

Health and Safety Executive Board		Paper No: HSE/10/66	
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<b>Chief Executive's Report to the Board</b>			

## North Sea KP4 Inspections

1. OSD launched the three-year Ageing & Life Extension Inspection Programme, also known as Key Programme 4 (KP4), to the offshore industry at an industry briefing held in Aberdeen on 28 July 2010. The event was directed primarily at duty holder senior managers responsible for ensuring installation integrity and other stakeholders, including the trade associations and verification bodies. It received strong interest.
2. The briefing outlined:
  - the importance of managing deterioration due to ageing processes and the potential threat to asset integrity, particularly as over 50% of the UK offshore infrastructure is being operated beyond the original design life;
  - the need to focus on long-term management over the installation life cycle following the deficiencies in asset integrity management exposed by KP3 and the subsequent review ordered by the Secretary of State;
  - the importance of leadership and the need for collaboration between HSE and the industry to develop best practice and ensure continued safety offshore.
3. The event received considerable media coverage, including by BBC Scotland, the Daily Telegraph (in an article on Deepwater Horizon), Press and Journal and KP4 is publicised on various external websites, including those of Oil and Gas UK and IOSH. The overall response has been favourable: the importance of KP4 has been acknowledged by the offshore industry and it has received strong support from Oil and Gas UK. The inspection programme will commence in September 2010 and we will report back to the Board.

## Major Gas Release from Ninian Central Offshore Installation

4. Ninian Central is a large offshore gas & oil production platform situated in the Eastern Shetland basin and operated by Canadian Natural Resources (CNR). It also acts as a hub platform for adjacent fields to export oil and gas to the terminal on Shetland.
5. At approximately 9:30 pm on Wednesday 11th August a major gas release occurred. The installation was in the process of switching flares, a routine operation, when a valve that should have opened did not. This resulted in overpressurisation of the pipeline and causing a flange in the pipe-work system to part. Up to one tonne of highly flammable gas was released to the atmosphere before the valve was opened manually to control the release. There was no ignition of the gas, and subsequent muster of the 150 workers on board confirmed no injuries. However, had there been an ignition, this incident had the potential for a number of casualties and very serious damage to this strategically important offshore installation.

6. CNR informed HSE on Thursday 12 August, and inspectors from HSE's Offshore Division went to the installation the next day to commence an investigation. As a result, a Prohibition Notice was served on CNR, preventing the use of the section of the flare system that was overpressurised. The HSE investigation continues onshore.

### **Didcot Biomethane Project**

7. HSE has given the go-ahead for Great Britain's first operational biomethane plant to start injecting gas into the network in September 2010 at Didcot in Oxfordshire. HSE has worked closely with the project developers and the emerging biomethane sector to make sure that this new technology is safely enabled and that local gas consumers can benefit from locally produced gas manufactured from renewable sources. The biomethane production facility is a joint venture between Scotia Gas Networks and Thames Water and will deliver gas manufactured by the anaerobic digestion of sewage directly into the local distribution network. HSE has actively engaged with the gas industry, DECC, Ofgem and EU states to make sure that no adverse health and safety impact arises from the introduction of this novel source of gas.

8. Although the biomethane produced at Didcot may have an Oxygen content of up to 2% compared with the limit of 0.2% set by the Gas Safety (Management) Regulations (GSMR) HSE is satisfied that there is no increased risk to either gas consumers or the public. On 17 August 2010 HSE issued a GSMR exemption to Scotia Gas Networks to allow biomethane to be conveyed in a limited area around Didcot the biomethane plant. Although this project is the third biomethane-to-grid facility in GB to be granted a GSMR exemption it will be the first to become operational, with the other two scheduled to begin production in 2011.

### **Deepwater Horizon blow out incident in Gulf of Mexico**

9. HSE remains in contact with the US authorities and with BP to ensure that any emerging lessons of the Gulf of Mexico incident are rapidly assessed and, where appropriate, acted upon. Since July, the Energy and Climate Change Select Committee has initiated a short inquiry into the implications of the Gulf of Mexico oil spill on deepwater drilling in the UK. The Committee wants to find out about the safety and environmental regulation of oil and gas operations on the UK continental shelf – especially in the deepwater to the west of the Shetlands – and the potential positive and negative impacts of a moratorium on deepwater drilling. HSE are working with DECC and the Maritime and Coastguard Agency to provide a joint submission of written evidence. HSE has been asked to attend the Committee to give evidence towards the end of October.

### **Public Inquiry into Mid Staffordshire NHS Foundation Trust**

10. The Procedural Hearing was held on 20 July 2010. Richard Matthews QC represented HSE, with HSE staff also present. On 13 August HSE provided a provisional statement to the Inquiry in response to their request for information. This covered, as requested; a brief history of HSE and its responsibilities for the regulation of the Trust during and since the period covered by the inquiry (January 2005 to March 2009); a description of the relationship between HSE's responsibilities and those of other organisations; a summary of information HSE received about the Trust during and since the period covered by the inquiry, and; of actions taken, brief

details of reviews undertaken since March 2009 of HSE's performance of its responsibilities with regard to the Trust, and a summary of issues that HSE considers should be investigated by the inquiry. In this section HSE expressed the view that one of the most important outcomes from the Inquiry would be greater clarity for the health service and the public on the role of the regulators.

11. The inquiry has explained that HSE will be able to amend or supplement the provisional statement at a later stage and that in due course it may ask for a formal witness statement and for a representative to attend and give evidence.

12. The Inquiry is still in the evidence gathering stage. The oral hearings are likely to take place in October.

### **Recruitment of Frontline Staff**

13. A recruitment freeze for the Civil Service was announced, except for very limited exceptions, with effect from 24<sup>th</sup> May. DWP authorisations allow me, as Chief Executive, to authorise essential frontline recruitment, reporting to the Minister respectively at the end of each month on the appointments I have authorised. We have also established a system of control for managing internal deployment.

14. The main exception I have authorised so far has been to advertise 38 vacancies in our Hazardous Installations Directorate. These posts are in the field of management of process safety to prevent potentially catastrophic fires, explosions, or release of toxic substances which may cause multiple fatalities on site or to the public and/or severe disruption. The posts are funded by industry.

15. We anticipate that around 12 - 20 of the HID posts will be filled during the current operational year, partly because of more attractive private sector opportunities and partly because the recruitment controls include restrictions on the use of commercial advertising. The posts are currently advertised on the HSE website and Civil Service website at nil cost, and we are exploring the possibility of using other free media including relevant Trade Union websites.

16. Negative coverage of the recruitment of inspectors appeared in the Sun (Friday 6 August). This coverage quoted a figure of 52. In addition to the 38 advertised, 14 posts have recently been filled in HSE's Nuclear Directorate completing recruitment that began before the recruitment freeze and which is essential, not least in the context of civil nuclear new build. These posts are all cost-recoverable. I issued a response to this article on the 6<sup>th</sup> August.

17. Finally, I have authorised the recruitment of 24 trainee inspectors who will take up post in FOD in October 2010. The inspectors were recruited following an advertising campaign under the previous Government. We suspended any appointments until the new procedures for exceptional recruitment of frontline staff became clear and then scaled down the recruitment from the previously intended number of 48. 24 existing FOD inspectors will move to cost-recoverable posts in HID, thereby making these new posts cost neutral.

### **Plant Protection Products – Correction of a technical legal problem**

18. As the Board is aware, a technical legal problem was identified in relation to the approval of plant protection products which were made between April 2008 and

December 2009. The problem was one of formality rather than substance and had no health or safety implications. Once the problem was identified action was taken to correct the situation and the affected decisions were formally re-taken. An explanatory information note together with a list of all affected notices was published on the Chemicals Regulation Directorate website on 13 August 2010. It has not given rise to any difficulty or controversy.

**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 in July, 19 fatal accidents reported to HSE under RIDDOR were published to HSE's website; please see [Annex 2](#) for details.

### Significant Prosecutions for July 2010

- Five companies, [Total UK Ltd](#), [British Pipeline Agency Ltd \(BPA\)](#), [Hertfordshire Oil Storage Ltd \(HOSL\)](#), [TAV Engineering Ltd \(TAV\)](#) and [Motherwell Control Systems 2003 Ltd](#) were ordered to pay £9.5 million at St Albans Crown Court for their part in the 2005 fire and explosion at the Buncefield Oil Storage Depot, in Hertfordshire.
- [Express Park Construction Company Limited \(EPCC\) London and Oxford Architects Partnership](#) were fined a total of £195,000 at Bristol Crown Court following a fatality on the site.
- [Global Logistics Company Exel Europe Ltd and Imperial Tobacco Ltd](#) were fined a total of £160,000 at Nottingham Crown Court after a man was killed when he was crushed by a rolling lorry in Nottingham.
- [Comet Group plc](#) was fined £75,000 and was also ordered to pay £24,446 in costs following the death of a contractor who fell through a roof light at its Wrexham store.
- [TS \(UK\) Ltd](#) was fined £140,000 at Manchester Crown Court after a Portuguese cleaner was crushed to death by a pallet of bags weighing nearly one and a half tonnes.
- [Pearn Wyatt & Son](#) was fined £21,000 with £54,000 costs after a 24-year-old agriculture worker was crushed to death on a farm in Norfolk.

- A quarry operator, [Humberside Aggregates and Excavations Ltd](#) was fined £30,000 and also ordered to pay £10,590 in costs at Beverly Magistrates Court after a 30-tonne wheel loader vehicle overturned and slid almost 16ft down a sand stockpile.

### **Myth of the month August 2010 - Health and safety bans bunting**

The truth is there are no regulations banning people from hanging bunting at weddings and village fetes or flying flags for sporting events.

### **FOI Requests made to HSE**

There were 496 FOI requests in July 2010.

### **Events, Campaigns and Publications in July 2010**

The Safety and Health Awareness Day (SHAD) event was held in Newmarket. Around 300 farmers across Cambridgeshire and Suffolk attended the free event which was aimed at helping reduce the number of deaths and injuries in agriculture.

### **HSE targets ageing offshore installations with new inspection programme**

A new inspection programme of offshore oil and gas installations on the UK continental shelf is underway to ensure that ageing infrastructure does not adversely affect safety. HSE's Head of Offshore Safety launched the programme at a seminar for senior industry managers, unions and policy makers in Aberdeen.

### **Parliamentary Business**

There were 29 PQs in July 2010.

## In-year work-related deaths reported to HSE

The following table is an extract of all 2010/11 work-related deaths notified to HSE since the last update to the Board on 28 July 2010. It is taken from the latest "Names and details of fatalities" update published on HSE's website on 20/08/2010.

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
05/04/2010	Linda Weir	58	The deceased died after falling from an all-terrain vehicle.	Dumfries	Dumfries & Galloway UA	9058	Agriculture	Farming of sheep, goats, horses, asses, mules and hinnies	01220	Self employed
27/04/2010	Richard Aled Jones	41	The deceased was found in the cab of his heavy goods vehicle	Kidderminster	Malvern Hills	1860	Agriculture	Farming of cattle, dairy farming	01210	Employee
07/05/2010	Garry Millar	19	The deceased was trapped by a vehicle	Cumbria	Carlisle	0915	Construction	Construction	45210	Employee
02/06/2010	Mary Cook	56	The deceased was struck by a vehicle	Cumbria	South Lakeland	0930	Service	General (overall) public service activities	75110	Member of the public
03/06/2010	Danny Bacon	27	The deceased was crushed by a vehicle	Essex	Colchester	1530	Service	Wholesale of metals and metal ores	51520	Employed by other
03/06/2010	Jack Simpson	10	The deceased was crushed by a vehicle	North Yorkshire	Richmondshire	2720	Agriculture	Growing of crops combined with farming of animals (mixed farming)	01300	Member of the public
04/06/2010	Richard Morant	46	The deceased was trapped underneath a vehicle	Norfolk	North Norfolk	2620	Service	Renting of buses and coaches	60231	Employed by other
06/06/2010	Richard Barrett	55	The deceased was struck by a vehicle	Hampshire	Winchester	1765	Service	Development and selling of real estate	70110	Member of the public
09/06/2010	Paul Willett	50	The deceased died from suspected electrocution	Essex	Tendring	1560	Construction	Construction of civil engineering constructions	45213	Employee
16/06/2010	Edward Fitzgerald	26	The deceased was crushed by a vehicle	Lancashire	Wyre	2370	Construction	Construction of commercial buildings	45211	Employee
16/06/2010	David Roberts	26	The deceased was struck by a falling object	Sheffield	Sheffield	4420	Manufacturing	Manufacture of engines and turbines except aircraft, vehicle and cycle engines	29110	Employee
16/06/2010	Gavin Bedford	24	The deceased was struck by a falling object	Rhondda Cynon Taff	Vale of Glamorgan UA	6950	Manufacturing	Production of mineral waters and soft drinks	15980	Employee
18/06/2010	Martyn Massie	23	The deceased was fatally injured in an explosion	Aberdeenshire	Aberdeenshire UA	9052	Service	Maintenance and repair of motor vehicles	50200	Employee
21/06/2010	Krzysztof Stopka	38	The deceased fell from height	Wiltshire	Wiltshire UA	3940	Construction	Construction of civil engineering constructions	45213	Employee
23/06/2010	Peter Brown	38	The deceased died when he became trapped between machinery and an overhead structure	Northamptonshire	Derbyshire Dales	1045	Construction	Floor and wall covering	45430	Employee
24/06/2010	Ryan Gregg	18	The deceased died after his work vehicle was struck by a heavy goods vehicle	Yorkshire	Richmondshire	2720	Construction	Construction of highways, roads, airfields and sport facilities	45230	Employee
26/06/2010	Keith Gallier	71	The deceased died after a fall	Shrewsbury	Shropshire UA	3250	Service	Public sector hospital activities including NHS trusts	85111	Member of the public
28/06/2010	Semelia Campbell	6	The deceased died after becoming trapped by an automated gate	Manchester	Salford	4230	Construction	Construction	45210	Member of the public
29/06/2010	Robert Greenacre	24	The deceased died following a release of hot oil and a fire	Immingham	Renfrewshire UA	9075	Manufacturing	Manufacture of metal structures and parts of structures	28110	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.

**AUGUST 2010 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](mailto:stephen.taylor@hse.gsi.ov.uk))

**SOCIAL DIALOGUE:****EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:**

<b>Social partners' consultation on environmental tobacco smoke</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The European Commission is considering whether there is a need for an initiative on protecting workers from environmental tobacco smoke. It consulted the social partners in 2008, with a further consultation due at a later date. The Department of Health is leading on this with support from HSE.	
<b>Lead Department</b> <b>HSE contact</b>	<b>DH</b> HSE SCS Lead – Peter Brown HSE Policy Lead – Marion Evans, Work Environment, Radiation and Gas Division, 01511 951 4423, <a href="mailto:marion.evans@hse.gsi.gov.uk">marion.evans@hse.gsi.gov.uk</a> HSE SCS Lawyer – Navroza Ladha

<b>Social partners' consultation on amending European OSH Directives to align them with the EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The old European scheme for the classification of chemicals will be fully replaced by the new European Regulation on the classification, labelling and packaging (CLP) of substances and mixtures by 2015. A number of health and safety directives that classify chemicals according to the requirements of the old scheme need aligning with the CLP Regulation. As these directives deal with health and safety requirements, the Commission is required to consult the social partners on its plans. The first-stage of social dialogue occurred at the end of 2009 (with HSE providing a 'position statement' to the social partners) and a second-stage is due in the near future. The Commission is also conducting an impact assessment of its plans to amend the directives.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Navroza Ladha

<b>Draft social partners' agreement on the prevention of health risks in the hairdressing sector</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The European social partners covering the hairdressing profession are currently negotiating a draft agreement on the prevention of health risks in their sector. The social partners have asked that any finalised agreement be submitted to the Council for a decision. The European Commission has informed the social partners that three tests will need to be satisfied before it does this for any future agreement. These concern the following; the text must be compatible with existing EU legislation, the representativeness of the social partner organisations must be confirmed, and there should be consideration on whether the self-employed need to be covered. HSE is monitoring the situation.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Marcia Davies Policy Lead – Cameron Adam, Operational Strategy Division, 0141 275 3096, <a href="mailto:cameron.adam@hse.gsi.gov.uk">cameron.adam@hse.gsi.gov.uk</a> SCS Lawyer – Navroza Ladha

**PRE-PROPOSAL STAGE:****EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:**

<b>Proposed recast of the Manual Handling (90/269/EEC) and Display Screen Equipment (90/270/EEC) Directives</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The European Commission is working on recasting the Manual Handling and Display Screen Equipment Directives into a new directive on work-related musculoskeletal disorders. It is going to undertake a further impact assessment of the issues involved with a proposal currently scheduled for 2011.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Peter Brown Policy Lead – Peter Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, <a href="mailto:peter.lennon@hse.gsi.gov.uk">peter.lennon@hse.gsi.gov.uk</a> SCS Lawyer – Abigail Dean

<b>Proposed amendment of Electromagnetic Fields Directive (2004/40/EC)</b>	
<b>Current status (NEW DEVELOPMENTS):</b> The European Commission (EC) is drafting a legislative proposal for publication later this year. An accompanying impact assessment is also being drafted, which will be scrutinised by the EC's Impact Assessment Board in September. The EC's Advisory Committee on Safety and Health at Work will also be asked for an opinion on the draft proposal before its publication (HSE will vote as the UK representative on the Committee).	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Peter Brown Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909, <a href="mailto:matthew.penrose@hse.gsi.gov.uk">matthew.penrose@hse.gsi.gov.uk</a> SCS Lawyer – Navroza Ladha

<b>Proposed amendment of Carcinogens and Mutagens Directive (2004/37/EC)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The European Commission has engaged a contractor to undertake an impact assessment to help decide the next steps for the directive.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Navroza Ladha

<b>Proposed European Regulation to require member states to collect and provide health and safety statistics under the European Regulation on Community statistics on public health and health and safety at work (1338/2008)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The European Commission (EC) is developing proposals for an implementing regulation that will set out the exact nature of the data on accidents at work that member states must provide under the European statistical framework regulation introduced in 2008. The EC anticipates that its proposal will be approved by the European Statistical System Committee (on which the Office for National Statistics represents the UK) in November 2010, which will allow the EC to adopt the proposed measures in March 2011.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – David Riley Policy Lead – Simon Warne, Chief Scientific Adviser's Group, 0151 951 3335, <a href="mailto:simon.warne@hse.gsi.gov.uk">simon.warne@hse.gsi.gov.uk</a> SCS Lawyer – Navroza Ladha

**ENVIRONMENT DOSSIERS:**

<b>Proposed revision of Seveso II Directive (96/82/EC)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The European Commission is looking at revising the Seveso II Directive to bring it into line with the European Regulation on classification, labelling and packaging of substances and mixtures and to make other technical changes. A legislative proposal is currently anticipated towards the end of 2010.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Peter Baker Policy Lead – Sandra Ashcroft, Chemicals Industries Division, 0151 951 3531, <a href="mailto:sandra.ashcroft@hse.gsi.gov.uk">sandra.ashcroft@hse.gsi.gov.uk</a> SCS Lawyer – Navroza Ladha

**EURATOM DOSSIERS:**

<b>Proposed recast of Basic Safety Standards Directive (96/29/EURATOM)</b>	
<b>Current status (NEW DEVELOPMENTS):</b> The European Commission (EC) is currently working on a draft legislative proposal to recast the directive. The accompanying <b>draft impact assessment is likely to be scrutinised by the EC's Impact Assessment Board in November</b> . A legislative proposal is not likely until 2011. In the UK, three stakeholder-working groups on occupational, medical, and public and environmental exposures are helping with an impact assessment to inform the UK position.	
<b>Lead Department</b> <b>HSE contact</b>	<b>DECC</b> HSE SCS Lead – Peter Brown

	Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909, <a href="mailto:matthew.penrose@hse.gsi.gov.uk">matthew.penrose@hse.gsi.gov.uk</a> HSE SCS Lawyer – Abigail Dean
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<b>Proposed Directive on Radioactive Waste Management</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The European Commission is developing a draft proposal for a directive on radiation waste and spent fuel. A legislative proposal is currently anticipated in late 2010.	
<b>Lead Department</b>	<b>DECC</b>
<b>HSE contact</b>	HSE SCS Lead – Les Philpott HSE Policy Lead – Graham Collins, Nuclear Directorate, 020 7556 3553, <a href="mailto:graham.collins@hse.gsi.gov.uk">graham.collins@hse.gsi.gov.uk</a> HSE SCS Lawyer – Abigail Dean

### **ENTERPRISE AND INDUSTRY DOSSIERS:**

<b>Proposed simplification of Pressure Equipment Directives</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The European Commission plans to conduct a future review of the directive, with no decision taken yet on the timing.	
<b>Lead Department</b>	<b>BIS</b>
<b>HSE contact</b>	HSE SCS Lead – Marcia Davies HSE Policy Lead – David Bosworth, Operational Strategy Division, 0151 951 4778, <a href="mailto:david.bosworth@hse.gsi.gov.uk">david.bosworth@hse.gsi.gov.uk</a> HSE SCS Lawyer – Abigail Dean

<b>Proposed modification of New Approach Directives in line with the EC Regulation on Accreditation and Market Surveillance</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The European Commission is currently drawing up 10 separate amending directives to bring a number of supply directives into line with the European Regulation on Accreditation and Market Surveillance and an accompanying Decision. It had hoped to have a single “Omnibus Directive” to cover all 10 Directives, however, this was not possible so separate amending directives will be processed but as a single package. Work has started on draft proposals with them currently out for comment. The directives being amended that are HSE’s responsibility to enforce include explosives for civil use, pressure equipment, lifts, low voltage and simple pressure vessels.	
<b>Lead Department</b>	<b>BIS</b>
<b>HSE contact</b>	HSE SCS Lead – Marcia Davies HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, <a href="mailto:phil.papard@hse.gsi.gov.uk">phil.papard@hse.gsi.gov.uk</a> HSE SCS Lawyer – Abigail Dean

EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008) – 2 <sup>nd</sup> Adaptation to Technical Progress	
<p><b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b>  The European Commission is looking at amending the technical criteria in the European Regulation on classification, labelling and packaging of substances and mixtures to incorporate the changes agreed in the 3<sup>rd</sup> revised edition of the United Nation's Globally Harmonised System of classification and labelling of chemicals as well as making a few other minor technical amendments. A formal legislative proposal is not expected until late summer with a comitology committee vote possibly in October 2010.</p>	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Navroza Ladha

EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008) – Establishment of the UK competent authority	
<p><b>Current status (NEW DEVELOPMENTS):</b>  The UK is required, under European Regulation No. 1272/2008, to appoint a competent authority for proposals for harmonised classification and labelling of chemicals and to be responsible for the enforcement of the obligations set out in the Regulation. <b>HSE is looking at whether domestic regulations are required to establish the UK competent authority or whether this can be achieved by alternative means.</b></p>	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Navroza Ladha

**UNDER NEGOTIATION:****EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:**

<b>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</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The European Parliament's (EP) Women's Rights Committee has suggested a set of amendments to the proposal, including ones on health and safety, that the EP is expected to consider at a future plenary (this is to allow time for the Committee to work on its impact assessment of the amendments). HSE has worked with the Department for Business, Innovation and Skills to brief MEPs.	
<b>Lead Department</b>	<b>BIS</b>
<b>HSE contact</b>	HSE SCS Lead – Peter Brown HSE Policy Lead – Marion Evans, Work Environment, Radiation and Gas Division, 0151 951 4423, <a href="mailto:marion.evans@hse.gsi.gov.uk">marion.evans@hse.gsi.gov.uk</a> HSE SCS Lawyer – Abigail Dean

**ENVIRONMENT DOSSIERS:**

<b>Proposed EC Regulation concerning the placing on the market and use of biocidal products (replacing Directive 98/8/EC)</b>	
<b>Current status (NEW DEVELOPMENTS):</b> The European Commission has published a proposal for a European Regulation to replace the current Biocidal Products Directive. It identifies five policy areas for change: scope, product authorisation, data sharing, data requirements and fees. <b>Negotiations in the Council recommence in September after the summer break.</b> The European Parliament will have a first reading plenary vote in September. The Regulation will be directly applicable in member states and will not require transposition, although regulations may be required on enforcement and fees.	
<b>Lead Department</b>	<b>HSE</b>
<b>HSE contact</b>	SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Abigail Dean

<b>Proposed amendment of Annex I to the EC Regulation on the Export and Import of Dangerous Chemicals (689/2009)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> This proposal to add a further five substances to Annex I of the European Regulation on the Export and Import of Dangerous Chemicals and to amend several existing entries is to reflect the inclusion of these substances into existing pesticides controls. It was discussed at the Member States' Designated National Authorities meeting on 26 May, and subsequently the European Commission (EC) has sought a vote on the substances by the written procedure. The UK has asked the EC to defer the vote until the next meeting in October.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Abigail Dean

<b>Proposed amendment of the Biocidal Products Directive (98/8/EC) to include metofluthrin, carbon dioxide and spinosad in Annex I</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> Metofluthrin, carbon dioxide and spinosad were subject to positive votes at the May 2010 meeting of the Standing Committee for Biocidal Products and will now be included in Annex I of the Biocidal Products Directive (BPD). Annex I is a list of active substances with requirements agreed at European level for inclusion in biocidal products. When an active substance is listed it paves the way for biocidal products containing such active substances to be authorised for placing on the market. Following the vote, a Directive listing the active substances for inclusion under Annex I of the BPD will be published in the Official Journal and the member States will have to transpose it into national law. In GB and NI this is achieved by the simple use of an ambulatory reference inserted into the definition of the BPD in the relevant national implementing Regulations so that Annex I inclusion Directives are automatically transposed.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Abigail Dean

**Proposed amendment of the Biocidal Products Directive (98/8/EC) to include (Z,E)-Tetradeca-9,12-dienyl acetate, nonanoic acid, fenoxycarb and bifenthrin in Annex I**

**Current status (NEW DEVELOPMENTS):**

(Z,E)-Tetradeca-9,12-dienyl acetate, nonanoic acid, fenoxycarb and bifenthrin will be subject to votes at the 24 September 2010 meeting of the Standing Committee for Biocidal Products to agree whether they can be included in Annex I of the Biocidal Products Directive (BPD), and under what conditions. Annex I is a list of active substances with requirements agreed at European level for inclusion in biocidal products. When an active substance is listed it paves the way for biocidal products containing such active substances to be authorised for placing on the market. Following the vote, a Directive listing the active substances for inclusion under Annex I of the BPD will be published in the Official Journal and the member States will have to transpose it into national law. In GB and NI this is achieved by the simple use of an ambulatory reference inserted into the definition of the BPD in the relevant national implementing Regulations so that Annex I inclusion Directives are automatically transposed.

**Lead Department  
HSE contact**

**HSE**

SCS Lead – Kären Clayton

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SCS Lawyer – Abigail Dean

**ENTERPRISE AND INDUSTRY DOSSIERS**

**Proposed EC Regulation on Type Approval of Agricultural Vehicles (Replacement for Directive 2003/37/EC)**

**Current status (UNCHANGED FROM LAST BOARD UPDATE):**

This proposal would align agricultural vehicles in the same European regulatory framework as other vehicles. It would be a direct replacement for the current Type Approval Directive which came fully into force on 1 July 2009. We do not expect the proposal to significantly affect HSE's activities but we maintain a watching brief 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](mailto:tony.mitchell@hse.gsi.gov.uk)

HSE SCS Lawyer – Abigail Dean

**Proposed amendment of Directive 76/763/EEC (passenger seats for tractors) and Directive 2009/144/EC (components and characteristics of tractors) to include technical specifications for type approval**

**Current status (UNCHANGED FROM LAST BOARD UPDATE):**

This proposal would amend Directives 79/763/EEC and 2009/144/EC to include a European standard for the testing of roll-over protection and seat belt anchorages for passenger seats in tractors and use an existing directive for whole body vibration testing. The stated aim is to remove tractors from the requirements of the Machinery Directive. The UK voted against the European standard during its development as it did not contain a suitable test procedure. The directive for measuring seat vibration is also not a suitable test method to provide information on whole body vibration emission levels. However, it was given a favourable opinion by its comitology committee and is now subject to scrutiny by the Council and the European Parliament. The UK is writing to the Machinery Directive's administrative cooperation group about the proposal.

**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](mailto:tony.mitchell@hse.gsi.gov.uk)

HSE SCS Lawyer – Abigail Dean

**Proposed Directive codifying directives relating to the driver's seat on wheeled agricultural or forestry tractors**

**Current status (UNCHANGED FROM LAST BOARD UPDATE):**

The European Commission, in 2008, published a proposal to codify directives relating to the driver's seat on 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. However this codification has been put on hold while the comitology articles of Directive 2003/37/EC, where the proposal will get its comitology procedure from, are amended in line with the Lisbon Treaty as the current legal basis for those comitology articles cannot be applied to proposals that are agreed after 1 December 2009.

**Lead Department  
HSE contact**

**HSE**

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SCS Lawyer – Abigail Dean

**UNDER IMPLEMENTATION:****EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:**

<b>Artificial Optical Radiation Directive (2006/25/EC)</b>	
<b>Current status (NEW DEVELOPMENTS):</b> The Control of Artificial Optical Radiation at Work Regulations 2010 came into force in Great Britain on 27 April 2010. Transposition has also occurred in Northern Ireland through The Control of Artificial Optical Radiation at Work Regulations (Northern Ireland) 2010 <b>and in Gibraltar</b> . Transposition is still required for ships and fishing vessels.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Peter Brown Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909, <a href="mailto:matthew.penrose@hse.gsi.gov.uk">matthew.penrose@hse.gsi.gov.uk</a> SCS Lawyer – Navroza Ladha

<b>Directive establishing a 3<sup>rd</sup> List of Indicative Occupational Exposure Limit Values (2009/161/EU)</b>	
<b>Current status (NEW DEVELOPMENTS):</b> Member states are required to transpose the directive by 18 December 2011. <b>HSE will consult in spring 2011 on implementation in Great Britain</b> , which will be achieved through amendments to the HSE publication 'EH40 Workplace Exposure Limits'. Implementation is also required in Northern Ireland and Gibraltar.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Navroza Ladha

<b>Directive implementing the Framework Agreement on preventing injuries from sharp instruments in the hospital and healthcare sector (2010/32/EU)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> Political agreement on a directive was reached at the Employment, Social Policy, Health and Consumer Affairs Council on 8 March 2010 with formal adoption at the Education and Youth Council on 11 May. Member states have until 11 May 2013 to transpose it.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Susan Mackenzie Policy Lead – Craig Bell, Specialised Industries Division, 0151 951 3325, <a href="mailto:craig.bell@hse.gsi.gov.uk">craig.bell@hse.gsi.gov.uk</a> SCS Lawyer – Navroza Ladha

**ENVIRONMENT DOSSIERS:**

<b>EC Regulation on Registration, Evaluation, Authorisation and Restriction of Chemical substances (REACH) (1907/2006)</b>	
<b>Current status (NEW DEVELOPMENTS):</b>	
This European Regulation came into force on 1 June 2007. Key recent developments include:	
<ul style="list-style-type: none"> <li>• HSE has met with DEFRA to discuss its expected consultation on measures to assure the continued management of the asbestos legacy under the new REACH restrictions system. We are expecting publication of the consultation document within the next two months, following a recent European Commission decision that REACH should not apply to buildings.</li> <li>• HSE is planning for measures to enact a permitted derogation from the new EU restriction on use of paint-strippers containing dichloromethane. Industry has agreed to consider developing the necessary certified (or other quality-assured) training scheme. Amendment of the UK REACH Enforcement Regulations 2008 will be required.</li> <li>• <b>Media interest in the substance Bisphenol A (BPA) has resurfaced, this time in relation to potential exposure to workers and the public through thermal paper (such as till receipts). Whilst not a REACH issue in itself, it is possible that REACH control measures may need to be considered in relation to BPA in the future, dependent upon sufficiently robust evidence that controls are necessary becoming available at European level (for instance as a result of REACH registration of BPA) or elsewhere.</b></li> </ul>	
<b>Lead Department</b>	<b>DEFRA (Policy Lead) HSE (UK Competent Authority)</b>
<b>HSE contact</b>	HSE SCS Lead – Kären Clayton HSE Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> HSE SCS Lawyer – Navroza Ladha

<b>EU Regulation (196/2010) amending Annex I to the EC Regulation on the Export and Import of Dangerous Chemicals (689/2009)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b>	
This European Commission Regulation, which adds a number of chemical substances to Annex I of the European Regulation on the Export and Import of Dangerous Chemicals and amends some existing entries, came into force on 30 March 2010. Its application has been deferred until 1 May 2010 to allow sufficient time for member states and industry to take the necessary measures to comply with its provisions.	
<b>Lead Department</b>	<b>HSE</b>
<b>HSE contact</b>	SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Navroza Ladha

**HEALTH AND CONSUMERS DOSSIERS:**

EC Regulation (1107/2009) concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC	
Current status ( <b>UNCHANGED FROM LAST BOARD UPDATE</b> ): <b>This European Regulation replaces and updates the European Union's authorisation regime for pesticides. It 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. It will take effect from 14 June 2011. A programme of work is in progress to develop the necessary implementation measures.</b>	
<b>Lead Department</b> <b>HSE contact</b>	<b>DEFRA (Policy Lead) HSE (UK Competent Authority)</b> HSE SCS Lead – Dave Bench HSE Policy Lead – Mark Hawkins, Chemicals Regulation Directorate, 01904 455 759, <a href="mailto:mark.hawkins@hse.gsi.gov.uk">mark.hawkins@hse.gsi.gov.uk</a> HSE SCS Lawyer – Abigail Dean

Directive on the sustainable use of pesticides (2009/128/EC)	
Current status ( <b>UNCHANGED FROM LAST BOARD UPDATE</b> ): <b>This directive introduces substantive new legislation on the use of pesticides. It requires member states to develop national action plans to reduce the risk associated with the use of pesticides and dependency on these chemicals. It lists a number of measures that will populate the plans, including: 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. There are a variety of implementation dates for the provisions contained within the directive however, the legislation and administrative procedures necessary to ensure compliance must be in place by 14 December 2011. A programme of work is in progress to develop the necessary implementation measures.</b>	
<b>Lead Department</b> <b>HSE contact</b>	<b>DEFRA (Policy Lead) HSE (UK Competent Authority)</b> HSE SCS Lead – Dave Bench HSE Policy Lead – Adrian Dixon, Chemicals Regulation Directorate, 01904 455 701, <a href="mailto:adrian.dixon@hse.gsi.gov.uk">adrian.dixon@hse.gsi.gov.uk</a> HSE SCS Lawyer – Abigail Dean

EC Regulation on pesticide statistics (1185/2009)	
Current status ( <b>UNCHANGED FROM LAST BOARD UPDATE</b> ): This European Regulation requires 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. It will apply to sales of products in the 2011 calendar year and use of products in yet-to-be determined reference years in 2012-2016. A programme of work is in progress to develop the necessary implementation measures.	
Lead Department HSE contact	<b>DEFRA (Policy Lead) HSE (UK Competent Authority)</b> HSE SCS Lead – Dave Bench HSE Policy Lead – Julie Howarth, Chemicals Regulation Directorate, 01904 455 737, <a href="mailto:julie.howarth@hse.gsi.gov.uk">julie.howarth@hse.gsi.gov.uk</a> HSE SCS Lawyer – Abigail Dean

### **EURATOM DOSSIER:**

Directive Establishing a Community Framework for the Nuclear Safety of Nuclear Installations (2009/71/EURATOM)	
Current status ( <b>UNCHANGED FROM LAST BOARD UPDATE</b> ): 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	<b>DECC (Policy Lead) HSE (UK Competent Authority)</b> HSE SCS Lead – Les Philpott HSE Policy Lead – Graham Collins, Nuclear Directorate, 020 7556 3553, <a href="mailto:graham.collins@hse.gsi.gov.uk">graham.collins@hse.gsi.gov.uk</a> HSE SCS Lawyer – Abigail Dean

### **INDUSTRY AND ENTERPRISE DOSSIERS:**

Services Directive (2006/123/EC)	
Current status ( <b>NEW DEVELOPMENTS</b> ): The Provisions of Services Regulations 2009 came into force on 28 December 2009 and apply UK-wide. Health and safety law relating to the protection of employees/self-employed is not within scope of the directive however, that relating to the protection of the public is. A screening exercise was undertaken by HSE in March 2010 to determine which of our regulations/authorisation schemes were deemed to fall within the scope of the Directive. <b>The SMT considered the outcome of this exercise at its meeting on 7 July and agreed to press ahead with work this year on compliance.</b>	
Lead Department HSE contact	<b>BIS</b> HSE SCS Lead – Clive Fleming HSE Policy Lead – Kevin Walkin, Strategic Interventions Division, 020 7227 3831, <a href="mailto:kevin.walkin@hse.gsi.gov.uk">kevin.walkin@hse.gsi.gov.uk</a> HSE SCS Lawyer – Navroza Ladha

<b>Machinery Directive amendment (2009/127/EC)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> Member states are required to transpose the directive, which introduced a limited number of environmental protection requirements for pesticides application machinery, by 15 June 2011. The Department for Business, Innovation and Skills is currently working on draft amendments to the Supply of Machinery (Safety) Regulations 2008. European Commission guidance on these requirements will be drafted in the latter half of 2010. An editorial board is expected to be set up in the early autumn.	
<b>Lead Department</b> <b>HSE contact</b>	<b>BIS</b> HSE SCS Lead – Marcia Davies HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, <a href="mailto:phil.papard@hse.gsi.gov.uk">phil.papard@hse.gsi.gov.uk</a> HSE SCS Lawyer – Abigail Dean
<b>EC Regulation on Accreditation and Market Surveillance (RAMS) (765/2008)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> This European Regulation applied from 1 January 2010 and sets accreditation and market surveillance obligations relating to the marketing of products in the European Union. 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. HSE has agreed that POMSTER should be included as relevant legislation. Draft UK Regulations giving HSE and other inspectors extra powers are being developed by BIS.	
<b>Lead Department</b> <b>HSE contact</b>	<b>BIS</b> HSE SCS Lead – Marcia Davies HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, <a href="mailto:phil.papard@hse.gsi.gov.uk">phil.papard@hse.gsi.gov.uk</a> HSE SCS Lawyer – Abigail Dean
<b>EC Regulation on Mutual Recognition of Goods in the European Union (764/2008)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> This European Regulation applied from 13 May 2009 and 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. 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.	
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Directive relating the driver-perceived noise level of wheeled agricultural or forestry tractors (2009/76/EC)	
<b>Current status (NEW DEVELOPMENTS):</b> This codified directive applied from 1 January 2010. <b>Transposition in the UK occurred through the Motor Cycles etc. and Tractors etc. (EC Type Approval) (Amendment) Regulations 2009.</b>	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Marcia Davies Policy Lead – Tony Mitchell, Operational Strategy Division, 01604 73 8321, <a href="mailto:tony.mitchell@hse.gsi.gov.uk">tony.mitchell@hse.gsi.gov.uk</a> SCS Lawyer – Abigail Dean

Directive (2010/22/EU) adapting a number of directives, including Directive 86/415/EEC (Installation, location and operation of the controls of agricultural tractors), to technical progress	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> This directive amends Directive 86/415/EEC relating to external power take-off (PTO) controls of agricultural tractors, allowing hold-to-run control for the first 3 seconds, after which full activation of the PTO can occur. The UK will have until 30 April 2011 to transpose the directive.	
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EC Regulation on Classification, Labelling and Packaging of Substances and Mixtures (1272/2008) – 1 <sup>st</sup> Adaptation to Technical Progress	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The 1 <sup>st</sup> Adaptation to Technical Progress (ATP) of European Regulation on classification, labelling and packaging was published in the Official Journal on 5 September 2009 as European Commission Regulation No. 790/2009. Duty holders have to comply with the new substance classifications by 1 December 2010. This ATP incorporated the then proposed 30 <sup>th</sup> and 31 <sup>st</sup> ATPs to the Dangerous Substances Directive. 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 30 <sup>th</sup> 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 2009, Rio Tinto joined the action initiated by ETIME. Rio Tinto is opposed to the re-classification of borate substances. Both cases have now been referred to the ECJ and will come up for hearings in due course.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Navroza Ladha

**TRANSPORT DOSSIER:**

<b>Directive on investigation of accidents in the maritime transport sector (2009/18/EC)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b>	
This directive on the investigation of marine accidents requires the Marine Accident Investigation Branch (MAIB) to undertake a ‘no blame’ investigation into all serious marine casualties and incidents. MAIB are interpreting this to require it to investigate serious accidents involving shore-based workers on board a ship – such accidents have previously been left to HSE. MAIB are currently developing draft implementing regulations and will invite comment from HSE.	
<b>Lead Department</b>	<b>DfT (MAIB)</b>
<b>HSE contact</b>	HSE SCS Lead – Marcia Davies HSE Policy Lead – Christine Barringer, Operational Strategy Division, 01342 334261, <a href="mailto:christine.barringer@hse.gsi.gov.uk">christine.barringer@hse.gsi.gov.uk</a> HSE SCS Lawyer – Abigail Dean