

Health and Safety Executive Board		Paper No: HSE/10/78	
Meeting Date:	27 October 2010	FOI Status:	Open
Type of paper:	Above the line	Exemptions:	None
Trim reference:	2010/527963		
Chief Executive's Report to the Board			

Deepwater Horizon blow out incident in Gulf of Mexico

1. The first deepwater well to be drilled on the UK continental shelf since Deepwater Horizon, the Lagavulin well, started this month following DECC Ministerial consent. HSE had scrutinised Chevron's well design beforehand and conducted an inspection of the well control facilities and other safety critical elements on the Stena Carron drillship before it left port (where the vessel was subject to Greenpeace activist action). The vessel already had an accepted Safety Case and a further inspection, jointly with DECC environmental inspectors, is planned during the drilling programme.

2. The European Commission has now published a communication entitled "Facing the challenge of the safety of offshore oil and gas activities". Although it has no binding status, this document gives a clear sight of the Commission's preferred direction for European offshore safety and environmental regulation. The tone of the Commission's document is that they view the UK offshore safety regulatory system as a benchmark which they wish others in Europe to meet. We are considering this document with DECC, and preparing for negotiations on the legislative proposals which the Commission will be putting forward over the next few months.

Update on the Public Inquiry into Mid Staffordshire NHS Foundation Trust

3. The Public Inquiry has announced that the hearings will begin on 8th November with opening statements (from the chairman and core participants). The Inquiry will begin to hear evidence in the week commencing 15th November. The hearings are likely to last for some months. The Inquiry has published a detailed Protocol but they have yet to indicate which witnesses they intend to call.

4. HSE has now completed its Desktop Review, concluding no Policy and Procedure Review or Prior Role Inquiry is required. The Review has been sent to the Inquiry.

Boundary Hall Public Inquiry

5. The planning inquiry into the redevelopment of land for mixed use, adjacent to the Atomic Weapons Establishment at Aldermaston, commenced on 12th October 2010 at Basingstoke Council offices.

6. The HSE case is based on implementation of the Radiation (Emergency Preparedness and Public Information) Regulations 2001, and the Government's long-standing nuclear siting policy.

7. The original planning inquiry was due to last eight days with the Planning Inspector giving his recommendations to the Secretary of State by December 2010, with the expectation that the SoS would report in early 2011. However, at the end of the first week the Planning Inspector has decided that the inquiry would not complete in two weeks. Further dates of 15 to 19 November 2010 have been agreed.

HSE wins prestigious PR Week Awards for the “Make the Promise” campaign

8. HSE's 'Make the Promise: Come Home Safe' initiative picked up two prizes at the PR Week awards. It won the award for the Public Sector PR Campaign of the Year, before going on to win the prestigious Campaign of the Year award, which is given to the best public relations project across private, public and third sectors in the last 12 months. The awards were collected by Sandy Blair.

9. The PRWeek Awards are widely accepted by the communications sector to be the equivalent of the film industry's 'Oscars'. The awards are entered by hundreds of in-house and consultancy public relations teams, and judging is carried out by senior communications professionals from across the private and public sector. The awards are awarded on evidence of creativity, delivery against specified objectives, and understanding of the target audience - as well as an appreciation of the role of PR in the wider business or organisational strategy. In being named Campaign of the Year, HSE was recognised above several major private companies, government bodies and charities, including McDonalds, Cancer Research UK and the Department for Health.

Significant Prosecution: Enterprise Inns

10. Enterprise Inns plc were fined £300,000 plus costs following a fatal carbon monoxide poisoning in 2007. The pub company failed to undertake a gas safety check before a new tenant moved into a public house in Bootle, where the flue of a gas fire, having not been checked since 1979, was completely blocked. The investigation found that at the time of the incident 474 of Enterprise Inns' 868 pubs required a gas safety certificate and did not have one. The company were prosecuted for one charge covering all of these contraventions. The large fine also reflected the written warning the company had received in 2001 for failing to undertake gas safety checks.

11. The prosecution attracted a considerable amount of TV and newspaper coverage, including a large article in the Daily Mirror and USA safety publications.

Connaught and services provided to HSE

12. Although Connaught plc is in administration, Connaught Compliance Division continues to trade normally and HSE's services, Infoline, the Incident Contact Centre (ICC), and the Gas Safety Advice Line remain unaffected. We continue to be vigilant should this position change and our contingency plans can be implemented quickly to provide a basic, interim level of service.

Future of ICC and Infoline Services

13. The intention had been to re-tender ICC and Infoline services and a procurement exercise was started earlier this year. However, in response to the Government's stated commitment to review all public expenditure, HSE has taken

the decision to cancel the procurement tender exercise and develop an alternative, predominantly web-based delivery model instead. The twenty-three companies were notified of the cancellation of the procurement exercise on 7 October.

14. The contract for ICC services will finish by 31 March 2011 and for Infoline by 30 September 2011. HSE is now developing the new delivery model which will include new electronic notification forms available for customers to use via HSE's website from April next year.

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 September 18 fatal accidents reported to HSE under RIDDOR were published to HSE's website; please see [Annex 2](#) for details.

Significant Prosecutions for August 2010

- Business partners [Barry Godliman and Robert Watson](#) the principal contractors and [Windmill Demolition Company Ltd](#) a specialist subcontractor had fines totalling £30,000 at Manchester Crown Court following the death of a Salford worker, when he was struck by the excavator bucket on a digger.
- [Building Chemical Research \(1984\) Ltd \(BCR\)](#) and company director Stuart Reich, 62 were fined at total of £20,000 at Bolton Crown Court when an industrial mixing machine blade killed a former soldier.
- [Forship S.p.a, of Porto Vado Italy and Newhaven Port & Properties Limited](#) were fined a total of £185,000 at Croydon Crown Court for health and safety failings after a worker drowned at Newhaven Docks.
- [Walkers Snack Foods Ltd and chemical distributor Omnichem Ltd](#) were fined a total of £350,000 at Leicester Crown Court after a worker was killed by a cloud of toxic gas.
- [Autoy Ltd](#) was fined £17,500 and ordered to pay £12,251 costs at Preston Crown Court when an employee was found dead after becoming trapped in a lathe at Autoy Ltd's site on Castleton Road in Preston
- [Kier North West, part of the Kier group](#) was fined £160,000 at Liverpool Crown Court after a labourer fell to his death while building Premier League side Everton FC's new training academy.

- [Blue Anchor Leisure Ltd](#) was fined £15,000 the company was also ordered to pay £4,964 in costs at Doncaster Magistrates Court after a worker fell to his death in a hay barn near Doncaster.
- [Saint-Gobain Weber Ltd](#) was fined £16,000 with £3,560 in costs at Bedford and Mid-Bedfordshire Magistrates' Court after a worker's finger and thumb were severed as he tried to unblock machinery.
- [Talisman Energy \(UK\) Ltd and Scaldis Salvage and Marine Contractors B.V.](#) were fined a total of £243,750 at Aberdeen Sheriff Court when an offshore worker sustained serious injury during construction of the Beatrice Windfarm Turbine B.
- [West Ferry Printers Ltd and Meta Management Services Ltd {trading as Aktrion Media Support Services}](#) were fined £17,500 and ordered to pay costs of £4, 303 after a worker had to have his leg amputated when it became trapped in machinery.
- [Atulkulmar Ratilal Patel and Chetna Atulkulmar Patel](#) were fined a combined total of £6,500 and ordered to pay costs of £1,800 at Bristol Magistrates' Court for breaching gas safety regulations.
- [Master Concrete Limited](#) was fined £10,000 and ordered to pay costs of £18,923.25 at the City of London Magistrates' Court after a man was injured after falling more than four metres from a roof he was working on.

FOI Requests made to HSE

There were 569 FOI requests in September 2010.

Myth of the month: October 2010

If you run an office-based business, you need a health and safety consultant

The reality is; if you run a low-risk, office-based business then health and safety is something you can manage without needing to buy in expert help. After all, you know your business better than anyone else

Events, Campaigns and Publications in September 2010

New safety advice issued on electric gates

HSE's has reminded those in control of the maintenance of electric gates to regularly review their risk assessments, taking account of or any changes to the operating conditions or environment. The advice was issued following the recent deaths of two children involving these gates.

College hosts safety courses for horse industry

HSE, Bedfordshire and Hertfordshire local authorities hosted a one-day free advice on health and safety issues dedicated to equestrian businesses across Hertfordshire and Bedfordshire at Oaklands College in St Albans.

Over 30 delegates attended the sessions and were able to take part in a practical hazard-spotting exercise in a working stable yard to recognise the importance of identifying potential risks such as heavy lifting and driving all-terrain vehicles (ATVs) without protective headgear.

New agreement to improve health and safety on construction sites

On 17 September 2010, HSE and the Building Control Alliance (BCA) signed an agreement to work more closely in a bid to improve health and safety standards in the construction industry.

Parliamentary Business

There were 4 PQs in September 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 29 September 2010. It is taken from the latest "Names and details of fatalities" update published on HSE's website on 15 October 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
05/08/2010	Trevor Dixon	62	The deceased fell from height	Rotherham	Rotherham	4415	Construction	Installation of electrical wiring and fittings	45310	Self employed
05/08/2010	Anton Dochev	54	The deceased was struck by a falling object	London	City of Westminster	5990	Construction	Construction of commercial buildings	45211	Employee
06/08/2010	Ronald Stephenson	58	The deceased fell from height	Hull	East Riding	2001	Service	Window cleaning services	74702	Self employed
09/08/2010	Keith Ivison	57	The deceased was crushed between moving machinery	Shrewsbury	Shropshire UA	3250	Manufacturing	Manufacture of lifting and handling equipment	29220	Employee
09/08/2010	Brian Fletcher	66	The deceased was knocked over by cattle	Ludlow	Shropshire UA	3250	Agriculture	Agents involved in the sale of agricultural raw materials, live animals, etc	51110	Employee
10/08/2010	Peter Usher Wilson	56	The deceased was electrocuted	Haywards Heath	Mid Sussex	3830	Construction	Construction of commercial buildings	45210	Employee
10/08/2010	Roger Jary	79	The deceased fell from height	Welshpool	Powys UA	6850	Construction	Erection of roof covering and frames	45220	Self employed
12/08/2010	Malcolm Parvin	72	The deceased was struck by moving machinery	York	East Riding	2001	Agriculture	Growing of crops combined with farming of animals (mixed farming)	01300	Self employed
14/08/2010	Robert Park	60	The deceased was crushed by an overturning vehicle	Isle of Islay	Argyll & Bute UA	9054	Agriculture	Farming of cattle, dairy farming	01210	Employee
18/08/2010	Richard Pountney	38	The deceased was struck by a moving vehicle	Membury, Berkshire	West Berkshire UA	0340	Construction	Other building installation	45340	Employee
18/08/2010	Robert Dunroe	62	The deceased was trapped between his vehicle and a fixed object	Wirral	Wirral	4325	Manufacturing	Building and repairing of ships	35110	Employee
20/08/2010	Meirwen Caryl Davies	41	The deceased was struck by a falling object	Llanwrtyd Wells	Powys UA	6850	Agriculture	Farming of sheep, goats, horses, asses, mules and hinnies	01220	Self employed
21/08/2010	Amrick Singh Mann	55	The deceased fell from height	Southall	Ealing	5270	Construction	Construction of commercial buildings	45210	Self employed
22/08/2010	Qabil Amin	21	The deceased's work vehicle struck a stationary vehicle	Blackburn	Blackburn UA	2372	Service	Collection and treatment of other waste	90020	Employee
26/08/2010	Marcel Daisley	37	The deceased was crushed by an overturned vehicle	Leven	Fife UA	9066	Construction	Other construction work	45250	Employed by other
27/08/2010	May Ward	100	The deceased fell while being lifted	Bedford	Central Bedfordshire UA	0240	Service	Nursing home activities	85113	Member of the public
28/08/2010	Barry Shaw	53	The deceased was trapped between his moving vehicle and a stationary vehicle	Scunthorpe	North Lincolnshire	2003	Manufacturing	Manufacture of basic iron and steel	27100	Employed by other
31/08/2010	Margaret Wrathall	74	The deceased was knocked over by cattle	Northampton	Daventry	2810	Agriculture	Farming of cattle, dairy farming	01210	Self employed

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.

OCTOBER 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)

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

Social partners' consultation on environmental tobacco smoke	
Current status (UNCHANGED FROM LAST BOARD UPDATE): 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.	
Lead Department HSE contact	DH HSE SCS Lead – Peter Brown HSE Policy Lead – Marion Evans, Work Environment, Radiation and Gas Division, 01511 951 4423, marion.evans@hse.gsi.gov.uk HSE SCS Lawyer – Navroza Ladha
Amending European OSH Directives to align them with the EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): 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 European Commission (EC) 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 EC is also conducting an impact assessment of its plans to amend the directives.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

Draft social partners’ agreement on the prevention of health risks in the hairdressing sector	
Current status (UNCHANGED FROM LAST BOARD UPDATE): 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 (research on this should be ready at the end of 2010). HSE is monitoring the situation.	
Lead Department HSE contact	HSE SCS Lead – Marcia Davies Policy Lead – Cameron Adam, Operational Strategy Division, 0141 275 3096, cameron.adam@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

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

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

Amendment of Electromagnetic Fields Directive (2004/40/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) is drafting a legislative proposal for publication later this year. An accompanying draft impact assessment (IA) is currently under consideration by the EC's IA Board. The EC's Advisory Committee on Safety and Health at Work will also be asked for an opinion on the draft proposal before its formal publication.	
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 amendment of Carcinogens and Mutagens Directive (2004/37/EC)	
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.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

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)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): 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.	
Lead Department HSE contact	HSE SCS Lead – David Riley Policy Lead – Simon Warne, Chief Scientific Adviser’s Group, 0151 951 3335, simon.warne@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

ENVIRONMENT DOSSIERS:

Proposed revision of Seveso II Directive (96/82/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): 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 anticipated in early 2011.	
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

EURATOM DOSSIERS:

Proposed recast of Basic Safety Standards Directive (96/29/EURATOM)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) is currently working on a draft legislative proposal to recast the Directive. The accompanying draft impact assessment (IA) is likely to be scrutinised by the EC’s IA Board in November. 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 IA to inform the UK position.	
Lead Department HSE contact	DECC HSE SCS Lead – Peter Brown Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909, matthew.penrose@hse.gsi.gov.uk

HSE SCS Lawyer – Abigail Dean

Proposed Directive on Radioactive Waste Management	
Current status (UNCHANGED FROM LAST BOARD UPDATE): 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.	
Lead Department	DECC
HSE contact	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

ENTERPRISE AND INDUSTRY DOSSIERS:

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

Proposed modification of New Approach Directives in line with the EC Regulation on Accreditation and Market Surveillance	
Current status (UNCHANGED FROM LAST BOARD UPDATE): 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.	
Lead Department	BIS
HSE contact	HSE SCS Lead – Marcia Davies HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, phil.papard@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

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

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 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 its plenary on 18-21 October 2010. HSE has worked with the Department for Business, Innovation and Skills to brief MEPs.	
Lead Department HSE contact	BIS HSE SCS Lead – Peter Brown HSE Policy Lead – Marion Evans, Work Environment, Radiation and Gas Division, 0151 951 4423, marion.evans@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

ENVIRONMENT DOSSIERS:

Proposed EC Regulation concerning the placing on the market and use of biocidal products (replacing Directive 98/8/EC)	
Current status (NEW DEVELOPMENTS): 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. Negotiations in the Council recommenced in September, with the Presidency planning for political agreement in the Council in December. The European Parliament had its first reading plenary vote in September, where it considered 361 amendments. It is currently anticipated that the dossier may go to second reading. The Regulation will be directly applicable in member states and will not require transposition, although regulations may be required on enforcement and fees.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton 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 Annex I to the EC Regulation on the Export and Import of Dangerous Chemicals (689/2009)	
Current status (NEW DEVELOPMENTS): The European Commission (EC) has put forward two comitology proposals to add further substances to Annex I of the European Regulation on the Export and Import of Dangerous Chemicals and to amend several existing entries to reflect the inclusion of these substances into existing pesticides controls. The EC is planning to hold a voting meeting on its proposals on 20 October. Ministerial clearance will be sought for UK line.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton 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 the Biocidal Products Directive (98/8/EC) to include metofluthrin, carbon dioxide and spinosad in Annex I	
Current status (UNCHANGED FROM LAST BOARD UPDATE): 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.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton 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 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 were subject to positive votes at the 24 September 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.

**Lead Department
HSE contact**

HSE

SCS Lead – Kären Clayton
Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk
SCS Lawyer – Abigail Dean

ENTERPRISE AND INDUSTRY DOSSIERS

EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008) – Proposed 2nd Adaptation to Technical Progress

Current status (NEW DEVELOPMENTS):

The European Commission (EC) 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 3rd 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.

The EC plans to hold a comitology vote on a proposal on 18 October.

**Lead Department
HSE contact**

HSE

SCS Lead – Kären Clayton
Policy Lead – Robin Foster, Long latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk
SCS Lawyer – Navroza Ladha

Proposed EC Regulation on Type Approval of Agricultural Vehicles

Current status (UNCHANGED FROM LAST BOARD UPDATE):

The Commission has published a proposal to 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. The Department for Transport (DfT) is leading on the negotiation of this proposal for the UK. HSE is advising DfT on health and safety interests.

**Lead Department
HSE contact**

DfT

HSE SCS Lead – Marcia Davies
HSE Policy Lead – Tony Mitchell, Operational Strategy Division, 01604 73 8321, tony.mitchell@hse.gsi.gov.uk
HSE SCS Lawyer – Abigail Dean

Proposed 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 SCS Lead – Marcia Davies Policy Lead – Tony Mitchell, Operational Strategy Division, 01604 73 8321, tony.mitchell@hse.gsi.gov.uk SCS Lawyer – Abigail Dean

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

Artificial Optical Radiation Directive (2006/25/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): 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 and Gibraltar. Transposition is still required on ships and fishing vessels.	
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

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

Directive implementing the Framework Agreement on preventing injuries from sharp instruments in the hospital and healthcare sector (2010/32/EU)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): 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.	
Lead Department HSE contact	HSE SCS Lead – Susan Mackenzie Policy Lead – Craig Bell, Specialised Industries Division, 0151 951 3325, craig.bell@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

ENVIRONMENT DOSSIERS:

EC Regulation on Registration, Evaluation, Authorisation and Restriction of Chemical substances (REACH) (1907/2006)	
<p>Current status (NEW DEVELOPMENTS): This European Regulation came into force on 1 June 2007. Key recent developments include:</p> <ul style="list-style-type: none"> • HSE has met with the Department for Environment, Food and Rural Affairs (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 soon, following a recent European Commission decision that REACH should not apply to buildings. • 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. • The European Commission (EC) have brought forward proposals to add the first seven substances to the REACH 'authorisation' process (with a lead time of several years), and also to amend the list of substances subject to 'restriction', including the addition of the HSE-rapporteur substance acrylamide as a carry-over from the pre-REACH regime. Other annexes are also being amended, mostly for environmental concerns rather than occupational safety and health. DEFRA leads on all amendments to REACH. • The REACH Article 133 Committee has approved a number of amendments to REACH, including to Annex XVII to restrict the use of acrylamide. The UK was the rapporteur for the risk assessment of this substance under the then Existing Substances Regulation. 	
Lead Department HSE contact	DEFRA (Policy Lead) HSE (UK Competent Authority) HSE SCS Lead – Kären Clayton HSE Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk HSE 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	
<p>Current status (UNCHANGED FROM LAST BOARD UPDATE): 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.</p>	
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

Directive on the sustainable use of pesticides (2009/128/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): 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.	
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

EC Regulation on pesticide statistics (1185/2009)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): 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	DEFRA (Policy Lead) HSE (UK Competent Authority) HSE SCS Lead – Dave Bench HSE Policy Lead – Julie Howarth, Chemicals Regulation Directorate, 01904 455 737, julie.howarth@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

EURATOM DOSSIER:

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 have worked up a draft 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

INDUSTRY AND ENTERPRISE DOSSIERS:

Directive adapting certain tractor directives to technical progress (2010/52/EU)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): This Directive amends Directives 79/763/EEC (passenger seats for tractors) and 2009/144/EC (components and characteristics of tractors) to include a European standard for the testing of roll-over protection and seat belt anchorages for passenger seats in tractors and to use an existing directive for whole body vibration testing. The stated aim is to remove tractors from the requirements of the Machinery Directive. Member states are required to transpose the Directive by 1 March 2011.	
Lead Department	DfT
HSE contact	HSE SCS Lead – Marcia Davies HSE Policy Lead – Tony Mitchell, Operational Strategy Division, 01604 73 8321, tony.mitchell@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

Services Directive (2006/123/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): 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. The SMT has agreed to press ahead with work this year on compliance.	
Lead Department	BIS
HSE contact	HSE SCS Lead – Clive Fleming HSE Policy Lead – Kevin Walkin, Strategic Interventions Division, 020 7227 3831, kevin.walkin@hse.gsi.gov.uk HSE SCS Lawyer – Navroza Ladha

Machinery Directive amendment (2009/127/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): 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.	
Lead Department	BIS
HSE contact	HSE SCS Lead – Marcia Davies HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, phil.papard@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

EC Regulation on Accreditation and Market Surveillance (RAMS) (765/2008)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): 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. BIS is now drafting regulations to give these extra powers to inspectors of HSE and other relevant authorities.	
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

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

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	
Current status (UNCHANGED FROM LAST BOARD UPDATE): 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.	
Lead Department HSE contact	DfT HSE SCS Lead – Marcia Davies HSE Policy Lead – Tony Mitchell, Operational Strategy Division, 01604 73 8321, tony.mitchell@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

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 1 st 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 th and 31 st 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 th 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 30 th 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.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008) – Establishment of the UK competent authority	
Current status (UNCHANGED FROM LAST BOARD UPDATE): 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. HSE is looking at whether domestic regulations are required to establish the UK competent authority or whether this can be achieved by alternative means.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

TRANSPORT DOSSIER:

Directive on investigation of accidents in the maritime transport sector (2009/18/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE):	
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.	
Lead Department	DfT (MAIB)
HSE contact	HSE SCS Lead – Marcia Davies HSE Policy Lead – Christine Barringer, Operational Strategy Division, 01342 334261, christine.barringer@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean