

Health and Safety Executive Board		Paper No: HSE/14/91	
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Chief Executive's Report to the Board			

Consultation by the Sentencing Council on draft guideline for sentencing health and safety offences

1. On 13 November 2014 the Sentencing Council published a consultation on a new draft sentencing guideline for health and safety offences. This will replace the existing guidelines on corporate manslaughter and health and safety offences which cause death. For the first time guidelines will cover all the most commonly sentenced health and safety offences.
2. The draft guideline requires the court to follow a number of steps to arrive at the final sentence. The first step requires the court to determine the "offence category" by assessing culpability, the risk of harm and the actual harm caused. This will then allow the court to use tables to determine the starting point and range of sentence for different sized organisations and individuals. For an organisation, the starting point and range of fine will initially be linked to its turnover. It is hoped that the guideline will assist judges and magistrates who are unfamiliar with health and safety cases and should lead to greater consistency.
3. In their press release, the Sentencing Council said that there was concern that some sentences imposed for health and safety offences had been too low, particularly for large organisations convicted of the most serious offences. Following an analysis of current sentencing practice, therefore, the Council was proposing to increase sentence levels in such situations. This would ensure that sentences were proportionate to the seriousness of the offence while taking account of the financial circumstances of the offender. By way of example, in a case involving a large company with a turnover of £50 million or over, where the offence created a high likelihood of death and culpability was high, the starting point would be £1.1 million and the range would be from £550,000 to £2.9 million.
4. The consultation will run for three months and HSE will have the opportunity to formally respond to the consultation.

Construction Refurbishment Visits

5. A month long inspection initiative found unacceptable conditions and dangerous practices at 40% of the repair and refurbishment sites visited. One in five sites required formal enforcement (Notice) action. The focus of the initiative was on health risks and 35% of the notices addressed management of asbestos, failure to

control exposure to harmful dusts, noise and vibration, and insufficient welfare. Failure to provide basic safety measures for people working at height, however, was the most common failing found by inspectors. 42% of the enforcement notices dealt with this. HSE has uploaded photographs showing examples both of good and bad practice to the Internet and there is a YouTube set of instructional film clips on working safely in activities that generate dust.

Gross manslaughter case

6. Following a joint investigation by the police and HSE/L, the CPS prosecuted Sterecycle, a waste recycling company based in Rotherham for gross manslaughter following an incident in January 2011 when an autoclave door blew off and killed an employee. The company was found guilty and fined £500,000. During the trial the judge thanked HSE for the 'tremendous amount of work they have put into this case'. The judge also said that he 'fully recognised and appreciated that corporate manslaughter cases are often extremely difficult to investigate and to assemble. The evidence can be complex and technical and a thorough police investigation must explore all reasonable lines of inquiry, many of which turn into cul de sacs. I have absolutely no doubt that this case has been one of the most difficult and demanding of its type that has confronted the criminal justice system'.

Domestic Gas Update

7. The latest health and safety statistics for 2013/14 show that domestic gas related fatalities have reduced by 76% compared to the number of deaths in the mid-to-late 1990s. Last year 6 people died as a result of unsafe gas work. The rolling five-year average reduced to 9 deaths per year. (By way of comparison, the average was 25 fatalities per year in the five years 2000/01 – 2004/05, and 39 deaths per year for the period 1995/96 -1999/00).

8. In 2013/14 there were 163 convictions under the Gas Safety (Installation and Use) Regulations (GSIUR) 1998. This represents 19% of all convictions by HSE or, in Scotland, the Crown Office and Procurator Fiscal Service. More convictions were secured under GSIUR than any other health and safety regulations in 2013/14. Most prosecutions were of unregistered gas fitters.

9. HSE continues to work with and through others to improve gas safety. In September HSE worked in partnership with Fendix Media (the UK's only NHS digital advertising network) and the Gas Safe Register to pilot a digital campaign to raise awareness of carbon monoxide (CO) poisoning. The campaign targeted NHS staff and members of the public by placing messages on NHS Trust intranet and internet sites – users include frontline healthcare professionals who may have to deal with patients presenting with symptoms of CO poisoning, as well as members of the public using NHS internet sites to diagnose symptoms, possibly CO poisoning. Initial feedback shows an encouraging response to the messages in terms of people 'clicking through' to access further information. HSE is also working with the Department for Communities and Local Government (DCLG) to support them in developing national radio fillers to raise awareness of CO issues. DCLG are aiming to air these on radio stations early next year.

Quarries Partnership Team Initiative Wins Award

10. Following HSE Board agreement to focus efforts on the priority areas of respiratory disease and occupational cancer, HSE has continued to use a range of interventions in areas where we are likely to have the most impact. As well as inspection and enforcement activities aimed at those who create the risks, HSE is working in partnership with unions, trade associations, professional organisations and businesses.

11. A particularly successful example of the benefits of this partnership approach is the Quarries Partnership Team (QPT). Managed by HSE, the group's membership spans the quarrying sector including quarry operators, trade associations, trade unions and training bodies. They work together to raise awareness of the risks from inhaling workplace dust and promote good working practices.

12. The QPT, with funding from HSE, commissioned and developed a video 'Stop dust before it stops you' to raise awareness of health risks from silica dust. It tells the story of George, an animated character, who fails to use the controls provided and exposes himself to hazardous workplace dust. This is intercut with live action footage (filmed at a QPT member's site) showing the correct work practices. The video shows the straightforward, simple steps workers can take to control personal workplace exposure. Since its launch in January 2014, the video has been viewed online over 10,000 times.

13. The success of this initiative was confirmed recently when the video won the National Occupational Health and Wellbeing award at the Mineral Products Association (MPA) 2014 Annual Health and Safety Awards. MPA acknowledged that the animated training tool, adopted by many in the quarrying industry, is an innovative and evolutionary method of reducing workplace health risks.

Prosecutor's Convention Team of the Year Award

14. HSE, the Office of Nuclear Regulation (ONR) and the Environment Agency (EA) have been presented with the Prosecutors' Convention Team of the Year Award 2014 by the Attorney General, Rt. Hon. Jeremy Wright, QC MP, at the recent Annual GLS Prosecutors Conference. The Award is open to teams from one organisation or more, and recognises the successes and strengths of prosecutors. Entries were required to demonstrate achievement in any or all of the following criteria: early identification of overlapping interests; innovation and flexibility of approach; efficient use of resources; identification of best practice or lessons to be learned; and enhanced public confidence in the prosecuting departments.

15. There were nine entries; five of those were shortlisted. Two further teams involving HSE were shortlisted: HSE and BIS Criminal Enforcement, for the prosecution of Aztech BA Ltd and Boyle & Russell, and HSE and EA, for the prosecution of Rolls-Royce Marine Power Operations Ltd.

16. HSE and EA's winning team comprised investigators, lawyers and clerks from both regulators, who worked together to successfully prosecute Sellafield Limited. The case arose from the discovery of four bags of radioactive waste, wrongly classified as exempt waste and disposed of by Sellafield Limited in an ordinary landfill site. Investigators from ONR (at the time an agency of HSE) and EA jointly investigated, building a file of evidence, which was considered by each regulator's lawyer for offences arising within their respective regulatory regimes. Once decisions had been made to prosecute, counsel was jointly instructed, and one prosecution was launched, comprising seven offences alleged by HSE and EA. In February 2013, the company pleaded guilty to all offences, and was committed to the Crown court for sentence. Carlisle Crown court imposed a fine of £700,000; £100,000 for each offence. Sellafield Limited appealed the sentence but it was upheld by the Court of Appeal in January 2014 in what is considered to be a landmark judgment, which changed the landscape for the sentencing of very large companies.

17. The Award acknowledged the strengths of the HSE/EA team; in particular the close joint working and liaison, which had brought the case to a successful conclusion, and the enhanced public confidence that the Court of Appeal's ruling would bring about.

Prosecution of British Pipeline Agency Ltd

18. British Pipeline Agency Ltd (BPA) are responsible for operating the network of national pipelines that serve several fuel terminals and major airports. BPA's inadequate commissioning arrangements for an engineering project at the Kingsbury Fuel Storage Complex in Warwickshire resulted in a release of a large volume of petrol (35,000 litres) from poorly constructed pipework. The resulting vapour cloud, though smaller, was similar to the one generated at Buncefield. Fortunately, there was no ignition, injury or environmental damage. BPA pleaded guilty to a HSWA S2(1) charge for failing to ensure the safety of site workers. They were fined £30,000 with full £58,600 costs. The investigation highlighted the need for robust project management and complete and thorough commissioning arrangements

Communications Overview October 2014

Introduction

This report to the Board summarises communications activity supporting organisational priorities for October 2014.

News and PR

There were notable successes in the campaign to expose inaccurate reference to 'health and safety' in media reporting.

- The Daily Express approached HSE to comment on a well-known explorer's view that children are wrapped in cotton wool.
- The Mail Online accepted HSE's challenge to its misreporting that a local community bonfire would be cancelled for health and safety reasons, and amended its story to remove the reference.

The publication of HSE's annual injury and ill-health statistics towards the end of October saw Press Office use a range of channels, alongside the usual press releases, to highlight key aspects of the data. This included a range of infographics which were tweeted and posted on Pinterest boards. These were retweeted hundreds of times, including a record for an individual tweet (which referred to the real cost to business of poor health and safety) of over 100 retweets.

Press Office assisted producers of two popular TV and radio shows, *Holby City* and *The Archers*, to ensure accurate portrayals of health and safety inspections following incidents. This resulted in HSE's head of agriculture, Rick Brunt, writing a blog about farm safety which now appears on *The Archers'* website. He also appeared on *BBC Farming Today*.

Asbestos safety campaign

The distribution of asbestos safety kits via TradePoint stores has gone well with 180,000 kits now in the hands of tradespeople. TradePoint has also promoted the asbestos safety web app to their customers via till receipts, on their blog post and through their Twitter account.

A further three commercial trade partners have been recruited who have agreed to promote the web app and nineteen stakeholder organisations, including Local Authorities, have agreed to support the campaign.

The campaign has generated strong media interest including *the Sun* and *the Daily Star*, regional, trade and online, plus broadcast coverage on *BBC5Live*.

There has been positive twitter activity under the hashtag #BewareAsbestos with over 300 retweets of our messages and a press advertising pilot began in November featuring in the *Sun*, the *Mirror*, the *Sun on Sunday* and the *Sunday Mirror*.

The web app has received more than 19,000 visits - 57 per cent are referrals from mostly HSE sources (website, e-bulletins and twitter), while 20 per cent from returning visitors.

Internal Communications

A series of engagement events are taking place to give colleagues the opportunity to meet new Chief Executive, Dr Richard Judge. The aims of the workshops are for colleagues to share their vision with Richard and to explore what enablers, skills and tools are needed for us to achieve our aspirations.

Other activities included communications about a new 'Responsible for Information' e-learning course, which all civil servants must pass; the promotion of new Cabinet Office guidance on the use of social media by civil servants; highlights of the Health and Safety Statistics Annual Report; and internal promotion of HSE's Specialist Inspector recruitment campaign.

Online communications and digital marketing

During October, there were 2.2 million visitors and 3.1 million visits to the HSE website, very slightly down from the same period last year. In the same period, eBulletins attracted about 3.7% of all visits to the website and 58% of visits came from search engines.

Social media still accounts for a very small percentage of visits to the main HSE website, less than 1 per cent. Of the social media channels, Facebook delivered about 55 per cent of social referrals and there were 1302 referrals from Twitter, which accounted for around 18 per cent. During the month, HSE gained 18 new YouTube subscribers and published two new videos. There were 6724 minutes watched, up from 5119 minutes in September 2014.

Online Consultations

The following HSE consultations concluded during October 2014:

- CD275 – Consultation on draft Approved Code of Practice (ACOP): Safe use of lifting equipment (L113)
Consultation began on 20 August and ended on **14 October 2014**
- CD270 – Consultation on draft Approved Code of Practice - L122 Safety of Pressure Systems
Consultation began on 1 September and ended on **13 October 2014**

No consultations began during October 2014.

Online revisions and improvements

A total of 187 online content and PDF revisions were made for the period of 10/10/14 - 13/11/14, including:

- Publication of the Health and Safety Statistics Annual Report 2013/14
- Offshore Competent Authority microsite - A new microsite to comply with the requirements of the new EU Offshore Safety
- Seveso III / COMAH 2015 Consultation Response onto Webpage
- Re-designed Land Use Planning site launched
- Re-designed Prosecution Procedures site (within OG Procedures) launched
- HSL's Safety Climate Tool integrated into website
- New org chart for the website <http://www.hse.gov.uk/aboutus/people> with major redesign of the intranet org charts to incorporate new structure
- Major changes to the biocides website

- HSE Website - Fee for intervention data
- Enforcement Guide Changes 2014 & update bookmarks for: Reporting Allocation Proceedings

Fatality details

Since the last update to the HSE Board on Wednesday 29th October 2014, there were **19** fatal accidents for 2014/15 reportable under RIDDOR and subsequently published on HSE's website. Please see [Annex 3](#) 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 **19** fatalities listed in the current report, **12** occurred prior to September 2014. **7** fatalities occurred in September 2014, compared with **15** which occurred in September 2013.

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 October 2014

1. [Lowmac Alloys Ltd](#) was fined £118,000 by Kilmarnock Sheriff Court after an agency worker severed his left arm at the shoulder while clearing a conveyor belt blockage
2. [Basil 'Bill' Pinkney, 69, t/a B D Pinkney & Co](#) was fined £24,500 by Airdrie Sheriff Court for safety failings which led to a worker being killed after he was thrown from a forklift truck and crushed
3. [Refinery Supplies Ltd](#) was fined £90,000 and ordered to pay £35,000 in prosecution costs at Manchester Crown Court after an employee was killed when he was struck by a three-tonne piece of steel being lifted by an overhead crane
4. [Cantelo Nurseries Ltd](#) was fined a total of £80,000 and ordered to pay £59,812 in costs at Taunton Crown Court after a worker died and three others were seriously injured in an explosion while emptying a pressurised tank used to heat greenhouses
5. [Colombier \(UK\) Ltd](#) was fined a total of £30,000 and ordered to pay £4,496 in costs by Maidstone Magistrates Court after a worker broke her leg in three places when poorly stacked pallets of paper collapsed
6. [Frank Barnes \(Darwen\) Ltd](#) was fined £30,000 and ordered to pay £29,639.65 in prosecution costs at Preston Crown Court after workers suffered from lead poisoning

7. [Fibreline Ltd](#) was fined £15,000 and ordered to pay £4,457 in costs at Bradford Crown Court after failing to protect its workforce from excessive noise levels made by production machinery
8. [Lincolnshire Partnership NHS Foundation Trust](#) was fined £20,000 and ordered to pay costs of £6,864 by Boston Magistrates' Court after a vulnerable mental health patient was left paralysed after diving off a roof
9. [Diageo Scotland Ltd](#) was fined a total of £18,000 by Elgin Sheriff Court after two workers were injured in falls at separate plants in Moray
10. [Davies Veterinary Specialists Limited](#) was fined £35,000 and ordered to pay £50,378 in costs at Luton Crown Court after workers were potentially exposed to harmful substances found in animal chemotherapy drugs prepared at the veterinary practice over a four year period
11. [Burnley College](#) was fined £20,000 and ordered to pay £7,600 in prosecution costs at Preston Crown Court 000 after an employee was severely injured when he fell three metres while changing an air filter on an extraction system
12. [Advance Display Ltd](#) was fined £15,000 and ordered to pay costs of £2,677 after an employee's ankle was crushed by a woodworking machine

FOI requests made to HSE

HSE received 477 FOI requests during the month of October 2014.

Parliamentary Business

HSE answered 8 PQs in October 2014.

The following table is an extract of all work-related deaths in 2014/15 notified to HSE since the last update to the Board on Wednesday 29th October 2014 and contains fatalities notified to us in September 2014. It is taken from the latest "Names and details of fatalities" update published on HSE's website on Monday 3rd November 2014.

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	Local Authority	General Industry Sector	Detailed Standard Industry Classification (SIC)	Employment status
29/05/2014	Jonathan Vicary	58	The deceased was struck by an object	York	East Riding	Manufacturing	Manufacture of agricultural and forestry machinery	Employee
06/06/2014	Gary Blundell	50	The deceased came into contact with machinery	Cheshire	Warrington UA	Services	Landscape Service Activities	Employee

Annex 3

06/06/2014	Anthony Booth	82	The deceased died whilst under residential nursing care	Cheshire	Cheshire East UA	Services	Residential Nursing Care	Member of the public
26/06/2014	Jarrad Swan	18	The deceased died following an explosion and fire	Kent	Thanet	Services	Employment Agency Activities	Employee
01/08/2014	Zach Fox	19	The deceased was asphyxiated	Hawick	Borders UA	Agriculture	Mixed farming	Employee
17/08/2014	Andrew Fraser	26	The deceased came into contact with machinery	Montrose	Angus UA	Manufacturing	Manufacture of other fabricated metal products n.e.c.	Employee
19/08/2014	Stephen Penrice	44	The deceased fell from height	Eastbourne	Eastbourne	Construction	Construction of Buildings	Employee
25/08/2014	Ian Bullion	60	The deceased was struck by a vehicle	Alyth	Perth & Kinross UA	Construction	Construction of other civil engineering projects n.e.c.	Member of the public

Annex 3

27/08/2014	Eirlys Owen	93	The deceased died following a fall	Caernarfon	Gwynedd UA	Services	Other human health activities	Member of the public
27/08/2014	John Bright	61	The deceased came into contact with cattle	Matlock	Derbyshire Dales	Agriculture	Other cattle and buffaloes	Member of the public
28/08/2014	Peter Sahaj	39	The deceased was asphyxiated	Manchester	Rochdale	Services	Freight transport by road	Employee
30/08/2014	Craig Jones	27	The deceased fell from height	Bolton	Bolton	Services	Management of real estate - fee/contract basis	Member of the public
04/09/2014	Shane Wilkinson	35	The deceased came into contact with machinery	Stamford	South Kesteven	Construction	Construction of Buildings	Employee
04/09/2014	Sean Anderson	43	The deceased fell from height	Offshore	Aberdeen City UA	Extractive/Utility	Extraction of Crude Petroleum	Employee

Annex 3

08/09/2014	Erwin Rhodes	42	The deceased came into contact with electricity	Taunton	Taunton Deane	Construction	Development of building projects	Self Employed
09/09/2014	Mark Taylor	48	The deceased fell from height	Brighton	Brighton & Hove UA	Construction	Construction of Buildings	Employee
17/09/2014	Benedikt Gudmundsson	80	The deceased was struck by a vehicle	Perthshire	Perth & Kinross UA	Agriculture	Raising of other animals	Self Employed
28/09/2014	Graham Humphries	57	The deceased was struck by an object	Powys	Powys UA	Services	Freight transport by road	Self Employed
30/09/2014	Graeme Sutherland	58	The deceased fell from height	Aberdeenshire	Aberdeenshire UA	Services	Management of real estate - fee/contract basis	Employee

DECEMBER 2014 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:

Reviewing the Working Time Directive	
Current status (NEW DEVELOPMENTS): 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 options for the Directive, and a failed attempt by the social partners to reach an agreement on the Directive. The EC has since written to member states to ask for their formal reports on implementation of the Directive. The United Kingdom (UK) response sets out its views on the legal interpretation, monitoring and impact of the Directive. It also sets out what changes the UK is seeking. HSE has a role in enforcing the domestic regulation that transposes the Directive.	
Lead Department	BIS
HSE contact	HSE SCS Lead – David Sowerby HSE Policy Lead – Tanya Stewart, Field Operations Directorate, 0151 951 5851, tanya.stewart@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie

UNDER NEGOTIATION:

ENTERPRISE AND INDUSTRY DOSSIERS:

Proposed Regulation on Product Safety and Market Surveillance	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has published a proposal for a regulation on product safety and market surveillance as part of a coherent package to cover the market surveillance of industrial and consumer products, including explosives for civil use which is a HSE lead. It seeks to simplify the EU’s market surveillance framework for manufacturers and market surveillance authorities. The proposal contains powers of product recall, specifies equal priority to dealing with administrative breaches, strengthens the obligation to respond to issues raised by other member states and explicitly makes provision for the ability to charge fees to cover the costs of market surveillance activities. HSE is acting as an advisor to the Department for Business, Innovation and Skills, the lead on the proposal. A similar proposal has been made on consumer product safety.	
Lead Department	BIS

HSE contact	HSE SCS Leads – Paul Logan, Peter Brown HSE Policy Leads – Pete Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, peter.lennon@hse.gsi.gov.uk , and Debra Owen, Major Hazards Policy Division, 0151 951 3863, debra.owen@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie
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Proposed Regulation on Personal Protective Equipment (replace the Personal Protective Equipment (supply) Directive (89/686/EC))	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has published a proposal to replace the Personal Protective Equipment (supply) Directive with a European Regulation. The proposal will bring the supply side requirements of the Directive into line with the European Regulation on accreditation and market surveillance of products. Negotiations have now begun. HSE is acting as an advisor to the Department for Business, Innovation and Skills, the lead on the proposal. Negotiations are not expected to be complete until late 2015.	
Lead Department	BIS
HSE contact	HSE SCS Lead – Paul Logan HSE Policy Lead – Pete Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, peter.lennon@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie

ENVIRONMENT DOSSIERS:

Proposed Commission Implementing Regulation for the approval of nine active substances under the European Regulation on marketing and use of biocidal products (528/2012)	
Current status (NEW DEVELOPMENTS): The November 2014 meeting of the Standing Committee on Biocidal Products voted to approve seven active substances under the European Biocides Regulation. These are: carbon dioxide, alpha-cypermethrin, dinotefuran, tolylfluanid, propan-2-ol, bacillus sphaericus and bacillus thurigiensis SA3A. The vote on an eighth active substance, folpet, was postponed. The meeting also voted in favour of a Commission Decision determining that a series of products are not biocidal products, and so do not require authorisation under the Biocides Regulation.	
Lead Department	HSE
HSE contact	SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7556 3533, robin.foster@hse.gsi.gov.uk SCS Lawyer – Peter Loosley

Proposed Commission Delegated Regulation amending Annex I to the European Regulation on the export and import of hazardous chemicals

Current status (UNCHANGED FROM LAST BOARD UPDATE):

The European Commission has published a proposal for further amendments to Annex I of the recast European Regulation on the export of import of hazardous chemicals (649/2012), which came into effect on 1 March 2014. The proposal would add nine substances, 1,1-dichloroethene, 1,1,2-trichloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, dibutyltin compounds, dioctyltin compounds, lead compounds, pentachloroethane and trichlorobenzene to Part 1 of Annex I, meaning that importing countries would have to be notified before export. A further substance, endosulfan, is removed from Part 1 to correctly reflect its regulatory status. The proposal adds one substance, fenbutatin oxide, to Parts 1 and 2 of Annex I making it subject to export notification and explicit consent to import from the importing country. A further two substances, already listed in Part 1 of Annex I, commercial pentabromodiphenyl ether and commercial octabromodiphenyl ether, are proposed for inclusion in Part 3 meaning that, in addition to export notification, they would also require the explicit consent of the importing country. Regulation 649/2012 delegates to the Commission the power to amend the annexes, so the proposals are not subject to a vote. However, they were discussed at the Regulation's Designated National Authorities meeting on 1 October and the Commission invited further comments to be submitted by 17 October. The proposed amendments are expected to apply from early 2015.

Lead Department	HSE
HSE contact	SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7556 3533, robin.foster@hse.gsi.gov.uk SCS Lawyer – Peter Loosley

TRANSPORT DOSSIER:

Proposed Regulation on Cableways Installations (replace Directive on Cableways Installations (2000/09/EC))

Current status (UNCHANGED FROM LAST BOARD UPDATE):

The European Commission has published a proposal to replace the Cableways Directive with a European Regulation. The proposal will bring the supply side requirements of the Directive into line with the European Regulation on accreditation and market surveillance of products. Negotiations are ongoing. HSE is acting as an advisor to the Department for Transport, the lead on the proposal. Negotiations are not expected to be complete until late 2015.

Lead Department	DfT
HSE contact	HSE SCS Lead – Paul Logan HSE Policy Lead – Pete Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, peter.lennon@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie

UNDER IMPLEMENTATION:

EMPLOYMENT AND SOCIAL AFFAIRS DOSSIER:

Directive on electromagnetic fields (2013/35/EU)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The adopted Directive was published on 29 June 2013 and requires transposition by 1 July 2016. It replaces the 2004 Electromagnetic Fields Directive. HSE is continuing to work with stakeholders to develop guidance and to assess the impact of the Directive.	
Lead Department HSE contact	HSE SCS Lead – Paul Logan Policy Lead – Clare McNicholas, Work Environment, Radiation and Gas Division, 0151 951 3972, clare.mcnicholas@hse.gsi.gov.uk SCS Lawyer – Hilton Leslie

Directive (2014/27/EU) to amend certain health and safety at work directives to align them with the European Regulation on classification, labelling and packaging of substances and mixtures (1272/2008)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The adopted Directive was published on 5 March 2013 and requires transposition by 1 June 2015. Following the public consultation on the proposed implementing measures, the Board, at its October meeting, agreed that the proposed amending Regulations to transpose the Directive should proceed. Subject to ministerial clearance, it is proposed to lay the Regulations by mid-February next year.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Sarah Mallagh, Long Latency Health Risks Division, 0151 951 4560, sarah.mallagh@hse.gsi.gov.uk SCS Lawyer – Peter Loosley