

Health and Safety Executive Board		Paper No: HSE/12/90	
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Chief Executive's Report to the Board			

Health and Safety Statistics 2011/12

1. New health and safety statistics for 2011/12 were published on 31 October 2012. This included injury, ill health and days lost data from the Labour Force Survey, reported non-fatal injuries from Riddor, enforcement data and reports of ill-health cases from specialist physicians.
2. The total number of people who worked in the last 12 months who were suffering from work-related illness fell by 79,000 to 1.1 million and there is a measurable downward trend in total work-related ill health over the past decade (as estimated from the Labour Force Survey).
3. The estimated number of new cases of work-related illness amongst those who worked in the past 12 months fell by 43,000 to 452,000 and again there is a significant downward trend since 2001/02.
4. Deaths from Mesothelioma increased to 2347 in 2010 and continue to rise year-on-year due to past exposure to asbestos. We are not expecting this figure to peak until around 2016.
5. All measures of non-fatal injury at work are showing downward trend. Reported major injuries fell by 10% in the year whilst reported over-3-day injuries fell by 3%. Self-reported injuries were statistically unchanged over the latest year but show a strong downward trend over the past decade.
6. Fatal injuries to workers, which were first published in July, remained essentially flat in 2011/12 (173 compared with 175 in 2010/11) and the data are now showing a levelling off in the previous downward trend.
7. In 2011/12, HSE prosecuted 584 cases (covering 969 offences) and secured a conviction in 92% of cases. This is an increase of 5% in cases prosecuted compared with 2010/11.
8. The number of notices issued by HSE fell by 10% to 9,910 in the year after three successive annual rises. Notices issued by Local Authorities also fell.

Update on Löfstedt recommendations

9. HSE continues to deliver the Löfstedt recommendations in line with the timetable announced by the Government. Recent developments include:

10. The new Health and Safety Toolbox which builds on the basics laid out in Health and Safety Made Simple and provides the next level of advice to help businesses identify, assess and control common risks in the workplace was launched on the HSE web site on 5 September 2012. Judith Hackitt formally launched the Toolbox on 2 November 2012. From September to late November, there were 56,300 separate visitors to Toolbox .

11. A consultation on ACOPs closed in September 2012 and received over 400 responses. Views were sought on proposals for the revision, consolidation or withdrawal of 15 ACOPs to be delivered by end-2013. There were also proposals for minor revisions, or no changes, to a further 15 ACOPs for delivery by 2014. The outcome of the consultation will be considered by the HSE Board in December.

12. A public consultation runs until 3 December 2012 on the proposals to remove the requirement for HSE to approve first aid training and qualifications and a review of the associated Approved Code of Practice and the content of revised guidance to support employers with the changes.

13. Consultations on plans to simplify and clarify RIDDOR and to exempt some self-employed people from health and safety legislation closed on 28th October 2012. Responses are in the process of being analysed and the findings will be considered by the HSE Board in early 2013.

14. Professor Löfstedt has started his independent assessment of the impact of the implementation of health and safety reforms to date. It is intended he will report on his findings to the Minister for Employment in January 2013.

Fee For Intervention

15. The scheme has now been running for just over two months. It appears that the scheme has got off to an understandably slow start as work that began before 1 October but has continued beyond that date, and which will be not be subject to FFI, works its way through the system. The external FFI help line set up by HSE has had relatively low traffic so far. Most of this has been from consultants and lawyers making general enquiries rather than businesses with particular concerns or questions prompted by a visit.

Olympic and Paralympic update - handover to Rio

16. This month as part of the legacy work after the 2012 Games, HSE is taking part in the formal handover arrangements between the UK and Brazilian Governments.

17. Stephen Williams is part of the UK delegation led by Hugh Robertson, Minister for the Olympics and Paralympics with James Brokenshire, Minister for Security. In addition to presenting at the formal handover conference, HSE is taking

part in bi-lateral discussions with the Brazilian Labour Inspectorate in Rio and supporting two UK led workshops on construction and safe crowd management.

Significant Prosecutions

18. Wallop Defence Systems Ltd (WDS) were fined £266,000 and ordered to pay costs of £110,000 at Winchester Crown Court after pleading guilty to Section 2(1) and Section 3(1) of the Health and Safety at Work Act etc. 1974 in connection to a fatal explosion incident in 2006, and to a further Section 2(1) charge for a second explosion in 2008.

LA Inspection Statistics

19. HSE have recently completed a mid-year LA data collection exercise concerning LA Regulatory activities. This is based on returns voluntarily provided by LAs. The returns are then statistically modelled to produce an annual projection of what is happening on the ground. The estimated figures for the 2012/13 work year indicate that LAs will have reduced their unannounced proactive inspections to 16,400. This is a drop of 86% since the baseline year of 2009/10 against which we are assessing how LAs have responded to *Good Health & Safety, Good for Everyone* which was launched in March 2011 and the *Joint HSE/LGA statement on reduced proactive inspection* which was issued in May 2011. The returns indicate that LAs are responding to the Government's reforms seeking a 35% reduction of proactive inspections.

20. However, the statistics also indicate that there is still an issue with targeting in a large percentage of the inspections are to lower risk premises. HSE will be working with LA colleagues to obtain further qualitative intelligence to understand better the reasons for the patterns of activity and whether further support is required.

Rodenticides

21. The HSE (CRD) stakeholder consultation on Environmental Risk Mitigation Measures for second generation anticoagulant rodenticides (SGARs), which closed on 2nd November 2012, has attracted some press interest. CRD is seeking to establish a transparent and consistent approach for applying risk mitigation measures when products are authorised in the UK, taking into account risks to wildlife and the need to control rat and mouse populations, maintain public hygiene and protect infrastructure.

22. CRD invited comments on the consideration of the environmental risk from the use of brodifacoum, flocoumafen, difethialone, difenacoum and bromadiolone and on risk mitigation measures. Options were described for restricting outdoor use. The benefits and limitations of each option were considered. An appropriate balance is required, between the need to control rodent populations and the known high risk of these compounds to non-target species.

Occupational Disease Conference

23. Following the Board's consideration of the paper: **Occupational cancer, priorities for future intervention** in August, HSE will be holding an event to bring together a range of invited organisations and key players to discuss and develop new and innovative ways of tackling occupational health issues, including occupational cancer.
24. The aim of the event is to encourage participants to think outside traditional boundaries and consider how they can do more to invigorate activities on occupational health issues.
25. An independent steering group chaired by Geoffrey Podger has been set up to contribute to the event by generating novel ideas to stimulate participant discussion. The steering group will meet in January with a possible further meeting in late January/early February.
26. The event will take place on 14th March 2013 at the British Library in London.

Operations

Fatality details

Since the last update to the HSE Board on Wednesday 31 October 2012, **27** fatal accidents for 2012/2013 were reported to HSE under RIDDOR and subsequently published on HSE's website. Please see [Annex 2](#) for details.

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

Of the **27** fatalities listed in the current report, **10** occurred prior to September 2012.

17 fatalities occurred in September 2012, compared with **27** which occurred in September 2011.

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 during October 2012

- [Watkin Jones & Son Ltd](#) was fined £450,000 and ordered to pay £98,000 in costs at Mold Crown Court after a worker fell through a roof while working on the construction of the Menai Centre in Bangor, Wales
- Builder [George Collier](#) was sentenced to two years in prison at Mold Crown Court after being convicted of gross negligence manslaughter in the case of a three-year-old girl who was killed when a substandard wall collapsed on top of her
- [Arjo Wiggins \(Ivybridge\) Ltd](#) was fined £200,000 and ordered to pay £60,000 in costs at Plymouth Crown Court for serious safety failings after a mill worker was crushed between two large rollers running at full production speed
- [Bespoke Precast Ltd](#) was fined £100,000 and ordered to pay £42,471 costs at Sheffield Crown Court after a worker died when he was crushed by a one and a half tonne steel girder
- [Walsall Hospitals NHS Trust](#) was fined £80,000 and ordered to pay £26,917 in costs at Wolverhampton Crown Court after a pensioner died following a fall from a first floor window at Walsall Manor Hospital
- [Ian Johnson](#) was fined £ 5,000 and [Subaquaholics Ltd](#) was fined £10,000 at Bristol Crown Court when an inexperienced diver from Bristol with serious medical conditions died on an organised dive off Dorset when the company failed in its duty of care towards him

- [Hillcrest House Ltd](#) was fined £40,000 and ordered to pay £95,963 in costs and a compensation order of £2,300 towards the family's funeral costs was also made by Truro Crown court when an elderly man with dementia was able to wander into another resident's room at his nursing home and fall to his death from a window
- [Johnson Controls Ltd](#) was fined £65,000 and ordered to pay £8,162 in prosecution costs at Carlisle Crown Court after one of its employees lost a leg when he was run over by a cherry picker at a nuclear site in Cumbria
- [Gardner Mechanical Services Ltd](#) was fined a total of £28,000 and ordered to pay £22,631 in costs at Reading Magistrates court for safety failings after two subcontractors were unwittingly exposed to asbestos fibres at Reading University
- [One51 Recycling ES UK \(South\) Limited](#) was fined £20,000 and ordered to pay £6,485 in costs by Westminster Magistrates' Court after an overseas student on shift work fell four metres through a chute
- [Loates Bros Limited](#) was fined £20,000 and ordered to pay costs of £14,995 at Lincoln Magistrates' Court after a building contractor was left paralysed when he fell through a barn roof
- [Parkstone Construction Ltd](#) was fined £15,000 with costs of £6,447 at Mansfield Magistrates' Court after a worker suffered multiple injuries when he was run over by a seven tonne digger in Mansfield
- [Solvents With Safety Ltd](#) was fined £20,000 and ordered to pay £6,860 in costs at Doncaster Magistrates' Court after an unsafe decanting operation caused a huge fire that engulfed its Harworth base
- [BOCM Pauls Ltd](#) was fined a total of £20,000 and £9,716 in costs and also ordered to pay a £15 victim surcharge by Norwich Magistrates' Court after a worker lost his arm when it became entangled in a conveyor
- [Hamble Yacht Services Ltd](#) was fined a total of £20,000 and ordered to pay £3,805 in costs at Southampton Magistrates' Court after a worker fell whilst repairing a yacht
- [AA Construction \(London\) Ltd](#) was fined £36,000 plus a £15 surcharge and with £9159 in costs at Westminster Magistrates' Court for endangering workers and the public with unsafe demolition work
- [Quick Skips & Recycling Ltd](#) was fined a total of £20,000 and ordered to pay £2,843 in costs and [Bridgemarts Limited, trading as Gowing & Pursey](#) was fined £7,000 with £1,410 in costs at Westminster Magistrates after a worker on his first day in a new job sustained life-threatening injuries when he fell from the top of a tipper lorry
- [Cargill PLC](#) was fined £35,000 and ordered to pay costs of £12,484 at Trafford Magistrates' Court in Sale after one of its employees lost three fingers in machinery at a factory in Trafford Park

Events, Campaigns and Publications in October 2012

New figures published for workplace ill health and injury

On 31 October 2012, HSE published figures published provisional statistics on workplace ill health and injury. Please click [here](#) for details

Dozens of [Scotland](#) and [North East](#) sites inspected as working at height put under safety spotlight to prevent death and injury in the construction industry

The Health and Safety Executive put dozens of construction sites across Scotland and North East of England under the spotlight as part of an intensive inspection regime in October.

Building site dangers highlighted in safety checks

The Health and Safety Executive halted work at six building sites in the Bradford area immediately during an inspection initiative focusing on the construction industry in October 2012. Please check [here](#) for details

Consultation opens on first aid changes

Plans to remove the requirement for first aid training providers to be approved by the Health and Safety Executive (HSE) have gone out to public consultation. For details, please click [here](#)

FOI Requests made to HSE

HSE received 620 FOI requests during the month of October 2012.

Parliamentary Business

There were nine PQs answered by HSE during the month of October 2012.

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Annex 2

The following table is an extract of all 2012/13 work-related deaths notified to HSE since the last update to the Board on Wednesday 31 October 2012, it contains fatalities notified to us in September 2012. It is taken from the latest "Names and details of fatalities" update published on HSE's website on Monday 5 November 2012. Please note that October's figures are currently being compiled and will not be available until 5 December 2012.

HSE's internet publication is the collated picture of 'as reported' information on fatalities. It does not purport to be a formal statistical release. Subsequent investigation may determine that some are not reportable under RIDDOR, for example deaths due to natural causes. Other deaths shown here may have been caused by gas incidents in the home. In such cases these deaths will not be counted in our statistics for workplace fatal injuries. Provisional quarterly figures for workplace fatal injuries are available from our latest quarterly injury figures and validated figures and information will only be available on publication of the annual fatality statistics for Great Britain.

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
12/03/2012	Margaret Collins	77	The deceased died whilst under medical care	Berkshire	Wokingham UA	Service	Residential care activities	Member of the Public
30/03/2012	Bryan John Pownall	55	The deceased was struck by an object	Cheshire	Cheshire West and Chester UA	Service	Computer consultancy activities	Employee
10/04/2012	David Heath	66	The deceased fell from height	London	Hillingdon	Extractive/Utility	Other mining and quarrying	Employee
11/08/2012	Leslie James	44	The deceased died from carbon monoxide poisoning	Leicester	Leicester UA	Service	General public administration activities	Member of the Public
13/08/2012	Andrew Borland	64	The deceased came into contact with cattle	East Ayrshire	East Ayrshire UA	Agriculture	Raising of dairy cattle	Member of the Public
17/08/2012	Patrick Murphy	58	The deceased was struck by a moving vehicle	Hertfordshire	Watford	Service	Activities of head offices	Employee
18/08/2012	Linda Cannon	59	The deceased was trapped by a vehicle	Cambridgeshire	Fenland	Agriculture	Mixed farming	Self Employed

Annex 2

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
19/08/2012	Ernest William Haughton	69	The deceased was struck by a moving vehicle	Liverpool	Liverpool	Service	General public administration activities	Member of the Public
23/08/2012	Iain Divers	42	The deceased was crushed by a vehicle	West Lothian	West Lothian UA	Service	Maintenance and repair of motor vehicles	Self Employed
29/08/2012	Beatrice Morgan	88	The deceased died whilst under medical care	Flintshire	Flintshire UA	Service	Residential Nursing care	Member of the Public
02/09/2012	Margaret Reeves	87	The deceased fell from height	Hertfordshire	Hertsmere	Service	Hospital activities	Member of the Public
03/09/2012	Ray Wickens	59	The deceased fell from height	Surrey	Waverley	Construction	Development of building projects	Employee
03/09/2012	Doris Adams	74	The deceased died following a fall	Manchester	Salford	Service	Other letting and operating of own or leased real estate	Member of the Public
05/09/2012	Michael Breeze	53	The deceased died whilst in care	Shropshire	Shropshire UA	Service	Other residential care activities	Member of the Public
05/09/2012	Thomas Cooper	72	The deceased was struck by an object	Nottinghamshire	Gedling	Service	Wholesale trade of motor vehicle parts and accessories	Employee
06/09/2012	Malcolm Harrison	64	The deceased was asphyxiated	Liverpool	Sefton	Service	Freight Transport by Road	Employee
09/09/2012	Robert Harrison	59	The deceased fell from height	Hartlepool	Hartlepool	Service	Employment agency activities	Employee

Annex 2

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
10/09/2012	Majid Akhtar	28	The deceased died whilst under care	Sutton-in-Ashfield	Ashfield	Service	General public administration activities	Member of the Public
12/09/2012	Walter Booth	63	The deceased fell from height	Wakefield	Wakefield	Construction	Roofing activities	Self Employed
13/09/2012	Adrian Smith	44	The deceased fell from height	Liverpool	Liverpool	Construction	Scaffold Erection	Employee
17/09/2012	Allan Frame	41	The deceased died whilst riding a quad bike	Lanark	South Lanarkshire UA	Agriculture	Mixed Farming	Employee
17/09/2012	Lydia Bishop	3	The deceased died whilst attending a nursery	North Yorkshire	York	Service	Child Day Care Activities	Member of the Public
21/09/2012	Benjamin Sewell	30	The deceased died after losing control of a vehicle	Devon	Torbay UA	Water/Waste Management	Collection of non-hazardous waste	Employee
23/09/2012	Erena Louise Wilson	31	The deceased was struck by an object	Surrey	Richmond-upon-Thames	Agriculture	Growing of vegetables and melons, roots and tubers	Member of the Public
25/09/2012	John Walmsley	59	The deceased was struck by a moving vehicle	Surrey	Tandridge	Service	Businss/Employer Members Organisations	Employee
29/09/2012	Stephen Thomson	46	The deceased fell from height	East Dumbarton	East Dumbartonshire UA	Construction	Construction of Buildings	Employee
30/09/2012	George Falder	48	The deceased died after coming into contact with machinery	Carlisle	Carlisle	Manufacturing	Manufacture of rubber tyres and tubes; retreading and rebuilding of rubber tyres	Employee

NOVEMBER 2012 UPDATE ON EU HEALTH AND SAFETY DOSSIERS

This annex to the Chief Executive's Report provides the Board with a monthly update on progress with EU health and safety dossiers that HSE leads on for HMG or other dossiers that HSE has an interest in but not the lead. To help the Board keep track of developments, each dossier is either marked '[UNCHANGED FROM LAST BOARD UPDATE](#)' or '[NEW DEVELOPMENTS](#)'. For further information about this annex, please contact Stephen Taylor, EU Coordinator in HSE's International Unit (Tel: 020 7227 3830 or e-mail: stephen.taylor@hse.gsi.ov.uk)

SOCIAL DIALOGUE:

EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:

Social partners' consultation on environmental tobacco smoke	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission is considering whether there is a need for EU action on protecting workers from environmental tobacco smoke. It first consulted the social partners on this in 2008, with a second consultation due at some point (at the moment, a contractor is carrying out an assessment of potential actions to inform the latter consultation). The Department of Health is leading on this with support from HSE.	
Lead Department HSE contact	DH HSE SCS Lead – Kären Clayton HSE Policy Lead – Gillian Smith, Long Latency Health Risks Division, 0151 951 4919, gill.fod.smith@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie
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 on amending the Directive in April 2009. There have since been two rounds of social partner consultation on Commission options for the Directive, with the social partners now having decided to open negotiations on an agreement on the Directive. HSE has a role in enforcing the domestic regulation that transposes the original Directive.	
Lead Department HSE contact	BIS HSE SCS Lead – David Sowerby HSE Policy Lead – Bernadette Cadman, Field Operations Directorate, 0151 951 5710, bernadette.cadman@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie

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

Potential new Directive on Ergonomics at Work	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission is currently considering an initiative on work-related musculoskeletal disorders, including the potential combining of the Manual Handling and Display Screen Equipment Directives into a new directive on minimum health and safety requirements on ergonomics at work. We understand that proposals will be outlined in 2013.	
Lead Department HSE contact	HSE SCS Lead – Peter Brown Policy Lead – Tony Almond, Work Environment, Radiation and Gas Division, 0151 951 3962, tony.alomond@hse.gsi.gov.uk SCS Lawyer – Hilton Leslie
Potential amendment of the Carcinogens and Mutagens Directive (2004/37/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) is currently considering a limited revision of the Directive, with a more substantive alignment with the Chemical Agents Directive a longer-term project. The EC has currently earmarked 2013 for publishing a proposal on the limited revision.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Gillian Smith, Long Latency Health Risks Division, 0151 951 4919, gill.fod.smith@hse.gsi.gov.uk SCS Lawyer – Hilton Leslie
Potential new Directive implementing the 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, on 26 April 2012, signed their Framework Agreement on the prevention of health risks in their sector. This included a request to the European Commission that it send the agreement to the Council for a decision on it becoming binding on member states. The Commission is currently considering this request.	
Lead Department HSE contact	HSE SCS Lead – Kevin Myers Policy Lead – Cameron Adam, Operational Strategy Division, 0141 275 3096, cameron.adam@hse.gsi.gov.uk SCS Lawyer – Hilton Leslie

Potential amendment of certain European occupational safety and health directives to align them with the European Regulation on classification, labelling and packaging of substances and mixtures (1272/2008)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The old European scheme for the classification of chemicals will be fully replaced by the new European Regulation on the classification, labelling and packaging (CLP) of substances and mixtures by 2015. A number of health and safety directives that classify chemicals according to the requirements of the old scheme need aligning with the CLP Regulation. We understand that a legislative proposal to make this change is currently being prepared.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Peter Loosley

ENTERPRISE AND INDUSTRY DOSSIERS:

Potential simplification of Pressure Equipment Directive	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission plans to conduct a future review of the Directive, with no decision taken yet on the timing.	
Lead Department HSE contact	BIS HSE SCS Lead – Peter Brown HSE Policy Lead – David Bosworth, Work Environment, Radiation and Gas Division, 0151 951 4778, david.bosworth@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie

Potential amendment of Pressure Equipment Directive to align it with the European Regulation on classification, labelling and packaging of substances and mixtures (1272/2008)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission is currently developing a draft proposal to align the Pressure Equipment Directive (97/23/EC) with the European Regulation on the classification and labelling of chemicals. This would be under the same procedure as the proposed modification of the New Approach Directives in line with the European Regulation on Accreditation and Market Surveillance.	
Lead Department HSE contact	BIS HSE SCS Lead – Peter Brown HSE Policy Lead – David Bosworth, Work Environment, Radiation and Gas Division, 0151 951 4778, david.bosworth@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie

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

Proposed amendment of Pregnant Workers Directive (92/85/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Parliament (EP) has proposed a number of amendments to the Directive, including ones on health and safety, following its plenary session on 20 October 2010. The EP's amended proposal has been sent to the Council, where it remains under consideration.	
Lead Department HSE contact	BIS HSE SCS Lead – Peter Brown HSE Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909, matthew.penrose@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie

Proposed Directive to replace the Electromagnetic Fields Directive (2004/40/EC)	
Current status (NEW DEVELOPMENTS): The European Commission has published a proposal to replace the Electromagnetic Fields Directive (2004/40/EC) with a new Directive. To allow further time for the negotiations, the transposition deadline of the 2004 Directive, which was April 2012, was extended by a further 18 months (Directive 2012/11/EU). Following negotiations under the Polish and Danish Presidencies of the Council, the Cyprus Presidency secured a General Approach on the proposal at the 4 October meeting of the Employment and Social Affairs Council. The European Parliament's Committee on Employment and Social Affairs is currently considering potential amendments to the proposal.	
Lead Department HSE contact	HSE SCS Lead – Peter Brown Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909, matthew.penrose@hse.gsi.gov.uk SCS Lawyer – Hilton Leslie

Proposed Directive on enforcement of posted workers rights	
Current status (UNCHANGED FROM LAST BOARD UPDATE):	
<p>The European Commission has published a legislative proposal dealing with the enforcement of workers' rights when they are posted abroad by their employers, i.e. what are classified as 'posted workers'. Although numbers of posted workers are relatively small (less than 37,000 in the UK), analysis of the proposal suggests the impact of the proposal on HSE is likely to be broad though probably fairly shallow. There are possible impacts in relation to resources and targeting, publications, data handling and disclosure of information, and complaints handling. HSE is advising the Department for Business, Innovation and Skills, who lead on the proposal for the UK. The latest round of discussions has centred on timescales for investigation of complaints and provision of information on the part of enforcement bodies (including HSE) when requested by other Member States' Labour Inspectorates.</p>	
Lead Department	BIS
HSE contact	<p>HSE SCS Lead – Clive Fleming HSE Policy Lead – Kate Haire, Strategic Interventions Division, 0151 951 3792, kate.haire@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie</p>

ENTERPRISE AND INDUSTRY DOSSIERS

EC Regulation on Classification, Labelling and Packaging of chemical substances and mixtures (1272/2008)	
Current status (NEW DEVELOPMENTS)	
<p>The fourth adaptation to technical progress (ATP) of the European Regulation on the classification, labelling and packaging of substances and mixtures (CLP Regulation) will be voted on in committee on 22 November 2012. This will</p> <ul style="list-style-type: none"> Align the CLP Regulation with the fourth revision to the United Nations Globally Harmonised System (GHS) on classification and labelling by; amending the hazard categories for chemically unstable gases and non-flammable aerosols; amending the labelling requirements for those chemicals that are corrosive to metals but not to skin/eyes; further rationalising precautionary statements; and making a number of minor editorial changes to ensure consistency with the GHS text. Give legal effect to residual issues from the second ATP to the CLP Regulation, including: a provision reflecting a joint UK/Ireland proposal to provide for a labelling exemption for small packaging where the content does not exceed 10ml (the UK has also successfully lobbied on behalf of industry for a new derogation to benefit suppliers in the science and research fields dealing with very small packages, where labelling and packaging requirements are physically difficult to comply with); and clarification that differentiated hazard statements can be used to describe developmental and fertility toxic to reproduction effects, in line with existing EU practice. 	
Lead Department	SCS Lead– Kären Clayton
HSE contact	<p>Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Peter Loosley</p>

Proposed recast of Directive on the classification, packaging and labelling of dangerous preparations (1999/45/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) has published a proposal to recast the Directive on the classification, packaging and labelling of dangerous preparations. This amends 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. Negotiations are yet to start.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Peter Loosley

Proposed EU Regulation on Type Approval of Agricultural Vehicles (Replacement for Directive 2003/37/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has published a proposal to align agricultural vehicles in the same European regulatory framework as other vehicles. It would be a direct replacement for the current Type Approval Directive which came fully into force on 1 July 2009. The Department for Transport (DfT) is leading on the negotiation of this proposal for the UK. HSE is advising DfT on health and safety interests.	
Lead Department HSE contact	DfT HSE SCS Lead – Stephen Williams HSE Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley

Proposed Directive codifying directives relating to the driver's seat on tractors	
Current status (UNCHANGED FROM LAST BOARD UPDATE):	
The European Commission, in 2008, published a proposal to codify Directives relating to the driver's seat on wheeled agricultural or forestry tractors. The purpose of a codification is to bring together a number of instruments into one codified text, not to make substantive amendments. This codification has now been put on hold while the comitology articles of Directive 2003/37/EC, where the proposal will get its comitology procedure from, are amended in line with the Lisbon Treaty as the current legal basis for those comitology articles cannot be applied to proposals that are agreed after 1 December 2009.	
Lead Department HSE contact	HSE SCS Lead – Stephen Williams Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk SCS Lawyer – Peter Loosley

Proposed Directive codifying directives relating to the rear-mounted roll-over protection structures on tractors	
Current status (UNCHANGED FROM LAST BOARD UPDATE):	
The European Commission has published a proposal to codify Directives relating to the rear-mounted roll-over protection structures in narrow tracked wheeled agricultural or forestry tractors. The purpose of a codification is to bring together a number of instruments into one codified text, not to make substantive amendments. This codification has now been put on hold while the comitology articles of Directive 2003/37/EC, where the proposal will get its comitology procedure from, are amended in line with the Lisbon Treaty as the current legal basis for those comitology articles cannot be applied to proposals that are agreed after 1 December 2009.	
Lead Department HSE contact	HSE SCS Lead – Stephen Williams Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk SCS Lawyer – Peter Loosley

Proposed Directive codifying directives relating to the front-mounted roll-over protection structures on tractors	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has published a proposal to codify Directives relating to the front-mounted roll-over protection structures in narrow track wheeled agricultural or forestry tractors. The purpose of a codification is to bring together a number of instruments into one codified text, not to make substantive amendments. This codification has now been put on hold while the comitology articles of Directive 2003/37/EC, where the proposal will get its comitology procedure from, are amended in line with the Lisbon Treaty as the current legal basis for those comitology articles cannot be applied to proposals that are agreed after 1 December 2009.	
Lead Department HSE contact	HSE SCS Lead – Stephen Williams Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk SCS Lawyer – Peter Loosley
Proposed Directive codifying directives relating to the driver’s operating area on tractors	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has published a proposal to codify Directives relating to the safety requirements for the driver’s operating area in wheeled agricultural or forestry tractors. The purpose of a codification is to bring together a number of instruments into one codified text, not to make substantive amendments. This codification has now been put on hold while the comitology articles of Directive 2003/37/EC, where the proposal will get its comitology procedure from, are amended in line with the Lisbon Treaty as the current legal basis for those comitology articles cannot be applied to proposals that are agreed after 1 December 2009.	
Lead Department HSE contact	HSE SCS Lead – Stephen Williams Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk SCS Lawyer – Peter Loosley
Proposed modification of New Approach Directives in line with the EC Regulation on Accreditation and Market Surveillance	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has drawn up 9 separate amending directives to bring a number of supply directives into line with the European Regulation on Accreditation and Market Surveillance. The directives being amended that are HSE’s responsibility to enforce include explosives for civil use, lifts, low voltage and simple pressure vessels. Negotiations on the proposal are proceeding in the Council.	
Lead Department HSE contact	BIS HSE SCS Lead – Peter Brown HSE Policy Lead – David Bosworth, Work Environment, Radiation and Gas Division, 0151 951 4778, david.bosworth@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley

ENVIRONMENT DOSSIER

Proposed amendment of Annexes I and V of the EC Regulation on the Export and Import of Dangerous Chemicals (689/2008)	
Current status (UNCHANGED FROM LAST BOARD UPDATE) A proposal by the European Commission to add substances to Annexes I and V of the European Regulation on the Export and Import of Dangerous Chemicals, and to remove two existing entries from Annex I to reflect their inclusion into existing pesticide and biocide controls, were agreed on 27 September. The UK abstained from voting and issued a joint declaration with Ireland because of concerns about the inclusion in the proposal of two substances, asulam and chloropicrin, which are due to be submitted for approval for use in plant protection products, and the potential for confusion for importing countries if these substances are included in Annex I of the Regulation and then subsequently removed from the Annex within a short time. Provided that there is no objection from either the Council or the European Parliament, the amendments are likely to come into force in Spring 2013.	
Lead Department HSE contact	HSE SCS Lead - Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7556 3533, robin.foster@hse.gsi.gov.uk SCS Lawyer – Peter Loosley
Proposed amendment of the Biocidal Products Directive (98/8/EC) to include five active substances in Annex I, and to extend one Annex I inclusion; a proposed Commission Decision not to include four active substances in Annex I; and a proposed Commission Implementing Decision to approve restriction of authorisations of biocidal products containing the active substance difenacoum	
Current status (UNCHANGED FROM LAST BOARD UPDATE): At the September 2012 meeting of the Standing Committee on Biocidal Products, there were positive votes on the inclusion in Annex I of the BPD of diflubenzuron, pyriproxyfen, didecyldimethylammonium chloride (DDAC), chlorfenapyr and alkyl (C ₁₂₋₁₆) dimethylbenzene ammonium chloride (ADBAC), and on extending the current Annex I inclusion of thiamethoxam for wood preservative use to insecticides. The Standing Committee also voted positively on a Commission Decision not to include four active substances in Annex I and on a Commission Implementing Decision addressed to Germany to approve restrictions on its authorisations of rodenticide products containing the active substance difenacoum. There was no overall qualified majority for the inclusion of powdered corn cob in Annex I so the issue will now be referred to the Council and the European Parliament for their views. If neither blocks the Commission's proposal, then an inclusion Directive will be adopted.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Peter Loosley

Proposed EC Regulation on the fees payable to the European Chemicals Agency pursuant to new EU Biocides Regulation, and five other EC Regulations on administrative matters in relation to biocidal products

Current status (NEW DEVELOPMENTS):

The Standing Committee on Biocidal Products will vote in December on a European Commission (EC) Regulation to set fees payable to the European Chemicals Agency, so that it can recover its costs under the new European Regulation on placing on the market and use of biocidal products. A vote will also be taken on the inclusion of the active substance chlorfenapyr in Annex I of the Biocidal Products Directive (98/8/EC) as a wood preservative. The Standing Committee will also consider a number of further EC Regulations and Decisions on administrative matters. These will include; rules on authorisation of identical biocidal products and on changes to product authorisations under the new European Biocides Regulation; an extension of the EU Review programme of existing active substances; and Decisions on three applications from Germany to derogate from mutual recognition of biocidal products containing the substances difenacoum (a rodenticide) and indoxacarb (an insecticide).

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EURATOM DOSSIER:

Proposed Directive on Radiological Protection

Current status (UNCHANGED FROM LAST BOARD UPDATE):

The European Commission (EC) published a legislative proposal to bring together a number of Directives, Decisions, Regulations and Recommendations dealing with radiological protection into one Directive on 29 September 2011. The negotiations on the proposal are continuing under the Cyprus Presidency of the Council, with a revised proposal expected. The European Parliament has only an advisory role.

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ENERGY DOSSIER:

Proposed European Regulation on safety of offshore oil and gas drilling	
<p>Current status (NEW DEVELOPMENTS): The European Commission published its legislative proposal on the safety of offshore oil and gas activities on the 27 October 2011. The proposal takes the form of a directly-acting Regulation rather than a Directive. Many requirements are similar to those under the existing UK regime. However, there are some new requirements for the UK to consider relating to establishing a competent authority structure and on information sharing and transparency. The current Cyprus Presidency of the Council has prepared a revised draft of the proposed Regulation, which addresses most of the UK's concerns, and has also prepared a draft directive for illustrative purposes. The European Parliament's (EP) Committee on Industry, Research and Energy has suggested that the proposal should be in the form of a directive. The Cyprus Presidency is planning for trilogue negotiations to start with the EP later in November.</p>	
<p>Lead Department HSE contact</p>	<p>DECC HSE SCS Lead – Steve Walker HSE Policy Lead – Jim Neilson, Hazardous Industries Directorate, 0151 951 4434, jim.neilson@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley</p>

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

Directive implementing the Framework Agreement on preventing injuries from sharp instruments in the hospital and healthcare sector (2010/32/EU)	
Current status (NEW DEVELOPMENTS): Member states are required to transpose the Directive by 11 May 2013. It concerns protecting workers in the hospital and healthcare sectors from the risk of injury and infection from needles, scalpels and other medical sharps. A public consultation on proposals for regulations to implement those parts of the Directive not already specified in existing health and safety legislation ran from 8 August to 8 November 2012. The responses from the consultation are currently being considered.	
Lead Department HSE contact	HSE SCS Lead – Susan Mackenzie Policy Lead – Anna Bliss, Specialised Industries Division, 0151 951 3581, anna.bliss@hse.gsi.gov.uk SCS Lawyer – Hilton Leslie

ENVIRONMENT DOSSIERS:

EU Regulation concerning the placing on the market and use of biocidal products (528/2012)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): This Regulation was published on 27 June 2012, and will apply from 1 September 2013. The Regulation replaces the current European regulatory framework for the marketing and use of biocidal products contained in the Biocidal Products Directive (98/8/EC). The Regulation intends to remedy a number of identified weaknesses of the existing framework, to reduce compliance costs, and to pre-empt problems anticipated for the future without reducing the high level of protection provided by the regime for human and animal health and the environment. The Regulation will act directly in member states, and, as such, does not require transposition. However, new domestic legislation will be needed to specify enforcement measures and penalties in relation to breaches of the Regulation in the UK; to appoint a UK competent authority; and provide a system of fees and charges by which the costs of operating the biocides system in the UK can continue to be recovered. Subject to appropriate clearances, HSE plans to consult on these measures in autumn 2012. At the same time the existing legislation transposing the Biocidal Products Directive (the Biocidal Products Regulations 2001, as amended) will need to be revoked.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Peter Loosely

EC Regulation on Registration, Evaluation, Authorisation and Restriction of Chemical substances (REACH) (1907/2006)	
<p>Current status (UNCHANGED FROM LAST BOARD UPDATE): This Regulation came into force on 1 June 2007. Key recent developments include:</p> <ul style="list-style-type: none"> • HSE continues to consider its approach to the permitted derogation from the new EU restriction on use of paint-strippers containing dichloromethane. An HSE Position Statement and interim enforcement policy has been shared with inspectors and stakeholders updating them on the latest standing of this issue. • Discussions are ongoing with the DEFRA on arrangements necessary to assure the continued management of the asbestos legacy under the new REACH restrictions system. • HSE has held discussions with the Department for Business, Innovation and Skills and the trichloroethylene supply industry regarding the potential inclusion of this substance in the REACH list of substances subject to authorisation, and possible amendment to the harmonised classification for this substance. Discussions continue • A review of the operation of the Regulation has been undertaken by the European Commission, and is awaiting publication. 	
<p>Lead Department HSE contact</p>	<p>DEFRA (Policy Lead) HSE (UK Competent Authority) HSE SCS Lead – Kären Clayton HSE Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley</p>

Directive on control of major accident hazards involving dangerous substances (2012/18/EU)	
<p>Current status (UNCHANGED FROM LAST BOARD UPDATE): This Directive was published on 24 July, and replaces Directive 96/82/EC, as amended by Directive 2003/105/EC. It brings existing ‘Seveso’ requirements into line with the European Regulation on classification, labelling and packaging of substances and mixtures. It also modernises existing public information requirements, including bringing them into line with the Aarhus Convention on public information, public participation and access to justice for environmental matters. Except for one provision which requires transposition by 14 February 2014, and which relates to implementation of Directive 96/82/EC, the rest of Directive 2012/18/EC requires transposition by 31 May 2015. Planning for transposition of the Directive is underway.</p>	
<p>Lead Department HSE contact</p>	<p>HSE SCS Lead – Peter Baker Policy Lead – Sandra Ashcroft, Chemicals Industries Division, 0151 951 3531, sandra.ashcroft@hse.gsi.gov.uk SCS Lawyer – Hilton Leslie</p>

EU Regulation on the export and import of hazardous chemicals (649/2012)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): This Regulation was published on 27 July 2012, and will apply from 1 March 2014. The Regulation is a recast of the existing European Regulation on the Export and Import of Dangerous Chemicals. The recast elements include updated references to other EU legislation, including to the European Regulation on classification, labelling and packaging of substances and mixtures (the 'CLP Regulation'), alignment of definitions with those in the CLP Regulation, and setting out the role of the European Chemicals Agency in the Regulation's implementation and the limited circumstances in which certain exports may go ahead without explicit consent from the authorities in the importing country. The Regulation will act directly in member states, and, as such, does not require transposition. However, new domestic legislation will be needed to provide for continued enforcement powers for UK authorities and the appointment of the designated national authorities once the Regulation starts to apply.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Peter Loosley

INDUSTRY AND ENTERPRISE DOSSIERS:

EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008) – Establishment of the UK competent authority	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The UK is required, under European Regulation No. 1272/2008, to appoint a competent authority for proposals for harmonised classification and labelling of chemicals and to be responsible for the enforcement of the obligations set out in the Regulation. Discussions are in progress with the devolved administrations about the potential mechanisms for appointing HSE as the UK competent authority for the Regulation.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Peter Loosley

Directive (2012/32/EU) amending Directive 2008/43/EC setting up a system for the identification and traceability of explosives for civil uses	
Current status (UNCHANGED FROM LAST BOARD UPDATE): Directive 2008/43/EC is implemented in Great Britain by the Identification and Traceability of Explosives Regulations 2010. There are also similar regulations in Northern Ireland. These were due to enter into force on 5 April 2012. However, an amending Directive (2012/32/EU) was published in February 2012 and the urgent element of this was transposed into law in April 2012, extending the coming into force date of the requirements of the original regulations until April 2013. Regulations that consolidate the existing British legislation and also implement other minor technical changes made by the 2012 Directive are in the process of being drafted. Similar action is being taken by Northern Ireland.	
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