

Health and Safety Executive Board		Paper No: HSE/09/82	
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Chief Executive's Report to the Board			

Update on the Accreditation of Health and Safety Professionals

1. Since the last update to the Board I have held a meeting with a network of professional bodies to ensure that progress is being made in the development of an accreditation scheme. The feasibility study proposal drafted by the Institute of Occupational Safety and Health (IOSH) and the Chartered Institute of Environmental Health (CIEH) has been shared with the network and has now been agreed. HSE will fund the feasibility study and IOSH and CIEH will jointly conduct it.
2. Running in parallel to this feasibility study will be independent research into the wider issue of where employers get their health and safety advice from and how they satisfy themselves that it is competent.
3. Both these pieces of work are expected to be completed early next year and are part of the work that will support achieving the strategic goal of Building Competence. A Board paper is planned for October, which will give an overview of the work that will deliver this strand of the strategy.

Government response to Rita Donaghy's report 'One Death is too Many'

4. The report by Rita Donaghy, Chair of the Inquiry into the underlying causes of construction fatal accidents, was published on 8 July. The report sets out 28 recommendations for improving health and safety in the construction industry. The Government is currently considering the report and its recommendations and will respond later in the year.
5. HSE is working closely with DWP, who are co-ordinating the work, and other Government departments in preparing a draft response. A number of recommendations fall to HSE and work is well underway in preparing a lead response.
6. HSE will also be carefully studying the research and reviews carried out under Phases 1 and 2 of the Inquiry. This work has generated a substantial amount of evidence relating to accident causation. Aside from its role as a robust methodology for determining underlying causes, this work has provided a comprehensive overview of the drivers for health and safety in the construction industry.

ICL Report Response and Launch of Consultation on LPG Regime

7. On 27th August, HSE published its preliminary formal response to the official Inquiry, led by Lord Gill, into the fatal explosion at the ICL factory in Maryhill, Glasgow, in 2004.

8. Following publication of Lord Gill's report on 16 July, Work and Pensions Secretary Yvette Cooper asked HSE to outline what action it was taking to address areas of concern identified by the Inquiry.
 - In its response to Yvette Cooper, Scottish Justice Secretary Kenny MacAskill and the Secretary of State for Scotland Jim Murphy, HSE reported that it:
 - Acknowledged that Lord Gill's account of the factors which led up to the explosion was fair and accurate.
 - Believed that:
 - HSE's dealings with ICL at that time were far from typical of our normal interactions with dutyholders,
 - We have learned the lessons from this tragic incident and we have in place arrangements to assure ourselves that this is the case,
 - A number of changes have taken place, since the 1980's and 90's, which, although not flowing from ICL, have relevance to this incident.
 - Had been thorough in producing a proper safety assessment of the nature and scale of risks associated with the use of liquefied petroleum gas (LPG) with metal service pipe work.
 - In June of this year, agreed a risk-based and prioritised programme for the replacement of such pipework on bulk LPG installations at commercial and domestic premises with the trade association, UKLPG, to be completed by the end of 2015.
 - Went further than Lord Gill suggested in including domestic premises within scope of our joint agreement with the industry.
 - Had begun a two-stage consultation on Lord Gill's specific recommendations for a new LPG safety regime. Phase one, which has begun, seeks views on the recommendations (unless we are already taking action, such as the pipe work replacement) and phase two will present proposals based on the wider range of views and supported by a formal impact assessment.
9. Phase one of the LPG consultation closes on November 18th and a further report to Ministers will follow when views on the future safety regime for LPG and Lord Gill's recommendations have been assessed.

New Head of Offshore Division

10. Steve Walker will take over as Head of HSE's Offshore Division (OSD) when Ian Whewell retires on 4 October 2009.
11. Steve moves up to Head of Division from his role as Operations Manager. His experience in the offshore sector has been varied, including oversight of the delivery of the KP2 Programme into Deck and Drilling Operations. Steve was also the senior officer responsible for the KP3 review which was published in July. Steve joined HSE in 1976 as a Factory Inspector and worked in a number of operational posts before joining OSD in 2004, including the Railways Inspectorate in which he led the HSE investigation into the Ladbroke Grove rail accident.
12. Steve intends to build on his predecessor's significant achievements in improving the offshore industry's leadership and commitment to health and safety. In addition to asset integrity, he sees OSD's key priorities continuing to be developing leadership, competence and safety culture in the industry with the

focus on effective workforce involvement. In a recent Press Release Steve warned the industry not to become complacent following the good progress suggested by the KP3 report, that work is far from complete, and challenged the sector to "put its money where its mouth is in terms of improving asset integrity".

First Prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007

13. Following a plea and directions hearing at Bristol Crown Court on 19 August, the trial of Cotswold Geotechnical Holdings Ltd under the Corporate Manslaughter and Corporate Homicide Act 2007 and Section 2 of the Health and Safety at Work etc Act 1974 and Peter Eaton, Managing Director, charged with gross negligence manslaughter and Section 37 of the Health and Safety at Work etc Act 1974, was set for 23 February 2010.
14. The prosecution arises from a joint fatal accident investigation by Gloucestershire Police and HSE following the death of Alexander Wright on 5 September 2008. Mr Wright, who was employed by Cotswold Geotechnical Holdings as a junior geologist, was taking soil samples from inside a pit which had been excavated as part of a site survey when the sides of the pit collapsed crushing him.

Don't Switch off to Safety

15. The aim of the initiative is to raise the level of compliance with the Work at Height Regulations within the aerial and satellite dish installation industry.
16. The "Don't Switch off to Safety" initiative is being undertaken as part of a Flexible Warrant Scheme. The scheme has warranted 119 Local Authority Environmental Health Officers from 33 Local Authorities (LA) across Greater Manchester, Merseyside & Cheshire and Lancashire to work alongside 12 HSE Inspectors from FOD North West Division.
17. The "Don't Switch off to Safety" initiative involves 2 phases:
 - Raising awareness: Week commencing 31.08.09 - HSE sent an HSE/LACORS branded mailshot to 600 aerial and satellite dish installers/retailers across the North West. Information being issued includes details of:
 - the fall arrest system developed by the Confederation of Aerial Installation Industries as a reasonably practicable method of preventing a fall from height;
 - work at height training providers in the North West;
 - the ladder exchange programme.
 - Inspection/Enforcement: Week commencing 28.09.09 - period of proactive inspections undertaken by HSE and LA Inspectors, targeting aerial and satellite dish installers. All Inspectors have been given clear guidance on the enforcement expectations relating to the initiative.
18. The initiative will run until the end of November 2009. A brief period of re-inspection is proposed in the 2010/11 work year to assess the impact "Don't Switch off to Safety" has had on compliance with the Work at Height Regulations within the aerial and satellite dish installation industry.

National Quarries Team

19. A national team for quarries is being established within FOD. This will bring together the inspectors who have the skills and experience to work in the quarrying and open cast coal industries, permitting our scarce resource to be most effectively managed. It should also be possible to ensure that our corporate knowledge is protected and that there is greater consistency of action across Great Britain. The national team will have approximately 6 inspectors, located at offices throughout the country. It will be lead by Colin Mew, based in Cardiff, and the relevant Head of Operations will be Bernard Warden based in Glasgow. It is intended to engage even more effectively with the large employers and the setting up of this team has been warmly welcomed by the Quarry Products Association. The formal launch is to be in Perth on October 30.

Agriculture Revisited Initiative

20. Communications Directorate are moving towards the next phase of the agriculture campaign, which is due to begin in December.
21. More than 15,000 farmers have to date 'made the promise' to come home safely. Since the last Board update, responders have received a postcard in August, reminding them to stay safe at this, their busiest time of year.
22. The next phase will see the relationship with farmers being developed further, primarily through direct marketing, which has proved a successful channel for engaging farmers; public relations; and the expansion of the website. Research suggests that farmers are interested in and receptive to safety messages being couched in terms with which they can identify so farmers' own stories will be used more extensively across all channels.
23. It has been recognised that our presence at agricultural shows would benefit from being more consistently branded and a number of companies have been invited to pitch to offer ideas and approaches.
24. The next phase will also entail the development of a stakeholder toolkit, following the completion of a stakeholder mapping exercise in January 2010.
25. Over the past few weeks, the team has also been working to identify those farmers that have not yet been mailed and has sourced mailing lists from Defra. These lists are currently being cross-checked against the campaign's existing lists and a 'cold' mailing is scheduled for October.

Priced to free publications

26. The HSE Strategy and business plan highlighted that HSE would make the content of its publications containing health and safety guidance for a multitude of industries, in addition to detailed information on regulations and codes or practice, freely available to visitors of the HSE website. Working in partnership with HSE colleagues as owners of the guidance, Communications Directorate (CD) achieved making some 230 publications available on HSE's website from 1 September. Of these, 50 of the highly demanded and purchased titles have been converted to weblite, printer friendly format and the remainder will be converted by March 2010. At the same time CD took the opportunity to replace the HSE Books site with a newly designed e-commerce site offering visitors options to

download and view but also the opportunity to purchase a professionally designed and printed book. Feedback received from visitors from a variety of backgrounds has been extremely positive, commenting on a positive step taken by HSE and allowing easier access to health and safety information. CD will continue to monitor feedback, downloads and income levels.

Operations

Fatality Details

Following a recommendation made by the Information Commissioner, HSE extended its policy to include the names of the deceased and additional details on these fatal incidents on our webpages. Accordingly, since 1 April 2009, the names of the deceased plus additional details may be viewed at:

<http://www.hse.gov.uk/foi/fatalities/in-year-names.htm>.

To ensure that details are not released prior to inquest, HSE delays publication until at least one month from the date of notification to HSE has elapsed. Occasionally owing to a period of latency between an accident being reported and the death of the injured person, details of incidents that occurred prior to the current reporting period may be included in the statistics.

Since the last update to the HSE Board, 17 fatal accidents reported to HSE under RIDDOR were published to HSE's website; please see Annex 2 for details.

Significant Prosecutions for August 2009

- [A Gloucestershire-based plant hire company](#) was fined £125,000 plus £264,299 costs following the collapse of a tower crane which resulted in the deaths of two workers and which caused serious injuries to a third worker.
- [A Kent-based firm of contractors](#) was fined £160,000 plus £24,594 costs when a worker fell from height and sustained fatal head injuries
- [A West Midlands IT recycling company](#) was fined £8,000 plus £3,500 costs for misuse of forklift truck equipment, resulting in a worker being struck by a 1-ton load sustaining serious back injuries.
- [A North Yorkshire farmer](#) was fined £8,000 plus £1,858 costs when an employee fell from height sustaining multiple serious injuries.
- [A Canadian nickel manufacturer](#) was fined £12,000 plus £28,000 costs for exposing employees and contractors to asbestos.
- [A Berkshire-based water treatment company](#) was fined £24,000 plus £17,276 costs for failing to carry out healthcare premises *Legionella* inspections for which they had been contracted.

Myth of the Month September 2009 – Health and safety bans traditional school ties

If a school perceives that ties pose a risk, then that is their decision, and it is right that activities in laboratories and around machinery are risky activities, but HSE does not make decisions about uniforms.

FOI Requests made to HSE

There were 509 FOI requests during August.

Events, Campaigns and Publications in August 2009

- August Podcast included an interview with the head of the slips, trips and falls team on the ladder exchange scheme; news on free downloadable HSE publications and HSE's new twitter presence.
- HSE published its response to ministers on the explosion at ICL Plastics and launches consultation on LPG regime.
- New offshore statistics published
- North East farmers urged to stop and think about safety as harvest season gets underway.

Parliamentary Business

Parliament is currently in recess so there were no PQs during August.

In-year work-related deaths reported to HSE

The following table is an extract of all 2009/10 work-related deaths notified to HSE since the last update to the Board on 26 August 2009. It is taken from the latest "Names and details of fatalities" update published on HSE's website on 7 September 2009.

HSE's internet publication is the collated picture of 'as reported' information on fatalities. It does not purport to be a formal statistical release. Subsequent investigation may determine that some are not reportable under RIDDOR, for example deaths due to natural causes. Other deaths shown here may have been caused by gas incidents in the home. In such cases these deaths will not be counted in our statistics for workplace fatal injuries. Provisional quarterly figures for workplace fatal injuries are available from our latest quarterly injury figures and validated figures and information will only be available on publication of the annual fatality statistics for Great Britain.

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	LA code	General Industry Sector	Detailed Standard Industry Classification (SIC)	SIC Code	Employment status
10/06/2009	Charles Victor-Smith	74	The deceased was struck by a vehicle	Oxfordshire	-	-	-	-	-	-
02/07/2009	Thomas Phizacklea	34	The deceased was crushed by a tractor	Cumbria	South Lakeland	0930	Agriculture	Farming of cattle, dairy farming	01210	Employee
02/07/2009	Cathrine Walker	90	The deceased fell into an uncovered hole and later died	West Lothian	West Lothian UA	9079	Service	General (overall) public service activities	75110	Member of the public
03/07/2009	Alfred Yates	87	The deceased fell and later died	Birmingham	Birmingham	4605	Service	Nursing home activities	85113	Member of the public
08/07/2009	Paul Clark	52	The deceased was crushed by machinery	Newton Aycliffe	Sedgefield	1330	Manufacturing	General mechanical engineering	28520	Employee
12/07/2009	Ewan Williamson	35	The deceased fell through the floor of a fire damaged building	Edinburgh	Edinburgh UA	9064	Service	Fire service activities	75250	Employee
12/07/2009	Scott Williams	35	The deceased was crushed	Brighton	Lewes	1425	Service	Refuse disposal activities	90020	Member of the public
17/07/2009	Vera Massey	83	The deceased fell and later died	Wrexham	Wrexham UA	6955	Service	Public sector hospital activities including NHS trusts	85111	Member of the public
18/07/2009	Peter Higgins	44	The deceased died after a door fell on him	Coventry	Nuneaton	3710	Manufacturing	Other non-ferrous metal production	27450	Employee
18/07/2009	Anita Hinchey	63	The deceased was attacked by cows whilst walking her dogs	Cardiff	Vale of Glamorgan UA	6950	Agriculture	Growing of crops combined with farming of animals (mixed farming)	01300	Member of the public
20/07/2009	Derek Johnson	80	The deceased died after consuming a household chemical	Sheffield	Sheffield	4420	Service	Nursing home activities	85113	Member of the public
21/07/2009	Thomas France	55	The deceased was trapped under a bale	Scorton Lancashire	Lancaster	2335	Agriculture	Farming of cattle, dairy farming	01210	Self employed
24/07/2009	Xander Martin Shaw	7	The deceased was found in a slurry pit.	Broseley Shropshire	Shropshire UA	3250	Agriculture	Farming of cattle, dairy farming	01210	Member of the public
28/07/2009	Richard Zajdler	58	The deceased was crushed by machinery	Leeds	Leeds	4720	Service	Other community, social and personal service activities: sewage and refuse disposal, sanitation and similar activities	90000	Employee
30/07/2009	Stuart Leigh Meakin	28	The deceased was trapped in machinery	Wiltshire	North Somerset	0121	Service	Renting of construction and civil engineering machinery and equipment	71320	Employee
31/07/2009	Colin Hendry	58	The deceased was hit by a reversing vehicle	Cockermouth, Cumbria	Durham County UA	1360	Construction	Construction of highways, roads, airfields and sport facilities	45230	Employee
31/07/2009	Henry Springall	89	The deceased was struck by a vehicle	Great Yarmouth	Great Yarmouth	2615	Service	Agents involved in the sale of timber and building materials	51130	Member of the public

Footnotes

Third parties provide this information when notifying these incidents to HSE. We will verify its accuracy (e.g. the name and age of the deceased) when the incident is investigated and as more information becomes available. Although we may have done some validation of the notifier's information prior to publication on HSE's web pages we cannot guarantee the accuracy of all of the above details.

All possible work-related fatalities are separately notified to the Coroner and the Coroners Court release the name of the deceased when they open the inquest. To ensure that this release has taken place, we do not publish this information until at least a month after the date of the reported incident.

UPDATE ON EU HEALTH AND SAFETY DOSSIERS

This annex to the Chief Executive's Report provides the Board with a monthly update on progress with EU health and safety dossiers that HSE leads on for HMG or other dossiers that HSE has an interest in but not the lead. To help the Board keep track of developments, each dossier is either marked '[UNCHANGED FROM LAST BOARD UPDATE](#)' or '[NEW DEVELOPMENTS](#)'. For further information about this annex, please contact Stephen Taylor, EU Coordinator in HSE's International Unit (Tel: 020 7227 3830 or e-mail: stephen.taylor@hse.gsi.ov.uk)

ON THE HORIZON:

Initiative on Carcinogens and Mutagens Directive (2004/37/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE)	
The second stage of social dialogue on potential amendments to the Directive ended without agreement. The European Commission has tendered for a contractor to undertake an impact assessment to help decide the next steps for the Directive.	
Lead Department HSE contact	HSE SCS Lead – Steve Coldrick Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

SOCIAL DIALOGUE:

Social Partners Agreement on Needlestick Injuries	
Current status (NEW DEVELOPMENTS):	
The social partners in the public health sector have come to a collective agreement on working safely with sharp instruments. Implementation is likely to be by Council Directive. Action on this is included in the Swedish Presidency work plan, although there is no timetable at present for the dossier. The Commission have confirmed that they plan is to have their proposal finalised by the end of October. However, Sweden has indicated that unless they receive the Commission's proposal by the start of October, they will not have time to complete it within their Presidency and are likely to leave it for Spain to deal with.	
Lead Department HSE contact	HSE SCS Lead – Susan Mackenzie Policy Lead – Paul Logan, Specialised Industries Division, 0151 951 4767, paul.logan@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

PRE-PROPOSAL STAGE:

Proposed Directive on Musculoskeletal Disorders	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) is working on a draft directive that combines the existing Manual Handling and Display Screen Equipment Directives into one instrument. Recent information provided by the EC suggests a delay until 2010 for a formal legislative proposal.	
Lead Department HSE contact	HSE SCS Lead – Peter Brown Policy Lead – Nick Snelham, Work Environment, Radiation and Gas Division, 0151 951 3691, nicholas.snelham@hse.gsi.gov.uk SCS Lawyer – Abigail Dean

Proposed amendment of Electromagnetic Fields Directive (2004/40/EC)	
Current status (NEW DEVELOPMENTS): The European Commission is now considering the final report delivered by the FICETTI contractor in September. A paper for the November Board meeting will seek approval for the influencing strategy in response to the final recommendations.	
Lead Department HSE contact	HSE SCS Lead – Peter Brown Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909, matthew.penrose@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

Proposed “Omnibus Directive” to modify New Approach Directives in line with EC Regulation 768/200	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) plans to introduce a horizontal "Omnibus Directive" to bring all New Approach Directives that need minor modification in line with EC Regulation 768/2008 (this deals with the harmonisation of New Approach Supply Directives). A first draft may be forthcoming later this year.	
Lead Department HSE contact	BIS HSE SCS Lead – Marcia Davies HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, phil.papard@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

Proposed revision of Seveso II Directive (96/82/EC)**Current status (UNCHANGED FROM LAST BOARD UPDATE)**

The European Commission has committed itself to drafting a paper with suggestions for revisions of the Directive for discussion at the Committee of Competent Authorities meeting in October.

**Lead Department
HSE contact****HSE**

SCS Lead – Peter Baker

Policy Lead – Sandra Ashcroft, Chemicals Industries Division, 0151 951 3531, sandra.ashcroft@hse.gsi.gov.uk

SCS Lawyer – Navroza Ladha

Proposed recast of Basic Safety Standards Directive (96/29/EURATOM)**Current status (UNCHANGED FROM LAST BOARD UPDATE):**

A working party (WP) of the European Commission's Article 31 (A31) Group of Scientific Experts is currently considering a recast of the Directive. The WP expects to produce a full report by late 2009. A legislative proposal is not likely until mid 2010. In the UK, three stakeholder-working groups (WG) are in place to help with preparing our position during the development of the proposal. HSE leads the Occupational Exposures WG, the Department for Energy and Climate Change leads the Public and Environmental Exposures WG, and the Health Protection Agency leads the Medical Exposures WG.

**Lead Department
HSE contact****HSE**

SCS Lead – Peter Brown

Policy Lead – Kate Haire, Work Environment, Radiation and Gas Division, 0151 951 3792,

kate.haire@hse.gsi.gov.uk

SCS Lawyer – Abigail Dean

Proposed simplification of Pressure Equipment Directives**Current status (UNCHANGED FROM LAST BOARD UPDATE):**

The European Commission plans to conduct a future review of the directive, with no decision taken yet on the timing.

**Lead Department
HSE contact****BIS**

HSE SCS Lead – Marcia Davies

HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, phil.papard@hse.gsi.gov.uk

HSE SCS Lawyer – Abigail Dean

UNDER NEGOTIATION:

Proposed EC Regulation concerning the placing on the market and use of biocidal products (replacing Directive 98/8/EC)

Current status (UNCHANGED FROM LAST UPDATE):

The European Commission (EC) has published a formal legislative proposal for a major review of the Biocidal Products Directive. This proposes that an EC Regulation, which will be directly applicable in Member States, will revise and replace the current Directive. The proposal identifies five policy areas for change: scope, product authorisation, data sharing, data requirements and fees. The Swedish Presidency is keen to make progress, with negotiations having started. HSE is currently consulting stakeholders to inform the UK's position on the proposal.

Lead Department HSE contact

HSE

SCS Lead – Steve Coldrick

Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk

SCS Lawyer – Abigail Dean

Pregnant Workers Directive (92/85/EC) – introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding

Current status (UNCHANGED FROM LAST UPDATE):

The previous European Parliament (EP) voted to reject its Women's Rights Committee report on the Directive, which contained proposed health and safety amendments. It was referred back to the Committee for further work. This won't be possible until the new EP meets for business later in the Autumn. Negotiations in Council continue under the Swedish Presidency.

Lead Department HSE contact

BIS

HSE SCS Lead – Peter Brown

HSE Policy Lead – Marion Evans, Work Environment, Radiation and Gas Division, 020 7717 6428,

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HSE SCS Lawyer – Navroza Ladha

Proposed Directive on 3rd List of Indicative Occupational Exposure Limit Values (IOELVs)

Current status (NEW DEVELOPMENTS):

A Technical Progress Committee meeting of Member States took place on 31 March 2009. The meeting was inconclusive because of differences of opinion concerning one substance, with no vote taken. **The EC withdrew the substance with concerns against it from the annex of the draft Directive, pending consideration of the results of an on-going study. Following a further vote in favour of the amended draft Directive, the European Parliament will subject the dossier to scrutiny, before adoption by the EC towards the end of 2009. Member States will then have 2 years in which to implement the Directive.**

Lead Department	HSE
HSE contact	SCS Lead – Steve Coldrick Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

Proposed Directive codifying directives relating to protection of workers from the risks related to exposure to asbestos at work

Current status (NEW DEVELOPMENTS):

The Commission, in 2006, published a proposal to codify directives relating to the protection of workers from the risks related to exposure to asbestos at work. The purpose of a codification is to bring together a number of instruments into one codified text, not to make substantive amendments. A draft directive is currently progressing through the Council's Codification Working Group.

Lead Department	HSE
HSE contact	SCS Lead – Steve Coldrick Policy Lead – Sarah Mallagh, Long Latency Health Risks Division, 0151 951 4560, sarah.mallagh@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

Proposed EC Regulation to replace Directive 91/414/EEC the on authorisation and marketing of pesticides

Current status (NEW DEVELOPMENTS):

In January 2009, the European Parliament agreed a new Regulation to replace Directive 91/414/EEC, which establishes a framework for the authorisation and marketing of plant protection products in the European Union. It follows a second reading agreement reached with the Council in December 2008. The Regulation includes provisions to increase the level of protection given to human health, animal welfare and the environment. It also aims to speed up decision-making and provide clearer rules for the crop protection industry. We anticipate that the Council will endorse the agreement in October.

Lead Department	DEFRA (Policy Lead) HSE (UK Competent Authority)
HSE contact	HSE SCS Lead – Dave Bench HSE Policy Lead – Mark Hawkins, Chemicals Regulation Directorate, 01904 455 759, mark.hawkins@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

Proposed Directive on the sustainable use of pesticides

Current status (**NEW DEVELOPMENTS**):

In January 2009, the European Parliament agreed a new Directive on the sustainable use of pesticides, which establishes a framework for greater harmonisation of controls on the use of plant protection products in the European Union. It follows a second reading agreement reached with the Council in December 2008. The Directive requires Member States to develop national action plans to reduce the risk associated with the use of pesticides and dependency on these chemicals. The Directive goes on to list a number of measures that will populate the plans. These include provisions relating to: training of users, distributors and advisors; controls on sales; testing of application equipment; protection of watercourses, amenity and conservation areas; handling and storage; and use of integrated pest management approaches. **We anticipate that the Council will endorse the agreement in October.**

Lead Department

DEFRA (Policy Lead) HSE (UK Competent Authority)

HSE contact

HSE SCS Lead – Dave Bench

HSE Policy Lead – Adrian Dixon, Chemicals Regulation Directorate, 01904 455 701, adrian.dixon@hse.gsi.gov.uk

HSE SCS Lawyer – Abigail Dean

Proposed EC Regulation on pesticide statistics

Current status (**NEW DEVELOPMENTS**):

The proposed Regulation will require Member States to collect data on pesticides sales and use. The data will populate models developed under an associated European Union project to assess the risks that can arise from the use of pesticides. The former European Parliament (EP) failed to ratify the deal at its final April Plenary. We understand that responsibility for making progress on the dossier lies with the Council. **The Swedish Presidency has indicated that it will seek a meeting with the new EP to determine a way forward.**

Lead Department

DEFRA (Policy Lead) HSE (UK Competent Authority)

HSE contact

HSE SCS Lead – Dave Bench

HSE Policy Lead – Grant Stark, Chemicals Regulation Directorate, 01904 455 983, grant.stark@hse.gsi.gov.uk

HSE SCS Lawyer – Abigail Dean

Proposed EC Regulation amending Annex 1 to EC Regulation on the Export and Import of Dangerous Chemicals (689/2008)

Current status (UNCHANGED FROM LAST BOARD UPDATE):

A meeting of Member States Designated National Authorities voted to approve this proposal on 29 April 2009. The European Parliament will subject the dossier to scrutiny before adoption by the European Commission – we expect this to happen towards the end of 2009. A review of Annex I will take place at least annually with substances proposed for inclusion in or deletion from the annex.

Lead Department	HSE
HSE contact	SCS Lead – Steve Coldrick Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

EC Regulation on Classification, Labelling and Packaging of Substances and Mixtures (1272/2008) – 1st Adaptation to Technical Progress

Current status (NEW DEVELOPMENTS):

Member States agreed the 1st Adaptation to Technical Progress (ATP) of European Commission's (EC) Regulation on Classification, Labelling and Packaging on 25 March 2009 - this comprises both the 30th and 31st ATPs to the Dangerous Substances Directive. However, in December 2008, ETIME SA, a Turkish borate producer, issued proceedings against DWP seeking Judicial Review and referral from a British Court to the European Court of Justice (ECJ), challenging the classifications for borate substances that appear in the 30th ATP. This followed similar action initiated by the nickel industry against DWP in September 2008, seeking Judicial Review of the classification of certain nickel compounds also in the 30th ATP, and referral to the ECJ. On 6 May, Rio Tinto joined the action initiated by ETIME. Rio Tinto is opposed to the re-classification of borate substances.

The 1st ATP was published in the Official Journal on 5 September 2009 as Commission Regulation (EC) No 790/2009. It will take legal effect in all EU Member States 20 days later. Duty holders will have to comply with the new substance classifications by 1 December 2010.

Lead Department	HSE
HSE contact	SCS Lead – Steve Coldrick Policy Lead – Robin Foster, Long latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

Proposed amendment of the Machinery Directive (2006/42/EC)**Current status (UNCHANGED FROM LAST BOARD UPDATE):**

The European Parliament agreed the text of a proposed amendment to the Machinery Directive to introduce environmental protection requirements for pesticides application machinery at first reading on 21-24 April. The amendment will go next for adoption by the Council at a date yet confirmed.

**Lead Department
HSE contact****BIS**

HSE SCS Lead – Marcia Davies

HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, phil.papard@hse.gsi.gov.uk

HSE SCS Lawyer – Abigail Dean

Proposed EC Mother Regulation on Type Approval of Agricultural Vehicles (Replacement for 2003/37/EEC)**Current status (NEW DEVELOPMENTS):**

The Regulation would align agricultural vehicles in the same regulatory framework as other vehicles in line with EC policy. The Regulation is a direct replacement for the current Type Approval Directive (2003/37/EEC) which came fully into force on 1 July 2009. We do not expect the Regulation to affect significantly HSE's activities but a watching brief is maintained to ensure that relevant safety aspects are not diluted.

**Lead Department
HSE contact****DfT**

HSE SCS Lead – Marcia Davies

HSE Policy Lead – Tony Mitchell, Operational Strategy Division, 01604 73 8321, tony.mitchell@hse.gsi.gov.uk

HSE SCS Lawyer – Abigail Dean

Proposed Amendment to Tractor Directive 86/415/EEC (Installation, location and operation of the controls of agricultural tractors) to include specifications for external Power Take-Off controls**Current status (NEW DEVELOPMENTS):**

This proposal would add a new clause to the existing Directive relating to external PTO controls. In the current form the clause allows hold-to-run control for the first 3 seconds – thereafter full activation of the PTO could occur. Officials have raised an objection to this as there is no good reason for full PTO activation with the operator in the danger zone and the clause is also inconsistent with the current limitations placed on external hydraulic controls already contained in the Directive.

**Lead Department
HSE contact****DfT**

HSE SCS Lead – Marcia Davies

HSE Policy Lead – Tony Mitchell, Operational Strategy Division, 01604 73 8321, tony.mitchell@hse.gsi.gov.uk

HSE SCS Lawyer – Abigail Dean

UNDER IMPLEMENTATION:

Directive codifying the Use of Work Equipment at Work Directives	
Current status (NEW DEVELOPMENTS): The European Commission, since 2006, has been working on a codification of the Use of Work Equipment at Work Directives, including the Work at Height Directive. The purpose of a codification is to bring together a number of instruments into one codified text, not to make substantive amendments. The text has agreed between the Council and the European Parliament and it will come into force once published in the Official Journal. We will not need to amend our legislation.	
Lead Department HSE contact	HSE SCS Lead – Peter Brown Policy Lead – Marion Evans, Work Environment, Radiation and Gas Division, 020 7717 6428, marion.evans@hse.gsi.gov.uk SCS Lawyer – Abigail Dean

Directive amending the transitional deadline to allow for completion of the review of active substances used in biocidal products that were already on the market before the Biocidal Products Directive came into force	
Current status (NEW DEVELOPMENTS): Member States are required to transpose the Directive by 14 May 2010. Plans to consult stakeholders on proposals to implement the Directive were approved by the Board at its 26 August meeting. The consultation began on 1 September and will continue until 23 November, with a view to the implementing Regulations coming into force on the 6 April 2010 common commencement date.	
Lead Department HSE contact	HSE SCS Lead – Steve Coldrick Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Abigail Dean

Directive codifying directives relating to the driver-perceived noise level of wheeled agricultural or forestry tractors (2009/76/EC)**Current status (NEW DEVELOPMENTS):**

The European Commission, in 2007, published a proposal to codify directives relating to the driver-perceived noise level of wheeled agricultural or forestry tractors. The purpose of a codification is to bring together a number of instruments into one codified text, not to make substantive amendments. The codified text will apply from 1 January 2010.

Lead Department HSE contact	HSE SCS Lead – Marcia Davies Policy Lead – Tony Mitchell, Operational Strategy Division, 01604 73 8321, tony.mitchell@hse.gsi.gov.uk SCS Lawyer – Abigail Dean
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Directive recasting directives relating to the contained use of genetically modified micro-organisms (2009/41/EC)**Current status (NEW DEVELOPMENTS):**

The European Commission, in 2006, published a proposal to recast directives relating to the contained use of genetically modified micro-organisms. The purpose of the recast was to bring together a number of instruments into one consolidated text with other necessary amendments – these were to bring the Directive into line with new comitology arrangements. We will not need to transpose the Directive.

Lead Department HSE contact	HSE SCS Lead – Susan Mackenzie Policy Lead – Paul Logan, Specialised Industries Division, 0151 951 4767, paul.logan@hse.gsi.gov.uk SCS Lawyer – Abigail Dean
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Directive Establishing a Community Framework for the Nuclear Safety of Nuclear Installations (2009/71/EURATOM)**Current status (UNCHANGED FROM LAST BOARD UPDATE):**

Member States are required to transpose the Directive by 22 July 2011. HSE and DECC will be working up a transposition strategy.

Lead Department HSE contact	DECC (Policy Lead) HSE (UK Competent Authority) HSE SCS Lead – Les Philpott HSE Policy Lead – Graham Collins, Nuclear Directorate, 020 7717 6365, graham.collins@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean
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Artificial Optical Radiation Directive (2006/25/EC)**Current status (NEW DEVELOPMENTS):**

Member States are required to transpose the Directive by 27 April 2010. The Board agreed a transposition strategy at its 23 June meeting. **based on a minimal set of new Regulations. A paper for the October Board meeting will seek approval for the consultation document for stakeholders.**

Lead Department**HSE****HSE contact**

SCS Lead – Peter Brown

Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909,

matthew.penrose@hse.gsi.gov.uk

SCS Lawyer – Navroza Ladha

EC Regulation on Registration, Evaluation, Authorisation and Restriction of Chemical substances (REACH) (1907/2006)

Current status (NEW DEVELOPMENTS):

The Regulation came into force on 1 June 2007. At European Union level, the UK is working with other Member States, the European Commission and key stakeholders in a number of committees and other groups to complete the REACH framework and establish the working principles for the Regulation. Key recent developments include:

- HSE and TSoL are working closely with DEFRA to resolve unintended consequences from the move to REACH on the control of waste specifically containing asbestos. Defra have now produced, in co-operation with HSE and TSoL, a draft Statutory Instrument making the necessary legal changes to REACH Enforcement and the Control of Asbestos laws. We are now awaiting consultation, impact assessment and timing proposals from Defra for passage of the draft.
- HSE has been undertaking enforcement of REACH registration provisions for several months now, including issuing several notices of enforcement action against companies who have failed to 'pre-register' and so do not benefit from extended registration deadlines. In response to specific complaints received by HSE, enforcement is being undertaken in relation to a relatively large proportion of dutyholders in a niche sector (the production of lime), where most companies had failed to pre-register. Although this enforcement is reactive, it has led to suggestions that this sector has been proactively targeted. Although this is not problematic in itself, it is inaccurate and has been refuted on challenge by HSE officials, and Press Office have been briefed.
- REACH provisions relating to the content of Safety Data Sheets (SDS) are being reviewed. These are listed in Annex II to the Regulation, which will be revised in comitology later this year. Several controversial aspects of REACH SDS requirements have yet to be resolved at the Community level. HSE is leading for UK, as many of the changes are driven by implementation of the Classification, Labeling and Packaging (CLP) Regulation, for which we have policy responsibility. These changes, once finalized, are likely to necessitate changes in the UK approach to guidance and the current ACoP for SDS provision, to ensure that UK dutyholders have access to accurate and helpful information on SDS compilation.

Lead Department	DEFRA (Policy Lead) HSE (UK Competent Authority)
HSE contact	HSE SCS Lead – Steve Coldrick HSE Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk HSE SCS Lawyer – Navroza Ladha

Directive (2006/121/EC) amending Directive 67/548/EEC relating to classification, packaging and labelling of dangerous substances in order to adapt it to the REACH Regulation

Current status (UNCHANGED FROM LAST BOARD UPDATE):

Member States were required to transpose the Directive by 31 May 2008. The UK was late in transposing and the European Commission issued infringement proceedings against us. The UK has notified the European Commission (EC) that it has completed all its transposition measures, with the expectation that the EC will soon close the infringement proceedings.

Lead Department	HSE
HSE contact	SCS Lead – Steve Coldrick Policy Lead – Robin Foster, Long Latency Health Divisions, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

Decision on restrictions on marketing and use of dichloromethane (455/2009/EC)

Current status (UNCHANGED FROM LAST BOARD UPDATE):

The Council adopted the Decision on 23 April 2009. HSE is currently looking at what legislative measures will be necessary to benefit from the derogation for professional use and is in contact with manufacturers and producers of dichloromethane based paint-stripper about this.

Lead Department	HSE
HSE contact	SCS Lead – Steve Coldrick Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

Identification and Traceability of Explosives for Civil Uses Directive (2008/43/EC)

Current status (NEW DEVELOPMENTS):

Member States were required to transpose the Directive by 5 April 2009. The UK expects to complete transposition in Great Britain by January 2010, with Northern Ireland to follow shortly after. **Following Board approval, we are currently consulting on draft transposing regulations. Consultation ends in early November and Board approval of the finalised regulations will be sought. The timetable for transposition is on track.**

Lead Department	HSE
HSE contact	SCS Lead – Susan Mackenzie Policy Lead – David Pascoe, Specialised Industries Division, 0151 951 4241, david.pascoe@hse.gsi.gov.uk SCS Lawyer – Abigail Dean

Services Directive (2006/123/EC)**Current status (UNCHANGED FROM LAST BOARD UPDATE):**

The Department for Business, Innovation and Skills (BIS) is currently considering the responses it received to its consultation on proposed implementing measures and will be putting revised regulations before Parliament for debate in the autumn. Development of the UK Point of Single Contact is continuing.

Lead Department**BIS****HSE contact**

HSE SCS Lead – Clive Fleming

HSE Policy Lead – Kevin Walkin, Strategic Interventions Division, 020 7227 3831, kevin.walkin@hse.gsi.gov.uk

HSE SCS Lawyer – Navroza Ladha

EC Regulation on Accreditation and Market Surveillance (RAMS) (765/2008)**Current status (UNCHANGED FROM LAST BOARD UPDATE):**

The Regulation sets accreditation and market surveillance obligations relating to the marketing of products in the European Union. It applies from 1 January 2010. Following agreement between HSE and the Department for Business, Innovation and Skills (BIS) on existing gaps in enforcement powers in UK legislation to meet the requirements of RAMS, BIS wrote to HSE asking if it should introduce legislation to give us and other authorities these powers. They also asked HSE if the Placing on the Market and Supervision of Transfers of Explosives Regulations (POMSTER) 1993 should be included in the list of applicable legislation. The SMT has agreed that POMSTER be included as relevant legislation.

Lead Department**BIS****HSE contact**

HSE SCS Lead – Marcia Davies

HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, phil.papard@hse.gsi.gov.uk

HSE SCS Lawyer – Abigail Dean

EC Regulation on Mutual Recognition of Goods in the European Union (764/2008)**Current status (UNCHANGED FROM LAST BOARD UPDATE):**

The Regulation defines the rights and obligations of, on the one hand, competent authorities and, on the other, enterprises wishing to sell in a Member State products lawfully marketed in another Member State, when competent authorities intend to take restrictive measures concerning a product in accordance with national technical rules. It applied from 13 May 2009. We do not expect the Regulation to affect significantly HSE's activities as the majority of work products already come under specific supply directives, but the full effects will take some time to become evident.

Lead Department**BIS****HSE contact**

HSE SCS Lead – Marcia Davies

HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, phil.papard@hse.gsi.gov.uk

HSE SCS Lawyer – Abigail Dean

Directive 2008/104/EC on Temporary Agency Work (the 'Agency Workers Directive')

Current status (NEW DEVELOPMENTS):

The main purpose of the Directive is to ensure the appropriate protection of temporary agency workers. After 12 weeks in a given job, an agency worker will be entitled to equal treatment (at least the basic working and employment conditions that would apply to the worker concerned if s/he had been recruited directly by that undertaking to occupy the same job). BIS is seeking amendments to the Management of Health and Safety at Work Regulations 1999 to implement requirements in relation to new and expectant mothers, and will be consulting HSE in September 2009 in accordance with s50(1AA) HSWA 1974.

**Lead Department
HSE contact**

BIS

HSE SCS Lead – Clive Fleming (Peter Brown *pro tem*)

HSE Policy Lead – Jeremy Bevan, Strategic Interventions Division, 0121 607 6150, jeremy.bevan@hse.gsi.gov.uk

HSE SCS Lawyer – Abigail Dean