

Health and Safety Executive Board		Paper No: HSE/08/86	
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<b>Chief Executive's Report to the Board</b>			

### **The Health and Safety of Great Britain – Be Part of the solution**

1. The consultation stage for the strategy was very successfully launched by yourselves simultaneously in London, Edinburgh and Cardiff on the evening of 3 December 2008. Attendance at each location was extremely good and it was particularly pleasing that Lord McKenzie was able to attend the London event. Initial feedback from attendees was encouraging with the shortness of the draft commended as well as its clarity. The Chair briefed representatives of the trade and health and safety press on the day of the launch. The TUC and LACORS put out supportive press releases. Planning is now well advanced for the regional stakeholder workshops next month.
2. I launched the strategy for HSE staff on the morning of 3 December with an event at Redgrave Court. The event was filmed and a "pod cast" was available that afternoon on the HSE intranet site for staff throughout HSE. HSE Trade Unions will be formally consulted on the draft strategy. HSE staff will have the opportunity to discuss the strategy with SMT members during their next meeting with staff throughout HSE, provisionally planned for February.

### **Secretary of State's Inquiry in the underlying causes of construction fatalities**

3. Further to the Secretary of State's (SoS) intention to commission an investigation into recent deaths in the construction industry (see paragraphs 5 & 6 of Paper HSE/08/38), the SoS on 4th December announced that he has commissioned an inquiry into the underlying causes of construction fatalities.
4. The SoS has appointed Rita Donaghy, CBE, former Chair of ACAS, as independent Chair of the Inquiry. The Inquiry will be undertaken in three phases: firstly a comprehensive review of existing work to consolidate the understanding of fatal injuries in the construction industry with specific reference to vulnerability; secondly a deeper analysis of underlying causes including factors outside the health and safety system; and thirdly a review and report to DWP Ministers and HSE's Board. Independent academic peer reviewers will be involved in assisting Rita Donaghy. The inquiry will report to Ministers next year.
5. Judith Hackitt and HSE officials met with Rita Donaghy on 11 December.

### **Terry Rooney MP Visits Redgrave Court**

6. On 27 November Terry Rooney MP, Chair of the DWP Select Committee, visited Redgrave Court. During his visit he had a round table meeting with SMT members, presentations of various aspects of HSE work, including the work of HID, FOD, Construction and Biological Agents, and a private meeting with representatives of the HSE Trades Unions. He also had lunch with approximately 50 members of HSE staff

### **Completion of Buncefield Major Incident Investigation Board (MIIB) Business**

7. MIIB, at its meeting in early October, reviewed its situation as regards remaining work. At the time there was still uncertainty about when any announcement on criminal proceedings would be made. The remaining tasks were well in hand and it could identify no further useful work it could do. It therefore decided to conclude its active business as expeditiously as possible,

subject to agreement from the HSE Board. This agreement was forthcoming at a meeting on 4 November between Lord Newton and the HSE Chair.

8. MIIB held its final meeting on 24/25 November. It noted that the Government response to the recommendations in two of its major reports had been published on 13 October, and also that its final report was virtually ready for publication, and all other remaining work nearing completion. These developments reinforced its earlier decision. It therefore agreed the arrangements for concluding all remaining business, in particular endorsing the text of its Final Report. This Report was published on 11 December, the third anniversary of the Buncefield explosions and fires. Also on this day MIIB members attended an event organised by Dacorum BC in Hemel Hempstead to mark progress with the recovery and regeneration of the area. Lord Newton gave a short speech at this event to mark the end of MIIB's work. There now remains only some administrative and archiving tasks to complete before the Board can be fully and formally wound up early in the New Year.

### **Agriculture Revisited**

9. Development of the "Agriculture Revisited" initiative continues to progress well, with particular thanks to Judith Donovan for her continuing involvement.
10. The campaign 'Make the Promise - Come Home Safe' trailed with the Board has been developed and 'teaser' adverts ran in the farming trade press on 5 December. Adverts will run through to early February, when we will take stock ahead of preparing subsequent phases of the campaign and reporting back to the Board. The adverts are supported with direct marketing of the 'promise knots' to arrive with c75k farmers on small farms on 2/3 January, asking them to sign up to the campaign and 'Make the promise to come home safe.' As part of the direct marketing fulfilment, we will offer a small, factual booklet summarising farm fatal accident stories, to highlight the common causes and simple preventive actions to help farmers keep their promise to 'Come Home Safe.' Supporting PR and on-line activity is planned.
11. The campaign concept received universal support at November's Agriculture Industry Advisory Committee (AIAC), chaired by Judith, which bodes well for ongoing stakeholder work. The AIAC also discussed progress with other aspects of the initiative:
  - Three pilot farming SHADs (safety and health awareness days) have been held to test a robust invitation process and different cost models to inform options to help HSE run more SHADs, more cost effectively and to maximise attendance. Initial feedback has been positive.
  - A menu of activities with equipment manufacturers and suppliers has been drawn up for further refinement.
  - AIAC debated the complex but vital area of health and safety training and competences, and a working group of industry experts is actioning planning to help us improve our impact in this area in support of the initiative.
  - We continue our stakeholder development work.

### **Fatal Accident on the Ocean Princess**

12. The Ocean Princess, a semi-submersible drilling rig operated by Diamond Offshore Drilling (UK) Ltd, has been undergoing its 5-yearly survey and refurbishment at Invergordon. This work has involved major structural work including installing a new crane. The rig arrived during November and had planned to leave on December 20. It is on contract to Talisman.

13. On Friday 28th Lewis MacDonald, aged 35, a scaffolder employed by McDonald Scaffolding Services Ltd, Invergordon, fell approximately 100 feet from the platform. The investigation is being conducted by Field Operations Division Inspectors based in Aberdeen and Inverness who are receiving technical support from Offshore Division.

#### **Launch of the New Gas Safety Brand**

14. Robin Dahlberg attended the launch event on 10 December. The brand appeared well received and there was support for the new scheme and the Key Performance Indicators. The previous day there had been a similar event focused on gas industry stakeholder hosted by Capita.
15. The response seems to have been very positive.

#### **Visit to the European Agency for Safety and Health at Work**

16. I visited the Agency in Bilbao, Spain on 21 November at the invitation of the Director, Jukka Takala, to participate in a routine meeting of national focal points. Focal points are a network of people in the member states, candidate countries and neighbouring states through which the Agency delivers its work. HSE operates the focal point for the UK. The meeting focused mainly on a presentation by the European Commission on the PROGRESS programme, which funds various projects connected with social affairs including health and safety at work; a review of the arrangements for supporting national focal points' work on the Agency's campaign (on risk assessment for 2008/09); and a forthcoming study by the Agency of its effectiveness and impact.
17. I also gave a well-received presentation to the meeting on some of the challenges facing HSE and how we saw the way forward on some of them, and met the Agency's senior management team for informal discussions. The Agency's Director hopes that this will be the first of a series of presentations to focal points by senior managers of health and safety agencies in the member states.

#### **HWWW update**

18. We have run two Flexible Early Release (FER) Schemes. Under the first scheme 20 staff accepted the offer. Six have already left and the rest will leave HSE between now and March 2009. At the end of November, DWP agreed the funding for a second FER scheme and 33 staff are being considered. Eleven of these are staff in Rose Court who are out-of-scope of HWWW, thereby allowing backfilling of the resulting vacancies by staff who are in-scope. We are currently exploring the options for backfilling and we are aiming for individual staff acceptance of the FER terms and the plans for backfilling to be completed before Christmas. Almost all staff will then leave HSE at the end of March 2009, and all by June.
19. We are liaising closely with the interested Government Department regarding assigning them up to five floors and the lease to Rose Court. Although the timeline has not changed, and it is expected that the interested Department will take over the lease responsibilities in September 2009, they are still to finalise their business case. The Department has received support from OGC, who see value in retaining Rose Court on the Civil Estate, and expectations are that Treasury will give formal approval early in the New Year.

**GEOFFREY PODGER**

### Management

- The SMT did not formally meet in December as its planned meeting coincided with the launch of the Strategy, but instead cleared the papers for the HSE Board via correspondence.

### Operations

- There were 24 fatalities reported to HSE in November. Brief details are given in Annex 2.

### Significant prosecutions in October included:

- Sellafield Ltd and P C Richardson & Co. (Middlesbrough) Ltd (demolition contractors) were fined after pleading guilty to charges brought by HSE following the death of a Richardson employee. Sellafield Ltd (then operating under the name of British Nuclear Fuels Ltd), was fined £150,000 with £50,500 in costs, after pleading guilty to breaching Section 3(1) of the HSWA and PC Richardson & Co was fined £100,000 with £25,000 in costs after pleading guilty to breaching Section 2 (1) of the HSWA in that it failed to conduct its undertaking in such a way as to ensure that its employees were not exposed to risks to their safety.
- E&F Joinery, of East Sussex, was fined £20,000 with £11,895 in costs after pleading guilty to three breaches of the Work at Height Regulations 2005.
- Nevis Range Development Co plc and an employee were fined a total of £3,000, after pleading guilty to breaching Section 3 (1) and Section 7 (1) of the HSWA
- Phoenix Autoparts 2000 Ltd, of Nottingham, was fined £2,000 with £2,375 in costs, after pleading guilty to breaching Regulation 6 (3) of the Dangerous Substances and Explosive Atmospheres Regulations 2002 for failure to apply measures to control risks from a dangerous substance and Regulation 5 (1) of the same regulations for failing to make suitable and sufficient assessment of the risks to employees arising from the presence of a dangerous substance

### Myth of the Month

- 'Children are banned from throwing snowballs'
- Every year we hear inaccurate stories about children who aren't allowed to throw snowballs, and swimmers who can't take their traditional winter dip in the local lake. All this in the name of health and safety. If we spend time on the trivial risks there's a chance we'll miss the most important ones. We need to focus on finding ways for things to happen, not reasons to stop them – a sensible approach to managing risk focuses on practical action to tackle risks that cause real harm and suffering.

### FOI Requests

- There were 526 FOI requests made to HSE in November.

### Events, Campaigns and Publications

- The Health and Safety Executive and Jewson, the UK's leading supplier of timber and building materials, have joined forces to help warn tradesmen of the dangers of asbestos. Jewson's, Wednesbury branch is one of the national network backing HSE's '**Asbestos: The Hidden Killer**' campaign to reduce the rising death rate from asbestos-related disease by educating those in the trade about the danger that asbestos presents to them.

### Parliamentary Business

- There were 16 PQ's in November.

### FATALITIES REPORTED TO HSE DURING NOVEMBER

These initial notifications are not validated in that investigation has not as yet confirmed that all the deaths were work related

AGE	REGION	INDUSTRY SECTOR	DESCRIPTION
84	Derbyshire	Domestic Gas Supply	Found in room with gas fire burning
45	Essex	Construction	Struck by heavy beam
38	Herts	Construction & fit of new industrial unit	Cylinder explosion
53	West Midlands	Manufacturing	Crushed by FLT
51	Yorkshire	Manufacturing	Crushed by Fluid Cell Level Press
38	Leeds	Construction	Fell into empty tank
50	Dorset	Refurb/Repair	Struck by falling materials
44	Cornwall	Construction	Fell through a skylight
14	Powys	Education	Had a fit whilst kayaking
50	Banfshire	Quarry	Crushed by JCB
50	Glasgow	STSU	Fell off ladder
88	Lanarkshire	Care Home	Fell and struck head
54	Gloucestershire	Construction	Dumper fell over
47	Rochdale	Engineering	Crushed by metal plate
90	Exeter	Medical Nursing Home	Fell through a hoist when being moved
77	Roxburghshire	Health Services	Fell down stairs and hit head
35	Invergordon	Offshore rig repair	Fell down hole when board gave way
65	North Staffordshire	Services	Cardiac arrest
58	Leicestershire	Utilities gas	Suspected CO poisoning
69	Brighton	Religious Activities	Fell off ladder
	West Ham	Construction	Struck by excavator bucket
70/80	Doncaster	Domestic gas	CO poisoning
54	Newcastle	Construction	Struck by steel roof member
45	Essex	Construction	Fell off scaffolding

## 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 7717 6677 or e-mail: [stephen.taylor@hse.gsi.ov.uk](mailto:stephen.taylor@hse.gsi.ov.uk))

### ON THE HORIZON:

<b>Initiative on Carcinogens and Mutagens</b>	
<b>Current status (<a href="#">UNCHANGED FROM LAST BOARD UPDATE</a>)</b>	
The second stage of social dialogue on potential amendments to the Carcinogens and Mutagens Directive (2004/37/EC) ended without an agreement. The EC has tendered for a contractor to undertake an Impact Assessment to help decide the next steps for the initiative.	
<b>Lead Department</b>	<b>HSE</b>
<b>HSE contact</b>	SCS Lead – Steve Coldrick Policy Lead – Robin Foster, International Chemicals Unit, 020 7717 6990, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Stephen Amos

### PRE-PROPOSAL STAGE:

<b>Initiative on Musculoskeletal Disorders</b>	
<b>Current status (<a href="#">UNCHANGED FROM LAST BOARD UPDATE</a>):</b>	
A concluding conference on the social and economic impact of future European initiatives on the prevention of musculoskeletal disorders was held in Amsterdam on 29 October 2008. The researchers found the majority of stakeholders consulted thought a new Directive covering all MSDs would have the greatest impact. However, no consensus emerged from Member States at the conference. The EC favours a new Directive covering all the <u>physical</u> risk factors for MSDs that allows for a flexible approach to risk assessment. It looks like a proposal for a Directive may come forward in 2009.	
<b>Lead Department</b>	<b>HSE</b>
<b>HSE contact</b>	SCS Lead – Peter Brown Policy Lead – Neville Higham, MSD Programme, 0207 717 6831, <a href="mailto:neville.higham@hse.gsi.gov.uk">neville.higham@hse.gsi.gov.uk</a> SCS Lawyer – Caroline Croft

<b>Initiative on Needle Stick Injuries</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The EC has suspend its work on bringing forward an amendment to the Biological Agents Directive addressing needlesticks injuries in healthcare worker as the social partners (employee and employer representatives) at a European level in the public hospital sector have formally agreed to start negotiations on a social partners agreement. This work will commence in January 2009.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Les Philpott Policy Lead – Delyth Dyne, Specific Interventions, 020 7717 6234, <a href="mailto:delyth.dyne@hse.gsi.gov.uk">delyth.dyne@hse.gsi.gov.uk</a> SCS Lawyer – Stephen Amos

<b>Initiative on 3<sup>rd</sup> List of Indicative Occupational Exposure Limit Values (IOELVs)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The EC's Advisory Committee on Safety and Health at Work has voted on its opinion on a draft Commission Directive establishing a 3rd list of IOELVs under Directive 98/24/EC on Chemical Agents.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Steve Coldrick Policy Lead – Robin Foster, International Chemicals Unit, 020 7717 6990, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Stephen Amos

<b>Proposed amendment of Electromagnetic Fields Directive (2004/40/EC)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The 4 year delay in the implementation of the directive has been adopted. The EC has now issued an open invitation to tender for the contract to carry out an impact assessment, to inform policy options and help to decide the next steps for the Directive.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Les Philpott Policy Lead – Malcolm Darvill, Specific Interventions, 020 7717 6182, <a href="mailto:malcolm.darvill@hse.gsi.gov.uk">malcolm.darvill@hse.gsi.gov.uk</a> SCS Lawyer – Stephen Amos

<b>Proposed revision of Biocidal Products Directive (98/8/EC)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The EC has held a number of stakeholder workshops as means to begin looking at a revision of the Directive. It now looks likely that a proposal will emerge in 2009.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Steve Coldrick Policy Lead – Gill Smith, Corporate Specialist Division, 0151 951 4919, <a href="mailto:gill.fod.smith@hse.gsi.gov.uk">gill.fod.smith@hse.gsi.gov.uk</a> SCS Lawyer – Caroline Croft

<b>Proposed revision of Seveso II Directive (96/82/EC) – Linking GHS to Seveso</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> An EC technical working group is currently looking at the implications of bringing GHS into the Seveso Directive. A proposal is not expected until early 2010.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Les Philpott Policy Lead – Sandra Ashcroft, Specific Interventions, 0151 951 3531, <a href="mailto:sandra.ashcroft@hse.gsi.gov.uk">sandra.ashcroft@hse.gsi.gov.uk</a> SCS Lawyer – Caroline Croft

<b>Proposed recast of Basic Safety Standards Directive (96/29/EURATOM)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> A Working Party of the EC's Article 31 Group of Scientific Experts is currently considering a recast of the directive. A proposal is not expected until late 2009.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Les Philpott Policy Lead – Kate Haire, Specific Interventions, 0151 951 3792, <a href="mailto:kate.haire@hse.gsi.gov.uk">kate.haire@hse.gsi.gov.uk</a> SCS Lawyer – Caroline Croft

<b>Proposed simplification of Pressure Equipment Directives</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The EC has decided that the review of the directive will not take place until 2010, after which next steps will be decided.	
<b>Lead Department</b> <b>HSE contact</b>	<b>BERR</b> SCS Lead – Marcia Davies HSE Policy Lead – Phil Papard, STSU, 0161 952 8402, <a href="mailto:phil.papard@hse.gsi.gov.uk">phil.papard@hse.gsi.gov.uk</a> SCS Lawyer – Caroline Croft

<b>Initiative on Nuclear Safety</b>	
<b>Current status (NEW DEVELOPMENTS):</b> The Council Directive on Nuclear Safety (revised and updated from the original draft) was adopted by the Commission on 26 November 2008 and went to the Atomic Questions Working Group (AQWG) on the same day for information. The Directive will be on the agenda for the next 3 AQWG meetings under the French Presidency in 2008. FCO is liaising with Department of Energy and Climate Change (DECC) and HSE to coordinate the UK responses.	
<b>Lead Department</b> <b>HSE contact</b>	<b>DECC (Policy Lead) HSE (UK Competent Authority)</b> SCS Lead – Mike Weightman Policy Lead – Peter Addison, Nuclear Directorate, 0151 951 3550, <a href="mailto:peter.addison@hse.gsi.gov.uk">peter.addison@hse.gsi.gov.uk</a> SCS Lawyer – Caroline Croft

**UNDER NEGOTIATION:**

<b>Dangerous Substances Directive (67/548/EEC) – 31<sup>st</sup> Adaptation to Technical Progress (ATP)</b>	
<b>Current status (NEW DEVELOPMENTS):</b> <b>The vote on the 31<sup>st</sup> ATP took place on 19 November 2008. No Member State voted against, six abstained, and all others voted in favour. This means there were 297 votes in favour with 48 abstentions, giving a comfortable QMV in favour (255 is required for QMV). The 31<sup>st</sup> ATP is expected to be taken into GHS so there will be no need for the UK to implement the 31<sup>st</sup> ATP. However enforcement regulations will be needed for GHS. Following formal adoption by the Commission and publication of the 31<sup>st</sup> ATP in the Official Journal we can expect to receive from the nickel industry notice of their intention to seek referral from a British Court to the European Court of Justice challenging some or all of the classifications for nickel substances.</b>	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Steve Coldrick Policy Lead – Robin Foster, International Chemicals Unit, 0207 717 6990, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Stephen Amos

**Marketing and Use Directive (76/769/EEC) – Restrictions on marketing and use of Dichloromethane**

Current status (**NEW DEVELOPMENTS**):

In February 2008 the EC published a proposal to restrict the marketing and use of Dichloromethane (DCM)-based paint-strippers. This has been subject co-decision via the Council Working Party on Technical Harmonisation (Dangerous Substances) and the European Parliament's (EP) Environment, Public Health and Food Safety (ENVI) Committee. A UK negotiating strategy was cleared by Ministers. The EP's ENVI Committee voted on 9 September 2008 for a ban on professional and consumer use of DCM based paint-strippers **and it is likely that the proposal will be considered by the EP in Plenary in January 2009. The last Council Working Party meeting took place on 27 November. The finalised text of the Decision should be considered by COREPER on 10 December.**

**Lead Department**  
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SCS Lawyer – Stephen Amos

**Proposed EC Regulation on Community Statistics on Public Health and Health and Safety at Work**

Current status (**NEW DEVELOPMENTS**):

The Regulation completed its Second Reading at the EP Plenary session on 18 November 2008 and was adopted. The Regulation will come into force twenty days after formal publication in the Official Journal of the European Union before the end of the year. Eurostat is expected to begin preparatory work on secondary implementing Commission Regulations in 2009.

**Lead Department**  
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SCS Lawyer – Stephen Amos

**Proposed EC Regulation on Classification, Labelling and Packaging of Chemicals (adopting Globally Harmonised System (GHS) in the EU)**

**Current status (NEW DEVELOPMENTS):**

Council negotiations concluded at the end of June 2008 and the EP voted on 3 September 2008 to secure a First Reading deal. **The Regulation was adopted by the Council on 28 November** and is expected to enter into force in late 2008/early 2009. HSE is working on amendments to the Chemical Hazard Information and Packaging for Supply (CHIP) Regulations to align it with and enable enforcement of the EC Regulation. **The Board approved publication of the Consultation Document for these amendments at its 26 November meeting and consultation is expected to commence in the week beginning the 15 December 2008.**

**Lead Department  
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SCS Lawyer – Stephen Amos

**Biocidal Products Directive (98/8/EC) – amendment of the transitional deadline to allow for completion of the review of active substances used in biocidal products that were already on the market before the Directive came into force**

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

The proposal was presented at the Environment Working Party meeting on 28 November 2008. It is currently anticipated that the proposal will be agreed at first reading so that final agreement can be reached early in 2009.

**Lead Department  
HSE contact**

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SCS Lawyer – Caroline Croft

## UNDER IMPLEMENTATION:

<b>EC Regulation on Existing Substances (793/93) – Risk Assessment and Risk Reduction Strategies</b>	
<b>Current status (NEW DEVELOPMENTS):</b> The UK has completed its work to prepare Risk Reduction Strategies for four outstanding ESR substances (Bisphenol A, MCCP, Styrene and Tetrachloroethylene) before the due completion date of 1 December 2008. These have been submitted to European Chemicals Agency to take forward the recommendations.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE (UK Competent Authority)</b> SCS Lead – Steve Coldrick Policy Lead – Robin Foster, International Chemicals Unit, 020 7717 6990, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS lawyer – Stephen Amos

<b>Artificial Optical Radiation Directive (2006/25/EC)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The Directive was adopted on 27 April 2006 and member states have until 27 April 2010 to implement the directive. HSE has begun work on transposing the Directive by the deadline.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Les Philpott Policy Lead – Malcolm Darvill, Specific Interventions, 020 7717 6182, <a href="mailto:malcolm.darvill@hse.gsi.gov.uk">malcolm.darvill@hse.gsi.gov.uk</a> SCS Lawyer – Stephen Amos

## EC Regulation on Registration, Evaluation, Authorisation and Restriction of Chemical substances (REACH) (1907/2006)

### Current status (**NEW DEVELOPMENTS**):

The regulation came into force on 1<sup>st</sup> June 2007. At Community level, HSE officials are working with other Member States, the Commission and key stakeholders in a number of committees and other groups to establish the working principles for the Regulation. Key recent developments include review of annexes to the Regulation **including developments re:**

- The deadline for 'pre-registration' of in-scope substances already being manufactured or imported passed on 1 December. It is now illegal to manufacture, import or sell an in-scope substance without a valid registration or pre-registration. HSE is responsible for enforcing this in the UK, which will take place as part of the work of the Competent Authority and within the framework of HSE enforcement policy and the Compliance Code.
- The Helpdesk run by HSE for REACH experienced much higher than anticipated contacts throughout November. Early estimates indicate around 2,800 contacts for the month alone. Response times remain well within two days for most contacts.
- The Statutory Instrument (SI 21008/2852) putting in place UK enforcement arrangements entered into force on 1 December. The Board responded to several rounds of consultation on these arrangements, with significant positive influence on the outcome.
- Annex XVII to the REACH Regulation will replace the existing Marketing and Use Restrictions on substances, but aims not to change the scope of these. A review of Annex XVII is nearing completion, and has raised some concerns about the wording on the asbestos restriction. Most of these have been resolved in committee, and HSE hope to be able to endorse the version to be considered in comitology on 17 December. Some concerns remain about a derogation for use that does not affect UK operations.
- As a result of changes to Annex XVII, which are expected to be agreed on 17 December, HSE will be able to secure the ongoing effective restriction of trade in, as well as conditional use of articles (for example removal, sampling etc) in the UK. We will need to amend SI 2008/2852 before the 1 June 2009 to retrieve from repeal these aspects of existing arrangements.
- The European Chemicals Agency (ECHA) is proposing a 'Risk Communication Network' to facilitate Member State and ECHA duties to communicate information. A Working Group has been established with key UK involvement to guide the principles on which this work will be founded. A report from the working group will be considered at the December meeting of the REACH Competent Authorities on 15/16 December.
- HSE are developing guidance on the relationship between REACH and COSHH – leaflets aimed at safety reps and employers are being drafted after internal consultation, but remain under development. HSE are also contributing toward Community level guidance on interactions between REACH and European systems relating to dangerous substances and preparations in workplace.

**Lead Department**  
**HSE contact**

**DEFRA (Policy Lead) HSE (UK Competent Authority)**

HSE SCS Lead – Steve Coldrick

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SCS Lawyer – Stephen Amos

**EC Regulation concerning the import and export of dangerous chemicals (689/2008)**

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

The EC Regulation came into force on 1 August 2008. UK enforcement regulations were laid before Parliament on 8 August and came into force on 3 September 2008.

<b>Lead Department</b>	<b>HSE</b>
<b>HSE contact</b>	SCS Lead – Steve Coldrick Policy Lead – Robin Foster, International Chemicals Unit, 020 7717 6990, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Stephen Amos

**Dangerous Preparations Directive (2006/8/EC)**

Current status (**NEW DEVELOPMENTS**):

GB implementing regulations were laid before Parliament on 5 September 2008 and came into force on 1 October 2008. Northern Ireland Regulations came into force on 28 November 2008. The EC has closed infraction proceedings against the UK.

<b>Lead Department</b>	<b>HSE</b>
<b>HSE contact</b>	SCS Lead – Steve Coldrick Policy Lead – Robin Foster, International Chemicals Unit, 020 7717 6990, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Stephen Amos

**Directive (2006/121/EC) amending Directive 67/548/EEC relating to classification, packaging and labelling of dangerous substances in order to adapt it to the REACH Regulation**

Current status (**NEW DEVELOPMENTS**):

This Directive was adopted on 18 December 2006, with transposition required by 31 May 2008. The Directive is due to be transposed in two parts. The UK implemented the substantive parts of the Directive on 1 December 2008 through the REACH Enforcement Regulations 2008. The remaining requirements will be transposed through amendments to CHIP, which will be made in relation to the GHS Regulation; this is likely to be in Spring 2009. As full transposition has not yet taken place, the UK is currently subject to infraction proceedings on this Directive.

<b>Lead Department</b>	<b>HSE</b>
<b>HSE contact</b>	SCS Lead – Steve Coldrick Policy Lead – Robin Foster, International Chemicals Unit, 020 7717 6990, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Stephen Amos

**Identification and Traceability of Explosives for Civil Uses Directive (2008/43/EC)****Current status (NEW DEVELOPMENTS):**

This Directive was adopted on 4 April 2008 with transposition required by 5 April 2009. **The Board has cleared an approach for transposing the Directive and this is being put to Ministers for approval.**

**Lead Department  
HSE contact****HSE**

SCS Lead – Les Philpott

Policy Lead – Graham Collins, Nuclear Safety Policy, 020 7717 6365, [graham.collins@hse.gsi.gov.uk](mailto:graham.collins@hse.gsi.gov.uk)

SCS Lawyer – Caroline Croft

**Dangerous Substances Directive (67/548/EEC) – 30<sup>th</sup> Adaptation to Technical Progress (ATP)****Current status (UNCHANGED FROM LAST BOARD UPDATE):**

**This should be taken into GHS so there will be no need for the UK to implement the 30<sup>th</sup> ATP. However enforcement regulations will be needed for GHS.**

**Lead Department  
HSE contact****HSE**

SCS Lead – Steve Coldrick

Policy Lead – Robin Foster, International Chemicals Unit, 0207 717 6990, [robin.foster@hse.gsi.gov.uk](mailto:robin.foster@hse.gsi.gov.uk)

SCS Lawyer – Stephen Amos

**Machinery Directive (2006/42/EC)****Current status (NEW DEVELOPMENTS):**

The Supply of Machinery (Safety) Regulations 2008 (published in June 2008), come into force on 29 December 2009. The EC has submitted a proposed amendment to introduce environmental protection requirements for pesticides application machinery. The French Presidency held a first Council WG meeting on 3 December 2008. BERR, with HSE support, represented the UK. A further meeting is planned for December and then the Czech Presidency will take up in January with at least two meetings – we expect the Council to agree a text in the first quarter of 2009. BERR is preparing an impact assessment.

**Lead Department  
HSE contact****BERR**

HSE SCS Lead – Marcia Davies

HSE Policy Lead – Phil Papard, STSU, 0161 952 8402, [phil.papard@hse.gsi.gov.uk](mailto:phil.papard@hse.gsi.gov.uk)

SCS Lawyer – Caroline Croft

<b>Services Directive (2006/123/EC)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> BERR is currently working on measures to implement the Directive in the UK.	
<b>Lead Department</b>	<b>BERR</b>
<b>HSE contact</b>	HSE SCS Lead – Jenny Eastabrook/Elizabeth Hodkinson HSE Policy Lead – Kevin Walkin, Better Regulation Unit, 020 7717 6298, <a href="mailto:kevin.walkin@hse.gsi.gov.uk">kevin.walkin@hse.gsi.gov.uk</a> SCS Lawyer – Stephen Amos

<b>EC Regulation applying aspects of the New Regulatory Framework (New Approach) that set out the essential requirements which apply directly to all Member States concerning control of most non-food products supplied in the UK or elsewhere in the European Community (765/2008)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> Adopted at the June 2008 Agriculture Council. This EC Regulation sets out the requirement for Member States accreditation and market surveillance obligations relating to the marketing of products in the EU. The Regulation will apply from 1 January 2010. BERR is at an early stage in considering what UK legislation changes may be required. This includes looking at if the new requirements for recall and withdrawal of defective products are adequately covered by existing UK legislation, including Section 6 of HSWA. A new Market Surveillance Coordinating Committee, including a HSE representative, has been set up by BERR to help implement this Regulation.	
<b>Lead Department</b>	<b>BERR</b>
<b>HSE contact</b>	HSE SCS Lead – Marcia Davies HSE Policy Lead – Phil Papard, STSU, 0161 952 8402, <a href="mailto:phil.papard@hse.gsi.gov.uk">phil.papard@hse.gsi.gov.uk</a> SCS Lawyer – Caroline Croft

<b>EC Regulation on Mutual Recognition of Goods in the European Union (764/2008)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> Adopted at the June 2008 Agriculture Council. This EC Regulation defines the rights and obligations of, on the one hand, national authorities and, on the other, enterprises wishing to sell in a Member State products lawfully marketed in another Member State, when the competent authorities intend to take restrictive measures about the product in accordance with national technical rules. The Regulation will apply from 13 May 2009.	
<b>Lead Department</b>	<b>BERR</b>
<b>HSE contact</b>	HSE SCS Lead – Marcia Davies HSE Policy Lead – Phil Papard, STSU, 0161 952 8402, <a href="mailto:phil.papard@hse.gsi.gov.uk">phil.papard@hse.gsi.gov.uk</a> SCS Lawyer – Caroline Croft