

Short impact assessment template

Amendments to L118 - Quarries Regulations

<p>Description of the intervention:</p> <p>Revision of Quarries Regulations 1999 Approved Code of Practice (L118)</p>
<p>Objectives:</p> <ul style="list-style-type: none">• Update references to other legislation referred to in the ACoP.• Clarify guidance for face height working and availability of the competent person on site.
<p>Calculation of costs:</p> <p>It is proposed that four paragraphs from the Approved Code of Practice, L118 for the Quarries Regulations 1989 will be amended to provide clarification to duty holders: paragraph 62; paragraph 174; paragraph 265 and paragraph 175.</p> <p><i>Paragraph 62</i></p> <p>The wording of the paragraph is to be updated to provide clarification that there is an existing legal duty for a competent individual to be present on site and that if absent for any reason; a deputy should be nominated to take charge.</p> <p>It is believed that many operators are already complying with the regulations, but the clarification in the ACOP may result in a small number of operators updating their procedures to ensure that there is always a competent individual on site and that cover is provided. It is expected that there will be sufficient numbers of competent individuals to provide this cover, but a small administration cost may be incurred in relation to updating the procedures. As this cost is not expected to be significant and there is no readily available evidence on which to base this cost, no attempt has been made to quantify the impact on industry.</p> <p><i>Paragraph 174</i></p> <p>The current wording of this paragraph specifies that consideration needs to be given to places from which people can fall more than 2m or where falling a lesser distance could be particularly dangerous. The proposed amendment to the paragraph is to remove the 2m rule to make it consistent with the Work at Height Regulations 2005, but to retain the consideration to places from which people could fall a distance liable to cause personal injury.</p> <p>Given that this paragraph has always required consideration of risk when working at a low height there will be no additional duties placed on the quarry industry. Consequently, there are no direct costs associated with this amendment.</p> <p><i>Paragraph 265</i></p> <p>The amendment to this paragraph takes away the reference to the maximum preferred height of 15m where blasting takes place. This is to be replaced by reference to the maximum safe height of the excavated faces which should be the</p>

result of an assessment of the properties of the material, the extraction method and size, reach and type of machinery to be used.

This amendment was something that was introduced by industry, endorsed by a meeting of the Quarries National Joint Advisory Committee on 22nd June 2009. Quarry operators should therefore already be adopting a risk based approach to the blasting of faces and so there are no costs directly associated with this option.

Paragraph 175/176

The changes to this paragraph centre on the choice of barriers, clarifying that the choice should be made on an assessment of risks, but with no specifics provided. HSE experts have confirmed that the change to paragraph 176 will not require any changes from what happens in practice in the quarry industry. There will not therefore be any costs associated with this option.

Familiarisation costs

Due to the fact that the amendments proposed will not substantially change the meaning of the ACOP, nor will they require current industry practice to be changed, it is estimated that it will only take 10 minutes per duty holder per site to become familiar with the amendments. Given that there are 1,740 quarry sites the total hours spent on familiarisation by the industry will be 290 hours. Therefore the cost per quarry site is insignificant as is the total cost to industry which will be less than £10,000 in the first year.

Impact on industry (including any effect on the Admin Burdens Baseline):

The clarifications made to paragraphs 174, 265 and 175/176 will not require anything additional from industry compared to what the quarry operators are already doing in practice and so will not impose a cost on industry.

It is expected that paragraph 62 will require some additional administration costs to ensure competent individuals are on site and cover is provided at a small number of quarry sites. The overall costs to industry of this have not been quantified due to lack of available evidence. However, the total costs associated with this are expected to be small.

Additionally, there will be some costs associated with familiarisation, but these are insignificant and assumed to be less than £10,000 in the first year.

Cost savings

Paragraph 62

The amendments to clarify this paragraph will remove the potential for any misinterpretation and will save HSE inspectors time when visiting quarry sites and will also reduce the number of queries from operators regarding their duties in this area. Due to the current ad hoc nature of such queries, it is not possible to quantify these savings in a robust manner.

Paragraph 265

Any benefits to industry from the updates made to this paragraph are a consequence of the industry guidance issued in June 2009. However, the amendments to the ACOP will emphasise the benefits that the industry guidance might deliver.

For instance, it is purported that benefits could include the achievement of greater loading efficiencies from the face load out equipment in use due to improved loading pad design and improved loading cycle times. It might also be possible to use smaller equipment if desired, thus reducing capital outlay.

Further benefit might be realised in that burdens and spacings could be reduced in the blast design (and even hole diameters reduced in some cases), thus spreading the explosive energy more evenly throughout the rock mass, possibly giving improved fragmentation and the production of less of both oversize and undersize material, resulting in reduced waste and reduced secondary breakage costs.

Another benefit is that stemming length in the blast hole might be reduced, which could lead to reduced oversize material coming from the stemming region of the blast and a cleaner resulting face. More evenly distributing the explosive energy throughout the rock mass could also bring benefit in reduction of break back at the crest, which will both improve the safety of the resulting face and make subsequent blasts more effective by reducing the artificial reflective lenses within the rock that are the result of break back.

It is important that the cost of blasted rock is measured against the quantity of premium saleable rock produced, not just the amount of rock in the blasted rock pile (which will include all of the oversize, which will incur a cost to reduce in size; and the undersize, which might mostly be put to waste), secondary breakage costs should be added to arrive at a true cost of processable rock, as should the cost of transporting waste to tip. Improved fragmentation could also result in better use of the properties of the primary crusher, possibly resulting in reduced energy useage and thus savings in electricity.

It is not possible to quantify the value of these benefits due to their anecdotal nature and lack of robust evidence. Also, the benefits described are not directly attributable to this ACOP, but will be emphasised by the clarifications proposed to the ACOP.

Health and Safety Benefits

Paragraph 62

The proposed clarification that there should be a competent person on site and a nominated deputy could have some impact on health and safety, but there is a complex causation between the presence of competent individuals and health and safety outcomes. Thus, it has not been possible to quantify this effect.

For all other amendments it is not expected to lead to industry introducing changes to procedures or behaviour and so it is not expected that any health and safety benefits will arise.

Consultation: Mines Quarries and Explosives Policy, Economic Analysis Unit, Policy Capability Team.

Chief Economist's comments: I am satisfied that both the costs and the benefits of amending the four paragraphs in the ACoP are small and largely unquantifiable.

Recommendation: That, based on proportionality, a full impact assessment should not be completed.

Signed: ...Alan Spence.....
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Date: ...16 December 2009

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