words in reg. 6(3) omitted (31.12.2020) by virtue of [The Merchant Shipping and Fishing Vessels \(Health and Safety at Work\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1202\)](#), regs. 1(2), **9(4)**; 2020 c. 1, Sch. 5 para. 1(1)

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- [Blanket amendment words substituted by S.I. 2011/1043 art. 3-68-10](#)