
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 35

Control of Lead at Work Regulations (Northern Ireland) 2003

Prevention or control of exposure to lead

6.—(1) Every employer shall ensure that the exposure of his employees to lead is either prevented or, where this is not reasonably practicable, adequately controlled.

(2) In complying with his duty of prevention under paragraph (1), substitution shall by preference be undertaken, whereby the employer shall avoid, so far as is reasonably practicable, the use of lead at the workplace by replacing it with a substance or process which, under the conditions of its use, either eliminates or reduces the risk to the health of his employees.

(3) Where it is not reasonably practicable to prevent exposure to lead, the employer shall comply with his duty of control under paragraph (1) by applying protection measures appropriate to the activity and consistent with the risk assessment, including, in order of priority—

- (a) the design and use of appropriate work processes, systems and engineering controls and the provision and use of suitable work equipment and materials;
- (b) the control of exposure at source, including adequate ventilation systems and appropriate organizational measures; and
- (c) where adequate control of exposure cannot be achieved by other means, the provision of suitable personal protective equipment in addition to the measures required by subparagraphs (a) and (b).

(4) The measures referred to in paragraph (3) shall include—

- (a) arrangements for the safe handling, storage and transport of lead, and of waste containing lead, at the workplace;
- (b) the adoption of suitable maintenance procedures;
- (c) reducing, to the minimum required for the work concerned—
 - (i) the number of employees subject to exposure,
 - (ii) the level and duration of exposure, and
 - (iii) the quantity of lead present at the workplace;
- (d) the control of the working environment, including appropriate general ventilation; and
- (e) appropriate hygiene measures including adequate washing facilities.

(5) Where, notwithstanding the control measures taken in accordance with paragraph (3), the exposure of an employee to lead is, or is liable to be, significant, the employer shall provide that employee with suitable and sufficient protective clothing.

(6) Without prejudice to the generality of paragraph (1), where there is exposure to lead, control of that exposure shall, so far as the inhalation of lead is concerned, only be treated as being adequate if—

- (a) the occupational exposure limit for lead is not exceeded; or
- (b) where that occupational exposure limit is exceeded, the employer identifies the reasons for the limit being exceeded and takes immediate steps to remedy the situation.

(7) Personal protective equipment provided by an employer in accordance with this regulation shall be suitable for the purpose and shall—

- (a) comply with any provision in the Personal Protective Equipment Regulations 2002⁽¹⁾ which is applicable to that item of personal protective equipment; or
- (b) in the case of respiratory protective equipment, where no provision referred to in subparagraph (a) applies, be of an approved type or conform to an approved standard.

(8) Every employer who provides any control measure, other thing or facility in accordance with these Regulations shall take all reasonable steps to ensure that it is properly used or applied as the case may be.

(9) Every employee shall make full and proper use of any control measure, other thing or facility provided in accordance with these Regulations and, where relevant, shall—

- (a) take all reasonable steps to ensure it is returned after use to any accommodation provided for it; and
- (b) if he discovers a defect therein, report it forthwith to his employer.

(10) In this regulation, “adequate” means adequate having regard only to the nature and degree of exposure to lead and “adequately” shall be construed accordingly.