

Health and Safety Executive Board		Paper No: HSE/14/30	
Meeting Date:	9 April 2014	FOI Status:	Open
Type of paper:	Above the line	Exemptions:	None
Trim reference:	2014/135021		
Chief Executive's Report to the Board			

Update on outcome of Triennial Review of HSE

1. A formal Government response to the Triennial Review of HSE is due to be published on 1 May. To inform the response HSE has been considering the Review's recommendations and working with DWP to determine how they might best be taken forward. For a number of recommendations work on implementation is already underway and the Government response will be reporting on progress with these.

2. To support the commercialisation agenda, HSE has now appointed an interim Commercial Director, Leo Enright. He will provide additional resource and commercial expertise to take forward this work as well as lead on the delivery of the other Triennial Review recommendations with a commercial aspect.

Gas Safety campaign wins 'gold' at the Design Business Awards 2014

3. The 'Silent Killer' campaign run between October 2012 and February 2013 by the Gas Safe Register on behalf of HSE has won gold in the Design for Society category of the DBA awards 2014 <http://www.effectivedesign.org.uk/winners/2014/design-society/silent-killer>

4. This is a prestigious awards programme, with the judges recognising success in engaging and motivating gas consumers to take action to avoid the devastating effects of unsafe gas work and to undertake regularly servicing of gas appliances using a registered gas engineer. A quote from a judge: *"Impactful design, impressive changes in behaviour, lives saved - design at its best"*

5. With the support and input of HSE and funded entirely by gas engineer registration fees the award recognises pilot work undertaken in the NW of England.

6. HSE policy officials, communication specialists and social scientists worked closely with the team at the Gas Safe Register and were instrumental in the success of the pilot, which has now been rolled out across the rest of the country.

Minister's visit to HSL

7. The Rt Honourable Mike Penning, Minister for the Disabled, visited HSL on the 19 March to better understand the work they undertake. He saw test facilities on the wider site (including a 'jet fire' experiment simulating a hydrocarbon fire in a refinery/offshore platform) and one of the Oil Tankers we are about to test for DfT.

8. The Minister was particularly interested in the ergonomics work we have done for Toyota and Rolls Royce and was very interested in our GIS Tools (such as Find IT).

CDM Regulations 2007 - Consultation

9. Following review and evaluation of the 2007 Construction (Design and Management) Regulations, HSE has launched a 10-week public consultation on revised proposals on 31 March 2004. Key changes being proposed include:

- replacement of the CDM co-coordinator role with a principal designer role within the project team;
- introducing a duty on information, instruction, training and supervision to replace the duty to assess competence;
- removal of the domestic client exemption and transfer of these limited duties to the contractor/designer; and
- replacement of the ACOP with tailored guidance.

10. A press release was sent out on 31 March alongside other media messaging to construction stakeholders.

Docks ACoP and Port's event

11. On the 6th April 2014, the Docks Regulations 1988 will be revoked and the associated Safety in Docks ACoP withdrawn. This will replace a new ACoP (L148) and a suite of guidance produced by Port Skills and Safety (PSS) and supported by HSE. The Sector has worked extensively with the Industry and Trade Unions to produce the new shorter, simpler and signposted ACOP, which is more aligned with the practice of the modern docks industry.

12. To launch the new ACoP, the industry guidance and planned research into leadership and worker involvement in the industry, HSE organised an event on 2 April with keynote address by David Gartside to an audience representing employers and trade unions. There were other presentations from PSS, Unite the Union, on the work to develop the ACoP and industry guidance. Other presentations covered the role of leadership and worker involvement in the London 2012 success, and others explaining the planned research.

Asbestos Analysts Project Update

13. HSE informed the industry at the January Asbestos Liaison Group meeting that we would be carrying out an initiative to look at the performance of the asbestos analyst industry.

14. The project was set up to investigate concerns about information we had received from small scale studies, the field and industry representatives concerning failure rates and/or dubious clearance test certificates. The overall aim is to:

- gain a better understanding of how the industry works in a potentially time-pressured environment;

- to determine whether the high standards of clearance work required are being met;
- if not, whether this would be liable to result in significant exposure risk in re-occupied buildings;
- follow up client duties where insufficient resources or time have been allowed

15. All UKAS accredited analyst companies have been written to requesting information about their work practices, with a 75% return rate. Selections of these responders and non-responders have been identified for head office inspection and analysis of completed clearance jobs during the next work year.

16. All inspections follow up action and reporting is scheduled for completion by the end of the work year.

Fatality on TAQA Harding offshore installation

17. A 62-year-old man died when he fell from the platform into the sea when carrying out maintenance work on a lifeboat.

18. Energy Division offshore inspectors have visited the installation and are working with Police Scotland, Crown Office and Procurator Fiscal Service under the Scotland Work Related Deaths Protocol to determine the circumstances. As of 27 March, police retain primacy.

19. On 11 March 2014, HSE served an Improvement Notice on TAQA Bratani Ltd in relation to provision of a safe system of work for connecting maintenance pendants for the purpose of lifeboat maintenance and inspections.

High pressure natural gas release from a Scotland Gas Network Ltd gas transmission pipeline, Uddington, Glasgow

20. During M8 diversion work, there was a significant release of gas from a crack on a 10" high-pressure pipeline. An excavator was stripping top soil in the vicinity of the pipeline at the time. The pipeline was isolated safely but the consequences could have been more serious in terms of safety and could also have had wider implications concerning the security of gas supplies to domestic and industrial consumers.

21. Inspectors from Energy Division's Gas and Pipelines Unit are investigating the incident. The damaged section of pipeline has been taken to HSL for examination and testing. HSL are also undertaking gas dispersion modelling to determine the extent of the flammable cloud, to determine the risk levels posed by the incident. The underlying cause of the damage is not yet known and the investigation is ongoing,

Significant Prosecution

22. A builder has been fined after two labourers sustained second degree chemical burns after working knee-deep in wet concrete for more than four hours at a development in south west London.

23. One of the workers required skin grafts to both ankles as a result of his prolonged contact with the material on a project to demolish five garages and erect two semi-detached homes in their place. The two injured workers had been asked to assist with the concreting of a basement excavation.

24. The wet concrete was poured into the excavation and they had to wade amongst it to evenly distribute and smooth the material before it was left to set.

25. Both had to seek hospital treatment that evening after experiencing painful burning sensations around their ankles and lower legs. They were diagnosed with chemical burns and were unable to return to work.

26. The HSE investigation found that prior to the work neither worker was briefed on the risks of working with wet concrete, which is a strong alkali that can cause serious burns and ulcers.

27. Furthermore, the dutyholder had failed to provide personal protective equipment for the workers, such as boots providing cover to knee level; and welfare facilities at the site were wholly inadequate.

28. The Builder was fined £10,000 and ordered to pay £10,000 in costs after being found guilty of breaching Section 2(1) of the Health and Safety at Work etc Act 1974.

KEVIN MYERS
Acting Chief Executive

Communications Overview March 2014

Introduction

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

News and PR

In addition to the ongoing work to publicise successful prosecutions of employers who had put workers or the public at risk, press office worked with the Crown Office in Scotland to confirm to the media that HSE had submitted its investigation report into the Elgin hydrocarbon release, one of the biggest in the North Sea in the last decade.

The appointment of HSE's new head of agriculture and waste and recycling, Rick Brunt, was the subject of a media call at a safety and health awareness day for farmers in Nottinghamshire. The facility was well attended with reporters from Farming Today, Farmers Guardian and Farmers Weekly conducting interviews, which press office also tweeted about.

The first death of a worker on the Crossrail project attracted significant media attention, reflecting the fact that HSE has launched an investigation.

Press office continue to work with the media team at the Department for Work and Pensions to tackle health and safety myths and excuses when they appear in the newspapers.

Internal Communications

Two key messages to staff regarding pay and the process to recruit a new Chief Executive were issued via Global email. Communications around the forthcoming change to Government Security Classifications have continued ahead of the change on 2 April and the IT upgrade to Windows 7 has also been widely communicated. The 'Spending Wisely' initiative has drawn to a close and elicited over 150 responses from staff. These are now being evaluated and plans are being drawn up to share the outcome with staff.

Other communications included: updates to external systems, such as the Civil Service Learning site and the travel site, tRIPS; an invitation for staff to attend Civil Service Live; information for line managers on dealing with occupational health issues; and a reminder that staff are welcome to observe the open session of SMT meetings.

Partnership Marketing – Small, Medium, Enterprises (SMEs)

Communications Directorate is continuing to work with commercial organisations and trade associations to help encourage use of the H&S ABC, HSE's free tools and guidance for SMEs; by businesses involved in office based activities and those within the small manufacturing, retail, leisure and beauty industries. Recent social media and PR activity has been carried out to help promote the ABC, which focused on dispelling 'silly' myths around health and safety in small businesses. Regional

press teams issued press notices to regional and local media with support from local Chambers of Commerce and the Federation of Small Businesses.

Supporting Twitter activity was also carried out where HSE and partners tweeted and retweeted key messages that directed followers to the H&S ABC. The activity was given the hashtag of #EasyasABC. Stories are appearing in regional and trade media and Twitter activity has reached in excess of 60,000 people, with over 200 tweets or retweets taking place over the course of a week.

Asbestos behaviour change campaign

Work is continuing to develop the campaign and a full progress update will be provided at the May Board.

Digital Marketing

Highlights for the month include:

- The 200,000th eBulletin subscriber signed up on 17 February 2014. On average 3,320 people have subscribed to the eBulletin service every month since March 2013.
- eBulletin articles linking to a safety alert on 'Genie Z135/70 mobile elevated work platforms' attracted 13,639 visits in February. E-bulletins accounted for 70% of all visits to the alert (19,450 visits overall).
- eBulletin articles linking to 'Working at height – a brief guide' resulted in 9,004 downloads of the leaflet in February. E-bulletins accounted for 31% of all downloads of the leaflet (28,942 visits overall).

Online revisions and improvements

A total of 259 online content and PDF revisions were made during March, including:

- Part 2 of the technical guidance on controlling legionella (in hot and cold water systems) [HSG274](#) due for publication by the end of March
- Three guidance leaflets were revised under External Guidance Review
- New Government Security Classification (GSC) scheme
- HSE Pay offer and calculator
- Updated Enforcement Management Model to remove reliance on RIDDOR
- Building a better IT service – Steria – Windows upgrade guidance

Online Consultations

- Consultation on proposals for the consolidation of Petroleum legislation (CD264) ended on 7 February.
- Consultation ran on proposals to amend S11 of The Employment Act 1989 that will seek to extend the exemption for Turban-wearing Sikh's from wearing head protection beyond construction sites to all workplaces and, in so doing, extend the limiting of employers liability. The amendment will include

an exclusion for high hazard operational activities in so far as the emergency services (public and private sector) and armed services are concerned.

The consultation was on behalf of the Minister for Disabled People and the Department for Business, Innovation and Skills.

Fatality details

Since the last update to the HSE Board on Wednesday 5th March 2014, there have been **17** fatal accidents for 2013/2014 reported 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, **5** occurred prior to January 2014. **12** fatalities occurred in January 2014, compared with **17**, which occurred in January 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 February 2014

1. [R&S Recycling Ltd](#) was fined £100,000 and ordered to pay costs of £57,927 at Worcester Crown Court after a worker was killed by a bale of waste weighing more than a tonne.
2. [Plasmor \(Halton\) Ltd](#) was fined £100,000 and ordered to pay prosecution costs of £28,634 at Liverpool Crown Court after a worker was crushed to death when a tipper truck overturned.
3. [Bouygues UK Ltd](#) was fined £175,000 and ordered to pay £80,000 in costs at Chelmsford Crown Court after a worker was killed by a large concrete beam during a dangerous lifting operation in strong winds at a hospital construction site in Essex.
4. [Anchor Services \(GB\) Limited](#) was fined £20,000 and ordered to pay £35,656 in costs at Dartford Magistrates' Court after a lone working security guard was killed by carbon monoxide fumes from a petrol generator.
5. [AC, PC, & RC Green](#) was fined £60,000 and ordered to pay £31,252 in costs at Cambridge Crown Court following the death of a student who was undertaking pest and predator control work at Kingfishers Bridge Wetland in Wicken.
6. [ASW Scaffolding Limited](#) was fined a total of £15,000 and ordered to pay £5,438 in costs at Oxford Magistrates' Court for dangerous scaffold installations at sites in Wantage and Oxford.
7. [Laurence Dennis Brown](#) was sentenced to six months in prison, suspended for 18 months. He was also fined £45,000 and ordered to pay £35,000

towards costs Nottingham Crown Court for failing to protect workers from the risks of lead poisoning after three employees became seriously ill.

8. [David Sear](#) was fined £18,000 and ordered to pay costs of the same amount by Lincoln Magistrates' Court after one of his employees suffered severe lead poisoning.
9. [Dawson Rental Portable Cold Storage Ltd](#) was fined £40,000 and ordered to pay £20,000 costs after a worker was trapped underneath a falling section of cold store and others developed hand-arm vibration syndrome (HAVS).
10. [Frames Conservatories Direct Ltd](#) was fined a total of £24,000 and ordered to pay £10,571 in costs by Bury St Edmunds Magistrates' Court after it exposed workers to potentially fatal asbestos material during work to replace window units at a school in Bury St Edmunds.
11. [Pockmor Ltd](#) was fined £16,000 and ordered to pay £4,500 in costs at York Crown Court after a part-time farm worker was left permanently disabled after being crushed by two straw bales that fell on him as he tried to remove them from a seven-metre stack at a farm in North Yorkshire.
12. [Lawrie \[Demolition\] Limited](#) was fined £40,000 by Peterhead Sheriff Court after a worker was seriously injured by falling cast iron guttering.
13. [Filtration Service Engineering Ltd](#) was fined £30,000 and ordered to pay £15,325 in costs at Worcester Crown Court after a worker lost both his legs in a factory blast.
14. [Alexander Dennis Ltd](#) was fined a total of £26,800 and ordered to pay £5,286 in costs after a worker was injured at its Sheffield plant after falling from a poorly-guarded gantry.

FOI Requests made to HSE

HSE received 453 FOI requests during the month of February 2014.

Parliamentary Business

HSE answered 14 PQs in February 2014.

The following table is an extract of all 2013/2014 work-related deaths notified to HSE since the last update to the Board on Wednesday 5th March 2014, it contains fatalities notified to us in January 2014. It is taken from the latest "Names and details of fatalities" update published on HSE's website on Monday 3rd March 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 of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
23/08/2013	Lukasz Sobala	36	The deceased came into contact with electricity	Chiltern	Chiltern	Construction	Plumbing, heat and air-conditioning installation	Employee
30/09/2013	Thomas Hanmer	84	The deceased died whilst under medical care	Shropshire	Shropshire UA	Service	Hospital Activities	Member of the Public
17/10/2013	Leslie Gardner	64	The deceased came into contact with electricity	Bristol	Bristol UA	Manufacturing	Manufacture of lifting and handling equipment	Employee
29/11/2013	Florence Edge	81	The deceased died whilst in care home premises	Birmingham	Birmingham	Service	Residential Nursing Care	Member of the Public
20/12/2013	Elizabeth Baines	88	The deceased died whilst under medical care	Wakefield	Wakefield	Service	Hospital Activities	Member of the Public
07/01/2014	Christopher Barry Parker	55	The deceased came into contact with machinery	North Yorkshire	Hambleton	Agriculture	Mixed Farming	Employee
08/01/2014	David Holloway	35	The deceased was struck by an object	Essex	Colchester	Construction	Construction of commercial buildings	Self Employed
10/01/2014	Richard Turner	49	The deceased was struck by an object	Norfolk	Breckland	Construction	Construction of Buildings	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
13/01/2014	Craig Dunn	44	The deceased was struck by a moving vehicle	Warwickshire	Warwick	Service	Motor Vehicle Repair	Employee
14/01/2014	Carl Helliwell	51	The deceased fell from height	Rotherham	Rotherham	Construction	Joinery Installation	Self Employed
15/01/2014	Steven Jones	55	The deceased was struck by an object	Derbyshire	Derbyshire Dales	Service	Repair of other personal and household goods	Employee
17/01/2014	Steven Raddon	51	The deceased came into contact with electricity	Exeter	Exeter	Extractive/utility	Distribution of Electricity	Self Employed
20/01/2014	George Howley	49	The deceased was asphyxiated	St Helens	St Helens	Water/Waste Management	Sewerage	Self Employed
21/01/2014	Scott Harrower	42	The deceased fell from height	Stockport	Stockport	Construction	Demolition	Employed By Other
22/01/2014	Paul Nodding	56	The deceased was struck by a moving vehicle	Derbyshire	South Derbyshire	Manufacturing	Manufacture of Explosives	Employee
22/01/2014	Alun Walker	82	The deceased died whilst under medical care	Wrexham	Wrexham UA	Service	General Public Administration	Member of the Public
29/01/2014	Paul Williamson	51	The deceased was struck by an object	Winsford	Cheshire West and Chester UA	Service	Other transportation support activities	Employee

APRIL 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:

Social partners consultation on environmental tobacco smoke	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has announced that it will not propose legislation on environmental tobacco smoke during its current mandate.	
Lead Department	DH
HSE contact	HSE SCS Lead – Kären Clayton HSE Policy Lead – Gillian Smith, Long Latency Health Risks Division, 0151 951 4919, gill.fod.smith@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie

Social partners consultation on reviewing the Working Time Directive	
Current status (UNCHANGED FROM LAST BOARD UPDATE): In September 2009, the European Commission (EC) announced its commitment to review the Working Time Directive, following the collapse of the previous round of negotiations on amending the Directive in April 2009. There have since been two rounds of social partner consultation on options for the Directive, with the social partners subsequently having decided to open negotiations on an agreement on the Directive, though those talks have now reached an impasse. The EC is now deciding on next steps. HSE has a role in enforcing the domestic regulation that transposes the original Directive.	
Lead Department	BIS
HSE contact	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 – Hilton Leslie

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

Initiative on Ergonomics at Work	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has announced that it will not propose legislation on ergonomics in the workplace during its current mandate.	
Lead Department HSE contact	HSE SCS Lead – Paul Logan Policy Lead – Rob Vondy, Work Environment, Radiation and Gas Division, 0151 951 3756, rob.vondy@hse.gsi.gov.uk SCS Lawyer – Hilton Leslie

Initiative to revise the Carcinogens and Mutagens Directive (2004/37/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has announced that it will not propose legislation on carcinogens and mutagens during its current mandate.	
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 – Hilton Leslie

Potential implementation of social partners agreement on the prevention of health risks in the hairdressing sector	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has announced that it will not propose legislation to implement the social partner agreement on the protection of occupational safety and health in hairdressing during its current mandate. However, work underway to make an assessment of the agreement will continue.	
Lead Department HSE contact	HSE SCS Lead – Kevin Myers Policy Lead – Cameron Adam, Operational Strategy Division, 0141 275 3096, cameron.adam@hse.gsi.gov.uk SCS Lawyer – Hilton Leslie

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

Proposed amendment of Pregnant Workers Directive (92/85/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Parliament (EP) has proposed a number of amendments to the Directive, including ones on health and safety, following its plenary session on 20 October 2010. The EP's amended proposal has been sent to the Council, where it remains under consideration.	
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 – Hilton Leslie

Proposed Directive on enforcement of posted workers rights	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The EC 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 continues to advise the Department for Business, Innovation and Skills, which leads on the proposal for the UK.	
Lead Department HSE contact	BIS HSE SCS Lead – Clive Fleming HSE Policy Lead – Kate Haire, Strategic Interventions Division, 0151 951 3792, kate.haire@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie

ENTERPRISE AND INDUSTRY DOSSIERS:

Proposed modification of New Approach Directives in line with the EC Regulation on Accreditation and Market Surveillance	
Current status (NEW DEVELOPMENTS): The EC 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, simple pressure vessels and pyrotechnics (for which HSE enforces Category 4 theatrical and pyrotechnic articles). HSE is the lead on explosives for civil uses. The Pyrotechnics Directive has been agreed (see the entry below). The remaining eight proposals have also now been agreed.	
Lead Department HSE contact	BIS HSE SCS Lead – Paul Logan, Peter Brown HSE Policy Leads – Pete Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, david.bosworth@hse.gsi.gov.uk , and Alex Tsavalos, Major Hazards policy Division, 0151 951 3364, alexander.tsavalos@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley

Proposed Regulation on Product Safety and Market Surveillance	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The EC 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 on the proposal.	
Lead Department HSE contact	BIS HSE SCS Leads – Paul Logan, Peter Brown HSE Policy Leads – Pete Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, david.bosworth@hse.gsi.gov.uk , and Alex Tsavalos, Major Hazards policy Division, 0151 951 3364, alexander.tsavalos@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie

Proposed Regulation on Consumer Product Safety	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The EC has also published, as part of the package of product safety and market surveillance measures mentioned above, a proposal for a regulation on consumer product safety. It would replace the General Product Safety Directive. The proposal includes in its scope products to which consumers are exposed in the provision of a service. HSE is acting as an advisor to the Department for Business, Innovation and Skills on the proposal.	
Lead Department HSE contact	BIS HSE SCS Leads – Paul Logan, Peter Brown HSE Policy Leads – Pete Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, david.bosworth@hse.gsi.gov.uk , and Alex Tsavalos, Major Hazards policy Division, 0151 951 3364, alexander.tsavalos@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie

Proposed amendment of the Pressure Equipment Directive to align it with the European Regulation on classification, labelling and packaging of substances and mixtures (1272/2008)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The EC has published a proposal to align the Pressure Equipment Directive with the European Regulation on the classification, labelling and packaging of substances and mixtures. 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. Negotiations are currently under way. HSE is acting as an advisor to the Department for Business, Innovation and Skills on the proposal.	
Lead Department HSE contact	BIS HSE SCS Lead – Paul Logan HSE Policy Lead – Pete Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, david.bosworth@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie

ENVIRONMENT DOSSIERS:

Proposed EU Regulation amending the EU Biocides Regulation (528/2012)	
<p>Current status (NEW DEVELOPMENTS): The European Commission (EC) published on 22 May 2013 a legislative proposal for a Regulation amending the European Biocides Regulation. A number of technical and legal mistakes have been identified in the text of the Regulation. The proposed amending Regulation will correct the mistakes, many of which were identified by the UK. They are technically and legally required to ensure the Regulation is clear and meets its policy intention to streamline and the reduce costs of the existing system. An informal deal was reached between the Council, the European Parliament (EP) and the EC in December 2013. The EP voted to approve the deal reached on the amending Regulation on 24 February 2014. After formal adoption by the Council, the Regulation will be published in the Official Journal and will enter into force 20 days later. Although the Regulation is directly applicable in member states, and so does not require implementation as such, some changes to the existing UK supporting legislation may be necessary to take account of the amendments made.</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>

Essential use application following non-inclusion of copper in Annex I, IA or IB of the Biocidal Products Directive (98/8/EC)	
<p>Current status (NEW DEVELOPMENTS): On 9 February 2012, the European Commission (EC) took a decision not to include elemental copper in Annex I, IA or IB of the Biocidal Products Directive (98/8/EC) in relation to biocidal product type 2 (private area and public health area disinfectants and other biocidal products), type 4 (food and feed area disinfectants), type 5 (drinking water disinfectants) and type 11 (preservatives for liquid-cooling and processing systems). The decision was taken because no manufacturer took sufficient action to support the biocidal use of elemental copper during a review period that ended in September 2011. The decision means that supply and use of biocidal copper within these product types has not been allowed from 1 February 2013. However the UK applied to the EC on 29 January 2013 for an 'essential use derogation' for copper to allow for its continued use in legionella control systems in the UK within product types 2 and 5. The EC granted the derogation in a Commission Decision published on 15 February 2014. This means that continued supply and use of copper is allowed in the UK while suppliers of copper-based systems prepare their case to support copper through the Directive's assessment process. The Commission Decision has been combined with derogations requested by other member states. Companies have been contacted and are sending in applications to HSE for authorisation of their biocidal products. Applications are being dealt with expeditiously and authorisations have begun to be issued. HSE has made clear that inspectors will take a sensible and proportionate approach to enforcement if they come across these systems after 1 February 2013 and that, during this interim period, the focus of any enforcement activity will be on the failure to control the risk of exposure to legionella bacteria and the likelihood of legionnaire's disease developing in a given situation, rather than on the means of control. The UK has also applied for a derogation for product type 11 use in ships and offshore installations, and also for a further derogation for product type 2 use to cover swimming pool treatments. Further derogation applications have also been submitted by many other member states. All essential use derogation applications are subject to a 60-day public consultation.</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>

Proposed Commission Implementing Regulation for the approval of six active substances and non-approval of nine active substances under the EU Biocides Regulation (582/2012)	
<p>Current status (NEW DEVELOPMENTS): The March 2014 meeting of the Standing Committee on Biocidal Products voted to approve 6 active substances under the European Biocides Regulation (cyproconazole, silicon dioxide, transfluthrin, ethyl butylacetylaminopropionate, lauric acid and 4,5-Dichloro-2-octyl-2H-isothiazol-3-one (DCOIT)). The meeting also voted in favour of a European Commission Decision not to approve 9 active substances for use in specific product types and for which support has been withdrawn or dossiers have not been submitted for review by the required deadline (glutaral, disilver oxide, 4,4-Dimethyloxazolidine, 2-Butanone, peroxide, silver chloride, pine extract, triclosan Bis[1-cyclohexyl-1,2-di(hydroxi-kappa O) diazeniumato(2-)]-copper and 2-Phenoxyethanol).</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>

Proposed Commission Delegated Regulation amending Annex I to the EU Regulation on the export and import of hazardous substances (649/2012)	
Current status (NEW DEVELOPMENTS): The European Commission (EC) has published a proposal for amendments to Annex I of the recast European Regulation on the export and import of hazardous chemicals which came into effect on 1 March 2014. The proposal adds 9 substances (azocyclotin, bitertanol, cinidon-ethyl, cyclanilide, cyfluthrin, cyhexatin, ethoxysulfuron, oxadiargyl, and rotenone) to the Annex meaning that they would be subject to both export notification and explicit consent from the importing country before export of them can proceed, and also adds one substance (warfarin) to Part 1 meaning that only export notification would be required for this. The Regulation delegates the power to amend its annexes to the EC so there will be no vote on the proposals. However, member states will be consulted at the Designated National Authorities meeting on 7 April. The proposed amendments are expected to apply from summer 2014.	
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

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

Directive on electromagnetic fields (2013/35/EU)	
Current status (NEW DEVELOPMENTS): This Directive was published on 29 June 2013 and requires transposition by 1 July 2016. It replaces the 2004 Electromagnetic Fields Directive. HSE is taking forward transposition of the Directive in conjunction with stakeholders, and liaison with other relevant government departments as necessary. <i>A paper on transposition options will be submitted to the Board in April for its consideration.</i>	
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 European occupational safety and health directives to align them with the European Regulation on classification, labelling and packaging of substances and mixtures (1272/2008)	
Current status (NEW DEVELOPMENTS): This Directive was published on 5 March 2013 and requires transposition by 1 June 2015. Work has begun to transpose the Directive, including the preparing of an impact assessment and consultation document. The proposed consultation document will be submitted to the Board in May for its consideration.	
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

INDUSTRY AND ENTERPRISE DOSSIERS:

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

EU Regulation on the approval and market surveillance of agricultural and forestry vehicles (167/2013)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): This Regulation was published on 2 March 2013 and replaces the previous Agricultural Vehicles Type Approval Directive (2003/37/EC). The EC will now draw up 5 delegated acts to implement the Regulation in respect of functional safety requirements, construction safety requirements, environmental and propulsion performance, access to repair and maintenance information and vehicle braking requirements. The Department for Transport is leading on this work for the UK. HSE is advising on health and safety issues.	
Lead Department HSE contact	DfT HSE SCS Lead – Philip White HSE Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley

Directive on harmonisation of laws of the member states to the making available on the market of pyrotechnic articles (2013/29/EU)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): This Directive was published on 14 June 2013 and requires transposition by 30 June 2015. It aligns the provisions governing the placing on the market of pyrotechnics with the common EU framework for marketing products. BIS is developing the transposition plan for the Directive and HSE is acting as an advisor to BIS given its enforcement responsibilities for pyrotechnics.	
Lead Department HSE contact	BIS HSE SCS Leads – Peter Brown HSE Policy Lead – Alex Tsavalos, Major Hazards policy Division, 0151 951 3364, alexander.tsavalos@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley

ENVIRONMENT DOSSIERS:

EC Regulation on Registration, Evaluation, Authorisation and Restriction of Chemical substances (REACH) (1907/2006)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): This Regulation came into force on 1 June 2007. Key recent developments include: <ul style="list-style-type: none"> • Work continues to take forward the permitted derogation from the new EU restriction on use of paint-strippers containing dichloromethane. A below the line paper was submitted to the Board in March outlining the outcome of the recent consultation (November 2013-January 2014) on the proposed implementation of the derogation and the arrangements for Defra to make the necessary changes to the REACH Enforcement Regulations 2008. • Discussions continue with the Department for Environment, Food and Rural Affairs (Defra) on arrangements necessary to assure the continued management of the asbestos legacy under the new REACH restrictions system. 	
Lead Department HSE contact	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

Directive on control of major accident hazards involving dangerous substances (2012/18/EU)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): 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. Directive 2012/18/EC requires transposition by 31 May 2015, except one provision which relates to Heavy Fuel Oil which requires transposition by 14 February 2014. Planning for transposition of the Directive is in progress. Discussions in Europe are on-going on a number of issues that need clarification to assist with transposition of the Directive.	
Lead Department HSE contact	HSE SCS Lead – Peter Brown Policy Lead – Sandra Ashcroft, Major Hazards Policy Division, 0151 951 3531, sandra.ashcroft@hse.gsi.gov.uk SCS Lawyer – Hilton Leslie

ENERGY DOSSIER:

Directive on safety of offshore oil and gas drilling operations (2013/30/EU)	
Current status (NEW DEVELOPMENTS): This Directive was published on 28 June 2013 and requires transposition by 19 July 2015. The Department for Energy and Climate Change (DECC) and HSE are working together to transpose the Directive. Discussions are continuing with DECC on the proposed use of safety cases to implement the requirement for a 'report on major hazards' under the Directive and on the options for creating the required offshore competent authority.	
Lead Department HSE contact	DECC HSE SCS Lead – Peter Brown HSE Policy Lead – Jim Neilson, Major Hazards Policy Division, 0151 951 4434, jim.neilson@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley

EURATOM DOSSIER:

Directive on Basic Safety Standards for Radiological Protection (2013/59/Euratom)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The Directive was published on 17 January 2014 and requires transposition by 6 February 2018. The Directive will replace a number of directives, decisions, regulations and recommendations dealing with radiological protection. Although the Department for Energy and Climate Change is in the lead, the Directive will require several departments/regulators, including HSE, to update existing regulatory requirements. HSE has established governance arrangements for its implementation of the Directive.	
Lead Department HSE contact	DECC HSE SCS Lead – Paul Logan Policy Lead – Clare McNicholas, Work Environment, Radiation and Gas Division, 0151 951 3972, clare.mcnicholas@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley