

Health and Safety Executive Board		Paper No: HSE/12/83	
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<b>Chief Executive's Report to the Board</b>			

## Health and Safety Statistics 2011/12

1. New health and safety statistics for 2011/12 will be published on the 31 October including injury, ill health and days lost data from the Labour Force Survey, reported non-fatal injuries from Riddor, enforcement data and reports of ill-health cases from specialist physicians. These figures will be available on [www.hse.gov.uk/statistics](http://www.hse.gov.uk/statistics)

## Update on Löfstedt recommendations

2. HSE continues to deliver the Löfstedt recommendations in line with the timetable announced by the Government. Recent developments include:
3. The Health and Safety (Miscellaneous Revocations) Regulations 2012, that revoke seven statutory instruments identified as being redundant or overtaken by more up-to-date legislation came into force on 1 October 2012.
4. Consultations on plans to simplify and clarify RIDDOR and to exempt some self-employed people from health and safety legislation are ongoing and will close on 28th October.
5. Responses on the consultation on the proposals for the revision, consolidation or withdrawal of 15 ACOPs continue to be analysed with papers due to go to the HSE Board in December.
6. Starting in November 2012, Professor Löfstedt will undertake an independent assessment of the impact of the implementation of health and safety reforms to date. It is intended he will report on his findings to the Minister for Employment in January 2013.

## LA Code

7. The LA National Code has been developed in response to the Löfstedt recommendation to ensure that LA regulators take a more consistent and proportionate approach to regulation.
8. The Code is designed to deliver the Government expectation that comparatively lower risk businesses will not be subject to proactive, unannounced inspections where they manage their risks effectively. HSE will monitor LAs compliance via data returns and will assist LAs implementation and compliance with

the Code. It has been prepared following informal consultation with business, LAs, LA representative bodies, LA regulatory professional bodies, Department of Communities & Local Government and the Better Regulation Delivery Office.

9. A date for undertaking consultation has yet to be decided.

### **Better Regulation Executive (BRE) Focus on Enforcement Review of the Chemicals (COMAH) Sector**

10. The BRE review focussed on the implementation and enforcement of the Control of Major Accident Hazards Regulations 1999 (COMAH) in the chemical manufacturing, storage and warehousing sector in England and Wales. This sector represents roughly a quarter of the 980 COMAH sites in Great Britain. COMAH is regulated in E&W by HSE and the Environment Agency (EA) acting jointly as the COMAH Competent Authority (CA).

11. The BRE review ran for 6 weeks to 15 June. BRE received 22 contributions through their Focus on Enforcement website and the Review Team also met with companies and trade associations. Website contributions showed broad support for the aims of the COMAH regime, that there was much good regulatory practice, and that industry welcomed the changes to the regime introduced from 2010 as part of COMAH Remodelling Programme. However, contributors also pointed to a number of areas where delivery could, in their view, be improved. These included further integration of the Joint CA's operations, transparency of regulatory decision-making and the cost-recovery regime, targeting of CA activity at high risk and poor performance and recognition for good performance, and streamlining the approach to safety reports.

12. The outcome of the review and the way forward will now be considered by Government.

### **FFI Update – FFI goes live**

13. HSE's new cost recovery scheme, Fee for Intervention went live earlier this month. From 1 October those businesses found in material breach of health and safety law are paying HSE's related costs in putting matters right.

14. Detailed guidance, such as the application of FFI, working with multiple dutyholders and queries and disputes process, is available on HSE's intranet and website.

15. A press notice confirming the start of the scheme was released to national, regional and trade media and presentations have been given to a range of stakeholders by colleagues across HSE.

### **Toolbox**

16. The new Health and Safety Toolbox that builds on the basics laid out in Health and Safety Made Simple and provides the next level of advice to help

businesses identify, assess and control common risks in the workplace was launched in September.

17. For the period 5 September to 10 October, there were 27,129 visits to Toolbox, which equates to an average of around 800 visits per day. Most visits came from the HSE homepage (4,754); direct including links from ebulletins (4,707); and the COSHH site (2,520). A special edition FFI ebulletin generated 2,946 visits on 28 September.

18. The current most popular pages on the Toolbox are the home page (4,754 visits); harmful substances (<http://www.hse.gov.uk/toolbox/harmful/index.htm> - 3,673 visits); and electrical safety (<http://www.hse.gov.uk/toolbox/electrical.htm> - 2,239 visits).

19. The intention is to actively promote the Toolbox to small businesses using a range of free channels throughout November supported by a marketing campaign in early 2013.

## **Significant Prosecutions**

### **Gross Negligence Manslaughter Conviction**

20. In July 2008 a wall collapsed onto a public footpath, killing 3 year old Meg Burgess. As a result the builder, George Collier was prosecuted and convicted of Gross Negligence Manslaughter and his company, Parcol Developments Ltd entered a guilty plea to a breach of the Health and Safety at Work etc Act 1974, Section 3(1).

21. A domestic client had commissioned Parcol Developments to carry out extensive refurbishment work to his recently purchased house. This work included building a 23m long wall along the length of a footpath on the public highway. The garden sloped up from the footpath and Collier filled in the void behind the wall. Collier failed to ensure the wall was properly designed as a retaining wall, he provided a concrete footing for the wall but failed to attach the wall to the footings. As the wall was being charged with soil it collapsed killing Meg.

22. A joint HSE / North Wales Police investigation was launched resulting in a prosecution taken by CPS with support from HSE. The case was defended over a three week trial.

### **Watkin Jones and Son Limited, fined £450,000 plus £98,000 costs**

23. In May 2007 when a labourer, Tom Whitmarsh fell through a void in the roof of a shopping centre under construction, he was seriously injured. Mr Whitmarsh was employed by a roofing subcontractor (A Hick Single Ply Ltd) who were in turn contracted to Redwither Ltd, who were in turn contracted to Watkin Jones & son Ltd, the principal contractor. Watkin Jones was not aware that Redwither had contracted the work out or that Hick employees were on site.

24. A summons was served on Watkin Jones and Son Ltd in September 2009 for a breach of HSWA S3(1) alleging that they failed to managed contractors and protect against falls through voids. Shortly after the first adjourned hearing Mr Whitmarsh died of meningitis. The pathologist reported that there was an 80% chance that injuries sustained in the accident contributed to Mr Whitmarshs death. Following referral of the case to North Wales Police and the subsequent inquest the case resumed and was concluded in October 2012. The not guilty plea was maintained leading to a 4 day trial resulting in a guilty verdict and a fine of £450,000 with £98,000 costs.

### **SMT Visits**

25. Another round of SMT Visits are currently taking place across HSE. In addition to briefing sessions in Redgrave Court, members of the SMT are visiting all area offices during October and November.

26. Preliminary feedback indicates that 84% of staff considered the session they attended was 'good' or 'very good', 14% rated it as 'average' and just 2% considered it to have been 'poor'.

27. Many staff said that the session had been very thorough, and had covered all areas well. General updates on issues such as FFI, the Challenge Panels, Shared Services, pay, the review of Terms and Conditions and changes to HR policy were appreciated. Appraising staff of the wider policy situation was also viewed favourably.

### **HSE People Survey**

28. HSE's People Survey was live from 1 to 31 October. The survey measures levels of employee engagement in HSE, HSL and ONR and compares these results with the Civil Service benchmark.

29. Around 63% of HSE staff responded to the 2011 survey, and interim figures suggest that this figure is likely to be similar for the 2012 survey, with 58.6% of staff having taken part so far.

30. HSE's results will be available in mid-November, with Directorate results available at the end of November.

**GEOFFREY PODGER**  
**Chief Executive**

## Operations

### Fatality details

Since the last update to the HSE Board on Wednesday 26 September 2012, 22 fatal accidents for 2012/2013 were reported to HSE under RIDDOR and subsequently published on HSE's website. Please see [Annex 2](#) for details.

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

Of the 22 fatalities listed in the current report, 11 occurred prior to August 2012.

11 fatalities occurred in August 2012, compared with 15, which occurred in August 2011.

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

### Significant Prosecutions during September 2012

- [JFC Plastics Ltd](#) was fined £140,000 and ordered to pay £100,000 in prosecution costs at Liverpool Crown Court after a worker was killed at a St Helens factory
- [Birse Metro Ltd](#) was fined £167,000 and ordered to pay £43,000 in costs at Southwark Crown after an employee died following an explosion on a construction site in central London
- [New Century Care Ltd](#) was fined £160,000 and ordered to pay £18,000 in costs at Leeds Crown Court after a frail 93 year-old widow died because established safety measures were neglected
- [Worsley Dry Docks Ltd](#) was fined £50,000 and ordered to pay £15,185 in prosecution costs at Manchester Crown Court over the death of a canal boat owner at a dry dock on the Bridgewater Canal
- [George Barker & Co \(Leeds\) Ltd](#) was fined £110,000 and ordered to pay £30,000 in costs at Bradford Crown Court after admitting safety failures that led to the death of a 61-year-old worker who was crushed beneath an unsecured racking system
- [Robert Cullen Limited](#) was fined £50,000 by Glasgow Sheriff Court after an employee lost a finger and seriously injured his hand and arm when they became caught in machinery

- [James Wilson, trading as J Wilson Home Improvements](#), was fined £12,000 and ordered to pay £3,000 costs at Darlington Magistrates' Court after a worker was left severely brain damaged following a fall from a house roof
- [Ley Rubber Ltd](#) was fined £15,000 and ordered to pay £3,518 in prosecution costs by South Sefton Magistrates' Court after an employee seriously injured his hand when it became trapped in machinery
- [Supaglazing Ltd](#) was fined £14,000 and ordered to pay £2,826 in costs at Dartford Magistrates' Court for safety failings after building a conservatory over a gas flue
- [Leach Structural Steel Work Ltd](#) was fined £20,000 and ordered to pay £12,500 towards the cost of the prosecution after one of its employees suffered serious internal injuries when he became trapped in an industrial drilling machine
- [London Concrete Pumping Ltd](#) was fined £8000 and ordered to pay £31,000 in costs at Westminster Magistrates' Court after members of the public and a police car were sprayed with concrete when a delivery pipe ruptured
- [Worldwide Steels Limited](#) was fined a total of £26,800 and ordered to pay £14,369 in costs as well as a £15 victim surcharge at Norwich Magistrates' Court after an employee sustained a serious hand injury on a poorly guarded machine in Norfolk
- [MNB Precision Ltd](#) was fined £18,000 and ordered to pay full costs of £3,356 by Coventry magistrates after an employee was injured on an unguarded machine
- [Powys County Council](#) was fined a total of £9,300 and ordered to pay £15,990 in costs by Brecon Magistrates' Court when Council employees, agency workers and passers-by narrowly avoided electrocution or injury on two separate occasions when vehicles collecting recycled material struck overhead power lines
- [R & J Milne Limited](#) was fined £20,000 at Banff Sheriff Court after a driver was severely injured when he was knocked to the ground and run over by a tractor unit of a Heavy Goods Vehicle
- The sole director of [Absolute Asbestos Ltd](#), Mr Horrey, was given six months' prison sentence on each charge, to run concurrently and suspended for two years; 300 hours' unpaid community service; given an electronic curfew between 9pm and 6am for three months; ordered to pay £11,340 to the affected Residents' Association in Camden and ordered to pay £10,160 costs by Southwark Crown Court after removing asbestos without a licence and deceiving the householders by providing a doctored air test saying the room was safe to re-enter
- [Walkers Snack Foods Ltd](#) was fined a total of £20,000 and ordered to pay costs of £10,000 at Lincoln Magistrates' Court after a 400 kilogramme block of compacted snack waste fell on a worker, breaking his leg

## **Events, Campaigns and Publications in September 2012**

### **Cost Recovery scheme commences – Monday 1 October**

HSE's cost recovery scheme, Fee for Intervention (FFI) came into force on Monday 1 October 2012. Detailed guidance can be found [here](#).

### **Companies warned to ensure hot and cold water systems are not a legionella risk**

On Wednesday 19 September 2012, the Health and Safety Executive issued a safety notice targeting companies and organisations that use hot and cold water systems for bathing and washing or in manufacturing processes to do more to protect workers and members of the public from legionella risks. For more details, please click [here](#)

### **Working at height put under safety spotlight to prevent death and injury in the construction industry**

In September, construction sites across the North East were put under the safety spotlight as part of an intensive inspection initiative aimed at reducing death, injury and ill health when working at height. Details can be found [here](#)

### **HSE warning over waste and recycling summer death toll**

HSE has issued warning to the waste and recycling industry to renew efforts to improve worker safety, following a spate of deaths over the summer. Details can be found [here](#)

### **South Cumbria construction sites fail safety inspections**

HSE carried out two days of intensive inspections in South Lakeland and Barrow on Thursday 6 and Friday 7 September, and found eight of the 40 sites visited failed to meet the legally required standards for health and safety. Details can be found [here](#)

### **FOI Requests made to HSE**

HSE received 495 FOI requests during the month of September 2012.

### **Parliamentary Business**

There were two PQs answered by HSE during the month of September 2012.

The following table is an extract of all 2012/13 work-related deaths notified to HSE since the last update to the Board on Wednesday 26 September 2012, it contains fatalities notified to us in August 2012. It is taken from the latest "Names and details of fatalities" update published on HSE's website on Monday 1 October 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
17/04/2012	Edith May Warry	90	The deceased died following a fall	Merthyr Tydfil	Merthyr Tydfil UA	Construction	Construction of Buildings	Member of the Public
16/05/2012	Steven Curtis	54	The deceased fell from height	Kent	Thanet	Construction	Roofing activities	Self Employed
21/05/2012	Geoffrey Wheadon	68	The deceased died following a fall	Kent	Tonbridge & Malling	Agriculture	Silviculture and other forestry activities	Self Employed
25/05/2012	Gordon White	60	The deceased died after coming into contact with machinery	North Yorkshire	Selby	Agriculture	Growing of cereals (except rice), leguminous crops and oil seeds	Self Employed
13/06/2012	Scott Clark	23	The deceased died after his vehicle struck a work vehicle	Cambridgeshire	Huntingdon	Construction	Construction of roads and motorways	Member of the Public

## Annex 1

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
30/06/2012	Daphne Harrower	90	The deceased died following a fall	Midlothian	Midlothian UA	Service	Residential nursing care facilities	Member of the Public
20/07/2012	Christine Walker	90	The deceased died following a fall	Solihull	Solihull	Service	Residential nursing care facilities	Member of the Public
21/07/2012	James Moor	75	The deceased died following a fall	Cornwall	Cornwall UA	Service	Residential care activities	Member of the Public
24/07/2012	Michael Richard Gynn	27	The deceased died after coming into contact with machinery	Cornwall	Cornwall UA	Agriculture	Mixed farming	Self Employed
25/07/2012	Lindsay Campbell	66	The deceased died following a fall	West Sussex	Arun	Water/Waste Management	Collection of non-hazardous waste	Self Employed
28/07/2012	Phillip Hunter	58	The deceased fell from height	Derbyshire	Derbyshire Dales	Agriculture	Mixed farming	Member of the Public
02/08/2012	Gareth Aitken	26	The deceased died from electrocution	Alness	Highland UA	Construction	Electrical installation	Employee
03/08/2012	Neville Shaw	53	The deceased was struck by a moving vehicle	Wakefield	Wakefield	Construction	Construction of Buildings	Employee
03/08/2012	Philip Davies	65	The deceased was struck by a moving vehicle	Cheshire	Cheshire West and Chester UA	Service	Landscape service activities	Self Employed

## Annex 1

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
07/08/2012	Daniel Clark	27	The deceased was struck by an object	Bedfordshire	Bedford Unitary Authority	Extractive/Utility	Sewerage	Employee
10/08/2012	Malcolm McCulloch	71	The deceased was struck by a moving vehicle	Glasgow	Glasgow UA	Service	General public administration activities	Member of the Public
14/08/2012	David Vanderpeer	64	The deceased fell from height	Kent	Swale	Construction	Other building completion and finishing	Self Employed
17/08/2012	Simon Brook	51	The deceased came into contact with machinery	West Yorkshire	Kirklees	Water/Waste Management	Recovery of sorted materials	Employee
18/08/2012	Kyle Broadbent	25	The deceased fell from height	Buckinghamshire	Milton Keynes UA	Construction	Roofing activities	Employed by other
21/08/2012	Geoffrey Prime	82	The deceased came into contact with cattle	Staffordshire	Staffordshire Moorlands	Agriculture	Raising of dairy cattle	Self Employed
26/08/2012	William Sproat	63	The deceased fell from height	East Ayrshire	East Ayrshire UA	Agriculture	Raising of dairy cattle	Member of the Public
28/08/2012	David Westwater	22	The deceased came into contact with machinery	North Lanarkshire	North Lanarkshire UA	Manufacturing	Manufacture of metal structures and parts of structures	Employee

## OCTOBER 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](mailto:stephen.taylor@hse.gsi.ov.uk))

### SOCIAL DIALOGUE:

#### EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:

<b>Social partners' consultation on environmental tobacco smoke</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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.	
<b>Lead Department</b> <b>HSE contact</b>	<b>DH</b> HSE SCS Lead – Kären Clayton HSE Policy Lead – Gillian Smith, Long Latency Health Risks Division, 0151 951 4919, <a href="mailto:gill.fod.smith@hse.gsi.gov.uk">gill.fod.smith@hse.gsi.gov.uk</a> HSE SCS Lawyer – Navroza Ladha
<b>Social partners' consultation on reviewing the Working Time Directive</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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.	
<b>Lead Department</b> <b>HSE contact</b>	<b>BIS</b> HSE SCS Lead – David Sowerby HSE Policy Lead – Bernadette Cadman, Field Operations Directorate, 0151 951 5710, <a href="mailto:bernadette.cadman@hse.gsi.gov.uk">bernadette.cadman@hse.gsi.gov.uk</a> HSE SCS Lawyer – Navroza Ladha

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

<b>Potential new Directive on Ergonomics at Work</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The European Commission is working on a proposal to combine the Manual Handling and Display Screen Equipment Directives into a new directive on minimum health and safety requirements on ergonomics at work. We understand that publication of a proposal has now been delayed until 2013.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Peter Brown Policy Lead – Tony Almond, Work Environment, Radiation and Gas Division, 0151 951 3962, <a href="mailto:tony.alomond@hse.gsi.gov.uk">tony.alomond@hse.gsi.gov.uk</a> SCS Lawyer – Navroza Ladha

<b>Potential amendment of the Carcinogens and Mutagens Directive (2004/37/EC)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The European Commission (EC) is currently considering a limited revision of the Directive, with a more substantive alignment with the Chemical Agents Directive a longer-term project. The EC has currently earmarked 2013 for publishing a proposal on the limited revision.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Gillian Smith, Long Latency Health Risks Division, 0151 951 4919, <a href="mailto:gill.fod.smith@hse.gsi.gov.uk">gill.fod.smith@hse.gsi.gov.uk</a> SCS Lawyer – Navroza Ladha

Potential new Directive implementing the social partners' agreement on the prevention of health risks in the hairdressing sector	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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. The Commission is currently considering this request.	
<b>Lead Department HSE contact</b>	<b>HSE</b> SCS Lead – Kevin Myers Policy Lead – Cameron Adam, Operational Strategy Division, 0141 275 3096, <a href="mailto:cameron.adam@hse.gsi.gov.uk">cameron.adam@hse.gsi.gov.uk</a> SCS Lawyer – Navroza Ladha

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

### ENTERPRISE AND INDUSTRY DOSSIERS:

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

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

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

<b>Proposed amendment of Pregnant Workers Directive (92/85/EC)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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.	
<b>Lead Department HSE contact</b>	<b>BIS</b> HSE SCS Lead – Peter Brown HSE Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909, <a href="mailto:matthew.penrose@hse.gsi.gov.uk">matthew.penrose@hse.gsi.gov.uk</a> HSE SCS Lawyer – Navroza Ladha

<b>Proposed Directive to replace the Electromagnetic Fields Directive (2004/40/EC)</b>	
<b>Current status (NEW DEVELOPMENTS):</b> The European Commission has published a proposal to replace the Electromagnetic Fields Directive (2004/40/EC) with a new Directive. To allow further time for the negotiations, the transposition deadline of the 2004 Directive, which was April 2012, was extended by a further 18 months (Directive 2012/11/EU). Following negotiations under the Polish and Danish Presidencies of the Council, <b>the Cyprus Presidency secured a General Approach on the proposal at the 4 October meeting of the Employment and Social Affairs Council.</b> The Presidency will now open discussions with the European Parliament with the aim of securing a first reading agreement.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Peter Brown Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909, <a href="mailto:matthew.penrose@hse.gsi.gov.uk">matthew.penrose@hse.gsi.gov.uk</a> SCS Lawyer – Navroza Ladha

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

**ENTERPRISE AND INDUSTRY DOSSIERS**

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

**Current status (NEW DEVELOPMENTS):**

At the September 2012 meeting of the Standing Committee on Biocidal Products, there were positive votes on the inclusion in Annex I of the BPD of diflubenzuron, pyriproxyfen, didecyldimethylammonium chloride (DDAC), chlorfenapyr and alkyl (C<sub>12-16</sub>) dimethylbenzene ammonium chloride (ADBAC), and on extending the current Annex I inclusion of thiamethoxam for wood preservative use to insecticides. The Standing Committee also voted positively on a Commission Decision not to include four active substances in Annex I and on a Commission Implementing Decision addressed to Germany to approve restrictions on its authorisations of rodenticide products containing the active substance difenacoum. There was no overall qualified majority for the inclusion of powdered corn cob in Annex I so the issue will now be referred to the Council and the European Parliament for their views. If neither blocks the Commission's proposal, then an inclusion Directive will be adopted.

<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Peter Loosley
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**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.

<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Peter Loosley
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<b>Proposed EU Regulation on Type Approval of Agricultural Vehicles (Replacement for Directive 2003/37/EC)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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.	
<b>Lead Department</b> <b>HSE contact</b>	<b>DfT</b> HSE SCS Lead – Stephen Williams HSE Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, <a href="mailto:alastair.mitchell@hse.gsi.gov.uk">alastair.mitchell@hse.gsi.gov.uk</a> HSE SCS Lawyer – Peter Loosley

<b>Proposed Directive codifying directives relating to the driver's seat on tractors</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Stephen Williams Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, <a href="mailto:alastair.mitchell@hse.gsi.gov.uk">alastair.mitchell@hse.gsi.gov.uk</a> SCS Lawyer – Peter Loosley

<b>Proposed Directive codifying directives relating to the rear-mounted roll-over protection structures on tractors</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Stephen Williams

	Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, <a href="mailto:alastair.mitchell@hse.gsi.gov.uk">alastair.mitchell@hse.gsi.gov.uk</a> SCS Lawyer – Peter Loosley
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<b>Proposed Directive codifying directives relating to the front-mounted roll-over protection structures on tractors</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Stephen Williams Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, <a href="mailto:alastair.mitchell@hse.gsi.gov.uk">alastair.mitchell@hse.gsi.gov.uk</a> SCS Lawyer – Peter Loosley

<b>Proposed Directive codifying directives relating to the driver's operating area on tractors</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Stephen Williams Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, <a href="mailto:alastair.mitchell@hse.gsi.gov.uk">alastair.mitchell@hse.gsi.gov.uk</a> SCS Lawyer – Peter Loosley

Proposed modification of New Approach Directives in line with the EC Regulation on Accreditation and Market Surveillance	
<p><b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b>            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 on the proposal are proceeding in the Council.</p>	
<p><b>Lead Department</b>  <b>HSE contact</b></p>	<p><b>BIS</b>            HSE SCS Lead – Peter Brown            HSE Policy Lead – David Bosworth, Work Environment, Radiation and Gas Division, 0151 951 4778,  <a href="mailto:david.bosworth@hse.gsi.gov.uk">david.bosworth@hse.gsi.gov.uk</a>            HSE SCS Lawyer – Peter Loosley</p>

### ENVIRONMENT DOSSIER

Proposed amendment of Annexes I and V of the EC Regulation on the Export and Import of Dangerous Chemicals (689/2008)	
<p><b>Current status (NEW DEVELOPMENTS)</b>            A proposal by the European Commission to add substances to Annexes I and V of the European Regulation on the Export and Import of Dangerous Chemicals, and to remove two existing entries from Annex I to reflect their inclusion into existing pesticide and biocide controls, were agreed on 27 September. The UK abstained from voting and issued a joint declaration with Ireland because of concerns about the inclusion in the proposal of two substances, asulam and chloropicrin, which are due to be submitted for approval for use in plant protection products, and the potential for confusion for importing countries if these substances are included in Annex I of the Regulation and then subsequently removed from the Annex within a short time. Provided that there is no objection from either the Council or the European Parliament, the amendments are likely to come into force in Spring 2013.</p>	
<p><b>Lead Department</b>  <b>HSE contact</b></p>	<p><b>HSE</b>            SCS Lead - Kären Clayton            Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7556 3533, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a>            SCS Lawyer – Peter Loosley</p>

**EURATOM DOSSIER:**

<b>Proposed Directive on Radiological Protection</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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. The negotiations on the proposal are continuing under the Cyprus Presidency of the Council, with a revised proposal expected. The European Parliament has only an advisory role.	
<b>Lead Department</b> <b>HSE contact</b>	<b>DECC</b> HSE SCS Lead – Peter Brown HSE Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909, <a href="mailto:matthew.penrose@hse.gsi.gov.uk">matthew.penrose@hse.gsi.gov.uk</a> HSE SCS Lawyer – Peter Loosley

**ENERGY DOSSIER:**

<b>Proposed European Regulation on safety of offshore oil and gas drilling</b>	
<b>Current status (NEW DEVELOPMENTS):</b> 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. <b>The current Cyprus Presidency of the Council has prepared a revised draft of the proposed Regulation, which addresses most of the UK's concerns, and has also prepared a draft directive for illustrative purposes. The European Parliament's Industry, Research and Energy Committee has suggested that the proposal should be in the form of a directive.</b>	
<b>Lead Department</b> <b>HSE contact</b>	<b>DECC</b> HSE SCS Lead – Steve Walker HSE Policy Lead – Jim Neilson, Hazardous Industries Directorate, 0151 951 4434, <a href="mailto:jim.neilson@hse.gsi.gov.uk">jim.neilson@hse.gsi.gov.uk</a> HSE SCS Lawyer – Peter Loosley

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

<b>Directive implementing the Framework Agreement on preventing injuries from sharp instruments in the hospital and healthcare sector (2010/32/EU)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> Member states are required to transpose the Directive by 11 May 2013. It concerns protecting workers in the hospital and healthcare sectors from the risk of injury and infection from needles, scalpels and other medical sharps. A public consultation on proposals for regulations to implement those parts of the Directive not already specified in existing health and safety legislation will run from 8th August to 8th November 2012.	
<b>Lead Department HSE contact</b>	<b>HSE</b> SCS Lead – Susan Mackenzie Policy Lead – Anna Bliss, Specialised Industries Division, 0151 951 3581, <a href="mailto:anna.bliss@hse.gsi.gov.uk">anna.bliss@hse.gsi.gov.uk</a> SCS Lawyer – Navorza Ladha

**ENVIRONMENT DOSSIERS:**

<b>EC Regulation on Registration, Evaluation, Authorisation and Restriction of Chemical substances (REACH) (1907/2006)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> This Regulation came into force on 1 June 2007. Key recent developments include: <ul style="list-style-type: none"> <li>• HSE continues to consider its approach to the permitted derogation from the new EU restriction on use of paint-strippers containing dichloromethane. An HSE Position Statement and interim enforcement policy has been shared with inspectors and stakeholders updating them on the latest standing of this issue.</li> <li>• Discussions are ongoing with the DEFRA on arrangements necessary to assure the continued management of the asbestos legacy under the new REACH restrictions system.</li> <li>• HSE has held discussions with the Department for Business, Innovation and Skills and the trichloroethylene supply industry regarding the potential inclusion of this substance in the REACH list of substances subject to authorisation, and possible amendment to the harmonised classification for this substance. Discussions continue</li> <li>• A review of the operation of the Regulation has been undertaken by the European Commission – the report is awaited in October 2012.</li> </ul>	
<b>Lead Department HSE contact</b>	<b>DEFRA (Policy Lead) HSE (UK Competent Authority)</b> HSE SCS Lead – Kären Clayton HSE Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> HSE SCS Lawyer – Peter Loosley

<b>Directive on control of major accident hazards involving dangerous substances (2012/18/EU)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> This Directive was published on 24 July, and replaces Directive 96/82/EC, as amended by Directive 2003/105/EC. It brings existing 'Seveso' requirements into line with the European Regulation on classification, labelling and packaging of substances and mixtures. It also modernises existing public information requirements, including bringing them into line with the Aarhus Convention on public information, public participation and access to justice for environmental matters. Except for one provision which requires transposition by 14 February 2014, and which relates to implementation of Directive 96/82/EC, the rest of Directive 2012/18/EC requires transposition by 31 May 2015. Planning for transposition of the Directive is underway.	
<b>Lead Department HSE contact</b>	<b>HSE</b> SCS Lead – Peter Baker Policy Lead – Sandra Ashcroft, Chemicals Industries Division, 0151 951 3531, <a href="mailto:sandra.ashcroft@hse.gsi.gov.uk">sandra.ashcroft@hse.gsi.gov.uk</a> SCS Lawyer – Navroza Ladha

<b>EU Regulation on the export and import of hazardous chemicals (649/2012)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> This Regulation was published on 27 July 2012, and will apply from 1 March 2014. The Regulation is a recast of the existing European Regulation on the Export and Import of Dangerous Chemicals. The recast elements include updated references to other EU legislation, including to the European Regulation on classification, labelling and packaging of substances and mixtures (the 'CLP Regulation'), alignment of definitions with those in the CLP Regulation, and setting out the role of the European Chemicals Agency in the Regulation's implementation and the limited circumstances in which certain exports may go ahead without explicit consent from the authorities in the importing country. The Regulation will act directly in member states, and, as such, does not require transposition. However, new domestic legislation will be needed to provide for continued enforcement powers for UK authorities and the appointment of the designated national authorities once the Regulation starts to apply.	
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**INDUSTRY AND ENTERPRISE DOSSIERS:**

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

<b>EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008) – Establishment of the UK competent authority</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> <b>The UK is required, under European Regulation No. 1272/2008, to appoint a competent authority</b> 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.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Peter Loosley

<b>EU Regulation on European Standardisation</b>	
<b>Current status (NEW DEVELOPMENTS):</b> This Regulation has now been adopted and is due to come into force on 1 January 2013. It aims to improve and update the standardisation process in the European Union. It follows a European Parliament report that identified a number of challenges with the existing process, including: the lack of balance on drafting 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.	
<b>Lead Department HSE contact</b>	<b>BIS</b> HSE SCS Lead – Peter Brown HSE Policy Lead – David Bosworth Work Environment, Radiation and Gas Division, 0151 951 4778, <a href="mailto:david.bosworth@hse.gsi.gov.uk">david.bosworth@hse.gsi.gov.uk</a> HSE SCS Lawyer – Peter Loosley

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