

| Health and Safety Executive Board | | Paper No: HSE/12/04 | |
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| Chief Executive's Report to the Board | | | |

HSE appearance before the Scottish Affairs Committee

1. The Scottish Affairs Committee has been undertaking an enquiry into the work of the HSE in Scotland since commissioning a National Audit Office Report at the end of 2010. They have already taken written evidence from around forty organisations, and had oral sessions from HSE and around twenty other individuals.
2. The final evidence session was on 11 January 2012 with two panels giving evidence. The first was Prof Ragnar Löfstedt, with Adam Marshall (British Chambers of Commerce) and Sarah Veale (TUC). The questioning on the recent report was broadly supportive of the need to simplify legislation to aid compliance and reduce burdens. The second panel comprised, the Minister for Employment supported by Judith Hackitt and Paul Stollard (HSE Director, Scotland and Northern England). The Minister stressed that good health and safety is "absolutely vital for business" and that the Prime Minister's recent critical remarks about "the health and safety culture" related not to this but rather to "the kind of mythology which has built up around health and safety".
3. The Committee will now prepare its report, which may be issued in late February or March. DWP, as the sponsorship department for HSE, will then have two months in which to respond to any recommendations.

Publication of "Reclaiming health and safety for all: An independent review of health and safety legislation"

4. Professor Löfstedt's independent review of health and safety legislation was published on 28 November 2011 together with the Government's response. HSE will meet the timetable set by the Government for implementing those recommendations for which it is responsible and work is already underway to do so.

Implementation of Independent Regulatory Challenge Panels

5. A Challenge Panel to challenge specific regulatory advice was launched on 5 January 2012. The panel will deal with disputes over specific advice given by HSE or LA regulators to dutyholders where there is no existing appeals mechanism. The Challenge Panel will be chaired by an independent Chair, Trish Henton and has members who are experienced in regulatory matters.

6. The Challenge Panel is accessed via the HSE website where it sits alongside the existing complaints procedure. These procedures set out the expectation that any complaints should, in the first instance, be raised with the regulatory body concerned. Complaints can be referred to the Panel if this does not resolve the issue.
7. A second Challenge Panel to consider decisions made by non-regulators in the name of 'health and safety' is under development.

Update on availability of data relating to deaths resulting from illegal activity

8. In light of the explosion at an illegal alcohol distillery in Lincolnshire in July this year which resulted in multiple fatalities, we have reviewed the criteria used to determine whether a fatal incident should be included in HSE's official statistics. We have previously based decisions primarily on RIDDOR reportability which excludes incidents arising as a result of illegal activities. From April 2012, we will expand our inclusion criteria to include deaths resulting from illegal activity if it is possible to undertake the activity legally and it is an activity which is enforced by HSE or Local Authorities when it is being undertaken legally. We will report on these deaths annually with the publication of the official statistics on fatalities at work (usually June each year).

Update on Mid Staffs Public Inquiry

9. The evidence-taking part of the Inquiry has now concluded and Core Participants have made final oral and written submissions. Counsel to the Inquiry also provided written closing submissions to the Chairman, on 9 December 2011.
10. Core participants were given until 23 December 2011 to inform the Inquiry team of any factual corrections to these submissions. Whilst HSE is not a core participant, a number of contentious points have arisen in others' submissions. We have therefore written to the Chairman of the Inquiry and his team about these.
11. The Chairman will now be writing his report. He has described the wide range of issues that it is likely to cover, including the interface between the regulation of governance, finance, and quality and safety standards; and commissioning. We do not yet know when the report will be published.

Update on OSHCR

12. The Occupational Safety and Health Consultants Register (OSHCR) currently has over 2700 consultants registered. OSHCR Ltd, a not for profit company, comprising of a consortium of professional bodies, who have worked in partnership with HSE to establish the register, has decided to undertake a marketing campaign to promote the register to business. The campaign is funded by money earned from consultant registration fees.

13. There will be a rolling three-month series of advertisements in trade magazines highlighting the register as a valuable resource to help small businesses who need sensible, proportionate and competent advice. These will be financed from OSHCR's (non-governmental) funds. The register is also promoted by the professional bodies involved and through HSE's website.
14. HSE has indicated that it will continue to provide Chair and Secretariat support for the next financial year.

Update on 'Asbestos training Pledge'

15. The 'Asbestos Training Pledge', a partnership between HSE and industry encouraging training companies to pledge and deliver free asbestos awareness training, exceeded its target by more than 50 percent.
16. A target of 4000 hours of face-to-face training was set - one hour for each life lost to asbestos-related illnesses in an average year. A target for a further 4000 hours of online training was also set. In response, 7987 hours of classroom training were offered up along with 5570 web-based hours equating to training for 4020 tradesmen.
17. Evaluation is currently ongoing, but early indicators are that the take-up for the free asbestos awareness courses was extremely positive, with more than 77% of the places being filled.

GEOFFREY PODGER

Operations

Fatality details

Since the last update to the HSE Board on Wednesday 7 December 2011, 38 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 38 fatalities listed in the current report, 3 occurred prior to October and November 2011

19 fatalities occurred in October 2011, compared with 18 which occurred in October 2010. 16 fatalities occurred in November 2011, compared with 15 which occurred in November 2010.

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 November and December 2011

- [UK Coal Mining Ltd](#) was ordered to pay £1.2 million in fines and costs at Sheffield Crown Court for safety failings that cost the lives of four mineworkers in separate incidents at two collieries in Nottinghamshire and the East Midlands.
- [Kimberly-Clark](#) was fine £180,000 ordered to pay £20,000 in prosecution costs at Preston Crown Court after a 28-year-old worker was killed at an Andrex factory in Barrow-in-Furness
- [Collier Industrial Waste Ltd](#) was fined £20,000 and ordered to pay £9,410 costs at Trafford Magistrates' Court after one of its employees suffered life-threatening injuries when a forklift truck hit him.
- [Millennium Rubber International Ltd](#) was fined £90,000 and ordered to pay £21,411 in prosecution costs and [United Crane Services Ltd](#) was fined £10,000 with costs of £5,000 at Warrington Crown Court following the death of a maintenance worker who fell from the forks of a forklift truck at a Macclesfield factory
- [Siteweld Construction Ltd](#) was fined £50 with no costs because it ceased trading. The managing director of the company, Benjamin Lee was fined £80,000 and ordered to pay £18,478 in prosecution costs at Liverpool Crown

Court after a father-of-two was crushed to death when a crane overturned in Liverpool

- [Morris, Marshall & Poole](#) were fined £75,000 and ordered to pay full costs of £11,153.95 at Chester Crown Court after an elderly maintenance contractor was killed when he fell from a roof
- [Hanson Quarry Products Europe Ltd and Robert Alan Taylor](#), who was then trading as Quarry Maintenance Service Engineers were fined a total of £29,000 and ordered to pay £27,000 costs at Taunton Crown Court following the death of a father-of-two at Whatley Quarry in Frome, Somerset in 2008.
- [West Minch Salmon Limited](#) was fined £70,000 at Stornoway Sheriff Court after a worker drowned in Loch Heather, on the Isle of Lewis
- [Amey Infrastructure Services Ltd](#) was fined £30,000 and ordered to pay £32,500 in prosecution costs and [Mouchel Parkman Services Ltd](#) was fined £30,000 and ordered to pay £32,500 in prosecution costs at Liverpool Crown Court following the death of a worker who fell from a cherry picker on a dual carriageway in Liverpool.
- [Caledonian Building Systems Ltd](#) was fined £15,000 and ordered it to pay costs of £7,328 at Nottingham Magistrates after a worker was left with permanent injuries when a lifting operation went wrong
- [Bee Health Ltd](#) was fined a total of £7,000 and ordered to pay costs of £4,887.65 at Bridlington Magistrates after a worker's finger was severed in a blending machine at its factory in East Yorkshire
- [Kim Barker Construction Ltd](#) was fined £13,000 and ordered to pay £2,039.10 in costs at Scunthorpe Magistrates' Court after a young worker was left permanently scarred when he struck an underground cable during digging work
- [A. One Feed Supplements Ltd](#) was fined £15,000 with costs of £2,594.30 at Northallerton Magistrates' Court after a supervisor suffered severe injuries to his hand
- [Lincoln University](#) was fined £10,000 and ordered to pay £12,759 costs at Lincoln Magistrates' Court for putting staff, students and contractors at risk of exposure to asbestos
- [IMCO Limited](#) was £5,000 and ordered to pay costs of £36,571 at Cardiff Crown Court after the fatal crushing of an employee under heavy machinery at its Newbridge Road Industrial Estate site
- [Sir Robert McAlpine Limited](#) was fined £19,000 and ordered to pay costs of £10,000, Sub-contractor Skanska Utilities Limited was fined £17,000 and ordered to pay costs of £10,000 and Maylim Limited, was fined £18,000 and ordered to pay costs of £10,000 at City of London Magistrates' Court after a

worker helping build Arsenal's Ashburton Grove stadium was injured so badly, his leg had to be amputated

- [BDW Trading Ltd](#) was fined £20,000 Paisley Sheriff's Court after a young boy was seriously injured when some timber roof trusses fell onto him
- [Sir Robert McAlpine Limited](#) was fined £19,000 and ordered to pay costs of £10,000. Sub-contractor [Skanska Utilities Limited](#) was fined £17,000 and ordered to pay costs of £10,000 and [Maylim Limited](#) sub-contracted by McNicholas Plc was fined £18,000 and ordered to pay costs of £10,000 at City of London Magistrates' Court after a worker helping build Arsenal's Ashburton Grove stadium was injured so badly, his leg had to be amputated
- [Neales Waste Management Ltd](#) was fined £15,000 and ordered to pay £11,661 in prosecution costs at Blackburn Magistrates' Court after poor safety measures led to a worker falling from the top of a truck in Blackburn
- [Mr James Long](#) was fined a total of £24,000 and ordered to pay costs of £6,000 at City of London Magistrates' Court after five of his tenants needed hospital treatment for carbon monoxide poisoning
- [Yorkshire Traction Company Ltd](#) was fined a total of £15,000 and ordered to pay £8,473 in costs at Barnsley Magistrates' Court after a teenage apprentice was trapped under a 14 tonne bus when its air suspension failed
- [Anson Packaging Ltd and Cambs Compressor Engineering Ltd](#) were fined a total of £68,030 with £37,743.72 costs at Cambridge Crown Court after a 24-year-old worker broke his back in a fall from a roof void
- [Director](#) of V.Page Building Services Ltd, Mr Vincent Page was fined £20,000 with £8,000 costs, Quality Roofs Ltd was fined £10,000 with £4,000 costs, its director Mr Alan Tyler was fined £20,000 with costs of £4,000 Philip Blakeman trading as Access Specialists was fined £3,000 with costs of £2,000 after a roofer fell five metres, sustaining life threatening injuries that confined him to a wheelchair
- [Tata Steel UK Ltd](#), was fined £13,300 and ordered to pay £11,631 in prosecution costs after two workers suffered major injuries when a warehouse door, weighing over 300 kilograms, collapsed on them.
- [BR Greenwell Heating and Plumbing Services](#) were fined £5,000 in total and ordered to pay costs of £8,000 at Cardiff Magistrates' Court after an engineer called in to investigate a gas leak in an office block was nearly killed by carbon monoxide poisoning following faulty work on a boiler
- [Jason Lunt and Gregory Wright](#) were given suspended sentences and ordered to pay £2,114 costs each by Derby magistrates after a Derbyshire office worker was injured when a roll of roofing felt crashed through the ceiling of her office

Events, Campaigns and Publications in November and December 2011

More than one in three basement construction projects show serious safety failings

Health and Safety Executive (HSE) inspectors took enforcement action on more than a third of sites visited during an initiative to improve standards on basement construction sites. They visited 109 sites in four London boroughs, Hammersmith & Fulham, Kensington & Chelsea, Westminster and Wandsworth, on 15 and 16 November 2011. They took enforcement action at 40 sites (37 per cent), serving 78 notices. See details [here](#).

Scotland's apprentice tradesmen get to grips with hidden killer

In December 2011, over 40 colleges and training providers came together in Dundee to learn about the free Health and Safety Executive (HSE) training package which will help get the message across to thousands of trainee joiners, electricians, plumbers and other tradespeople about the dangers they face from asbestos and what they should be doing to protect themselves. Details can be found [here](#)

FOI Requests made to HSE

There were 553 FOI requests made to HSE during the month of November and 455 in December 2011.

Parliamentary Business

There were 22 PQs dealt with by HSE during the months of November and December 2011

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 26th October 2011, it contains fatalities notified to us in October and November 2011. It is taken from the latest "Names and details of fatalities" update published on HSE's website on Thursday 12 January 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 |
|------------------|----------------|-----|---------------------------------------------------------|----------------------|---------------------|-------------------------------|-----------------------------------------------------------|----------------------|
| 13/06/2011 | Jason Morgan | 33 | The deceased died from electrocution | Cornwall | Cornwall UA | Construction | Other specialised construction activities n.e.c. | Employee |
| 27/06/2011 | Mark Grover | 23 | The deceased died during a roofing activity | London | Bromley | Construction | Roofing activities | Employee |
| 29/08/2011 | Marilyn Duffy | 61 | The deceased died after coming into contact with cattle | Cardiff | Cardiff UA | Service | Landscape service activities | Member of the public |
| 05/10/2011 | Shaun Jackson | 16 | The deceased died following a fall | London | Merton | Service | General secondary education | Member of the public |
| 06/10/2011 | Mick Callaway | 69 | The deceased fell from height | Hampshire | Winchester | Construction | Construction of residential and non-residential buildings | Self employed |
| 08/10/2011 | Vadim Gazarian | 40 | The deceased fell from height | Kent | Tonbridge & Malling | Service | Maintenance and repair of motor vehicles | Self employed |
| 12/10/2011 | William Ward | 56 | The deceased was struck by a falling object | North Warwickshire | North Warwickshire | Water Supply/Waste Management | Recovery of sorted materials | Self Employed |
| 13/10/2011 | Dean Bough | 17 | The deceased died from electrocution | Oxfordshire | West Oxfordshire | Construction | Construction of residential and non-residential buildings | Employee |

Annex 2

| Date of incident | Name | Age | Description of incident | Location of incident | Local Authority | General Industry Sector | Detailed Standard Industry Classification | Employment status |
|------------------|------------------------|-----|---------------------------------------------------|----------------------|------------------|-------------------------------------|----------------------------------------------------------------------------|----------------------|
| 14/10/2011 | Shirley Crofts | 75 | The deceased died whilst under medical care | Derbyshire | Chesterfield | Service | Residential nursing care facilities | Member of the Public |
| 14/10/2011 | Stuart Reynolds Weekes | 38 | The deceased fell from height | London | Enfield | Extractive/Gas & Electricity Supply | Electric power generation, transmission and distribution | Self employed |
| 18/10/2011 | Violet Crisp | 83 | The deceased was struck by a moving vehicle | Norfolk | South Norfolk | Agriculture | Hunting, trapping and related service activities | Member of the Public |
| 19/10/2011 | Anthony Bolt | 60 | The deceased fell from height | Bedfordshire | Luton UA | Construction | Construction of residential and non-residential buildings | Employee |
| 20/10/2011 | Colin Woodcock | 39 | The deceased died from electrocution | West Midlands | Birmingham | Construction | Plumbing, heat and air-conditioning installation | Self employed |
| 20/10/2011 | William Watt | 61 | The deceased was trapped by a vehicle | West Lothian | Falkirk UA | Service | Landscape service activities | Employee |
| 21/10/2011 | Shaun Michael Maslin | 44 | The deceased was struck by an object | London | Barnet | Construction | Construction of highways, roads, airfields and sport facilities | Employee |
| 23/10/2011 | Ian Stuart Campbell | 45 | The deceased fell from height | Essex | Thurrock UA | Service | Other supporting water transport activities | Self employed |
| 24/10/2011 | Paul Siddoway | 40 | The deceased died after being struck by a vehicle | Middlesbrough | Middlesbrough UA | Service | Renting and leasing of other machinery, equipment and tangible goods n.e.c | Member of the Public |
| 25/10/2011 | Jason Pennington | 42 | The deceased fell from height | Cumbria | South Lakeland | Manufacturing | Manufacture of other builders' carpentry and joinery | Employee |
| 26/10/2011 | Peter Hunt | 68 | The deceased was struck by a falling object | Essex | Thurrock UA | Service | Temporary employment agency activities | Employee |

Annex 2

| Date of incident | Name | Age | Description of incident | Location of incident | Local Authority | General Industry Sector | Detailed Standard Industry Classification | Employment status |
|------------------|----------------------|-----|---------------------------------------------|----------------------|--------------------|-------------------------------------|-----------------------------------------------------------|----------------------|
| 29/10/2011 | Patricia Foggarty | 82 | The deceased died whilst under medical care | Warrington | Warrington UA | Service | Other human health activities | Member of the Public |
| 30/10/2011 | Russell Robinson | 33 | The deceased died during a diving activity | - | Not Applicable | Extractive/Gas & Electricity Supply | Extraction of crude petroleum | Employed by other |
| 31/10/2011 | John Henderson | 84 | The deceased was struck by a moving vehicle | Fife | Fife UA | Service | Other passenger land transport nec | Member of the Public |
| 04/11/2011 | Stanley Simmons | 87 | The deceased died whilst under medical care | Kent | Dartford | Service | Hospital Activities | Member of the Public |
| 04/11/2011 | Dennis Barron | 77 | The deceased fell from height | Essex | Brentwood | Service | Freight transport by road | Employee |
| 08/11/2011 | Steven White | 49 | The deceased died after becoming trapped | Taunton | South Somerset | Construction | Other Specialised Construction Activities n.e.c | Self employed |
| 08/11/2011 | Sean Cunningham | 35 | The deceased fell from height | Lincolnshire | West Lindsey | Service | Defence Activities | Employee |
| 08/11/2011 | Edward Arthur Davies | 70 | The deceased was struck by an object | Powys | Powys UA | Agriculture | Mixed farming | Self employed |
| 09/11/2011 | James Stacey | 31 | The deceased fell from height | Bristol | Bath & NE Somerset | Construction | Demolition | Self employed |
| 09/11/2011 | Timothy Sumner | 37 | The deceased died whilst under medical care | Stockport | Stockport | Service | General public administration activities | Member of the Public |
| 09/11/2011 | Phillip Evans | 60 | The deceased fell from height | Exeter | Exeter | Construction | Construction of residential and non-residential buildings | Self employed |

Annex 2

| Date of incident | Name | Age | Description of incident | Location of incident | Local Authority | General Industry Sector | Detailed Standard Industry Classification | Employment status |
|-------------------------|--------------------|------------|------------------------------------------------------------|-----------------------------|------------------------|--------------------------------|--------------------------------------------------|--------------------------|
| 11/11/2011 | Christopher Morris | 40 | The deceased died after coming into contact with a vehicle | Wigan | Wigan | Service | Other cleaning services | Employee |
| 12/11/2011 | Angela Turnball | 70 | The deceased died following a fall | Somerset | West Somerset | Agriculture | Mixed farming | Member of the Public |
| 14/11/2011 | Susan Brooks | 56 | The deceased was struck by a moving vehicle | Bolton | Bolton | Water Supply/Waste Management | Sewerage | Employee |
| 15/11/2011 | Grzegorz Sobko | 34 | The deceased fell from height | Preston | South Ribble | Construction | Roofing activities | Employee |
| 17/11/2011 | Alexander McCrae | 23 | The deceased was struck by a falling object | Renfrewshire | Renfrewshire UA | Manufacturing | Processing and preserving of meat | Employee |
| 17/11/2011 | Phillip Ledwood | 63 | The deceased was struck by a moving vehicle | Wrexham | Wrexham UA | Manufacturing | Manufacture of wooden containers | Employee |
| 21/11/2011 | Alexander Hamilton | 68 | The deceased was struck by an object | East Ayrshire | East Ayrshire UA | Agriculture | Mixed farming | Self employed |
| 22/11/2011 | Simon Homer | 44 | The deceased was struck by a moving object | Staffordshire | Lichfield | Service | Licensed Carriers | Employee |

JANUARY 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:**

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| Social partners' consultation on environmental tobacco smoke | |
| Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission is considering whether there is a need for EU action on protecting workers from environmental tobacco smoke. It first consulted the social partners on this in 2008, with a second consultation due at some point (at the moment, a contractor is carrying out an assessment of potential actions to inform the latter consultation). The Department of Health is leading on this with support from HSE. | |
| Lead Department HSE contact | DH HSE SCS Lead – Kären Clayton HSE Policy Lead – Gillian Smith, Long Latency Health Risks Division, 0151 951 4919, gill.fod.smith@hse.gsi.gov.uk HSE SCS Lawyer – Navroza Ladha |

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| 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. The EC is conducting an impact assessment of its plans to amend these directives. | |
| 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 – TBC |

| Draft social partners' agreement on the prevention of health risks in the hairdressing sector | |
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| Current status (UNCHANGED FROM LAST BOARD UPDATE): The European social partners covering the hairdressing profession have negotiated a draft agreement on the prevention of health risks in their sector, though it is yet to be signed by the parties. | |
| Lead Department HSE contact | HSE SCS Lead – Stephen Williams 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 | |
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| 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 – TBC |

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

| Future initiative on Ergonomics at Work | |
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| 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. We are expecting the EC's Impact Assessment Board to consider the draft proposal in February. | |
| Lead Department | HSE |
| HSE contact | SCS Lead – Peter Brown Policy Lead – Peter Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, peter.lennon@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha |

| Future initiative on Carcinogens and Mutagens Directive (2004/37/EC) | |
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| 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 |
| HSE contact | SCS Lead – Kären Clayton Policy Lead – Gill Smith, Long Latency Health Risks Division, 0151 951 4919, gill.fod.smith@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha |

| Future initiative on enforcement of posted workers rights | |
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| Current status (NEW DEVELOPMENTS): The European Commission is working on a proposal dealing with the enforcement of workers rights when they are posted abroad by their employers, i.e. what are classified as 'posted workers'. We anticipate that this will be published later this year. HSE is advising the Department for Business, Innovation and Skills on aspects relating to the enforcement of health and safety rights. | |
| Lead Department | BIS |
| HSE contact | HSE SCS Lead – Clive Fleming HSE Policy Lead – Rob Vondy, Strategic Interventions Division, 0151 951 3756, rob.vondy@hse.gsi.gov.uk |

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| HSE SCS Lawyer – Navroza Ladha |
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ENTERPRISE AND INDUSTRY DOSSIERS:

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| Proposed 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 | BIS |
| HSE contact | HSE SCS Lead – Stephen Williams 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 | BIS |
| HSE contact | HSE SCS Lead – Stephen Williams HSE Policy Lead – David Bosworth, Operational Strategy Division, 0151 951 4778, david.bosworth@hse.gsi.gov.uk HSE SCS Lawyer – Navroza Ladha |
| Future 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) plans to put forward a proposal to recast the Directive on the classification, packaging and labelling of dangerous preparations. This would amend the Directive to include references to the European Regulation on classification, labelling and packaging (CLP Regulation), align its definitions with those in the CLP Regulation and include post-Lisbon comitology arrangements. The EC's proposal is now expected in 2012. | |
| 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 – TBC |

UNDER NEGOTIATION:

EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:

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| 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, which is now considering it. | |
| Lead Department | BIS |
| HSE contact | HSE SCS Lead – Peter Brown HSE Policy Lead – Clare McNicholas, Work Environment, Radiation and Gas Division, 0151 951 3972, clare.mcnicholas@hse.gsi.gov.uk HSE SCS Lawyer – Navroza Ladha |

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| Proposed replacement of 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. The Employment, Social Policy, Health and Consumer Affairs Council heard a progress report on the negotiations from the Polish Presidency at its meeting on 1 December 2011. We also understand that the EC will propose another small Directive to further delay the transposition deadline of the 2004 Directive. This will ensure that the current April 2012 deadline of the 2004 Directive does not dictate the pace of the negotiations. Negotiations in the Council will recommence on this dossier under the Danish Presidency on January 12. Discussions are also proceeding in the European Parliament. | |
| Lead Department | HSE |
| HSE contact | 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 |

ENVIRONMENT DOSSIERS:

| Proposal Directive on control of major accident hazards | |
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| Current status (UNCHANGED FROM LAST BOARD UPDATE): 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. The Environment Council heard a progress report on the negotiations at its December meeting. | |
| 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 |

| Proposed recast of the EC Regulation on the Export and Import of Dangerous Chemicals (689/2008) | |
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| Current status (UNCHANGED FROM LAST BOARD UPDATE): 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. The Council is now considering the recast proposal through meetings of its Environment Working Group. Discussions are also proceedings in the European Parliament. Any agreed proposal will necessitate the replacement and re-enactment of the UK enforcing regulations for the 2008 European Regulation as they make specific reference to it. | |
| 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 – TBC |

| Proposed amendment of Annex I to the EC Regulation on the Export and Import of Dangerous Chemicals (689/2008) | |
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| Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has published further proposals to add substances to Annex I of the European Regulation on the Export and Import of Dangerous Chemicals and to remove one existing entry. These amendments are needed to reflect the inclusion of these substances into existing pesticides controls. The proposals were agreed on 27 September, and provided that there is no objection from the Council or European Parliament, they are likely to come into force in spring 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 – TBC |

| Proposed EC Regulation concerning the placing on the market and use of biocidal products (replacing Directive 98/8/EC) | |
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| Current status (UNCHANGED FROM LAST BOARD UPDATE): 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, which is expected to be formally endorsed by the European Parliament and Council early in 2012. The Regulation will be directly applicable in member states and will not require transposition, although regulations will be required on enforcement and fees. 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 – TBC |

Proposed amendment of the Biocidal Products Directive (98/8/EC) to include bendiocarb, flufenoxuron, copper (II) oxide, copper (II) hydroxide and copper (II) carbonate basic in Annex I, and two proposed Commission Decisions not to include certain active substances in Annex I

Current status (UNCHANGED FROM LAST BOARD UPDATE):

Bendiocarb, copper (II) oxide, copper (II) hydroxide and copper (II) carbonate basic were subject to positive votes at the September 2011 meeting of the Standing Committee on Biocidal Products and will now be included in Annex I of the Biocidal Products Directive. Annex I is a list of active substances with requirements agreed at European level for inclusion in biocidal products. When an active substance is listed it paves the way for biocidal products containing such active substances to be authorised for placing on the market. As such the inclusions are not expected to impose costs on businesses. Following the vote, a Directive listing the active substances for inclusion under Annex I of the BPD will be published in the Official Journal and the member States will have to transpose it into national law. In GB and NI this is achieved by using an ambulatory reference inserted into the definition of the BPD in the relevant national implementing regulations thus ensuring automatic transposition. There was no overall qualified majority for the inclusion of flufenoxuron in Annex I, so the issue has been referred to the Council and Parliament for their views. If neither blocks the Commission's proposal, then an inclusion Directive will be adopted.

**Lead Department
HSE contact**

HSE

SCS Lead – Kären Clayton

Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk

SCS Lawyer – TBC

Proposed amendment of the Biocidal Products Directive (98/8/EC) to include margosa extract, methyl nonyl ketone and hydrochloric acid in Annex I, and two proposed Commission Decisions not to include dichlorvos and naled in Annex I

Current status (NEW DEVELOPMENTS):

Margosa extract, methyl nonyl ketone and hydrochloric acid were **subject to positive votes** at the December 2011 meeting of the Standing Committee on Biocidal Products for inclusion in Annex I of the BPD. The Standing Committee **also voted positively** on two proposed European Commission Decisions not to include dichlorvos and naled in Annex I.

**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 – TBC

Proposed amendment of the Biocidal Products Directive (98/8/EC) to include thiamethoxam Annex I

Current status (NEW DEVELOPMENTS):

Thiamethoxam will be subject to a vote at the March 2012 meeting of the Standing Committee on Biocidal Products for inclusion in Annex I of the BPD.

**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 – TBC

ENTERPRISE AND INDUSTRY DOSSIERS

| EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008) – Proposed 3rd Adaptation to Technical Progress | |
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| <p>Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has circulated a proposal for a 3rd adaptation to technical progress of the European Regulation on classification, labelling and packaging of substances and mixtures. The measure proposes new or revised classifications for 17 substances. The measure had been delayed by continuing scientific debate at European level regarding gallium arsenide and epoxiconazole. Epoxiconazole is a suspected repro-toxin and an important fungicide. The recently agreed European Pesticides Regulation will prohibit this important use of epoxiconazole once it is added to the relevant annex of the European Regulation on the classification, labelling of packaging of substances and mixtures. Reflecting this, the UK suggested that there should be further consideration of epoxiconazole and inclusion in a later ATP. However, the EC now intends to include it in the 3rd ATP. A vote on the proposal is expected in early 2012.</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 – TBC</p> |

| Proposed EU Regulation on Type Approval of Agricultural Vehicles (Replacement for Directive 2003/37/EC) | |
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| <p>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.</p> | |
| <p>Lead Department HSE contact</p> | <p>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 – TBC</p> |

| Proposed Directive codifying directives relating to the driver's seat on tractors | |
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| 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 – TBC |

| Proposed Directive codifying directives relating to the rear-mounted roll-over protection structures on tractors | |
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| 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 – TBC |

| Proposed Directive codifying directives relating to the front-mounted roll-over protection structures on tractors | |
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| 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 – TBC |

| Proposed Directive codifying directives relating to the driver's operating area on tractors | |
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| 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 – TBC |

| Proposed EU Regulation on European Standardisation and amending a number Council and other Directives | |
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| 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. | |
| 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 – TBC |

| Proposed modification of New Approach Directives in line with the EC Regulation on Accreditation and Market Surveillance | |
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| Current status (NEW DEVELOPMENTS): The European Commission has drawn up 10 separate amending directives to bring a number of supply directives into line with the European Regulation on Accreditation and Market Surveillance. 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. BIS is currently seeking clearance for the UK negotiating position on the package. | |
| 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 – TBC |

EURATOM DOSSIERS:

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| Proposed Directive on Radioactive Waste Management | |
| Current status (UNCHANGED FROM LAST BOARD UPDATE) | |
| The European Commission published its proposal for a directive on radiation waste and spent fuel on 3 November. The Department for Energy and Climate Change is leading on this dossier for the UK, with HSE support as appropriate. | |
| Lead Department | DECC |
| HSE contact | HSE SCS Lead – Les Philpott HSE Policy Lead – Mike Warnes, Office for Nuclear Regulation, 0151 951 4547, mike.warnes@hse.gsi.gov.uk HSE SCS Lawyer – TBC |

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| Proposed Directive on Radiological Protection | |
| Current status (NEW DEVELOPMENTS): | |
| 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. Negotiations have now begun in the Council. DECC is currently seeking clearance for the UK approach to the negotiations. | |
| Lead Department | DECC |
| HSE contact | 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 – TBC |

ENERGY DOSSIER:

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| <p>Future amendments to Offshore Oil and Gas Directives – including Directive 92/91/EEC which covers the minimum requirements for improving the safety and health of workers in the mineral-extracting industries through drilling</p> | |
| <p>Current status (NEW DEVELOPMENTS): The European Commission (EC) published its legislative proposal on the safety of offshore oil and gas activities on the 27 October 2011. This follows the publication of the EC’s Communication on “Facing the challenge of the safety of offshore oil and gas activities” on the 13 October 2010. The proposal takes the form of a direct 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. DECC is currently seeking clearance for the UK approach to the negotiations.</p> | |
| <p>Lead Department HSE contact</p> | <p>DECC HSE SCS Lead – Steve Walker HSE Policy Lead – Jim Neilson, Hazardous Industries Directorate, 0151 951 4434, jim.neilson@hse.gsi.gov.uk HSE SCS Lawyer – TBC</p> |

UNDER IMPLEMENTATION:

EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:

| Directive establishing a 3 rd List of Indicative Occupational Exposure Limit Values (2009/161/EU) | |
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| <p>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. Implementation is also required in Gibraltar and on ships and fishing vessels.</p> | |
| <p>Lead Department HSE contact</p> | <p>HSE SCS Lead – Kären Clayton Policy Lead – Gill Smith, Long Latency Health Risks Division, 0151 951 4919, gill.fod.smith@hse.gsi.gov.uk SCS Lawyer – TBC</p> |

| Directive implementing the Framework Agreement on preventing injuries from sharp instruments in the hospital and healthcare sector (2010/32/EU) | |
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| <p>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.</p> | |
| <p>Lead Department HSE contact</p> | <p>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</p> |

ENVIRONMENT DOSSIERS:

| EC Regulation on Registration, Evaluation, Authorisation and Restriction of Chemical substances (REACH) (1907/2006) | |
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| <p>Current status (NEW DEVELOPMENTS): This European Regulation came into force on 1 June 2007. Key recent developments include:</p> <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 are meeting heritage sector representatives in late January to ensure that their needs are met by the industry-led training scheme. • Discussions are ongoing with the DEFRA on arrangements necessary to assure the continued management of the asbestos legacy under the new REACH restrictions system. | |
| <p>Lead Department HSE contact</p> | <p>DEFRA (Policy Lead) HSE (UK Competent Authority) HSE SCS Lead – Kären Clayton HSE Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk HSE SCS Lawyer – TBC</p> |

HEALTH AND CONSUMERS DOSSIER:

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| 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. National transposing legislation is expected to be completed in spring 2012, with 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 the November 2011 deadline are already in place in the UK under existing legislation. | |
| 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 – TBC |

INDUSTRY AND ENTERPRISE DOSSIERS:

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| Services Directive (2006/123/EC) | |
| Current status (UNCHANGED FROM LAST BOARD UPDATE): 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 schemes to comply with the requirements of the Directive is nearing completion. | |
| Lead Department HSE contact | BIS 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 | |
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| <p>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.</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 – TBC</p> |

TRANSPORT DOSSIER:

| Directive on investigation of accidents in the maritime transport sector (2009/18/EC) | |
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| <p>Current status (NEW DEVELOPMENTS): This directive on the investigation of marine accidents requires the Marine Accident Investigation Branch (MAIB) to undertake a ‘no blame’ investigation into all serious marine casualties and incidents. MAIB are interpreting this to require it to investigate serious accidents involving shore-based workers on board a ship – such accidents have previously been left to HSE. A consultation on the draft transposing regulations is expected shortly. In certain circumstances, certain types of incident will not be reportable or for investigation under the proposed Regulations, but might be reportable to HSE under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995. 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. HSE will take the opportunity during the consultation to consider and, if necessary, comment upon the consistency of the proposed approach with RIDDOR and the clarity of the demarcation of roles under the MoU.</p> | |
| <p>Lead Department HSE contact</p> | <p>DfT (MAIB) HSE SCS Lead – Stephen Williams HSE Policy Lead – Christine Barringer, Operation Strategy Division, 01342 33 4261, christine.barringer@hse.gsi.gov.uk HSE SCS Lawyer – TBC</p> |