

Unite says “No” to workplace dust

Unite has worked closely with the TUC to produce guidance to Unite members and other union members about dust in the workplace. Unite and the TUC have consistently called for a review of dust exposure levels in line with recommendations from the trade union side of the now disbanded Advisory Committee on Toxic Substances (ACTS), based on scientific evidence from the ACTS Scientific Committee, WATCH (also disbanded).

Evidence shows that dust is one of the biggest workplace killers and several thousands of workers are dying as a result of dust exposure. Many of these deaths are due to inadequate enforcement of existing standards, but others are the result of inadequate maximum exposure levels. Too many Unite members, and workers in general, are being exposed to dangerous levels of dust at work. The current dust standards are not good enough and there is strong scientific evidence to prove it.

The HSE has accepted some of the problems with dust, although senior members of the HSE have refused to back a statement of the problem, it was left to the now-defunct Advisory Committee on Toxic Substances to publish a statement as an Annex to the minutes of its meeting in May 2014.

ADVISORY COMMITTEE ON TOXIC SUBSTANCES

The Control of Substances Hazardous to Health Regulations and the control of exposure to dust in the workplace.

Issues

To remind employers of the need to adequately control employee exposure to any dust that creates a hazard to health in the workplace.

Background

Many work activities can create dust, and exposure to any dust in excessive amounts can create respiratory problems. Dust is not always an obvious hazard because the particles which cause the most damage are often invisible to the naked eye and the health effects of exposure can take many years to develop, so reducing exposure at source is very important

The Control of Substances Hazardous to Health Regulations (COSHH) 2002 were established to protect workers from exposure to hazardous materials. Regulation 2(1)(d) in the definition of “substance hazardous to health” states that any dust when present at a concentration in air equal or greater than 10mg/m³ (for inhalable dust) or 4 mg/m³ (for respirable dust) becomes a substance hazardous to health.

These concentrations are not safe working limits, they simply define whether a dust is subject to the COSHH Regulations. However, there is a growing consensus in the occupational health/hygiene community that exposure to dust poses a risk to the health of employees and other persons affected by work activity, when present at levels below the concentrations set out in paragraph 2(1)(d) of COSHH. This further underlines the

point that these concentrations are levels at which action to control exposure to dust should be taken - not as levels to be achieved for adequate control of exposure. Employers may be misapplying these concentrations as exposure limits which could lead to workers being exposed to levels of dust that present a hazard to their health. It should be noted that these values will continue to have legal effect as trigger points for control until such time as they are amended.

Action

- *Employers must control exposure to dust in the workplace In addition to the requirements of COSHH to prevent exposure to hazardous substances, under Section 2 of the Health and Safety at Work etc. Act 1974 there are general duties on the employer to ensure the health, safety and welfare at work of all of their employees. Employers must also consult their employees on health and safety issues, this may be done either directly or through a safety representative that is either elected by the workforce or appointed by a trade union.*
- *To control exposure to dust, this means looking at the properties of the dust and the effects those properties may have on an employee's health and taking steps to control exposure to the dust by measures that are proportionate to the risk to workers' health.*
- *COSHH Regulation 7(7) Schedule 2A 'Principles of good practice for the control of exposure to substances hazardous to health' – provides more detail and is summarised below:*
 - *Design and operate processes and activities to minimise emission, release and spread of substances hazardous to health.*
 - *Take into account all relevant routes of exposure - inhalation, skin absorption and ingestion - when developing control measures.*
 - *Control exposure by measures that are proportionate to the health risk.*
 - *Choose the most effective and reliable control options which minimise the escape and spread of substances hazardous to health.*
 - *Where adequate control of exposure cannot be achieved by other means, provide, in combination with other control measures, suitable personal protective equipment.*
 - *Check and review regularly all elements of control measures for their continuing effectiveness.*
 - *Inform and train all employees on the hazards and risks from the substances with which they work and the use of control measures developed to minimise the risks.*
 - *Ensure that the introduction of control measures does not increase the overall risk to health and safety.*

More detailed information from HSE can be found at:

<http://www.hse.gov.uk/dust/index.htm>
<http://www.hse.gov.uk/coshh/index.htm>
<http://www.hse.gov.uk/pubns/books/eh44.htm>
<http://www.hse.gov.uk/lev/>
<http://www.hse.gov.uk/respiratory-protective-equipment/index.htm>

Other sources of advice and information can be found at:

Trade Unions: <http://www.tuc.org.uk/workplace-issues/health-and-safety>
European Agency for Safety and Health at Work: https://osha.europa.eu/en/campaigns/index_html
British Occupational Hygiene Society: <http://www.bohs.org>
Institute of Occupational Medicine: <https://www.iom-world.org/>

Unite and the TUC have received considerable support for their criticism of the dust figures, particularly in the ACTS statement and from the Institute of Medicine (IOM) and the British Occupational Hygiene Society (BOHS), both of which have produced their own statements on dust.

IOM advice

IOM will adopt the following approach in advising its clients:

- 1. The current British limit values for respirable and inhalable dust (4 and 10 mg/m³, respectively) are unsafe and it would be prudent to reduce exposures as far below these limits as is reasonably practicable.*
- 2. We suggest that, until safe limits are put in place, employers should aim to keep exposure to respirable dust below 1 mg/m³ and inhalable dust below 5 mg/m³.*

BOHS Information for Members

Referring to advice from IOM, the German MAK Committee and the TUC, the BOHS advised that:

“All three bodies therefore regard 1 mg/m³ respirable as a more appropriate guideline than the 4 mg/m³ COSHH trigger. It is prudent for hygienists to take this into account in giving advice to clients. If a dust with an 8-hr time-weighted exposure < 4 mg/m³ respirable creates a risk to health then it evidently will be regulated by COSHH under definition (b) in para 1 above, even if its time-weighted concentration is < 4 mg/m³ respirable.”

Unite advice to safety reps

Unite members should reject any suggestions that dust levels present at a concentration in air lower than 10mg/m³ (for inhalable dust) or 4 mg/m³ (for respirable dust) are safe. In light with the ACTS statement and guidance from IOM and BOHS, Unite believes that dust levels should be reduced to at least 2.5 mg/m³ (for inhalable dust) or 1 mg/m³ (for respirable dust).