

Health and Safety Executive Board		Paper No: HSE/11/12	
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<b>Chief Executive's Report to the Board</b>			

## Shale Gas Production

1. There has been significant press and parliamentary interest about shale gas drilling in the UK. Shale gas production is a method of liberating naturally occurring hydrocarbons bound into underground rock formations - a well is drilled to the prospective formation which is then hydraulically fractured to enable the gas to flow to the surface. There are environmental concerns relating to the effect shale gas drilling has purportedly had on drinking water aquifers in the USA. The first shale gas well in the UK is currently being drilled in Lancashire by Cuadrilla Resources Ltd.
2. The company has a Petroleum Exploration Development License from DECC to allow them to conduct this exploratory work. OSD Wells Group first met with Cuadrilla to discuss the well in May 2010, and gave advice on how to comply with the relevant HSE statutory provisions for well integrity. OSD subsequently inspected the drilling notifications and after some further discussion with Cuadrilla was satisfied with them. Discussions with Cuadrilla have continued to enable them to present further details on the fracturing operations and safeguards they have put in place, and a joint HSE/DECC/Environment Agency on-site inspection is planned late February or early March depending on Cuadrilla's progress.
3. The DECC Select Committee is presently holding an inquiry into shale gas wells. HSE has contributed to the DECC written evidence submission but has not been asked to attend to give oral evidence.

## Final Report - Buncefield: Why did it Happen? - The Underlying Causes of the Explosion and Fire at the Buncefield Oil Storage Depot

4. The final report of the investigation into the explosion and five-day fire at the Buncefield Oil Storage Depot in December 2005 has been published on HSE's website: <http://www.hse.gov.uk/comah/investigation-reports.htm>. Root causes, along with immediate technical and human failings, are identified.
5. The report highlights that fundamental safety management failings were the root cause of Britain's most costly industrial disaster. Previously unpublished material held back until the criminal prosecution was completed and the appeals processes exhausted, identifies several failings including:
  - Systems for managing the filling of industrial tanks of petrol were both deficient and not fully implemented,
  - An increase in the volume of fuel passing through the site put unsustainable pressure on those responsible for managing its receipt and storage, a task they lacked information about and struggled to monitor. The pressure was made worse by a lack of necessary engineering support and other expertise,

- A culture developed where keeping operations going was more important than safe processes, which did not get the attention, resources or priority status they required, and
  - Inadequate arrangements for containment of fuel and fire-water to protect the environment.
6. The learning points in the report are relevant to all high hazard organisations and re-emphasise the need for strong safety systems underpinned by the right safety culture.
  7. Since the incident, to learn the lessons and to ensure improvements are made, HSE has published the findings from the independently chaired Major Incident Investigation Board and the Competent Authority has also worked closely with industry and trade unions within the Process Safety Leadership Group to implement a programme of improvements at large scale fuel storage sites.
  8. This has resulted in agreement on improved standards of safety and environmental protection for all UK sites storing large volumes of gasoline and to systematically upgrade sites to meet these standards, with progress monitored by the Competent Authority as part of its regulatory programmes. This work has also established a set of process safety leadership principles for top-level engagement in all businesses involved with significant risks to people and the environment.

### **Significant Prosecution: First Corporate Manslaughter Conviction**

9. On 15 February, Cotswold Geotechnical Holdings became the first company to be convicted of the new offence of corporate manslaughter which came into force on 6 April 2008 under the Corporate Manslaughter and Corporate Homicide Act. The Act meant that for the first time, companies and organisations could be found guilty of corporate manslaughter as a result of serious management failures resulting in a gross breach of a duty of care.
10. Alex Wright was a geologist for Cotswold Geotechnical Holdings and was investigating soil conditions in a deep trench on a development plot in Stroud when it collapsed and killed him on 5 September 2008. Mr Wright was left working alone in the 3.5 metre-deep trench to 'finish-up' when the company director left for the day. The case was investigated by Gloucestershire Constabulary and supported by HSE.

### **Announcement on the Office of Nuclear Regulation**

11. The Minister for Employment, Chris Grayling MP, made a written statement to Parliament on 8 February announcing the Government's intention to bring forward legislation to establish a new statutory body, to be known as the "Office for Nuclear Regulation" (ONR), which would combine the following functions in a single public body outside the civil service:
  - HSE's Nuclear Directorate (the Nuclear Installations Inspectorate, the Office for Civil Nuclear Security and the UK Nuclear Safeguards Office)
  - The regulation of the transport of radioactive materials by road, rail and inland waterway by the Department for Transport

- HSE's regulation of conventional health and safety at nuclear sites.
12. The environment agencies' roles in regulating the environmental impacts of nuclear activities are unaffected by the proposed reform.
  13. The Minister also announced that, pending the Government's proposed legislation, HSE will establish the ONR as an Agency within the wider HSE from 1 April 2011. The Government will review the functions and processes of the new Agency in order to inform its planned legislation.

### **Update on Occupational Safety and Health Consultants Register (OSHCR)**

14. The Occupational Safety and Health Consultants Register (OSHCR) was successfully launched on 31 January 2011. It is open for consultants to register their details and has already received a very good response.
15. The consultants' details are currently being verified with the relevant professional bodies and, once fully populated, the register will be open to businesses to search against.

### **Visit to HSE by the Minister for Employment**

16. HSE was pleased to welcome Chris Grayling MP, the Minister for Employment with responsibility for HSE, to Redgrave Court on 31 January 2011. The Minister met the Chair and SMT over lunch, during which a useful and open discussion was held on HSE's activities and future direction. The Minister discussed several high profile operational issues including the waste and recycling industry and proposed changes to COMAH. He discussed the launch of the OSHCR scheme and was interviewed for a podcast. He also met ND staff and visited the Nuclear Major Incident Suite.

### **Visit to HSE by Professor Sir John Beddington**

17. Professor Sir John Beddington, the UK Government Chief Scientific Adviser visited HSE on 10 February. During the visit he was the key presenter at a Chief Scientist Seminar and addressed various issues including the value and importance of science and engineering in regulation, risk communication, and the importance of formulating and providing scientific advice to Government.

### **HSE People Survey results**

18. The People Survey is a Civil Service-wide measure of staff engagement. The 2010 People Survey ran from 27 September until 29 October 2010 and analysis of the overall results is now complete. Overall, engagement increased slightly to 58% from 57%. Of the 56 main questions, 41 scored higher than last year (calculated as % positive responses), nine scored lower and six remained the same. There were also significant improvements on staff awareness of data security and the civil service code.
19. We also saw improvements in the areas 'my team', 'my line manager' and 'leadership and managing change'. That said, we noted that people feel less satisfied with opportunities to develop their career in HSE, with accessing the

right learning and development opportunities and, not surprisingly in the present circumstances, with the pay position.

### **Smarter Government Update**

20. The opportunity is being taken to merge two SCS posts (as part of the expected 20% savings in the SCS) to create a new single Director of Science, Engineering, Analysis and Chemicals Regulation, who will also be a member of the corporate Senior Management Team. This opportunity has arisen through a retirement and the end of a loan from another government department.
21. This newly created role will play a key part in adapting to new challenges both driving the science, engineering and analysis agendas and shaping the way HSE addresses new demands. HSE will need new scientific skills and resources, and the combined post will ensure that these are developed and delivered effectively.

**GEOFFREY PODGER**

## Operations

### Fatality Details

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

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

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

Since the last update to the HSE Board in January 19 fatal accidents were reported to HSE under RIDDOR and are published on HSE's website. Please see [Annex 2](#) for details.

### Significant Prosecutions for January 2011

- [BUPA Care Homes \(BNH\) Ltd](#) was fined £150,000 in total and ordered to pay £150,000 in costs at Birmingham Crown Court after a pensioner was strangled by a lap belt when she was left strapped in a wheelchair overnight
- [Ling Metals Ltd](#) was fined £200,000 and ordered to pay £11,384.11 in costs at Canterbury Crown Court after a machine overturned and the loading bucket hit a man at a site in Minster, Kent.
- [The Catholic Blind Institute](#), which runs the Christopher Grange nursing home, was fined £18,000 and ordered to pay £13,876 costs at Liverpool Crown Court after an 81-year-old woman fell to the ground while being lifted out of bed and sustained a broken shoulder as well as injuries to her back and elbow.
- [West Lothian Council](#) was fined £80,000 at Livingston Sheriff Court when an elderly woman died when she fell through an access hole in her hallway floor which had been left uncovered by council employees working on her property.
- [Bailey International Steeplejack Company Ltd](#) was fined £75,000 and ordered to pay £80,000 costs and [Ken Brogden Ltd](#) was fined £10,000 with costs of £16,000 at Manchester Crown Court after a steeplejack fell 50 metres to his death.
- [Elliott Absorbent Products Ltd](#) was fined £27,500 and ordered to pay costs of £4,389 at Manchester Crown Court after one of its workers was badly injured when he was dragged into a machine at its Rochdale factory.

- [Wefco \(Gainsborough\) Ltd](#) was fined £15,000 and ordered to pay £5000 costs at Lincoln Crown Court after a process tank weighing three tonnes fell on an employee who sustained multiple fractures to his pelvis, spine and ribs, a fractured leg and ankle and head injuries
- [Andrew John Carslake](#), trading as Aqua Plumbing was caught carrying out illegal gas work by BBC's Rogue Traders. He was sentenced to a six-month term of imprisonment at Chelmsford Crown Court after ignoring a previous prohibition notice ordering him not to carry out further gas work until he registered with CORGI - now Gas Safe Register - or was supervised by another registered gas engineer.
- [MA Estates Limited](#) was fined £30,100 and ordered to pay £2,475.40p in costs at Halifax Magistrates' Court after admitting a series of offences that led to workers being exposed to asbestos fibres.
- [Howper 291 Ltd \(formally known as Urang Ltd\)](#), were fined £10,000 and ordered to pay costs of £4,172 at the City of London Magistrates' Court after a worker had his leg amputated following a fall at a property in West London.
- [BHC Ltd](#) was fined £20,000 at Lanark Sheriff Court after a man was left with multiple broken bones when the scissor lift he was working in was struck by an overhead crane and fell to the ground.
- [Northamptonshire NHS Teaching Primary Care Trust](#) was fined a total of £4,000 and ordered to pay costs of £1,755, [NUTEC Security Systems Ltd](#) was fined a total of £ 4,200 and ordered to pay costs of £1,755 and [Paul Beeby](#), was fined £1,200 and ordered to pay £ 1,755 costs when dangerous asbestos fibres were released in a county hospital.
- [2010 Rotherham Limited](#) was fined £7,000 with £3,418 costs at Rotherham Magistrates after allowing a plumber to be exposed to up to 50 times the legal limit for asbestos
- [G J Bream & Son Ltd](#) was fined £10,000 and ordered to pay £4026.55 in costs at Bury St Edmunds Magistrates' Court after a worker's finger and thumb were amputated by a moulding machine.
- [Merlin Homes \(Wales\) Ltd](#) was fined £10,000 and ordered to pay £7,700 costs at Aberystwyth Magistrates' Court after putting its workers at risk and then ignoring an order to improve safety.

## **FOI Requests made to HSE**

There were 484 FOI requests in January 2011.

## **Events, Campaigns and Publications in January 2011**

### **Consultants invited to sign up to new benchmark register for health and safety**

On 31 January 2011, health and safety consultants were invited to sign up to a new independent register that is intended to become a new benchmark for standards in the profession. The aims of this register is to increase employers' confidence in accessing good quality, proportionate advice and also to address concerns that some employers - especially SMEs - can find it difficult to know how and where to get external health and safety advice.

### **Scissor lift safety warning following fatal overturns**

A safety alert was issued in January 2011 to warn service and maintenance engineers and those in the construction industry who use, or lease out, JLG 500RTS and 400 RTS scissor lifts, to ensure that safety critical components are working correctly and to make daily safety checks after five people were killed in three separate incidents.

### **Findings released on Shrewsbury gas explosion**

On 25 January 2011, HSE released a report of its investigation into the explosion in Shrewsbury town centre on 3 January 2010 where six people suffering major injury while a number of properties in the area sustained significant damage and number of people suffered minor injuries. The investigation has revealed no evidence of any breach of relevant safety legislation and consequently HSE will not be taking any enforcement action.

### **Parliamentary Business**

There were five PQs in January 2011.

## 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 26 January 2011. It is taken from the latest "Names and details of fatalities" update published on HSE's website on 7 February 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	LA code	General Industry Sector	Detailed Standard Industry Classification (SIC)	SIC Code	Employment status
01/10/2010	Sheila Davitt	55	The deceased died from suspected carbon monoxide poisoning	-	Bradford	4705	Service	Other letting of own property	70200	Member of the public
24/11/2010	Danny Baldock	50	The deceased died after being struck by a moving vehicle	Kent	Medway Towns UA	2280	Construction	Renting of construction or demolition equipment with operator	45500	Self employed
01/12/2010	Rita Smith	75	The deceased choked whilst eating	Chorley Lancashire	Chorley	2320	Service	Private sector hospital activities	85112	Member of the public
02/12/2010	Geraint Eagle	21	The deceased was crushed by a vehicle	Bridgend SW	Bridgend UA	6915	Manufacturing	Recycling of non-metal waste and scrap	37200	Employee
02/12/2010	Anghel Milosavljevi	35	The deceased was struck by collapsing excavation	London	Hammersmith	5390	Construction	Construction	45210	Employee
04/12/2010	Thomas Neil	63	The deceased was trapped by a vehicle	Scotland	East Ayrshire UA	9060	Agriculture	Growing of crops combined with farming of animals (mixed farming)	01300	Self employed
07/12/2010	James Bibby	25	The deceased died after coming into contact with machinery	Merseyside	Knowsley	4305	Manufacturing	Manufacture of veneer sheets; manufacture of plywood, laminboard, particle board, fibre board and other panels and boards	20200	Employee
07/12/2010	Thomas Elmer	27	The deceased died after coming into contact with machinery	Merseyside	Knowsley	4305	Manufacturing	Manufacture of veneer sheets; manufacture of plywood, laminboard, particle board, fibre board and other panels and boards	20200	Employee
07/12/2010	Russell Homer	44	The deceased was crushed by a vehicle	Northamptonshire	Wellingborough	2835	Service	Freight transport by road not elsewhere classified	60249	Employee
08/12/2010	Simon Wenn	43	The deceased drowned whilst operating machinery	Cambridgeshire	Fenland	0515	Extractive/Utility	Collection, purification and distribution of water	41000	Employee
08/12/2010	Sean Bennett	32	The deceased was crushed by falling material	Cheshire	Cheshire East UA	0670	Agriculture	Farming of cattle, dairy farming	01210	Employee
13/12/2010	Matthew Nixon	22	The deceased died from suspected carbon monoxide poisoning	Macclesfield	Cheshire East UA	0670	Construction	Plumbing	45330	Employee
14/12/2010	Anthony Causby	42	The deceased fell from height	Lancashire	West Lancashire	2365	Construction	Construction	45210	Employed by other
23/12/2010	Alan Catterall	54	The deceased died after coming into contact with machinery	Runcorn	Halton UA	0650	Manufacturing	Building and repairing of pleasure and sporting boats	35120	Employee
23/12/2010	Zbigniew Galka	39	The deceased was crushed by machinery	Liverpool	Sefton	4320	Manufacturing	Recycling of non-metal waste and scrap	37200	Employee
25/12/2010	Hilda Buckley	68	The deceased died in a domestic gas explosion	Cheshire	Cheshire East UA	0670	Service	Other letting of own property	70209	Member of the public
25/12/2010	Anthony Jones	64	The deceased died in a domestic gas explosion	Cheshire	Cheshire East UA	0670	Service	Other letting of own property	70209	Member of the public
29/12/2010	Phillip Lonergan	36	The deceased fell from height	Staffordshire	East Staffordshire	3410	Construction	Construction	45210	Self employed
29/12/2010	Zoe Anderson	24	The deceased died from carbon monoxide poisoning	Somerset	Bath & NE Somerset	0114	Construction	Plumbing	45330	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.

**FEBRUARY 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](mailto:stephen.taylor@hse.gsi.ov.uk))

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

<b>Social partners' consultation on environmental tobacco smoke</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The European Commission is considering whether there is a need for an initiative on protecting workers from environmental tobacco smoke. It first consulted the social partners on this in 2008, with a second consultation due in 2011. The Department of Health is leading on this with support from HSE.	
<b>Lead Department</b> <b>HSE contact</b>	<b>DH</b> HSE SCS Lead – Peter Brown HSE Policy Lead – Clare McNicholas, Work Environment, Radiation and Gas Division, 0151 951 3972, <a href="mailto:clare.mcnicholas@hse.gsi.gov.uk">clare.mcnicholas@hse.gsi.gov.uk</a> HSE SCS Lawyer – Prakash Bachoo

<b>Amending European OSH Directives to align them with the EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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 European Commission (EC) is required to consult the social partners on its plans. The first-stage of social dialogue occurred at the end of 2009 and a second-stage is due in the near future. The EC is also conducting an impact assessment of its plans to amend the Directives.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Prakash Bachoo

**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 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 in 2011). HSE is monitoring the situation.

<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Marcia Davies Policy Lead – Cameron Adam, Operational Strategy Division, 0141 275 3096, <a href="mailto:cameron.adam@hse.gsi.gov.uk">cameron.adam@hse.gsi.gov.uk</a> SCS Lawyer – Prakash Bachoo
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**Social partners’ consultation on reviewing the Working Time Directive**

**Current status (UNCHANGED FROM LAST BOARD UPDATE):**  
 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 in April 2009. The review process began with the first of a required two stage consultation of the European social partners between March and June 2010. In parallel, the EC began the process of preparation of an Impact Assessment to accompany any future proposal. The EC has now launched its second phase consultation of social partners, seeking their views on the content of envisaged action at EU level to amend the Directive. HSE has a role in enforcing the domestic regulation that transposes the original Directive.

<b>Lead Department</b> <b>HSE contact</b>	<b>BIS</b> HSE SCS Lead – David Sowerby HSE Policy Lead – Bernadette Cadman, Field Operations Directorate, 0151 951 5710, <a href="mailto:bernadette.cadman@hse.gsi.gov.uk">bernadette.cadman@hse.gsi.gov.uk</a> HSE SCS Lawyer – Abigail Dean
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**PRE-PROPOSAL STAGE:****EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:**

<b>Future initiative on work-related musculoskeletal disorders</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The European Commission is working on integrating the Manual Handling and Display Screen Equipment Directives into a new Directive on work-related musculoskeletal disorders. A proposal is currently scheduled for late 2011.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Peter Brown Policy Lead – Peter Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, <a href="mailto:peter.lennon@hse.gsi.gov.uk">peter.lennon@hse.gsi.gov.uk</a> SCS Lawyer – Abigail Dean

<b>Future revision of Electromagnetic Fields Directive (2004/40/EC)</b>	
<b>Current status (NEW DEVELOPMENTS):</b> The European Commission (EC) is drafting a legislative proposal to revise the delayed Electromagnetic Fields Directive. <b>An accompanying impact assessment (IA) has been cleared by the EC's IA Board.</b> The EC's Advisory Committee on Safety and Health at Work will also be asked for an opinion on the draft proposal before its formal publication. <b>A legislative proposal is expected in April 2011.</b>	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Peter Brown Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909, <a href="mailto:matthew.penrose@hse.gsi.gov.uk">matthew.penrose@hse.gsi.gov.uk</a> SCS Lawyer – Prakash Bachoo

<b>Future initiative on Carcinogens and Mutagens Directive (2004/37/EC)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The European Commission has engaged a contractor to undertake an impact assessment to help decide the next steps for a potential future amendment of the Directive. The contractor is due to report by March 2011. A separate study considering the inclusion within the Directive of substances toxic for reproduction is due to start in early 2011. A legislative proposal may potentially appear in 2013.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Prakash Bachoo

**ENVIRONMENT DOSSIERS:**

<b>Future recast of the EC Regulation on the Export and Import of Dangerous Chemicals (689/2008)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The European Commission (EC) plans to put forward an amendment to the European Regulation on the Export and Import of Dangerous Chemicals. This would amend the Regulation to include references 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 EC's proposal is expected in the near future.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Prakash Bachoo

**EURATOM DOSSIER:**

<b>Future recast of Basic Safety Standards Directive (96/29/EURATOM)</b>	
<b>Current status (NEW DEVELOPMENTS):</b> The European Commission (EC) is currently working on a draft legislative proposal to recast the Directive. <b>The accompanying impact assessment (IA) is currently being scrutinised by the EC's IA Board.</b> A legislative proposal is likely later this year.	
<b>Lead Department</b> <b>HSE contact</b>	<b>DECC</b> HSE SCS Lead – Peter Brown Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909, <a href="mailto:matthew.penrose@hse.gsi.gov.uk">matthew.penrose@hse.gsi.gov.uk</a> HSE SCS Lawyer – Abigail Dean

**ENTERPRISE AND INDUSTRY DOSSIERS:**

<b>Proposed simplification of Pressure Equipment Directive</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The European Commission plans to conduct a future review of the Directive, with no decision taken yet on the timing.	
<b>Lead Department</b> <b>HSE contact</b>	<b>BIS</b> HSE SCS Lead – Marcia Davies HSE Policy Lead – David Bosworth, Operational Strategy Division, 0151 951 4778, <a href="mailto:david.bosworth@hse.gsi.gov.uk">david.bosworth@hse.gsi.gov.uk</a> HSE SCS Lawyer – Abigail Dean

<b>Proposed amendment of Pressure Equipment Directive to align it with the EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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.	
<b>Lead Department</b>	<b>BIS</b>
<b>HSE contact</b>	HSE SCS Lead – Marcia Davies HSE Policy Lead – David Bosworth, Operational Strategy Division, 0151 951 4778, <a href="mailto:david.bosworth@hse.gsi.gov.uk">david.bosworth@hse.gsi.gov.uk</a> HSE SCS Lawyer – Abigail Dean

<b>Future recast of Directive on the classification, packaging and labelling of dangerous preparations (1999/45/EC)</b>	
<b>Current status (NEW DEVELOPMENTS):</b> 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 expected in the summer.	
<b>Lead Department</b>	<b>HSE</b>
<b>HSE contact</b>	SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Prakash Bachoo

<b>EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008) – Proposed 3rd Adaptation to Technical Progress</b>	
<b>Current status (NEW DEVELOPMENTS):</b> The European Commission (EC) plans to put forward a proposal for a 3 <sup>rd</sup> adaptation to technical progress of the European Regulation on classification, labelling and packaging of substances and mixtures. These will provide new or revised harmonised classifications for certain specified substances. The EC's proposal is expected to be published in March.	
<b>Lead Department</b>	<b>HSE</b>
<b>HSE contact</b>	SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Prakash Bachoo

<b>Proposed modification of New Approach Directives in line with the EC Regulation on Accreditation and Market Surveillance</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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 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. The draft proposals are currently being considered in the relevant Commission working groups.	
<b>Lead Department</b> <b>HSE contact</b>	<b>BIS</b> HSE SCS Lead – Marcia Davies HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, <a href="mailto:phil.papard@hse.gsi.gov.uk">phil.papard@hse.gsi.gov.uk</a> HSE SCS Lawyer – Abigail Dean

**ENERGY DOSSIER:**

<b>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</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The European Commission (EC) currently plans to put forward legislative proposals on the safety of offshore oil and gas activities by summer 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. This document outlines the EC’s ideas to ensure that a disaster similar to the one in the Gulf of Mexico will never happen in EU waters and that the best practices existing in Europe should become the standard throughout the area.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE and/or DECC (depends on the focus of the future proposal)</b> SCS Lead – Steve Walker Policy Lead – Jim Neilson, Hazardous Industries Directorate, 0151 951 4434, <a href="mailto:jim.neilson@hse.gsi.gov.uk">jim.neilson@hse.gsi.gov.uk</a> SCS Lawyer – Abigail Dean

**UNDER NEGOTIATION:**

**EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:**

<b>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</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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. The EP’s amended proposal has been sent to the Council, which is now considering it. The Hungarian Presidency expects to offer a progress report at the June meeting of the Employment, Social Policy, Health and Consumer Affairs.	
<b>Lead Department</b>	<b>BIS</b>
<b>HSE contact</b>	HSE SCS Lead – Peter Brown HSE Policy Lead – Marion Evans, Work Environment, Radiation and Gas Division, 0151 951 4423, <a href="mailto:marion.evans@hse.gsi.gov.uk">marion.evans@hse.gsi.gov.uk</a> HSE SCS Lawyer – Abigail Dean

<b>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)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The European Commission (EC) has developed a proposal 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 proposal, along with proposed certain derogations for the UK and other member states, was given a favourable opinion at the 18 November 2010 meeting of the European Statistical System Committee (on which the Office for National Statistics represents the UK). Provided there is no objection by the Council or European Parliament, it is expected that the EC will adopt the measure in March 2011	
<b>Lead Department</b>	<b>HSE</b>
<b>HSE contact</b>	SCS Lead – David Riley Policy Lead – Simon Warne, Chief Scientific Adviser’s Group, 0151 951 3335, <a href="mailto:simon.warne@hse.gsi.gov.uk">simon.warne@hse.gsi.gov.uk</a> SCS Lawyer – Prakash Bachoo

**ENVIRONMENT DOSSIERS:**

<b>Proposal Directive on control of major accident hazards</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Peter Baker Policy Lead – Sandra Ashcroft, Chemicals Industries Division, 0151 951 3531, <a href="mailto:sandra.ashcroft@hse.gsi.gov.uk">sandra.ashcroft@hse.gsi.gov.uk</a> SCS Lawyer – Prakash Bachoo

<b>Proposed EC Regulation concerning the placing on the market and use of biocidal products (replacing Directive 98/8/EC)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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. On 20 December 2010, the Environment Council of Ministers reached political agreement on the proposed Regulation. It is anticipated that the Council and the European Parliament will reach a 2 <sup>nd</sup> reading deal in the autumn of 2011, so enabling the Regulation to come into force as planned on 1 January 2013. The Regulation will be directly applicable in member states and will not require transposition, although regulations may be required on enforcement and fees.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Abigail Dean

<b>Proposed amendment of Annexes I and V to the EC Regulation on the Export and Import of Dangerous Chemicals (689/2008)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> European Commission proposals to add further substances to Annexes I and V of the European Regulation on the Export and Import of Dangerous Chemicals and to amend several existing entries to reflect the inclusion of these substances into existing pesticides controls were agreed on 20 October. Provided there is no objection by the Council or European Parliament, they are expected to come into force in March 2011.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Abigail Dean

**Proposed amendment of the Biocidal Products Directive (98/8/EC) to include abamectin, imidacloprid and 4,5-Dichloro-2-octyl-2H-isothiazol-3-one (DCOIT) in Annex I**

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

Abamectin, imidacloprid and DCOIT will be subject to votes at the February 2011 meeting of the Standing Committee for Biocidal Products for inclusion 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. 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 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.

<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Abigail Dean
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**Proposed amendment of the Biocidal Products Directive (98/8/EC) to include creosote in Annex I**

**Current status (NEW DEVELOPMENTS):**

Creosote was subject to a vote at the 17 December 2010 meeting of the Standing Committee for Biocidal Products on its inclusion in Annex I of the Biocidal Products Directive (BPD), which would allow it to continue to be used in wood preservative biocidal products. There was no overall qualified majority at the committee vote stage, and so the issue has been referred to Council and the European Parliament (EP) under the regulatory procedure with scrutiny. **To allow the Hungarian Presidency to decide how to proceed, the issue will first be discussed at the 18 February meeting of the Environment Council Working Group, when we understand that Member States will be asked to indicate how they would vote on the proposed inclusion Directive in its current form.**

<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Abigail Dean
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**ENTERPRISE AND INDUSTRY DOSSIERS**

<b>EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008) – Proposed 2<sup>nd</sup> Adaptation to Technical Progress</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> European Commission (EC) proposals to amend the technical criteria in the European Regulation on classification, labelling and packaging of substances and mixtures to incorporate the changes agreed in the 3 <sup>rd</sup> revised edition of the United Nation's Globally Harmonised System of classification and labelling of chemicals were agreed on 18 October. Provided there is no objection by the Council or European Parliament, they are expected to come into force in early 2011	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Prakash Bachoo

<b>EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008) – Establishment of the UK competent authority</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Prakash Bachoo

<b>Proposed EC Regulation on Type Approval of Agricultural Vehicles (Replacement for Directive 2003/37/EC)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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.	
<b>Lead Department</b> <b>HSE contact</b>	<b>DfT</b> HSE SCS Lead – Marcia Davies HSE Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, <a href="mailto:alastair.mitchell@hse.gsi.gov.uk">alastair.mitchell@hse.gsi.gov.uk</a> HSE SCS Lawyer – Abigail Dean

Proposed Directive codifying directives relating to the driver’s seat on wheeled agricultural or forestry tractors	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Marcia Davies Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, <a href="mailto:alastair.mitchell@hse.gsi.gov.uk">alastair.mitchell@hse.gsi.gov.uk</a> SCS Lawyer – Abigail Dean

Proposed Directive codifying directives relating to the rear-mounted roll-over protection structures in tractors	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The European Commission has published a proposal to codify Directives relating to the rear-mounted roll-over protection structures 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.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Marcia Davies Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, <a href="mailto:alastair.mitchell@hse.gsi.gov.uk">alastair.mitchell@hse.gsi.gov.uk</a> SCS Lawyer – Abigail Dean

Proposed Directive codifying directives relating to the front-mounted roll-over protection structures in tractors	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The European Commission has published a proposal to codify Directives relating to the front-mounted roll-over protection structures 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.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Marcia Davies Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, <a href="mailto:alastair.mitchell@hse.gsi.gov.uk">alastair.mitchell@hse.gsi.gov.uk</a> SCS Lawyer – Abigail Dean

Proposed Directive codifying directives relating to the driver’s operating area in tractors	
<p><b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b>                  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.</p>	
<p><b>Lead Department</b>  <b>HSE contact</b></p>	<p><b>HSE</b>                  SCS Lead – Marcia Davies                  Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, <a href="mailto:alastair.mitchell@hse.gsi.gov.uk">alastair.mitchell@hse.gsi.gov.uk</a>                  SCS Lawyer – Abigail Dean</p>

**EURATOM DOSSIER**

Proposed Directive on Radioactive Waste Management	
<p><b>Current status (UNCHANGED FROM LAST BOARD UPDATE)</b>                  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.</p>	
<p><b>Lead Department</b>  <b>HSE contact</b></p>	<p><b>DECC</b>                  HSE SCS Lead – Les Philpott                  HSE Policy Lead – Kath Martin, Nuclear Directorate, 0207 556 3554, <a href="mailto:kath.martin@hse.gsi.gov.uk">kath.martin@hse.gsi.gov.uk</a>                  HSE SCS Lawyer – Abigail Dean</p>

**UNDER IMPLEMENTATION:**

**EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:**

<b>Directive establishing a 3<sup>rd</sup> List of Indicative Occupational Exposure Limit Values (2009/161/EU)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Prakash Bachoo

<b>Directive implementing the Framework Agreement on preventing injuries from sharp instruments in the hospital and healthcare sector (2010/32/EU)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> Member states are required to transpose the Directive by 11 May 2013.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Susan Mackenzie Policy Lead – Anna Bliss, Specialised Industries Division, 0151 951 3581, <a href="mailto:anna.bliss@hse.gsi.gov.uk">anna.bliss@hse.gsi.gov.uk</a> SCS Lawyer – Prakash Bachoo

**ENVIRONMENT DOSSIERS:**

<b>EC Regulation on Registration, Evaluation, Authorisation and Restriction of Chemical substances (REACH) (1907/2006)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b>	
<p>This European Regulation came into force on 1 June 2007. Key recent developments include:</p> <ul style="list-style-type: none"> <li>• HSE has met with the Department for Environment, Food and Rural Affairs (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 soon, following a recent European Commission decision that REACH should not apply to buildings.</li> <li>• 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.</li> <li>• 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. DEFRA leads on all amendments to REACH.</li> <li>• The first deadline for REACH registration of ‘existing’ substances passed in December 2010. 24,675 registration dossiers were received by the European Chemicals Agency from businesses in the EU, for an estimated total of 4,300 substances. 12% of registrations (2,430) were by UK companies. Of the total number of registrations, 14% were by small and medium-sized enterprises as opposed to larger concerns, reflecting the relatively high tonnage threshold associated with the first deadline. The next deadline for registration – that applying to substances manufactured or imported in quantities of 100 tonnes or more per year – is June 2013.</li> <li>• 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. Planning is in its early stages.</li> </ul>	
<b>Lead Department</b>	<b>DEFRA (Policy Lead) HSE (UK Competent Authority)</b>
<b>HSE contact</b>	HSE SCS Lead – Kären Clayton HSE Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> HSE SCS Lawyer – Prakash Bachoo

**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 ( <b>UNCHANGED FROM LAST BOARD UPDATE</b> ): <b>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. The Government published its response to the 2010 consultation on options for implementation on 15 December 2010. It concluded that no statutory measures will be introduced over and above those imposed by the Regulation.</b>	
Lead Department HSE contact	<b>DEFRA (Policy Lead) HSE (UK Competent Authority)</b> HSE SCS Lead – Dave Bench HSE Policy Lead – Mark Hawkins, Chemicals Regulation Directorate, 01904 455 759, <a href="mailto:mark.hawkins@hse.gsi.gov.uk">mark.hawkins@hse.gsi.gov.uk</a> HSE SCS Lawyer – Abigail Dean

Directive on the sustainable use of pesticides (2009/128/EC)	
Current status ( <b>UNCHANGED FROM LAST BOARD UPDATE</b> ): <b>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. The Government published its response to the 2010 consultation on options for implementation on 15 December 2010. It concluded that only relatively minor changes to current arrangements are necessary to meet the new requirements.</b>	
Lead Department HSE contact	<b>DEFRA (Policy Lead) HSE (UK Competent Authority)</b> HSE SCS Lead – Dave Bench HSE Policy Lead – Adrian Dixon, Chemicals Regulation Directorate, 01904 455 701, <a href="mailto:adrian.dixon@hse.gsi.gov.uk">adrian.dixon@hse.gsi.gov.uk</a> HSE SCS Lawyer – Abigail Dean

<b>EC Regulation on pesticide statistics (1185/2009)</b>	
Current status ( <b>UNCHANGED FROM LAST BOARD UPDATE</b> ): 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.	
<b>Lead Department</b> <b>HSE contact</b>	<b>DEFRA (Policy Lead) HSE (UK Competent Authority)</b> HSE SCS Lead – Dave Bench HSE Policy Lead – Julie Howarth, Chemicals Regulation Directorate, 01904 455 737, <a href="mailto:julie.howarth@hse.gsi.gov.uk">julie.howarth@hse.gsi.gov.uk</a> HSE SCS Lawyer – Abigail Dean

**EURATOM DOSSIER:**

<b>Directive Establishing a Community Framework for the Nuclear Safety of Nuclear Installations (2009/71/EURATOM)</b>	
Current status ( <b>UNCHANGED FROM LAST BOARD UPDATE</b> ): Member states are required to transpose the Directive by 22 July 2011. A transposition strategy for the HSE led aspects of the Directive was agreed by the Board in September 2010, and is currently proceeding, after ministerial approval.	
<b>Lead Department</b> <b>HSE contact</b>	<b>DECC (Policy Lead) HSE (UK Competent Authority)</b> HSE SCS Lead – Les Philpott HSE Policy Lead – Kobina Lokko, Nuclear Directorate, 0207 556 3557, <a href="mailto:kobina.lokko@hse.gsi.gov.uk">kobina.lokko@hse.gsi.gov.uk</a> HSE SCS Lawyer – Abigail Dean

**INDUSTRY AND ENTERPRISE DOSSIERS:**

<b>Directive adapting certain tractor directives to technical progress (2010/52/EU)</b>	
Current status ( <b>UNCHANGED FROM LAST BOARD UPDATE</b> ): This Directive amends Directives 79/763/EEC (passenger seats for tractors) and 2009/144/EC (components and characteristics of tractors) to include a European standard for the testing of roll-over protection and seat belt anchorages for passenger seats in tractors and to use an existing directive for whole body vibration testing. The stated aim is to remove tractors from the requirements of the Machinery Directive. Member states are required to transpose the Directive by 1 March 2011.	
<b>Lead Department</b> <b>HSE contact</b>	<b>DfT</b> HSE SCS Lead – Marcia Davies HSE Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, <a href="mailto:alastair.mitchell@hse.gsi.gov.uk">alastair.mitchell@hse.gsi.gov.uk</a> HSE SCS Lawyer – Abigail Dean

<b>Services Directive (2006/123/EC)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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 has agreed to press ahead with work to ensure compliance and it is anticipated that most of this will be completed around March 2011.	
<b>Lead Department</b>	<b>BIS</b>
<b>HSE contact</b>	HSE SCS Lead – Clive Fleming HSE Policy Lead – Kevin Walkin, Strategic Interventions Division, 020 7227 3831, <a href="mailto:kevin.walkin@hse.gsi.gov.uk">kevin.walkin@hse.gsi.gov.uk</a> HSE SCS Lawyer – Prakash Bachoo

<b>Machinery Directive amendment (2009/127/EC)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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 (BIS) is currently working on draft amendments to the Supply of Machinery (Safety) Regulations 2008 to transpose these requirements. BIS and HSE will be liaising with relevant stakeholders over this. European Commission guidance on these requirements will be drafted in the first half of 2011.	
<b>Lead Department</b>	<b>BIS</b>
<b>HSE contact</b>	HSE SCS Lead – Marcia Davies HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, <a href="mailto:phil.papard@hse.gsi.gov.uk">phil.papard@hse.gsi.gov.uk</a> HSE SCS Lawyer – Abigail Dean

<b>EC Regulation on Accreditation and Market Surveillance (RAMS) (765/2008)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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. BIS is now in the final stages of drafting regulations, following a public consultation, to give these extra powers to inspectors of HSE and other relevant authorities. The regulations are expected in early 2011.	
<b>Lead Department</b>	<b>BIS</b>
<b>HSE contact</b>	HSE SCS Lead – Marcia Davies HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, <a href="mailto:phil.papard@hse.gsi.gov.uk">phil.papard@hse.gsi.gov.uk</a> 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.

<b>Lead Department</b> <b>HSE contact</b>	<b>BIS</b> HSE SCS Lead – Marcia Davies HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, <a href="mailto:phil.papard@hse.gsi.gov.uk">phil.papard@hse.gsi.gov.uk</a> HSE SCS Lawyer – Abigail Dean
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**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.

<b>Lead Department</b> <b>HSE contact</b>	<b>DfT</b> HSE SCS Lead – Marcia Davies HSE Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, <a href="mailto:alastair.mitchell@hse.gsi.gov.uk">alastair.mitchell@hse.gsi.gov.uk</a> HSE SCS Lawyer – Abigail Dean
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EC Regulation on Classification, Labelling and Packaging of Substances and Mixtures (1272/2008) – 1 <sup>st</sup> Adaptation to Technical Progress	
<p><b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b>            The 1<sup>st</sup> 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 30<sup>th</sup> and 31<sup>st</sup> 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 30<sup>th</sup> 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 30<sup>th</sup> 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><b>Lead Department</b>  <b>HSE contact</b></p>	<p><b>HSE</b>            SCS Lead – Kären Clayton            Policy Lead – Robin Foster, Long latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a>            SCS Lawyer – Prakash Bachoo</p>

### TRANSPORT DOSSIER:

Directive on investigation of accidents in the maritime transport sector (2009/18/EC)	
<p><b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b>            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><b>Lead Department</b>  <b>HSE contact</b></p>	<p><b>DfT (MAIB)</b>            HSE SCS Lead – Marcia Davies            HSE Policy Lead – Christine Barringer, Operational Strategy Division, 01342 33 4261, <a href="mailto:christine.barringer@hse.gsi.gov.uk">christine.barringer@hse.gsi.gov.uk</a>            HSE SCS Lawyer – Abigail Dean</p>