
The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Chemical Agents) (Amendment) Regulations 2012

Notice to all Ship, Yacht and Fishing Vessel Owners, Operators and Managers and other employers of seafarers; Masters, Officers and Seafarers on Merchant Ships and Yachts; and Skippers and Crew of Fishing Vessels, Small Commercially Operated Vessels and Yachts with paid crew

This notice should be read with in conjunction with Marine Guidance Note MGN 409 which provides details of, and guidance on, the Merchant Shipping and Fishing Vessels (Health and Safety at Work)(Chemical Agents) Regulations 2010.

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 the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Chemical Agents) (Amendment) Regulations 2012. Chemical agents can take many forms and can cause varying degrees of harm. The Regulations require employers to take account of the risks to workers of exposure to additional chemical agents when carrying out health and safety risk assessments whilst also deleting one agent from those previously required to be taken into account.

1. Introduction

- 1.1 The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Chemical Agents) Regulations 2010 (SI 2010/330) (the "Chemical Agents Regulations 2010 ") which came into force on 6 April 2010, implemented EC Directive 98/24/EC (the "Chemical Agents Directive"), as supplemented by Directives 2000/39/EC and 2006/15/EC. They introduced requirements for the protection of workers from the risks related to exposure to hazardous chemical agents at work which the Health and Safety Executive (HSE) and the Health and Safety Executive for Northern Ireland (HSE(NI)) have already implemented for land-based workers.

- 1.2 Just prior to the making of the Chemical Agents Regulations 2010, the EU introduced a new Directive - Directive 2009/161/EU - which further amends Directive 98/24/EC by establishing Community indicative occupational exposure limit values for another 18 chemical agents additional to those already contained in Directive 98/24/EC as already amended. In addition Directive 2009/161/EU established a revised Community indicative occupational exposure limit value for Phenol. The additional chemical agents for which exposure limit values have been established are listed in the Annex to this MGN. The actual limits for those additional chemical agents, and the revised limit for Phenol, are set out in the Annex to Directive 2009/161/EU which can be found on the Eur-Lex website at:-
<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:338:0087:0089:EN:PDF>
2. **Effect of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Chemical Agents) (Amendment) Regulations 2012**
- 2.1 In line with the requirements of Directive 98/24/EC (as amended), the United Kingdom is required to established national indicative occupational exposure limit values for the chemical agents listed in the Annex to Directive 2009/161/EU taking into account the Community indicative occupational exposure limit values established for those agents by that Directive. This is the primary purpose of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Chemical Agents) (Amendment) Regulations 2012 and in establishing national indicative occupational exposure limit values for the agents concerned, the United Kingdom has utilised the Community indicative occupational exposure limit values for those agents except where a more stringent workplace exposure limit has been established by the Health and Safety Executive and included in document EH40/2005 published by them and available on the HSE website –<http://www.hse.gov.uk/pubns/books/eh40.htm>
- 2.2 In addition to implementing Directive 2009/161/EU, the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Chemical Agents) (Amendment) Regulations 2012 correct an error that has been identified in the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Chemical Agents) Regulations 2010 insofar as those earlier Regulations did not, contrary to what was stated in the Explanatory Note, give full effect to Directive 2000/39/EC. This is not however considered to have had any significant adverse effects as Marine Guidance Note MGN 409 provided guidance as though Directive 2000/39/EC was fully in force.
- 2.3 Finally the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Chemical Agents) (Amendment) Regulations 2012, amend the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Chemical Agents) Regulations 2010 to bring them in line with current Government policy by inserting a requirement for those Regulations to be reviewed by the Secretary of State at five yearly intervals, commencing from 10 August 2012, following which the conclusions of the review must be set out in a report which is to be laid before Parliament.
3. **Changes to the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Chemical Agents) Regulations 2010**
- 3.1 Apart from the amendments and corrections to the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Chemical Agents) Regulations 2010 referred to in paragraphs 2.1 - 2.3 above, all other provisions of those Regulations remain fully in force as does the guidance in Marine Guidance Note MGN 409.

More Information

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ANNEX

Additional Chemical Agents for which Community Indicative Occupational Exposure Limit Values have been established by Directive 2009/161/EU

N,N DIMETHYLFORMAMIDE	CARBON DISULPHIDE
BISPHENOL A (INHALABLE DUST)	METHYL METHACRYLATE
METHYLACRYLATE	VINYL ACETATE
2-METHOXYETHANOL	2-METHOXYETHYL ACETATE
2-ETHOXY ETHANOL	2-ETHOXYETHYL ACETATE
1,4 DIOXANE	ETHYLACRYLATE
METHYLISOCYANATE	N-METHYL-2-PYRROLIDONE
TERTIARY-BUTYL-METHYL ETHER	MERCURY AND DIVALENT INORGANIC MERCURY COMPOUNDS INCLUDING MERCURIC OXIDE AND MERCURIC CHLORIDE (MEASURED AS MERCURY)
SULPHURIC ACID (MIST)	HYDROGEN SULPHIDE

Existing Chemical Agent for which a revised Community Indicative Occupational Exposure Limit Values has been established by Directive 2009/161/EU

PHENOL