

Health and Safety Executive Board		Paper No: HSE/11/35	
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<b>Chief Executive's Report to the Board</b>			

### Fatalities at Chevron Pembroke Refinery

1. On Thursday 2 June 2011 at 18.15 an explosion and fire at the Chevron Pembroke Refinery resulted in four fatalities and one person being hospitalised with burns. Three of the deceased were contractors employed by BDS (a local company) working in a large storage tank on the refinery's sulphur recovery plant. The two other workers were fire marshals from Hertel, a national contracting company. The incident was contained on site and there were no offsite effects. The refinery is a 'top tier' establishment under the Control of Major Accident Hazards Regulations 1999 (as amended) ('COMAH').
2. The incident is under investigation by Dyfed-Powys Police and HSE. The Police currently have primacy in line with the Work Related Death Protocol with HSE providing technical assistance in the initial stages. HSE is also conducting its own investigation under COMAH. There has been good progress with the investigation and the HSE team expect the on-site collection of physical evidence to be completed by mid-July. HSE has also issued a Press Release via the trade press highlighting the dangers of tank cleaning operations and reminding all operators to ensure they have robust arrangements and control systems in place to manage the major accident risks.

### Fire in the woodchip processing plant, Sonae Industria Ltd, Merseyside

3. A serious industrial fire broke out at the Sonae plant, Merseyside on 10 June 2011. The plant produces chipboard and has a long history of complaints from local residents, due mainly to concerns about environmental emissions and on site fires. This latest incident comes within 6 months of a double fatality on the site and has attracted significant media attention and political interest.
4. The local Head of Operations initiated an investigation on Friday 10 June. There have been no reported injuries associated with the incident. Merseyside Fire and Rescue Service (MFRS) were in attendance in significant numbers throughout the following days and the fire continues to burn (under the control of MFRS) due to the volume of raw material involved.
5. HSE inspectors and specialist support attended site on 15 June to initiate the on site investigation. We have agreed arrangements for joint investigation with MFRS and further liaison is scheduled to share and analyse information

gathered to date in these early stages. The investigation of the fire and investigation of the double fatality are being carried out by separate HSE teams, under the direction of the Head of Operations in Manchester. The investigation of the double fatality is being carried out with Merseyside Police under the Work Related Death Protocol and the police still have primacy.

6. The plant has a long history of HSE intervention, and while recent years appeared to have seen improved performance, the company were prosecuted for safety offences four times in the last decade.

### **Significant Prosecution: Shell UK Limited**

7. Shell UK was fined a total of £1million and ordered to pay £242,000 costs by Ipswich Crown Court over the explosion and fire at its Bacton gas terminal in Norfolk in 2008.
8. The explosion blew the concrete roof off a buffering tank within the plant. After investigating the incident HSE and the Environment Agency (EA) jointly prosecuted the firm over safety, environmental control and pollution-prevention failures at the plant leading to the explosion.
9. The cause of the explosion was traced to a leak of highly flammable hydrocarbon liquid. The leak was caused by the failure of a corroded metal separator vessel, which allowed water contaminated with the highly flammable condensate to enter a concrete storage tank where it was heated by an electric heater. The heater's elements were exposed within the tank, raising the surface temperature significantly causing the explosion and fire.
10. Bacton is operated by several energy companies and houses gas processing plants along with the Interconnector system feeding gas between Britain and Europe.

### **Update on Red Tape Challenge**

11. Details of the Red Tape Challenge were provided in the last report to the Board. HSE will be responsible for facilitating discussions on the health and safety theme on the Red Tape Challenge website. A communications strategy has been developed to ensure HSE's key stakeholder organizations and individuals know health and safety regulations will be in the spotlight and they are able to actively contribute ideas and suggestions. A Senior Steering Group, has been established to oversee work on the Challenge and HSE work for the Löfstedt Review.
12. Around 450 comments have been received so far on the Health and Safety theme raising many of the issues addressed by the reports, 'Common Sense, Common Safety' and 'Good Health and Safety, Good for Everyone'.
13. The spotlight will be on the health and safety cross-cutting theme on the Red Tape Challenge website for three weeks from 30 June.

## **Update on the Mid Staffs Public Inquiry**

14. The Public Inquiry is now into its twenty seventh week of hearing evidence. During week commencing 16th May 2011 it took evidence from senior staff at the Care Quality Commission including the Chair, Chief Executive and Director of Operations Delivery. Amongst many issues the Inquiry explored the relationship between the Care Quality Commission (CQC) and other regulators, including HSE. There has been no further mention of HSE since the CQC gave evidence.
15. Solicitors for the Inquiry have now taken statements from me, concerning policy and high level contact with other regulators, and from HSE Principal Inspector Clive Brookes concerning local interactions with the Trust. In both statements the Inquiry further explored the relationship between HSE and the Healthcare Commission/CQC.
16. Clive Brookes and I have been called to give public evidence to the Inquiry on 30<sup>th</sup> June and 5<sup>th</sup> July respectively. The Inquiry will adjourn on 7th July and will re-start on 5th September 2011.

## **Update on Scottish Affairs Committee inquiry into health and safety in Scotland**

17. Last year the Scottish Affairs Committee commissioned the National Audit Office (NAO) to produce a memorandum on the work of HSE in Scotland. The report – based largely on information supplied by HSE - is published as written evidence on the Committee's website. On 4<sup>th</sup> April, the Committee announced an inquiry into health and safety in Scotland and published terms of reference. The HSE Chair and officials met several members of the committee in Aberdeen on that day to gain a better understanding of the main areas of interest of the inquiry.
18. HSE has provided an evidential submission to the Committee which provides evidence against the published terms of reference to supplement the NAO memorandum. HSE will also be appearing at a session held in public on 29 June to give oral evidence. At that session HSE will be represented by David Ashton (Director of Field Operations), David Snowball (Acting Head of Hazardous Installations Directorate), and Paul Stollard (Regional Director of Field Operations Scotland and North England). It is expected that the Minister will be asked to appear before the Committee after the Summer recess, when HSE officials may also be called again.

## **Science and Technology Committee inquiry into practical experiments in science lessons and field trips**

19. HSE has prepared an evidential submission for the inquiry and HSE's Deputy Chief Executive, Kevin Myers, is due to give evidence on 4 July.
20. HSE believes there is no reason why health and safety should stop schools carrying out science experiments or field trips. We see the proper integration of health and safety considerations into the overall delivery of the curriculum

as being both natural and good teaching practice. It helps children appreciate hazards and risks, and learn how to manage them - all that is required in most cases are a few sensible precautions. HSE has worked with educational science bodies over many years to establish and publicise what those precautions should be and to ensure they are sensible, practical and proportionate. HSE continues to work closely with those organisations.

### **Closure of Preston and Manchester Offices**

21. The HSE office in Preston is due to close on 15<sup>th</sup> July with the work transferring to Redgrave Court. The closure will deliver savings of £2.0m over ten years compared with current costs. Following formal consultation with the staff involved it was determined that the new location was not a reasonable option for 10 staff and in line with agreed Cabinet Office protocols the individuals were declared surplus. We have been working closely with the Cabinet Office and HSE TUs to resolve the situation:
22. We have succeeded in finding alternative posts in other government departments for two individuals. The remaining eight people have now accepted voluntary redundancy (although we are continuing to explore a redeployment option for one individual).
23. The Manchester office is scheduled to close on 2<sup>nd</sup> March 2012 with the work transferring to Redgrave Court.

### **Industrial action by PCS 30 June.**

24. We have received formal notification from PCS that a day of industrial action (strike) will take place on Thursday 30<sup>th</sup> June. Arrangements have been put in place enabling us to quickly assess the impact of the strike, and to notify this to Cabinet Office by 11.00am on the morning of the 30<sup>th</sup>. The strike will be immediately followed with a month long overtime ban.
25. Existing business continuity planning arrangements have been invoked. The planned strike by schoolteachers on the same day may disrupt childcare arrangements for some staff and where this is the case we have applied some sensible flexibilities to existing HR policies to allow managers to grant leave or allow work from home arrangements.

## Operations

### Fatality details

Since the last update to the HSE Board on 25 May, 13 fatal accidents for 2011/12 were reported to HSE under RIDDOR and published on HSE's website. These include those with incident dates in April of 2011/12. Please see [Annex 2](#) for details.

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 May 2011

- [Renold Power Transmission Ltd](#) was £180,000 and ordered to pay £8,946 in prosecution costs at Manchester Minshull Street Crown Court after a worker was crushed by a 740kg slab of metal at its Rochdale plant and later died from his injuries.
- [Precis Holdings Ltd](#) was fined £60,000 and ordered to pay costs of £24,515 and [Mr Obioma Chukwudi](#) was fined £30,000 and ordered to pay costs of £15,000 at the Central Criminal Court (Old Bailey) for their parts in the incident after a security guard died from carbon monoxide poisoning while at work.
- [Contractor Nadeem Aftab](#) was fined £100,000 and ordered to pay costs of £61,590 at the Central Criminal Court (Old Bailey) when a foreign construction worker was buried alive while working on a property in London's Belgravia.
- [Deevale Homecare and Services Ltd](#) were fined £70,000 and ordered to pay costs of £21,818 at Mold Crown Court following the suffocation of an elderly woman after she became trapped between her mattress and bed rails intended to stop her falling.
- [Velcourt Limited](#) was fined £120,000 and ordered to pay costs of £45,000 at Salisbury Crown Court after a man was electrocuted while working on farmland near Ludgershall in Wiltshire.
- [Central \(High Rise\) Ltd](#) was fined £100,000 and ordered to pay £32,000 costs at Leicester Crown Court after one of its workers was killed and another injured in two separate falls.
- [Skanska Rashleigh Weatherfoil Ltd](#) was fined a total of £120,000 with full costs of £81,927 at Lewes Crown Court after a man was left paralysed when he was knocked from a scissor lift.
- [Solvent Resource Management Ltd](#) was fined £150,000 and ordered to pay costs of £20,000 at Brighton Crown Court after a tank collapsed, releasing a

large amount of waste solvents and water at a chemical plant in Rye, East Sussex.

- [Clive Farrant](#) was fined £23,000 with £5,000 costs at Chelmsford Crown Court for misleading customers into believing he was a legally registered gas engineer and then carried out work that put lives at risk.
- [Millbrook Furnishing Industries Limited](#) was fined a total of £27,000 and ordered to pay costs of £25,000 at Southampton Crown Court after failure to control the risks of exposure to wood dust and adhesives at its Totton plant.
- [Mr Wilkinson](#) was fined £10,000 and ordered to pay £2,708 costs at Birmingham Magistrates' Court after an 11-year-old girl suffered a serious head wound when she was thrown from a ride at a Birmingham park.
- [Celsa Manufacturing \(UK\) Ltd](#) was fined £50,000 and ordered to pay £10,715 in costs at Cardiff Crown Court after a worker sustained a serious hand injury while operating machinery at its city centre plant
- [Nicholas Andrew Eastwood](#) was given a custodial sentence of nine months at Truro Crown Court for ignoring safety issues at a car park at The Burrows in St Ives.
- [Nabiganj Investment Company Limited](#) was fined £37,500 and ordered to pay costs of £5,459.90 at City of London Magistrates after a migrant worker suffered severe head injuries when he fell from scaffolding at a Hackney warehouse.

## **FOI Requests made to HSE**

There were 503 FOI requests made in May 2011.

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

### **New online directory to increase confidence in health and safety advice**

### **Chief Nuclear Inspector publishes interim 'lessons learnt' report**

On 18 May 2011, the UK's Chief Inspector of Nuclear Installations published an interim assessment of the implications of the nuclear crisis in Japan. For details, please click [here](#)

### **Building trades workers invited to asbestos awareness courses**

The South Yorkshire & Humber Working Well Together Group - a partnership between key players in the construction sector and allied trades, plus the Health and Safety Executive (HSE), is offering a series of training courses, which are aimed mainly at small and medium businesses and welcome everyone from joiners and painters to plumbers and general builders.

### **Event to help Highland construction companies cut deaths**

The free event, which took place on 24 May 2011 at Tulloch Caledonian Stadium, Inverness was organised by the Working Well Together initiative - a partnership between HSE and the construction industry - which aims to improve health and safety in the sector offered practical information to small and medium sized businesses on how to deal with some of the risks associated with groundworks

### **Parliamentary Business**

There were 19 PQs in May 2011.

## In-year work-related deaths reported to HSE

The following table is an extract of all 2010/11 and 2011/12 work-related deaths notified to HSE since the last update to the Board on 25 May 2011. It is taken from the latest "Names and details of fatalities" update published on HSE's website on 3 June 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
19/02/2011	Gerald Haliday	91	The deceased died following a fall	Penicuik	Midlothian UA	9070	Services	Nursing home activities	85113	Member of the public
05/04/2011	Jason Reynolds	38	The deceased died after coming into contact with machinery	Herefordshire	Herefordshire UA	1850	Agriculture	Growing of crops combined with farming of animals (mixed farming)	01300	Self employed
07/04/2011	Terence Sullivan Bennett	64	The deceased was crushed by a vehicle	Isles of Scilly	Cornwall UA	0840	Agriculture	Growing of vegetables, horticulture specialities and nursery products	01120	Self employed
07/04/2011	Callum Martin Osborne	24	The deceased fell from height	Kent	Canterbury	2210	Construction	Construction	45210	Employee
08/04/2011	Steven Mills	45	The deceased was struck by machinery	Cirencester	Gloucester	1620	Services	Other supporting air transport activities	63230	Employee
12/04/2011	Mark Watson	51	The deceased fell from height	Nottinghamshire	Nottingham UA	3060	Construction	Construction	45210	Self employed
18/04/2011	Mark Taylor	36	The deceased was crushed by machinery	Holmfirth	Kirklees	4715	Construction	Construction of civil engineering constructions	45213	Employee
18/04/2011	Michael Moran	49	The deceased died after coming into contact with machinery	Runcorn	Halton UA	0650	Manufacturing	Manufacture of condiments and seasonings	15870	Employee

**Annex 2**

<b>Date of incident</b>	<b>Name</b>	<b>Age</b>	<b>Description of incident</b>	<b>Location of incident</b>	<b>Local Authority</b>	<b>LA code</b>	<b>General Industry Sector</b>	<b>Detailed Standard Industry Classification (SIC)</b>	<b>SIC Code</b>	<b>Employment status</b>
18/04/2011	Rose Nimako-Boateng	59	The deceased died from suspected carbon monoxide poisoning	London	Haringey	5420	Services	Other letting of own property	70209	Member of the public
20/04/2011	William Wilson Boow	67	The deceased died after coming into contact with cattle	Copeland	Copeland	0920	Agriculture	Farming of cattle, dairy farming	01210	Self employed
20/04/2011	Eric Whittington	76	The deceased died following a fall	Berkshire	Slough UA	0350	Services	Public sector hospital activities including NHS trusts	85111	Member of the public
23/04/2011	Noel Maine	62	The deceased was asphyxiated	Essex	Thurrock UA	1595	Construction	Construction	45210	Employed by other
27/04/2011	Patrick O'Brien	46	The deceased was struck by a vehicle	Northamptonshire	Wellingborough	2835	Services	Fair and amusement park activities	92330	Employee

**JUNE 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 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 initiatives to inform the latter consultation). 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

<b>Draft social partners' agreement on the prevention of health risks in the hairdressing sector</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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 adopted. The remaining point for consideration is its potential application to the self-employed in the sector.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Stephen Williams 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

<b>Social partners' consultation on reviewing the Working Time Directive</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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 second phase of the consultation of the social partners has now closed; their views on the envisaged action at EU level to amend the Directive should become apparent soon. 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

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

<b>Future initiative on Ergonomics at Work</b>	
<b>Current status (NEW DEVELOPMENTS):</b> 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. The EC discussed its interim report on this work with the Musculoskeletal Disorders Working Party of its Advisory Committee on Safety and Health at Work and its National Experts Group in March. <b>This was followed by meetings of both in June to discuss the EC's draft impact assessment.</b> The Commission has also opened a simple, on-line consultation seeking views on proposed options for the initiative. A potential legislative 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 initiative on Carcinogens and Mutagens Directive (2004/37/EC)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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 will start in May 2011 and is due for completion by May 2012. 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

**EURATOM DOSSIER:**

<b>Future revision of EURATOM Directives dealing with radiological protection</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The European Commission (EC) is currently working on a draft legislative proposal to bring together a number of Directives, Decisions, Regulations and Recommendations dealing with radiological protection into one Directive. The accompanying impact assessment (IA) has been cleared by the EC's IA Board, with a legislative proposal currently expected in July.	
<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 – Stephen Williams 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>HSE contact</b>	<b>BIS</b> HSE SCS Lead – Stephen Williams 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 (UNCHANGED FROM LAST BOARD UPDATE):</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 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) – Proposed 3rd Adaptation to Technical Progress</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</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 soon.	
<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 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. 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 – Stephen Williams 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 later this year. 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 communication 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. A public consultation on the Commission’s ideas ended on the 20 May 2011	
<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>HSE contact</b>	<b>BIS</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 – Abigail Dean

<b>Proposed revision of Electromagnetic Fields Directive (2004/40/EC)</b>	
<b>Current status (NEW DEVELOPMENTS):</b> The European Commission (EC) formally adopted a legislative proposal to revise the Electromagnetic Fields Directive on 15 June. This will be published shortly, following translation into the appropriate languages, with negotiations likely start under the forthcoming Polish Presidency. HSE actively engaged with the EC to ensure that its proposal focused on relevant high risk activities, did not impose unnecessary requirements on low risk businesses and found an appropriate solution to regulating magnetic resonance imaging processes.	
<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

**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 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 has published a legislative 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.	
<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

Proposed EC Regulation concerning the placing on the market and use of biocidal products (replacing Directive 98/8/EC)	
<p><b>Current status (NEW DEVELOPMENTS):</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. <b>It is anticipated that the Council and the European Parliament will reach a 2<sup>nd</sup> reading deal in January 2012, with a view to the Regulation coming into force in Summer 2013.</b> The Regulation will be directly applicable in member states and will not require transposition, although regulations may be required on enforcement and fees.</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 – Abigail Dean</p>

Proposed amendment of Annex I to the EC Regulation on the Export and Import of Dangerous Chemicals (689/2008)	
<p><b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b>            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 subsequently agreed on 12 April, and provided that there is no objection from the Council or European Parliament, they are expected to come into force in autumn 2011.</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 – Abigail Dean</p>

**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, and a proposed Commission Decision not to include certain active substances in Annex I**

**Current status (NEW DEVELOPMENTS):**

Abamectin, imidacloprid and DCOIT were subject to positive votes at the February 2011 meeting of the Standing Committee for Biocidal Products and will now be included in Annex I of the Biocidal Products Directive (BPD). Annex I is a list of active substances with requirements agreed at European level for inclusion in biocidal products. When an active substance is listed it paves the way for biocidal products containing such active substances to be authorised for placing on the market. 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. A proposed European Commission (EC) Decision not to include seven active substances in Annex I was also subject to a positive vote at the meeting. A vote on one further active substance (sulphur dioxide) was postponed after an intervention from the winemaking industry, which raised concerns over sulphur dioxide's use for disinfecting wooden barrels and pipes. Non-inclusion was proposed because industry had not taken responsibility to provide the data package required under the Directive to keep the substance on the market. **The non-inclusion Decision for sulphur dioxide will be re-tabled for discussion at the 6-7 July meeting of member state Competent Authorities, following EC discussions with the wine industry to find a solution allowing the industry to submit the required data so that the substance can remain on the market and be assessed under the Directive. The formal Standing Committee vote on non-inclusion should then take place on 23 September.**

**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](mailto:robin.foster@hse.gsi.gov.uk)  
SCS Lawyer – Abigail Dean

**Proposed amendment of the Biocidal Products Directive (98/8/EC) to include copper (II) oxide, copper (II) hydroxide and copper (II) carbonate basic in Annex I**

**Current status (NEW DEVELOPMENTS):**

**Copper (II) oxide, copper (II) hydroxide and copper (II) carbonate basic will be subject to votes at the July 2011 meeting of the Standing Committee for Biocidal Products for inclusion in Annex I of the Biocidal Products Directive.**

**Lead Department  
HSE contact**

**HSE**

SCS Lead – Kären Clayton  
Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, [robin.foster@hse.gsi.gov.uk](mailto:robin.foster@hse.gsi.gov.uk)  
SCS Lawyer – Abigail Dean

<b>Proposed amendment of the Biocidal Products Directive (98/8/EC) to include creosote in Annex I</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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 (QM) 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. The proposal was discussed at the 18 February meeting of the Environment Council Working Group (WG). From this, the Presidency concluded there was no QM in favour or against, and asked member states to submit any compromise proposals. None were put forward and so the Council was unable to act on the proposal. It has now been sent formally to the EP, which had until 10 June to act. If there is no blocking majority in EP, the proposal will be adopted by the Commission as currently drafted.	
<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

### ENTERPRISE AND INDUSTRY DOSSIERS

<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 – Stephen Williams 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>Proposed Directive codifying directives relating to the driver's seat on wheeled agricultural or forestry tractors</b>	
<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 – Stephen Williams 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

<b>Proposed Directive codifying directives relating to the rear-mounted roll-over protection structures in tractors</b>	
<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 – Stephen Williams 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

<b>Proposed Directive codifying directives relating to the front-mounted roll-over protection structures in tractors</b>	
<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 – Stephen Williams 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 – Stephen Williams                  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 – Mike Warnes, Office for Nuclear Regulation, 0151 951 4547, <a href="mailto:mike.warnes@hse.gsi.gov.uk">mike.warnes@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 (NEW DEVELOPMENTS):</b> Member states are required to transpose the Directive by 18 December 2011. HSE is currently consulting (2 June to 4 August) on measures to the transpose the Directive. This would involve 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. It concerns protecting workers in the hospital and healthcare sectors from the risk of injury and infection from needles, scalpels and other medical sharps.	
<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>• 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-rapporteur 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.</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> <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.</li> <li>• Discussions are ongoing with the DEFRA on arrangements necessary to assure the continued management of the asbestos legacy under the new REACH restrictions system.</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. DEFRA’s consultation concerning draft legislation to support the operation of the Regulation and implement fees and charging provisions for it and Directive 2009/128/EC on the sustainable use of pesticides closed on 12 April. In light of the consultation, DEFRA has maintained the general approach of the Regulations, with some technical amendments to certain provisions, and has deleted or adjusted some individual fees.</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. DEFRA’s consultation on European Regulation 1107/2009 included draft legislation to implement fees and charging provisions for Directive 2009/128/EC. It closed on 12 April. In light of the consultation, DEFRA has maintained the general approach to charging, but decided not to proceed with some matters in the Directive which it proposed to fund from the charge.</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

EC Regulation on pesticide statistics (1185/2009)	
Current status ( <b>UNCHANGED FROM LAST BOARD UPDATE</b> ): <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. Work to develop the necessary implementation measures is nearing completion.</b>	
<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:

Directive Establishing a Community Framework for the Nuclear Safety of Nuclear Installations (2009/71/EURATOM)	
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 – Mike Warnes, Office for Nuclear Regulation, 0151 951 4547, <a href="mailto:mike.warnes@hse.gsi.gov.uk">mike.warnes@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>	
<b>Current status (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 HSE contact</b>	<b>DfT</b> HSE SCS Lead – Stephen Williams 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 in early 2011.	
<b>Lead Department HSE contact</b>	<b>BIS</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 HSE contact</b>	<b>BIS</b> HSE SCS Lead – Stephen Williams 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 Mutual Recognition of Goods in the European Union (764/2008)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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 – Stephen Williams 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>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</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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 – Stephen Williams 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

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 (NEW DEVELOPMENTS):</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 were referred to the ECJ. <b>Following the Advocate General's Opinion, judgement is expected on 21 July 2011.</b></p>	
<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

### 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>	
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