

**MINUTES OF THE 80th MEETING OF THE
PRINTING INDUSTRY ADVISORY COMMITTEE
Held on 9th November 2006 at**

HSE, City Gate West, 1st Floor, Toll House Hill, Nottingham NG1 5AT

Present

James Barrett
Phillip Adams
Paul Larkin
Gary Marshall
Bud Hudspith
Paul Machin
Terri Miller
Mick McGilly
Tim Small
Ian Hobson
Wendie Drammeh

Representing

HSE - Chair
BPIF
Newspaper Society
BPIF
AMICUS
PICON and Screen Print Association
AMICUS
Newspaper Publishers Association
HSE - Secretary
HSE – Manufacturing Sector
HSE - Minutes Secretary

APOLOGIES

Phillip Doe - AMICUS
Dave Blanchard - British Coatings Federation
Dick Barker - AMICUS
David Hoy – NPA
Dale Wallis - BPIF

OBSERVERS

John Jefferis – PICON
Graeme Walker – HSE Speaker

Summary of actions agreed:

1. **(Min 3.8) Mr Small** to issue a press release on Working at Height.
2. **(Min 3.9) Mr Hudspith** to supply a 'quote' for inclusion in Working at Height Press Release.
3. **(Min 4.5) Committee Members** to send their best practice examples on migrant and agency workers to the Chairman.
4. **(Min 5.1) Mr Hobson** to send out details of the Dermatitis Project to members.
5. **(Min 5.3) Mr Hobson** to inform members when the new dermatitis leaflets is ready for distribution.

6. **(Min 5.4) Chairman** to write to HSE's head of the Disease Reduction Programme.
7. **(Min 5.4) Mr Hobson** to speak to the skin disease, programme manager to get an update on the scope, the dates, and the proposed campaign.
8. **(Min 5.4) Committee Members** to send Mr Hobson details of the proposed initiatives to support the dermatitis project and provide update on progress to date.
9. **(Min 5.6) Members** to contact Mr Hobson with queries and observations on THOR statistics.
10. **(Min 6.1) Mr Hudspith** to publicise the Machinery Safety Analysis Report in the next AMICUS newsletter.
11. **(Min 6.1) Mr Hobson** to update the Machinery Safety Module on the HSE Printing web site to reflect the latest findings contained within the Machinery Safety Analysis Report, and to promote the existing sector specific guidance material on machinery safety issues.
12. **(Min 6a.1) Mr Jefferis** to organise a BSI committee meeting on producing a 'completed forward' for the BS EN1010-5 British Standard.
13. **(Min 7.1) Mr Adams** to send Mr Small details of an accident at Field Group in East Kilbride.
14. **(Min 9.1) Mr Adams** to send Mrs Drammeh details of Field Group Offices in Newcastle-upon-Tyne.

1.0 CHAIRMAN'S INTRODUCTION

- 1.1 The Chairman welcomed everyone to their first meeting in HSE's Nottingham Office. He welcomed two observers, John Jefferis who presented Item 6 on British standard EN1010-5 and Graeme Walker from HSE who presented agenda Item 4 on migrant workers.

APOLOGIES

- 2.1 Dave Blanchard, Dale Wallis, David Hoy, Dick Barker, and Phillip Doe.

3.0 MINUTES OF LAST MEETING AND MATTERS ARISING

The minutes from Meeting 79 were agreed.

- 3.1 **(Min 3.2) Mr Hobson** to investigate why the Internet link on COSHH Essentials was not working. This had been actioned and was now working. Item discharged.

- 3.2 **(Min 3.4) Members** agreed to distribute MAC Tool feedback forms would make contact with Mr Hobson.

Done. Chris Quarry, HSE's ergonomist, has published a new research report on assessing the effectiveness of the MAC Tool. This can be found on HSE's internet (Research Report 458). Mr Hobson also said new push/pull modules are being trialed and will then be incorporated into the MAC Tool.

- 3.3 **(Min 3.5) Mr Small** to distribute details of the outcome of a machinery supply issue court case to members when the information was available.
Done. Members had received a summarized copy of the main points of the Finnish Court Judgment. Mr Small explained that it was a complex case following action by Finnish regulators against the importer of a French press brake that was involved in a serious accident. Details are contained in the attached summary – Appendix 1
- 3.4 **(Min 3.5) Chairman** to report back after meeting he was attending the following week on machinery standards and influence over suppliers.
Done. The Chairman outlined a product safety project being carried out and explained the internal system HSE uses with DTI – a Euro wide ICSMS database that records information on dangerous products. He stressed, HSE believe that if information needed to be released on dangerous products, it would be released, regardless of potential unfavorable comment.
- 3.5 **(Min 3.9) Mr Flint** to circulate statement on Transporting Paper Safely Guidance after the next PABIAC Meeting.
Done. Statement sent to members prior to the meeting via e-mail.
- 3.6 **(Min 4.0) Mrs Drammeh** to distribute Falls from Height presentation to members. Done.
- 3.7 **(Min 4.1) Members** to give feedback directly to Jan Willets on any initiatives they promote on Falls from Height.

Jan Willets had received nothing and would be contacting members individually in the near future if they did not respond. Amicus noted they are concentrating on Falls from Height in the construction industry at present. The Chairman asked members to reply with a 'nil return' if they didn't have comments on issues in the interests of clarity and prevent need for e-mail reminders.
- 3.8 **(Min 4.2) Mr Small** to issue a press release to the printing industry on Working at Height.

Action was not completed from the last meeting. The Chairman canvassed the opinion of members on whether a press release was still necessary. The consensus was that it would still be useful to do so, particularly stressing the low falls aspect e.g. from platforms on printing machines and the need to assess this and individual circumstances to determine any action required. Mr Small to draft and circulate as necessary.
- 3.9 **(Min 4.2) Mr Wallis & Mr Hudspith** agreed to supply 'quotes' for a press release on Falls from Height. A quote had been received from Mr Wallis and Mr Hudspith agreed to send his quote to the Chairman.

- 3.10 **(Min 5.0) Mrs Drammeh** to distribute Dermatitis Presentation to members. Done.
- 3.11 **(Min 5.1) Mr Hobson** to change wording slightly on dermatitis poster. Done. Comments made by PIAC discussed with Dermatitis Corporate Topic team who are actioning them. Done.
- 3.12 **(Min 6.0) Mrs Drammeh** to distribute Statistics Presentation. Done.
- 3.13 **(Min 6.1) Mr Webster** to send Mr Hoy details of THOR. Done. Copies of THOR statistics were given to members at the meeting.
- 3.14 **(Min 6.2) Mr Hobson** to send feedback from the Statistics Presentation to Mr Webster. Done.
- 3.15 **(Min 7.1) Mrs Drammeh** to circulate Machinery Safety Presentation to members. Done.
- 3.16 **(Min 8.1) The Chairman** to include an agenda item on the problems faced by migrant workers at a future committee meeting. Done - Mr Walker presented at item 4.
- 3.17 **(Min 8.1) The Chairman** to investigate the progress of a draft document about migrant workers. Done – see agenda item 4.
- 3.18 **(Min 8.1) The Chairman** to approach Graeme Walker (HSE’s Agriculture and Food Sector) to speak at a future PIAC Meeting on migrant workers. Done, see agenda item 4.
- 3.19 **(Min 8.2) Mr Hobson** to arrange for a link between the printing website and HSE’s MSD website to enable self-risk assessment sheets to be downloaded. Done.

4.0 MIGRANT WORKER PRESENTATION by Graeme Walker from HSE’s Food & Agriculture Sector.

Mr Walker gave a presentation on the background - changing nature/pattern of work – and range of concerns about migrant working. He outlined the difficulties in quantifying the size of the issue, problems in getting grips with it, and what HSE is doing about. Presentation accessible through ‘papers’ section on intranet.

- 4.1 A general discussion ensued after the presentation. Mr Hudspith stressed the importance of guidance for all migrant workers and agency workers and noted the TUC had set up an office in Poland to advise Polish migrants of their legal rights when they arrived in Britain. Many migrants were also agency workers and the importance of educating employment agencies was stressed. Mr Hudspith noted that sufficient research had been done and action is now required. To have an impact, guidance and information needs HSE endorsement. Mr Machin agreed that simple straightforward guidance was needed now.

- 4.2 Mr Adams asked if there was good guidance already out there for agency and temporary workers and if so, it should be used or modified for today's' markets. Mr Walker said some guidance was accessible but difficult to find in the DTI website which could be adapted.
- 4.3 The Chairman requested members send examples of best practice and their concerns to HSE so they could start the ball rolling on specific guidance if it did not exist already. Mr Hobson noted that a central steer and/or guidance from HSE across all industries was needed and asked Graham Walker to take this message forward.
- 4.4 The North West Food Alliance has produced 'Working Safely in a Multicultural Food and Drink Industry' (www.nwfoodalliance.co.uk) and the agricultural sector has produced a pocket card for workers that contain much generic information. Mr Walker is happy to assist the committee in the future on migrant worker issues.
- 4.5 The Chairman suggested a small working group be set up to collate information with a view to PIAC publishing their own guidance for printing, publishing & newspaper industries on migrant and agency workers once best practice examples had been received from members. Mr Adams offered Field Group premises in Bradford to hold a working group meeting. (This site can give good examples of best practice working with migrant and agency workers).

5.0 HSE DERMATITIS PROJECT – update by Ian Hobson

- 5.1 Mr Hobson spoke about the project to inspect printers in London and East & South East region. 143 visits countrywide had already been carried out between April and September 2006. Mr Hobson will send members progress by e-mail.

Mr Adams said that Field Group's internal internet site aimed to alter their 'current' message every three days to keep staff interested in logging onto the site. Receiving new information to distribute to staff, including informative posters, also helps keep the health & safety message at the forefront of people's minds and welcomed the proposed dermatitis posters.

- 5.2 Mr Hobson highlighted a recent prosecution of Photo-me (operator of passport photo machines). They were fined £100,000 for failing to control an employee's exposure to photographic chemicals that resulted in severe long-term dermatitis.
- 5.3 Mr Hobson outlined HSE's intention to replace 'Skin Problems in the Printing Industry' leaflet with a brand new 'generic' dermatitis leaflet. The new leaflet is due to be published by the end of 2006. Mr Hobson will advise members when the new leaflets are ready for distribution to enable members to time activities to coincide with the launch.

5.4 Mr Hobson also spoke about the HSE dermatitis campaign that will focus on hairdressers. Mr Hudspith expressed disappointment that the campaign was not aimed at all industries and would raise this with Steve Coldrick, HSE's Head of Disease Reduction Programme. The Chairman agreed to write to Mr Coldrick on behalf of the Committee. Mr Hobson will speak to the skin disease programme manager to get an update of the scope and dates of the proposed campaign.

Committee members agreed to send Mr Hobson details of their own proposed initiatives to support the dermatitis project and provide an update on progress to date

5.5 Mr Small drew the Committee's attention to the substantial inspection and other HSE resource devoted to the printing industry. This is very largely down to the hard work and lobbying of Mr Hobson in keeping the industries represented on PIAC in the forefront of a whole range of campaigns.

5.6 Mr Hobson spoke about the latest Epiderm figures. Handouts had been distributed to members at the meeting. Members agreed to contact Mr Hobson if they had any specific queries or observations to make on the statistics after the meeting.

6.0 MACHINERY SAFETY ANALYSIS – Ian Hobson – HSL/2006/83

6.1 Mr Hobson gave an overview of the final report from HSL of which the headline figures were very encouraging. Mr Hudspith agreed to publicise this report in the next newsletter he produces for AMICUS.

Mr Hobson will update the Machinery Safety Module on the HSE Printing web site to reflect the latest findings contained within the report, and to promote the existing sector specific guidance material that HSE has on machinery safety issues.

6A.0 STATUS OF EN1010-5 – John Jefferis – PICON & CEN Committee Member.

6a.1 Mr Jefferis tabled an update on European Standard 1010-5. This has been published in Europe but not in Britain. See Appendix 2. Parts 1 to 4 are now published as British Standards. However, 1010-5 has been issued as a European Standard but not as a British Standard. The UK voted against the adoption of the standard because of a number of serious reservations. The UK needs to agree a 'national forward' setting out our reservations. Mr Jefferis agreed to set up a meeting for BSI committee members to agree the final text for the 'national forward' so that the British standard can then be published.

6a.2 The dangers of hand fed platens and the importance of accurate specification were discussed.

7.0 FATAL ACCIDENT at a Cutting & Creasing Auto Platen – Tim Small

7.1 Mr Small raised a recent fatal accident on a cutting & creasing Auto Platen machine. Only limited details can be released at this stage to ensure the investigation is not prejudiced. A draft press release has been prepared about the need for proper isolation and lock off

procedures and the need to review risk assessments. This will not be issued until the investigation is complete.

Mr Adams mentioned a similar accident a Field Group factory in East Kilbride and will forward details that may help this investigation. The Chairman said the PIAC message must be 'isolate and lock off'

8.0 AOB

8.1 There was no other business to attend to.

9.0 Dates of Next Meetings

- 9.1
- 8th February 2007 - Field Group Offices in Killingworth, Newcastle-upon-Tyne – Mr Adams to provide Mrs Drammeh with address & directions.
 - 14th June 2007 - proposed Open Meeting in Kendal, Cumbria – main topic will be dermatitis or. This will be an agenda item at the next meeting.
 - 8th November 2007 - HSE Nottingham Office,

APPENDIX 1

Finnish Court Judgement - 8th September 2005

Compatibility of national law requiring the importer to verify that machinery accompanied by an EC declaration of conformity is safe Implications for HSE.

This judgment has implications for the action HSE is able to take against importers of work equipment including machinery.

Circumstances

In 1995, a French manufactured hydraulic press brake was imported into Finland (by a Mr Yonemoto), who it sold to a Finnish company. When the machine was imported, it was CE marked and the manufacturer produced a Declaration of Conformity.

Following a serious accident to an operator who was changing the blades, the Finnish Labour Inspectorate investigated and found a number of serious faults with the machine. Mr Yonemoto was subsequently prosecuted and found guilty. He appealed, disputing the view that he as an importer is under an obligation himself to ensure that the machine has been designed and manufactured in accordance with approved standards if the machine has been provided with the CE marking and a Declaration of Conformity and with instructions for use and maintenance.

There were 3 parts to the ruling:

- Directive 98/37/EC¹ effectively precludes the application of national provisions [in this case the Supply of Machinery (Safety) Regulations 1992] requiring the **importer to ensure the EHSRs are met** where an imported machine is CE marked;
- But it does not preclude the application of national provisions which require the importer to ensure the machine is CE marked and accompanied by a Declaration of Conformity; and
- Importers must provide the necessary information and co-operation to the regulator where a machine is found to pose a health or safety risk, but not to the extent of making the importer subject to the obligation to verify himself that the machinery complies with the EHSRs.

What this means for HSE – view from HSE’s Safety Unit²

The ruling does not discuss the matter of what we in the UK would call ‘evident concern’.

The (informal) view of the EU Legal Services department is that if we can show an importer either knew, or should have known, a product was defective, and then they cannot hide behind the CE mark.

¹ Directive 98/37 lays down the essential health and safety requirements that machines must satisfy. It replaces and codifies Council Directive 89/392/EEC.

² SU leads on product safety issues for HSE

We have not tested this, but given this opinion and the judgment above, SU view is that we cannot ask an importer to strip down, unpack or assemble a machine to see if it complies, only to check the CE mark and Dec of Conformity. However, if they see the complete machine and for example assemble it for their client they should be able to spot 'easy to see' faults a person in their position should spot e.g. a missing top guard on a circular bench saw, a dumper truck with no ROPS etc.

In these cases we could take action against them provided we had proof of either guilty knowledge or that a person in their position should have realised the fault. Note also the judgment is only about machinery manufactured or imported by another party who is in the EEA - it does not address direct imports from outside the EEA by the supplier. SU's view is that more checks will be expected in this case as the responsibility reverts to the importer if the machine is found to be defective - but this has not been tested in court.

The above does not stop us issuing an IN or PN on the importer as the machine is defective and if they continue to supply unmodified they will be breaking the law, they cannot then hide behind the CE mark as we have told them (by way of the Notice) that there is a problem with it i.e. they now know it is defective and hence have guilty knowledge etc.

However, we cannot take a Prosecution at that point as there would be a 'due diligence' defence and there would be no guilty knowledge prior to our visit (unless we could prove this, which is unlikely).

Where the importer is the first in the EU (e.g. import from China) the situation is not dealt with by this judgment, but opinion is that they need to do a little more work to check that the machine does comply and cannot just rely on the CE mark and Declaration of Conformity. They need to have established that they can get access for the authorities to the technical file (including that one exists) and they should take active steps to see that the machine is free from patent defects. We would not expect them to examine every part including the computer programme on the "chip", but basic guards, interlocks, instructions -yes.

If the importer is an intermediate one between the manufacturers in the EEA and the end supplier in another Member State, then both the importer and the supplier have the same duties i.e. they are both considered as intermediate suppliers. However, we would expect the importer to have had less chance to discover any patent defects as in many cases the equipment arrives in cases ready to be assembled and goes out to the supplier in the same form. However, many suppliers will build up the parts and test the machine as part of their contract, so they should discover and obvious defects or missing parts.

There is no appeal pending, and SU are not aware of any challenges to this judgment.

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APPENDIX 2

THE STATUS OF EN1010-5

as at 7th November 2006

1. This safety standard is the fifth part of standard EN 1010 which has the general title *Safety of Machinery – Safety Requirements for the design and construction of printing and paper converting machines*.

The different parts are as follows:

Part 1 *Common requirements*

Part 2 *Printing and varnishing machines including pre-press machinery*

Part 3 *Cutting Machines*

Part 4 *Bookbinding, paper converting and finishing machines*

Part 5 *Machines for the production of corrugated board and machines for the conversion of flat and corrugated board*

2. This Part 5 covers a wide range of machinery including corrugated board machines, folder gluer machines, printer slotters, rotary die cutters and combined machines (inline machines), hand-fed platen machines for cutting and creasing, automatic platen machines for cutting and creasing and tube winding machines.

3. As a result of this disparate range of machines and hurried drafting, the standard is inadequate. For example, it does not set a high enough standard for folder gluers or for corrugating machines and describes an inadequate standard for side tables on platens.

In the UK over the past five years, the safety of this range of machinery has improved considerably as a result of efforts by the HSE and the CPI, etc.

4. We submitted to the Secretariat a list of 23 comments including revised text for several of them: these were entirely ignored. Despite our vigorous protests, the Secretariat put the standard into the fast-track UAP procedure in February 2004.

5. We voted against adoption of the standard as did Austria; however, most countries voted in favour and we were outvoted. As a result the BSI is obliged to publish the standard as it stands, which means that the UK is likely to find itself in a position in which we are enforcing higher standards in relation to existing machines (by virtue of CPI guidance) than this standard requires for new machines.

However, we can include a National Foreword giving our reservations. This will not have legal force, but it might encourage UK purchasers working with the BS version to request manufacturers and importers to comply with UK requirements.

6. To take this idea forward, Phil Green and Ian Hobson of the HSE have been through the standard line-by-line and produced a list of fourteen items of concern. A copy is included overleaf.

7. I have submitted this proposal to BSI who are happy in principle. However, they suggested that we should also include guidance for users on where additional information can be found to satisfy our concerns. This might include the CPI guidance documents on multi-point gluers and on corrugators, etc.

8. This seems to be the best we can do at this stage and I would like to meet as soon as possible with the experts in the area so that we can thrash out the details and submit them to the BSI. We have prevented publication as BS EN 1010-5 and as a result the BSI is being fined by Europe for the delay.

Dr John Jefferis
Picon Ltd

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National foreword for EN 1010-5

This British Standard has been prepared by CEN Technical Committee CEN/TC198 and is the English Language version of EN 1010 Part 5: 2005. The UK is obliged to publish EN1010 part 5: 2005 as a British Standard (BS EN 1010 Part5: 2005). However, attention is drawn to the fact that during the development of this European standard, the United Kingdom has consistently voted against its approval as an EN. The UK believes that the standard is deficient in certain safety requirements for these machines. The concerns relate specifically to clauses:

5.2.2

This does not address the issue of reel cores becoming stuck on chucks when unloading reels at unwinding stations.

5.2.4

This does not address distance or interlock guarding for the preheater station.

5.2.4.7

Requiring only a notice regarding the temperature of the pre-heater is inadequate.

5.2.9 & 5.2.10

This does not adequately address the area between the glue machine and heating and pulling stations. An interlocking guard is required. Neither does it take into account the possibility of a 'Tessa Tape' unit being inserted between the two units and the safety requirements of this process.

5.2.10.5

This does not adequately address the issue of access below the unit and the appropriate guarding, including fixed, interlocking and other options.

5.2.12

There is no reference to 'Rippa Tape' units and their safe operation, including the fact that operators are required to work on a bridge over the moving web.

5.3.1

The hazards associated with the rotating shafts is not addressed in sufficient detail.

5.3.2.3

The danger points caused by folding hooks, should always be safeguarded by interlocking guards

5.3.3.3

The thermal hazards associated with the use of hot melt glue guns are not covered.

5.3.4.2

Safety distances for ESPDs shall be in accordance with EN294:1992 Table 1 or Table 4. The positioning of any ESPDs shall take into account the approach speeds given in EN999:1998.

5.3.6

Where a wander lead is fitted, additional guarding criteria must be implemented.

The hazards associated with the Trombone Section and the Delivery Section, are not covered, in particular, the nip points.

5.3.6.1

The entanglement hazard on power-driven shafts is not covered

5.5.3

To guard adequately hand-fed platen machines, the height of the table must be specified in accordance with the reach distances given in EN294.