

Health and Safety Executive Board			HSE/11/M01
Meeting Date:	26 January 2011	FoI Status	Open
FoI Exemptions			
Trim Reference:	2011/115965		
Minutes of HSE Board Meeting – January 2011 Redgrave Court, Bootle			

Present:

Judith Hackitt – Chair	Sayeed Khan	Robin Dahlberg	John Spanwick
David Gartside	Hugh Robertson	Sandy Blair	Frances Outram
Liz Snape			

Also attending:

Geoffrey Podger, Kevin Myers, Steve Dennis, Peter McNaught, Gaynor Coldrick, Sally Sykes, Jane Willis, Sue Johns, Laurence Monaghan, Jane Kirk (all items); Mike Weightman (item 6), Kevin Allars (item 9), Patrick MacDonald, Vicky Warbrick, Richard Lewis (item 10), Kären Clayton, Richard Pedersen (item 11) .

Apologies:

Paul Kenny

Minutes: Jane Kirk

Open Session	
	There were no public observers.
6.	Minutes and Matters arising – HSE/10/M12C
6.1	<ul style="list-style-type: none"> The draft minutes from the December meeting were agreed without comment. There were no matters arising
7.	Chief Executive’s Report – HSE/11/02
7.1	<p>Points highlighted from CE report were:</p> <ul style="list-style-type: none"> Gratitude was expressed to all staff who had provided considerable levels of out of hours working to help police with the high number of recent fatal incidents. The Occupational Safety and Health Consultants Register (OSHCR) is about to go live for registration. Thanks to Communications Directorate and Cross Cutting Interventions Directorate for progressing the work this far. Although HSE has been involved in the setting up and the launch, it will be taken forward by a not for profit company and HSE will not be a part of that company.
7.2	<p>The Board:</p> <ul style="list-style-type: none"> Inquired about the charging scheme for admission onto the OSHCR. It will be the responsibility of the company to become self-financing. There is an incentive of a reduced admission charge if consultants register before April 2011.

	<ul style="list-style-type: none"> • Raised the issue of who will be responsible for making employers aware that the register exists and that they should consider referring to it when they wish to use a consultant. The formal responsibility will be with the company running the register to publicise it. The launch of the register has 2 phases. The imminent first phase is to make consultants aware that they need to register. The focus on the employer will be in the second phase. • Requested a discussion on the interfaces between other sector supply chains and the construction industry following the recent fatal incidents. The DCE assured that there has already been some work in relation to this as a key part of HSE's engagement with non-construction inspectors. Agreed practice is that where they are inspecting sites with significant construction activities they will engage with the owner of the site and if necessary bring in construction colleagues. • Due to number of recent incidents in care homes, the Board asked if there was a need for more work to be done in the service sector. There will be a paper to the Board about activities in this sector in the coming months. • Asked for clarification on how incidents to members of the public in this service sector are reflected in HSE's statistics. HSE's statistics differentiate between employees, self-employed and members of the public and if the incident is RIDDOR reportable.
8.	Status Report on New Nuclear Build Generic Design Assessment - HSE/11/03
8.1	<p>Kevin Allars introduced the paper which provided the Board with an update on progress with the Nuclear New Build GDA. It was highlighted that:</p> <ul style="list-style-type: none"> • The report was positive and HSE remain on target to deliver GDA in June 2011. Both designs are progressing through the assessment process and an Interim Design Acceptance Confirmation (DAC) and a Statement of Design Acceptance (SoDA) for both should be available for June 2011. Both Requesting Parties (RPs) have publically accepted that is what they will receive. • Funding has been secured from both RPs to allow HSE to recover costs to June 2011. • Both RPs have given commitment that they want to go beyond June 2011 and close down the issues from GDA. Resolution plans agreed by HSE along with as many as possible of the technical documents will be available in the public domain. It is unclear how long it will take to resolve the issues but it is estimated at 12-18 months. Closure reports will also be available on the website. • Westinghouse's GDA responses overall have improved in both quality and timeliness. Some of the EDF/Areva GDA responses are disappointingly slipping. • There are now three declared potential operators and HSE continue to engage well with all of them. • HSE has engaged with DECC regarding a potential second tranche of GDA. A second tranche would not affect the timing or delivery of the first tranche.
8.2	<p>The following was noted in the Board's discussion of the paper:</p> <ul style="list-style-type: none"> • HSE have been working with a variety of overseas regulators to minimise duplication of work, however the New Nuclear Build designs are not standardised but harmonised. • There are ongoing concerns over Westinghouse's use of imperial units in their design. There are many potential problems which could arise from this.

	<p>HSE are currently having robust discussion regarding the metrication of the design. Some progress has been made but full agreement is yet to be reached.</p> <ul style="list-style-type: none"> • Westinghouse has an outstanding regulatory issue from GDA on the civil engineering design which is the reason for the red display on the metrics dashboard. They are committed to rectifying this. • The Board commended the clarity of the paper and remain impressed at how this area of work is being managed and the results it is achieving.
9.	Science Report 2011 HSE/11/04
9.1	<p>Patrick MacDonald introduced the third annual science report which covers the use, efficiency and effectiveness of HSE's investment in science commissioned both from the Health and Safety Laboratory (HSL) and external contractors. It was highlighted that:</p> <ul style="list-style-type: none"> • There has been a 2nd peer review of HSL's science and engineering covering fire, explosives, process safety, fluid dynamics, incident investigation tools including visual presentation service. The conclusion of the review was positive noting that excellent work is being delivered by HSL and the staff are well-qualified using largely good facilities. • Following feedback from the Board on last year's science report, much work has been done over the year on the commissioning process and a paper will be presented to the SMT in the coming months to agree a streamlining process.
9.2	<p>The Board:</p> <ul style="list-style-type: none"> • Welcomed the focus on staff professionalism and development. This is important in maintaining staff expertises. • Noted that the key to allowing HSL enough forward visibility to map the skills and resources they require is to give them a longer lead time. There is now a 3-year plan cycle which was implemented 2 years ago which should improve this. The plan will become more of a management tool for HSL. • Sought clarification that HSE puts the research into practice and follows up on recommendations. There is a small team in the Chief Scientific Adviser's Group who evaluate the recommendations and, with the help of Communications Directorate, the wider communication issues. • Questioned whether further research resource will be allocated into causes of ill health and injury in agriculture, as it remains a priority for HSE. Given that a lot of research in this area has already taken place, the next step will be a Board paper next month which will cover the evaluation of the impact which previous research in the agricultural sector has had. • Agreed that this is an informative exercise and that the annual science report should continue to be produced.
10.	3rd Indicative Occupational Exposure Limit Values Directive (2009/161/EU) – Consultation on GB Implementation - HSE/11/05
10.1	<p>Jane Willis introduced the paper which sought Board agreement for HSE to publish a Consultative Document (CD) setting out proposals to implement the EU Directive establishing a third list of Indicative Occupational Exposure Limit Values (IOELV).</p> <ul style="list-style-type: none"> • The previous 2 IOELV Directives have been implemented without issues in the UK.

	<ul style="list-style-type: none"> • The Directive has to be implemented and the new Workplace Exposure Limits (WELs) need to be in place by 18 December 2011. There are 19 substances in this new Directive with an IOELV and the Directive requires that a domestic limit, which ‘takes account of the IOELV’, is established. • With the Board’s agreement, HSE suggest a 12-week consultation period. • The 3rd IOELV is out of scope for 'one in, one out' as the Control of Substances Hazardous to Health Regulations provides the legal framework for the implementation. • The Board has the authority to set new WELs which are then published in HSE guidance to give them effect. • Implementation for 16 of the substances listed is straightforward. The existing WELs are being retained, lowered or a new WEL is being established as one does not currently exist in the UK and the new WEL will be the same as the IOELV. • The IOELV of the 3 remaining substances proposed in this Directive do raise some specific issues. These issues are highlighted in both the Board paper and the CD. • The approach proposed for this implementation is to replicate the EU limits as WELs. These limits are based on the recommendations of the European Commission’s Scientific Committee for Occupational Exposure Limits (SCOEL) which are based on available robust scientific data. • It is anticipated that there will be minimal implementation costs for industry. • The Board paper had been sent to the Advisory Committee on Toxic Substances seeking comments ahead of the Board meeting but no comments were received.
10.2	<p>The Board:</p> <ul style="list-style-type: none"> • Acknowledged that the members of ACTS were supportive of this evidence-based approach to setting limits. • Queried the IOELV for tertiary-butyl-methyl ether (MBTE) being less conservative than that already established in the UK. The HSE limit was set pragmatically in 1998 by the Working Group on the Assessment of Toxic Chemicals (WATCH). There is now more robust, health-based, scientific evidence to support the EU value so it would be difficult for the UK to argue to keep the existing level. HSE agrees that the limits for MBTE and 1,4-dioxane are robust so there is no reason to believe health will be negatively impacted. • Discussed the role of the UK and the resources used in EU negotiation of IOELV's. Limits are set on data and robust scientific evidence, and the UK always tries to negotiate that these data are not misused. This is an important part of the EU process to ensure that limits are justified based on the evidence presented. • Asked for clarification on steps being proposed in relation to methyl isocyanate versus other isocyanates • Questioned to what extent MBTE is handled and is a source of exposure as a single substance. It was clarified that this substance is only made and blended into gasoline on refineries, thus the exposure will always be controlled in conjunction with other substance including benzene. • Agreed to the publication of the consultation document.

11.	Future Agendas – HSE/AG/02/201
11.1	<ul style="list-style-type: none"> • It was noted that there were still several items to be included on the forward look including budgets and business plans. • There was a request to look at HSE's relationship with local authorities. This is likely to be before May 2011. • It is unlikely that there will be an opportunity to bring forward the paper on waste and recycling.
12.	Any other business
12.1	<ul style="list-style-type: none"> • There was no other business discussed.