

Health and Safety Executive Board		Paper No: HSE/11/76	
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Chief Executive's Report to the Board			

Update on colliery fatal investigations

1. HSE Mines Inspectors continue to investigate the deaths of four miners at Gleision Colliery in Wales and one at Kellingley in Yorkshire.
2. At Gleision, primacy in the investigation is still with South Wales Police. The mine manager remains on bail, having been arrested on suspicion of four counts of gross negligence manslaughter. HSE and HSL continue to support police in the investigation through technical and interview support.
3. At Kellingley, the investigation remains focussed on the reasons for a fall of ground which led to the death of one miner while roof supports were being advanced. Primacy in the investigation is with HSE. The two improvement notices (on UK Coal as the employer and on the mine manager) have been served.

Publication of Health & Safety Statistics 2010/11

4. New health and safety statistics for 2010/11 were published on 2 November 2011. This included injury, ill health and days lost data from the Labour Force Survey, reported non-fatal injuries from RIDDOR, enforcement data and reports of ill-health cases from specialist physicians.
5. The total number of people who worked in the last 12 months who were suffering from work-related illness fell by 113,000 to 1.2 million and there is a measurable downward trend in total work-related ill health over the past decade (as estimated from the Labour Force Survey).
6. The estimated number of new cases of work-related illness amongst those who worked in the past 12 months fell by 60,000 to 0.5 million and again there is a significant downward trend since 2001/02.
7. Deaths from mesothelioma increased to 2,321 in 2009 and continue to rise year-on-year due to past exposure to asbestos. We are not expecting this figure to peak until around 2016.
8. All measures of non-fatal injury at work are showing strong downward trend. Reported major injuries and over-3-day injuries fell by 6% in the year. Self-reported injuries leading to absence from work of more than 3 days fell by 31,000 to 200,000, continuing the downward trend over the last 10 years.

9. Fatal injuries to workers, which were first published in June, increased from 147 to 171 in 2010/11. Despite the increase, the 2010/11 figure remains below the five year average for 2005/06 to 2009/10 (205) and is still consistent with a continuing downward trend.
10. In 2010/11, HSE prosecuted 551 cases (covering 912 offences) and secured a conviction in 94% of cases. This is an increase of 9% in cases prosecuted compared with 2009/10. The number of notices issued by HSE rose for the third successive year to 11,020 (a 13% increase on 2009/10). Notices issued by Local Authorities also increased and the total of 18,290 notices issued in 2010/11 is the highest since 2002/03.

Publication of “Reclaiming health and safety for all: An independent review of health and safety legislation”

11. Professor Löfstedt’s independent review of health and safety legislation was published on 28 November 2011 together with the Government’s response. The Chair and I attended both the launch in London and the subsequent launch in Brussels on 30 November 2011. The Löfstedt report reflects and develops evidence given by HSE but also a number of other parties. It will confer additional responsibilities on HSE and these will be brought to the Board in due course.

Tripartite meeting between HSE, HSENI and HSA, Ireland

12. Judith Hackitt and I attended the annual tripartite Anglo-Irish Health and Safety Forum in Dublin on 15 November 2011. We discussed with our counterparts in HSENI and HSA current issues including the Red Tape Challenge, the extension of cost recovery, issues related to *Common Sense*, *Common Safety*, and explored potential areas for collaboration between our respective organisations.

Update on extension of cost recovery

13. The cost recovery consultation closed on 14 October and the consultation document received around 12,000 downloads and 295 formal responses. HSE is now analysing the responses and reviewing the proposal in light of the feedback before making final proposals to Ministers and there will be the opportunity to discuss the outcomes at December's Board meeting. Preparations are underway for the launch of the shadow run in January, enabling all operational staff to become familiar with the new arrangements up to the point of invoicing, ahead of implementation in April

Availability of data relating to deaths resulting from illegal activity

14. This issue was raised at the September Board meeting. The outcome of our enquiries on relevant data availability and collection is attached at Annex 4

People Survey 2011

15. The results of HSE's People Survey have been published. The survey measures levels of employee engagement in HSE, HSL and ONR and compares these results with the Civil Service benchmark.
16. Around 63% of HSE staff responded to the 2011 survey, an increase on the 56% who responded in 2010 and higher than the Civil Service overall response of 60%.
17. HSE's Engagement Index, the score that represents the average level of engagement in the department, is 55% (versus 58% in 2010) and is broadly in line with the Civil Service average of 56%. The results have been shared with the Board, Trade Unions and Staff and will be discussed by SMT at its December meeting.

GEOFFREY PODGER

Operations

Fatality details

Since the last update to the HSE Board on Wednesday 26th October 2011, 34 fatal accidents for 2011/12 were reported to HSE under RIDDOR and subsequently published on HSE's website. Please see [Annex 2](#) for details.

In some cases, the publication of a fatality on the HSE website and notification to the Board may be some months after the actual date of the initial incident. This is due to the verification checks that are carried out to ensure that the fatality is within HSE's enforcement remit and if so, the correct information is subsequently published. The complex nature of some fatality investigations may mean that it can take some time to verify this information.

Of the 34 fatalities listed in the current report, 6 occurred prior to September 2011

28 fatalities occurred in September 2011, compared with 11 which occurred in September 2010.

The full list of the names of the deceased plus additional details may be viewed at: <http://www.hse.gov.uk/foi/fatalities/in-year-names.htm>.

Significant Prosecutions for October 2011

- [CEMEX Operations UK Ltd](#) was fined £200,000 and ordered to pay £172,000 costs at Leamington Spa Crown Court following the death of a worker in an explosion at its Rugby premises.
- [Parker Plant Ltd](#) were fined £180,000 and ordered to pay £47,500 costs at Leicester Crown Court after a worker was crushed between two nine-metre steel structures which were being lifted with an overhead travelling crane
- [J Mills \(Contractors\) Ltd](#) was fined £145,000 and ordered to pay £7,700 in prosecution costs at Manchester Crown Court after an employee plunged ten metres through a fragile roof onto a concrete floor, and died two years later from his injuries.
- [H G Gladwell & Sons Ltd](#) was fined £14,000 and ordered to pay £20,437.40 costs at Ipswich Crown Court when a factory worker was killed when a pneumatic hatch on a pet food-mixing machine crushed his neck.
- [2 Sisters Food Group](#) was fined a total of £230,000 with costs of £24,350 after two incidents at its Suffolk factory, one of which led to an employee losing four fingers, part of his thumb and some of the palm of his right hand.
- [Stephen Jonathan](#) who falsely claimed he was a registered gas engineer was sent to prison for two years at Burnley Crown Court for endangering people's lives at two properties in Lancashire, including a baby boy

- [Thor Specialities \(UK\) Ltd](#) was fined £25,000 and ordered to pay prosecution costs of £15,000 at Chester Crown Court following a major incident at its factory in Cheshire which put workers' lives in danger
- [Kevin Graham](#) was given a Community Service Order at Dumfries Sheriff Court after he carried out unsafe gas installation work at a house near Dumfries
- [R Todd & Company](#) was fined £20,000 at Kirkcaldy Sheriff Court after a worker had to have two toes from his right foot amputated, when he became entangled in machinery inside a grain reception pit
- [Ashacre Limited](#) was fined £15,000 and ordered to pay costs of £5,936 at Worthing Magistrates' Court after a scaffolding tube hit a pedestrian as she walked down an alley in Worthing

Events, Campaigns and Publications in October 2011

HSE challenges construction industry to learn from London 2012

Britain's safety watchdog is challenging the construction industry to learn from the London 2012 construction project and improve the safety record of one of the most dangerous occupations in Britain.

The Health and Safety Executive's Leadership and worker involvement on the Olympic Park research, published today, shows how the Olympic Delivery Authority (ODA) adopted an inclusive no scapegoating approach to managing risks that could be adapted to any project - irrespective of its size or budget. It is the first in a series of research reports that HSE will publish as part of the London 2012 Learning Legacy. The full report can be accessed at [London 2012 website](#)

4,000 tradesmen confronted a hidden killer

Thousands of tradesmen received free asbestos awareness training in a bid to tackle ignorance about Britain's biggest industrial killer. To find out more click [here](#)

FOI Requests made to HSE

There were 541 FOI requests made to HSE in October 2011. Please see table below for detail comparison of the numbers with October 2009.

Year	Total requests received in October	Type of requests received in October	
2009	600	Civil Disclosure	485
		EIR	12
		FOI	99
		Internal Review	4
2011	541	Civil Disclosure	444
		EIR	13
		FOI	75
		Internal Review	8
		FOI Appeal	1

Civil Disclosure Requests – seek disclosure of information relating to a work place incident, often for use by Solicitors representing clients making a personal injury claim.

EIR (Environmental Information Requests) – seek disclosure of environmental information held by ONR, HID, CRD e.g. Investigation reports regarding leaks at Sellafield, COMAH safety reports, Offshore Inspection Reports, information relating to Pesticides.

FOI (Freedom of Information Requests) – seek disclosure of recorded information held by HSE e.g. financial information, RIDDOR data, and policies.

Internal Review – 1st stage of the FOI appeal process in which HSE undertake a review of the original response to a request for information.

FOI Appeal – 2nd stage of the FOI appeal process in which the ICO ask HSE to prepare a submission detailing the original decision process in response to a request for information

Parliamentary Business

There were 15 PQs dealt with by HSE during the month of October 2011

Annex 2

The following table is an extract of all 2011/12 work-related deaths notified to HSE since the last update to the Board on Wednesday 26th October 2011. It is taken from the latest "Names and details of fatalities" update published on HSE's website on Monday 7th November 2011.

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	General Industry Sector	Detailed Standard Industry Classification	Employment status
26/05/2011	Michael Porter	56	The deceased fell from height	London	Southwark	Manufacturing	Forging, pressing, stamping and roll forming of metal; powder metallurgy	Employee
01/06/2011	Joan Chappell	97	The deceased died whilst under medical care	Dorset	North Dorset	Services	Nursing home activities	Member of the public
17/06/2011	Mohan Singh	74	The deceased died whilst under medical care	Shropshire	The Wrekin UA	Services	Public sector hospital activities including NHS trusts	Member of the public
06/08/2011	James Dennis Kay	62	The deceased died after coming into contact with a fixed object	Merseyside	Knowsley	Construction	Demolition and wrecking of buildings; earth moving	Employee
08/08/2011	Alan Young	68	The deceased fell from height	London	Barnet	Services	Other letting of own property	Employee
15/08/2011	Lindsay Richard Easton	59	The deceased died after his vehicle struck an object	Bury	Bury	Construction	Other construction work involving special trades	Employee
02/09/2011	Martin McGlasson	37	The deceased was crushed by a concrete structure	Cumbria	Allerdale	Manufacturing	Manufacture of concrete products for construction purposes	Employee
07/09/2011	John Bowman	72	The deceased was crushed by machinery	Pembrokeshire	Pembrokeshire UA	Services	Maintenance and repair of motor vehicles	Self employed

Annex 2

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
08/09/2011	Trevor Newman	65	The deceased fell from height	Staffordshire	The Wrekin UA	Construction	Construction of Commercial Buildings	Self employed
11/09/2011	Grant Kinnie	25	The deceased drowned during a sporting activity	Cumbria	Eden	Services	Other adult and other education not elsewhere classified	Employee
11/09/2011	Luke Yardy	17	The deceased drowned after falling from a dinghy	Cambridgeshire	East Cambridgeshire	Services	Extra-territorial organisations and bodies	Self employed
11/09/2011	Ashley Yardy	22	The deceased drowned after falling from a dinghy	Cambridgeshire	East Cambridgeshire	Services	Extra-territorial organisations and bodies	Member of the public
12/09/2011	Wallace Hale	88	The deceased was struck by a vehicle	Essex	Braintree	Agriculture	Growing of cereals and other crops not elsewhere classified	Self employed
12/09/2011	John Hind	62	The deceased died after coming into contact with a stationary vehicle	Northumberland	Northumberland UA	Extractive/Utility	Other mining and quarrying not elsewhere classified	Employed By Other
12/09/2011	Simon Mann	47	The deceased was struck by a falling object	Essex	Colchester	Services	Freight transport by road not elsewhere classified	Employee
15/09/2011	Samuel Orola	5	The deceased fell from height	London	Kingston-upon-Thames	Services	Primary education	Member of the Public - Child
15/09/2011	Charles Breslin	62	The deceased died during a mining activity	Swansea Valley	Neath & Port Talbot UA	Extractive/Utility	Deep Coal mines	Employee
15/09/2011	Garry Jenkins	39	The deceased died during a mining activity	Swansea Valley	Neath & Port Talbot UA	Extractive/Utility	Deep Coal mines	Employee
15/09/2011	Phillip Hill	45	The deceased died during a mining activity	Swansea Valley	Neath & Port Talbot UA	Extractive/Utility	Deep Coal mines	Employee
15/09/2011	David Powell	50	The deceased died during a mining activity	Swansea Valley	Neath & Port Talbot UA	Extractive/Utility	Deep Coal mines	Employee

Annex 2

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
16/09/2011	Mary Henderson	90	The deceased died whilst under medical care	Renfrewshire	Renfrewshire UA	Services	Nursing home activities	Member of the public
19/09/2011	Nigel Sewell	57	The deceased was struck by a falling object	Herts	North Hertfordshire	Construction	Other construction work involving special trades	Employee
20/09/2011	Lee Woodhouse	30	The deceased was struck by machinery	East Riding	East Riding	Agriculture	Growing of vegetables, horticulture specialities and nursery products	Employee
21/09/2011	Jeffrey Lee Jameson	32	The deceased died following a fall from a vehicle	County Durham	Durham County UA	Agriculture	Farming of cattle, dairy farming	Employee
22/09/2011	James Baillie	53	The deceased fell from height	South Lanarkshire	South Lanarkshire UA	Construction	Erection of roof covering and frames	Employee
22/09/2011	Lilian May Walker	80	The deceased died following a fall	Cheshire	Cheshire East UA	Services	Nursing home activities	Member of the public
22/09/2011	Peter Robert Harper	66	The deceased fell from height	Dudley	Dudley	Construction	Other construction work involving special trades	Self employed
24/09/2011	John Stoddart	41	The deceased died after coming into contact with machinery	Mid Devon	Mid Devon	Manufacturing	Manufacture of paper and paperboard	Employee
26/09/2011	Graham Begley	49	The deceased died after coming into contact with machinery	Merseyside	Knowsley	Manufacturing	Manufacture of motor vehicles	Employee
26/09/2011	Scott Angel	18	The deceased died following a fall	Kent	Tonbridge & Malling	Services	Technical and vocational secondary education	Member of the public
27/09/2011	Gerald Gibson	49	The deceased died during a mining activity	North Yorkshire	Leeds	Extractive/Utility	Deep Coal mines	Employee
27/09/2011	Adrian Bennett	40	The deceased died following a fall	Boston	Boston	Services	Public sector hospital activities including NHS trusts	Member of the public

Annex 2

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
28/09/2011	Thomas Arwyn Rees	30	The deceased was struck by an object	Carmarthenshire	Carmarthenshire UA	Manufacturing	Manufacture of metal structures and parts of structures	Self employed
28/09/2011	Kenneth Pinkerton	48	The deceased was trapped under an overturned vehicle	Reigate & Banstead	Reigate & Banstead	Construction	Construction of domestic buildings	Self employed

DECEMBER 2011 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 EU action on protecting workers from environmental tobacco smoke. It first consulted the social partners on this in 2008, and a second consultation is due later this year (at the moment, a contractor is carrying out an assessment of potential actions to inform the latter consultation). The Department of Health is leading on this with support from HSE.	
Lead Department HSE contact	DH HSE SCS Lead – Kären Clayton HSE Policy Lead – Gillian Smith, Long Latency Health Risks Division, 0151 951 4919, gill.fod.smith@hse.gsi.gov.uk HSE SCS Lawyer – Prakash Bachoo

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. The EC is conducting an impact assessment of its plans to amend these 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 – Abigail Dean

Draft social partners' agreement on the prevention of health risks in the hairdressing sector	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European social partners covering the hairdressing profession have negotiated a draft agreement on the prevention of health risks in their sector, though it is yet to be signed by the parties.	
Lead Department HSE contact	HSE SCS Lead – Stephen Williams Policy Lead – Cameron Adam, Operational Strategy Division, 0141 275 3096, cameron.adam@hse.gsi.gov.uk SCS Lawyer – Prakash Bachoo

Social partners' consultation on reviewing the Working Time Directive	
Current status (NEW DEVELOPMENTS): In September 2009, the European Commission (EC) announced its commitment to review the Working Time Directive, following the collapse of the previous round of negotiations on amending the Directive in April 2009. There have since been two rounds of social partner consultation on Commission options for the Directive, with the social partners now having decided to open negotiations on an agreement on the Directive . HSE has a role in enforcing the domestic regulation that transposes the original Directive.	
Lead Department HSE contact	BIS HSE SCS Lead – David Sowerby HSE Policy Lead – Bernadette Cadman, Field Operations Directorate, 0151 951 5710, bernadette.cadman@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

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

Future initiative on Ergonomics at Work	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) is working on an initiative to combine the Manual Handling and Display Screen Equipment Directives into a new directive on minimum health and safety requirements on ergonomics at work. We don't expect a legislative proposal from the EC until spring 2012.	
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 – Prakash Bachoo

Future initiative on Carcinogens and Mutagens Directive (2004/37/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) is considering whether there is a need for a potential future amendment of the Directive. The EC engaged a contractor to look at this issue. They have recommended that a flexible approach to setting occupational exposure limits for carcinogens is retained within the EU and that such an approach is underpinned by agreed guidance from experts. A separate study considering the inclusion within the Directive of substances toxic for reproduction started in May 2011 and is due for completion by May 2012. A legislative proposal may potentially appear in 2013.	
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 – Prakash Bachoo

ENTERPRISE AND INDUSTRY DOSSIERS:

Proposed simplification of Pressure Equipment Directive	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission plans to conduct a future review of the Directive, with no decision taken yet on the timing.	
Lead Department	BIS
HSE contact	HSE SCS Lead – Stephen Williams HSE Policy Lead – David Bosworth, Operational Strategy Division, 0151 951 4778, david.bosworth@hse.gsi.gov.uk HSE SCS Lawyer – Prakash Bachoo
Proposed amendment of Pressure Equipment Directive to align it with the EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission is currently developing a draft proposal to align Directive 97/23/EC with the European Regulation on the classification and labelling of chemicals. This would be under the same procedure as the proposed modification of the New Approach Directives in line with the European Regulation on Accreditation and Market Surveillance.	
Lead Department	BIS
HSE contact	HSE SCS Lead – Stephen Williams HSE Policy Lead – David Bosworth, Operational Strategy Division, 0151 951 4778, david.bosworth@hse.gsi.gov.uk HSE SCS Lawyer – Prakash Bachoo
Future recast of Directive on the classification, packaging and labelling of dangerous preparations (1999/45/EC)	
Current status (NEW DEVELOPMENTS): The European Commission (EC) plans to put forward a proposal to recast the Directive on the classification, packaging and labelling of dangerous preparations. This would amend the Directive to include references to the European Regulation on classification, labelling and packaging (CLP Regulation), align its definitions with those in the CLP Regulation and include post-Lisbon comitology arrangements. The EC's proposal is now expected in 2012.	
Lead Department	HSE
HSE contact	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

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 (EP) has proposed a number of amendments to the Directive, including ones on health and safety, following its plenary session on 20 October 2010. The EP's amended proposal has been sent to the Council, which is now considering it.	
Lead Department HSE contact	BIS HSE SCS Lead – Peter Brown HSE Policy Lead – Clare McNicholas, Work Environment, Radiation and Gas Division, 0151 951 3972, clare.mcnicholas@hse.gsi.gov.uk HSE SCS Lawyer – Prakash Bachoo
Proposed replacement of Electromagnetic Fields Directive (2004/40/EC)	
Current status (NEW DEVELOPMENTS): The European Commission (EC) has published a proposal to replace the Electromagnetic Fields Directive (2004/40/EC) with a new Directive. The Employment, Social Policy, Health and Consumer Affairs Council will hear a progress report on the negotiations from the Polish Presidency at its meeting on 1 December. It is likely that the Danish Presidency will pick up the negotiations from January. The European Parliament has also begun its discussions on the 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 – Prakash Bachoo

ENVIRONMENT DOSSIERS:

Proposal Directive on control of major accident hazards	
Current status (NEW DEVELOPMENTS): The European Commission has published a proposal for a Directive on control of major accident hazards. This would replace Directive 96/82/EC, as amended by Directive 2003/105/EC (otherwise known as the 'Seveso II' Directive). The proposal is designed to bring 'Seveso' requirements into line with the European Regulation on classification, labelling and packaging of substances and mixtures and to make other technical changes. The Environment Council will hear a progress report on the negotiations at its December meeting.	
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 – Prakash Bachoo
Proposed recast of the EC Regulation on the Export and Import of Dangerous Chemicals (689/2008)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has published a proposal to recast the existing European Regulation on the Export and Import of Dangerous Chemicals. This is to include references in it to the European Regulation on classification, labelling and packaging (CLP Regulation), align its definitions with those in the CLP Regulation and set out the European Chemical Agency's future role in its implementation. The Council is now considering the recast proposal through meetings of its Environment Working Group. Any agreed proposal will necessitate the replacement and re-enactment of the UK enforcing regulations for the 2008 European Regulation as they make specific reference to it.	
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 (689/2008)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has published further proposals to add substances to Annex I of the European Regulation on the Export and Import of Dangerous Chemicals and to remove one existing entry. These amendments are needed to reflect the inclusion of these substances into existing pesticides controls. The proposals were agreed on 27 September, and provided that there is no objection from the Council or European Parliament, they are likely to come into force in spring 2012.	
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 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 has published a proposal for a European Regulation to replace the current Biocidal Products Directive. It aims to update and improve the existing Directive and it has been estimated that it will lead to savings of £135-£264m for UK businesses. An informal second reading deal was reached in November 2011 on the text of the Regulation, which is expected to be formally endorsed by the European Parliament and Council early in 2012. The Regulation will be directly applicable in member states and will not require transposition, although regulations will be required on enforcement and fees. It will apply from 1 September 2013.	
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 bendiocarb, flufenoxuron, copper (II) oxide, copper (II) hydroxide and copper (II) carbonate basic in Annex I, and two proposed Commission Decisions not to include certain active substances in Annex I	
Current status (UNCHANGED FROM LAST BOARD UPDATE): Bendiocarb, copper (II) oxide, copper (II) hydroxide and copper (II) carbonate basic were subject to positive votes at the September 2011 meeting of the Standing Committee on Biocidal Products and will now be included in Annex I of the Biocidal Products Directive. 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. As such the inclusions are not expected to impose costs on businesses. 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 using an ambulatory reference inserted into the definition of the BPD in the relevant national implementing regulations thus ensuring automatic transposition. The Standing Committee also voted positively on two proposed European Commission Decisions not to include 20 active substances in Annex I. There was no overall qualified majority for the inclusion of flufenoxuron in Annex I, so the issue has been referred to the Council and Parliament for their views. If neither blocks the Commission's proposal, then an inclusion Directive will be adopted.	
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 margosa extract, methyl nonyl ketone and hydrochloric acid in Annex I, and two proposed Commission Decisions not to include dichlorvos and naled in Annex I

Current status (UNCHANGED FROM LAST BOARD UPDATE):

Margosa extract, methyl nonyl ketone and hydrochloric acid will be subject to votes at the December 2011 meeting of the Standing Committee on Biocidal Products for inclusion in Annex I of the BPD. The Standing Committee will also vote in December on two proposed European Commission Decisions not to include dichlorvos and naled in Annex I.

Lead Department	HSE
HSE contact	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

EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008) – Proposed 3rd Adaptation to Technical Progress

Current status (NEW DEVELOPMENTS):

The European Commission has circulated a proposal for a 3rd adaptation to technical progress of the European Regulation on classification, labelling and packaging of substances and mixtures. The measure proposes new or revised classifications for 17 substances. The measure had been delayed by continuing scientific debate at European level regarding gallium arsenide and epoxiconazole. Epoxiconazole is a suspected repro-toxin and an important fungicide. The recently agreed European Pesticides Regulation will prohibit this important use of epoxiconazole once it is added to the relevant annex of the European Regulation on the classification, labelling of packaging of substances and mixtures. Reflecting this, the UK suggested that there should be further consideration of epoxiconazole and inclusion in a later ATP. However, the EC now intends to include it in the 3rd ATP. **A vote on the proposal is expected in early 2012.**

Lead Department	HSE
HSE contact	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 EU Regulation on Type Approval of Agricultural Vehicles (Replacement for Directive 2003/37/EC)

Current status (UNCHANGED FROM LAST BOARD UPDATE):

The European Commission has published a proposal to 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. The Department for Transport (DfT) is leading on the negotiation of this proposal for the UK. HSE is advising DfT on health and safety interests.

Lead Department	DfT
HSE contact	HSE SCS Lead – Stephen Williams HSE Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

Proposed Directive codifying directives relating to the driver’s seat on 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. This codification has now 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 – Stephen Williams Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk SCS Lawyer – Abigail Dean

Proposed Directive codifying directives relating to the rear-mounted roll-over protection structures on tractors	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has published a proposal to codify Directives relating to the rear-mounted roll-over protection structures in narrow tracked 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. This codification has now 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 – Stephen Williams Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk SCS Lawyer – Abigail Dean

Proposed Directive codifying directives relating to the front-mounted roll-over protection structures on tractors	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has published a proposal to codify Directives relating to the front-mounted roll-over protection structures in narrow track 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. This codification has now 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 – Stephen Williams Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk SCS Lawyer – Abigail Dean

Proposed Directive codifying directives relating to the driver's operating area on tractors	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has published a proposal to codify Directives relating to the safety requirements for the driver's operating area in 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. This codification has now 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 – Stephen Williams Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk SCS Lawyer – Abigail Dean

Proposed EU Regulation on European Standardisation and amending a number Council and other Directives	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has published a proposal for a Regulation to update and improve the standardisation system in the EU. It follows a European Parliament report that identified a number of challenges, including: the lack of balance on drafting working groups; lack of input from SMEs; the length of time taken to revise standards; the need to develop standards in new areas; and the cost of taking part in the process. The Department for Business, Innovation and Skills (BIS) is leading the negotiations for the UK. HSE, in consultation with BIS, is looking to see if there is scope for developing better cooperation among member state work equipment market surveillance authorities so they can be more effective at developing good harmonised standards and blocking defective ones.	
Lead Department HSE contact	BIS HSE SCS Lead – Stephen Williams HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, phil.papard@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 (NEW DEVELOPMENTS): The European Commission has drawn up 10 separate amending directives to bring a number of supply directives into line with the European Regulation on Accreditation and Market Surveillance. 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. Negotiations have now begun in the Council.	
Lead Department HSE contact	BIS HSE SCS Lead – Stephen Williams HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, phil.papard@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

EURATOM DOSSIERS:

Proposed Directive on Radioactive Waste Management	
Current status (UNCHANGED FROM LAST BOARD UPDATE) The European Commission published its proposal for a directive on radiation waste and spent fuel on 3 November. DECC is leading on this dossier for the UK, with HSE support as appropriate.	
Lead Department HSE contact	DECC HSE SCS Lead – Les Philpott HSE Policy Lead – Mike Warnes, Office for Nuclear Regulation, 0151 951 4547, mike.warnes@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

Proposed Directive on Radiological Protection	
Current status (NEW DEVELOPMENTS): The European Commission (EC) published a legislative proposal to bring together a number of Directives, Decisions, Regulations and Recommendations dealing with radiological protection into one Directive on 29 September. Negotiations have now begun in the Council.	
Lead Department HSE contact	DECC HSE SCS Lead – Peter Brown HSE Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909, matthew.penrose@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

ENERGY DOSSIER:

Future amendments to Offshore Oil and Gas Directives – including Directive 92/91/EEC which covers the minimum requirements for improving the safety and health of workers in the mineral-extracting industries through drilling	
Current status (NEW DEVELOPMENTS): The European Commission (EC) published its legislative proposal on the safety of offshore oil and gas activities on the 27 October 2011 . This follows the publication of the EC’s Communication on “Facing the challenge of the safety of offshore oil and gas activities” on the 13 October 2010. The proposal takes the form of a direct acting Regulation rather than a Directive. Many requirements are similar to those under the existing UK regime. However, there are some new requirements for the UK to consider relating to establishing a competent authority structure and on information sharing and transparency. HSE and DECC are now considering the UK approach to the negotiations.	
Lead Department HSE contact	DECC HSE SCS Lead – Steve Walker HSE Policy Lead – Jim Neilson, Hazardous Industries Directorate, 0151 951 4434, jim.neilson@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

UNDER IMPLEMENTATION:**EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:**

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. This would involve amendments to the HSE publication 'EH40 Workplace Exposure Limits'. Measures are now being taken to finalise transposition of the Directive in Great Britain. Implementation is also required in Northern Ireland and Gibraltar.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Gillian Smith, Long Latency Health Risks Division, 0151 951 4919, gill.fod.smith@hse.gsi.gov.uk SCS Lawyer – Abigail Dean
Directive implementing the Framework Agreement on preventing injuries from sharp instruments in the hospital and healthcare sector (2010/32/EU)	
Current status (NEW DEVELOPMENTS): Member states are required to transpose the Directive by 11 May 2013. It concerns protecting workers in the hospital and healthcare sectors from the risk of injury and infection from needles, scalpels and other medical sharps. Work is underway to look at transposition options, with a public consultation currently planned for summer 2012.	
Lead Department HSE contact	HSE SCS Lead – Susan Mackenzie Policy Lead – Anna Bliss, Specialised Industries Division, 0151 951 3581, anna.bliss@hse.gsi.gov.uk SCS Lawyer – Prakash Bachoo

ENVIRONMENT DOSSIERS:

EC Regulation on Registration, Evaluation, Authorisation and Restriction of Chemical substances (REACH) (1907/2006)	
<p>Current status (UNCHANGED FROM LAST BOARD UPDATE): This European Regulation came into force on 1 June 2007. Key recent developments include:</p> <ul style="list-style-type: none"> • The European Commission (EC) 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. Other annexes are also being amended, mostly for environmental concerns rather than occupational safety and health. The Department for Environment, Food and Rural Affairs (DEFRA) leads on all amendments to REACH. • Along with DEFRA, the UK REACH Competent Authority team is considering its approach to the REACH ‘substance evaluation’ mechanism, which will begin in 2012. Substance evaluation presents an opportunity for Member States to assess registration data for given substances, to establish whether further regulatory controls are needed. The UK intends to apply to evaluate three substances in 2012. These substances mostly concern environmental rather than human health matters, reflecting early REACH priorities in addressing less well-understood environmental risks. • 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. A draft statutory instrument is being prepared for consultation on. • Discussions are ongoing with the DEFRA on arrangements necessary to assure the continued management of the asbestos legacy under the new REACH restrictions system. 	
<p>Lead Department HSE contact</p>	<p>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 – Abigail Dean</p>

HEALTH AND CONSUMERS DOSSIER:

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 26 November 2011. 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 – Adrian Dixon, Chemicals Regulation Directorate, 01904 455 701, adrian.dixon@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

INDUSTRY AND ENTERPRISE DOSSIERS:

Services Directive (2006/123/EC)	
Current status (NEW DEVELOPMENTS): 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. Work on the final schemes to comply with the requirements of the Directive is nearing completion.	
Lead Department	BIS
HSE contact	HSE SCS Lead – Clive Fleming HSE Policy Lead – Chris Rowe, Strategic Interventions Division, 020 7227 3811, chris.rowe@hse.gsi.gov.uk HSE SCS Lawyer – Prakash Bachoo

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. Discussions are in progress with the devolved administrations about the potential mechanisms for appointing HSE as the UK competent authority for the Regulation.</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 – Abigail Dean</p>

TRANSPORT DOSSIER:

Directive on investigation of accidents in the maritime transport sector (2009/18/EC)	
<p>Current status (UNCHANGED FROM LAST BOARD UPDATE): 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. Work is currently underway on transposition measures and an impact assessment.</p>	
<p>Lead Department HSE contact</p>	<p>DfT (MAIB) HSE SCS Lead – Stephen Williams HSE Policy Lead – Christine Barringer, Operation Strategy Division, 01342 33 4261, christine.barringer@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean</p>

Availability of data relating to deaths resulting from illegal activity

1. HSE's policy in the application of RIDDOR is that it does not expect to receive reports of those killed or injured while they are engaged in criminal activities. This is because HSE takes the view that the definition of work in s.52 of HSWA 1974 concerns lawful activity. Therefore, such reports would not be included in HSE's annual statistics.
2. Deaths and injuries which occur as a result of an accident arising out of or in connection with work that is lawful, or work which is lawful but undertaken in an unlawful manner, should be reported. Similarly, the deaths or injuries to those that trespass on land and without consent may, depending on the facts, have injuries or deaths reported under RIDDOR provided that they occurred as the result of an accident arising out of or in connection with work.
3. HSE does not routinely record information about illegal workers or illegal work activities on COIN although inspectors may come across circumstances where there is illegal work or workers. Any extraction of information would rely on key word searches which is likely to yield patchy results.
4. We have made enquiries of the Home Office (HO) and the Ministry of Justice (MOJ) to establish whether they hold any data relating to deaths as a result of illegal activity. The enquiry relates to the explosion in Boston, Lincolnshire, where five men died following an explosion at an illicit still.
5. The Home Office confirmed that they do not collate any data that would count these deaths. Police will record all such deaths locally but if they are deemed accidental or misadventure and thus outside the terms of a homicide then those records are not required to be submitted centrally. Individual police forces could be approached but the data may not be readily available.
6. MOJ have also confirmed that they do not hold this information. Although it would depend on the circumstances of each individual death, the majority of such deaths are likely to be reported to Coroners and require an inquest. Hence the deaths will be included within MOJ published statistics but will not be separately identifiable (there were over 8,000 deaths from "accident or misadventure" in 2010). The information may be held by the 115 coroners in their local records but accessing the data is likely to require individual case record inspection.