

Health and Safety Executive Board		Paper No: HSE/12/17	
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Chief Executive's Report to the Board			

Update on Sonae Industria UK, Merseyside

1. On 26 January 2012 a fire occurred in a silo, a bunker and part of a conveyor system for wood flakes. The protective devices on the plant worked as designed; the pressure relief panels on the silo relieved, protecting the silo from pressure, and; the fire detection systems stopped the process and the sprinklers were initiated and they extinguished most of the resulting fire. Merseyside Fire and Rescue Service attended the incident and were present until the embers were extinguished. No-one was injured. The incident is not reportable as a dangerous occurrence under RIDDOR as work was not stopped for more than 24 hours.
2. This latest fire has led to renewed calls from local residents for the plant to be closed and the local MP has written to the Minister for Employment asking what action HSE is taking in relation to previous incidents at this site over the last two or so years. The Board will be aware from previous briefings that there was a double fatality at the site in December 2010, a major fire in June 2011 and the death of a demolition worker in August 2011. HSE's investigation into the major fire is nearing completion, whilst the inquests have yet to be held for the other two incidents.

HSE/ONR appearance before House of Commons Science & Technology Select Committee

3. The Commons Science and Technology Committee has been conducting an inquiry examining risk perception and energy infrastructure. They agreed to conduct the inquiry following the explosions at the Fukushima Daiichi nuclear power station. The inquiry explores risk assessment, communication, perception and tolerability in relation to energy infrastructure, focusing on nuclear power.
4. They have taken written evidence from around twenty organisation and individuals, and have had oral sessions from HSE and around ten other individuals. Mike Weightman and I gave evidence at the third panel on 1st February 2012, along with Paul Leinster (Environment Agency) and Jill Meara (Health Protection Agency). Our evidence can be found at: www.publications.parliament.uk/pa/cm201012/cmselect/cmsctech/uc1742-iii/uc174201.htm
5. We responded to questions on how agencies related to each other, the independence of agencies from Government and industry, the types of risk communication to the public, levels of public awareness of our work in these matters, and public perception of risk in the nuclear energy industry.

The communications strategy and work of Sir John Beddington (Government Chief Scientific Adviser) and Mike Weightman in the aftermath of the Fukushima incident was explored.

6. The research of Prof Ragnar Löfstedt *Improving health and safety: an analysis of HSE's risk communication in the 21st century (2010)* was considered in the light of HSE's role in land use planning consents. The panel concluded with questions about lessons applied to emerging energy industries.
7. No date for the Committee's report has been announced.

Update on Challenge Panel II to consider decisions by non-regulators

8. I provided an update on the Independent Regulatory Challenge Panel in my last report. The second challenge panel, which will be up and running shortly, will look at decisions made by non-regulators in the name of health and safety. It will be able to give published opinions on whether requirements imposed by others (ie non-regulators) for health and safety reasons are justified.

Update on Red Tape Challenge

9. A consultation on proposals to revoke the first batch of Statutory Instruments, identified as a result of HSE's work to prepare for the Red Tape Challenge and the Löfstedt review, will close on 12th March.

A new approach to regulatory policy within the Local Government Association (LGA)

10. The LGA have recently reviewed how they influence the implementation and delivery of regulatory policy. From April 2012 all work on regulatory matters will be delivered within the LGA's mainstream programme of work which they confirm indicates their commitment to providing effective representation, lobbying and support to LA regulatory matters. As a consequence of this change in approach, the work of the Regulatory Support Unit within the LGA which HSE partly funded will cease on 31 March 2012.
11. In addition to the relevant LGA Boards recognising the importance of regulatory matters (including health and safety), under the new arrangements the LGA have confirmed their ongoing support for HELA, and agreed to host a health & safety practitioner forum to facilitate operational delivery and communication for the next year. We will continue to engage with the LGA to highlight the importance of their role and involvement in taking forward delivery of the Strategy and the regulatory reform agenda.

Move from Sanctuary Buildings to Caxton House and Rose Court

12. HSE staff who were previously based in Sanctuary Buildings have successfully relocated to Caxton House and Rose Court.
13. Colleagues in the International Chemicals Unit moved to Rose Court on 25 January. Judith Hackitt and the remaining HSE staff moved to Caxton House (the headquarters of our parent Government Department DWP) on 30 January. The aim of the move to Caxton House is to enhance working relationships between HSE, DWP and Ministers. Both moves will also contribute to HSE and Government objectives to improve the space efficiency of the civil estate.
14. HSE is actively seeking to sublet its vacant space in Sanctuary Buildings, where the current tenancy agreement runs until June 2013. We are in discussion with an interested Government organisation who have been searching for similar space in Central London.

Conference for HSE Staff on responding to the Red Tape Challenge and supporting delivery of the Löfstedt Report

15. I and other SMT colleagues attended an HSE conference on 26 January for some 100 HSE staff to discuss some of the practical challenges ahead in delivering the Government's response to the Löfstedt Report, the emerging outcomes of the Red Tape Challenge scrutiny of health and safety legislation, and the forthcoming review of the body of EC health and safety law.
16. The event was a timely and useful opportunity to bring staff together to discuss the implications and issues arising from this major agenda of new work and to identify ways of ensuring that it is delivered efficiently and in a coordinated and collaborative way across the organisation.

GEOFFREY PODGER

Operations

Fatality details

Since the last update to the HSE Board on Wednesday 25th January 2012, 17 fatal accidents for 2011/12 were reported to HSE under RIDDOR and subsequently published on HSE's website. Please see [Annex 2](#) for details.

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

Of the 17 fatalities listed in the current report, 3 occurred prior to December 2011.

14 fatalities occurred in December 2011, compared with 14 which occurred in December 2010.

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

Significant Prosecutions for January 2012

- [Robert A.S. Crockett and Partners Ltd](#) were fined £66,000 Electroguard Security Systems were fined £135,000 and Dundee Cold Stores were fined £135,000 at Dundee Sheriff Court after a worker fell six and a half metres through a roof light onto a concrete floor
- [Mr Musa Suleman](#) was given a suspended prison sentence and ordered to pay compensation of £13,800 to the deceased man's family and full costs of £17,337 at Leicester Crown Court after a worker was killed when he fell through a roof at a disused factory unit in Leicester
- [Taj ul Malook Mann](#) was fined £112,000 and ordered to pay £19,331 in prosecution costs at Liverpool Crown Court after a labourer died following a fall from the roof of an industrial unit, just months after another worker was injured in a fall at the same site
- [Curver UK Ltd](#) was fined £160,000 and ordered to pay £32,000 costs at Truro Crown Court When an experienced technician at a plastic products factory in Cornwall was killed after he was crushed between the plates on a machine used to make plastic lids
- [J H Carruthers Ltd \(formerly Konecranes \(UK\) Ltd\)](#) was fined £180,000 and ordered to pay costs of £74,000 and Mr John Hamilton was fined £1,500 and ordered to pay costs of £400 at Reading Crown Court after a worker was killed when a large steel beam fell on him at an incinerator in Slough, Berkshire

- [J N Bentley Ltd](#) were fined £106,250 and ordered to pay costs of £90,000 at Bradford Crown Court when a 23-year-old Keighley man died from massive crush injuries when his head became trapped in the jaws of a grab machine being wrongly used to move a pallet of cement bags
- [Care Homes Wrexham Ltd](#), previously known as Hallmark Healthcare (Wrexham) Ltd was fined £66,000 and ordered to pay £43,287 in costs at Chester Crown Court after an elderly resident defeated the window restrictor of his first floor bedroom and fell 12ft to the ground
- [Harris Calnan Construction Co. Ltd](#) was fined £80,000 and ordered to pay costs of £66,244. The firm's director, Neil Harris was fined £7,500 and ordered to pay costs of £25,000 at the Central Criminal Court following the death of a worker at a site in Hampstead
- [Palletways \(UK\) Ltd](#) was fined £60,000 in total and ordered to pay £41,339 costs at Stafford Crown Court after a forklift driver broke his neck when a computer cabinet he was loading onto a trailer fell on him
- [Wessex Lift Co Limited](#) was fined £65,000 and ordered to pay costs of £60,000 after a lorry driver was killed while delivering goods to its factory in Romsey
- [Spectra Scaffolding](#) was fined £40,000 and ordered to pay £45,000 costs at Stoke-on-Trent Crown Court when a worker was paralysed after being crushed by metal tubes which fell from a crane
- [Tata Steel UK Limited](#) was fined a total of £30,000 and ordered to pay £1,696 in costs at Scunthorpe Magistrates Court when two workers narrowly avoided being killed or seriously injured when flames up to three metres in length shot from a leaking gas pipe during poorly planned and executed repair work
- [Avanti Gas Ltd \(formerly Shell Gas Ltd\)](#) was fined £17,000 and ordered to pay costs of £3,054.45 at Caernarfon Magistrates' Court for putting its employees at risk after a large cloud of flammable gas was released at its Caernarfon depot
- [Mr Lee Hampshire](#) who falsely claimed to be a registered gas engineer was sentenced to eight months imprisonment at Chester Crown Court after dangerously installing a gas boiler at an address in Rhyl North Wales
- [Vesuvius UK Limited](#) was fined £24,000 and ordered to pay full costs of £4,815 at Chesterfield magistrates after a forklift truck driver fell from a ramp whilst unloading a lorry
- [Suffolk County Council](#) was fined a total of £48,000 and ordered to pay costs totalling £43,772 by Ipswich Magistrates' Court for breaching health and safety laws at three of its workplaces, including two schools

- [Thorntons PLC](#) was fined £20,000 and ordered it to pay full costs of £7,680 at Southern Derbyshire Magistrates' Court after a worker broke her finger while operating a wrapping machine
- [Haz International Ltd](#) was fined at total of £54,000 (£18, 000 for each breach) and ordered to pay £13,280 costs. The Company secretary Mark Adams was fined £1,800 per breach at Watford Magistrates' Court after construction workers were put a risk during the refurbishment of its offices in Hatfield, Hertfordshire
- [Dimensions \(UK\) Ltd](#) was fined a total of £14,000 and ordered to pay £30,000 in costs at Newcastle Magistrates' Court for exposing workers to the risk of violence and aggression
- [Lanarkshire Health Board](#) was fined £24,000 at Hamilton Sheriff Court for a breach of Section 3 of the Health and Safety at Work etc Act 1974, which led to the serious illness of a hospital patient

Events, Campaigns and Publications in January 2012

Herefordshire Farmers safety event

Farmers were encouraged to attend a free safety awareness event in Herefordshire. The Safety, Health, and Awareness Day (SHAD) was organised by the Health and Safety Executive at Herefordshire College of Technology's Holme Lacy campus.

Free event to help Argyll construction companies cut death and injury

Construction workers across Argyll and the Western Isles attended a half-day event, part of the UK-wide "Working Well Together" campaign which is aimed at small to medium sized companies, contracting companies and self employed construction workers at Oban High School.

FOI Requests made to HSE

There were 587 FOI requests made to HSE during the month of January 2012.

Parliamentary Business

There were 8 PQs dealt with by HSE in January 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 5th January 2012, it contains fatalities notified to us in December 2011. It is taken from the latest "Names and details of fatalities" update published on HSE's website on Monday 6 February 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
28/10/2011	Arthur Ebirim	45	The deceased died from carbon monoxide poisoning	Gravesham	Gravesham	Service	Investigation activities	Employee
05/11/2011	Mark Bullock	50	The deceased died whilst maintaining machinery	Staffordshire	Staffordshire Moorlands	Agriculture	Processing and Preserving of Meat	Self employed
16/11/2011	Donald Edwin Williams	62	The deceased died after coming into contact with machinery	Flintshire	Flintshire UA	Manufacturing	Manufacture of air and spacecraft and related machinery	Employee
02/12/2011	William Laird	82	The deceased was struck by a moving vehicle	Lincolnshire	East Lindsey	Agriculture	Mixed farming	Member of the Public
04/12/2011	John Reid	84	The deceased was struck by a moving vehicle	West Lothian	West Lothian UA	Agriculture	Mixed farming	Self employed
08/12/2011	Jason Burden	19	The deceased was struck by machinery	Sunderland	Sunderland	Manufacturing	Manufacture of other fabricated metal products n.e.c.	Employee
12/12/2011	Malcolm Kennedy	69	The deceased was struck by an object	East Ayrshire	East Ayrshire UA	Water Supply/Waste Management	Collection of non-hazardous waste	Employee
12/12/2011	Michael Sweet	48	The deceased fell from height	Manchester	Manchester	Construction	Roofing activities	Employee

Annex 2

Date of Incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
14/12/2011	Jason Griffin	31	The deceased came into contact with machinery	Hertfordshire	St Albans	Water Supply/Waste Management	Collection of non-hazardous waste	Employee
15/12/2011	Lance Davies	46	The deceased fell from height	Caerphilly	Caerphilly UA	Construction	Roofing activities	Employee
16/12/2011	Neville Wightman	52	The deceased was struck by a falling object	Suffolk	Ipswich	Manufacturing	Bldg Ships/Floating Structure	Employee
19/12/2011	Neville Bloss	53	The deceased came into contact with machinery	Suffolk	Suffolk Coastal	Manufacturing	Manufacture of prepared feeds for farm animals	Employee
21/12/2011	Hugh Edward Percy Jones	18	The deceased was asphyxiated	Shropshire	Shropshire UA	Agriculture	Growing of cereals (except rice), leguminous crops and oil seeds	Employee
22/12/2011	John Mackinnon	65	The deceased died from electrocution	Isle of Skye	Highland UA	Agriculture	Silviculture and other forestry activities	Self employed
22/12/2011	Michael Meilak	46	The deceased died whilst under medical care	London	Haringey	Service	Other human health activities	Member of the Public
23/12/2011	Claire Hughes	64	The deceased was struck by a falling object	Watford	Watford	Service	Residential nursing care facilities	Member of the Public
31/12/2011	Margot Moffatt	68	The deceased died following a fall	West Yorkshire	Kirklees	Service	Residential nursing care facilities	Member of the Public

FEBRUARY 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

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

Draft social partners' agreement on the prevention of health risks in the hairdressing sector	
<p>Current status (UNCHANGED FROM LAST BOARD UPDATE): The European social partners covering the hairdressing profession have negotiated a draft agreement on the prevention of health risks in their sector, though it is yet to be signed by the parties.</p>	
<p>Lead Department HSE contact</p>	<p>HSE SCS Lead – Stephen Williams Policy Lead – Cameron Adam, Operational Strategy Division, 0141 275 3096, cameron.adam@hse.gsi.gov.uk SCS Lawyer – Navroza Ladha</p>

Social partners' consultation on reviewing the Working Time Directive	
<p>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.</p>	
<p>Lead Department HSE contact</p>	<p>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</p>

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. We are expecting the EC's Impact Assessment Board to consider the draft proposal in February.	
Lead Department HSE contact	HSE SCS Lead – Peter Brown Policy Lead – Peter Lennon, Work Environment, Radiation and Gas Division, 0151 9 51 3014, peter.lennon@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
Future initiative on enforcement of posted workers rights	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission is working on a proposal dealing with the enforcement of workers rights when they are posted abroad by their employers, i.e. what are classified as 'posted workers'. We anticipate that this will be published later this year. HSE is advising the Department for Business, Innovation and Skills on aspects relating to the enforcement of health and safety rights.	
Lead Department HSE contact	BIS HSE SCS Lead – Clive Fleming HSE Policy Lead – Kate Haire, Strategic Interventions Division, 0151 951 3792, kate.haire@hse.gsi.gov.uk HSE SCS Lawyer – Navroza Ladha

ENTERPRISE AND INDUSTRY DOSSIERS:

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	BIS
HSE contact	HSE SCS Lead – Stephen Williams HSE Policy Lead – David Bosworth, Operational Strategy Division, 0151 951 4778, david.bosworth@hse.gsi.gov.uk HSE SCS Lawyer – Navroza Ladha

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

UNDER NEGOTIATION:

EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:

Proposed amendment of Pregnant Workers Directive (92/85/EC) on introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Parliament (EP) has proposed a number of amendments to the Directive, including ones on health and safety, following its plenary session on 20 October 2010. The EP's amended proposal has been sent to the Council, which is now considering it.	
Lead Department HSE contact	BIS HSE SCS Lead – Peter Brown HSE Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909, matthew.penrose@hse.gsi.gov.uk HSE SCS Lawyer – Navroza Ladha

Proposed Directive to replace the Electromagnetic Fields Directive (2004/40/EC)	
Current status (NEW DEVELOPMENTS): The European Commission (EC) has published a proposal to replace the Electromagnetic Fields Directive (2004/40/EC) with a new Directive. Following activity under the Polish Presidency, negotiations in the Council on the dossier recommenced under the Danish Presidency on January 12. Discussions are also proceeding in the European Parliament. The EC has also proposed another Directive to further delay the transposition deadline of the 2004 Directive. This is to ensure that the current April 2012 transposition deadline of the 2004 Directive does not dictate the pace of the negotiations on the proposed replacement Directive.	
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

ENVIRONMENT DOSSIERS:

Proposal Directive on control of major accident hazards	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has published a proposal for a Directive on control of major accident hazards. This would replace Directive 96/82/EC, as amended by Directive 2003/105/EC (otherwise known as the 'Seveso II' Directive). The proposal is designed to bring 'Seveso' requirements into line with the European Regulation on classification, labelling and packaging of substances and mixtures and to make other technical changes.	
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. The Council is now considering the recast proposal through meetings of its Environment Working Group. Discussions are also proceeding in the European Parliament. Any agreed proposal will necessitate the replacement and re-enactment of the UK enforcing regulations for the 2008 European Regulation as they make specific reference to it.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Peter Loosley

Proposed EC Regulation concerning the placing on the market and use of biocidal products (replacing Directive 98/8/EC)

Current status (NEW DEVELOPMENTS):

The European Commission has published a proposal for a European Regulation to replace the current Biocidal Products Directive. It aims to update and improve the existing Directive and it has been estimated that it will lead to savings of £135-£264m for UK businesses. An informal second reading deal was reached in November 2011 on the text of the Regulation. **The European Parliament voted positively on the agreed package of amendments to the proposed Regulation on 19 January 2012, effectively endorsing the final text. Member States are expected to adopt the final Regulation in Council within the next two months or so.** The Regulation will be directly applicable in member states and will not require transposition, although regulations will be required on enforcement and fees. It will apply from 1 September 2013.

**Lead Department
HSE contact**

HSE

SCS Lead – Kären Clayton

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

SCS Lawyer – 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 has 2 months to reach a decision on whether to block or support the adoption of the inclusion Directive. The EP will then have a further 2 months to decide whether to act. If neither blocks the Commission's proposal, then an inclusion Directive amending the BPD will be adopted.

**Lead Department
HSE contact**

HSE

SCS Lead – Kären Clayton

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

SCS Lawyer – Peter Loosley

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

Current status (UNCHANGED FROM LAST BOARD UPDATE):

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

**Lead Department
HSE contact**

HSE

SCS Lead – Kären Clayton

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

SCS Lawyer – Peter Loosley

Proposed amendment of the Biocidal Products Directive (98/8/EC) to include thiamethoxam Annex I	
Current status (UNCHANGED FROM LAST BOARD UPDATE): Thiamethoxam will be subject to a vote at the March 2012 meeting of the Standing Committee on Biocidal Products for inclusion in Annex I of the BPD.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Peter Loosley

Proposed amendment of the Biocidal Products Directive (98/8/EC) to include didecyldimethylammonium (DDA) carbonate in Annex I	
Current status (NEW DEVELOPMENTS): DDACarbonate will be subject to a vote at the March 2012 meeting of the Standing Committee on Biocidal Products for inclusion in Annex I of the BPD.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Peter Loosley

ENTERPRISE AND INDUSTRY DOSSIERS

EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008) – Proposed 3rd Adaptation to Technical Progress	
Current status (NEW DEVELOPMENTS): The European Commission has published its proposal for a 3rd adaptation to technical progress (ATP) of the European Regulation on classification, labelling and packaging of substances and mixtures. The measure proposes new or revised classifications for 17 substances. One of the substances for which a new classification is proposed – epoxiconazole – is a suspected repro-toxin and an important fungicide. The recently agreed European Pesticides Regulation will prohibit this important use of epoxiconazole when approval for its use as a pesticide is next reviewed – at the latest in 2019. The UK did not oppose the classification of epoxiconazole per se, but is concerned that it be based on thorough and robust consideration of all the available evidence. Reflecting this, the UK suggested that there should be further consideration of epoxiconazole and inclusion in a later ATP. The vote on the ATP will be held on 23 February.	
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

Future recast of Directive on the classification, packaging and labelling of dangerous preparations (1999/45/EC)	
Current status (NEW DEVELOPMENTS): The European Commission (EC) has published a proposal to recast the Directive on the classification, packaging and labelling of dangerous preparations. This amends the Directive to include references to the European Regulation on classification, labelling and packaging (CLP Regulation), align its definitions with those in the CLP Regulation and include post-Lisbon comitology arrangements.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Peter Loosley

Proposed EU Regulation on Type Approval of Agricultural Vehicles (Replacement for Directive 2003/37/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has published a proposal to align agricultural vehicles in the same European regulatory framework as other vehicles. It would be a direct replacement for the current Type A 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.	
Lead Department HSE contact	BIS HSE SCS Lead – Stephen Williams HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, phil.papard@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley

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 10 separate amending directives to bring a number of supply directives into line with the European Regulation on Accreditation and Market Surveillance. The directives being amended that are HSE's responsibility to enforce include explosives for civil use, lifts, low voltage and simple pressure vessels. Negotiations have now begun in the Council. The Department for Business Innovation and Skills, the UK lead on the dossier, has started a 12-week public consultation paper on the proposals; this ends on 6 April 2012.	
Lead Department HSE contact	BIS HSE SCS Lead – Stephen Williams HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, phil.papard@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley

EURATOM DOSSIERS:

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

Proposed Directive on Radiological Protection	
Current status (NEW DEVELOPMENTS): The European Commission (EC) published a legislative proposal to bring together a number of Directives, Decisions, Regulations and Recommendations dealing with radiological protection into one Directive on 29 September. Negotiations are proceeding in the Council. Ministerial clearance has been given for the UK approach to the negotiations.	
Lead Department HSE contact	DECC HSE SCS Lead – Peter Brown HSE Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 9 51 4909, matthew.penrose@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley

ENERGY DOSSIER:

Proposed European Regulation on safety of offshore oil and gas drilling	
Current status (NEW DEVELOPMENTS): The European Commission (EC) published its legislative proposal on the safety of offshore oil and gas activities on the 27 October 2011. This follows the publication of the EC's Communication on "Facing the challenge of the safety of offshore oil and gas activities" on the 13 October 2010. The proposal takes the form of a direct acting Regulation rather than a Directive. Many requirements are similar to those under the existing UK regime. However, there are some new requirements for the UK to consider relating to establishing a competent authority structure and on information sharing and transparency. Minister has now cleared the UK negotiating strategy on the proposal. A revised text of the draft Regulation has been prepared by the Danish Presidency. This will form the basis for negotiations in three planned Energy Working Group meetings under its Presidency. It is likely that the negotiations will continue into the Cypriot Presidency later this year. HSE has prepared a case study on the impact of the proposed Regulation on the UK's Safety Case Regulations.	
Lead Department HSE contact	DECC HSE SCS Lead – Steve Walker HSE Policy Lead – Jim Neilson, Hazardous Industries Directorate, 0151 951 4434, jim.neilson@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley

UNDER IMPLEMENTATION:

EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:

Directive establishing a 3rd List of Indicative Occupational Exposure Limit Values (2009/161/EU)	
Current status (NEW DEVELOPMENTS): The Directive was transposed in Great Britain and Northern Ireland by the publication of the revised edition of EH40/2005. This sets workplace exposure limits for hazardous substances. Gibraltar has now 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"> • Along with DEFRA, the UK REACH Competent Authority team is considering its approach to the REACH ‘substance evaluation’ mechanism, which will begin in 2012. Substance evaluation presents an opportunity for Member States to assess registration data for given substances, to establish whether further regulatory controls are needed. The UK intends to apply to evaluate three substances in 2012. These substances mostly concern environmental rather than human health matters, reflecting early REACH priorities in addressing less well-understood environmental risks. • HSE is planning for measures to enact a permitted derogation from the new EU restriction on use of paint-strippers containing dichloromethane. Industry has agreed to consider developing the necessary certified (or other quality-assured) training scheme. A draft statutory instrument has been prepared for consultation, and an impact assessment is being finalised. Industry and HSE met heritage sector representatives in late January to ensure that their needs are met by the industry-led training scheme. Arrangements for a similar meeting with rail sector representatives are in hand with industry. Updates on the HSE website, topic e-bulletins and FOD News are being distributed throughout February to inform stakeholders about developments. • Discussions are ongoing with the DEFRA on arrangements necessary to assure the continued management of the asbestos legacy under the new REACH restrictions system. • HSE has held discussions with the Department for Business, Innovation and Skills and a representative from the ‘trichloroethylene’ supply industry regarding the potential inclusion of this substance in the REACH list of substances subject to authorisation. Discussions will continue on this. 	
<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>

EC Regulation (71/2012) amending of Annex I to the EC Regulation on the Export and Import of Dangerous Chemicals (689/2008)	
<p>Current status (NEW DEVELOPMENTS): The European Commission has published further proposals to add substances to Annex I of the European Regulation on the Export and Import of Dangerous Chemicals and to remove one existing entry. These amendments are needed to reflect the inclusion of these substances into existing pesticides controls. The proposals, which were agreed on 27 September 2011, have now come into force and apply from 1 April 2012.</p>	
<p>Lead Department HSE contact</p>	<p>HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Peter Loosley</p>

HEALTH AND CONSUMERS DOSSIER:

Directive on the sustainable use of pesticides (2009/128/EC)	
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. National transposing legislation is expected to be completed in spring 2012, with ministers having agreed not to consult on the draft legislation since there are no new policy implications. The majority of measures needed under the Directive by the November 2011 deadline are already in place in the UK under existing legislation.	
Lead Department HSE contact	DEFRA (Policy Lead) HSE (UK Competent Authority) HSE SCS Lead – Dave Bench HSE Policy Lead – Adrian Dixon, Chemicals Regulation Directorate, 01904 455 701, adrian.dixon@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley

INDUSTRY AND ENTERPRISE DOSSIERS:

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

EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008) – Establishment of the UK competent authority	
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

TRANSPORT DOSSIER:

Directive on investigation of accidents in the maritime transport sector (2009/18/EC)	
Current status (NEW DEVELOPMENTS): The Directive on the investigation of marine accidents requires the Marine Accident Investigation Branch (MAIB) to undertake a ‘no blame’ investigation into all serious marine casualties and incidents. MAIB 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 has started and closes on 24 February 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. HSE will take the opportunity during the consultation to comment upon the consistency of the proposed approach with RIDDOR and the clarity of the demarcation of roles under the MoU.	
Lead Department HSE contact	DfT (MAIB) HSE SCS Lead – Stephen Williams HSE Policy Lead – Christine Barringer, Operation Strategy Division, 01342 33 4261, christine.barringer@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley