

Health and Safety Executive Board		Paper No: HSE/12/34	
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Chief Executive's Report to the Board			

Update on the Total Elgin offshore installation gas release

1. As previously reported, on 25 March 2012 there was a major uncontrolled release of well-bore fluids, determined to be made up mostly of methane and some condensate from the High Pressure/High Temperature well G4 on the Total Elgin wellhead platform. All 238 people from the Elgin platform and the Rowan Viking drilling rig, in combined operations over the Elgin wellhead platform, were evacuated safely. The release is still ongoing.
2. There are two ways to recover control of the well G4. The first and quickest method is via a "top kill" activity where high density mud is pumped down the well. Total's current estimate for attempting the top kill is Saturday 12th May.
3. If this is not successful the alternative method to control the well is via a "bottom kill" where high density mud is pumped into the bottom of the well via a relief well. It takes approximately six months to drill a relief well. Total have contracted Transocean and Rowan to drill two relief wells.
4. HID is currently involved with three strands of work for Elgin, viz.:
 - i. Regulatory oversight of Total and its contractors attempting to bring well G4 under control via OSD's Major Incident Response Team.
 - ii. The Major Incident Investigation set up after HSE declared this a "Major Incident" in accordance with HSE's Major Incidents and Civil Contingencies Procedures.
 - iii. Reviewing the state of the art of High Pressure/High Temperature wells on the United Kingdom Continental Shelf and determining what changes and regulatory actions might be needed once it becomes clear what happened and why on Elgin.

Tanker driver dispute - Regulatory discussions with ACAS

5. The road tanker dispute continued throughout April and May with health and safety and driver training being cited as issues of trade union concern alongside standards on pay and pensions. HSE has offered to assist the employers and the trade union, Unite, in the development of a voluntary code enshrining best practice on health and safety, working alongside others such as the Department for Transport.

Field Operations Directorate proactive visits

6. During 2011/12, HSE's Field Operations Directorate completed 21,603 inspection visits targeting its work according to the priority areas described in '*Good Health and Safety, Good for Everyone*'. These visits comprised 19,799 inspections to premises in the higher risk sectors and poor performers, with the remainder being inspections undertaken immediately following an investigation in view of the conditions found. The construction refurbishment initiative in Q4 made a major contribution to these totals producing 3,887 inspections.
7. Inspection work in 2012/13 will also be guided by the inspection priorities listed in '*Good Health and Safety, Good for Everyone*', although we will be taking the opportunity to review the underpinning statistical and other data to ensure that these priorities remain appropriate.

Safety bulletins to Local Authorities

8. During the debate on Local Authorities at the October 2011 Board meeting there was a helpful suggestion about using direct communications to Safety Representatives as a mechanism to prompt the consideration of specific health and safety issues within individual Councils. As a result of this debate a first eBulletin was issued in April:
<http://content.govdelivery.com/bulletins/gd/UKHSE-321e88>
9. Unite, Unison and the GMB have all supported its development, and will be helping to promote it. The link to subscribe to these eBulletins is at
<http://www.hse.gov.uk/services/localgovernment/subscribe.htm>

2012 Games Exercise Green Altius

10. HSE participated in 2012 Games Exercise Green Altius on 24-26 April. This was a cross-Government exercise with the objective of testing the command, communication and coordination (C3) arrangements that will be in place for the Games against a series of testing scenarios. The primary scenario was that of fires and explosions at a COMAH site in London with significant on and off site consequences including a threat to Games continuity. This involved HSE in respect of its duties under both health and safety and civil contingencies legislation.

Attendance at British Occupational Hygiene Society conference 26 April

11. On 26 April, in his TUC capacity, Hugh Robertson and I attended the British Occupational Hygiene Society's annual conference in Cardiff. We took part in a panel including representatives from business, trade unions, and academia

which debated the subject “Health and Safety – Have we got the balance right?”. I made clear that HSE’s continuing commitment to occupational hygiene and health issues.

Update on Mid Staffordshire NHS Foundation Trust Public Inquiry

12. The Chair of the Inquiry hopes to deliver his final report to the Secretary of State for Health on 15th October 2012. It is anticipated that 'warning letters' (under Rule 13 of the Inquiry Rules 2006) will be sent to organisations who may be subject to criticism in the Inquiry's report, in July 2012. The warning letters will give those subject to potential criticism an opportunity to respond.
13. Further information, including the Counsel to the Inquiry's closing submission, and HSE's response to it, is available on the Inquiry website:
www.midstaffpublicinquiry.com.

GEOFFREY PODGER
Chief Executive

Operations

Fatality details

Since the last update to the HSE Board on Wednesday 28th March 2012, 27 fatal accidents for 2011/12 were reported to HSE under RIDDOR and subsequently published on HSE's website. Please see [Annex 2](#) for details.

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

Of the 27 fatalities listed in the current report, 3 occurred prior to February and March 2012. 8 fatalities occurred in February 2012, compared with 15 which occurred in February 2011. 16 fatalities occurred in March 2012, compared with 19, which occurred in March 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 for March and April 2012

- [Lift manufacturer Schindler Ltd](#) was fined £300,000 and ordered to pay £169,970 in costs at Isleworth Crown Court for safety failings after an employee was crushed to death while installing a passenger lift at Heathrow Airport.
- [Costain Limited](#) was fined £250,000 and ordered to pay £45,000 in costs at Maidstone Crown Court for safety failings after a surveyor was killed by a reversing lorry during work to widen the M25 near Dartford.
- [Wyndeham Peterborough](#) (then known as St Ives Peterborough Ltd) was fined £112,500 and ordered to pay £80,000 costs at Peterborough Crown Court after a maintenance engineer was crushed to death in a printing press.
- [Nestle UK Ltd](#) were fined £180,000 and ordered to pay £41,826.33 in costs when a father of three died at their Albion Mill plant in Bailey Hall Road in December 2008 after a colleague re-started a conveyor-type machine, known as a depalletiser unaware of him inside.
- [Cammell Laird Shiprepairers & Shipbuilders Ltd](#) was fined £120,000 and ordered to pay £12,294 in prosecution costs at Liverpool Crown Court over the death of a welder who was trapped while driving a forklift truck.

- [ISS Mediclean Ltd](#) part of the ISS was fined £175,000 and ordered to pay £42,000 in prosecution costs at Manchester Crown Court after a hospital porter was killed by an industrial waste compactor in Bolton.
- [Cargo Services \(UK\) Limited](#) was fined £110,000 and ordered to pay costs of £60,246.18 at Cardiff Crown Court after a lorry driver had part of his leg amputated when a reversing forklift truck struck it.
- [MM Contracting Ltd](#) was fined £26,000 and ordered to pay £9,000 in costs at Southwark Crown Court for safety failings after a worker died at its Leyton premises.
- [ThreeShires Ltd](#) was fined £15,000 and ordered to pay £10,000 in prosecution costs at Barrow Crown Court over the death of a father-of-four in Barrow-in-Furness, who was struck by a piece of metal that flew off a strimmer at high speed.
- [Mr Foljambe](#) was fined a total of £10,000 and ordered to pay costs of £20,327 at Nottingham Crown Court after an employee was crushed to death when a tractor overturned and landed on him.
- [DS Smith Packaging Ltd](#) was fined the firm £50,000 and ordered it to pay costs of £8,244 at Lincoln Crown Court after an employee suffered breaks to his arm and ribs in machinery at a Lincolnshire factory.
- [Corgi Hosiery Ltd](#) was fined £25,000 with £15,000 costs and the site foreman Stuart Phillips was fine a total of £4,000 and ordered to pay £1,000 costs at Merthyr Tydfil Crown Court for putting workers and visitors at risk of exposure to asbestos.
- [DSM Demolition Ltd](#) was fined £40,000 and ordered to pay £100,000 costs and [Singleton Architects Ltd](#) was fined £20,000 and ordered to pay £20,872 costs at Worcester Crown Court after a demolition worker was engulfed in flames when he cut through a live 11,000-volt cable at an electricity substation in Worcester.
- [Composite Integration Ltd](#) was fined £25,000 at Stranraer Sheriff Court after its hydraulic press crushed a worker's arm, which was later amputated.
- [Exova \(UK\) Limited](#) was fined a total of £36,000 (£12,000 for each offence) and ordered to pay £8,000 costs after it pleaded guilty to three breaches of the Control of Asbestos Regulations 2006 at Newcastle Magistrates' Court.
- [Wates Construction Ltd](#) was fined £50,000 and ordered to pay £35,591 in prosecution costs and [MPB Structures Ltd](#) was fined £50,000 with costs of £35,362 at Liverpool Crown Court when more than 250 tonnes of wet concrete collapsed at Liverpool John Moores University.

- [Galliford Try Construction Limited](#) was fined a total of £12,000 and ordered to pay full costs of £16,459.70 after a construction worker fell four metres from the cage of a 20-tonnes cherry picker into the path of a moving bus, which then pushed him another 15 metres along the Euston Road.
- [Mr Phillip Birchmore](#), trading as PSB Plumbing and Heating was given a one-year community order and told to carry out 150 hours of unpaid work. He was also ordered to pay costs of £3,053 at Nottingham Magistrates' Court for illegally carrying out gas work on a house in Newark.
- [Metal and Waste Recycling Ltd](#) was fined £49,500 and ordered to pay £25,483 in costs at Westminster Magistrates' Court for failing to protect its employees working with lead.
- [Unicorn Services Limited](#) was fined £20,000 and ordered to pay £5,940 in costs at Westminster Magistrates' Court for continuing unsafe working practices at a site in Upper Norwood, Croydon, after repeatedly ignoring safety warnings.
- [Alaister Copland](#), trading as Do it All, was fined a total of £10,000 and ordered to pay compensation to the family of £2,390 at Dorchester Crown Court after a worker was killed by a piece of falling cob wall being demolished by his son.
- [Wienerberger Ltd](#) was fined a total of £20,000 and ordered to pay full costs of £11,611 at Kidderminster Magistrates' Court after a worker suffered serious injuries when he was crushed on a conveyor belt at its Worcestershire factory.

Events, Campaigns and Publications in March and April 2012

One in five construction sites fail safety checks

Nearly one in five construction sites failed safety checks during a national initiative to improve construction site safety - a slight improvement on previous years. Details can be found [here](#).

Fresh safety warning issued over pesticide storage

A fresh warning has been issued about storing pesticides safely, after a West Norfolk pest controller was prosecuted for keeping them in an unlocked garden shed. Click here for [details](#)

FOI Requests made to HSE

There were 1155 FOI requests made to HSE during the months of March and April 2012.

Parliamentary Business

HSE dealt with 15 PQs and provided 5 contributions during the months of March and April 2012.

Annex 2

The following table is an extract of all 2011/12 work-related deaths notified to HSE since the last update to the Board on Wednesday 28th March 2012, it contains fatalities notified to us in February and March 2012. It is taken from the latest "Names and details of fatalities" update published on HSE's website on Wednesday 9th May 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
24/04/2011	Richard Cox	38	The deceased was struck by a moving vehicle	Bridgend	Bridgend UA	Service	Maintenance and repair of motor vehicles	Employee
27/10/2011	Damian Bowen	32	The deceased died after coming into contact with a harmful substance	London	Kensington & Chelsea	Service	Hospital Activities	Employee
18/12/2011	Robert Wilson	81	The deceased died whilst under medical care	Barrow-in-Furness	Barrow-in-Furness	Service	Hospital activities	Member of the Public
01/02/2012	Elaine Coley	52	The deceased died from carbon monoxide poisoning	Cleethorpes	North East Lincolnshire	Service	Letting and operating of conference and exhibition centres	Member of the Public
01/02/2012	Nasir Hussain	36	The deceased came into contact with machinery	Bradford	Bradford	Service	Other business support service activities n.e.c.	Employee
08/02/2012	Ewen McGregor	59	The deceased came into contact with machinery	Stirling	Stirling UA	Agriculture	Support services to forestry	Self Employed
11/02/2012	Hayat Khan Akahil	39	The deceased was struck by an object	Leeds	Leeds	Manufacturing	Manufacture of other fabricated metal products n.e.c.	Employee
11/02/2012	Jennifer Seath	60	The deceased died whilst under medical care	North Berwick	East Lothian UA	Service	Residential nursing care facilities	Member of the Public

Annex 2

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
26/02/2012	Francis Alwyn Grassby	62	The deceased came into contact with machinery	Hull	East Riding	Agriculture	Mixed farming	Self Employed
27/02/2012	Kyle Rees	16	The deceased was struck by an object	Bournemouth	East Dorset	Service	General secondary education	Member of the Public - Child
28/02/2012	Phillip Eggerton	60	The deceased was struck by an object	Staffordshire	South Staffordshire	Agriculture	Silviculture and other forestry activities	Self Employed
01/03/2012	Joseph Tauya	52	The deceased died whilst under medical care	Nottinghamshire	Nottingham UA	Service	Hospital activities	Member of the Public
02/03/2012	Lynne Gray	68	The deceased fell from height	West Yorkshire	Kirklees	Construction	Other building completion and finishing	Self Employed
05/03/2012	Irene Schoepff	82	The deceased died whilst under medical care	Kent	Bexley	Service	Residential nursing care facilities	Member of the Public
06/03/2012	Malcolm Hinton	56	The deceased was trapped by a falling vehicle	Newbury	Basingstoke	Water Supply/Waste Management	Remediation activities and other waste management services	Employee
06/03/2012	Andrew Davis	39	The deceased was struck by an object	Preston	Fylde	Agriculture	Silviculture and other forestry activities	Self Employed
06/03/2012	Alan Smith	64	The deceased fell from height	Deeside	Flintshire UA	Construction	Other construction installation	Employee
07/03/2012	Stuart Stead	49	The deceased was struck by an object	Sheffield	Sheffield	Manufacturing	Casting of steel	Employee
08/03/2012	Christopher Freeman	68	The deceased died whilst under medical care	Warwickshire	Nuneaton	Service	Medical Nursing Home	Member of the Public

Annex 2

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
09/03/2012	Paul Davidson	33	The deceased was struck by a moving vehicle	Lancashire	Chorley	Agriculture	Mixed farming	Employee
12/03/2012	Andrew Bowes	37	The deceased was struck by an object	Cumbria	Barrow-in-Furness	Manufacturing	Manufacture of other fabricated metal products n.e.c.	Employee
12/03/2012	Linda Keens	58	The deceased was struck by cattle	Hampshire	Hart	Agriculture	Other Cattle and Buffaloes	Self Employed
13/03/2012	Terry Bailey	67	The deceased was struck by an object	North Yorkshire	York	Agriculture	Raising of dairy cattle	Self Employed
15/03/2012	Leslie Buller	59	The deceased died from electrocution	County Durham	Stockton-on-Tees	Manufacturing	Manufacture of other fabricated metal products n.e.c.	Employee
19/03/2012	Kevin Dell	38	The deceased died from electrocution	Lincolnshire	East Lindsey	Water Supply/Waste Management	Remediation activities and other waste management services	Self Employed
28/03/2012	Alistair Hislop	67	The deceased was struck by a moving vehicle	Wiltshire	Wiltshire UA	Service	Undifferentiated service-producing activities of private households for own use	Employee
29/03/2012	Chantelle Firth	6	The deceased was asphyxiated	Billingham	Stockton-on-Tees	Service	Primary education	Member of the Public

MAY 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	DH
HSE contact	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 – Navroza Ladha

Amending European OSH Directives to align them with the EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008)	
Current status (NEW DEVELOPMENTS): 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 may be published in September.	
Lead Department	HSE
HSE contact	SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Peter Loosley

Draft social partners' agreement on the prevention of health risks in the hairdressing sector	
Current status (NEW DEVELOPMENTS): 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 of Ministers for a decision on it becoming binding on member states.	
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 – Navroza Ladha

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 – Navroza Ladha

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

Future initiative on Ergonomics at Work	
Current status (NEW DEVELOPMENTS): The European Commission (EC) is working on a proposal to combine the Manual Handling and Display Screen Equipment Directives into a new directive on minimum health and safety requirements on ergonomics at work. <i>We understand that the EC's Impact Assessment Board considered the IA on the draft proposal at the end of March, and asked for further work to be done on it. Current indications point to a proposal potentially appearing during the latter stages of the forthcoming Cypriot Presidency of the EU Council of Ministers.</i>	
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 – Navroza Ladha

Future initiative on Carcinogens and Mutagens Directive (2004/37/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) is considering whether there is a need for a potential future amendment of the Directive. The EC engaged a contractor to look at this issue. They have recommended that a flexible approach to setting occupational exposure limits for carcinogens is retained within the EU and that such an approach is underpinned by agreed guidance from experts. A separate study considering the inclusion within the Directive of substances toxic for reproduction started in May 2011 and is due for completion by May 2012. A legislative proposal may potentially appear in 2013.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Gillian Smith, Long Latency Health Risks Division, 0151 951 4919, gill.fod.smith@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

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, Operational Strategy Division, 0151 951 4778, david.bosworth@hse.gsi.gov.uk HSE SCS Lawyer – Navroza Ladha

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

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

Proposed amendment of Pregnant Workers Directive (92/85/EC) on introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Parliament (EP) has proposed a number of amendments to the Directive, including ones on health and safety, following its plenary session on 20 October 2010. The EP's amended proposal has been sent to the Council of Ministers, which is now considering it.	
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 – Navroza Ladha

Proposed Directive to replace the Electromagnetic Fields Directive (2004/40/EC)	
Current status (NEW DEVELOPMENTS): The European Commission (EC) has published a proposal to replace the Electromagnetic Fields Directive (2004/40/EC) with a new Directive. Following activity under the Polish Presidency, negotiations in the Council on the dossier recommenced under the Danish Presidency on January 12. Discussions are also proceeding in the European Parliament. The issue of derogations continues to be a major topic of the negotiations. To allow time further time for the negotiations, the transposition deadline of the 2004 Directive, which was April 2012, has been extended by a further 18 months (Directive 2012/11/EU).	
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 – Navroza Ladha

Proposed Directive on enforcement of posted workers rights

Current status (NEW DEVELOPMENTS):	
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 (~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.	
Lead Department	BIS
HSE contact	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 – Navroza Ladha

ENVIRONMENT DOSSIERS:

Proposal Directive on control of major accident hazards	
Current status (NEW DEVELOPMENTS):	
The European Commission has published a proposal for a Directive on control of major accident hazards. This would replace Directive 96/82/EC, as amended by Directive 2003/105/EC (otherwise known as the 'Seveso II' Directive). The proposal is designed to bring 'Seveso' requirements into line with the European Regulation on classification, labelling and packaging of substances and mixtures and to make other technical changes. An informal agreement has been reached on a directive, though this still has to be ratified by the European Parliament and the Council of Ministers.	
Lead Department	HSE
HSE contact	SCS Lead – Peter Baker Policy Lead – Sandra Ashcroft, Chemicals Industries Division, 0151 951 3531, sandra.ashcroft@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

Proposed recast of the EC Regulation on the Export and Import of Dangerous Chemicals (689/2008)	
Current status (NEW DEVELOPMENTS):	
The European Commission has published a proposal to recast the existing European Regulation on the Export and Import of Dangerous Chemicals. This is to include references in it to the European Regulation on classification, labelling and packaging (CLP Regulation), align its definitions with those in the CLP Regulation and set out the European Chemical Agency's future role in its implementation. A first reading deal has now been agreed between the Council and the European Parliament. The recast Regulation is expected to be adopted before the end of the current Danish Presidency and is likely to apply from 1 March 2014 . The agreed proposal will necessitate the replacement and re-enactment of the UK enforcing regulations for the 2008 European Regulation as they make specific reference to it.	
Lead Department	HSE
HSE contact	SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Peter Loosley

Proposed EC Regulation concerning the placing on the market and use of biocidal products (replacing Directive 98/8/EC)	
Current status (NEW DEVELOPMENTS): The European Commission has published a proposal for a European Regulation to replace the current Biocidal Products Directive. It aims to update and improve the existing Directive and it has been estimated that it will lead to savings of £135-£264m for UK businesses. An informal second reading deal was reached in November 2011 on the text of the Regulation. The European Parliament voted positively on the agreed package of amendments to the proposed Regulation on 19 January 2012, effectively endorsing the final text. Member States are expected to adopt the final Regulation in the Council of Ministers on 10 May . The Regulation will be directly applicable in member states and will not require transposition, although regulations will be required on enforcement and fees, which are now being prepared. It will apply from 1 September 2013.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Peter Loosely

Proposed amendment of the Biocidal Products Directive (98/8/EC) to include flufenoxuron in Annex I	
Current status (NEW DEVELOPMENTS): Flufenoxuron was subject to a vote at the September 2011 meeting of the Standing Committee for Biocidal Products on its inclusion in Annex I of the Biocidal Products Directive (BPD), which would allow it to continue to be used in wood preservative biocidal products. There was no overall qualified majority at the committee vote stage, and so the issue has been referred to Council of Ministers and the European Parliament (EP) under the regulatory procedure with scrutiny. The Council did not reach a decision within the 2-month deadline on whether to block or support the adoption of the inclusion Directive. The EP now has a further 2 months in which to decide whether to act. This procedure has been delayed by technical problems and the deadline has been extended to 4 June. If neither blocks the Commission's proposal, then an inclusion Directive amending the BPD is anticipated by the end of June 2012.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Peter Loosley

Proposed amendment of the Biocidal Products Directive (98/8/EC) to include Cis-tricos-9-ene, hydrogen cyanide and chlorfenapyr in Annex I, to extend the Annex I inclusion for nonanoic acid, and to amend the headings in Annex I; a proposed Commission Decision not to include bifenthrin in Annex I; and three proposed Commission Implementing Decisions to approve restrictions of authorisations of biocidal products containing the active substance difethialone	
Current status (NEW DEVELOPMENTS): Cis-tricos-9-ene, hydrogen cyanide and chlorfenapyr will be subject to votes at the May 2012 meeting of the Standing Committee on Biocidal Products for inclusion in Annex I of the BPD. Nonanoic acid will be subject to a vote to extend the current Annex I inclusion to private area and public area disinfectants. A vote will also take place to amend two of the headings of Annex I, such that references to the degree of purity of the active substance will be widened to increase the potential number of manufacturing sources that will be covered by Annex I inclusion. Separately, there will be votes via the written procedure on three Commission Implementing Decisions addressed to named member states (Denmark, Germany and Sweden) approving restrictions of those member states' authorisations of rodenticide products containing the active substance difethialone.	
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

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.	
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	DfT
HSE contact	HSE SCS Lead – Stephen Williams HSE Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk HSE SCS Lawyer – 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
HSE contact	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
HSE contact	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 EU Regulation on European Standardisation	
Current status (NEW DEVELOPMENTS): The European Commission has published a proposal for a Regulation to update and improve the standardisation system in the EU. It follows a European Parliament report that identified a number of challenges, including: the lack of balance on drafting working groups; lack of input from SMEs; the length of time taken to revise standards; the need to develop standards in new areas; and the cost of taking part in the process. BIS is leading the negotiations for the UK. HSE, in consultation with BIS, is looking to see if there is scope for developing better cooperation among member state work equipment market surveillance authorities so they can be more effective at developing good harmonised standards and blocking defective ones. The European Parliament's Internal Market and Consumer Protection Committee is currently considering its draft report on the proposal, with a list of proposed amendments expected by late May 2012.	
Lead Department HSE contact	BIS HSE SCS Lead – Stephen Williams

	HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, phil.papard@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley
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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 have now begun in the Council. The Department for Business Innovation and Skills, the UK lead on the dossier, has started a 12-week public consultation paper on the proposals; this ends on 6 April 2012.	
Lead Department HSE contact	BIS HSE SCS Lead – Stephen Williams HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, phil.papard@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley

EURATOM DOSSIERS:

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. Negotiations are proceeding in the Council. The European Parliament has only an advisory role.	
Lead Department HSE contact	DECC HSE SCS Lead – Peter Brown HSE Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909, matthew.penrose@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley

ENERGY DOSSIER:

Proposed European Regulation on safety of offshore oil and gas drilling	
Current status (NEW DEVELOPMENTS):	
<p>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. Following three working group meetings, the Danish Presidency has prepared a revised draft of the proposed Regulation, which has addressed some of the UK's concerns. It also plans to prepare a progress report on the negotiations for the Council of Ministers. The negotiations will then continue under the forthcoming Cypriot Presidency. The European Parliament will start to consider the proposal in June 2012, with its Industry, Research and Energy Committee in the lead. The Committee is currently expected to vote on its draft report in the Autumn.</p>	
Lead Department	DECC
HSE contact	<p>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 establishing a 3rd List of Indicative Occupational Exposure Limit Values (2009/161/EU)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The Directive was transposed in Great Britain and Northern Ireland by the publication of the revised edition of EH40/2005. This sets workplace exposure limits for hazardous substances. Gibraltar has also transposed the Directive. However, implementation is also required in relation to ships and fishing vessels.	
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 – Peter Loosley

Directive implementing the Framework Agreement on preventing injuries from sharp instruments in the hospital and healthcare sector (2010/32/EU)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): Member states are required to transpose the Directive by 11 May 2013. It concerns protecting workers in the hospital and healthcare sectors from the risk of injury and infection from needles, scalpels and other medical sharps. Work is underway to transpose the Directive, with a public consultation on the necessary measures currently planned for summer 2012.	
Lead Department HSE contact	HSE SCS Lead – Susan Mackenzie Policy Lead – Anna Bliss, Specialised Industries Division, 0151 951 3581, anna.bliss@hse.gsi.gov.uk SCS Lawyer – Navorza Ladha

ENVIRONMENT DOSSIERS:

EC Regulation on Registration, Evaluation, Authorisation and Restriction of Chemical substances (REACH) (1907/2006)	
Current status (UNCHANGED FROM LAST BOARD UPDATE):	
This European Regulation came into force on 1 June 2007. Key recent developments include:	
<ul style="list-style-type: none"> • Along with DEFRA, the UK REACH Competent Authority team is considering its approach to the REACH 'substance evaluation' mechanism, which will begin in 2012. Substance evaluation presents an opportunity for Member States to assess registration data for given substances, to establish whether further regulatory controls are needed. The UK intends to apply to evaluate three substances in 2012. These substances mostly concern environmental rather than human health matters, reflecting early REACH priorities in addressing less well-understood environmental risks. • HSE is planning for measures to enact a permitted derogation from the new EU restriction on use of paint-strippers containing dichloromethane. Industry has agreed to consider developing the necessary certified (or other quality-assured) training scheme. A draft statutory instrument has been prepared for consultation, and an impact assessment is being finalised. Industry and HSE met heritage sector representatives in late January to ensure that their needs are met by the industry-led training scheme. Arrangements for a similar meeting with rail sector representatives are in hand with industry. Updates on the HSE website, topic e-bulletins and FOD News have been distributed throughout February to inform stakeholders about developments. • 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 a representative from the 'trichloroethylene' supply industry regarding the potential inclusion of this substance in the REACH list of substances subject to authorisation. Discussions will continue on this. 	
Lead Department	DEFRA (Policy Lead) HSE (UK Competent Authority)
HSE contact	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

HEALTH AND CONSUMERS DOSSIER:

Directive on the sustainable use of pesticides (2009/128/EC)	
Current status (NEW DEVELOPMENTS): This directive introduces substantive new legislation on the use of pesticides. It requires member states to develop national action plans to reduce the risk associated with the use of pesticides and dependency on these chemicals. It lists a number of measures that will populate the plans, including: training of users, distributors and advisors; controls on sales; testing of application equipment; protection of watercourses, amenity and conservation areas; handling and storage; and use of integrated pest management approaches. There are a variety of implementation dates for the provisions contained within the directive however, the legislation and administrative procedures necessary to ensure compliance must be in place by 26 November 2011. Work on the necessary transposing legislation is expected to be completed in June/July 2012, with Defra ministers having agreed not to consult on the draft legislation since there are no new policy implications. The majority of measures needed under the Directive by its November 2011 deadline were already in place in the UK under existing legislation, and this was formally explained to the European Commission at the time.	
Lead Department HSE contact	DEFRA (Policy Lead) HSE (UK Competent Authority) HSE SCS Lead – Dave Bench HSE Policy Lead – Adrian Dixon, Chemicals Regulation Directorate, 01904 455 701, adrian.dixon@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley

INDUSTRY AND ENTERPRISE DOSSIERS:

Services Directive (2006/123/EC)	
Current status (NEW DEVELOPMENTS): The Provisions of Services Regulations 2009 came into force on 28 December 2009 and apply UK-wide. Health and safety law relating to the protection of employees/self-employed is not within scope of the Directive however, that relating to the protection of the public is. A screening exercise was undertaken by HSE in March 2010 to determine which of our regulations/authorisation schemes were deemed to fall within the scope of the Directive. Work on the final scheme to comply with the requirements of the Directive is completed.	
Lead Department	BIS
HSE contact	HSE SCS Lead – Clive Fleming HSE Policy Lead – Chris Rowe, Strategic Interventions Division, 020 7227 3811, chris.rowe@hse.gsi.gov.uk HSE SCS Lawyer – Navroza Ladha

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
HSE contact	SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – 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 (NEW DEVELOPMENTS): 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, this was recently changed to April 2013 as this was the new implementation date set for the requirements of the 2008 Directive by a recent amending Directive (2012/32/EU). The latter also made other technical changes to the marking regime for explosives introduced by the 2008 Directive. Draft regulations that consolidate the existing British legislation and also implement the technical changes made by the 2012 Directive are now being worked up with the aim of having them in force by April 2013. Similar action is being taken in Northern Ireland.	
Lead Department	HSE
HSE contact	SCS Lead – Susan Mackenzie Policy Lead – David Pascoe, Specialised Industries Division, 0151 951 4241, david.pascoe@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

TRANSPORT DOSSIER:

Directive on investigation of accidents in the maritime transport sector (2009/18/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE):	
<p>The 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 in harbour – such accidents have previously been left to HSE. A consultation on the draft transposing regulations closed on 24 February 2012. HSE did not respond to the consultation as the measure does not affect HSE’s investigation powers onboard ships or other vessels. The Regulations are expected to be introduced later in 2012. The proposed Regulations go beyond the Directive to allow MAIB to continue to conduct safety investigations over certain classes of vessels, namely fishing vessels under-15 metres in length and inland waterway craft. In certain circumstances, certain types of incident will be reportable to HSE under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995, and may also fall to MAIB to investigate. In these cases, there is a Memorandum of Understanding (MoU) between HSE, MAIB and the Maritime and Coastguard Agency which seeks to ensure effective coordination between all three agencies regarding their duties for health and safety enforcement and accident investigation. It will, however, be necessary to amend the MoU and to ensure that inspectors are aware of these changes, and of the restrictions on any material gathered by MAIB, which may be made available to HSE for the purposes of an investigation. The MoU is next scheduled for review during 2012/2013.</p>	
Lead Department	DfT (MAIB)
HSE contact	<p>HSE SCS Lead – Stephen Williams HSE Policy Lead – Jason Cole, Operation Strategy Division, 020 7556 3565, jason.cole@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley</p>