

MGN 446 (M+F)

The Merchant Shipping and Fishing Vessels (Control of Vibration at Work) Regulations 2007 - Procedure for Seeking Exemptions

Notice to all Ship and Fishing vessel owners, Operators and Managers, other employers of seafarers; Masters, Officers and Ratings of Merchant Ships; Skippers and Crew of Fishing Vessels, Small commercially operated vessels and Yachts with paid Crew.

This notice should be read in conjunction with MGN 353 (M+F) The Merchant Shipping and Fishing Vessel (Control of Vibration at Work) Regulations 2007 and MGN 20 (M+F) The Merchant Shipping and Fishing Vessel (Health and Safety at Work) Regulations 1997

PLEASE NOTE:-

Where this document provides guidance on the law it should not be regarded as definitive. The way the law applies to any particular case can vary according to circumstances - for example, from vessel to vessel and you should consider seeking independent legal advice if you are unsure of your own legal position.

Summary

This Marine Guidance note provides guidance on, and sets out the procedure for obtaining an exemption from the requirements of the Merchant Shipping and Fishing Vessel (Control of Vibration at Work) Regulations 2007.

1. Introduction/ Background

1.1 The Merchant Shipping and Fishing Vessel (Control of Vibration at work) Regulations 2007 are intended to protect workers from the harmful effects of vibration. Specifically Regulation 12 allows for an exemption to be granted by the MCA from the following requirements of the regulations.

1.1.1 The employer shall ensure that workers are not exposed to mechanical vibration exceeding the daily exposure limit value specified below;

- (a) For hand-arm vibration - the daily exposure limit value standardised to an eight hour reference period 5 m/s² or
- (b) For whole-body vibration – the daily exposure limit value standardised to an eight hour reference period is 1.15 m/s²

An exemption may be granted; provided that the MCA is satisfied that the vessel is designed to the highest available standard¹ and the specific characteristics of the ship do not make it possible to comply with the whole body exposure limit value, whatever technical and organisational measures are adopted.

2. Conditions for seeking exemptions

2.1 In order that exemptions may be considered by the MCA, the applicant must first ensure the following conditions are met;

- (a) the exposure value averaged over 40 hours is less than the exposure limit value;
- (b) there is evidence to show that the risks from the pattern of exposure are lower than those from exposure at the exposure limit value;
- (c) the worker concerned is subject to health monitoring in accordance with regulation 9; and
- (d) the risk is reduced to as low as is reasonably practicable.

2.2 The MCA will also need to be satisfied that the applicant has taken the necessary and appropriate steps;

- (a) to consult the employer or other person having control of the matter
- (b) to consult the workers or their representatives
- (c) to demonstrate that the resulting risks are reduced to as low as is reasonably practicable; and
- (d) to demonstrate health surveillance has been increased to a level considered appropriate to the MCA.

3. Submitting an Exemption Application

3.1 The application must be made in writing; a suggested format is provided for reference, or to use as a template in Annex A of this guidance. Please then send the application together with any additional supporting evidence and submit this to the nearest MCA Marine Office and copied to Customer Service Manager (if applicable).

3.2 Your application will need to cover the following areas;

- Detail the work procedure the exemption is sought for you will need to provide information on the workers affected, equipment used including frequency and length of use.
- Steps taken to comply with the regulations to include detailed risk assessment
- Safety case for which the application is being sought. What are the Health and Safety implications of complying with the regulations?
- Health Monitoring/Risk Management – Detail what steps will be taken to monitor the safety of the workers concerned and the steps you are taking to reduce the risks
- You may wish to use qualified advice (such as from an occupational physician) to support your case.

3.3 Exemptions may only be granted for a maximum period of four years, and may be withdrawn by the Secretary of State if he is satisfied that the exemption is no longer justified.

¹ Statutory Instruments 2007 No.3007 refers to “state of the art”

4.0 Additional reading

4.1 The MCA has produced two Codes of Practice for Controlling Risks due to Whole-body Vibration and Hand Transmitted Vibration on Ships which provide practical advice on the practical implementation of The Merchant Shipping and Fishing Vessel (Control of Vibration at Work) Regulations 2007.

4.2 The Codes may be purchased from the Stationery Office Order line on 0870 600 5533 quoting the ISBN Nos:

- Hand Transmitted Vibration ISBN : 978-0-11-553090-6
- Whole Body Vibration ISBN : 978-0-11-553076-0

4.3 MGN 436 - WHOLE-BODY VIBRATION: Guidance on Mitigating Against the Effects of Shocks and Impacts on Small Vessels can be downloaded from the MCA website at: www.dft.gov.uk/mca

More Information

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Safer Lives, Safer Ships, Cleaner Seas

*An executive agency of the
Department for
Transport*

CONTROL OF VIBRATION AT WORK – APPLICATION FOR EXEMPTION

This request is submitted to the Maritime & Coastguard Agency for consideration in granting an exemption under the Merchant Shipping and Fishing Vessels (Control of Vibration at Work) Regulations 2007.

*An exemption is sought from the requirements of regulation(s) [7(4)]__ [7(5)]__ and [8(1)]__ subject to Reg 12 and conditions detailed in Reg 12 (3) of the regulations.

* tick as appropriate

Please send your completed application and supporting documentation to your nearest MCA Marine Office.

www.dft.gov.uk/mca

Applicant Details :		Ship Details :	
Name	Ship name:		
Position	IMO No.:	Type :	
Official No.:			
Address :			
Tel :			
Email :			
Work Procedure: <i>Detail where the work procedure takes place, the equipment used, the number of personnel involved, the frequency of the activity and exposure readings.</i>			
Risk Assessment: <i>Detail the measures that have been taken to comply with the regulations, and why it is not possible to comply with the daily exposure limit value.</i>			
Health and Safety Implications of complying: <i>Explain how compliance with the regulations impinges on the health and safety of those workers involved in the work practice identified above</i>			

Health Monitoring/Risk Management: *Detail what steps will be taken to monitor the safety of the workers concerned and the steps you are taking to reduce the risks to workers as a result of the exemption being approved.*

Details of supporting documentation to this application: *Please list any documents you have enclosed with this application*

Seafarer's representative:

Name:

Address:

Tel:

Email:

Signature:

Date:

MCA Comments (if appropriate)

Name

Date

Exemption Approved Yes /No