

Health and Safety Executive Board		Paper No: HSE/12/75	
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Chief Executive's Report to the Board			

FFI Update – New guidance website for Inspectors

1. Final preparations are being made ahead of the implementation of Fee for Intervention (FFI) on 1 October through the Health and Safety (Fees) Regulations 2012. A final suite of guidance - developed on the back of nine months experience of operating the FFI scheme up to the point of issuing invoices to businesses - will be published on HSE's website on 28 September. This includes finalised guidance for businesses on the application of FFI and on the queries and disputes process.

2. Guidance for inspectors will also be publically available on HSE's website on 28 September. It includes guidance on the operation of FFI generally and in a multi-dutyholder environment e.g. construction where several contractors are involved. It also includes guidance on the application of FFI to certain specific sectors such as biological agents work and the public electricity supply system.

Legionnaires 'disease outbreaks

3. A second safety notice (and press release) was issued on 19 September - this covered the management of the risks from legionella in water systems other than cooling towers (CTs) and evaporative condensers (ECs).

4. Work is underway on developing a revised programme of interventions for the control of legionella risks in workplaces, including a programme of stakeholder engagement and the promotion of good practice. Informal discussions have taken place with Local Government representatives and a draft questionnaire - to assist in targeting some compliance checks (inspections) on CTs and ECs, following the issue of the first safety notice - is being trialled over the next few weeks. Discussions will be held with the LGA National Practitioner Forum on 25 September and with the Legionella Control Association on 26 September.

Sonae Industria (UK) Limited

5. Sonae Industria (UK) Ltd have recently announced (14 September) that they will close their operations in Knowsley, Merseyside although there is no indication that the company are planning to cease trading altogether. HSE have two current investigations into incidents at the Knowsley plant.

6. HSE's investigation into the double fatality at Sonae Industria UK's plant in December 2010 is essentially complete, but we await the inquest. There is no date yet set for that inquest but it will not be before early 2013. Final enforcement decisions will be taken once the inquest has concluded

7. HSE's investigation into a major fire in 2011 is, from an evidence gathering perspective, complete. The investigating inspectors are scheduled to meet next week to review the evidence and to determine whether it is sufficient to support a prosecution.

Update on Gas Safe Register: Three years on

8. Capita Gas Registration and Ancillary Services Ltd (CGRAS) has operated the statutory gas engineer's registration scheme, on behalf of HSE under a Service Concession Agreement (SCA), since 1 April 2009. HSE and CGRAS held their third annual review of the operation of the Gas Safe Register in May 2012. The key performance indicators (KPIs) in the SCA are used to monitor the delivery of the registration scheme. Achievement against the KPIs in Year 3 of the scheme's operation has been good.

9. CGRAS ran their first national Gas Safety Week in September 2011, delivering a series of gas safety messages in a concentrated week of activity. This generated in excess of 140 million 'opportunities to see' messages across a range of media and events, and was supported by more than 1,000 organisations from across the gas industry in Great Britain. The second Gas Safety Week has just been held, 10-16 September 2012.

10. CGRAS successfully tendered for the HSE Gas Safety Advice Line (GSAL), following a decision by HSE to continue to operate this service after the closure of Infoline. CGRAS have been operating this service on behalf of HSE since 1 October 2011. The successful transition of this service has been completed, and HSE monitors performance each month. CGRAS are dealing with an average of over 500 telephone calls a month on the dedicated GSAL, entirely separate from their call centre activities as Gas Safe Register

Olympic Games – London 2012

11. I am pleased to report that the Olympic and Paralympic Games concluded on Sunday 9 September without any work related fatalities being reported to HSE. We believe this will make it one of the safest Games of modern times.

Update on Löfstedt recommendations

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

13. The new Health and Safety Toolbox which builds on the basics laid out in Health and Safety Made Simple and provides the next level of advice to help businesses identify, assess and control common risks in the workplace was launched in September.

14. The Health and Safety (Miscellaneous Revocations) Regulations 2012, that revoke seven statutory instruments identified as being redundant or overtaken by more up-to-date legislation, will come into force on 1 October 2012.

15. A consultation on the proposals for the revision, consolidation or withdrawal of fifteen ACOPs has now closed, analysis of responses is underway.

16. Consultations on plans to simplify and clarify RIDDOR and to exempt some self-employed people from health and safety legislation are ongoing and will close on 28th October.

17. Consultation on a national Code for Local Authority's H&S Inspection and Enforcement is on track.

International Issues

EU Strategy on Safety and Health at Work

18. The European Commission has commissioned an evaluation of the current EU strategy on occupational safety and health (OSH), 2007-2012. The report of this evaluation is expected to be published towards the end of the year. The Commission then expects to outline proposals for a new OSH strategy in the spring of 2013 and undertake a public consultation on them. These proposals are likely to include:

(a) Actions on occupational health issues (especially musculoskeletal disorders, psychosocial risks and risks from new technologies and materials);

(b) Actions to ensure the better implementation of legislation, especially in SMEs and micro enterprises through tools such as the online risk assessment tool under development in the European Agency for Safety and Health at Work; and

(c) Actions to ensure more sustainable working lives for Europe's workers, particularly in the light of demographic changes.

19. The Commission currently expects to adopt the new strategy in mid-2013.

GEOFFREY PODGER
Chief Executive

Operations

Fatality details

Since the last update to the HSE Board on Wednesday 22 August 2012, 16 fatal accidents for 2012/2013 were reported to HSE under RIDDOR and subsequently published on HSE's website. Please see [Annex 2](#) for details.

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

Of the 16 fatalities listed in the current report, 1 occurred prior to July 2012.

15 fatalities occurred in July 2012, compared with 16, which occurred in July 2011.

The full list of the names of the deceased plus additional details may be viewed at: <http://www.hse.gov.uk/foi/fatalities/in-year-names.htm>

Significant Prosecutions during August 2012

- [Fatima Mawji and Munira Mawji](#) were both fined £50,000 and both ordered to pay £20,000 costs at Leicester Crown Court after an elderly resident died following a fall from a hoist
- [O. Turner Insulation Ltd](#) and was fined £22,500 with £12,806 costs. [Clegg Food Projects Ltd](#) was fined £22,500 with £12,674 costs at Leicester Crown Court after a man was killed when he drove a specialist machine into an unprotected pit in a factory floor
- [Alex Irvine](#) - a self-employed joiner was sentenced to 300 hours of community service by Paisley Sheriff Court after a gas cooker he illegally installed exploded, severely injuring two householders and causing more than £580,000 worth of damage to four properties
- [Cowlin Construction Ltd](#) was fined £85,000 and ordered to pay £20,000 costs, [Prestoplan Ltd](#) was fined £50,000 and ordered to pay £20,000 towards costs and [Somerset Carpenters Ltd](#) was fined £35,000 with £22,000 costs at Exeter Crown Court after two workers on an Exeter building site suffered severe injuries when the platform they were working on collapsed and fell four storeys down a lift shaft
- [Waheed Ahmid and Farhat Basharat](#) were handed three-month jail sentences, suspended for 12 months. Ahmid was also ordered to undertake 150 hours of community service and pay £2,500 towards prosecution costs. Basharat was ordered to undertake 200 hours of community service and pay £5,000 in costs at Sheffield Magistrates after dangerous defects were found on every gas appliance at a house they rented out to a young woman

- [David Francis MacDonald](#) was sentenced to six months' imprisonment, suspended for two years, ordered to carry out 200 hours' community service and ordered to pay £8,211 in costs at Westminster Magistrates' Court for endangering lives after a mother, her partner and her eight-year-old daughter were poisoned by carbon monoxide at a flat in Lewisham
- [The First Milk Cheese Company Ltd](#) was fined £20,000 and ordered to pay £36,064 in prosecution costs at Carlisle Magistrates' Court following a major explosion at its cheese factory in Cumbria
- [Ricky Gray](#) was fined £4,000 and ordered to pay £1,000 in costs; and [David Gray](#) was fined £1,000 with £250 costs at Oxford Magistrates' Court for colluding with each other to commit fraud by falsifying a record stating that a school in Abingdon had been properly cleaned of asbestos
- [Clear Channel UK Ltd](#) was fined £12,700 and ordered to pay costs of £13,000 at Bristol Magistrates Court after an employee's hand was caught in a petrol-powered lawn mower in Bristol
- [Michelmersh Brick and Tile Company Ltd](#) was fined a total of £15,000 and ordered to pay £4,945 in costs at Southampton Magistrates after one of its employees suffered crush injuries to his leg in a poorly-guarded machine
- [Hazelwise Ltd](#) was fined £40,000 and ordered to pay £8,969 in prosecution costs. [RH Property Management Ltd](#) was fined £15,000 and with costs of £11,011 at Manchester Crown Court after workers were exposed to potentially deadly asbestos fibres at a mill in Bolton
- [Lee Lawrence, t/a Amber Plumbing Solutions](#) received a twelve-month suspended prison sentence and 180 hours of unpaid community service. He was ordered to pay £5,400 in compensation to the householder and £2,385 costs in addition to his suspended prison sentence and hours of unpaid community service by Colchester Magistrates' Court after his firm fitted a dangerous boiler in what was to be a child's bedroom in a house in Clacton-On-Sea
- The [Morrison Facilities Service Ltd](#) was fined £18,000 and ordered to pay costs of £5,452 at Nottingham Magistrates' Court after a Nottingham worker suffered serious neck and back fractures falling 2.4 metres through a fragile roof.

Events, Campaigns and Publications in August 2012

Annual offshore injury figures continue improvement

The number of offshore oil and gas leaks that could potentially lead to a major incident continues to fall, please click [here](#) for details.

Views sought on proposals to exempt specific self-employed workers from health and safety law

The Health and Safety Executive (HSE) has opened a three-month consultation on proposals to exempt self-employed people whose work activities pose no potential risk of harm to others from health and safety law. Please click [here](#) for details

Consultation on changes to simplify RIDDOR launched

On 2 August 2012, HSE opened a 12-week consultation on proposals to simplify and clarify the reporting of injuries, diseases and dangerous occurrences (RIDDOR 1995). Please click [here](#) for details

Scaffold work under the safety spotlight

In August 2012, construction sites in the West Midlands, Worcestershire and Warwickshire were put under the spotlight over a three week period as part of a safety drive to reduce the number of workplace deaths and injuries. For details, please click [here](#)

FOI Requests made to HSE

There were 553 FOI requests made to HSE in August 2012.

Parliamentary Business

There were no PQs during the month of August due to Parliamentary recess.

The following table is an extract of all 2012/13 work-related deaths notified to HSE since the last update to the Board on Wednesday 22 August 2012, it contains fatalities notified to us in July 2012. It is taken from the latest "Names and details of fatalities" update published on HSE's website on Monday 3 September 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
27/06/2012	Geoffrey Monk	36	The deceased died following a fall	Essex	Chelmsford	Construction	Construction of commercial buildings	Self Employed
03/07/2012	David Allan	47	The deceased died after losing control of a vehicle	Bedfordshire	Bedford Unitary Authority	Service	Activities of extraterritorial organizations and bodies	Employee
09/07/2012	James Leech	75	The deceased died after coming into contact with cattle	South Staffordshire	Stafford	Agriculture	Mixed Farming	Employee
10/07/2012	John Newham	52	The deceased was trapped by a falling object	Lincolnshire	Boston	Service	Freight transport by road	Employee
19/07/2012	Craig Gray	39	The deceased fell from height	Lancashire	Wyre	Service	Other personal service activities n.e.c.	Employed By Other
19/07/2012	David Henry Arthur Thomas	74	The deceased died after coming into contact with cattle	Powys	Powys UA	Agriculture	Mixed farming	Self Employed
19/07/2012	Daniel Haffenden	43	The deceased was trapped by a vehicle	Eastbourne	Eastbourne	Service	Maintenance and repair of motor vehicles	Self Employed
20/07/2012	Tony Ockwell	40	The deceased fell from height	Dorset	East Dorset	Construction	Development of building projects	Employed by other

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
22/07/2012	Karl Doran	7	The deceased was struck by a moving vehicle	County Durham	Durham County UA	Service	Activities of extraterritorial organizations and bodies	Member of the Public - Child
23/07/2012	Andrew Hanshaw	45	The deceased came into contact with machinery	Leeds	Leeds	Manufacturing	Sawmilling and planing of wood	Employee
24/07/2012	Anthony Victor	54	The deceased was struck by an object	Leeds	Leeds	Construction	Demolition	Employee
24/07/2012	Gary Hawkins	55	The deceased died following a fall	Rotherham	Rotherham	Construction	Electrical installation	Employee
24/07/2012	James Kew	41	The deceased died after coming into contact with electricity	Essex	Uttlesford	Extractive/Utility	Transmission of electricity	Member of the Public
26/07/2012	Joseph Troup	76	The deceased died whilst reversing a vehicle	Arbroath	Angus UA	Extractive/Utility	Operation of gravel and sand pits; mining of clays and kaolin	Employee
27/07/2012	Geoffrey Davis	59	The deceased died following a fall	Cumbria	South Lakeland	Construction	Construction of residential and non-residential buildings	Self Employed
27/07/2012	George Jarron	75	The deceased was struck by a moving vehicle	Dundee	Dundee UA	Service	Retail sale of meat and meat products in specialised stores	Employee

SEPTEMBER 2012 UPDATE ON EU HEALTH AND SAFETY DOSSIERS

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

SOCIAL DIALOGUE:

EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:

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

Potential new Directive on Ergonomics at Work	
Current status (UNCHANGED FROM LAST BOARD UPDATE): 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
HSE contact	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

Potential amendment of the Carcinogens and Mutagens Directive (2004/37/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) is currently considering a limited revision of the Directive, with a more substantive alignment with the Chemical Agents Directive a longer-term project. The EC has currently earmarked 2013 for publishing a proposal on the limited revision.	
Lead Department	HSE
HSE contact	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

Potential new Directive implementing the social partners' agreement on the prevention of health risks in the hairdressing sector	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European social partners covering the hairdressing profession, on 26 April 2012, signed their Framework Agreement on the prevention of health risks in their sector. This included a request to the European Commission that it send the agreement to the Council for a decision on it becoming binding on member states.	
Lead Department	HSE
HSE contact	SCS Lead – Kevin Myers Policy Lead – Cameron Adam, Operational Strategy Division, 0141 275 3096, cameron.adam@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

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

ENTERPRISE AND INDUSTRY DOSSIERS:

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

Potential amendment of Pressure Equipment Directive to align it with the European Regulation on classification, labelling and packaging of substances and mixtures (1272/2008)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission is currently developing a draft proposal to align 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 ('NEW DEVELOPMENTS'): The European Commission (EC) has published a proposal to replace the Electromagnetic Fields Directive (2004/40/EC) with a new Directive. To allow further time for the negotiations, the transposition deadline of the 2004 Directive, which was April 2012, was extended by a further 18 months (Directive 2012/11/EU). Following negotiations under the Polish, Danish and now Cyprus Presidency, the text has been altered by Council. The changes have generally been positive. The Cyprus Presidency hope to get a general approach at EPSCO (4 October 2012). The Presidency would then open discussions with the European Parliament with the aim of securing a first reading agreement.	
Lead Department HSE contact	HSE SCS Lead – Peter Brown Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909, matthew.penrose@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

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

ENTERPRISE AND INDUSTRY DOSSIERS

Proposed amendment of the Biocidal Products Directive (98/8/EC) to include Cis-tricos-9-ene, hydrogen cyanide and chlorfenapyr in Annex I, to extend the Annex I inclusion for nonanoic acid, and to amend the headings in Annex I; a proposed Commission Decision not to include bifenthrin in Annex I; and three proposed Commission Implementing Decisions to approve restrictions of authorisations of biocidal products containing the active substance difethialone	
Current status (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.	
Lead Department	HSE
HSE contact	SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Peter Loosley

Proposed amendment of the Biocidal Products Directive (98/8/EC) to include five active substances in Annex I, and to extend one Annex I inclusion; a proposed Commission Decision not to include four active substances in Annex I; a proposed Commission Regulation to amend the EU 2nd Review Regulation; and a proposed Commission Implementing Decision to approve restriction of authorisations of biocidal products containing the active substance difenacoum

Current status (NEW DEVELOPMENTS):

Diflubenzuron, pyriproxyfen, corn cob, didecyldimethylammonium chloride (DDAC) and alkyl (C₁₂₋₁₆) dimethylbenzene ammonium 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 a Commission Implementing Decision addressed to Germany to approve restrictions on its authorisations of rodenticide products containing the active substance difenacoum.

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 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 HSE contact	BIS HSE SCS Lead – Peter Brown HSE Policy Lead – David Bosworth Work Environment, Radiation and Gas Division, 0151 951 4778, david.bosworth@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley

Proposed modification of New Approach Directives in line with the EC Regulation on Accreditation and Market Surveillance	
Current status (NEW DEVELOPMENTS): 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 consulted on the proposals and the responses reflected in the negotiation strategy.	
Lead Department HSE contact	BIS HSE SCS Lead – Peter Brown HSE Policy Lead – David Bosworth, Work Environment, Radiation and Gas Division, 0151 951 4778,

	david.bosworth@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley
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ENVIRONMENT DOSSIER

Proposed amendment of Annexes I and V of the EC Regulation on the Export and Import of Dangerous Chemicals (689/2008)	
Current status (NEW DEVELOPMENTS) The European Commission has published further proposals to add substances to Annexes I and V of the European Regulation on the Export and Import of Dangerous Chemicals and to remove two existing entries from Annex I. These amendments are needed to reflect the inclusion of these substances into existing pesticide and biocide controls. The proposals will be subject to a vote by comitology on 27 September. If they are agreed, and provided that there is no objection from the Council or European Parliament, they are likely to come into force in Spring 2013.	
Lead Department HSE contact	HSE SCS Lead - Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7556 3533, robin.foster@hse.gsi.gov.uk SCS Lawyer – Peter Loosley

EURATOM DOSSIERS:

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 2011. Pace of Negotiations have increased sharply under Cyprus; UK has encouraged the formation of technical working groups, and is fully involved, with a chairing role. 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 (UNCHANGED FROM LAST BOARD UPDATE): 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 implementing the Framework Agreement on preventing injuries from sharp instruments in the hospital and healthcare sector (2010/32/EU)	
<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. 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.</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)	
<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"> • HSE continues to consider its approach to the permitted derogation from the new EU restriction on use of paint-strippers containing dichloromethane. An HSE Position Statement and interim enforcement policy has been shared with inspectors and stakeholder updating them on the latest standing of this issue. • Discussions are ongoing with the DEFRA on arrangements necessary to assure the continued management of the asbestos legacy under the new REACH restrictions system. <p>HSE has held discussions with the Department for Business, Innovation and Skills and the trichloroethylene supply industry regarding the potential inclusion of this substance in the REACH list of substances subject to authorisation, and possible amendment to the harmonised classification for this substance. Discussions continue</p> <ul style="list-style-type: none"> • REACH continues to evolve with new amendments and additions to the Annexes of the Regulation being undertaken in comitology. HSE partner with and at times proxy for DEFRA at these meetings. • A review of the operation of the REACH Regulation has been undertaken by the European Commission – the report is awaited in October 2012. 	
<p>Lead Department HSE contact</p>	<p>DEFRA (Policy Lead) HSE (UK Competent Authority) HSE SCS Lead – Kären Clayton HSE Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley</p>

Directive on control of major accident hazards involving dangerous substances (2012/18/EU)	
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 (UNCHANGED FROM LAST BOARD UPDATE): This Regulation was published on 27 July 2012, and will apply from 1 March 2014. The Regulation is a recast of the existing European Regulation on the Export and Import of Dangerous Chemicals. The recast elements include updated references to other EU legislation, including to the European Regulation on classification, labelling and packaging of substances and mixtures (the 'CLP Regulation'), alignment of definitions with those in the CLP Regulation, and setting out the role of the European Chemicals Agency in the Regulation's implementation and the limited circumstances in which certain exports may go ahead without explicit consent from the authorities in the importing country. The Regulation will act directly in member states, and, as such, does not require transposition. However, new domestic legislation will be needed to provide for continued enforcement powers for UK authorities and the appointment of the designated national authorities once the Regulation starts to apply.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Peter Loosley

INDUSTRY AND ENTERPRISE DOSSIERS:

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

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

Directive (2012/32/EU) amending Directive 2008/43/EC setting up a system for the identification and traceability of explosives for civil uses	
Current status (NEW DEVELOPMENTS): Directive 2008/43/EC is implemented in Great Britain by the Identification and Traceability of Explosives Regulations 2010. There are also similar regulations in Northern Ireland. These were due to enter into force on 5 April 2012. However, an amending Directive (2012/32/EU) was published in February 2012 and the urgent element of this was transposed into law in April 2012, extending the coming into force date of the requirements of the original regulations until April 2013. Regulations that consolidate the existing British legislation and also implement other minor technical changes made by the 2012 Directive have been drafted. As the changes have to be in force by April 2013 and the regulations are deregulatory in nature use of the new “fast-track” arrangement for making legislation is being explored. Similar action is being taken by Northern Ireland Office.	
Lead Department HSE contact	HSE SCS Lead – Susan Mackenzie Policy Lead – David Pascoe, Specialised Industries Division, 0151 951 4241, david.pascoe@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha