

Laboratory in the Hazardous Substances and New Organisms Act

The definition of a Laboratory in the Hazardous Substances and New Organisms Act 1996 provides considerable flexibility.

Laboratory means a vehicle, room, building, or any other structure set aside and equipped for scientific experiments or research, for teaching science, or for the development of chemical, medicinal products

Research and development, in relation to a hazardous substance, means systematic investigation or experimentation activities that involve innovation or technology transfer for the purpose of gaining knowledge about the properties or uses of that substance.

When considered in conjunction with the definition of Research & Development the definition of Laboratory can be defined as:

Laboratory means a vehicle, room, building, or any other structure set aside and equipped for scientific experiments or research, for teaching science or technology, or for the development of chemicals, medicinal products or technological processes, and storage and support facilities associated with such activities.

The definition of Laboratory in the Act provides considerable flexibility as to what exactly constitutes a “laboratory” under HSNO. **Consequently an organisation should choose an arrangement which best suits their individual operations- they are free to choose either of the two methods and are not obliged to consider any Building (or parts thereof) as a Laboratory.**

When considering what will constitute a “Laboratory” under HSNO, consideration should be given to treating the whole building as the “Laboratory” rather than the individual rooms within the building. There are several potential advantages as well as some disadvantages that need to be carefully considered.

To minimise confusion between a Laboratory as a building and a “traditional Laboratory” this Code of Practice will refer to a Laboratory as a building as a “HSNO Laboratory Facility” and reserve the term Laboratory to describe a “traditional Laboratory”.

The Exempt Lab Regulations require a person to be in charge of the "Laboratory as a building" (i.e. the HSNO Laboratory Facility) at all times. This might cause considerable problems and confusion. It is proposed to have a senior manager fill the role of "laboratory manager" (i.e. HSNO Laboratory Facility Director) simply to comply with the requirement for someone to be present.

Two possible scenarios are presented to demonstrate some of the advantages and disadvantages of nominating a building as the HSNO Laboratory.

Scenario 1

The whole Chemistry block is nominated as a HSNO Laboratory Facility. The Chemistry block is a multi-storied building containing Undergraduate Teaching

Laboratories, Research Laboratories (Post Graduate Students & Academic Research), chemical stores, instrument rooms, meeting rooms, lecture halls/rooms, offices & ancillary areas, tea rooms and a staff cafeteria.

Advantages of nominating the whole building as a HSNO Laboratory Facility include:

1. The HSNO Laboratory Facility Director can attend meetings, go to the tea room, cafeteria, rest rooms etc within the Chemistry Block without leaving the HSNO Laboratory Facility. Thus the HSNO Laboratory Facility only has to be locked when the HSNO Laboratory Facility Director leaves the building if he/she has NOT delegated someone to be in-charge in their absence. In this instance preventing unauthorised entry means locking the entrances to the building to prevent entry without a key etc. Locks on external entries can be of a type which does not require a key to exit.
2. There are other reasons for securing or limiting access to a HSNO Laboratory Facility but this can be achieved by means (other than locking), such as entry being controlled by Reception or Security.
3. The absence of the HSNO Laboratory Facility Director can be more readily managed, by substitution or delegation.
4. Signs advising access for authorised persons are required only on the exterior entrances to the building.
5. Warning signs about the hazards within the HSNO Laboratory Facility can be confined to exterior entrances to the building. However, additional Warning signs should be provided anywhere a particularly high risk exists and where gas cylinders are present,
6. It is easier to comply with the Emergency Management requirements for one comprehensive Emergency Management Plan.

The disadvantages of nominating individual rooms, where Hazardous Substances are used, within the Chemistry Block as HSNO Laboratory Facilities should be reasonably self evident. Strict interpretation of the regulations would require that when the Laboratory Manager left the room, the room would have to be locked, signs would be required on each room etc.

Scenario 2

A small research facility consisting of offices, administration areas, non hazardous laboratories and one room where Hazardous Substances are used. The Director of the Research Facility is a Botanist and no longer carries out any laboratory work. The room where the Hazardous Substances are used is nominated as the Laboratory. The Senior Researcher reports to the Research Director and is appointed as the Laboratory Manager.