

Health and Safety Executive Board		Paper No: HSE/09/76	
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Chief Executive's Report to the Board			

2008/09 Offshore Statistics

1. The offshore statistics for the 1 April 2008 until the 31 March 2009 (based on provisional figures for 2008/09) were published in the Offshore Safety Statistics Bulletin on the 5 August 2009 with considerable press interest and positive publicity.
2. The headline accident injury statistics were:
 - No workers were killed while working offshore in areas within HSE's field of responsibility during 2008/09 – the second consecutive year with no fatalities for the first time since HSE took responsibility for offshore safety - and there was a fall in major injuries with 30 reported, a fall of 14 compared with 2007/08 figures;
 - The combined fatal and major injury rate reduced to 106 per 100,000 workers in 2008/09, compared with 156 in 2007/08 and 146 in 2006/07; and
 - In 2008/09, there was a small fall in the minor three-day injury rate with 496 workers per 100,000 reporting an injury, a new low, improving on the broadly flat trend over the previous seven years.
3. The above rates and the number of major injuries are the lowest recorded since HSE took responsibility, in 1991, for offshore safety following the Piper Alpha disaster.
4. The number of major and significant hydrocarbon releases, regarded as potential precursors to an incident, also showed marked improvement with 61 in 2008/09 compared with 74 in 2007/08 also the lowest number on record. Only one major hydrocarbon release was reported.

Clostridium difficile deaths in Scotland

5. Calls for the expansion of the planned Public Inquiry into c-difficile related deaths at the Vale of Leven Hospital in West Dunbartonshire have been made recently following the announcement of two clusters of elevated death rates due to infection at Gartnavel Hospital in Glasgow and press reports that indicate significant increases in deaths across Scotland, either through direct causation, or as a result of contributory factors relating to infection. A decision to hold a Public Inquiry into the deaths at the Vale of Leven Hospital was made by the Scottish Government in May 2009. The terms of reference for this Inquiry have yet to be agreed.

6. The Health and Safety Executive participated in a joint investigation into the circumstances of the Vale of Leven with Strathclyde Police at the request of the Crown Office and Procurator Fiscal Service after an independent investigation by Health Protection Scotland indicated possible work related causes. Additional HSE reviews of management systems at two other hospitals for which elevated death rates due to c-difficile were identified were also carried out over the past 9 months. These hospitals were part of Fife and Grampian Health Boards.
7. The Healthcare Commission does not operate in Scotland and HSE is the only enforcing authority in place to investigate cases of Healthcare Associated Infection that result from work related factors, other than the Police who may be instructed by the Procurator Fiscal to work with HSE, under the terms of the Work Related Deaths Protocol, to investigate deaths with a view to establishing or discounting corporate homicide as a cause.

Implementation of the Artificial Optical Radiation Directive

8. Following the Board's discussion, HSE are working to develop a set of new regulations limited to the minimum required to meet the additional requirements of the Directive. These will be aimed only at those businesses that use hazardous sources of artificial optical radiation, thereby minimising unnecessary wider burdens. A detailed communications plan is being developed to ensure that businesses, and in particular SMEs fully understand what will, and importantly what will not, be required of them. Full consultation of stakeholders will take place later in the Autumn after approval of the consultation document by the Board.

Agriculture revisited initiative

9. Since the recommendations in paper HSE/09/46 were agreed by the Board in May 2009:
 - Communications Directorate launched Phase 2 of the campaign at the beginning of June. Direct mailing was targeted at those who had received but not responded to the Phase 1 mailing, supported by adverts in the trade press. Simultaneously, other public relations (PR) materials were directed to the responders from Phase 1 reminding them to 'Keep the Promise, Come Home Safe' particularly over the busy harvest period. To date there have been ~14,000 responses from Phases 1 and 2; an excellent response which compares very favourably with other Government campaigns. Phase 2 will be completed by the end of September. Phase 3 is provisionally scheduled for December 2009;
 - The Agriculture & Food Sector (the Sector) and FOD have agreed proposals for the planning, management, budgetary control and delivery of the Safety and Health Awareness Days (SHAD) and Agricultural Show programmes for 2010/11 and beyond which reflect the Board's desire for a more strategic approach;
 - Working with industry stakeholders, the Sector has progressed the 'Machinery and suppliers' and 'Vocational qualifications and education' projects which directly support the Initiative and which have links with one or more of the themes in the new strategy. Simultaneously, a consultant has been appointed and started work on the 'Stakeholder mapping' exercise requested by the Board; and

- CSAG has been working with the joint Programme Managers to develop leading indicators and an Invitation to Tender (ITT) for a suitable contractor to carry out the proposed holistic, retrospective evaluation of the Initiative.
- Judith Donovan's continued support and involvement has again been much appreciated.

Risk Assessment and Policy Template

10. A Risk Assessment and Policy Template combining the requirements of a health and safety policy, risk assessment and written record of health & safety arrangements will be ready for launch on 1 September 2009.
11. The template has been developed to help reduce the burdens on small to medium, lower risk enterprises. It has been designed to be used along with the example risk assessments, and furthermore an example health and safety policy which is provided as a guide to illustrate what is broadly required. This package is intended to demonstrate to businesses what a sensible and proportionate approach to meeting their basic health and safety duties looks like in practice.
12. These initiatives form a key strand of the simplification plan and savings will contribute towards the 25% (£505 million) target reduction of health and safety administrative burdens on businesses to be achieved by 2010.
13. The template has been approved by the Embedding Sensible Risk Management Steering Group which includes a number of key stakeholders and also by the Small Business Trade Association Forum.
14. A communications plan for internal and external stakeholders has been developed for promotion of the template and the example risk assessments.
15. An evaluation strategy has been drawn up with the Chief Scientific Adviser's Group (CSAG) to enable HSE to measure the success of the tools. The results of the evaluation will be ready for publication in the final Simplification Plan due in autumn 2010.

Civil Service People Survey (CSPS)

16. The Cabinet Office in consultation across all Departments has developed a single Employee Engagement Survey to be rolled out across the Civil Service in October 2009. The Civil Service People Survey (CSPS) seeks to enable employee engagement to be embedded as a key management resource in improving Departmental performance and Civil Servant wellbeing. It will focus on Employee Engagement replacing the more traditional staff satisfaction surveys that provided valuable insight but offered little steer for managers as to what should change to improve performance and motivation of staff.
17. The Survey was piloted in several Departments early in 2009 and following evaluation and further consultation a refined questionnaire has been agreed. We are preparing for implementation having decided to join with the "DWP family" for this exercise although the survey will remain HSE specific and enable us to analyse the information for HSE alone.

18. A staged roll out will be implemented across departments and the HSE Survey will “Go live” on 12 October for a period of 3 weeks closing on 1 November. A detailed Communication plan is being prepared to complement the launch, results and action planning stages of the exercise. The headline results should be available a few weeks after the end of the ‘Go Live’ period. Full results, including the Employee Engagement Index, Key Driver Analysis and benchmarking data should be available by 1 February 2010. We will report in due course to the Board on the outcome.

Nuclear Directorate Transition Update

19. HSE have established a transition team working within the Nuclear Directorate (ND) to plan for the delivery of the proposed transition to a statutory corporation. The team comprises ND Staff and experienced Interim Managers for HR, Finance and Programme Management supplemented by specialist advice in key areas. The transition programme focuses on the activities required to create the statutory corporation and continuing the operational improvements already underway in ND – all without detriment to current regulatory activities

20. The initial focus of the team has been on robust planning and governance for the various work streams required to deliver the transition and engagement with internal and external stakeholders. To support this a new head of communications has been appointed and new communication channels have been implemented, including a regular staff newsletter and interactive community site. In addition conferences have been arranged for all staff and for the CEO's of licensees and duty holders and regular consultation meetings with HSE trade union representatives are taking place. This communication activity will support the programme in delivering key messages and information to all stakeholders throughout the planned activities.

21. The immediate priorities focus on the potential HR changes associated with the proposed transitions that are critical to the success of the programme. The key milestone is to have the necessary processes in place to enable shadow operation of the proposed statutory corporation by April 2010.

HWWW Update

22. Apart from those taking Voluntary Early Retirement / Severance (VER) on compulsory terms, and others who have agreed 'exit' arrangements in place (45 altogether), this leaves us with only 25 staff whose futures are still to be determined. Of these, 7 are still present in Rose Court and most of the remainder are currently out of HSE, mainly on loan to other Government Departments. HR staff working with line managers, will continue to assist all of these staff to secure future employment including liaising with Other Government Departments to turn loans into permanent arrangements where possible. The Crown Prosecution Service will take over responsibility for Rose Court from the end of September 2009.

23. The Programme team are now considering arrangements for closing the programme possibly later this year and for ensuring that the intended benefits are realised.

GEOFFREY PODGER

Operations

Fatality Details

Following a recommendation made by the Information Commissioner, HSE extended its policy to include the names of the deceased and additional details on these fatal incidents on our webpages. Accordingly, since 1 April 2009, the names of the deceased plus additional details may be viewed at:

<http://www.hse.gov.uk/foi/fatalities/in-year-names.htm>.

To ensure that details are not released prior to inquest, HSE delays publication until at least one month from the date of notification to HSE has elapsed. Occasionally owing to a period of latency between an accident being reported and the death of the injured person, details of incidents that occurred prior to the current reporting period may be included in the statistics.

Since the last update to the HSE Board, 22 fatal accidents reported to HSE under RIDDOR were published to HSE's website, please see Annex 2 for details.

Significant Prosecutions for July 2009

- [An Essex builder](#) and contractor were jailed for three years and for 15 months respectively when a 15-year old labourer was crushed and killed by a wall that he had been told to demolish.
- [A Powys gas fitter](#) was jailed for three years for causing two deaths by carrying out sub-standard gas work on an appliance for which he was not qualified to do so and for undertaking that work without Gas Safe registration.
- [A Cheshire metallurgical testing company](#) was fined £533,000 plus £200,000 costs when two employees were asphyxiated in a confined space.
- [A London-based firm of contractors](#) was fined £150,000 plus £25,203 costs when one worker was fatally struck and another seriously injured by an improperly secured platform being lifted by a crane.
- [A Hampshire waste handling company](#) was fined £60,000 plus £29,061 costs when an employee was struck by a vehicle and subsequently died of his injuries.
- [A Merseyside firm of contractors](#) was fined £25,000 plus £14,086 costs when a roofer fell from height and was fatally injured.
- [A Warwickshire gas fitter](#) was fined £5,000 plus £20,632 costs for failing to comply with an Improvement Notice requiring him to either register with Gas Safe or cease trading.
- [A Birmingham waste handling company](#) and West Yorkshire engineering company were fined £100,000 plus £22,000 costs and £70,000 and £22,000 costs respectively when an employee fell from height and sustained serious injuries.
- [A Lancashire meat processing company](#) was fined £25,000 plus £20,000 when two employees contracted Legionnaire's disease as a result of the company failing to carry out checks on hot and cold water systems.
- [A Lancashire chemical company](#) was fined £50,000 plus £6,141 costs when an employee had three fingers amputated whilst working on machinery which was unguarded and for which he also had received no training.

Myth of the Month August 2009 – Concert-goers must wear ear plugs

Whereas the audience has a choice to attend a noisy concert, people working at concert venues do not. The law is there to control risks to workers, not to take the fun out of concerts.

FOI Requests made to HSE

There were 589 FOI requests during July.

Events, Campaigns and Publications

July Podcast

- The launch of the public consultation on a register for tower cranes was announced.
- An HSE inspector provided advice targeted at young people outlining the health and safety challenges they may face in the workplace.
- The falling trend in accident report rates was described.
- HSE warned of misleading promotion campaigns by some companies selling the new Health and Safety Law poster.
- Infoline described the process of reporting an accident.

Agricultural Industry Shows

HSE had stands at agriculture shows in Yorkshire, Kent, Wales and Gloucestershire.

Construction Industry Advisory Committee (CONIAC)

CONIAC held one of its open meeting in London. The meeting was well attended by the public.

Parliamentary Business

There were 23 PQs during July.

In-year work-related deaths reported to HSE

The following table is an extract of all 2009/10 work-related deaths notified to HSE since the last update to the Board on 22 July 2009. It is taken from the latest "Names and details of fatalities" update published on HSE's website on 10 August 2009.

HSE's internet publication is the collated picture of 'as reported' information on fatalities. It does not purport to be a formal statistical release. Subsequent investigation may determine that some are not reportable under RIDDOR, for example deaths due to natural causes. Other deaths shown here may have been caused by gas incidents in the home. In such cases these deaths will not be counted in our statistics for workplace fatal injuries. Provisional quarterly figures for workplace fatal injuries are available from our latest quarterly injury figures and validated figures and information will only be available on publication of the annual fatality statistics for Great Britain.

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	LA code	General Industry Sector	Detailed Standard Industry Classification (SIC)	SIC Code	Employment status
02/06/2009	George Hardie	60	The deceased was struck by a fork lift truck	Broxburn	West Lothian	9079	Manufacturing	Bacon and ham production	15131	Employee
02/06/2009	Temi Abimbola	16	The deceased drowned in a reservoir	Warrington	Warrington UA	655	Extractive/Utility	Collection, purification and distribution of water	41000	Member of the public
02/06/2009	Shane Offer	21	The deceased fell through a roof light	Bognor Regis	Adur	3805	Service	Other letting of own property	70209	Employee
02/06/2009	Alice Mary Owens	94	The deceased suffered injuries and later died in hospital	Wrexham	Wrexham UA	6955	Service	Private sector hospital activities	85112	Member of the public
03/06/2009	Robert Jozwiak	43	The deceased fell through a roof	Leicester	Leicester UA	2465	Construction	Erection of roof covering and frames	45220	Self employed
04/06/2009	Ralph Lang	52	The deceased fell from a pitched roof	South Yorkshire	Barnsley	4405	Construction	Painting and glazing	45440	Employee
06/06/2009	John Armstrong	60	The deceased fell out of a bucket and was struck by a tractor	Carlisle	Allerdale	905	Agriculture	Farming of cattle, dairy farming	1210	Self employed
12/06/2009	Rachael Andrews	38	The deceased's vehicle left the road and overturned	Colchester	Colchester	1530	Service	Veterinary activities	85200	Self employed
12/06/2009	Colin Westaway	72	The deceased was killed by a moving tractor	Shobrooke Crediton	Mid Devon	1135	Agriculture	Farming of sheep, goats, horses, asses, mules and hinnies	1220	Self employed
13/06/2009	Cory James	3	The deceased fell from a moving tractor	Kettering	East Northamptonshire	2815	Service	General (overall) public service activities	75110	Member of the public
14/06/2009	Philip Pratt	26	The deceased was struck by a vehicle whilst attending a road traffic accident	Kent	Swale	2255	Service	Public security, law and order activities	75240	Employee
16/06/2009	Terry Bull	62	The deceased fell from height	Walsall	Birmingham	4605	Construction	Construction	45210	Self employed
16/06/2009	Colin Pocock	40	The deceased collapsed whilst resurfacing a bath	London	Richmond-upon-Thames	5810	Construction	Other construction work involving special trades	45250	Employee
17/06/2009	Alfred Langmead	65	The deceased was crushed by vehicle	Aberdeen	Aberdeen City UA	9051	Service	Maintenance and repair of motor vehicles	50200	Employee
19/06/2009	Anthony Johnson	55	The deceased was struck in the head by an object expelled from machinery	Sheffield	Sheffield	4420	Manufacturing	Recycling of metal waste and scrap	37100	Employee
19/06/2009	Kerry Daly	21	The deceased was killed in a gas explosion	Buckinghamshire	South Buckinghamshire	410	Service	Other retail sale in specialised stores not elsewhere classified	52489	Employee
21/06/2009	Francis Elizabeth Crowsley	49	The deceased was trampled by cows whilst out walking	North Yorkshire	Richmondshire	2720	Agriculture	Farming of cattle, dairy farming	1210	Member of the public
23/06/2009	John Sutherland	64	The deceased fell from a ladder	Caithness	-	-	Construction	Erection of roof covering and frames	45220	Employed
24/06/2009	Matthew Pitt	28	The deceased was overcome by fumes	Blandford	North Dorset	1215	Agriculture	Growing of crops combined with farming of animals (mixed farming)	1300	Self employed
24/06/2009	James Waughman	57	The deceased fell from height	Chelmsford	Colchester	1530	Construction	Erection of roof covering and frames	45220	Employee
26/06/2009	Kim Webb	20	The deceased was crushed by a tractor	North Cadbury	South Somerset	3325	Agriculture	Growing of crops combined with farming of animals (mixed farming)	1300	Employee
30/06/2009	Lilian Gent	98	The deceased fell and struck her head	-	-	-	Service	-	-	Member of the public

Footnotes

Third parties provide this information when notifying these incidents to HSE. We will verify its accuracy (e.g. the name and age of the deceased) when the incident is investigated and as more information becomes available. Although we may have done some validation of the notifier's information prior to publication on HSE's web pages we cannot guarantee the accuracy of all of the above details.

All possible work-related fatalities are separately notified to the Coroner and the Coroners Court release the name of the deceased when they open the inquest. To ensure that this release has taken place, we do not publish this information until at least a month after the date of the reported incident.

UPDATE ON EU HEALTH AND SAFETY DOSSIERS

This annex to the Chief Executive's Report provides the Board with a monthly update on progress with EU health and safety dossiers that HSE leads on for HMG or other dossiers that HSE has an interest in but not the lead. To help the Board keep track of developments, each dossier is either marked '**UNCHANGED FROM LAST BOARD UPDATE**' or '**NEW DEVELOPMENTS**'. For further information about this annex, please contact Stephen Taylor, EU Coordinator in HSE's International Unit (Tel: 020 7227 3830 or e-mail: stephen.taylor@hse.gsi.ov.uk)

ON THE HORIZON:

Initiative on Carcinogens and Mutagens Directive (2004/37/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE)	
The second stage of social dialogue on potential amendments to the Directive ended without agreement. The European Commission has tendered for a contractor to undertake an impact assessment to help decide the next steps for the Directive.	
Lead Department	HSE
HSE contact	SCS Lead – Steve Coldrick Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

SOCIAL DIALOGUE:

Social Partners Agreement on Needlestick Injuries	
Current status (NEW DEVELOPMENTS): The social partners in the public health sector have come to a collective agreement on working safely with sharp instruments. Implementation is likely to be by Council Directive. Action on this is included in the Swedish Presidency work plan, although there is no timetable at present for the dossier.	
Lead Department HSE contact	HSE SCS Lead – Susan Mackenzie Policy Lead – Paul Logan, Specialised Industries Division, 0151 951 4767, paul.logan@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

PRE-PROPOSAL STAGE:

Proposed Directive on Musculoskeletal Disorders	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) is working on a draft directive that combines the existing Manual Handling and Display Screen Equipment Directives into one instrument. Recent information provided by the EC suggests a delay until 2010 for a formal legislative proposal.	
Lead Department HSE contact	HSE SCS Lead – Peter Brown Policy Lead – Nick Snelham, Work Environment, Radiation and Gas Division, 0151 951 3691, nicholas.snelham@hse.gsi.gov.uk SCS Lawyer – Caroline Croft

Proposed amendment of Electromagnetic Fields Directive (2004/40/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): FICETTI outlined its draft report on options for the delayed directive at the end of June. The European Commission is now considering the draft with the final report due in September. Officials will seek Board clearance on an influencing strategy in response to the final recommendations.	
Lead Department HSE contact	HSE SCS Lead – Peter Brown Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909, matthew.penrose@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

Proposed “Omnibus Directive” to modify New Approach Directives in line with EC Regulation 768/200	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) plans to introduce a horizontal "Omnibus Directive" to bring all New Approach Directives that need minor modification in line with EC Regulation 768/2008 (this deals with the harmonisation of New Approach Supply Directives). A first draft may be forthcoming later this year.	

Lead Department HSE contact	BIS HSE SCS Lead – Marcia Davies HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, phil.papard@hse.gsi.gov.uk HSE SCS Lawyer – Caroline Croft
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Proposed revision of Seveso II Directive (96/82/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE) The European Commission has committed itself to drafting a paper with suggestions for revisions of the Directive for discussion at the Committee of Competent Authorities meeting in October.	
Lead Department HSE contact	HSE SCS Lead – Peter Baker Policy Lead – Sandra Ashcroft, Chemicals Industries Division, 0151 951 3531, sandra.ashcroft@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

Proposed recast of Basic Safety Standards Directive (96/29/EURATOM)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): A working party (WP) of the European Commission's Article 31 (A31) Group of Scientific Experts is currently considering a recast of the Directive. The WP expects to produce a full report by late 2009. A legislative proposal is not likely until mid 2010. In the UK, three stakeholder-working groups (WG) are in place to help with preparing our position during the development of the proposal. HSE leads the Occupational Exposures WG, the Department for Energy and Climate Change leads the Public and Environmental Exposures WG, and the Health Protection Agency leads the Medical Exposures WG.	
Lead Department HSE contact	HSE SCS Lead – Peter Brown Policy Lead – Kate Haire, Work Environment, Radiation and Gas Division, 0151 951 3792, kate.haire@hse.gsi.gov.uk SCS Lawyer – Caroline Croft

Proposed simplification of Pressure Equipment Directives

Current status (UNCHANGED FROM LAST BOARD UPDATE):

The European Commission plans to conduct a future review of the directive, with no decision taken yet on the timing.

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

HSE SCS Lead – Marcia Davies

HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, phil.papard@hse.gsi.gov.uk

HSE SCS Lawyer – Caroline Croft

UNDER NEGOTIATION:**Proposed EC Regulation concerning the placing on the market and use of biocidal products (replacing Directive 98/8/EC)****Current status (NEW DEVELOPMENTS):**

The European Commission (EC) has published a formal legislative proposal for a major review of the Biocidal Products Directive. This proposes that an EC Regulation, which will be directly applicable in Member States, will revise and replace the current Directive. The proposal identifies five policy areas for change: scope, product authorisation, data sharing, data requirements and fees. The Swedish Presidency is keen to make progress, with negotiations having started. **HSE is currently consulting stakeholders to inform the UK's position on the proposal.**

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

SCS Lead – Steve Coldrick

Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk

SCS Lawyer – Caroline Croft

Pregnant Workers Directive (92/85/EC) – introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding**Current status (UNCHANGED FROM LAST UPDATE):**

The previous European Parliament (EP) voted to reject its Women's Rights Committee report on the Directive, which contained proposed health and safety amendments. It was referred back to the Committee for further work. This won't be possible until the new EP meets in the Autumn. Negotiations in Council continue under the Swedish Presidency.

Lead Department**BIS**

HSE contact	HSE SCS Lead – Peter Brown HSE Policy Lead – Marion Evans, Work Environment, Radiation and Gas Division, 020 7717 6428, marion.evans@hse.gsi.gov.uk HSE SCS Lawyer – Navroza Ladha
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Proposed Directive on 3rd List of Indicative Occupational Exposure Limit Values (IOELVs)

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

A Technical Progress Committee meeting of Member States took place on 31 March 2009. The meeting was inconclusive because of differences of opinion concerning one substance, with no vote taken. The EC has since withdrawn the substance with concerns against it from the annex of the draft directive pending consideration of the results of an on-going study. Following a further vote, the European Parliament will subject the dossier to scrutiny, before adoption by the EC towards the end of 2009. Member States will then have 2 years in which to implement the Directive.

Lead Department HSE contact	HSE SCS Lead – Steve Coldrick Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha
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Proposed Directive codifying directives relating to protection of workers from the risks related to exposure to asbestos at work

Current status (**NEW DEVELOPMENTS**):

The Commission, in 2006, published a proposal to codify directives relating to the protection of workers from the risks related to exposure to asbestos at work. The purpose of a codification is to bring together a number of instruments into one codified text, not to make substantive amendments. A draft directive is currently progressing through the Council's Codification Working Group.

Lead Department HSE contact	HSE SCS Lead – Steve Coldrick Policy Lead – Sarah Mallagh, Long Latency Health Risks Division, 0151 951 4560, sarah.mallagh@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha
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Proposed EC Regulation to replace Directive 91/414/EEC the on authorisation and marketing of pesticides

Current status ([UNCHANGED FROM LAST BOARD UPDATE](#)):

In January 2009, the European Parliament agreed a new Regulation to replace Directive 91/414/EEC, which establishes a framework for the authorisation and marketing of plant protection products in the European Union. It follows a second reading agreement reached with the Council in December 2008. The Regulation includes provisions to increase the level of protection given to human health, animal welfare and the environment. It also aims to speed up decision-making and provide clearer rules for the crop protection industry. We anticipate that the Council to endorse the agreement in September/October.

Lead Department	DEFRA (Policy Lead) HSE (UK Competent Authority)
HSE contact	HSE SCS Lead – Dave Bench HSE Policy Lead – Mark Hawkins, Chemicals Regulation Directorate, 01904 455 759, mark.hawkins@hse.gsi.gov.uk HSE SCS Lawyer – Caroline Croft

Proposed Directive on the sustainable use of pesticides

Current status ([UNCHANGED FROM LAST BOARD UPDATE](#)):

In January 2009, the European Parliament agreed a new Directive on the sustainable use of pesticides, which establishes a framework for greater harmonisation of controls on the use of plant protection products in the European Union. It follows a second reading agreement reached with the Council in December 2008. The Directive requires Member States to develop national action plans to reduce the risk associated with the use of pesticides and dependency on these chemicals. The Directive goes on to list a number of measures that will populate the plans. These include provisions relating to: training of users, distributors and advisors; controls on sales; testing of application equipment; protection of watercourses, amenity and conservation areas; handling and storage; and use of integrated pest management approaches. We anticipate that the Council will endorse the agreement in September/October.

Lead Department	DEFRA (Policy Lead) HSE (UK Competent Authority)
HSE contact	HSE SCS Lead – Dave Bench HSE Policy Lead – Adrian Dixon, Chemicals Regulation Directorate, 01904 455 701, adrian.dixon@hse.gsi.gov.uk HSE SCS Lawyer – Caroline Croft

Proposed EC Regulation on pesticide statistics	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The proposed Regulation will require Member States to collect data on pesticides sales and use. The data will populate models developed under an associated European Union project to assess the risks that can arise from the use of pesticides. The former European Parliament (EP) failed to ratify the deal at its final April Plenary. We understand that responsibility for making progress on the dossier lies with the Council. The Swedish Presidency has indicated that it will seek a meeting with the new EP to determine a way forward.	
Lead Department HSE contact	DEFRA (Policy Lead) HSE (UK Competent Authority) HSE SCS Lead – Dave Bench HSE Policy Lead – Grant Stark, Chemicals Regulation Directorate, 01904 455 983, grant.stark@hse.gsi.gov.uk HSE SCS Lawyer – Caroline Croft

Proposed EC Regulation amending Annex 1 to EC Regulation on the Export and Import of Dangerous Chemicals (689/2008)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): A meeting of Member States Designated National Authorities voted to approve this proposal on 29 April 2009. The European Parliament will subject the dossier to scrutiny before adoption by the European Commission – we expect this to happen towards the end of 2009. A review of Annex I will take place at least annually with substances proposed for inclusion in or deletion from the annex.	
Lead Department HSE contact	HSE SCS Lead – Steve Coldrick Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

EC Regulation on Classification, Labelling and Packaging of Substances and Mixtures (1272/2008) – 1st Adaptation to Technical Progress

Current status (UNCHANGED FROM LAST BOARD UPDATE):

Member States agreed the 1st Adaptation to Technical Progress (ATP) of European Commission's (EC) Regulation on Classification, Labelling and Packaging on 25 March 2009 - this comprises both the 30th and 31st ATPs to the Dangerous Substances Directive. However, in December 2008, ETIME SA, a Turkish borate producer, issued proceedings against DWP seeking Judicial Review and referral from a British Court to the European Court of Justice (ECJ), challenging the classifications for borate substances that appear in the 30th ATP. This followed similar action initiated by the nickel industry against DWP in September 2008, seeking Judicial Review of the classification of certain nickel compounds also in the 30th ATP, and referral to the ECJ. On 6 May, Rio Tinto joined the action initiated by ETIME. Rio Tinto is opposed to the re-classification of borate substances.

Lead Department	HSE
HSE contact	SCS Lead – Steve Coldrick Policy Lead – Robin Foster, Long latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

Proposed amendment of the Machinery Directive (2006/42/EC)

Current status (UNCHANGED FROM LAST BOARD UPDATE):

The European Parliament agreed the text of a proposed amendment to the Machinery Directive to introduce environmental protection requirements for pesticides application machinery at first reading on 21-24 April. The amendment will go next for adoption by the Council at a date yet confirmed.

Lead Department	BIS
HSE contact	HSE SCS Lead – Marcia Davies HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, phil.papard@hse.gsi.gov.uk HSE SCS Lawyer – Caroline Croft

UNDER IMPLEMENTATION:

Directive codifying the Use of Work Equipment at Work Directives

Current status (NEW DEVELOPMENTS):

The European Commission, since 2006, has been working on a codification of the Use of Work Equipment at Work Directives, including the Work at Height Directive. The purpose of a codification is to bring together a number of instruments into one codified text, not to make substantive amendments. The text has agreed between the Council and the European Parliament and it will come into force once published in the Official Journal. We will not need to amend our legislation.

**Lead Department
HSE contact**

HSE

SCS Lead – Peter Brown

Policy Lead – Marion Evans, Work Environment, Radiation and Gas Division, 020 7717 6428,

marion.evans@hse.gsi.gov.uk

SCS Lawyer – Caroline Croft

Directive amending 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 Biocidal Products Directive came into force

Current status (NEW DEVELOPMENTS):

Member States are required to transpose the Directive by 14 May 2010. A paper for the August Board meeting will seek approval for plans to consult stakeholders on proposals to implement the Directive.

Lead Department HSE contact	HSE SCS Lead – Steve Coldrick Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Caroline Croft
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Directive codifying directives relating to the driver-perceived noise level of wheeled agricultural or forestry tractors (2009/76/EC)

Current status (NEW DEVELOPMENTS):

The European Commission, in 2007, published a proposal to codify directives relating to the driver-perceived noise level of wheeled agricultural or forestry tractors. The purpose of a codification is to bring together a number of instruments into one codified text, not to make substantive amendments. The codified text will apply from 1 January 2010.

Lead Department HSE contact	HSE SCS Lead – Marcia Davies Policy Lead – Tony Mitchell, Operational Strategy Division, 01604 73 8321, tony.mitchell@hse.gsi.gov.uk SCS Lawyer – Caroline Croft
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Directive recasting directives relating to the contained use of genetically modified micro-organisms (2009/41/EC)

Current status (NEW DEVELOPMENTS):

The European Commission, in 2006, published a proposal to recast directives relating to the contained use of genetically modified micro-organisms. The purpose of the recast was to bring together a number of instruments into one consolidated text with other necessary amendments – these were to bring the Directive into line with new comitology arrangements. We will not need to transpose the Directive.

Lead Department HSE contact	HSE SCS Lead – Susan Mackenzie Policy Lead – Paul Logan, Specialised Industries Division, 0151 951 4767, paul.logan@hse.gsi.gov.uk SCS Lawyer – Caroline Croft
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Directive Establishing a Community Framework for the Nuclear Safety of Nuclear Installations (2009/71/EURATOM)**Current status (UNCHANGED FROM LAST BOARD UPDATE):**

Member States are required to transpose the Directive by 22 July 2011. HSE and DECC will be working up a transposition strategy.

Lead Department**DECC (Policy Lead) HSE (UK Competent Authority)****HSE contact**

HSE SCS Lead – Les Philpott

HSE Policy Lead – Graham Collins, Nuclear Directorate, 020 7717 6365, graham.collins@hse.gsi.gov.uk

HSE SCS Lawyer – Caroline Croft

Artificial Optical Radiation Directive (2006/25/EC)**Current status (UNCHANGED FROM LAST BOARD UPDATE):**

Member States are required to transpose the Directive by 27 April 2010. The Board agreed a transposition strategy at its 23 June meeting.

Public consultation is, subject to Board approval, scheduled for the autumn.

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

SCS Lead – Peter Brown

Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909,

matthew.penrose@hse.gsi.gov.uk

SCS Lawyer – Navroza Ladha

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 June 2007. At European Union level, the UK is working with other Member States, the European Commission and key stakeholders in a number of committees and other groups to complete the REACH framework and establish the working principles for the Regulation. Key recent developments include:

- HSE and TSoL are working closely with DEFRA to resolve unintended consequences from the move to REACH on the control of waste specifically containing asbestos. While such imports are fully controlled as generic hazardous waste, specific provisions relating to asbestos have in the past been maintained by HSE and we aim to continue this.
- HSE has been undertaking enforcement of REACH registration provisions for several months now, including issuing several notices of enforcement action against companies who have failed to 'pre-register' and so do not benefit from extended registration deadlines. This work is principally reactive, but is also the subject of an enforcement strategy that Chemicals Regulation Directorate is drawing up with the assistance of policy colleagues and counterparts from other REACH enforcing agencies in order to apply the HSE Enforcement Policy Statement to our REACH enforcement duties.

Lead Department	DEFRA (Policy Lead) HSE (UK Competent Authority)
HSE contact	HSE SCS Lead – Steve Coldrick HSE Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk HSE SCS Lawyer – Navroza Ladha

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

Member States were required to transpose the Directive by 31 May 2008. The UK was late in transposing and the European Commission issued infringement proceedings against us. The UK has notified the European Commission (EC) that it has completed all its transposition measures, with the expectation that the EC will soon close the infringement proceedings.

Lead Department	HSE
HSE contact	SCS Lead – Steve Coldrick Policy Lead – Robin Foster, Long Latency Health Divisions, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

Decision on restrictions on marketing and use of dichloromethane (455/2009/EC)

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

The Council adopted the Decision on 23 April 2009. HSE is currently looking at what legislative measures will be necessary to benefit from the derogation for professional use and is in contact with manufacturers and producers of dichloromethane based paint-stripper about this.

Lead Department

HSE

HSE contact

SCS Lead – Steve Coldrick

Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk

SCS Lawyer – Navroza Ladha

Identification and Traceability of Explosives for Civil Uses Directive (2008/43/EC)

Current status (**NEW DEVELOPMENTS**):

Member States were required to transpose the Directive by 5 April 2009. The UK expects to complete transposition in Great Britain by January 2010, with Northern Ireland to follow shortly after. **A paper for the August Board meeting will seek approval for an amended transposition strategy, including a proposed consultation document for stakeholders.**

Lead Department

HSE

HSE contact

SCS Lead – Susan Mackenzie

Policy Lead – David Pascoe, Specialised Industries Division, 0151 951 4241, david.pascoe@hse.gsi.gov.uk

SCS Lawyer – Caroline Croft

Services Directive (2006/123/EC)

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

The Department for Business, Innovation and Skills (BIS) is currently considering the responses it received to its consultation on proposed implementing measures and will be putting revised regulations before Parliament for debate in the autumn. Development of the UK Point of Single Contact is continuing.

Lead Department

BIS

HSE contact

HSE SCS Lead – Jenny Eastabrook/Elizabeth Hodkinson

HSE Policy Lead – Kevin Walkin, Strategic Interventions Division, 020 7227 3831, kevin.walkin@hse.gsi.gov.uk

HSE SCS Lawyer – Navroza Ladha

EC Regulation on Accreditation and Market Surveillance (RAMS) (765/2008)**Current status (UNCHANGED FROM LAST BOARD UPDATE):**

The Regulation sets accreditation and market surveillance obligations relating to the marketing of products in the European Union. It applies from 1 January 2010. Following agreement between HSE and the Department for Business, Innovation and Skills (BIS) on existing gaps in enforcement powers in UK legislation to meet the requirements of RAMS, BIS wrote to HSE asking if it should introduce legislation to give us and other authorities these powers. They also asked HSE if the Placing on the Market and Supervision of Transfers of Explosives Regulations (POMSTER) 1993 should be included in the list of applicable legislation. The SMT has agreed that POMSTER be included as relevant legislation.

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

HSE SCS Lead – Marcia Davies
HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, phil.papard@hse.gsi.gov.uk
HSE SCS Lawyer – Caroline Croft

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

The Regulation defines the rights and obligations of, on the one hand, competent authorities and, on the other, enterprises wishing to sell in a Member State products lawfully marketed in another Member State, when competent authorities intend to take restrictive measures concerning a product in accordance with national technical rules. It applied from 13 May 2009. We do not expect the Regulation to affect significantly HSE's activities as the majority of work products already come under specific supply directives, but the full effects will take some time to become evident.

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

HSE SCS Lead – Marcia Davies
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HSE SCS Lawyer – Caroline Croft