

Health and Safety Executive Board		HSE/10/44	
Meeting Date:	28 April 2010	FOI Status:	Open
Type of paper:	Above the line	Exemptions:	
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Clearance of guidance for the Control of Artificial Optical Radiation At Work Regulations			

Purpose of the paper

1. To seek Board clearance of guidance that supports the new Control of Artificial Optical Radiation at Work Regulations 2010.

Timing

2. **Urgent.** The Regulations came into force on 27 April 2010. Following Board approval the guidance will be published on HSE's website as soon as possible.

Background

3. The Board cleared the regulatory package for the Control of Artificial Optical Radiation at Work Regulations through correspondence in March 2010 (MISC/10/02).
4. Parliamentary processes were subsequently followed and the Regulations came into force on 27 April 2010 – the deadline set by the European Union.
5. In clearing the Regulations, the Board requested the opportunity to discuss the accompanying guidance to ensure it delivers key messages on sensible risk management.

Argument

Consultation Responses

6. Almost 200 copies of the consultation package were sent to a broad range of stakeholders that included professional bodies, trade associations, medical and technical groups and employer and employee representatives. We received 60 responses several of which contained comments of a substantial nature.

What did stakeholders say?

7. 95% of stakeholders who responded provided comments on the draft guidance. Whilst there was support for the approach – in particular to list safe and unsafe sources, feedback focused on how particular sources or applications not listed should be addressed, as well as the need for greater clarity on what businesses needed to do. Some asked for a 'flow chart' to help this process.

How have we addressed this?

8. The revised guidance is at Annex 1.
9. The fundamental information on safe and hazardous sources that the Board approved for consultation has been retained. Whilst it is impossible for us to list

all sources and applications, we have wherever possible attempted to address those raised during the consultation as well as improving links to where further information can be found.

10. Central to the guidance is a new flow chart which takes employers through the process of identifying whether they have hazardous sources, whether they are already taking appropriate action to manage the risks and if not, what further action may be required. This reflects one of the aims of the Regulations to avoid imposing unnecessary burdens on those employers who are already managing the risks.

Next steps

11. In addition to monitoring any further feedback on this guidance and the regulations, we will work through others to develop sector-specific guidance. We already have some traction on this with both the theatre/entertainment sector and the medical sector.

Action

12. The Board is invited to approve the guidance for publication on HSE's website as soon as possible.

Paper clearance

13. This paper was cleared by Jane Willis on 23 April 2010