

## Appendix D

# Safety, Health and Welfare at Work (Biological Agents) Regulations, 1994 as amended in 1998 (S.I. No. 146 of 1994 and S.I. No. 248 of 1998)

### Regulation 3

It shall be the duty of every employer -

- (a) to avoid the use of a harmful biological agent, if the nature of the activity so permits, by replacing it with a biological agent which, under its conditions of use, eliminates or reduces the risk to the health of employees,*
- (b) to prevent the exposure of employees to a biological agent at a place of work where the results of the risk assessment under Regulation 4 reveal a risk to employees' health and safety,*
- (c) to ensure that the level of exposure of employees is reduced to as low a level as necessary in order to protect adequately the health and safety of the employees concerned, where it is not technically possible to prevent exposure,*
- (d) to apply the measures specified in the Second Schedule where the results of the risk assessment under Regulation 4 reveal that it is not technically possible to prevent exposure,*
- (e) where the results of the risk assessment under Regulation 4 show that the exposure or potential exposure (or both) is to a group 1 biological agent, including live attenuated vaccines, with no identifiable health risk to employees to provide that where a biological agent is being handled as part of an industrial process, to ensure that the principles of good occupational safety and hygiene are applied,*
- (f) where the results of the assessment under Regulation 4 show that the activity does not involve a deliberate intention to work with or use a biological agent but may result in employees being exposed to a biological agent, as in the course of the activities for which an indicative list is given in the First Schedule, to comply with Regulations 3 (a), 5, 6, 7 (iii), 7 (iv), 8, 9 and 10, unless the results of such assessment show such compliance to be unnecessary,*
- (g) to apply these Regulations to activities in which employees are likely to be exposed to biological agents as a result of their work.*

### Regulation 4

It shall be the duty of every employer -

- (a) to assess any risk to the health and safety of employees resulting from any activity at that employer's place of work likely to involve a risk of exposure of any employee to a biological agent and for that purpose to determine the nature, degree and duration of any employee's exposure to a biological agent and to lay down the measures to be taken to ensure the safety and health of such employees,*
- (b) to keep the risk assessment referred to in paragraph (a) in written form as required by Regulation 10 of the Principal Regulations,*
- (c) when carrying out the risk assessment required by paragraph (a), to assess the risk, in the case of activities involving exposure to several groups of a biological agent, on the basis of the danger presented by all hazardous biological agents present,*
- (d) to renew the risk assessment required by paragraph (a) regularly and in any event whenever there is a change in conditions at the place of work which may affect any employee's exposure to a biological agent, and*
- (e) to conduct the risk assessment referred to in paragraph (a) on the basis of all available information, including -*
  - (i) the classification of a biological agent which is or may be a hazard to human health referred to in the Fourth Schedule,*
  - (ii) information on diseases which may be contracted as a result of the work of the employees,*
  - (iii) potential allergenic or toxigenic effects as a result of the work of the employees,*
  - (iv) knowledge of a disease from which an employee is found to be suffering and which has a direct connection with his work, and*

**Regulation 5**

It shall be the duty of every employer –

- (a) *to provide the Authority when requested with the information used for making any risk assessment carried out under Regulation 4 and with the findings of any such assessment,*

**Regulation 7**

It shall be the duty of every employer in the case of any activity in relation to which there is a risk to the health or safety of employees due to work with a biological agent:

- (i) *without prejudice to the provisions of Regulations 11 and 13 of the Principal Regulations, to take appropriate steps to ensure that employees or their safety representative (or both) receive sufficient and appropriate training and information concerning -*
  - (a) *potential risks to health,*
  - (b) *precautions to be taken to prevent exposure,*
  - (c) *hygiene requirements,*
  - (d) *the wearing and use of personal protective equipment,*
  - (e) *The steps to be taken by employees in the case of incidents and to prevent incidents,*

**Note: Regulations 4, 5, and 7 are abridged**