

| Health and Safety Executive Board | | Paper No: HSE/09/100 | |
|--|------------------|----------------------|------|
| Meeting Date: | 25 November 2009 | FOI Status: | Open |
| Type of paper: | Above the line | Exemptions: | None |
| Trim reference: | 2009/466173 | | |
| Chief Executive's Report to the Board | | | |

Publication of Health and Safety Statistics for 2008/09

1. New health and safety statistics for 2008/09 were published on 28 October 2009. This included injury, ill health and days lost data from the Labour Force Survey, reported non-fatal injuries from RIDDOR, enforcement data and reports of ill-health cases from specialist physicians.
2. There was a statistically significant fall in the prevalence rate of work-related ill health in 2008/09. Incidence rates remained flat and the reduction in the prevalence figures was due to a fall in long-standing cases i.e. conditions which had lasted for more than 12 months. Prevalence and incidence figures for stress and musculo-skeletal disorders are both flat in the latest year although the longer term trend since 2001/02 is downwards for both conditions.
3. All measures of injury at work are showing strong downward trend. Fatal injuries to workers in 2008/09 were at the lowest level on record. Reported major injuries and over-3-day injuries continue to fall. There was a statistically significant fall in the rate of reportable injury from the Labour Force survey in 2008/09 and this rate has fallen by 43% since 1999/00. Production and construction industries are showing particularly strong falls in the latest year, likely to be related to the recession.
4. There was a statistically significant fall in the rate of sickness absence due to work-related conditions in 2008/09 due to both a reduction in cases and a reduction in the average days lost per case.
5. The updated statistical assessment of progress against the three Revitalising targets are as follows:
 - Rate of fatal and major injury – on track to meet the target
 - Incidence rate of work-related ill health – probably not on track to meet the target despite significant reductions since 2001/02
 - Rate of sickness absence due to work-related conditions – probably on track to meet the target

HSE's Simplification Plan 2009 and Recent Better Regulation Developments

6. HSE's Simplification Plan 2009 will be published in December 2009 alongside the Better Regulation Executive's Summary Plan and other Departmental Plans. HSE remains on course to reach the government's target of 25% administrative burden savings by May 2010 with estimated savings of over £500 million.
7. On 15 October 2009 as part of the Forward Regulatory Programme, the Government announced new simplification targets for 2010-2015 to cut the ongoing costs of regulation by a further £6.5 billion in total by 2015. BRE is

currently exploring a cross-Government themed approach to achieving these new targets. A further announcement is expected in the Pre-Budget Report in December.

8. HSE also signed up in October to a '*Joint Statement on the Benefits of Better Regulation*'. Other signatories include UK Government Departments, the Environment Agency and some key HSE corporate stakeholders including the CBI, EEF, Federation of Small Businesses, Institute of Directors and the TUC.

Asbestos, the Hidden Killer Campaign

9. The Asbestos Hidden Killer 2009 media campaign was successfully launched on 2 November, picking up coverage on radio 5live, BBC Scotland and Wales, Scottish and Welsh national press and numerous pieces on regional television, radio and press. HSE continues to work in partnership with asbestos support groups who have provided case studies of mesothelioma sufferers and widows who have featured prominently in the national and regional press coverage. A short film of a sufferer has been made and after initial PR use has been placed on the website. After the popularity of last year's campaign, the website has been refreshed to include new photographs of where asbestos can be found, information about worker rights in relation to duty to manage and a more advanced quiz to check understanding.
10. The campaign runs for 4 weeks with national press and radio adverts, including (national commercial radio) Talksport which has already included two successful phone-ins. Partner organisations including the TUC, unions, trade associations, trade stores and charities have distributed around half a million campaign packs to trades and maintenance workers. HSE has also sent a direct mail of 50,000 packs to the harder to reach micro-firms and sole traders.
11. The Independent Reviewer of ASA Adjudications has rejected HSE's appeal.

Lead

12. On Thursday 5 November Channel 4 broadcast a report in its evening news programme on workplace exposure to lead. It focussed on claims of a discrepancy between the HSE set exposure limits and scientific evidence suggesting that long-term, low-level exposure can give rise to ill health; that more than 100,000 workers could suffer ill health as a result; and that information in HSE's guidance leaflet 'Lead and You' was misleading. The same day articles appeared on the websites of the Guardian and Hazards Magazine taking a similar stance
13. A Media Handling Plan was prepared by Press Office and a Briefing was provided for Lord McKenzie. There was very little media interest following the broadcast and there were half a dozen enquiries to the Infoline.
14. The 'Lead and You' leaflet was withdrawn prior to the broadcast. As an interim measure, the guidance it contained (minus the text which said "Serious ill-health problems rarely occur unless people have at least 100 micrograms of lead in one decilitre of their blood") was made available as a webpage on the HSE lead website under the heading 'Working safely with lead'. It was planned to reissue 'Lead and You' with a revised layout and minimal text changes in early

December. However, publication has been 'fast tracked' to ensure that guidance is available for stakeholders as soon as possible. A revised web version of the leaflet will now be available from 17th November and in hard copy from 20th November. The leaflet sets out the current legal requirements and guidance (it does not make reference to any new scientific evidence).

Conversion of Lead Authority Partnership Schemes (LAPS) to Primary Authority Arrangements

15. LAPS arrangements have been in place successfully for several years. A LAPS is a voluntary arrangement bringing together a local authority and a nationally operating business or organisation that is subject to local authority health and safety enforcement. The Lead Authority then acts as a focal point of liaison between other LAs, HSE and that business with the aim of securing consistent and efficient interactions between the regulator and the business. There are currently 92 LAPS in place.
16. In April 2009 the Local Better Regulation Office (LBRO) introduced its Primary Authority arrangements. These arrangements are similar in principle to those embodied by LAPS but can be applied to a wide range of enforcement areas including health and safety, food, trading standards, licensing and environment. They have a statutory basis under the Regulatory Enforcement and Sanctions Act 2008. Currently LBRO list 12 companies with which Primary Authority arrangements are in place on their website, of which four (B&Q plc, Iceland Foods Ltd, Ladbrokes Betting and Gaming Ltd and Blanc Brasseries Ltd) include health and safety. HSE is now working with LBRO to invite businesses and LAs already participating in a LAPS scheme to transfer to a Primary Authority arrangement. Since the beginning of November, letters have been despatched to all participants. The letters are signed jointly by Judith Hackitt and Clive Grace (Chair LBRO). LBRO will provide support for the transfers which, at least initially, will retain the same features as the existing LAPS arrangements. We will maintain our support for the LAPS schemes until April 2011.
17. One feature of Primary Authority arrangements is the requirement on the national regulator to provide advice to LBRO in the event of a dispute between the Primary Authority and another LA about standards. We are currently developing procedures to ensure we are able to respond in the event of such a determination being required.

Estates Excellence

18. The Estates Excellence project was developed with a range of stakeholders across the South East in response to the strategy challenge to be part of the solution. The project involves joint working between enforcing authorities, businesses and other stakeholders. The aim is to visit 1000 premises across six Local Authorities providing a range of targeted risk based support to SME's to reduce risks, accidents, ill health and days lost. The project was launched on 29 October, trial visits started in Medway on 2 November. The trial is designed to test the operational intervention plan including communication plans and media, guidance, training, visits and use of the knowledge and information benchmarking tool (KIT) before wider roll out from April.

19. 136 premises were invited to participate in the trial - only 10% declined. In the first week over 100 KIT visits were led by Kent County Council, Kent Fire and Rescue, Medway Council and HSE. The KIT scored business using a traffic-light based system. Participation Certificates were awarded to the 28 business with a green rating – these demonstrate the highest performance. The remainder were evenly spread across the full range of ratings and some enforcement notices were served. A number of these businesses have already contacted us to set out their steps for improvement to achieve a Participation Award. Seventy businesses have booked at least one training session, although attendance rates at the training have varied. Business have booked 40 health screening appointments and arranged for targeted occupational health visits to their sites. These sessions have resulted in a number of early referrals to a physician.
20. Media support has been positive with the Kent FSB Vice Chair providing their business premises for the launch. To support the visit week an information unit was positioned on site (provided by Medway LA). This was not utilised by many estates residents, however, the sector specific packs (manufacturing, office, trade and general) given out at visits and including priced publications such as Health and Safety Essentials and DVDs were well received. The new Estates Excellence web pages and web community have already resulted in requests to join from businesses in Medway as well as across GB.

European Union Social Partners Agreement on Harassment and Violence - Joint Guidance Launched on 17 November 2009

21. The Health and Safety Executive (HSE), with the Department for Business, Innovation and Skills, and the Advisory, Conciliation and Arbitration Service (ACAS), have been supporting social partner organisations - the Confederation of British Industry, the Trades Union Congress and the Partnership of Public Employees (formerly the Centre of Employers and Enterprises Providing Public Services UK) - in discussions to implement the European Union Social Partners Agreement on Harassment and Violence in the UK.
22. The guidance document will provide a guide to the European agreement, practical advice on dealing with harassment and violence at work, and draws together information on the key relevant pieces of legislation and support available in the UK. HSE's Chair, Judith Hackitt, is one of the co-signatories of the document.
23. A press launch was held on 17 November 2009, at the European Commission Representation in the UK offices in London. Lord Young attended. Each of the social partner organisations, and ACAS and HSE, contributed short presentations. Jane Willis represented HSE.

Consultation on the Control of Artificial Optical Radiation at Work Regulations

24. The consultation was formally launched on Monday 9 November and was accompanied by a press release. Stakeholders have until 5 February 2010 (13 weeks to accommodate Christmas) to respond either via HSE's website or by hard copy.

25. HSE will undertake targeted meetings with key stakeholders to seek early views and to secure their support to disseminate key messages before the close of the consultation. We will of course report back to the Board.

Exercise Gold Cross

26. Exercise Gold Cross, a test of the HSE Emergency Plan, took place on 10 November. This exercise sought primarily to review the HQ response to a major incident. Regional responses to a major incident are being tested through a separate programme of exercises.

27. The HSE response to what was a challenging scenario was successfully delivered and the objectives of the exercise met. Some learning points have been identified, for example in respect of information management. Wider post-exercise de-briefing, to explore this and to identify any other learning points is underway, as is consideration of how these might be captured within the Emergency Plan.

How and Where We Work Project

28. Of the 351 Rose Court staff originally in scope of HWWW only four remain in Rose Court whilst 12 are currently out on loan or secondment to other Government departments. HR are working closely with all of these individuals to help resolve their position.

29. Evaluation of the People Aspects of HWWW

30. The people handling aspects of HWWW will be the subject of an independent review in order to capture the lessons learnt for the benefit of others. IES are the approved supplier and have prepared a response to our specification to include:

- the process of managing change and how successfully the workstreams have supported staff through change
- how collaborative working principles have been demonstrated during this period of change
- the timing and evolution of the decision making process
- the success and experience of the consultation process
- early outcomes including unanticipated outcomes as well as signs of the desired culture shift
- learning for the future

31. IES will gather views from a wide range of sources via one to one interviews and focus groups involving representatives from all the groups involved in or impacted by the change. These will include staff who: have been migrated into new posts; are continuing roles but in a new location; have left HSE through retirement/early release or resigned; moved to other government departments; still do not have exit plans or are currently on secondment; and those new to HSE, plus the Trade Unions, Workstream Leaders and Senior Management Team. The Trade Unions have been asked to comment on the proposed specification and are content with the scope and approach. We anticipate that the report will be available in March 2010.

GEOFFREY PODGER

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 October 2009

- [Tate and Lyle](#) was fined £270,000 plus £90,000 costs when an employee died during unloading operations.
- [R J Bateman Ltd](#) was fined £85,000 when an employee was killed and another injured as a result of an explosion.
- [Southwark Council](#) was fined £20,000 plus £4,466 costs when a vulnerable person in their care fell from the tail lift of a welfare bus.
- [John O'Connor, Director of Butcher's Pet Care Ltd](#) was fined £10,000 plus £4,000 costs when an employee was fatally crushed after entering a machine to clear a blockage.
- [Leonard Gibson](#) was fined £10,000 plus £3,230 costs when an employee was struck and killed by a steel joist.
- [Alex Cotterill](#), a swimming pool lifeguard was fined when he failed to notice that a swimmer had drowned.
- [Istiaq Ahmed](#) was jailed for 16 months for falsifying gas safety documents.
- [Bowes of Norfolk Ltd](#) was fined £25,000 plus £23,000 costs when two teenage employees suffered electric shock after machinery they were operating came into contact with overhead power lines.
- [Liverpool NHS Trust](#) was fined £35,000 plus £12,862 costs for failing to carry out adequate testing for *Legionella*.
- [Warwick International Group Ltd](#) was fined a total of £26,000 plus £1,947 costs for two incidents involving the same piece of machinery in which workers' hands were trapped and injured.
- [Superglass Insulation Ltd](#) was fined £20,000 after a worker sustained injuries as a result of a fall from height.
- [The Giles School](#) was fined £16,500 plus £2,500 costs when a pupil sustained severe burns and subsequently lost 8 fingers during a practical activity.
- [John Doyle Construction Ltd](#) was fined £3,500 plus £13,244 costs when a worker fell from a toppled scaffolding tower, sustaining back injuries.

- G Baskerville Ltd was fined £8,000 plus £6,000 costs when an employee fell from height and sustained life-threatening injuries.
- A & T Roofing Ltd and Noble Gift Packaging Ltd were fined £25,000 and £40,000 plus £33,844 and £19,223 costs when employees were exposed to asbestos.
- Recon Packaging Ltd was fined £3,000 plus £5,000 costs and Industrial & Commercial Building Services Ltd was fined £2,000 for exposing workers to asbestos.
- Huntapac was fined £5,000 plus £4,881 costs when two employees suffered electric shock and burns after working near overhead power lines.
- G Wright Scaffolding Ltd was fined £5,985 plus £1,500 costs when an employee suffered electric shock severe burns after working near overhead power lines.
- Ineos Manufacturing Scotland Ltd was fined £1,500 when a worker was burned when he struck live power cables with a jackhammer.

Myth of the Month November 2009 – Health and safety rules stop classroom experiments

There's no reason why health and safety should stop schools carrying out science experiments. They can help children learn how to manage risk - and all that's required in most cases are a few sensible precautions.

FOI Requests made to HSE

There were 591 FOI requests during October.

Events, Campaigns and Publications in October 2009

- **Launch of 2008/2009 health and safety statistics** - Statistics show there has been a significant reduction in the numbers of people killed, injured or suffering work related ill-health from April 2008 to March 2009.
- **Launch of joint ACPO-HSE statement** on balancing operational need with health and safety duties in the police.
- **Asbestos: The hidden killer** - £1.2 million, month-long campaign launched to warn Britain's 1.8 million tradesmen about the dangers they face.
- **Guidance aimed at cutting the rate of tractor deaths** - Tractor action: A step-by-step guide to using tractors safely was published on the HSE website.
- **Electronic risk assessment tool** launched on HSE's website.
- **Safety events and awareness days** aimed at agriculture, riding schools, construction, workplace transport, health, warehousing and the social care sector held throughout England, Scotland and Wales.
- **HSE Podcast** included items on three significant prosecutions and the asbestos campaign.

Parliamentary Business

There were seven PQs during October.

In-year work-related deaths reported to HSE

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 21 October 2009. It is taken from the latest "Names and details of fatalities" update published on HSE's website on 9 November 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 |
|------------------|--------------------------|-----|--|-------------------------|-------------------|---------|-------------------------|--|----------|----------------------|
| 01/09/2009 | Malcolm Thomas Doughty | 63 | The deceased fell into a hole | Aberdeen | Durham County UA | 1360 | Construction | Construction | 45210 | Employee |
| 04/09/2009 | Maurice Naylor | 48 | The deceased was found in the cab of an overturned vehicle with head injuries | North Wales | Conwy UA | 6905 | Service | Freight by road | 60249 | Employee |
| 06/09/2009 | Keith Wannan | 34 | The deceased was killed by farm equipment | Cupar | Fife UA | 9066 | Agriculture | Growing of crops combined with farming of animals (mixed farming) | 01300 | Employed by other |
| 08/09/2009 | Margaret Read | 64 | The deceased was struck by a telehandler bucket | Skipton | Craven | 2705 | Agriculture | Growing of crops combined with farming of animals (mixed farming) | 01300 | Self employed |
| 08/09/2009 | John Mallan | 75 | The deceased fell from height | Surrey | Waverley | 3650 | Construction | Erection of roof covering and frames | 45220 | Self employed |
| 08/09/2009 | Peter Drysdale | 81 | The deceased was trapped between a tailgate and trailer | Perthshire | - | - | Agriculture | - | - | Self employed |
| 10/09/2009 | Stuart Earnshaw | 48 | The deceaseds vehicle collided with a fork lift truck | West Yorkshire | - | - | Service | - | - | Member of Public |
| 10/09/2009 | Stephen Wallace | 45 | The deceased fell from height | West Bromich | Sandwell | 4620 | Manufacturing | Manufacture of basic iron and steel and of ferro-alloys | 27100 | Employee |
| 11/09/2009 | Gerald Thorne | 53 | The deceased was hit by a vehicle | Saffron Walden | Norwich | 2625 | Construction | Construction of civil engineering constructions | 45213 | Employee |
| 12/09/2009 | Rory Walworth | 19 | The deceased collided with tractor | Salisbury | Wiltshire UA | 3940 | Agriculture | Agricultural service activities; landscape gardening | 01410 | Member of Public |
| 15/09/2009 | Ronald Wood | 59 | The deceased was struck by a trailer | East Riding | East Riding | 2001 | Manufacturing | Manufacture of bodies (coachwork) for motor vehicles (except caravans) | 34201 | Employee |
| 16/09/2009 | Colin Sinclair | 27 | The deceased died at a wind turbine during maintenance work | Thurso | Highland UA | 9068 | Extractive/Utility | Production of electricity | 40110 | Employee |
| 18/09/2009 | Robert Hammersley | 2 | The deceased was struck by a tractor | Ashbourne in Derbyshire | Derbyshire Dales | 1045 | Agriculture | Growing of crops combined with farming of animals (mixed farming) | 01300 | Member of the public |
| 21/09/2009 | Virginia Arnison Newgass | 70 | The deceased died when a cow kicked a gate which in turn struck her in the chest | Romsey | Test Valley | 1760 | Agriculture | Farming of cattle, dairy farming | 01210 | Self employed |
| 22/09/2009 | Almond David Medley | 63 | The deceased was found between the tractor and trailer with head injuries | Nottinghamshire | Newark & Sherwood | 3030 | Agriculture | Growing of crops combined with farming of animals (mixed farming) | 01300 | Self employed |
| 22/09/2009 | David Robert Winslow | 26 | The deceased struck his head against a wall | Kent | Medway Towns UA | 2280 | Service | Operation of other sports arenas and stadiums not elsewhere classified | 92619 | Member of the public |
| 29/09/2009 | Raymond White | 61 | The deceased was engaged in street cleaning when he was struck by a motorcycle | Milton Keynes | Milton Keynes UA | 0435 | Service | Collection and treatment of other waste | 90020 | Employee |

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)

SOCIAL DIALOGUE:

| Social Partners Agreement on Needlestick Injuries | |
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| Current status (NEW DEVELOPMENTS): | |
| The social partners in the public health sector have come to a collective agreement on working safely with sharp instruments. The social partners have asked for implementation to be by Council Directive. The European Commission published a proposal for a Council Directive on 3 November 2009. HSE officials are currently studying the implications of the Commission's proposal, with the Board to be informed by a paper. | |
| 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 |

| Social Partners Consultation on Environmental Tobacco Smoke | |
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| Current status (NEW DEVELOPMENTS) | |
| The European Commission is consulting the social partners on possible initiatives (binding and non-binding) on Environmental Tobacco Smoke. The first stage of social dialogue occurred in 2008, with the second stage due later this year. HSE is monitoring developments. | |
| 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 – Navroza Ladha |

| Social Partners Agreement on Violence and Harassment at Work | |
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| Current status (NEW DEVELOPMENTS) | |
| The European social partners signed an agreement on violence and harassment at work on 26 April 2007. Implementation in Great Britain will be through joint TUC/CBI guidance that will be launched on 17 November 2009. | |
| Lead Department HSE contact | BIS HSE SCS Lead – Peter Brown HSE Policy Lead – Jayne Sturmey, Work Environment, Radiation and Gas Division, 0151 951 4687, jayne.sturmey@hse.gsi.gov.uk HSE SCS Lawyer – Navroza Ladha |

PRE-PROPOSAL STAGE:

| Proposed Directive on Musculoskeletal Disorders | |
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| Current status (NEW DEVELOPMENTS): | |
| The European Commission (EC) is working on a draft directive to cover all musculoskeletal disorders that would include the provisions in the existing Directives on Manual Handling and Display Screen Equipment. The Board considered the EC's 3 rd draft text of a directive at its October meeting. Belgium has indicated that this dossier will be a priority for its Presidency in the second half of 2010. | |
| 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 |

| Future of Electromagnetic Fields Directive (2004/40/EC) | |
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| Current status (UNCHANGED FROM LAST BOARD UPDATE): | |
| The European Commission is now considering the final report delivered by FICETTI in September. A paper for the November Board meeting will seek approval for the influencing strategy in response to the report's 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 at the end of this year.

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| 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 |
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Proposed revision of Seveso II Directive (96/82/EC)**Current status (NEW DEVELOPMENTS)**

The European Commission (EC) is looking at revising the Seveso II Directive to bring it into line with the EC's Regulation on the Classification, Labelling and Packaging of substances and mixtures. We now expect the EC to publish a legislative proposal towards the end of the 2010.

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| 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 |
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Proposed recast of Basic Safety Standards Directive (96/29/EURATOM)**Current status (NEW DEVELOPMENTS):**

A working party (WP) of the European Commission's Article 31 (A31) Group of Scientific Experts is currently considering a recast of the Directive. We are informed that the A31 Group is likely to circulate the draft text of a recast and its opinion at the end of November 2009. A legislative proposal is not likely until mid 2010. In the UK, three stakeholder-working groups looking at occupational, medical, and public and environmental exposures are in place to help with preparing our position during the development of the proposal.

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| 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 |
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| Proposed simplification of Pressure Equipment Directives | |
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| 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 |

| Proposed amendment of Carcinogens and Mutagens Directive (2004/37/EC) | |
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| Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has engaged a contractor to undertake an impact assessment to help decide the next steps for the Directive. HSE will be engaging with the contractor to offer assistance. | |
| 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 |

UNDER NEGOTIATION:

| Proposed EC Regulation concerning the placing on the market and use of biocidal products (replacing Directive 98/8/EC) | |
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| Current status (UNCHANGED FROM LAST BOARD 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. HSE consulted stakeholders between 26 July and 5 October on the proposal and is currently considering consultation responses to inform the UK's negotiating position at the 22 December Environment Council meeting and beyond. | |
| 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 |

Proposed amendment of Pregnant Workers Directive (92/85/EC) on 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 BOARD 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, with it referred back to the Committee for further work. The reconstituted Women's Rights Committee, under the new EP, has yet to timetable any deliberations on this proposal. Negotiations in Council have continued under the Swedish Presidency.

Lead Department

BIS

HSE contact

HSE SCS Lead – Peter Brown
HSE Policy Lead – Marion Evans, Work Environment, Radiation and Gas Division, 020 7717 6428, marion.evans@hse.gsi.gov.uk
HSE SCS Lawyer – Abigail Dean

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

Current status (UNCHANGED FROM LAST BOARD UPDATE):

Member States have voted in favour of a draft Directive. The European Parliament and Council will now subject the dossier to scrutiny, before adoption by the European Commission 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 (UNCHANGED FROM LAST BOARD UPDATE):

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

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SCS Lawyer – Navroza Ladha

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| Proposed EC Regulation to replace Directive 91/414/EEC the on authorisation and marketing of pesticides | |
| Current status (UNCHANGED FROM LAST BOARD UPDATE): 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. The Council endorsed the agreement on 24 September. | |
| Lead Department HSE contact | DEFRA (Policy Lead) HSE (UK Competent Authority) 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 |

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| 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. The Council endorsed the agreement on 24 September. | |
| Lead Department HSE contact | DEFRA (Policy Lead) HSE (UK Competent Authority) 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 |

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| Proposed EC Regulation on pesticide statistics | |
| Current status (NEW DEVELOPMENTS): The proposed European Regulation will require Member States to collect data on pesticides sales and use. The data will populate models developed under an associated European 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. The Swedish Presidency is now taking forward a 'light touch' conciliation procedure to seek Council agreement to second reading amendments. It is anticipated that the Regulation will be agreed with the EP at a conciliation meeting on 4 November, with the aim of formal adoption at the Agriculture Council on 19-20 November. | |
| Lead Department HSE contact | DEFRA (Policy Lead) HSE (UK Competent Authority) 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 |

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| 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. | |
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| Proposed amendment of the Machinery Directive (2006/42/EC) | |
| Current status (NEW DEVELOPMENTS): 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 2009. The Council endorsed the agreement on 24 September 2009. European Commission guidance on this issue will be drafted during 2010. | |
| 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 Regulation on Type Approval of Agricultural Vehicles (Replacement for Directive 2003/37/EC)

Current status (UNCHANGED FROM LAST BOARD UPDATE):

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

Lead Department
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Proposed amendment of 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 (UNCHANGED FROM LAST BOARD UPDATE):

This proposal would amend the existing Directive relating to external power take-off (PTO) controls, allowing hold-to-run control for the first 3 seconds, after which full activation of the PTO could occur. HSE 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 inconsistent with the current limitations placed on external hydraulic controls already contained in the Directive. A comitology committee has subsequently approved the draft-amending directive and it will now be subject to regulatory procedure with scrutiny in the Council and the European Parliament.

Lead Department
HSE contact

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UNDER IMPLEMENTATION:

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| 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 (98/8/EC) came into force | |
| Current status (UNCHANGED FROM LAST BOARD UPDATE): Member States are required to transpose the Directive by 14 May 2010. The Board approved plans to consult stakeholders on proposals to implement the Directive at its 26 August 2009 meeting. The consultation began on 1 September 2009 and will continue until 23 November, with a view to the implementing regulations coming into force on the 6 April 2010. Regulations will also be needed in Northern Ireland. | |
| 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 |

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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 are 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 7556 3553, graham.collins@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean |

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| Artificial Optical Radiation Directive (2006/25/EC) | |
| Current status (UNCHANGED FROM LAST BOARD UPDATE): Member States are required to transpose the Directive by 27 April 2010. The Board agreed a transposition strategy at its 23 June 2009 meeting. | |
| 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 |

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

Current status (NEW DEVELOPMENTS):

This European Regulation came into force on 1 June 2007. At European level, the UK is working with other Member States, the European Commission (EC) 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:

- We have seen significant progress in dialogue with the EC on its proposed redraft of Annex II of the REACH Regulation, relating to the content of Safety Data Sheets (SDS). The EC hopes to have an agreed text in force early in 2010, to give industry and other stakeholders sufficient time to implement appropriate changes before legal duties apply in mid-2010. Because this Annex mainly implements classification, labelling and packaging requirements, HSE officials will represent the UK at the comitology committee meeting on 9th November. There is however a major obstacle to adoption. REACH explicitly requires that 'registration numbers' be included in the SDS – this has unforeseen consequences regarding business confidentiality, and workability of the regime as a whole. The EC has proposed a complex solution however Member States are strongly divided on the issue. A likely outcome is that the vote will not be held, as there is no certainty of adoption – in which case we expect the EC to hold off for a second round of comitology in December 2009 or January 2010.
- At the same comitology meeting, REACH Annex XVII will be amended to incorporate newly introduced restrictions on dichloromethane, organo-stannic substances and lamp oils.
- Partner Expert Groups are being established by the European Chemicals Agency to further develop the guidance on REACH. UK officials are playing roles in several, e.g. on producing guidance relating to 'substances in articles' (key to application of REACH duties).
- We have achieved significant progress in resolving longstanding difficulties concerning the restriction of acrylamide, for which the UK was the Rapporteur for risk assessment and risk management under the Existing Substances Regulation (now subsumed into REACH). Industry, however, continues to fight the restriction with a strong likelihood that acrylamide manufacturers will seek to legally challenge a decision by the EC to press forward with the restriction.

Lead Department

DEFRA (Policy Lead) HSE (UK Competent Authority)

HSE contact

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| Decision on restrictions on marketing and use of dichloromethane (455/2009/EC) | |
| Current status (UNCHANGED FROM LAST BOARD UPDATE): The Decision was published in the Official Journal on 3 June 2009. HSE is currently looking at what legislative measures will be necessary in order for the UK to benefit from the permitted derogation for certain professional uses, and is in contact with manufacturers and producers of dichloromethane based paint-strippers about this. Any legislation would need to be in place by December 2010. | |
| Lead Department HSE contact | HSE SCS Lead – Steve Coldrick Policy Leads – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk Anthony Lees, Construction Division, 020 7556 2191. anthony.lees@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha |

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| EC Regulation on Classification, Labelling and Packaging of Substances and Mixtures (1272/2008) – 1st Adaptation to Technical Progress | |
| Current status (UNCHANGED FROM LAST BOARD UPDATE): The 1st Adaptation to Technical Progress (ATP) of European Commission’s (EC) Regulation on Classification, Labelling and Packaging was published in the Official Journal on 5 September 2009 as EC Regulation No. 790/2009. It will take legal effect in all Member States 20 days later. Duty holders will have to comply with the new substance classifications by 1 December 2010. 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. | |
| 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 |

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 consultation has ended on the draft GB regulations and after taking into account consultation responses, the final draft GB regulations should be ready by mid-November with final draft Northern Ireland Regulations following shortly afterwards. Discussions are occurring at Ministerial level as to whether Home Office or DWP Ministers should lay the regulations before parliament. The European Commission has started infringement proceedings against the UK for late implementation.

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| Lead Department | HSE |
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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.

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| Lead Department | BIS |
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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.

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| Lead Department | BIS |
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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
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Agency Workers Directive (2008/104/EC)**Current status (UNCHANGED FROM LAST BOARD UPDATE):**

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 was 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 changes to the Safety Representatives and Safety Committees Regulations 1977 and the Health and Safety (Consultation with Employees) Regulations 1996 regarding the provision of information to safety representatives regarding the employment of agency workers.

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