

Health and Safety Executive Board		Paper No: HSE/12/59	
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Chief Executive's Report to the Board			

Publication of fatality statistics for 2011/12 & Interim Offshore statistics

1. On 5 July, HSE published new statistics on the number of fatalities at work in 2011/12 and finalised figures for 2010/11. The provisional number of workers fatally injured in 2011/12 is 173 compared with a finalised figure of 175 for 2010/11. The figure of 173 worker deaths in 2011/12 is 12% lower than the annual average for the previous five years (196). However, after incorporating the latest data, the trend for the past four years shows a levelling-off from the previous downward trend in worker fatalities. There were 90 members of the public fatally injured in accidents connected to work in 2011/12 (excluding railways-related incidents).

2. A press release by the Chair noted that whilst Britain continued to have one of the lowest levels of workplace fatal injuries in Europe. Protecting people from death and serious injury at work needed to remain everyone's responsibility.

3. HSE's Offshore Safety Statistics Bulletin, containing provisional figures for 2011/12, was published on 1 August. The headline figures were a 23% reduction in Hydrocarbon releases to a 10 year low, building on a 15% reduction the previous year - a similar performance in 2012/13 will see the industry achieving its target of a 50% reduction in 3 years.

Despite two fatalities in the year, the first since 2007, the combined fatal and injury rate fell to 131 per 100,000 offshore workers in 2011/12 from 152 in 2010/11 – the second lowest rate over the last 10 years.

4. A press release, quoting Head of OSD Steve Walker, welcomed the overall downward trend in these statistics, but warned about complacency. Commenting on the industry's own data, Steve highlighted that the backlog of safety critical maintenance offshore still showed itself to be resistance to improvement, an issue that the industry needed to tackle. Media coverage was generally muted.

Legionnaires' Disease outbreaks

HSE role in the response to an outbreak of legionnaire's disease in Edinburgh, June 2012

5. The outbreak is the largest in Scotland to date, and occurred in a densely populated area, in the south west of the capital city. Epidemiological evidence suggests that a common outdoor airborne exposure occurred around 17 May over south west Edinburgh, an area with a number of registered cooling towers.

Confirmed and suspected cases rose quickly, peaking at 101. Three deaths resulted. The outbreak was declared over on 17 July.

6. HSE mobilised Inspectors over the Jubilee holiday weekend and throughout June, for both Scottish government resilience (SGORR) civil contingency meetings and the Incident Management Team (IMT). The IMT followed the Health Protection Network guidelines for managing outbreaks, to which HSE had contributed following previous outbreaks in Scotland. In addition to the four sites with cooling towers identified on day one of the outbreak, HSE and City of Edinburgh council identified and visited a further 60 sites, including cooling towers, sprinkler systems and industrial washing facilities. A number of enforcement notices were issued for failure to fully comply with the relevant requirements.

7. There has been media interest in HSE's and LA's inspection regime and a claim that cuts in frequency were increasing risk. HSE has emphasised three points in response: that the responsibility for controlling the risk rests with occupiers of premises; that legionella levels may rise in a short space of time if effective controls are not maintained, therefore an inspection-based approach is neither appropriate nor sufficient; and that inspection is only one tool that HSE uses to help companies meet their obligations. For example, clear guidance is made freely available, and there is ongoing work with water treatment firms and trade bodies who have key roles to play. HSE has issued a Safety Notice on cooling towers to further assist dutyholders understand and meet their obligations.

8. Investigation of the deaths continues under the Work Related Deaths Protocol for Scotland, with the Police and HSE working under the direction of Crown Office and Procurator Fiscal Service. As a result, further details cannot be given at this stage.

Stoke-on-Trent Legionnaire's Disease Outbreak

9. An outbreak of Legionnaire's Disease in Stoke-on-Trent was declared on 23 July 2012. HSE worked effectively as part of a multi-agency group to protect the public, identify sources and where necessary to take appropriate enforcement action. HSE inspectors took immediate action to protect the public by requiring registered cooling tower owners to take precautionary measures. None of these towers was implicated in the outbreak. A probable source of exposure was identified as a hot tub displayed in a retail outlet. The LA is investigating and HSE is providing support. Extensive HSE/LA enquiries and inspections have looked at a range of other possible Legionella sources and ruled them out. There were a total of 21 confirmed cases, with one out-lying case reported later. Sadly, two people died. One is still seriously ill in Hospital and in other cases, recoveries are well underway. We anticipate an announcement shortly confirming that the outbreak is over.

Olympic Games – London 2012

10. When the UK was awarded the 2012 Games, the HSC, now the HSE Board, set three main objectives for HSE in regulating the project: to use the Games to drive up standards of health and safety; to demonstrate best practice as a regulator and to

capture the lessons learned so as to create a lasting legacy which could be taken forward to other projects and to other sectors. Previous presentations to the Board over the intervening years have described how HSE has worked to fulfil these objectives.

11. In fact this has being probably been one of the safest Olympic Games ever, with no fatalities reported during the work to build the new venues; no work related fatalities during the fitting out of the venues and no fatalities and few incidents during the staging of the Games themselves. HSE staff have received thanks from the ODA and LOCOG for the way in which our regulatory responsibilities have been discharged.

12. Looking ahead, HSE will continue to demonstrate this approach during the period of transitional work required to prepare the venues for the Paralympic Games. HSE and local authority co- regulators will be meeting in September share and capture lessons learned as part of the work to document the legacy issues. HSE will also be considering how to publicise further the learning points, which have already been captured in the programme of legacy research reports.

CQC MoU

13. HSE and CQC have published a formal Liaison Agreement on 20/7/12. The agreement, which sets our respective roles and responsibilities, formally commits both organisations to share appropriate information in a timely manner, so that people who use services are properly protected. The absence of such an agreement was raised at the ongoing Mid Staffordshire hospital public enquiry.

14. The intention is to extend the agreement (which only applies to healthcare), to social care. This will require the involvement of Local Authorities, as they also regulate social care.

The agreement can be viewed at:

<http://www.hse.gov.uk/aboutus/howwework/framework/f-2001-3.htm>

Guidance has also been prepared for inspectors and can be viewed at:

http://www.hse.gov.uk/foi/internalops/sims/pub_serv/index.htm '

Sonae Industria (UK) Limited

15. Sonae Industria Ltd, Knowsley Industrial Park Merseyside, have recently announced that they are "in consultation with the workforce" over the closure of the plant. The company directly employees around 220 people from the local community and is a significant part of the local economy.

16. HSE currently has two investigations into incidents at the site, both investigations are nearing conclusion: There was a double fatality in December 2010, and a major fire in June 2011. While both of these investigations are nearing completion, final enforcement decisions have not yet been taken. The inquests into the December 2010 deaths of Mr Elmer and Mr Bibby, have yet to take place. In addition the site had a further fatality in August 2011, this took place on an enclave within the factory site, set up to accommodate the demolition and refurbishment

activities necessary as a result of the fire. Control of this enclave had been handed over to the demolition contractor and as such Sonae had no legal responsibilities in relation to the August 2011 fatal incident.

Update on Löfstedt recommendations

17. In addition to the work already completed and included in the previous report, HSE continues to progress the implementation plans to deliver the Löfstedt recommendations in line with the timetable announced by the Government. Delivery to date includes:

- consultation launched on 2 August 2012 on proposals to exempt some self-employed people from some health and safety legislation;
- consultation launched on 2 August 2012 to clarify RIDDOR reporting requirements;
- consultation on the proposals for the revision, consolidation or withdrawal of 15 ACOPs continues until 14 September 2012; and
- consultation on removing the second set of health and safety regulations closed on 4 July 2012.

Office for Civil Service Commissioner's (OCSC) Recruitment Audit

18. The Office for Civil Service Commissioner's require HSE to complete an annual self-assessment return outlining how we adhere to the Civil Service Recruitment Principles when carrying out recruitment.

19. Periodic audits are carried out on behalf of the OCSC and HSE were recently audited. HSE has been rated as low risk, satisfying the stringent standards tested by the independent auditors. HSE has drawn up a detailed action plan covering the points arising from this audit. Observations made by us this year are relatively minor and indicate that HSE continues to have a good infrastructure in place, and applies it compliantly when recruiting. During the recruitment freeze with ministerial approval, HSE has recruited to 44 posts externally [mainly specialists and not including transfers in to HSE] and 82 internal posts have been filled covering the period of the audit.

Significant prosecutions

Tata steel fined 500K for fatal accident

20. The case arose from the death on 25 April 2006 of Kevin Downey, a Process Coordinator on blast furnaces #4 and #5 at Port Talbot Integrated Works. He fell into an uncovered slag runner containing slag at 1500 degrees C, suffering fatal burns. Investigation revealed that the company had been aware of this hazard. Following the inquest into his death on 15 September 2011, when the Coroner returned a narrative verdict, the company were prosecuted for breaches of Ss2 and 3 of HSW Act. They pled guilty and were fined £400k and £100k respectively, with full costs of £57k awarded against them

Lion Steel fined 480K for Corporate Manslaughter conviction

21. Lion Steel Equipment Ltd, Greater Manchester, admitted corporate manslaughter over the death of Steven Berry, 45, at its factory in Hyde, on 29 May 2008. Mr Berry worked as a maintenance worker at the company, which produces steel cabinets and shelving. Mr Berry had gone onto the roof to repair a leak and fell some 13 metres to his death through a Perspex skylight. The incident was investigated jointly by the Police and HSE under the work related death protocol, with the police retaining primacy as the investigation ultimately led to manslaughter charges, approved by the CPS.

22. The company was charged with, and ultimately entered a guilty plea to, an offence under the Corporate Manslaughter Act in 2008.

23. The investigation found that Lion Steel had not carried out suitable risk assessments, had not identified that sections of the roof were fragile, had not provided protection against the risk of falling through the roof, and had not provided adequate training to Mr Berry.

24. The firm was fined £480,000, to be paid over four years with £84,000 costs.

GEOFFREY PODGER
Chief Executive

Operations

Fatality details

Since the last update to the HSE Board on Wednesday 27th June 2012, 30 fatal accidents for 2011/12 and 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 30 fatalities listed in the current report, 7 occurred prior to May and June 2012. 11 fatalities occurred in May 2012, compared with 8 that occurred in May 2011. 12 fatalities occurred in June 2012, compared with 26 that occurred in June 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 June and July 2012

- [Tata Steels UK Ltd](#) was fined £500,000 and ordered to pay £57,487 in costs at Swansea Crown Court for serious safety breaches after a worker died when he fell into a channel carrying slag waste at 1,500 degrees Celsius when covers had been removed for maintenance and not replaced
- [Hertfordshire Partnership NHS Foundation Trust](#) was fined £150,000 and ordered to pay costs of £326,346 and [Abacus House](#) was fined £75,000 and ordered to pay costs of £338,996 at Luton Crown Court for safety failings following the fatal stabbing of a care worker at a private residential care home in Dunstable
- [Amec Group Ltd](#) was fined £300,000 and ordered to pay £333,866 towards the cost and [Shawton Engineering Ltd](#) which had gone into administration, received a nominal fine of £1,000 with no costs at Liverpool Crown Court 000 after a worker fell 22 metres to his death in Manchester
- [UK Coal Mining Ltd](#) was fined £200,000 and ordered to pay £218,000 in costs and [Joy Mining Machinery Ltd](#) was fined £50,000 with £100,000 in costs at Leeds Crown Court for serious breaches of safety that led to the death of West Yorkshire pit worker
- [BMI Healthcare Limited](#) was £100,000 fine and ordered to pay costs of £29,447 at Amersham Crown Court after an elderly patient died at a private hospital in High Wycombe

- [The Scottish Ambulance Service Board \(SASB\)](#) was fined £55,000 (reduced from £80,000 on account of the plea) at Paisley Sheriff Court for breach of Sections 3(1) and 33(1)(a) of the Health and Safety at Work etc Act 1974, which led to the death of 78 year old pensioner
- [Creagh Concrete Products Ltd](#) was fined £100,000 and costs of £140,000 at Bristol Crown Court when a large slab of concrete fell on an employee during construction of a new accommodation block at Bath University
- [SITA UK Ltd](#) was fined £200,000 and ordered to pay £77,402 costs at Wolverhampton Crown Court and the company was also ordered to reimburse the deceased person's mother £4,450 in funeral expenses after a 21-year-old employee died from head injuries at its paper baling site in Tipton
- [Your Health Ltd](#) was fined £110,000 and ordered to pay £26,226 in costs at Plymouth Crown Court for failing to ensure the safety of an elderly, blind, wheelchair-bound resident who died after falling down a flight of stairs
- [Mohammed Jamil](#) was fined £75,000 with £25,452 in costs and ordered to undertake community service by the Old Bailey after work he carried out on an elderly couple's home resulted in their death from carbon monoxide poisoning
- [Bassetlaw District Council](#) was fined the council £25,000 and ordered it to pay costs of £12,987 at Nottingham Crown Court after a member of the public was killed by a reversing bin lorry
- [The Stone Company UK Ltd](#) was fined £20,000 and ordered to pay costs of £40,000 at Chelmsford Crown Court after a worker was crushed to death by stone slabs weighing three tonnes
- [Scotts of Whittington Ltd](#) was fined £65,000 and company directors Alfred Wood and Christopher Wood were fined £13,000 and £2,000 respectively and were ordered to pay combined court costs of £19,000 at Newcastle Crown Court after a teenage worker died following a fall from a barn roof
- [Landmark Groundworks](#) was fined £110,000 and ordered to pay £50,000 in costs at Maidstone Crown Court after a worker narrowly escaped death when he was caught in a collapse of nine tonnes of steel and concrete
- [Euticals Ltd \(formerly Archimica Ltd\)](#) were fined £100,000 and ordered to pay £8,344 in costs at Mold Crown Court for failing to comply with three Improvement Notices
- [London Borough of Hammersmith and Fulham](#) was fined a total of £83,600 and ordered to pay full costs of £15,553 at Westminster Magistrates' Court for failing to arrange annual safety checks on gas appliances in tenanted accommodation
- [Hawkeswood Metal Recycling Limited](#) was fined £50,000 and ordered to pay £10,056 in costs at Birmingham Crown Court after a worker trapped and broke his arm in an unguarded conveyor belt

- [Sherborne School](#) was fined a total of £60,000 and ordered to pay £13,000 in costs while Peter Eldridge was fined a total of £10,000 with costs of £6,000 for his neglect as a director at Dorchester Crown Court for unsafe removal of asbestos insulation boards at the school where several people were exposed to asbestos fibres
- [David Brian](#) was fined a total of £20,000 (£10,000 on each charge) and ordered to pay £7,434 in costs at Sunderland Magistrates' Court after a worker was left paralysed following a fall from the roof of a pub
- [Donald Ward Limited \(trading as Ward Recycling\)](#) was fined £20,000 and ordered it to pay costs of £19,970 at Southern Derbyshire Magistrates' Court after an employee was crushed in a machine at their depot at Griffon Road, Ilkeston
- [Dovecote Park Ltd](#) was fined £25,000 and ordered to pay costs of £12,361 at Lincoln Crown Court when a worker fractured his spine and heel bone after falling during dangerous work at height at a Lincoln abattoir
- [Ultra Kennels Limited](#) was fined £4,000 and ordered it to pay costs of £2,500 at South Walls Magistrates' Court after a worker amputated his finger on a circular saw
- [MIB Manufacturing Ltd \(now known as Blaina Manufacturing Ltd\)](#) was fined £15,000 and ordered to pay costs of £9,947 at Abergavenny Magistrates Court after a worker lost the tip of a finger while using an unguarded drill. The company was also ordered to pay £3,000 in compensation to the 21- year-old
- [Storetec Limited](#) was fined £22,000 and ordered to pay costs of £12,134 and a £15 victim surcharge at Derby Crown Court and its director Mr Crossan was also fined £3,500 and ordered to pay costs of £7,866 and a £15 victim surcharge after two teenage agency workers fell from a lifting platform
- [Green Acre Homes \(South East\) Ltd](#) was fined a £15,000 and ordered to pay costs of £6,969 at Westminster Magistrates' Court after a worker fell eight metres from a scaffold tower that he had not wanted to build for safety reasons
- [Frank Rogers \(Building Contractors\) Ltd](#) was fined £13,500 and ordered to pay £7,509 at Warrington Magistrates' Court after a bricklayer broke his back when he fell through exposed floor joists at a site in Widnes
- [Timberwise \(UK\) Ltd](#) was fined a total of £18,000 and ordered to pay £5,314 in costs at Cardiff Magistrates when a potentially deadly asbestos fibres were spread in part of a shop by unqualified workers who left it on the premises for three weeks
- [Farrelly's Metal Polishers Ltd](#) was fined £14,000 and ordered to pay £6,800 in costs at Warley Magistrates Court after two workers were injured in separate incidents just five months apart involving inadequately guarded machinery

- [Cadogan Tate Head Office and Treasury Service Ltd](#) was fined £15,000 and ordered to pay £3,860 in prosecution costs at Watford Magistrates' Court when the vehicle he was operating overturned at a warehouse in Hemel Hempstead
- [Stanton Grove Limited](#) was fined £20,000 at Basildon Crown Court for safety failings after an employee had both legs amputated when a cargo container crushed them
- [John Cox Cold Stores and Distribution Services Ltd](#) was fined £30,000 and ordered to pay £31,000 costs at Wolverhampton Crown Court after an employee lost three fingers while operating machinery
- [Stockton on Tees Borough Council](#) was fined a total of £20,000 (£10,000 for each offence) and ordered to pay £5,555.60 costs at Teesside Magistrates' Court for putting workers at risk of exposure to asbestos during clearance work of premises in Stockton prior to demolition
- [Phoenix Brands Limited](#) was fined £7,000 with full costs of £4,000 at Wolverhampton magistrates Court after a 16-year-old worker had to have his finger amputated

Events, Campaigns and Publications in June and July 2012

Health and safety cost recovery scheme to start in October 2012

On 29 June 2012, Health and Safety Executive (HSE) confirmed that its cost recovery scheme, Fee for Intervention (FFI), would start on 1 October 2012 subject to Parliamentary approval. Click [here](#) for guidance.

HSE serves a further two Improvement Notices on Edinburgh cooling tower

On the 11 June 2012, the Health and Safety Executive (HSE) served two more Improvement Notices at a second Edinburgh company as part of its ongoing Legionella investigation. Details can be found [here](#)

Have your say on HSE's Approved Code of Practice review

The Health and Safety Executive (HSE) has opened a three-month consultation on proposals for the revision, consolidation or withdrawal of its Approved Codes of Practice (ACOPs). For details, please click [here](#)

Legionella safety notice

On 27 July 2012, HSE issued a safety notice encouraging businesses to do more to protect workers and members of the public from exposure to Legionella. Read the [safety notice](#) and [press release](#) on HSE's website

FOI Requests made to HSE

There were 490 FOI requests made to HSE during June and 591 in July 2012.

Parliamentary Business

HSE dealt with 20 PQs and provided 4 contributions during the months of June and July 2012.

The following table is an extract of all 2011/2012 and 2012/13 work-related deaths notified to HSE since the last update to the Board on Wednesday 27th June 2012, it contains fatalities notified to us in May and June 2012. It is taken from the latest "Names and details of fatalities" update published on HSE's website on Monday 6 August 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
13/12/2011	Yousef Zayni	23	The deceased was struck by a moving vehicle	London	Brent	Water Supply/Waste Management	Collection of non-hazardous waste	Member of the Public
03/02/2012	George Popovici	49	The deceased fell from height	Essex	Redbridge	Construction	Other construction installation	Self employed
22/02/2012	Judith Shelley	62	The deceased died following a fall	Warrington	Warrington UA	Service	Hospital activities	Member of the Public
06/03/2012	Ernest Rowland	65	The deceased died from suspected carbon monoxide poisoning	Swindon	Swindon UA	Service	General public administration activities	Member of the Public
12/03/2012	Frederick Gleeson	79	The deceased was struck by a moving vehicle	Berkshire	Windsor & Maidenhead	Service	Maintenance and repair of motor vehicles	Member of the Public
12/03/2012	Frederick Barker	87	The deceased was asphyxiated	Essex	Tendring	Service	Retail sale of carpets, rugs, wall and floor coverings in specialised stores	Member of the Public
21/03/2012	Omar Patel	36	The deceased fell from height	Staffordshire	South Staffordshire	Manufacturing	Processing and preserving of poultry meat	Self Employed
01/05/2012	David Dow	63	The deceased came into contact with machinery	Essex	Maldon	Manufacturing	Manufacture of prepared pet foods	Employee

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
03/05/2012	Alexander Haining	33	The deceased died after losing control of a vehicle	South Lanarkshire	South Lanarkshire UA	Service	Maintenance and repair of motor vehicles	Employee
05/05/2012	Alan Vick	46	The deceased died following a diving accident	Leicester	Hinckley & Bosworth	Service	Operation of sports facilities	Member of the Public
07/05/2012	Noel Pickerin	79	The deceased died whilst under medical care	Kent	Bromley	Service	Other human health activities	Member of the Public
08/05/2012	Walter Powley	85	The deceased died following a fall	Leicester	Leicester UA	Service	Residential nursing care facilities	Member of the Public
15/05/2012	Asta Juodiene	46	The deceased came into contact with machinery	Lincolnshire	Boston	Service	Employment Agency Activities	Employee
15/05/2012	Eileen Thomson	81	The deceased died following a fall	Telford and Wrekin	The Wrekin UA	Service	Hospital activities	Member of the Public
26/05/2012	Daniel Brown	27	The deceased was fatally injured in an explosion	Derbyshire	Amber Valley	Manufacturing	Manufacture of bodies (coachwork) for motor vehicles (except caravans)	Employee
30/05/2012	Martin Channon	54	The deceased was struck by an object	Essex	Braintree	Manufacturing	Manufacture of trailers and semi-trailers	Self Employed
30/05/2012	Roman Kohut	41	The deceased died from suspected carbon monoxide poisoning	London	Lambeth	Service	Engineering related scientific and technical consulting activities	Employee
31/05/2012	Kevin Brookes	35	The deceased fell from height	Warwickshire	Stratford-on-Avon	Construction	Other specialised construction activities n.e.c.	Employed by other
14/06/2012	Wayne Crerar	50	The deceased fell from height	Essex	Southwark	Agriculture	Growing of cereals (except rice), leguminous crops and oil seeds	Employee

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
15/06/2012	Azeem Latif	23	The deceased was trapped by a vehicle	Northamptonshire	South Northamptonshire	Water/Waste Management	Recovery of sorted materials	Employee
19/06/2012	Mark Shore	42	The deceased was struck by a vehicle	West Midlands	Dudley	Service	Wholesale of waste and scrap	Employee
19/06/2012	Raymond Cook	87	The deceased died whilst under medical care	Glasgow	East Dumbartonshire UA	Service	Medical Nursing Home	Member of the Public
20/06/2012	Gary Currie	39	The deceased fell from height	Glasgow	Glasgow UA	Construction	Construction of Buildings	Employee
22/06/2012	Finlay McCulloch	76	The deceased died whilst under medical care	Renfrewshire	Renfrewshire UA	Service	Other residential care activities n.e.c.	Member of the Public
24/06/2012	Mark Walker	37	The deceased was struck by an object	Cardiff	Cardiff UA	Manufacturing	Manufacture of other fabricated metal products n.e.c.	Employee
25/06/2012	Mark Wintersgill	25	The deceased died after coming into contact with machinery	Leicester	Harborough	Service	Maintenance and repair of motor vehicles	Employee
26/06/2012	Hywel Glyndwr Richards	54	The deceased asphyxiated	Pembrokeshire	Carmarthenshire UA	Construction	Construction of Buildings	Self Employed
27/06/2012	Ryaheen Banimuslem	2	The deceased fell from height	Sheffield	Sheffield	Service	Management of real estate on a fee or contract basis	Member of the Public
28/06/2012	Jagpal Singh	24	The deceased died following a fall	West Midlands	Wolverhampton	Service	Business Support Service nec	Employee
30/06/2012	Marjorie Maltby	43	The deceased died whilst under medical care	Lincolnshire	West Lindsey	Service	Hospital activities	Member of the Public

AUGUST 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 (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 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 (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.	
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 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. We understand that publication of the proposal has now been delayed until 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 – 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, Work Environment, Radiation and Gas 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)	
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, 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 (UNCHANGED FROM LAST BOARD UPDATE): 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. 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 (UNCHANGED FROM LAST BOARD UPDATE): 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.	
Lead Department HSE contact	BIS 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

ENTERPRISE AND INDUSTRY DOSSIERS

<p>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</p>	
<p>Current status (UNCHANGED FROM LAST BOARD UPDATE): Cis-tricos-9-ene, hydrogen cyanide and chlorfenapyr were subject to positive votes at the May 2012 meeting of the Standing Committee on Biocidal Products for inclusion in Annex I of the BPD. Nonanoic acid received a positive vote to extend the current Annex I inclusion to private area and public area disinfectants. A positive vote also took 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 were positive 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.</p>	
<p>Lead Department HSE contact</p>	<p>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</p>

<p>Proposed amendment of the Biocidal Products Directive (98/8/EC) to include four 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; a proposed Commission Regulation to amend the EU 2nd Review Regulation; and two proposed Commission Implementing Regulations concerning biocidal product authorisation procedures</p>	
<p>Current status (NEW DEVELOPMENTS): Diflubenzuron, pyriproxyfen, didecyldimethylammonium chloride (DDAC) and Quaternary ammonium compounds, benzyl-C₁₂₋₁₆-alkyldimethyl, chloride (ADBAC) will be subject to votes at the September 2012 meeting of the Standing Committee on Biocidal Products for inclusion in Annex I of the BPD. Thiamethoxam will also be subject to a vote to extend the current Annex I inclusion for wood preservative use to insecticides. The Standing Committee will also vote on a Commission Decision not to include four active substances in Annex I. Votes will also take place on a Commission Regulation to amend the EU 2nd Review Regulation (1451/2007) (2RR) to allow applications for review of further existing active substances not previously listed in 2RR, and on two Commission Implementing Regulations, one clarifying the procedures for notifying changes affecting a current biocidal product authorisation, and another specifying adapted authorisation procedures for two or more biocidal products considered to be the same product.</p>	
<p>Lead Department HSE contact</p>	<p>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</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 EU Regulation on European Standardisation	
Current status (UNCHANGED FROM LAST BOARD UPDATE):	
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	BIS
HSE contact	HSE SCS Lead – Peter Brown HSE Policy Lead – Phil Papard, Work Environment, Radiation and Gas Division, 0161 952 8402, phil.papard@hse.gsi.gov.uk HSE 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 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	BIS
HSE contact	HSE SCS Lead – Peter Brown HSE Policy Lead – Phil Papard, Work Environment, Radiation and Gas 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): 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 Danish Presidency of the Council prepared a revised draft of the proposed Regulation, which addressed some of the UK's concerns, and submitted a progress report on the negotiations to member states. The negotiations are now continuing under the Cyprus Presidency. The European Parliament started 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.	
Lead Department HSE contact	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

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

Directive establishing a 3rd List of Indicative Occupational Exposure Limit Values (2009/161/EU)	
Current status (NEW DEVELOPMENTS): 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. Implementation has also now occurred in relation to ships and fishing vessels. Transposition of the Directive is therefore now complete.	
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 (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 will run from 8th August to 8th November 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"> • HSE continues to consider its approach to the permitted derogation from the new EU restriction on use of paint-strippers containing dichloromethane. An interim enforcement policy is under development reflecting the recent full entry into force of the restriction. • 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 HSE contact	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

Directive on control of major accident hazards involving dangerous substances (2012/18/EU)	
Current status (NEW DEVELOPMENTS): 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.	
Lead Department HSE contact	HSE SCS Lead – Peter Baker Policy Lead – Sandra Ashcroft, Chemicals Industries Division, 0151 951 3531, sandra.ashcroft@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

EU Regulation on the export and import of hazardous chemicals (649/2012)

Current status (NEW DEVELOPMENTS):

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
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

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. **The transposing legislation subsequently came into force on 18 July 2012. The majority of measures needed under the Directive by its November 2011 deadline were already in place in the UK under existing legislation.**

Lead Department	DEFRA (Policy Lead) HSE (UK Competent Authority)
HSE contact	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:

EU Regulation concerning the placing on the market and use of biocidal products (528/2012)	
Current status (NEW DEVELOPMENTS):	
<p>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.</p>	
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 Loosely

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):	
<p>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.</p>	
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 (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 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 (NEW DEVELOPMENTS):

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 have interpreted 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. **Regulations transposing the Directive came into force on 31 July.** The 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.

Lead Department	DfT (MAIB)
HSE contact	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