

Health and Safety Executive Board		Paper No: HSE/12/46	
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Chief Executive's Report to the Board			

Legionnaires' Disease outbreak - Edinburgh

1. HSE is assisting with the investigation into the source of the Legionella outbreak in SW Edinburgh. NHS Lothian are in the lead with HSE and Edinburgh City Council assisting the Incident Management Team. This is a significant outbreak with 2 deaths and 89 cases (42 confirmed and 47 suspected as at 17 June 2012). The number of patients in intensive care has reduced from 15 at its highest to 7 (at 17 June). Indications are that the outbreak has reached its peak.
2. Work continues on identifying the strain of Legionella in the site samples and patient samples. There is still no causal work-related link established. Attention has been focusing on industrial cooling towers at North British Distillery, MacFarlan Smith and Burton Foods, and other non-HSE enforced premises including the National Museum of Scotland. HSE inspectors have served improvement notices on North British Distillery and Macfarlan Smith requiring improved control of their legionella risks, though they have not been identified as the source.
3. HSE's Legionella Committee will meet on 28 June to consider this outbreak in the context of HSE's current strategy on legionella.

Further update on Total Elgin offshore installation gas release

4. The major gas release from well G4 on the Total Elgin offshore platform was brought under control on 15 May (51 days after it started) by pumping high density mud down the well. Work is now underway to install two cement plugs to provide a permanent kill. HSE continues to work closely with DECC and other Government departments via a Government Interest Group. There are three main areas of work:
 - Continuing regulatory oversight of Total and its contractors' well intervention activities for High Pressure High Temperature (HP/HT) wells on the Elgin and associated Franklin platforms. Total have written to HSE confirming they will not restart production without HSE consent.
 - OSD Major Incident Investigation. The investigation team visited the platform for the first time on 4 June and have been taking statements and acquiring computer and documentary evidence both onshore and offshore.

- An OSD review of the current state of the art and regulatory oversight of all UK HP/HT wells identified a number of specific dutyholder and installation-based actions to take immediately including a request to all dutyholders to review the integrity of their wells.

Trial of Firefighters and Warwickshire County Council

5. Following the deaths of 4 firefighters at a fire in a vegetable packing plant in November 2007 in Atherstone, Warwickshire, the Crown Prosecution Service (CPS) brought charges against three incident commanders for gross negligence manslaughter and against the employer, Warwickshire County Council, for an offence under Section 2 of the Health and Safety at Work Etc Act 1974.
6. HSE provided assistance to the police, who led the investigation. The decision to prosecute the incident commanders and the council was taken by the CPS. The Council entered a guilty plea and there will be a separate sentencing hearing for the Council in due course.
7. The judge directed that one of the three incident commanders, Paul Simmons, be acquitted. The cases against the two other men, Adrian Ashley and Timothy Woodward, continued. At the conclusion of the cases, the jury deliberated delivered verdicts of not guilty.

Update on Löfstedt recommendations

8. DWP has published an update on HSE's progress against the recommendations within the Löfstedt report. Link is available at <http://www.dwp.gov.uk/docs/progress-report-health-safety-reforms-june-12.pdf>. Delivery to date has included:
 - launch of the Independent Regulatory Challenge Panel in January 2012 and the 'Myth Busters' Challenge Panel which looks at decisions made by non-regulators in the name of health and safety launched in April 2012;
 - refreshed guidance on Portable Appliance Testing published on HSE website in April 2012;
 - Construction (Design and Management) Regulations 2007, evaluation report published on HSE website in April 2012, and;
 - refreshed guidance on First Aid published on HSE website in May 2012.

Update on Fee for Intervention

9. Fee for Intervention (FFI) is on track for implementation from 1 October 2012, subject to Parliamentary approval of the proposed Health and Safety (Fees) Regulations 2012. These Regulations will put a duty on HSE to recover its costs for carrying out its regulatory functions from those found to be in material breach of health and safety law.

10. There are no changes to how the scheme will operate as recommended by HSE's Board to Ministers last December in response to the formal consultation that took place last Summer.
11. The shadow run - a test of the new processes and procedures being run across all HSE's operational Directorates - is underway and will continue until the scheme goes live.
12. Detailed guidance for businesses, which explains how FFI will work including illustrations of material breaches, has been developed in conjunction with industry and will be available on HSE's website well ahead of implementation.

Publication of Code of Practice for controlling ill health from animal contact at visitor attractions

13. In August 2009 an outbreak of *E.coli* O157 led to severe illness in 93 members of the public who had visited Godstone Farm in Surrey. The Health Protection Agency (HPA) set up an independent committee under Prof George Griffin to investigate the outbreak. The committee's report was published in June 2010.
14. As a result HSE has worked with the industry in developing an Industry Code of Practice. HSE's Agriculture, Waste and Recycling Sector has worked with key industry stakeholders to produce two documents - an Industry Code of Practice and a Summary of Control Measures. These publications will shortly be made available on a number of industry websites. The Industry Code of Practice is modelled on 'Managing Visitor Safety in the Countryside, principles and practice' published by the Visitor Safety in the Countryside Group and will replace the HSE Agriculture Information Sheet No 23(rev2) 'Preventing or controlling ill health from animal contact at visitor attractions'.

Visit to Redgrave Court by Minister for Employment

15. The Minister for Employment visited Redgrave Court on 29 May 2012. In addition to his regular meeting with Judith Hackitt and myself, he held a Q&A session with staff involved in delivery of the Löfstedt recommendations, and visited staff in ONR where he met senior managers and held a similar staff Q&A session.

GEOFFREY PODGER
Chief Executive

Operations

Fatality details

Since the last update to the HSE Board on Wednesday 16th May 2012, 23 fatal accidents for 2011/12 and 2012/2013 were reported to HSE under RIDDOR and subsequently published on HSE's website. Please see [Annex 2](#) for details.

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

Of the 23 fatalities listed in the current report, 10 occurred prior to April 2012.

13 fatalities occurred in April 2012, compared with 14, which occurred in April 2011.

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

Significant Prosecutions for May 2012

- [Bowmer and Kirkland Ltd](#) was fined £280,000 and [Bingham Davis Ltd](#) which ceased trading since the crane collapse after going into voluntary liquidation was fined a nominal £1,000 at Liverpool Crown Court after a crane collapsed onto a city centre apartment block in Liverpool, resulting in the crane driver being paralysed from the waist down
- [Bezier Ltd](#) were fined £80,000 and ordered to pay £38,501.83 in costs at Leeds Crown Court for serious safety failings after a worker at its Wakefield printing site was crushed to death.
- [Amber Engineering Limited \(trading as Amber Services\)](#) was fined £112,000 and ordered to pay costs of £36,000. Cardiff Crown Court after a yard foreman was crushed to death
- [J H Hallam \(Contracts\) Ltd](#) was fined £80,000 and ordered to pay £20,000 costs and [J & H Construction Ltd](#) was fined £50,000 and ordered to pay £20,000 costs at Leicester Crown Court after a worker was killed when a lorry overturned onto his vehicle
- [Apex Scaffolding \(Sussex\) Ltd](#) was fined a total of £3,000 and ordered to pay £5,000 in costs, Michael Walsh was fined £1,500 with £2,500 in costs and Leslie Hustwayte was fined £2,000 with costs of £2,500 for safety failings after a worker died from injuries sustained in a fall from scaffolding at a construction site in East Sussex.

- [ABC \(Grimsby\) Ltd](#) was fined a total of £25,000 and ordered to pay £20,000 costs at Grimsby Crown Court after a worker was killed when a row of steel coils 'collapsed like dominos' trapping him under their five-tonne weight.
- [John Martin Riva](#) was fined £15,000 at Haddington Sheriff Court after carbon monoxide death of a 60-year-old woman.
- [Integrated Dental Holdings Ltd](#) was fined £18,500 with costs of £71,632.79 at Sheffield Crown Court for safety failings after a receptionist fell more than three metres through a roof light while spending her lunch break on the flat roof of the surgery
- [Mr James Hampson](#) trading as Ryan Services given an eight-month suspended prison sentence and 250 hours of unpaid community service and was ordered to pay £10,000 costs at Ipswich Crown Court after his inadequate work on domestic gas appliances put the lives of a mother and daughter at risk in their own home
- [Mr Jagdev Singh Bal](#) was fined £4,000 and ordered to pay costs of £4,129 at Westminster Magistrates' Court after a self-employed builder died while replacing a roof on a property in Middlesex
- [Frank Hill Ltd](#), formerly traded as IPC Services, was convicted for health and safety offences after a factory worker's fingers were cut off by a rotating saw. The company was fined £2 with no costs at Manchester Crown Court because the company went into liquidation
- [Brookvale Homes \(SW\) Ltd](#) was fined £10,000 and ordered to pay £7,576.40 in costs at Yeovil Magistrates' Court after a subcontracted worker suffered serious injuries when he was struck by a fork lift truck.
- [Brian George Mackie](#) was fined £15,000 at Aberdeen Sheriff Court after one of his workers was seriously injured when he fell five metres from the edge of a flat roof
- [Brian Lloyd](#) was given 250 hours community service and ordered to pay £500 toward costs at Wakefield Magistrates to two offences against the Gas Safety Regulations and one charge of breaching a Prohibition Notice for his work at the Towngate property

Events, Campaigns and Publications in March and April 2012

Diamond Jubilee celebrations.

The Health and Safety Executive (HSE) published online tips for the Jubilee giving advice about common misconceptions. For details, please click [here](#).

Free event to empower young apprentices to avoid death, injury and ill-health at work

On 16 May 2012, young construction apprentices in Aberdeen received lifesaving advice at a free event raising awareness of death, injury and ill health in the workplace at Gordon Barracks, Bridge of Don. Please see details [here](#).

Firms urged to pull the plug on £30m of wasted electrical safety tests

Unnecessary electrical safety tests cost office-based businesses an estimated £30 million a year. Click [here](#) for details.

FOI Requests made to HSE

There were 588 FOI requests made to HSE during May 2012.

Parliamentary Business

HSE dealt with 14 PQs and provided 4 contributions during the month of May 2012.

Annex 2

The following table is an extract of all 2011/12 work-related deaths notified to HSE since the last update to the Board on Wednesday 16th May 2012, it contains fatalities notified to us in April 2012. It is taken from the latest "Names and details of fatalities" update published on HSE's website on Wednesday 6th June 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
29/01/2012	Craig Cathie	19	The deceased fell from height	Gairloch	Highland UA	Service	Activities of religious organizations	Member of the Public
29/01/2012	Ivars Bahmanis	54	The deceased fell from height	Blackburn	Blackburn UA	Construction	Construction of residential and non-residential buildings	Employee
30/01/2012	Sidney Upfold	89	The deceased died whilst under medical care	Cornwall	Cornwall UA	Service	Hospital activities	Member of the Public
01/02/2012	Nasir Hussain	36	The deceased came into contact with machinery	Bradford	Bradford	Manufacturing	Manufacture of other general-purpose machinery n.e.c.	Employee
13/02/2012	Geoffrey Crow	48	The deceased was struck by a moving vehicle	Hertfordshire	Dacorum	Construction	Development of building projects	Employee
17/03/2012	Jeannie Knape	91	The deceased died following a fall	Elgin	Moray UA	Service	Residential nursing care facilities	Member of the Public
20/03/2012	Anne Wicks	63	The deceased died from suspected carbon monoxide poisoning	London	Hounslow	Service	Other letting and operating of own or leased real estate	Member of the Public
21/03/2012	Agnes Tait	95	The deceased died following a fall	Inverness	Highland UA	Service	Residential care activities	Member of the Public

Annex 2

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
26/03/2012	Stephanie Berry	50	The deceased died from suspected carbon monoxide poisoning	London	Croydon	Extractive/Gas & Electricity Supply	Manufacture of gas; distribution of gaseous fuels through mains	Member of the Public
26/03/2012	Jackie Berry	50	The deceased died from suspected carbon monoxide poisoning	London	Croydon	Extractive/Gas & Electricity Supply	Manufacture of gas; distribution of gaseous fuels through mains	Member of the Public
02/04/2012	Kevin McDonald	53	The deceased died following a fall	Selby	Selby	Service	Freight transport by road	Employee
05/04/2012	Frederick Foster	51	The deceased was struck by a moving vehicle	East Cambridgeshire	East Cambridgeshire	Service	Freight transport by road	Employee
05/04/2012	William Jack Donald	77	The deceased died following a fall	Aberdeenshire	Aberdeenshire UA	Service	Hospital activities	Member of the Public
10/04/2012	John Biggadike	53	The deceased died whilst under medical care	Boston	Boston	Service	Hospital activities	Member of the Public
11/04/2012	David McClorey	31	The deceased was struck by a moving vehicle	Perthshire	Perth & Kinross UA	Construction	Other specialised construction activities n.e.c.	Employee
12/04/2012	Stephen Philip Reeves	60	The deceased fell from height	Birmingham	Birmingham	Manufacturing	Manufacture of fertilizers and nitrogen compounds	Self Employed
14/04/2012	Maria Michel	90	The deceased died following a fall	London	Barnet	Service	Social work activities without accommodation	Member of the Public
19/04/2012	Graham Duff	43	The deceased was struck by an object	Moray	Moray UA	Agriculture	Silviculture and other forestry activities	Employee
20/04/2012	Alison Evers	34	The deceased asphyxiated	Leeds	Leeds	Service	Residential care activities	Member of the Public
21/04/2012	Dhah Tasleem	40	The deceased was trapped by a falling vehicle	Croydon	Croydon	Service	Maintenance and repair of motor vehicles	Member of the Public

Annex 2

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
24/04/2012	Ian Woolfit	68	The deceased was trapped by a falling vehicle	East Yorkshire	East Riding	Construction	Construction of residential and non-residential buildings	Employee
24/04/2012	Michael George Young	27	The deceased died following a fall	Buckinghamshire	Aylesbury Vale	Agriculture	Mixed farming	Self Employed
27/04/2012	Zydre Groblyte	23	The deceased came into contact with machinery	Huntingdonshire	Huntingdon	Manufacturing	Manufacture of other plastic products	Employed by other

JUNE 2012 UPDATE ON EU HEALTH AND SAFETY DOSSIERS

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

SOCIAL DIALOGUE:**EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:**

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

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

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

Social partners' consultation on reviewing the Working Time Directive	
Current status (UNCHANGED FROM LAST BOARD UPDATE): In September 2009, the European Commission (EC) announced its commitment to review the Working Time Directive, following the collapse of the previous round of negotiations on amending the Directive in April 2009. There have since been two rounds of social partner consultation on Commission options for the Directive, with the social partners now having decided to open negotiations on an agreement on the Directive. HSE has a role in enforcing the domestic regulation that transposes the original Directive.	
Lead Department HSE contact	BIS HSE SCS Lead – David Sowerby HSE Policy Lead – Bernadette Cadman, Field Operations Directorate, 0151 951 5710, bernadette.cadman@hse.gsi.gov.uk HSE SCS Lawyer – Navroza Ladha

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

Future initiative on Ergonomics at Work	
Current status (UNCHANGED FROM LAST BOARD UPDATE): 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. Current indications point to a proposal potentially appearing during the latter stages of the forthcoming Cypriot Presidency of the Council.	
Lead Department HSE contact	HSE SCS Lead – Peter Brown Policy Lead – Tony Almond, Work Environment, Radiation and Gas Division, 0151 951 3962, tony.alomond@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha

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

ENTERPRISE AND INDUSTRY DOSSIERS:

Potential simplification of Pressure Equipment Directive	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission plans to conduct a future review of the Directive, with no decision taken yet on the timing.	
Lead Department HSE contact	BIS HSE SCS Lead – Peter Brown

	HSE Policy Lead – David Bosworth, Operational Strategy Division, 0151 951 4778, david.bosworth@hse.gsi.gov.uk HSE SCS Lawyer – Navroza Ladha
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Potential amendment of Pressure Equipment Directive to align it with the EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008)	
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Current status (UNCHANGED FROM LAST BOARD UPDATE):	
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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 – Peter Brown HSE Policy Lead – David Bosworth, Work Environment, Radiation and Gas Division, 0151 951 4778, david.bosworth@hse.gsi.gov.uk HSE SCS Lawyer – Navroza Ladha

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

Proposed amendment of Pregnant Workers Directive (92/85/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Parliament (EP) has proposed a number of amendments to the Directive, including ones on health and safety, following its plenary session on 20 October 2010. The EP's amended proposal has been sent to the Council, which is now considering it.	
Lead Department HSE contact	BIS HSE SCS Lead – Peter Brown HSE Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909, matthew.penrose@hse.gsi.gov.uk HSE SCS Lawyer – Navroza Ladha
Proposed Directive to replace the Electromagnetic Fields Directive (2004/40/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) has published a proposal to replace the Electromagnetic Fields Directive (2004/40/EC) with a new Directive. Following activity under the Polish Presidency, negotiations in the Council on the dossier recommenced under the Danish Presidency on January 12. Discussions are also proceeding in the European Parliament. To allow time further time for the negotiations, the transposition deadline of the 2004 Directive, which was April 2012, has been extended by a further 18 months (Directive 2012/11/EU).	
Lead Department HSE contact	HSE SCS Lead – Peter Brown Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909, matthew.penrose@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha
Proposed Directive on enforcement of posted workers rights	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has published a legislative proposal dealing with the enforcement of workers' rights when they are posted abroad by their employers, i.e. what are classified as 'posted workers'. Although numbers of posted workers are relatively small (less than 37,000 in the UK), analysis of the proposal suggests the impact of the proposal on HSE is likely to be broad though probably fairly shallow. There are possible impacts in relation to resources and targeting, publications, data handling and disclosure of information, and complaints handling. HSE is advising the Department for Business, Innovation and Skills, who lead on the proposal for the UK.	
Lead Department HSE contact	BIS HSE SCS Lead – Clive Fleming HSE Policy Lead – Kate Haire, Strategic Interventions Division, 0151 951 3792, kate.haire@hse.gsi.gov.uk HSE SCS Lawyer – Navroza Ladha

ENVIRONMENT DOSSIERS:

Proposal Directive on control of major accident hazards	
Current status (NEW DEVELOPMENTS): The European Commission has published a proposal for a Directive on control of major accident hazards. This would replace Directive 96/82/EC, as amended by Directive 2003/105/EC (otherwise known as the 'Seveso II' Directive). The proposal is designed to bring 'Seveso' requirements into line with the European Regulation on classification, labelling and packaging of substances and mixtures and to make other technical changes. The European Parliament voted in June to accept the informal agreement that had been reached on proposed Directive. This will now be adopted by the Council.	
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)	
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. A first reading deal has now been agreed between the Council and the European Parliament. The recast Regulation is expected to be adopted before the end of the current Danish Presidency and is likely to apply from 1 March 2014. The agreed proposal will necessitate the replacement and re-enactment of the UK enforcing regulations for the 2008 European Regulation as they make specific reference to it.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Peter Loosley

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

Proposed amendment of the Biocidal Products Directive (98/8/EC) to include flufenoxuron in Annex I	
Current status (NEW DEVELOPMENTS): Flufenoxuron was subject to a vote at the September 2011 meeting of the Standing Committee for Biocidal Products on its inclusion in Annex I of the Biocidal Products Directive (BPD), which would allow it to continue to be used in wood preservative biocidal products. There was no overall qualified majority at the committee vote stage, and so the issue has been referred to Council and the European Parliament (EP) under the regulatory procedure with scrutiny. The Council did not reach a decision within the 2-month deadline on whether to block or support the adoption of the inclusion Directive. The EP then had a further extended period in which to decide whether to act. It did not do so by the deadline of 4 June, and so the European Commission will now proceed to adopt the inclusion Directive amending the BPD by the end of June 2012.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Peter Loosley

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

ENTERPRISE AND INDUSTRY DOSSIERS

Proposed recast of Directive on the classification, packaging and labelling of dangerous preparations (1999/45/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) has published a proposal to recast the Directive on the classification, packaging and labelling of dangerous preparations. This amends the Directive to include references to the European Regulation on classification, labelling and packaging (CLP Regulation), align its definitions with those in the CLP Regulation and include post-Lisbon comitology arrangements. 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	DfT
HSE contact	HSE SCS Lead – Stephen Williams HSE Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley

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

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

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

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

Proposed EU Regulation on European Standardisation	
Current status (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 – Phil Papard, Work Environment, Radiation and Gas Division, 0161 952 8402, phil.papard@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley

Proposed modification of New Approach Directives in line with the EC Regulation on Accreditation and Market Surveillance	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has drawn up 9 separate amending directives to bring a number of supply directives into line with the European Regulation on Accreditation and Market Surveillance. The directives being amended that are HSE's responsibility to enforce include explosives for civil use, lifts, low voltage and simple pressure vessels. Negotiations have now begun in the Council. The Department for Business Innovation and Skills, the UK lead on the dossier, has started a 12-week public consultation paper on the proposals; this ends on 6 April 2012.	
Lead Department HSE contact	BIS HSE SCS Lead – Peter Brown HSE Policy Lead – Phil Papard, Work Environment, Radiation and Gas Division, 0161 952 8402, phil.papard@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley

EURATOM DOSSIERS:

Proposed Directive on Radiological Protection	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) published a legislative proposal to bring together a number of Directives, Decisions, Regulations and Recommendations dealing with radiological protection into one Directive on 29 September 2011. Negotiations are proceeding in the Council. The European Parliament has only an advisory role.	
Lead Department HSE contact	DECC HSE SCS Lead – Peter Brown HSE Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909, matthew.penrose@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley

ENERGY DOSSIER:

Proposed European Regulation on safety of offshore oil and gas drilling	
Current status (UNCHANGED FROM LAST BOARD UPDATE):	
<p>The European Commission published its legislative proposal on the safety of offshore oil and gas activities on the 27 October 2011. The proposal takes the form of a directly-acting Regulation rather than a Directive. Many requirements are similar to those under the existing UK regime. However, there are some new requirements for the UK to consider relating to establishing a competent authority structure and on information sharing and transparency. Following three working group meetings, the Danish Presidency has prepared a revised draft of the proposed Regulation, which has addressed some of the UK's concerns. It also plans to prepare a progress report on the negotiations for the Council. The negotiations will then continue under the forthcoming Cypriot Presidency. The European Parliament will start to consider the proposal in June 2012, with its Industry, Research and Energy Committee in the lead. The Committee is currently expected to vote on its draft report in the Autumn.</p>	
Lead Department	DECC
HSE contact	<p>HSE SCS Lead – Steve Walker HSE Policy Lead – Jim Neilson, Hazardous Industries Directorate, 0151 951 4434, jim.neilson@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley</p>

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

Directive establishing a 3rd List of Indicative Occupational Exposure Limit Values (2009/161/EU)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The Directive was transposed in Great Britain and Northern Ireland by the publication of the revised edition of EH40/2005. This sets workplace exposure limits for hazardous substances. Gibraltar has also transposed the Directive. However, implementation is also required in relation to ships and fishing vessels.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Gillian Smith, Long Latency Health Risks Division, 0151 951 4919, gill.fod.smith@hse.gsi.gov.uk SCS Lawyer – Peter Loosley

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

ENVIRONMENT DOSSIERS:

EC Regulation on Registration, Evaluation, Authorisation and Restriction of Chemical substances (REACH) (1907/2006)	
<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 EU restriction on use of paint-strippers containing dichloromethane. An interim enforcement policy is under development reflecting the recent full entry into force of the restriction. • Discussions are ongoing with the DEFRA on arrangements necessary to assure the continued management of the asbestos legacy under the new REACH restrictions system. • HSE has held discussions with the Department for Business, Innovation and Skills and a representative from the 'trichloroethylene' supply industry regarding the potential inclusion of this substance in the REACH list of substances subject to authorisation. Discussions will continue on this. 	
<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>

HEALTH AND CONSUMERS DOSSIER:

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

INDUSTRY AND ENTERPRISE DOSSIERS:

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

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

TRANSPORT DOSSIER:

Directive on investigation of accidents in the maritime transport sector (2009/18/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE):	
<p>The Directive on the investigation of marine accidents requires the Marine Accident Investigation Branch (MAIB) to undertake a ‘no blame’ investigation into all serious marine casualties and incidents. MAIB are interpreting this to require it to investigate serious accidents involving shore-based workers on board a ship in harbour – such accidents have previously been left to HSE. A consultation on the draft transposing regulations closed on 24 February 2012. HSE did not respond to the consultation as the measure does not affect HSE’s investigation powers onboard ships or other vessels. The Regulations are expected to be introduced later in 2012. The proposed Regulations go beyond the Directive to allow MAIB to continue to conduct safety investigations over certain classes of vessels, namely fishing vessels under-15 metres in length and inland waterway craft. In certain circumstances, certain types of incident will be reportable to HSE under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995, and may also fall to MAIB to investigate. In these cases, there is a Memorandum of Understanding (MoU) between HSE, MAIB and the Maritime and Coastguard Agency which seeks to ensure effective coordination between all three agencies regarding their duties for health and safety enforcement and accident investigation. It will, however, be necessary to amend the MoU and to ensure that inspectors are aware of these changes, and of the restrictions on any material gathered by MAIB, which may be made available to HSE for the purposes of an investigation. The MoU is next scheduled for review during 2012/2013.</p>	
Lead Department	DfT (MAIB)
HSE contact	<p>HSE SCS Lead – Stephen Williams HSE Policy Lead – Jason Cole, Operation Strategy Division, 020 7556 3565, jason.cole@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley</p>