

Health and Safety Executive Board		Paper No: HSE/10/71	
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Chief Executive's Report to the Board			

Deepwater Horizon blow out incident in Gulf of Mexico

1. The Deepwater Horizon blowout remains in the public eye in the UK. At the end of August, the release of the 2009/10 UK offshore safety statistics attracted significant media coverage often linked to the incident, and the Guardian subsequently ran a prominent article about an HSE inspection report which investigated the safety culture on a number of Transocean rigs operating in the UK. More recently, the Financial Times and Telegraph obtained copies of all recent offshore-related correspondence from HSE to BP under FOI, and then ran stories critical of BP on the day of Tony Hayward's appearance before the Commons Energy & Climate Change Select Committee on deepwater drilling.
2. Following the publication of BP's internal investigation report of the incident on 8 September, Kevin Myers and Steve Walker (along with DECC colleagues) received a presentation of the report's findings/recommendations from BP's Managing Director Offshore Europe, Europe Regional Vice President and others. Another high level HSE/BP meeting will shortly continue this dialogue. OSD will also pursue the report's lessons for the wider offshore industry initially via OSPRAG (the Oil Spill Prevention & Response Advisory Group).
3. On the international front, Steve Walker attended an extraordinary meeting of offshore safety regulators, the International Regulators Forum (IRF), which was hosted by the Americans in Washington on 8/9 September. This meeting shared lessons from Deepwater Horizon and sought to develop work to provide IRF leadership in global offshore safety regulation. On a European level, Steve also presented at a meeting of European offshore regulators in Brussels on 15 September. The purpose of that meeting was to inform a Commission paper on EU offshore safety/environmental protection regulatory proposals planned for this autumn.
4. There continues to be close Ministerial interest in deepwater drilling matters, and HSE is due to give evidence to the Select Committee on 26 October.

Update on outbreak of Legionnaires' disease in South Wales

5. HSE are working with Health Protection Wales (HPW) to investigate an outbreak of Legionella. HSE is part of the Outbreak Control Team (OCT) chaired by HPW which is meeting regularly and taking the lead on all communication (to GPs, public, media, and Welsh Ministers). FOD Wales is managing the local HSE input and HSE Inspector visit programme, which has been supplemented by Specialist Inspectors where particular expertise has been needed. Over 100 HPW, LA and other staff have been involved.

6. There were early press reports of three deaths, only two of these (49 year old female, and 85 year old male) and 18 other cases are considered to be linked to the outbreak. There are few common links between the cases except they all live close to the Heads of the Valleys road. The main cluster is in the Rhymney, Blaenau Gwent, Merthyr Tydfil area and that has been the priority area for HSE inspections.

7. HSE has inspected registered (and non-registered where identified) cooling towers and evaporative condensers in the prioritised area and visited other sites covering over 64 premises. HSE has served 4 Improvement Notices and one Prohibition Notice, where the legionella risk was not being managed in line with the Approved Code of Practice. None of these premises has been positively identified as a source of the outbreak. Sampling and analysis organised by the OCT continues but there are no definitive results yet.

8. The cooling towers on two other sites close to the main cluster, which appeared to be well managed, have also voluntarily closed and cleaned. A second smaller 'cluster' of cases exists some 10-15 miles further along the road and more attention is now being given to possible sources in that area.

9. HSE will continue to support the OCT and its work until the outbreak is declared over. This will be mainly through a prioritised visit programme taking enforcement action where appropriate.

Asbestos management in local authority schools in England

10. On 21 September HSE published on its website the results of a survey and follow-up inspection programme into local authorities' management of asbestos in schools in England. It found that the majority of local authorities in England with 'system build' schools have procedures and precautions in place to manage asbestos safely.

11. Of the 152 councils in England that have responsibility for providing education, 110 satisfied the HSE, via an online survey, that they have systems in place to meet their duties under the Control of Asbestos Regulations 2006. The other 42 authorities were visited by HSE inspectors to ensure that they were also managing the risks from asbestos. These inspections resulted in 32 councils being given further advice about practical improvements and 10 authorities receiving enforcement notices to improve asbestos management standards - covering issues such as training and the need to provide information for tradespeople carrying out work at the schools.

12. The survey and inspection programme were carried out in conjunction with the Department for Education, and is the latest in a series of initiatives to ensure that local authorities and schools responsible for system buildings are managing the risks from asbestos. Another survey and inspection initiative will be undertaken between October 2010 and March 2011 to check compliance with the Control of Asbestos Regulations 2006 in those schools that fall outside local authority control.

Connaught and services provided to HSE

13. It has been extensively reported in the media that Connaught plc entered into administration on 8 September 2010. Connaught Compliance Division, which is one of the three main operating businesses of Connaught plc, provides services to HSE

including Infoline, the Incident Contact Centre (ICC), and the Gas Safety Advice Line. Connaught Compliance Division is not in administration and continues to trade normally. The services they provide to HSE are not disrupted in any way.

14. The CEO of Connaught Compliance Division has provided written assurance to HSE that it is continuing to operate as a profitable business and KPMG, the Administrators, have also put out a public statement reiterating that Compliance Division has not gone into administration.

15. In the event that major difficulties should arise in the future which may threaten HSE's services, we have prepared contingency arrangements that can be invoked speedily to provide a basic, interim level of service.

TUC Report "*The Case for Health and Safety*"

16. The Board has been made aware of the publication on 7 September 2010 of the TUC Report "*The Case for Health and Safety*". The report challenges the view that Britain is one of the safest places to work and claims that TUC analysis shows that at least 20,000 people die early as a result of their work every year, through conditions such as occupational cancers and lung disorders, exposure to fumes and chemicals, and fatal traffic accidents.

17. The report states that many accidents go unreported or are not reported correctly, and claims that 1.2 million working people in the UK believe they are suffering from a work-related illness. The report disputes claims that the workplace is now much safer than it has ever been.

Public Inquiry into Mid Staffordshire NHS Foundation Trust

18. The Board was alerted to this Inquiry at its last Board meeting. The public inquiry is now considering the material supplied to it following its request for evidence, including HSE's provisional statement submitted on 13 August. We await confirmation as to which witnesses the inquiry proposes to call during the hearings which are likely to begin in mid October in Stafford. Having heard the Chairman's opening address and having submitted our detailed statement, we concluded that it was not necessary to be a core participant in order to fully assist the inquiry. We have consequently written to the inquiry, withdrawing our application for core participant status whilst emphasising our continued commitment to assisting the Inquiry achieve its aims.

19. The review of HSE's involvement with the Trust is proceeding and a report will shortly be submitted to the Inquiry.

Buncefield – learning lessons and progress with MIIB recommendations

20. The COMAH Competent Authority (CA) is determined that key lessons from the Buncefield incident are learnt both in terms of how major incidents are investigated and prosecuted, and that detailed information on the root causes of the incident is drawn to the attention of relevant industries.

21. Work currently in progress includes:

- A structured 'after action' exercise to capture the highly effective investigation and prosecution work practices developed during the Buncefield investigation to share across HSE, and identify potential for improvements in HSE's policies and procedures;
- A review by HSE, the Environment Agency (EA) and the legal team (including lead counsel) to capture the lessons learnt during the prosecution phase.

22. The CA prosecution case included evidence of root causes which could not be probed by the Major Incident Investigation Board (MIIB) for legal reasons. Now that proceedings have been concluded, a final document prepared jointly with the EA will draw the underlying failings in detail to the attention of industry. It will be targeted at high hazard industries and specialists in the field of health, safety and environment, and published by the 5th anniversary of Buncefield in December 2010.

23. In response to the MIIB recommendations on the design and operation of fuel storage sites, the Process Safety Leadership Group (PSLG) - comprising HSE, EA, industry and Trades Unions - published improved standards for large scale fuel storage sites in December 2009. Industry has since completed a gap analysis against the PSLG standards and submitted these to the CA over the summer. The CA is reviewing these submissions, paying particular attention to safety integrity levels (SILs) to prevent the overfilling of tanks. Most sites intend to install high reliability, fully automatic shutdown systems and have agreed to achieve higher SILs than those prior to Buncefield. The CA will monitor progress with implementation within its regulatory programmes.

24. The CA is working with industry, local government and other relevant Government departments on a number of workstreams in response to the MIIB recommendations on emergency preparedness, response and recovery. The Government's intention in principle to abolish all regional Government Offices means there is currently uncertainty over how the responses to some of the recommendations will be delivered until departmental responsibilities for the wider resilience arrangements are clarified. The CA will issue a progress report in December 2010.

How and Where We Work (HWWW) & Better...Together

25. The HWWW programme was established in 2006 to consider how to foster more collaborative ways of working, provide greater flexibility, improve career structures, improve the working environment and reduce estate costs.

26. In July 2007 the Board agreed to move, over a two year period, from a split headquarters in London and Bootle to a single HQ based in Redgrave Court, and retain a small non-operational presence in Westminster for work which required essential and face to face contact with stakeholders in London. This move involved transferring over 300 posts out of Rose Court.

27. As part of the HWWW programme, HSE created a new governance structure for the estate. This new structure has two levels: at regional level, a Divisional Property Planning Group (DPPG) which is responsible for establishing (within parameters) the property strategy for the region and for managing individual property events, such as lease reviews. The DPPG is chaired by management and the membership includes trade union representatives. It operates on the basis of openness and inclusiveness.

28. At the corporate level, HSE has established a Property Asset Management Board (PAMB) to provide senior level, strategic oversight of the development of the estate. The PAMB is responsible for setting HSE's estates strategy and for deciding on the outcomes of individual property events, based on the recommendations of DPPGs and the advice of HSE's Estates Management Unit. Over the next year or so, HSE has opportunities to end the leases at 8 of HSE's field offices. We will review our accommodation needs at each of these locations, working closely with the Government Property Unit and taking account of Government policies for the civil estate.

29. As part of our review of progress on HWWW, the Institute for Employment Studies was asked to conduct two separate studies:

i) To evaluate the 'supporting people' aspects of the programme, and did so by interviewing affected staff, new recruits in Bootle, HWWW programme leaders, trade union representatives and members of the Senior Management Team, including myself. The extent of support offered; the engagement of the right partners to assist; the short timescale within which the move was delivered, and; the time taken by HR, line managers and trade unions, comes across well and is certainly something we can learn from for future change programmes such as this.

ii) The second study was to evaluate the steps taken to address the cultural aspects of creating a single HQ. Recognising the need to address the softer people related issues of building a new single HQ, the 'better...together programme' was set up, which included cross organisational activities designed to support the wider programme of change, foster increased collaboration and help HSE's leadership team deal with the challenges ahead.

30. Better...together activity was built around the staff's own concerns and suggestions (initially sought through a series of workshops). The results of this approach are evident in this case study which, following discussions with staff, documents the difference the programme has made by way of breaking down barriers between departments, increasing the visibility of Senior Managers and giving the new HQ building a sense of identity.

31. Both reports will be published on the intranet by the end of the month.

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 August, 21 fatal accidents reported to HSE under RIDDOR were published to HSE's website; please see [Annex 2](#) for details.

Significant Prosecutions for August 2010

- [Gregory Distribution Ltd](#) of North Park, North Tawton was fined £200,000 with £16,993 costs at Truro Crown Court when the owner of a Cornish vineyard died after a delivery of empty wine bottles crashed onto him when they fell from the tail lift of a lorry he was helping to unload
- [Leiths Scotland Limited](#) was fined £96,000 at Elgin Sheriff Court after a 58 year old man was crushed to death while working beneath a mechanical digger in November 2008.
- [Argyll and Bute Council](#) was fined £20,000 at Dunoon Sheriff Court after a 75 year old man died when he drove over an unprotected edge of a car park at Coal Pier in Dunoon in September 2007.
- [Joda Freight Limited](#) was today fined £5,000 at Glasgow Sheriff Court after one of its employees suffered brain damage when he was struck on the head by a 290 kilogram panel saw.
- [John Irvine and Son](#) was fined £13,500 at Elgin Sheriff Court following an incident where a 13-year-old boy fell through the roof of a farm building and sustained serious injuries from which he later died.
- [Strata Homes Yorkshire Ltd](#) was fined £30,000 and ordered to pay £16,062 in costs after a worker was left paralysed from the chest down when he was crushed by a steel beam weighing more than 660 pounds.

- [London Tower Crane Hire & Sales Limited](#) was fined £18,000 and ordered to pay £15,837.45 in costs at Hertford Magistrates' Court after the hook broke off a tower crane and its four tonne load crashed 36 metres to the ground, narrowly missing a footpath.
- [Anglia Lead Ltd](#) and its director were fined £10,000 and Mr Edwards a further £10,000 at Norwich Magistrates' Court. The company was also ordered to pay full prosecution costs of £10,556 after workers were exposed to high levels of lead at its factory in Norfolk.
- [Rushi Construction \(UK\) Ltd](#) was fined a total of £15,000 at Aylesbury Magistrates' Court after leaving two customers at risk of death or serious illness from exposure to carbon monoxide fumes.
- [A.C.P \(Concrete\) Ltd](#) was fined £15,000 and also ordered to pay £6,638 costs by Workington Magistrates' court after a steel cable shot through a worker's leg, leaving him with a hole through his shin.

FOI Requests made to HSE

There were 511FOI requests in August 2010.

Events, Campaigns and Publications in August 2010

Scottish farmers urged to strap up during harvest

Farmers across Scotland were reminded to wear safety straps when driving their tractors and especially during the busy harvest period. Not wearing a lap strap or seat restraint puts farmers at greater risk of being thrown from the cab and crushed between the tractor and the ground or putting themselves at risk of serious injury from being thrown around inside the cab.

Offshore industry warned over 'not good enough' safety statistics

The offshore oil and gas industry has been warned about its safety record as new statistics show increases in major injuries and unplanned hydrocarbon releases. Figures released show there were 50 major injuries reported in 2009/10 – up 20 on 2008/09 and higher than the average of 42 over the previous five years. No workers were killed during activities regulated by HSE for the third year running.

Parliamentary Business

There were no PQs in August 2010.

In-year work-related deaths reported to HSE

The following table is an extract of all 2010/11 work-related deaths notified to HSE since the last update to the Board on 25 August 2010. It is taken from the latest "Names and details of fatalities" update published on HSE's website on 06 September 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
26/04/2010	Gillian Holland	62	The deceaseds wheelchair tipped during transportation	Transient	Nuneaton	3710	Service	Library and archives activities	92510	Member of the public
28/05/2010	Gordon Brass	35	The deceased fell from height	Arbroath	Angus UA	9053	Service	-	-	Employee
01/07/2010	Andrew Davies	43	The deceased was struck by a reversing vehicle	Midlands	Birmingham	4605	Manufacturing	Manufacture of other chemical products not elsewhere classified	24660	Employee
03/07/2010	Philip Whiting	47	The deceased was trampled by cattle	Cambridgeshire	East Cambridgeshire	0510	Agriculture	Growing of crops combined with farming of animals (mixed farming)	01300	Member of the public
03/07/2010	Karolina Golabek	5	The deceased was trapped in an automatic gate	Bridgend SW	Bridgend UA	6915	-	-	-	Member of the public
04/07/2010	Robin Blowes	69	The deceased fell from height	Southend	Southend UA	1590	Service	Public sector hospital activities including NHS trusts	85111	Member of the public
05/07/2010	Neil Abercromby	70	The deceased was crushed by an overturned vehicle	Perthshire	Perth & Kinross UA	9074	Agriculture	Growing of crops combined with farming of animals (mixed farming)	01300	Member of the public
08/07/2010	Malcolm Dorson	59	The deceased was trapped by a trailer	Hull	East Riding	2001	Agriculture	Growing of crops combined with farming of animals (mixed farming)	01300	Employee
09/07/2010	Chris Cowan	26	The deceased fell from height	Lancashire	Lancaster	2335	Manufacturing	Processing of nuclear fuel	23300	Employee
12/07/2010	Charalambous Spiliopoulos	63	The deceased was found dead at the base of an embankment in a quarry	Herts	-	-	-	-	-	Member of the public
15/07/2010	Grzegorz Krystian Pieton	26	The deceased was electrocuted by an overhead cable	Norfolk	W Norfolk & Kings Lynn	2635	Agriculture	Growing of vegetables, horticulture specialities and nursery products	01120	Employee
18/07/2010	Linas Mataitis	25	The deceased was struck by mobile plant	London	Hammersmith	5390	Manufacturing	Recycling of metal waste and scrap	37100	Employed by other
20/07/2010	Dorothy Stevens	80	The deceased fell from steps to quayside	Devon	Exeter	1110	Service	-	-	Member of the public
21/07/2010	John Henry Williamson	68	The deceased was struck by a vehicle	King's Lynn	W Norfolk & Kings Lynn	2635	Service	Labour recruitment and provision of personnel	74500	Employee
22/07/2010	Stanley Ian Heard	59	The deceased was crushed between a conveyor roller and cross bar	Cheshire	-	-	-	-	-	Employee
23/07/2010	Ronald Clarke	58	The deceased fell from height	Llandysul	Cardiganshire UA	6820	Agriculture	Growing of crops combined with farming of animals (mixed farming)	01300	Employed by other
23/07/2010	Jamie Lee Duddin	18	The deceased fell from height	Northumberland	Northumberland UA	2940	Construction	Construction of commercial buildings	45211	Employee
27/07/2010	Karl Green	45	The deceased was hit by a reversing vehicle	Preston	Preston	2345	Construction	Other building completion	45450	Employee
28/07/2010	David Beety	64	The deceased was struck by an object ejected from machinery	Sheffield	Sheffield	4420	Manufacturing	Forging, pressing, stamping and roll forming of metal; powder metallurgy	28400	Employee
30/07/2010	Pawal Pagos	44	The deceased was crushed by a trailer	Llanelli	Carmarthenshire UA	6825	Service	Wholesale of metals and metal ores	51520	Employee
30/07/2010	Sidney Walton	68	The deceased fell from height	Cornwall	Cornwall UA	0840	Service	Public sector hospital activities including NHS trusts	85111	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.

SEPTEMBER 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 is considering whether there is a need for an initiative on protecting workers from environmental tobacco smoke. It 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

Amending European OSH Directives to align them with the EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The old European scheme for the classification of chemicals will be fully replaced by the new European Regulation on the classification, labelling and packaging (CLP) of substances and mixtures by 2015. A number of health and safety directives that classify chemicals according to the requirements of the old scheme need aligning with the CLP Regulation. As these directives deal with health and safety requirements, the Commission is required to consult the social partners on its plans. The first-stage of social dialogue occurred at the end of 2009 (with HSE providing a 'position statement' to the social partners) and a second-stage is due in the near future. The Commission is also conducting an impact assessment of its plans to amend the directives.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

Draft social partners' agreement on the prevention of health risks in the hairdressing sector	
<p>Current status (UNCHANGED FROM LAST BOARD UPDATE): The European social partners covering the hairdressing profession are currently negotiating a draft agreement on the prevention of health risks in their sector. The social partners have asked that any finalised agreement be submitted to the Council for a decision. The European Commission has informed the social partners that three tests will need to be satisfied before it does this for any future agreement. These concern the following; the text must be compatible with existing EU legislation, the representativeness of the social partner organisations must be confirmed, and there should be consideration on whether the self-employed need to be covered (research on this should be ready at the end of 2010). HSE is monitoring the situation.</p>	
<p>Lead Department HSE contact</p>	<p>HSE SCS Lead – Marcia Davies Policy Lead – Cameron Adam, Operational Strategy Division, 0141 275 3096, cameron.adam@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha</p>

PRE-PROPOSAL STAGE:**EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:**

Proposed recast of the Manual Handling (90/269/EEC) and Display Screen Equipment (90/270/EEC) Directives	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission is working on recasting the Manual Handling and Display Screen Equipment Directives into a new directive on work-related musculoskeletal disorders. It is going to undertake a further impact assessment of the issues involved with a proposal currently scheduled for late 2011.	
Lead Department HSE contact	HSE SCS Lead – Peter Brown Policy Lead – Peter Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, peter.lennon@hse.gsi.gov.uk SCS Lawyer – Abigail Dean

Amendment of Electromagnetic Fields Directive (2004/40/EC)	
Current status (NEW DEVELOPMENTS): The European Commission (EC) is drafting a legislative proposal for publication later this year. An accompanying impact assessment has also been drafted, this was scrutinised by the EC's Impact Assessment Board on 1st September. The IA was not cleared by the IA Board, which has requested changes to be made before resubmission. On 17th September the next meeting of the Electromagnetic Field Working Party of the Advisory Committee on Safety and Health is due to take place. This meeting will be attended by the HSE Policy lead and will provide an opportunity to discover further information on how the Commission is likely to proceed in relation to the IA and to give an indication of the content of, and timescales for, the draft proposal from the ACSH. The EC's Advisory Committee on Safety and Health at Work will be asked for an opinion on the draft proposal before its publication (HSE will vote as the UK representative on the Committee).	
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 – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

Proposed European 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): The European Commission (EC) is developing proposals for an implementing regulation that will set out the exact nature of the data on accidents at work that member states must provide under the European statistical framework regulation introduced in 2008. The EC anticipates that its proposal will be approved by the European Statistical System Committee (on which the Office for National Statistics represents the UK) in November 2010, which will allow the EC to adopt the proposed measures in March 2011.	
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

ENVIRONMENT DOSSIERS:

Proposed revision of Seveso II Directive (96/82/EC)	
Current status (NEW DEVELOPMENTS): The European Commission is looking at revising the Seveso II Directive to bring it into line with the European Regulation on classification, labelling and packaging of substances and mixtures and to make other technical changes. A legislative proposal is now anticipated early in 2011.	
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

EURATOM DOSSIERS:

Proposed recast of Basic Safety Standards Directive (96/29/EURATOM)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) is currently working on a draft legislative proposal to recast the directive. The accompanying draft impact assessment is likely to be scrutinised by the EC’s Impact Assessment Board in November. A legislative proposal is not likely until 2011. In the UK, three stakeholder-working groups on occupational, medical, and public and environmental exposures are helping with an impact assessment to inform the UK position.	
Lead Department HSE contact	DECC HSE SCS Lead – Peter Brown Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909,

	matthew.penrose@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 is developing a draft proposal for a directive on radiation waste and spent fuel. A legislative proposal is currently anticipated 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 modification of New Approach Directives in line with the EC Regulation on Accreditation and Market Surveillance	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission is currently drawing up 10 separate amending directives to bring a number of supply directives into line with the European Regulation on Accreditation and Market Surveillance and an accompanying Decision. It had hoped to have a single “Omnibus Directive” to cover all 10 Directives, however, this was not possible so separate amending directives will be processed but as a single package. Work has started on draft proposals with them currently out for comment. The directives being amended that are HSE’s responsibility to enforce include explosives for civil use, pressure equipment, lifts, low voltage and simple pressure vessels.	
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 – Abigail Dean

EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008) – 2 nd Adaptation to Technical Progress	
<p>Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission is looking at amending the technical criteria in the European Regulation on classification, labelling and packaging of substances and mixtures to incorporate the changes agreed in the 3rd revised edition of the United Nation's Globally Harmonised System of classification and labelling of chemicals as well as making a few other minor technical amendments. A formal legislative proposal is not expected until late summer with a comitology committee vote possibly in October 2010.</p>	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton 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) – Establishment of the UK competent authority	
<p>Current status (UNCHANGED FROM LAST BOARD UPDATE): The UK is required, under European Regulation No. 1272/2008, to appoint a competent authority for proposals for harmonised classification and labelling of chemicals and to be responsible for the enforcement of the obligations set out in the Regulation. HSE is looking at whether domestic regulations are required to establish the UK competent authority or whether this can be achieved by alternative means.</p>	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

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 (NEW DEVELOPMENTS): 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 the plenary around 18-21 October 2010 . HSE has worked with the Department for Business, Innovation and Skills to brief 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 (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has published a proposal for a European Regulation to replace the current Biocidal Products Directive. It identifies five policy areas for change: scope, product authorisation, data sharing, data requirements and fees. Negotiations in the Council recommence in September after the summer break. The European Parliament will have a first reading plenary vote in September. The Regulation will be directly applicable in member states and will not require transposition, although regulations may be required on enforcement and fees.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton 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 Annex I to the EC Regulation on the Export and Import of Dangerous Chemicals (689/2009)	
Current status (NEW DEVELOPMENTS): This proposal to add a further five substances to Annex I of the European Regulation on the Export and Import of Dangerous Chemicals and to amend several existing entries is to reflect the inclusion of these substances into existing pesticides controls. It was discussed at the Member States' Designated National Authorities meeting on 26 May, and subsequently the European Commission (EC) sought a vote on the substances by the written procedure. At the UK's request, the vote was deferred until the next meeting in October to allow time for industry consultation and clearance of voting lines.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton 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 and spinosad in Annex I	
Current status (UNCHANGED FROM LAST BOARD UPDATE): Metofluthrin, carbon dioxide and spinosad were subject to positive votes at the May 2010 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 European 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 the 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 – Kären Clayton 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 (Z,E)-Tetradeca-9,12-dienyl acetate, nonanoic acid, fenoxycarb and bifenthrin in Annex I

Current status (UNCHANGED FROM LAST BOARD UPDATE):

(Z,E)-Tetradeca-9,12-dienyl acetate, nonanoic acid, fenoxycarb and bifenthrin will be subject to votes at the 24 September 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. Annex I is a list of active substances with requirements agreed at European 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 the 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 – Kären Clayton

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 (NEW DEVELOPMENTS):

This proposal would align agricultural vehicles in the same European regulatory framework as other vehicles. It would be a direct replacement for the current Type Approval Directive which came fully into force on 1 July 2009. We do not expect the proposal to significantly affect HSE's activities but we maintain a watching brief to ensure that relevant safety aspects are not diluted. **The Commission has published a proposal document with several options and associated impact assessments. DfT is leading on the negotiation with this and how it might impact on the UK. Current favoured option is for a suite of 4 or 5 regulations, one of which will contain all the occupational safety aspects. This may have a bearing on future implementation and enforcement provisions for HSE.**

**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

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 this 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 contact	HSE 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): The Control of Artificial Optical Radiation at Work Regulations 2010 came into force in Great Britain on 27 April 2010. Transposition has now occurred in Northern Ireland through The Control of Artificial Optical Radiation at Work Regulations (Northern Ireland) 2010 and in Gibraltar. Transposition is still required on ships and fishing vessels – MCA hope to achieve this by 1 October 2010.	
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
Directive establishing a 3rd List of Indicative Occupational Exposure Limit Values (2009/161/EU)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): Member states are required to transpose the directive by 18 December 2011. HSE will consult in spring 2011 on implementation in Great Britain, which will be achieved through amendments to the HSE publication 'EH40 Workplace Exposure Limits'. Implementation is also required in Northern Ireland and Gibraltar.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha
Directive implementing the Framework Agreement on preventing injuries from sharp instruments in the hospital and healthcare sector (2010/32/EU)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): Political agreement on a directive was reached at the Employment, Social Policy, Health and Consumer Affairs Council on 8 March 2010 with formal adoption at the Education and Youth Council on 11 May. Member states have until 11 May 2013 to transpose it.	
Lead Department HSE contact	HSE SCS Lead – Susan Mackenzie Policy Lead – Craig Bell, Specialised Industries Division, 0151 951 3325, craig.bell@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

ENVIRONMENT DOSSIERS:

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. Key recent developments include:	
<ul style="list-style-type: none"> • HSE has met with DEFRA to discuss its expected consultation on measures to assure the continued management of the asbestos legacy under the new REACH restrictions system. We are expecting publication of the consultation document within the next month, following a recent European Commission decision that REACH should not apply to buildings. • HSE is planning for measures to enact a permitted derogation from the new EU restriction on use of paint-strippers containing dichloromethane. Industry has agreed to consider developing the necessary certified (or other quality-assured) training scheme. Amendment of the UK REACH Enforcement Regulations 2008 will be required. • Media interest in the substance Bisphenol A (BPA) has resurfaced, this time in relation to potential exposure to workers and the public through thermal paper (such as till receipts). Whilst not a REACH issue in itself, it is possible that REACH control measures may need to be considered in relation to BPA in the future, dependent upon sufficiently robust evidence that controls are necessary becoming available at European level (for instance as a result of REACH registration of BPA) or elsewhere. • The European Commission have brought forward proposals to add the first seven substances to the REACH ‘authorisation’ process (with a lead time of several years), and also to amend the list of substances subject to ‘restriction’, including the addition of the HSE-rapporteured substance acrylamide as a carry-over from the pre-REACH regime. Votes will be conducted over September and October. Other annexes are also being amended, mostly for environmental concerns rather than occupational safety and health. Defra lead on all amendments to REACH. 	
Lead Department HSE contact	DEFRA (Policy Lead) HSE (UK Competent Authority) HSE SCS Lead – Kären Clayton HSE Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk HSE SCS Lawyer – Navroza Ladha

HEALTH AND CONSUMERS DOSSIERS:

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): This European Regulation replaces and updates the European Union’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.	
Lead Department HSE contact	DEFRA (Policy Lead) HSE (UK Competent Authority) 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): This 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.	
Lead Department HSE contact	DEFRA (Policy Lead) HSE (UK Competent Authority) 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): This European 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 HSE contact	DEFRA (Policy Lead) HSE (UK Competent Authority) 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

EURATOM DOSSIER:

Directive Establishing a Community Framework for the Nuclear Safety of Nuclear Installations (2009/71/EURATOM)	
Current status (NEW DEVELOPMENTS): Member states are required to transpose the Directive by 22 July 2011. HSE and DECC are working up a transposition strategy. A paper on transposing the Directive will go to the Board on 29 September.	
Lead Department HSE contact	DECC (Policy Lead) HSE (UK Competent Authority) 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:

Amendment of Directive 76/763/EEC (passenger seats for tractors) and Directive 2009/144/EC (components and characteristics of tractors) to include technical specifications for type approval - this has now been published as 2010/52/EU.	
Current status (NEW DEVELOPMENTS): This amendment to Directives 79/763/EEC and 2009/144/EC has now been published as 2010/52/EU, 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. However, it was given a favourable opinion by its comitology committee and is now subject to scrutiny by the Council and the European Parliament. The UK is 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

Services Directive (2006/123/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The Provisions of Services Regulations 2009 came into force on 28 December 2009 and apply UK-wide. Health and safety law relating to the protection of employees/self-employed is not within scope of the directive however, that relating to the protection of the public is. A screening exercise was undertaken by HSE in March 2010 to determine which of our regulations/authorisation schemes were deemed to fall within the scope of the Directive. The SMT considered the outcome of this exercise at its meeting on 7 July and agreed to press ahead with work this year on compliance.	
Lead Department HSE contact	BIS 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 (NEW DEVELOPMENTS): Member states are required to transpose the directive, which introduced a limited number of environmental protection requirements for pesticides application machinery, by 15 June 2011. The Department for Business, Innovation and Skills is currently working on draft amendments to the Supply of Machinery (Safety) Regulations 2008. European Commission guidance on these requirements will be drafted in the latter half of 2010. The EU Commission have decided not to set up an editorial board to add to its Directive Guide, they will deal with this by correspondence with Member States towards the end of 2010 and discuss at the Machinery WG meeting in late December.	
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 – Abigail Dean

EC Regulation on Accreditation and Market Surveillance (RAMS) (765/2008)	
Current status (NEW DEVELOPMENTS): This European Regulation applied from 1 January 2010 and sets accreditation and market surveillance obligations relating to the marketing of products in the European Union. 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 have been formally consulted on and the SI is now being drafted by BIS, no major changes from the Draft Regs expected. The new SI, giving extra powers to MSA Staff (incl HSE Inspectors) is planned to come into force at the start of 2011.	
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 – Abigail Dean

EC Regulation on Mutual Recognition of Goods in the European Union (764/2008)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): This European Regulation applied from 13 May 2009 and 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. 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 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): This codified directive applied from 1 January 2010. Transposition in the UK occurred through the Motor Cycles etc. and Tractors etc. (EC Type Approval) (Amendment) Regulations 2009.	
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 – Abigail Dean

Directive (2010/22/EU) adapting a number of directives, including Directive 86/415/EEC (Installation, location and operation of the controls of agricultural tractors), to technical progress	
Current status (UNCHANGED FROM LAST BOARD UPDATE): This directive amends Directive 86/415/EEC relating to external power take-off (PTO) controls of agricultural tractors, allowing hold-to-run control for the first 3 seconds, after which full activation of the PTO can occur. The UK will have until 30 April 2011 to transpose the directive.	
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

EC Regulation on Classification, Labelling and Packaging of Substances and Mixtures (1272/2008) – 1 st Adaptation to Technical Progress	
<p>Current status (UNCHANGED FROM LAST BOARD UPDATE):</p> <p>The 1st Adaptation to Technical Progress (ATP) of European Regulation on classification, labelling and packaging was published in the Official Journal on 5 September 2009 as European Commission Regulation No. 790/2009. Duty holders 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 2009, 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.</p>	
<p>Lead Department HSE contact</p>	<p>HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha</p>

TRANSPORT DOSSIER:

Directive on investigation of accidents in the maritime transport sector (2009/18/EC)	
<p>Current status (UNCHANGED FROM LAST BOARD UPDATE):</p> <p>This directive on the investigation of marine accidents requires the Marine Accident Investigation Branch (MAIB) to undertake a ‘no blame’ investigation into all serious marine casualties and incidents. MAIB are interpreting this to require it to investigate serious accidents involving shore-based workers on board a ship – such accidents have previously been left to HSE. MAIB are currently developing draft implementing regulations and will invite comment from HSE.</p>	
<p>Lead Department HSE contact</p>	<p>DfT (MAIB) HSE SCS Lead – Marcia Davies HSE Policy Lead – Christine Barringer, Operational Strategy Division, 01342 334261, christine.barringer@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean</p>