

Health and Safety Executive Board		Paper No: HSE/10/40	
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Chief Executive's Report to the Board			

Southampton Fire-Fighters' Deaths

1. On Tuesday 6 April two fire-fighters (James Shears (35) and Alan Bannon (38)) from Hampshire Fire and Rescue Service, died as a result of excessive heat while fighting a fire in Shirley Towers, Church Street, Southampton - a residential tower block owned by Southampton City Council. The fire had begun at around 20h00 in a flat and the deaths occurred at about 22h00 during fire fighting operations. Two further fire-fighters who were also in the flat at the time suffered burns to their hands. No residents were injured.

2. A detailed investigation is now underway led by Hampshire Police leading in terms of the Work Related Deaths Protocol, with HSE supporting that investigation. Hampshire Police have also arranged for West Midlands Fire Service to provide advice during the investigation, and HSE has offered both specialist inspector support and support from HSL. That investigation is still at a very early stage, and lines of enquiry are still being developed. Sir Ken Knight (Chief Fire and Rescue Adviser for DCLG) has also offered support to the investigation, and has met with both the Police and HSE. In addition to the formal investigation led by Hampshire Police, The London Fire Service is carrying out a fire investigation to examine the cause and origins of the fire. Hampshire Fire and Rescue Service, with support from East Sussex Fire Service are carrying out their own internal investigation. The Fire Brigades Union are also investigating on behalf of their members and are cooperating with all the various parties involved.

Government response to the Rita Donaghy report

3. An inquiry into the underlying causes of construction fatal accidents was commissioned by the Secretary of State for Work and Pensions in December 2008. The inquiry arose from concern over the number of construction deaths, to examine what more could be done to tackle the underlying causes. The Inquiry Report, "One Death is too Many" was published in July 2009, and the Government response was published on 30 March 2010.

4. The Government response has been generally well received by construction industry stakeholders. Of the 28 recommendations, a majority will require further work by HSE. Construction Division is developing plans for taking this work forward, much of which is already underway.

5. The report includes a recommendation for positive, explicit duties to be placed on directors to ensure good health and safety management through a framework of planning, delivering, monitoring and review - which would in effect apply to the construction industry and beyond. The Government response to this concludes with a recognition of a need to do more to achieve a common vision. Further work is therefore planned to assess the effectiveness and viability of the various legislative

and non-legislative options in encouraging proactive leadership on health and safety by directors.

6. We understand that DWP will lead on the next steps. We expect to be asked by DWP to assist in the further work to assess the various options in encouraging directors to be proactive in their health and safety responsibilities. We do not have any more details as yet.

7. In the meantime, we continue with delivery of the leadership aspects of the Strategy, which were agreed at February's Board meeting, and expect that DWP will monitor actions against all of the recommendations, against which HSE expects to report later in the year.

Fatal Accident Inquiry – Dundee Sheriff Court

8. At the end of March a determination was published by the Dundee Sheriff's Court following a Fatal Accident Inquiry into the death of a Polish worker who died after a fall at a construction site in Dundee in May 2008.

9. Included in the Sheriff's determination were four points relating to the work of HSE, these stated:

- There is not an adequate number of HSE Inspectors in Scotland to maintain an adequate system of independent inspection of building sites.
- It is not the practice of the Health and Safety Inspectorate, after one of their number has issued a Prohibition Notice to re-inspect the site on being informed by the person on whom the Notice has been served that defects identified have been rectified and they accept information from such persons at face value; this absurd practice must be terminated and re-inspection must take place prior to the withdrawal of the Notice.
- Not enough individuals with positions of responsibility for site health and safety are prosecuted when offences occur under HSW or associated Regulations.
- Clients undertaking work of construction which requires to be notified under CDM are only required to appoint a CDM-C and it is that person who is responsible for completing the document notifying the HSE. Regulations should be varied to require that evidence of the competence of the CDM-C is demonstrated to the HSE and that there is in existence a health and safety policy and a risk assessment particular to the site.

10. The determination was reported in the Scottish media.

11. In relation to the Sheriff's points above:

- The number of front line construction inspectors working in Scotland at the time of the accident, May 2008, was 18.7 full time equivalents. The construction cadre was augmented and an additional inspection group formed in Summer 2009; there are currently 31.4 full time equivalents at work.
- HSE's procedure for checking compliance with Notices was followed in this case by the investigating inspector. A written assurance on compliance was accepted from the duty-holder only on the basis that the

inspector would be visiting the site again to investigate the fatal accident, so further checks on compliance could be, and were, made. The Notice was concerned with the scaffolding on site and was not related to the fatal accident which involved a fall down a lift shaft.

- The Enforcement Policy Statement applies equally in Scotland and internal instructions lay down as to when it is appropriate to report individuals, particularly directors and managers, for possible prosecution. Decisions on prosecution are a matter for Crown Office and Procurator Fiscal Service (COPFS).
- Matters relating to the effectiveness of the CDM Regulations can be considered in the review of the Regulations currently underway.

12. Following HSE's investigation HSE the COPFS prosecuted Discovery Homes (Scotland) Limited and one of its directors – Richard Pratt. The company was fined £5000 and Mr Pratt was fined £4000 at Dundee Sheriff Court in June 2009.

HSE Securing justice

13. In the week commencing 12 April there were a number of high profile prosecutions, resulting in significant financial penalties with fines totalling £740,000. A key goal of HSE's strategy is to investigate work-related accidents and ill health and to take enforcement action to prevent harm and secure justice when appropriate. The penalties send an important message to businesses that ensuring the health and safety of employees should be a priority. There were four prosecutions with fines of more than £100,000, reflecting the successful investigations and enforcement action brought by HSE inspectors.

New website, leaflet and presentation - HSE - "Working in the Public Interest, dealing with serious risk"

14. New content for the HSE website has been created, entitled 'Working in the Public Interest.' This section of the site was developed to demonstrate the breadth of the work HSE carries out and its value to society. The website materials contain information and key facts about the organisation, downloadable resources and case studies, which illustrate the work HSE carries out in the public interest to reduce work-related deaths and serious injuries.

15. The content builds on other areas of the HSE website and is part of delivering the HSE Strategy objective to "reclaim the brand of HSE", refocusing perceptions of the organisation as a reasonable, practical enabler as well as highlighting HSE's role in dealing with serious risks to workers and the public.

16. A leaflet and presentation are also available from the HSE website, giving stakeholders access to resources they can use in their communications and activities. HSE Communications Directorate has liaised with key stakeholders to ensure they are aware that they can access materials and link to the content from their own websites.

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 in March, 17 fatal accidents reported to HSE under RIDDOR were published to HSE's website; please see [Annex 2](#) for details.

Significant Prosecutions for March 2010

- [Royal Mail](#) was fined £90,000 plus £42,459 costs when an employee was fatally crushed by a reversing HGV.
- [Hydro Aluminium Extrusion Ltd.](#) were fined £100,000 plus £13,375 costs when an employee was struck and killed whilst working on a shuttle line.
- [E J Construction](#) were fined £20,000 when an employee drowned after becoming trapped underwater in an overturned vehicle.
- [Taylor Electronics Ltd](#) were fined £12,000 when a worker fell and died from a cherry picker.
- [Corus UK Ltd](#) were fined £100,000 plus £9,908 costs when an untrained employee sustained injuries from operating a crane that overturned.
- [BCB Environmental Management Ltd](#) were fined £40,000 plus £6,110 costs for failing to safeguard flammable liquid that was subsequently used in an arson attack on its premises.
- [Romtech Ltd](#) were fined £40,000 plus £7,401 costs when an employee sustained severe injuries to his arm which became entangled in a rotating drill.
- [S Cartwright & Sons \(Coachbuilders\) Ltd](#) were fined £15,000 plus £13,315 costs when an employee sustained severe injuries after being crushed when loading 2.2 tons of metal fell from a forklift truck.

Myth of the month April 2010 – HSE bans this, that and the other

There are still too many reports that health and safety legislation is responsible for all sorts of bans. The reality is that with the exception of a few high risk activities such as work with asbestos (which kills 4000 people per year), HSE bans very little. Health and safety is used as a convenient excuse, but this should be challenged and people reminded to focus on the real risks in the workplace that kill, injure and cause illness.

FOI Requests made to HSE

There were 605 FOI requests in March 2010.

Events, Campaigns and Publications in March 2010

Lord McKenzie and Robin Dahlberg visited construction workers and contractors to hear of the benefits of the 'Do Your Bit' campaign. Do Your Bit is a year-long initiative offering free or subsidised training courses to help businesses to get their employees more involved in improving health and safety.

A series of interactive roadshows have been helping employers in industries such as welding and stonemasonry understand the risks of exposure to dusts, gases, mists, fumes and vapours. An event highlighting the various hazards associated with stonemasonry was held in London. Demonstrations on safe handling of stone slabs and control of silica and other dusts were given.

Welsh builders were invited to participate in a mock trial, in which local solicitors played the role of the prosecution and defence and more than 200 representatives from the construction industry decided on the guilt of a building site manager.

The next phase of the Shattered Lives campaign saw the team highlighting the dangers of slips trips and falls to various business and groups at a series of nationwide events.

A new downloadable tool was made available to help businesses and organisations reduce the likelihood of their employees suffering from musculoskeletal disorders (MSDs) of the upper limbs associated with repetitive tasks.

Parliamentary Business

There were 16 PQs in March 2010.

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 31 March 2010. It is taken from the latest "Names and details of fatalities" update published on HSE's website on 6 April 2010.

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
14/12/2009	Martin Dunleavy	43	The deceased was found at bottom of a staircase	West Midlands	Solihull	4625	Service	Public sector hospital activities including NHS trusts	85111	Member of the public
08/02/2010	Philip Carsley	45	The deceased was crushed by concrete panels	Hampshire	East Riding	2001	Construction	Other building installation	45340	Employee
08/02/2010	Ian Phillip Hall	56	The deceased fell from a ladder	East Yorkshire	East Riding	2001	Agriculture	Farming of cattle, dairy farming	01210	Self employed
09/02/2010	John Corney	63	The deceased was trapped under a vehicle	Northamptonshire	East Northamptonshire	2815	Agriculture	Growing of crops combined with farming of animals (mixed farming)	01300	Self employed
09/02/2010	David Evans	23	The deceased was crushed by stonework	Oxford	Oxfordshire	3110	Construction	Construction	45210	Employee
09/02/2010	Anthony Robinson	36	The deceased was struck by an airborne object	Cumbria	Melton	2430	Agriculture	Agricultural service activities	01410	Employed by other
12/02/2010	Ernest Mather	46	The deceased was struck by a vehicle	Rutland	Mid Sussex	3830	Construction	Construction of highways, roads, airfields and sport facilities	45230	Employee
13/02/2010	Geoffrey Davis	57	The deceased was crushed by a vehicle	Shetland	Shetland	9010	Service	Maintenance and repair of motor vehicles	50200	Employed by other
15/02/2010	Brian Parsons	54	The deceased was crushed by machinery	East Sussex	Wealden	1435	Manufacturing	Other manufacturing not elsewhere classified	36639	Employee
16/02/2010	Renatas Timofejavas	36	The deceased was caught by a moving mast whilst driving in a yard	Dumfries & Galloway	Dumfries & Galloway UA	9058	Manufacturing	Animals by-product processing	15112	Employee
17/02/2010	Michael Tench	63	The deceased fell from height	Northumberland	Berwick-upon-Tweed	2910	Service	Hotels and motels, with restaurant (licensed)	55101	Employee
18/02/2010	Ian Moody	52	The deceased was crushed by a refuse vehicle	Gloucestershire	Windsor & Maidenhead	0355	Service	Collection and treatment of other waste	90020	Employee
18/02/2010	Katherine Haines	31	The deceased died from carbon monoxide poisoning	Wokingham	Wokingham UA	0360	Service	Undifferentiated services producing activities of private households for own use	97000	Member of the public
22/02/2010	James Welka	62	The deceased was struck by bales	Wakefield	Wakefield	4725	Manufacturing	Manufacture of nonwovens and articles made from nonwovens, except apparel	17530	Employee
24/02/2010	David Francis	59	The deceased was struck by a falling tree	Powys	Oswestry	3215	Agriculture	Forestry and logging	02010	Self employed
25/02/2010	Tony Norris	-	The deceased was found underneath his vehicle	Yorkshire	-	-	Agriculture	Agriculture	01400	Employee
26/02/2010	Justin Gillman	27	The deceased fell from height	Lincolnshire	Lincoln	2515	Construction	Construction of domestic buildings	45212	Self employed

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.

FEBRUARY 2010 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)

SOCIAL DIALOGUE:**EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:**

Social partners' consultation on environmental tobacco smoke	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) is considering whether there is a need for an initiative on environmental tobacco smoke. The EC consulted the social partners in 2008, with a further consultation due at a later date. The Department of Health is leading on this with support from HSE.	
Lead Department HSE contact	DH HSE SCS Lead – Peter Brown HSE Policy Lead – Marion Evans, Work Environment, Radiation and Gas Division, 01511 951 4423, marion.evans@hse.gsi.gov.uk HSE SCS Lawyer – Navroza Ladha

PRE-PROPOSAL STAGE:

EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:

Proposed Recast of the Manual Handling and Display Screen Equipment Directives	
Current status (NEW DEVELOPMENTS): The European Commission (EC) is working on recasting the Manual Handling and Display Screen Equipment Directives into a consolidated directive on work-related musculoskeletal disorders . The EC is going to undertake a further impact assessment of the issues involved with a legislative proposal scheduled for 2011 .	
Lead Department HSE contact	HSE SCS Lead – Peter Brown Policy Lead – Linda Varney, Work Environment, Radiation and Gas Division, 0151 951 3187, Linda.varney@hse.gsi.gov.uk SCS Lawyer – Abigail Dean

Future of Electromagnetic Fields Directive (2004/40/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): We are expecting the second-stage of social dialogue to begin this spring with a legislative proposal anticipated in late summer. Work continues on engaging with the European Commission on its development of a proposal.	
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 amendment of Carcinogens and Mutagens Directive (2004/37/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has engaged a contractor to undertake an impact assessment to help decide the next steps for 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

Proposed regulation to require member states to collect and provide health and safety statistics under the European Regulation on Community statistics on public health and health and safety at work (1338/2008)

Current status (UNCHANGED FROM LAST BOARD UPDATE):

European Regulation No. 1338/2008 established a common framework for the production of Community statistics on public health and health and safety at work. The European Commission (in the form of its statistical office 'Eurostat') is developing proposals for implementing regulations that will set out what data member states will need to provide and which will replace the 'gentleman's agreement' under which statistics are already provided to Eurostat. HSE is representing the UK on the working group that is assisting Eurostat with drawing up its proposal.

Lead Department HSE contact	HSE SCS Lead – David Riley Policy Lead – Simon Warne, Chief Scientific Adviser's Group, 0151 951 3335, simon.warne@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha
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ENVIRONMENT DOSSIERS:

Proposed revision of Seveso II Directive (96/82/EC)

Current status (UNCHANGED FROM LAST BOARD UPDATE):

The European Commission (EC) is looking at revising the Seveso II Directive to bring it into line with the EC's Regulation on the classification, labelling and packaging of substances and mixtures. We now expect the EC to publish a legislative proposal towards the end of 2010.

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
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NUCLEAR DOSSIERS:

Proposed recast of Basic Safety Standards Directive (96/29/EURATOM)

Current status (NEW DEVELOPMENTS):

The opinion of the working party of the European Commission's Article 31 (A31) Group of Scientific Experts on the recast of the Directive **was published at the end of March**. A legislative proposal is not likely until late 2010. In the UK, three stakeholder-working groups looking at occupational, medical, and public and environmental exposures are helping with the completion of an impact assessment which will help to shape the UK's position.

Lead Department HSE contact

DECC

HSE SCS Lead – Peter Brown
HSE Policy Lead – Kate Haire, Work Environment, Radiation and Gas Division, 0151 951 3792, kate.haire@hse.gsi.gov.uk
HSE SCS Lawyer – Abigail Dean

Proposed Directive on Radioactive Waste Management

Current status (UNCHANGED FROM LAST BOARD UPDATE):

The European Commission (EC) has asked the European Nuclear Safety Regulators (ENSREG) Group for its views on a draft proposal for a directive on radiation waste and spent fuel. HSE represents the UK at ENSREG. We anticipate that the EC will present a legislative proposal in late 2010.

Lead Department HSE contact

DECC

HSE SCS Lead – Les Philpott
HSE Policy Lead – Graham Collins, Nuclear Directorate, 020 7556 3553, graham.collins@hse.gsi.gov.uk
HSE SCS Lawyer – Abigail Dean

ENTERPRISE AND INDUSTRY DOSSIERS:

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 HSE contact

BIS

HSE SCS Lead – Marcia Davies
HSE Policy Lead – David Bosworth, Operational Strategy Division, 0151 951 4778, david.bosworth@hse.gsi.gov.uk
HSE SCS Lawyer – Abigail Dean

Proposed “Omnibus Directive” to modify New Approach Directives in line with EC Regulation 768/200

Current status (NEW DEVELOPMENTS):

The European Commission’s (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) **have had to be revised as it was advised by its legal service that a single amending directive under the Lisbon Treaty was not possible. The EC will now draft 10 separate amending directives but hope to process them as a single package. It is anticipated that this work will cover, among other things, civil explosives, pressure equipment, lifts, low voltage and simple pressure vessels.**

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 – Abigail Dean

Proposed recast of Lifts Directive (95/16/EC) to bring into in line with EC Regulation 768/200

Current status (NEW DEVELOPMENTS):

The European Commission (EC) plans to recast the Lifts Directive to bring it in line with the EC Regulation on Accreditation and Market Surveillance. This been circulated for informal consultation by April 2010 with a public consultation to follow before the summer. **This recast is part of the package of amending directives that were previously going to be part of the Omnibus Directive – see above.**

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 – Abigail Dean

UNDER NEGOTIATION:

EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:

Proposed amendment of Pregnant Workers Directive (92/85/EC) on 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 BOARD UPDATE): The European Parliament's (EP) Women's Rights Committee has suggested a set of amendments to the proposal, including ones on health and safety, that the EP is expected to consider at its May plenary. HSE has been working with BIS to provide briefing for MEPs.	
Lead Department HSE contact	BIS HSE SCS Lead – Peter Brown HSE Policy Lead – Marion Evans, Work Environment, Radiation and Gas Division, 0151 951 4423, marion.evans@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

ENVIRONMENT DOSSIERS:

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. Negotiations are currently continuing in the Council and with the European Parliament. The Working Party is now conducting an article-by-article read-through of the proposal. The Spanish Presidency has indicated that it aims to reach political agreement in July 2010.	
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 – Abigail Dean

Proposed amendment of the Biocidal Products Directive (98/8/EC) to include dazomet and DEET in Annex I

Current status (NEW DEVELOPMENTS):

Dazomet and DEET were subject to positive votes at the March meeting of the Standing Committee for Biocidal Products and will now be included in Annex I of the Biocidal Products Directive (BPD). Annex I is a list of active substances with requirements agreed at Community level for inclusion in biocidal products. When an active substance is listed it paves the way for biocidal products containing such active substances to be authorised for placing on the market. Following the vote, a directive listing the active substances for inclusion under Annex I of the BPD will be published in the Official Journal and Member States will have to transpose it into national law. In GB and NI this is achieved by the simple use of an ambulatory reference inserted into the definition of the BPD in the relevant national implementing regulations so that Annex I inclusion directives are automatically transposed.

**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 – Abigail Dean

Proposed amendment of the Biocidal Products Directive (98/8/EC) to include metofluthrin, carbon dioxide, creosote and spinosad in Annex I

Current status (NEW DEVELOPMENTS):

Metofluthrin, carbon dioxide, creosote and spinosad will be subject to votes at the May 2010 meeting of the Standing Committee for Biocidal Products to agree whether they can be included in Annex I of the Biocidal Products Directive (BPD), and under what conditions. See above for background on Annex I inclusions.

**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 – Abigail Dean

Proposed EC Decision establishing the register for biocidal products**Current status (UNCHANGED FROM LAST BOARD UPDATE):**

Article 18(1) of the Biocidal Products Directive requires Member States to inform the European Commission (EC) and each other of any biocidal products their competent authorities have authorised or registered for placing on the market. This draft EC Decision establishes a standardised information system to facilitate compliance with this requirement, namely the Community Register for Biocidal Products. The database on which the Community Register is held is already operating. The Decision will apply from 1 July 2010, by which time the standardised information system will be fully developed. The UK actively influenced the draft Decision and voted in favour of its adoption at the Standing Committee meeting on 17 December 2009, where it received a qualified majority vote in its favour. It is now subject to scrutiny by the Council and the European Parliament before adoption by the EC. No action is required by the UK to implement the Decision.

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 – Abigail Dean

Proposed EC Regulation on fees payable to the European Commission pursuant to the EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008)**Current status (UNCHANGED FROM LAST BOARD UPDATE):**

The proposal relates to fees payable by business to the European Chemicals Agency (ECHA) for applications under the European Regulation on classification, labelling and packaging of substances and mixtures for a) use of an alternative chemical name for a substance in a mixture, and b) for a new European harmonised substance classification. The principle of fees for these processes is new but was agreed as part of the Regulation. This proposed European Commission (EC) Regulation sets the level of the fees. The UK was active in seeking detailed justification of the level of fees from the EC and ECHA, and voted in favour of the Regulation at the REACH Committee meeting on 23 February 2010, where it was adopted with a qualified majority vote in its favour. It is now subject to scrutiny by the Council and European Parliament, and is expected to enter into force later this year, though the fees regime for alternative chemical names does not become fully mandatory until 1 June 2015. No action is required by UK to implement the Regulation.

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 EC Regulation amending Annex 1 to EC Regulation on the Export and Import of Dangerous Chemicals (689/2009)**Current status (UNCHANGED FROM LAST BOARD UPDATE):**

A meeting of Member States Designated National Authorities voted to approve this proposal on 22 September 2009. It is now subject to scrutiny by the Council and the European Parliament before adoption by the European Commission (EC) – we expect this to happen in mid 2010. The proposed Regulation adds a number of chemical substances to Annex 1 of the EC Regulation on the Export and Import of Dangerous Chemicals.

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 EC Regulation amending EC Regulation on the extension of the duration of derogations allowing the placing of biocidal products on the market (1451/2007)**Current status (UNCHANGED FROM LAST BOARD UPDATE):**

European Commission (EC) Regulation 1451/2007 is the main Regulation governing the European review of existing biocidal active substances. This proposed amending Regulation will extend its transitional deadlines to align it with Directive 2009/107/EC. The UK voted in favour of the proposal by the written procedure invoked by the EC. There was a qualified majority vote in favour. It is now subject to scrutiny by the Council and the European Parliament before adoption by the EC. No action is required by the UK to implement the amending Regulation.

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 – Abigail Dean

ENTERPRISE AND INDUSTRY DOSSIERS**Proposed EC Regulation on Type Approval of Agricultural Vehicles (Replacement for Directive 2003/37/EC)****Current status (UNCHANGED FROM LAST BOARD UPDATE):**

The proposed European Regulation would align agricultural vehicles in the same European regulatory framework as other vehicles. The Regulation would be a direct replacement for the current Type Approval Directive (2003/37/EC) which came fully into force on 1 July 2009. We do not expect the Regulation to affect significantly HSE's activities but we maintain a watching brief to ensure that relevant safety aspects are not diluted.

Lead Department	DfT
HSE contact	HSE SCS Lead – Marcia Davies HSE Policy Lead – Tony Mitchell, Operational Strategy Division, 01604 73 8321, tony.mitchell@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

Proposed amendment of Directive 86/415/EEC (Installation, location and operation of the controls of agricultural tractors) to include specifications for external power take-off controls

Current status (UNCHANGED FROM LAST BOARD UPDATE):

This proposal would amend the existing Directive relating to external power take-off (PTO) controls, allowing hold-to-run control for the first 3 seconds, after which full activation of the PTO could occur. The UK raised an objection to this as there is no good reason for full PTO activation with the operator in the danger zone and the clause is inconsistent with the current limitations placed on external hydraulic controls already contained in the Directive. A comitology committee subsequently approved the draft-amending directive and is now subject to scrutiny by the Council and the European Parliament before adoption by the European Commission.

Lead Department HSE contact	DfT HSE SCS Lead – Marcia Davies HSE Policy Lead – Tony Mitchell, Operational Strategy Division, 01604 73 8321, tony.mitchell@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean
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Proposed amendment of Directive 79/763/EEC (passenger seats for tractors) and Directive 89/173/EEC (components and characteristics of tractors) to include technical specifications for type approval

Current status (UNCHANGED FROM LAST BOARD UPDATE):

This proposal would amend Directives 79/763/EEC and 89/719/EEC to include a European standard for the testing of roll-over protection and seat belt anchorages for passenger seats in tractors and use an existing Directive for whole body vibration testing. The stated aim is to remove tractors from the requirements of the Machinery Directive. The UK voted against the European standard during its development as it did not contain a suitable test procedure. The Directive for measuring seat vibration is also not a suitable test method to provide information on whole body vibration emission levels. Discussions are continuing in the Council working party. The UK is also writing to the Machinery Directive’s administrative cooperation group about the proposal.

Lead Department HSE contact	DfT HSE SCS Lead – Marcia Davies HSE Policy Lead – Tony Mitchell, Operational Strategy Division, 01604 73 8321, tony.mitchell@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean
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Proposed Directive codifying directives relating to the driver's seat on wheeled agricultural or forestry tractors

Current status (UNCHANGED FROM LAST BOARD UPDATE):

The European Commission, in 2008, published a proposal to codify directives relating to the driver's seat on 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. However the codification has been put on hold while the comitology articles of Directive 2003/37/EC, where the proposal will get its comitology procedure from, are amended in line with the Lisbon Treaty as the current legal basis for those comitology articles cannot be applied to proposals that are agreed after 1 December 2009.

Lead Department

HSE

HSE contact

SCS Lead – Marcia Davies

Policy Lead – Tony Mitchell, Operational Strategy Division, 01604 73 8321, tony.mitchell@hse.gsi.gov.uk

SCS Lawyer – Abigail Dean

UNDER IMPLEMENTATION:

EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:

Artificial Optical Radiation Directive (2006/25/EC)

Current status (NEW DEVELOPMENTS):

Member States are required to transpose the Directive by 27 April 2010. **Implementing legislation for Great Britain was laid before Parliament on 6 April and will come into force on 27 April.** Implementing regulations will also be required in Northern Ireland and Gibraltar.

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

Directive establishing a 3rd List of Indicative Occupational Exposure Limit Values (2009/161/EU)**Current status (UNCHANGED FROM LAST BOARD UPDATE):**

This Directive was adopted by the European Commission on 17 December 2009 and contains indicative occupational exposure limit values for 19 substances. Member States have until 18 December 2011 to implement the Directive. HSE will consult during 2010 on the implementation of the Directive in Great Britain, which will be achieved through amendments to the HSE publication 'EH40 Workplace Exposure Limits'. Northern Ireland and Gibraltar will also need to implement 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

Framework Agreement on preventing injuries from sharp instruments in the hospital and healthcare sector**Current status (UNCHANGED FROM LAST BOARD UPDATE):**

The social partners in the healthcare sector have come to a collective agreement on working safely with sharp instruments. The social partners have asked for implementation to be by Council Directive. Political agreement on a Directive was reached at the Employment, Social Policy, Health and Consumer Affairs Council on 8 March. Member states have three-years to transpose the Directive.

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

SCS Lead – Susan Mackenzie

Policy Lead – Craig Bell, Specialised Industries Division, 0151 951 3325, craig.bell@hse.gsi.gov.uk

SCS Lawyer – Navroza Ladha

Agency Workers Directive (2008/104/EC)**Current status (UNCHANGED FROM LAST BOARD UPDATE):**

The main purpose of the Directive is to ensure the appropriate protection of temporary agency workers. After 12 weeks in a given job, an agency worker will be entitled to equal treatment (at least the basic working and employment conditions that would apply to the worker concerned if he/she was recruited directly by that undertaking to occupy the same job). Some changes will be needed to the Management of Health and Safety at Work Regulations 1999.

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

HSE SCS Lead – Clive Fleming

HSE Policy Lead – David Smeatham, Strategic Interventions Division, 0151 951 4617,

david.smeatham@hse.gsi.gov.uk

HSE SCS Lawyer – Abigail Dean

ENVIRONMENT DOSSIERS:

Directive (2009/107/EC) 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 (98/8/EC) came into force

Current status (UNCHANGED FROM LAST BOARD UPDATE):

Member States are required to transpose the Directive by 14 May 2010. The Board approved plans to consult stakeholders on proposals to implement the Directive at its 26 August 2009 and public consultation ran from 1 September to 23 November 2009. The Board agreed at its 28 January 2010 meeting to approve the Biocidal Products (Amendment) Regulations 2010 and to send them to the Minister, who has agreed to make the Regulations with a view to their coming into force on the 6 April 2010. Regulations are also being prepared in Northern Ireland.

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 – Abigail Dean

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

Current status (NEW DEVELOPMENTS):

This European Regulation came into force on 1 June 2007. At European level, the UK is working with other Member States, the European Commission (EC) 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:

- REACH places a duty on HSE (as UK Competent Authority – UK CA) to ‘inform the general public about the risks arising from substances where this is considered necessary for the protection of human health or the environment’. The European Chemicals Agency (ECHA) has established a Risk Communication Network to build relationships and share best practice relating to this duty, and is also producing formal guidance. ECHA is also preparing guidance to help dutyholders comply with duties to supply ‘Safety Data Sheets’ with some substances. **The UK Approved Code of Practice has been used as source material for the first draft of this guidance.** Our ACoP will, in time, need to be withdrawn as it will be superseded by the European guidance.
- **The draft UK REACH Enforcement Memorandum of Understanding is now ready and will be passed to the SMT for sign-off.**
- **The UK was the Rapporteur for the human health risk assessment of Bishenol-A (BPA) when it was evaluated under the (now defunct) European Existing Substances Regulation (ESR) and concluded that there were no significant risks for consumers and humans exposed at current exposure levels. The report identified risks only for workers, for which a risk reduction strategy was submitted by UK to ECHA in late 2008. BPA was also considered by the European Food Safety Authority (EFSA) in 2006 and 2008, who concluded that there were no significant health risks from exposure to BPA via food (at current levels). Subsequently, an interest group has highlighted some conflicting human health data but this was addressed in the ESR risk assessment (i.e. greater weight was given to higher quality studies). Since our work under ESR finished, new data has become available and our view is that this is something registrants should take into account. At this point there is nothing to justify the UK CA taking action. Regulators in Europe and internationally have though taken a different view and put in place prohibitions on use of BPA in contact with baby food. The Food Standards Agency is leading on this and REACH measures are not proposed at present. The EFSA is also expected to offer a verdict shortly.**
- **The UK CA has published a fact-sheet explaining the REACH approach to testing on animals. A further fact-sheet explaining key aspects of the new REACH authorisation regime is under development.**
- **The DEFRA consultation on amending the REACH Enforcement Regulations 2008 to take account of changes to the way REACH regulates use of asbestos is not yet finalised.**

Lead Department
HSE contact

DEFRA (Policy Lead) HSE (UK Competent Authority)

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

EU Regulation amending Annex XVII of REACH concerning restrictions on marketing and use of dichloromethane (276/2010)

Current status (**NEW DEVELOPMENTS**):

This Regulation was adopted on 31 March 2010 and entered into force on 2 April. It incorporates Commission Decisions concerning restrictions on the marketing and use of dichloromethane (DCM), lamp oils, grill lighter fluids and organostannic compounds within Annex XVII of REACH. HSE is currently looking at what additional domestic legislative measures will be necessary in order for the UK to benefit from the permitted derogation for certain professional uses of DCM-based paint strippers, which will otherwise be unlawful after June 2012. It is in contact with manufacturers of DCM, producers of DCM-based paint strippers and with training bodies in the construction industry about this.

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

The 1st Adaptation to Technical Progress (ATP) of European Commission's (EC) Regulation on classification, labelling and packaging was published in the Official Journal on 5 September 2009 as EC Regulation No. 790/2009. It took legal effect in all Member States 20 days later. Duty holders will have to comply with the new substance classifications by 1 December 2010. This ATP incorporated the then proposed 30th and 31st ATPs to the Dangerous Substances Directive. 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. Both cases have now been referred to the ECJ and will come up for hearings in due course.

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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EC Regulation (1107/2009) concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC

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

The Regulation replaces and updates the Community's authorisation regime for pesticides. It 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. It will take effect from 14 June 2011. A programme of work is in progress to develop the necessary implementation measures. Several aspects on which Member States retain flexibility have been included in a public consultation on the sustainable use of pesticides that was launched in February 2010. The Board has seen a paper regarding the fees and charges aspect of this consultation.

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 – Abigail Dean

Directive on the sustainable use of pesticides (2009/128/EC)

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

The Directive introduces substantive new legislation on the use of pesticides. It requires Member States to develop national action plans to reduce the risk associated with the use of pesticides and dependency on these chemicals. It lists a number of measures that will populate the plans, including: 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. There are a variety of implementation dates for the provisions contained within the Directive however the legislation and administrative procedures necessary to ensure compliance must be in place by 14 December 2011. A programme of work is in progress to develop the necessary implementation measures. A public consultation on implementing the Directive was launched in February 2010.

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 – Abigail Dean

EC Regulation on pesticide statistics (1185/2009)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The Regulation requires Member States to collect data on pesticides sales and use. The data will populate models developed under an associated European project to assess the risks that can arise from the use of pesticides. It will apply to sales of products in the 2011 calendar year and use of products in yet-to-be determined reference years in 2012-2016. A programme of work is in progress to develop the necessary implementation measures.	
Lead Department	DEFRA (Policy Lead) HSE (UK Competent Authority)
HSE contact	HSE SCS Lead – Dave Bench HSE Policy Lead – Julie Howarth, Chemicals Regulation Directorate, 01904 455 737, julie.howarth@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

NUCLEAR DOSSIERS:

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 are 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 7556 3553, graham.collins@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

INDUSTRY AND ENTERPRISE DOSSIERS:

Directive on Identification and Traceability of Explosives for Civil Uses (2008/43/EC)	
Current status (NEW DEVELOPMENTS): Member States were required to transpose the Directive by 5 April 2009. Legislation implementing the Directive in Great Britain and Northern Ireland has now been approved by Parliament. This should lead to the Commission closing the infringement proceedings that it started last year for late transposition. Underpinning guidance will be developed in conjunction with industry before the Regulations must be complied with in April 2012.	
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 – Abigail Dean

Services Directive (2006/123/EC)**Current status (UNCHANGED FROM LAST BOARD UPDATE):**

The Directive became law in the UK on 27 December 2009 through the Provisions of Services Regulations 2009 which apply UK-wide. The business facing element of the UK's Point of Single Contact is now available on www.businesslink.gov.uk.

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

HSE SCS Lead – Clive Fleming

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

HSE SCS Lawyer – Navroza Ladha

Machinery Directive amendment (2009/127/EC)**Current status (UNCHANGED FROM LAST BOARD UPDATE):**

This amendment to the Machinery Directive to introduce environmental protection requirements for pesticides application machinery was adopted on 21 October 2009. The amendment has to be transposed into UK legislation by 15 June 2011 and comes into force on 15 December 2011. European Commission guidance on this issue will be drafted in the latter half of 2010.

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 – Abigail Dean

EC Regulation on Accreditation and Market Surveillance (RAMS) (765/2008)**Current status (NEW DEVELOPMENTS):**

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. HSE has agreed that POMSTER should be included as relevant legislation. **Draft UK Regulations giving HSE and other inspectors extra powers were put out for public consultation by BIS on 31 March 2010 with a closing date of 23 June 2010.**

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 – Abigail Dean

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**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 – Abigail Dean

Directive relating the driver-perceived noise level of wheeled agricultural or forestry tractors (2009/76/EC)**Current status (UNCHANGED FROM LAST BOARD UPDATE):**

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 Directive applied from 1 January 2010. UK will however need to amend its legislation to remove the reference to the original directive.

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

SCS Lead – Marcia Davies

Policy Lead – Tony Mitchell, Operational Strategy Division, 01604 73 8321, tony.mitchell@hse.gsi.gov.uk

SCS Lawyer – Abigail Dean