

HEALTH AND SAFETY NEWS UPDATE – 02/12/2002

The following is a description of some of the developments that have occurred in the health and safety field since 09/02 and has been compiled by HSE's Engineering and Utilities Sector (see <http://www.hse.gov.uk/fod/engship.htm> for contact details). For a regular update on recent developments see the "What's new" section of HSE's web site at: <http://www.hse.gov.uk/new/index.htm> A fortnightly list of new HSE publications is also available at: <http://www.hse.gov.uk/flist/flist.htm> Advice on occupational health and safety is also available from the HSE Infoline on 08701 545500

The Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR) – are expected to come into force on 9 December 2002. They will implement both the Explosive Atmospheres Directive and the safety aspects of the Chemical Agents Directive. The Regulations cover fires and explosions arising from dangerous substances and the explosive atmospheres they create. They make explicit existing good practice for reducing the risk from fires and explosions etc. caused by dangerous substances. As a result many employers who are already complying with existing legislation concerning fire and explosion will have little extra to do under DSEAR. The Regulations will repeal a large amount of old legislation concerning flammable substances such as the Highly Flammable Liquids etc Regulations 1972. An Approved Code of Practice advising on the new Regulations will be published in the new year. Further news on the regulations is contained in a HSE press release, see: <http://www.hse.gov.uk/press/2002/c02052.htm> Additional information is also available from HSE's Safety Policy Directorate web page at: www.hse.gov.uk/spd/content/dsear.htm

The Health and Safety (Miscellaneous Amendments) Regulations 2002 – took effect in September introducing minor changes to a number of Regulations. The changes were needed to ensure the full implementation of a number of European Directives. Changes to *The Provision and Use of Work Equipment Regulations 1998* include the requirement that employers must ensure that work equipment complies at all times with any essential health and safety requirements that applied to the equipment, when it was first supplied or put into service. The guarding hierarchy established by Regulation 11 has also been changed to make it clearer that the provision of instruction and training can only be in addition to machinery guarding and not an alternative to it. *The Health and Safety (Display Screen Equipment) Regulations 1992* are amended so that they now apply to all workstations and not just those operated by "users" or "operators". Agencies who provide computer operators for on a contract basis are also now required to provide them with an eye test. An amendment to *The Health and Safety (First Aid) Regulations 1981* requires first aid rooms to be easily accessible to stretchers and other similar types of equipment. *The Manual Handling Operations Regulations 1992* have been amended to specify the factors to be considered by the risk assessment. These include the physical suitability of the person undertaking the lift, the clothing or footwear that they are wearing and the employee's knowledge and training. Changes to *The Personal Protective Equipment at Work Regulations 1992* make it clearer that for the PPE to be

suitable it must be appropriate for the risks involved, the conditions where exposure may occur, the time it is worn for, the ergonomic requirements and the state of the user's health, other PPE that may be worn at the same time and the characteristics of the user's workstation. Where the PPE needs to be hygienic and free of risks to health it must be provided for individual use only. Changes to *The Workplace (Health, Safety and Welfare) Regulations 1992* mean that employers must now ensure that the building housing their workplace has a structure suitable for the nature of its use, has adequate thermal insulation and the organisation of the workplace takes into account the needs of disabled people in the company. The Health and Safety (Miscellaneous Amendments) Regulations 2002 are available on the HMSO website – <http://www.hmso.gov.uk>, or can be purchased by telephone on 020 7873 9090, or from any Stationery Office bookshop.

The Control of Substance Hazardous to Health Regulations 2002 (COSHH), The Control of Lead at Work Regulations 2002 (CLAW) and The Control of Asbestos at Work Regulations 2002 (CAW) (apart from Regulations 4 and 20) - came into force on 21 November 2002, and replace the COSHH Regulations 1999, the CLAW Regulations 1998 and the CAW Regulations 1987. The new sets of regulations implement the health requirements of the Chemical Agents Directive (CAD) not already incorporated into British legislation. Most of the changes to the Regulations simply make explicit what is currently implicit in the previous Regulations and Approved Codes of Practice. However, they also now include a new requirement for employers, in certain circumstances, to draw up detailed procedures for dealing with accidents, incidents and emergencies that involve hazardous substances. The CAW Regulations also include a new duty for employers to carry out a suitable assessment of their workplace to see if any asbestos materials are present or likely to be present (including blue, brown or white asbestos) and if so to determine the level of risk they present and the measures needed to control the risk. This new duty to manage the risks from asbestos does not though come into force until 21st May 2004. A copy of the regulatory impact assessment of the proposals is available on the HSE web site at: <http://www.hse.gov.uk/ria/chemical/ria-176.pdf> **N.B.** A request has been made for the new CAW Regulations to be annulled, the outcome of which will be decided at the beginning of December. To keep up-to-date with developments see: <http://www.hse.gov.uk/asbestos/index.htm> New Approved Codes of Practice for each of the above Regulations will be available shortly. The Regulations are available on the HMSO web site as detailed above.

Mobile work equipment – includes forklift trucks, dumper trucks and tractors. New mobile work equipment has had to comply with Part III of the Provision and Use of Work Equipment Regulations 1998 (PUWER) since 5 December 1998. However, equipment in use before that date has just until the 5 December 2002 to comply. Under Part III of PUWER duty holders may have to take such measures as retrofitting roll-over protective structures (ROPS), falling object protective structures, operator restraints (seat belts, lap belts etc.) and driver visibility aids such as mirrors. For example, if under certain conditions of use mobile work equipment is likely to overturn the employer must provide a ROPS and operator restraint. Duty holders also need to ensure that in such cases the operator restraint is worn. Supervisors should therefore regularly check that

drivers are wearing seat belts where necessary. A revised information sheet *Retrofitting of roll over protective structures, restraining systems and their attachment points to mobile work equipment* HSE Information Sheet Misc 175, has been issued providing further guidance on retrofitting roll over protection see: <http://www.hse.gov.uk/pubns/misc175.pdf>

Proposals for amending the Control of Substances Hazardous to Health Regulations 2002 – Consultation Document (CD) 184 sets out HSC's proposals for regulations to amend the Control of Substances Hazardous to Health Regulations 2002 (COSHH). The new regulations will be known as the Control of Substances Hazardous to Health (Amendment) Regulations 2003. The proposed regulations have two purposes. These are: (a) to implement part of the European Commission's Council Directive 1999/38/EC of 29 April 1999 amending for the second time Directive 90/394/EEC on the protection of workers from risks related to exposure to carcinogens at work and extending it to mutagens, i.e. the 2nd Amendment to the Carcinogens Directive; and (b) to define explicitly 17 "dioxins" as carcinogens within the meaning of COSHH. Responses to the CD have to be submitted by 17th January 2003. For a copy of the CD see: <http://www.hse.gov.uk/condocs/cd184.htm>

The Health and Safety Executive web site – contains a new area providing information on *the work of the Health and Safety Executive and the Health and Safety Executive*. It can be found at: <http://www.hse.gov.uk/aboutus/index.htm> This area of the web site also contains the recently issued *HSE Annual Report for 2001/02*. The report shows how the organisation has performed against published work plans so that stakeholders can see how it is delivering. The report also includes a section on the HSC/E Accounts. *Musculoskeletal disorders* (MSDs) now have their own web pages on the web site. MSDs are the most common cause of occupational ill health in Great Britain currently affecting 1.2 million people a year. The MSDs web pages include information on the main areas that create the risk, live issues and a programme of work. For further information see: <http://www.hse.gov.uk/msd/index.htm> A further new area of the web site focuses on *stress* reflecting the half a million people who are estimated to experience work-related stress at a level they believe is making them ill. The web pages include key messages from the HSE, information on events and a programme of work as well as useful links. For further information see <http://www.hse.gov.uk/stress/index.htm> Details of *HSE's publication scheme* are now available on the HSE web site. The aim of the Scheme is to provide guidance to the public on what information is available within HSC/E and how to obtain it. Some of the information may be formally published either as printed documents or via our website; other information may be accessible via a database or upon request. The scheme will indicate how to obtain the information in each case and whether there is a charge for such information. For details of the scheme see: <http://www.hse.gov.uk/publish/index.htm> Information is also available on the web site regarding the *Firefighters' strikes* see: <http://www.hse.gov.uk/firefighters.htm>

Health and Safety Offences and Penalties 2001/02 – has recently been issued by the HSE. Data contained in the report includes: the average fine per offence is now £8284, representing a 33% increase on 2000/01, 84% of cases brought resulted in convictions, 31 charges were brought against directors and managers and since 1992 the Crown Prosecution Service has brought 55 manslaughter cases for health and safety offences. The report can be found at: <http://www.hse.gov.uk/enforce/off01-02.pdf> Additional information on health and safety enforcement is available at <http://www.hse.gov.uk/statistics/enforce.htm> This includes for example the number of enforcement notices issued by industry sector and by notice type.

Medium pressure ductile iron gas pipes - the HSE is warning occupiers of sites and local authorities with their own gas mains that medium pressure ductile iron (MPDI) pipes can fail unpredictably and need to be replaced. The risk of failure of MPDI mains located close to buildings is such that they should be replaced on all networks as soon as reasonably practicable. As a result HSE is to begin a programme of work to ensure non-Transco MPDI networks (Transco have already begun such a programme) are replaced as soon as possible. HSE has recently been notified of a small number of sites where such networks may be in place and are contacting the owners of these premises. HSE is also contacting the owners of other sites such as hospitals, universities, prisons, and Ministry of Defence premises as well as some industrial and commercial premises to eliminate any other potential problem areas. For further details see: <http://www.hse.gov.uk/press/2002/e02201.htm>

National Vocational Qualifications – the HSE has worked closely with the Employment National Training Organisation to introduce new qualifications covering health and safety practice and regulation. There are a total of 5 levels. Units from level 3 health and safety practitioner qualification are particularly relevant to small firms and to junior or middle managers in larger companies. A new level 5 has been accredited for senior health and safety practitioners to supplement revised level 4 and level 3 qualifications. The standards for radiation protection have also been revised. Individuals and organisations can use the new standards as personal and organisational development tools. For further information see: http://www.empnto.co.uk/standards/health_index.htm

The European Agency for Safety and Health at Work – have revamped their web site to make it easier to navigate, incorporating several new facilities including a regular online news service, one-click shortcuts to their European and global networks, discussion forums and to key topics such as musculoskeletal disorders and work-related stress. The web site can be found at: <http://www.agency.osha.eu.int> . The agency has also produced a new report, *Research on new forms of contractual relationships and the implications for occupational safety and health* looking at the impact of the increasing use of staff on short-term contracts and other forms of indirect employment on occupational health and safety standards. This includes an increase in work related stress and a possible dilution of health and safety expertise. The report also suggests a number of possible solutions including for example sub-contractors working more closely together to manage occupational health and safety risks. A summary of

the 60-page report is contained in Agency fact sheet 25 available at: <http://agency.osha.eu.int/publications/factsheets/25/en/index.htm> Fact sheet 26 contains a summary of a study, *The use of occupational safety and health management systems in the Member States of the European Union* which identifies five building blocks for an ideal occupational safety and health management system. These are based on an analysis of 11 companies' systems across the EU and are supported by case studies. For a copy of the fact sheet see: <http://agency.osha.eu.int/publications/factsheets/26/en/index.htm>

Assistance with product substitution – is available from the German health and safety regulator, the BIA. The “column model” is designed to help small and medium employers with little knowledge of hazardous substances identify safer substitutes more quickly and easily. The model, which requires little data and no calculations, rates each substance according to 5 criteria: acute and chronic health hazards; environmental hazards; fire and explosion hazards; exposure potential; and hazards caused by procedures. If the potential substitute rates higher than the existing hazardous substance in all five columns it should be chosen. Where it rates lower in some columns the company has to decide the importance of these weaknesses. A leaflet explaining the model (in English) is available at: <http://www.hvbq.de/d/bia/pramodell/spaltee.htm>

workSMART – is the new web site launched by the TUC providing guidance for employees on their working life including advice on health and safety. The web site address is: <http://www.worksmart.org.uk/>

The Partnership at work Fund – is a DTI grant award scheme designed to improve employer-employee relationships, workplace productivity and job satisfaction. Projects for support under the fund are invited on a competitive basis during fixed rounds. An independent Assessment Panel assess all applications to the Partnership Fund against published criteria. The grant scheme offers up to 50% funding of eligible approaches up to a maximum of £50 000. So far a total of £5 million has been awarded to 160 projects including projects looking to improve health and safety. A fifth call for applications is scheduled for early 2003. For further details see: <http://www.dti.gov.uk/partnershipfund/>

HEALTH AND SAFETY GUIDANCE DEVELOPMENTS

Published guidance

HSE – priced

Worksmart video compilation – is now available containing the series of 45-second programmes screened in the North West, South, South East and North East of the country, featuring real people talking about real experiences in the workplace involving loss of life, injury and ill health. The programmes contain a wealth of stories that can be dramatic, humorous, moving, thought provoking and even tragic. Each programme raises a health and safety issue and offers a solution based on the subject's personal experience. Stories have been grouped together to reflect work activities that carry the highest accident and ill health incidence rates across a number of industries and sectors including construction,

agriculture, stress, and musculoskeletal disorders. The video ISBN 0 7176 2575 3 price £25.00 plus VAT can be ordered online at <http://www.hsebooks.co.uk> or from HSE Books, PO Box 1999, Sudbury, Suffolk, CO10 2WA, tel: 01787-881165 or fax: 01787-313995.

Dermal exposure resulting from liquid contamination (Research Report 4) – details the results of research undertaken into the role clothing plays in reducing skin exposure to pesticides and biocides and to quantify the amount of protection given by different types of clothing, so that the information can be used by workers carrying out a risk assessment in the future. Specialist protective coveralls were shown to provide the best protection and reduced skin contamination to very low levels. Wearing such clothing incorrectly such as leaving zips undone or sleeves rolled up, resulted in high levels of skin contamination. Significant amounts of spray fluid were found on the workers' normal clothing even though they wore a protective overall, highlighting the need to maintain high standards of hygiene. As with all Research Reports RR4 can be purchased from HSE Books (ISBN 0717625303) price £25 or downloaded from the HSE web site at: <http://www.hse.gov.uk/research/rrhtm/rr004.htm>

Fire risk assessment for workplaces containing flammable substances (Research Report 40) – contains feedback from a study, which assessed the effectiveness of current UK guidance on controlling fire hazards in workplaces containing flammable substances. Also contained in the report is a proposal for a risk assessment method for assessing the hazards to workplaces from the storage of flammable substances. ISBN 0 7176 2157 X price £20 <http://www.hse.gov.uk/research/rrpdf/rr040.pdf>

Management of work related road safety (Research Report 18) - Summarises the findings of a three-part study conducted for the Health and Safety Executive (HSE) and Scottish Executive. The study aimed to: identify and document good practice examples of occupational road safety policies and procedures; establish the contribution of individual differences to driver behaviour, and in doing so inform the recruitment of safer drivers and management of risk; and, establish the extent to which Scottish workplaces consider road safety as a health and safety issue. A model of good occupational road safety risk management is presented. The findings will assist the HSE and the Scottish Executive, should they wish to provide advice for employers on development of occupational road safety policies and procedures, and in doing so contribute to the aim of reducing the number of at-work road accidents and associated costs to employers. ISBN 0717625494 £35.00 <http://www.hse.gov.uk/research/rrpdf/rr018.pdf>

Behavioural studies of people's attitudes to wearing hearing protection and how these might be changed (Research Report 28) - describes a study in which the various factors influencing workers' attitudes and behaviours towards hearing protection were examined. Subsequently, workplace intervention programmes were designed and carried out to improve the acceptance and overall use of hearing protection. The results of these interventions are discussed in detail. (Further details of the report are available in a HSE press release see: <http://www.hse.gov.uk/press/2002/e02212.htm>) ISBN 07176 21553 £20 <http://www.hse.gov.uk/research/rrpdf/rr028.pdf>

Review of workplace control measures to reduce risks arising from the movement of vehicles (Research Report 38) - aimed to obtain information about workplace transport safety from organisations of varying size and industry. While the study identified a reasonably high reported level of awareness of health and safety legislation there was also a sizable minority of companies who have little awareness, and do not record accident data. About 40% of companies who reported being aware of the Management of Health and Safety at Work Regulations said they had not conducted a risk assessment of workplace transport. ISBN 0717625818 <http://www.hse.gov.uk/research/rrpdf/rr038.pdf>

Evaluating the effectiveness of the Health and Safety Executive's Health and Safety Climate Tool (Research Report 42) - the climate safety tool (CST) is a computer based product that enables organisations to customise and print a climate survey questionnaire for use within their organisation. The software also enables organisations to analyse the results of the CST and produce graphical summaries and reports. Analysis of evidence from a number of users of the CST identified that overall the HSE Climate Survey Tool has helped to identify actions that could improve an organisations health and safety culture and climate. ISBN 07176 21596

Ergonomics of using a mouse or other non-keyboard input device (Research Report 45) - presents the findings of a study investigating health problems associated with the use of non-keyboard input devices (NKID). The report stresses the importance of an ergonomic approach to risk reduction, a method that looks at the user-computer interaction as a whole, the aim being to fit the work to the person, rather than the person to the work. Recommendations include the use of a systematic risk assessment for NKID which takes into account: the nature of the task, including software design; NKID design and operation; workstation configuration; working environment; work organisation; training; cleaning and maintenance; procedures for musculoskeletal health monitoring; specific needs of individual users (e.g. those with existing health problems). ISBN 07176 21626 <http://www.hse.gov.uk/research/rrpdf/rr045.pdf>

Working safely with metalworking fluids pack - ISBN 0 7176 2561 3, price £17.50

Keeping electrical switchgear safe HSG230 ISBN 0717623599 £9.50

Non-HSE priced

Health and Wellbeing in the Workplace – published by the Institute of Directors is a guide to managing health, safety and wellbeing at work to boost business performance. The Institute of Directors can be contacted on tel. 020 77668866.

HSE – free

Preventing workplace transport accidents CD-ROM – at a recent conference to discuss the responses received to the discussion document “Preventing workplace transport accidents” HSE announced the availability of a new interactive, virtual reality CD-ROM. The CD-ROM has been developed to help assess health, safety and welfare standards in workplace transport. Delegates at the conference were issued with a presentation copy and asked to evaluate it as

a training/assessment toolkit. From 31st October a further 5,000 copies of the CD-ROM became available, free of charge from HSE Books on 01787 881165, on the understanding that those who use it will evaluate it and tell HSE what they think of it. For further information see: <http://www.hse.gov.uk/press/2002/e02199.htm>

Reducing risk of hand-arm vibration injury from hand-held power tools - HSE Information Document 246/31 (available on the HSE web site at: http://www.hse.gov.uk/fod/infodocs/246_31.pdf)

Pesticides 2002 - Non-Agricultural Pesticides approved under: The Control of Pesticides Regulations 1986 (as amended) – commonly known as the “Pesticides Blue Book” is now available on the HSE web site at: <http://www.hse.gov.uk/hthdir/noframes/bluebook/bluebook.htm>

A short guide to managing asbestos in premises INDG223 (revision 3)

Work related stress - a short guide INDG281 (revision 1)

The right start: work experience for young people: health and safety basics for employers INDG364

Working safely with metalworking fluids - a guide for employees INDG365

Inspecting fall arrest equipment made from webbing or rope INDG367

Use of contractors: a joint responsibility INDG368

Jobs to die for – real life case studies of people killed at work MISC471

Toxic Substances Bulletin Issue 49 (September) – is available on the HSE web site. Issues covered include the transport of dangerous goods, short-term task specific exposure to hazardous chemicals and the performance of oxygen monitors. The bulletin can be accessed at: <http://www.hse.gov.uk/toxicsubstances/issue49.htm>