

**Health and Safety Authority**

**EXPLANATORY MEMORANDUM**

**Draft**

**“2014 Code of Practice  
for the  
Safety, Health and Welfare at Work  
(Chemical Agents) Regulations 2001  
(S.I. No. 619 of 2001)”**

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## Foreword

The Health and Safety Authority has prepared this Explanatory Memorandum on the proposed “2011 Code of Practice for the Safety, Health and Welfare at Work (Chemical Agents) Regulations 2001 (S.I. No. 619 of 2001)”.

This Explanatory Memorandum outlines the options, cost, benefits, impacts and the consultation requirements and the arrangements in publishing this up-to-date Code of Practice.

## 1.0 Background and Context

Occupational exposure limit values (OELVs) provide a basis for ensuring that exposure to airborne contaminants in the workplace are controlled in such a way as to prevent adverse health effects.

The purpose of the 2014 Code of Practice is to provide practical guidance as to the observance of Regulations 4(1)(e), 4(5)(d), 6(1)(d) and (e) and 9(1)(b) of the Safety, Health and Welfare at Work (Chemical Agents) Regulations 2001, in relation to occupational exposure limit values (OELVs) for a number of chemical agents as listed in Schedule 1 to the Code, having regard to the provisions of the Safety, Health and Welfare at Work Act 2005.

The 2014 Code of Practice for the Safety, Health and Welfare at Work (Chemical Agents) Regulations 2001:

- updates and replaces the “2011 Code of Practice for the Safety, Health and Welfare at Work (Chemical Agents) Regulations 2001 (S.I. No. 619 of 2001)”, based on the latest available relevant scientific information, and
- fulfils the commitment as stated in the foreword of the 2010 Code of Practice to update the Code of Practice biennially.

The draft 2014 Code of Practice includes:

1. An update of schedule 1, as indicated in Schedule 3 to the 2011 Code of Practice, for which it is the intention to introduce an Occupational Exposure Limit Value or to change the existing OELV in 2014. Updates to schedule 1 are in **bold** for ease of use.
2. An update of schedule 1 notes to ensure harmonised classification notes for carcinogens, mutagens reproductive toxins and sensitizers are in place (e.g. Carc. 1A or 1B etc.) as per the European Chemicals Agency (ECHA) data base.

3. Schedule 2, which lists current OELV values, relevant changes and new entrants intended for entry in 2016 or when appropriate.
4. An appropriate update of Schedule 3 - the Chemical Abstracts Service (CAS) Numbers Index.
5. It is proposed to change, within the foreword of the Code of Practice, the requirement to up-date the document biennially and do so periodically. This will allow the Authority to respond to the latest scientific updates as appropriate and, within the time constraints allowed, transpose future Directives of indicative occupational limit values as and when necessary.

## **2.0 Objectives of the Code of Practice**

### **Overall objective**

To publish an up-dated Code of Practice to provide OELVs based on current scientific knowledge for employers to ensure that necessary protective measures are in place to secure the safety, health and welfare of employees.

### **Immediate objectives**

- ❖ To update the 2011 Code of Practice based on the latest available relevant scientific information,
- ❖ To fulfil the commitment as stated in the foreword of the 2011 Code of Practice to update the document biennially.

## **3.0 Options**

### **Option 1**

**Do Nothing:** By not updating the Code of Practice, the 2011 Code of Practice will be referenced and will contain out of date OELVs for some chemical agents.

### **Option 2**

#### **Publish the Code of Practice:**

By publishing an updated Code of Practice the 2014 Code of Practice will contain the most up to date OELVs for chemical agents, based on the latest available relevant scientific information.

## **4.0 Costs, Benefits and Impacts**

### **4.1 General Costs**

The Code of Practice will be published on the Health and Safety Authority's website. Combined publication costs to the Authority are estimated not to exceed €2,000. A minimum number of copies will be printed, as most customers consult the document on the Authority's website.

Extra enforcement costs are not anticipated. No additional staffing or capital investment is envisaged as a result of the operation of the new Code of Practice.

#### **4.2 Direct Compliance Costs**

Industries using chemical agents listed in bold in schedule 1 (proposed change of exposure limit values) may possibly, in some cases, be obliged to enhance control measures to comply with the advice given in the Code of Practice. Improvement in containment, engineering controls or personal protective equipment (PPE) costs may be necessary for some industries to satisfy some requirements of the Code. However, in the majority of the cases, the change concerns the removal of the short term exposure limit value without any change to the related 8-hour reference period value. The removal of the short term limit values is proposed based on up-to-date scientific information which does not support the maintaining of these particular short term limit values.

#### **4.3 Benefits of Each Option**

**Option 1: Do Nothing:**-This option would be regarded as having no benefit to any of the parties involved as it implies continuing to use outdated exposure limits OELVs and will not fully support the need to protect the health of employees.

**Option 2: Publish the Code of Practice:** By updating the Code of Practice, the 2014 Code of Practice will contain the most up to date OELVs for chemical agents.

#### **4.4 Other Impacts**

##### **(a) Impacts on National Competitiveness**

The updated elements of the code of practice are based on international and European standards and are not expected to have a significant adverse effect on national stakeholders.

##### **(b) Impacts on Socially Excluded or Vulnerable Groups**

No adverse impact.

##### **(c) Human Health and Environmental Issues**

No adverse human health or environmental issues.

##### **(d) Impacts upon Consumers and Competition**

No impacts on consumers and competition.

### **(e) Impacts on the Rights of Citizens**

No impact on the rights of citizens.

### **(f) Compliance Burdens**

Compliance costs, in terms of improvement of containment, additional engineering controls or personal protective equipment (PPE), should not be significant from the point of view of their proportionality and distribution. There should be no increased compliance costs for the Authority.

### **4.5 Preferred Option**

**Option 2 – To publish an updated replacement Code of Practice** – will produce a cohesive update of all national occupational exposure limit values, readily accessible in one document and without excessive cost.

### **5.0 Consultation**

Public consultation in the form of publication of a draft Code of Practice on the Authority's web site, seeking submissions, as well as direct contact with key stakeholders is being undertaken in line with the Authority's standard practice for public consultation, in accordance with Section 60(2) of the Safety, Health and Welfare at Work Act 2005.

### **6.0 Enforcement and Compliance**

The Health and Safety Authority will continue to enforce the Safety, Health and Welfare at Work (Chemical Agents) Regulations 2001 (S.I. No. 619 of 2001) on which the draft Code of Practice gives guidance. The use of the Code of Practice may be assessed during inspections of workplaces where chemical agents mentioned in the Code of Practice are used.

### **7.0 Review**

It is the Authority's intention that the proposed Code of Practice will be reviewed and updated in 2016.