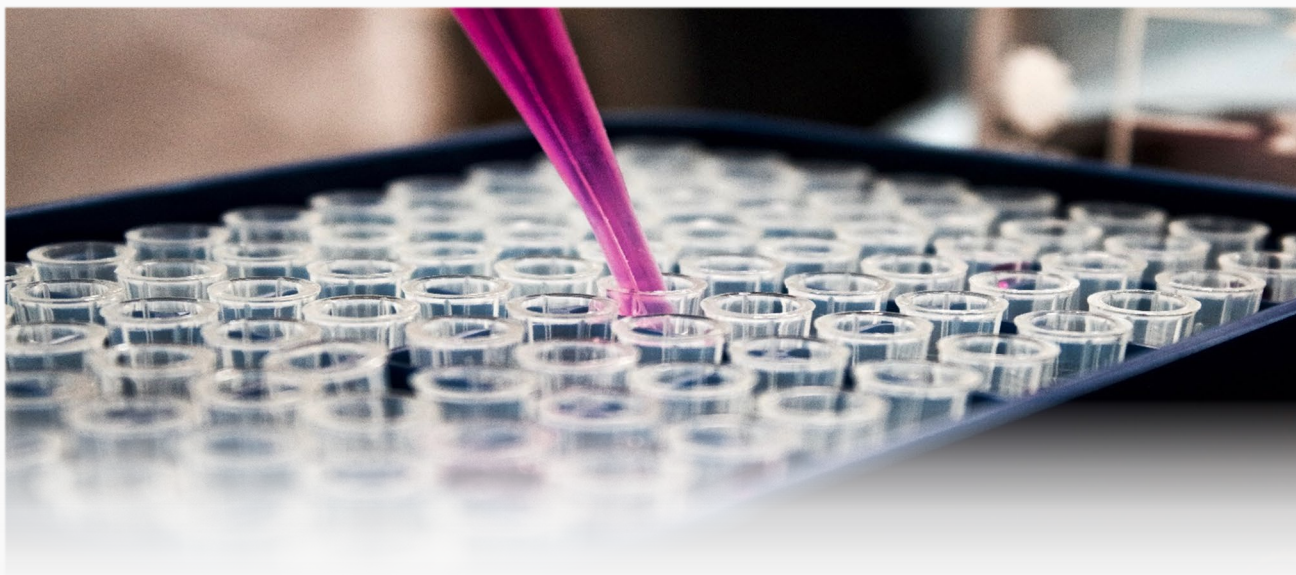


## HSSE Regulatory Update



### *Draft Occupational Safety and Health (Use and Standard of Exposure of Chemicals Hazardous to Health) Regulations 202X (USECHH Regulations)*

#### Summary

The draft of Occupational Safety & Health (Use and Standard of Exposure of Chemicals Hazardous to Health) Regulations 202x was posted online for public engagement in September 2020. It will supersede the existing OSHA (USECHH) Regulations 2000 which came into force on 4th April 2000.

It has been 20 years since the first promulgation of USECHH Regulations 2000. The main purposes of USECHH Regulations amendment are as listed as below:

- To review Permissible Exposure Limit (PEL) listed in Schedule I
- To review chemicals listed in Schedule II (Medical Surveillance)
- To update the information and latest development of current needs and technologies
- To tackle issues on overlapping or inconsistency of USECHH Regulations and related regulations under Factories and Machinery Act 1967 on some chemicals such as lead, asbestos, and mineral dusts.

#### Basic Info & Links

Agency: Department of Occupational Safety and Health (DOSH)

Implementation: Yet to be Gazetted

Draft New Regulations Content for Online Public Engagement:

<https://www.dosh.gov.my/index.php/list-of-documents/eparticipation/2020-1/3688-usechh-regs-amendment-202x-proposal-public-comment/file>

Existing Regulations:

<https://www.dosh.gov.my/index.php/legislation/regulations/regulations-under-occupational-safety-and-health-act-1994-act-514/522-pua-131-2000-1/file>

Other References:

<https://www.dosh.gov.my/index.php/chemical-management-v/usechh-regulation>

## Review/ Q&A

### What are new in Draft USECHH Regulations 202x?

#### New addition to USECHH Regulations:

- *Competent Person* – The duties of chemical risk assessor, occupational health doctor (OHD) and hygiene technologist are listed, and they shall be registered with DG in the prescribed manner. Hygiene Technician will be referred as “Hygiene Technologist”.
- *Extended Working Hours* – formula provided for adjusting 8-hr TWA for exposure/ work shift longer than 8 hours.
- *Control Measures* – Employer shall apply control measures where it is not practicable to prevent exposure to chemicals hazardous to health (CHTH). Specific control measures are listed for exposure to carcinogenicity category 1.
- *PPE* – PPE program to be established and to be documented and maintained for at least 2 years.
- *Records of Engineering Control Equipment* – Records of inspection, testing, examination and maintenance of engineering control equipment shall be maintained at least for 5 years.
- *Hazard Information* – Employer may use the chemical for scientific research and development or trial purposes which: (a) are not placed on the market; (b) less than 5kg; and (c) adequate information on the safe use of the chemical is provided.
- *Arrangements to Deal with Accidents, Incidents & Emergencies* – First-aid facilities, emergency arrangement, warning and communication systems.
- *Eating and Drinking Facilities and Practices* – Eating and drinking facilities isolated from place of work.
- *Hygiene Facilities and Practices* – Provision of adequate changing room, lockers, washing and shower facilities.
- *Approval and Notification* – Approval for asbestos process and notification for sand blasting or any work involving any other CHTH as prescribed by DG.
- *Penalty and Compound* – Employer: Maximum fine RM 10,000 and/or imprisonment not exceeding 1 year, maximum compound RM 2,000; Employee: Maximum fine RM 1,000.

### Any changes to the format of Chemical Register?

*Chemical Register shall now also cover chemicals processed, produced, and stored (previously only for chemicals used). Extra details to be included in a chemical register are the physical form and hazard classification of the chemicals hazardous to health processed, produced, or stored.*

*The register (except the SDS, and details of process and work area) shall be submitted to DOSH after six months the regulations come into force and not later than 31st January of the following year [not applicable for hazard classification skin corrosion or irritation category 2 and skin sensitization category 1].*

### Any changes to the CHRA requirements?

*Assessment of Risk to Health is classified into full and simple:*

- *Full assessment: Can only be carried out by chemical risk assessor; may conduct generic assessment if CHTH is used in the same way in several place of work and control measures are similar (with DG approval).*
- *Simple assessment: Not applicable to chemical classified as carcinogenic cat. 1, mutagenicity cat. 1, or respiratory sensitizer cat. 1 and can be carried out by appointed trained person.*

*Reassessment (for full & simple) need to be carried out when there is significant change in the work, new or improved control measure implemented. Reassessment every 5 years since the last assessment is proposed to be deleted.*

### Any changes to exposure monitoring requirements?

*Exposure monitoring shall be repeated not more than 6 months for exposure at or above PEL or not more than 12 months for exposure at or above action level but below 8-hr TWA limit. Monitoring can be discontinued if the exposure is below action level, STEL, and ceiling limit (where applicable).*

**Any medical surveillance requirements?**

*Health surveillance is replaced with medical surveillance. Medical surveillance is to be carried out where the assessment indicate it is necessary or it is appropriate for protection of the health of employees exposed to CHTH: (i) employee is exposure to chemicals specified in Schedule II and there a likelihood that an identifiable disease will result form that exposure, or (ii) the exposure of the employee to a CHTH that (a) an identifiable disease may be related to the exposure or (b) there is a likelihood that the identifiable disease may occur under any particular conditions of his work; and there are valid techniques for detecting indications of the identifiable disease.*

**Are there any amendments to Schedules I, II and III?**

*Schedule I will contain 562 chemicals which the PELs include 8-hr TWA limit, ceiling limit and STEL. Full or partial validated analysis methods, notation for skin, extended working hours and carcinogen will also be included. Schedule II for CHTH for which medical surveillance is necessary or appropriate will be updated to contain only 27 chemicals. Schedule III will be amended to include list of 5 chemicals which require hygiene facilities and practices: asbestos, lead (elemental and inorganic compounds), mercury, pesticides, and silica (crystalline).*

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