

Health and Safety Executive Board		Paper No: HSE/13/37	
Meeting Date:	21 May 2014	FOI Status:	Open
Type of paper:	Above the line	Exemptions:	None
Trim reference:	2014/188060		
<b>Chief Executive's Report to the Board</b>			

### 10 year anniversary of Stockline (ICL Plastics) disaster

1. Sunday 11 May 2014 marked ten years since the Stockline disaster, when an explosion at the ICL Plastics factory in Maryhill, Glasgow, saw nine workers killed and more than 33 injured. The explosion was caused by a leak of LPG into the basement of the factory from a corroded underground metallic pipe.

2. There followed a Public Inquiry carried out by Lord Gill who, in his report published in July 2009, stated that all underground metallic pipes should be replaced with polyethylene pipes. The Government response in March 2010, noted that the aim was to replace underground metallic pipework in all industrial, commercial and domestic high risk premises by the end of 2013.

3. The LPG industry has been supported by HSE and local authorities, to undertake a countrywide programme to identify and replace underground metallic service pipes at many thousands of commercial and industrial properties. HSE and local authorities have also carried out an inspection campaign to raise awareness and require appropriate action where defects are identified. This will greatly reduce the risk of another explosion.

4. To date, metallic pipework has been replaced at more than 95% of high risk premises. We are working closely with the Industry to close out remaining sites as soon as possible. Delays to replacing pipework in a number of sites have been caused by bad weather, also other premises recently added into the high risk category, such as caravan sites with communal facilities. We are working with sites that did not respond to our original enquires to ensure pipework is replaced as soon as possible.

5. In addition to the pipework replacement programme we have introduced a range of measures which will further lessen the risk of such an incident happening again. This includes:

- Improved Guidance and Standards for Suppliers, End-users/customers and HSE/LA Inspectors. We have published these on HSE and UKLPG web pages so they are freely available <http://www.hse.gov.uk/gas/lpg/index.htm>;
- Improved communication between the Suppliers and their customers on these issues;
- Improved co-ordination between HSE and UKLPG, including regular meetings to keep safety regime under review;

## **Occupational Disease**

6. Reinforcing the importance it places on the issue, HSE has improved its online presence and has now launched new web pages on occupational disease – [www.hse.gov.uk/aboutus/furtherinfo/occupational-disease/index.htm](http://www.hse.gov.uk/aboutus/furtherinfo/occupational-disease/index.htm) – to promote and share the work that different organisations are undertaking to tackle the burden of occupational disease.

7. These pages are also linked to an online community site that has been designed to promote and share the work that different organisations are doing to tackle the burden of occupational disease. The community site is free for all to view and can be accessed at <http://webcommunities.hse.gov.uk/connect.ti/OccupationalDisease/grouphome>

8. Interested parties can also sign up to receive an e-bulletin – visit [www.hse.gov.uk/news/subscribe/index.htm](http://www.hse.gov.uk/news/subscribe/index.htm) – that will keep them up to date with the latest developments in tackling occupational disease.

## **Commonwealth Games 2014 - Proposal for tower block demolition to be used in the Opening Ceremony.**

9. On 3 April 2014 Glasgow 2014, the Organising Committee for the Glasgow Commonwealth Games (the Games), announced plans for their Opening Ceremony. This included the live explosive demolition of five Red Road tower blocks, shown by video link as part of the Ceremony. This announcement resulted in significant local and national media coverage.

10. HSE's Construction Division has been working to a structured, multi-dutyholder intervention for the construction work associated with the Games. HSE was made aware of the proposal prior to the announcement and on 26 March 2014 had a meeting with the dutyholders involved. Both the client and contractor were advised on the need for effective planning to ensure that safety was of paramount importance in the final decision about the demolition, including the detonation time.

11. On 13 April 2014 Glasgow 2014 announced that safety was a priority and following discussions with Police Scotland the demolition would no longer feature in the Opening Ceremony.

## **New Directors of HID and FOD appointed**

12. Following an open competition, Susan Mackenzie, the Health and Safety Executive's current head of Energy Division has been promoted to become HSE's director of Hazardous Installations Directorate (HID). David Snowball, the current Scotland and Northern England regional director is appointed as Director of Field Operations (FOD). See: <http://press.hse.gov.uk/2014/new-appointments-at-safety-watchdog-2/>

## **Small Business Trade Association Forum**

13. The next meeting of the Small Business Trade Association Forum is due to take place on 19th May. Members will receive an update on the Triennial Review, FFI and Commercialisation along with presentations on HSE's work around Occupational Health and SME health and safety statistics. The Forum will be preceded by the first meeting of a Construction Forum, bringing together SBTAF members with an interest in this sector. The creation of this forum was requested by SBTAF members. Items for discussion include CDM, health and construction, smaller business in construction and Safety Schemes in Procurement. Copies of papers and presentations from both meetings will be made available on the SBTAF web pages <http://webcommunities.hse.gov.uk/connect.ti/sbtafcommunity/grouphome>

## **Myth Busters Challenge Panel members recruitment:**

14. Since being established in April 2012 the Myth Buster Challenge Panel has considered almost 300 cases. As part of a refresh of the panel HSE will soon be seeking to advertise for new members. The advert, due to go live on 15 May for a two week period, will be placed on HSE's website. We are looking for panel members from across a wide range of representative groups who can look at cases and quickly assess if a sensible and proportionate decision has been made.

## **Farming Regulation Task Force Implementation Group's final assessment report**

15. Defra published the Farming Regulation Task Force Implementation Group's final report on Wednesday 9 April 2014. The report of the Task Force, chaired by Richard MacDonald, was positive, and placed the onus firmly on farmers to provide an explicit commitment to their own health and safety, and to that of their family and their workforce. The majority of the assessment addresses Defra agencies, however there were references to HSE/HSL.

16. The key points of relevance to HSE were that: Defra will be piloting the HSL Find-It tool to improve targeting of inspection activities by Defra agencies; HSE has delivered on the recommendation to review ACoP on Rider-operated lift trucks and the revised ACoP was received very positively; the commitment to consider a central register for datasheets for pesticides concluded that this was not necessary and it will not therefore impact on HSE (CRD); and HSE has responded to the Department for Transport consultation on weight and speed restrictions for trailers used on public roads.

## **Commercialisation Opportunities**

17. Abu Dhabi has developed an ambitious strategy, Abu Dhabi 2030, setting out its vision for the future of the Emirate. Part of this involves significantly diversifying its economy beyond the oil and gas sector. Indeed, around 50% to 60% of its GDP is already outside the oil and gas arena. It has developed an initial health and safety regulatory system to oversee this newer component of its economy, led by its Environment Health and Safety Center. To help in the ongoing development of this system, the Center has established MoUs with a number of international

organisations, including HSE. This, in turn, has led to the Center seeking support from HSE, through the delivery of specific projects. These are organised on a full commercial basis.

18. The establishment of the relationship with the Center is an important component of HSE's plans for international business. To this end, high-level visits to/from HSE have taken place. This included both the HSE Chair and International Commercial Director presenting at a key international conference on health and safety organised, last month, by the Center. This visit, which was at the invitation of the Emirate, included discussions between the HSE Chair and the Director General of the Center. Plans for a longer-term partnership, established on a commercial footing, are being followed up, including discussions with FCO/UKTI in both the UK and the UAE.

19. In the meantime, two projects have been contracted:

20. In the first, HSE and HSL staff reviewed the existing regulatory system and presented some recommendations for the future evolution of that approach. Such ongoing development of the regulatory regime requires a significant element of capacity building and a second project has been established to assist the Center develop a 'roadmap' for its training programmes, covering both the regulatory function and the broader elements of its health and safety system (e.g. health and safety professionals in duty holder organisations). This work will draw on the training developed in-house for HSE's recently recruited inspectors and the broader training programme offered externally on a commercial basis (via HSL). The Center's plan is then for HSE to assist in the delivery and monitoring of the roadmap; this will be delivered via a further contract or possibly via the broader partnership referred to above.

### **Significant Prosecution(s)**

21. Mid Staffordshire NHS Foundation Trust was prosecuted following the death of a vulnerable diabetic patient because the hospital trust failed to implement basic handover procedures and ensure essential record-keeping.

22. Staff at the Stafford Hospital did not follow – sometimes even look at – medical notes that clearly stated Gillian Astbury needed insulin, regular blood tests and a special diet.

23. A system for communicating patient needs at staff handovers was 'inconsistent and sometimes non-existent' the Trust itself admitted. Record-keeping and monitoring of patient care plans were also far below acceptable standards.

24. Specific to the care of Ms Astbury, 66, a Type 1 diabetic, mistakes were made at up to eight shift changes and as many as 11 drugs rounds. The failure to administer insulin was the direct cause of her death.

25. The Health and Safety Executive investigated, in line with its policy to investigate deaths that occur in the health sector where there is evidence that clear standards have not been met because of a systematic failure in management systems.

26. Mid Staffordshire NHS Foundation Trust was prosecuted by HSE and pleaded guilty to an offence under the Health and Safety at Work etc Act. At Stafford Crown Court, it was today fined £200,000 and ordered to pay £27,049 costs.

27. The judge noted that “It was a wholly avoidable and tragic death of a vulnerable patient admitted to hospital for care but who died because of a lack of it.”

28. He added: “A significant fine is called for to reflect the gravity of the offence, the loss of a life and in order to send out a strong message to all organisations, public or private, responsible for the care and welfare of members of the public.”

29. Pirbright Institute, a world-renowned animal disease research facility based in Surrey, was prosecuted and fined for shortcomings in the management of safety during experiments with cattle infected with the foot-and-mouth disease virus (FMDV).

30. It followed two incidents in November 2012 and January 2013 in parts of a contained facility housing infected animals. Neither incident resulted in the release of the livestock disease to the external environment, however, the shortcomings in control and non-compliance with licence conditions were considered serious enough to warrant legal action. Further details can be found at <http://press.hse.gov.uk/2014/research-facility-fined-for-foot-and-mouth-experiment-failings/>

**KEVIN MYERS**  
**Acting Chief Executive**

## Communications Overview April 2014

### Introduction

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

### News and PR

April saw another round of successful myth-busting with HSE and DWP working together to remind local authorities and schools of the need to make sensible and proportionate health and safety decisions. Good national and regional media coverage was generated by publishing a list of the 10 most bizarre decisions wrongly blamed on health and safety by these institutions, which was also picked up widely on social media.

There were also several high profile prosecutions during the month which attracted widespread media coverage, including the sentencing of Mid Staffordshire NHS Trust over the death of a diabetic patient, Gillian Astbury. The ongoing investigation into the death of a Glasgow pupil, Keane Wallis-Bennett, who was killed when a wall at her school fell on her, was also subject to extensive press reporting.

### Internal Communications

The first Managers' Forum took place on Wednesday 23 April. Part of the *engage* programme, it combined a teleconference with an online meeting, enabling Band 1 staff, SCS colleagues and HR Business Partners to discuss issues such as Triennial Review, CE / SMT recruitment and the current financial position. .

Initial feedback was gathered via on-screen polling questions, the response to which indicated a very encouraging response. Plans are underway to hold a second forum in early June.

The Spring issue of HSE's staff magazine, *express*, was published, containing articles on changes to HSE's inspector training; an overview of the apprentice scheme; and a look back over the magazine's impressive 25 year history.

Other communications included reminders about end of year reviews; the 2013 pay award; promotion of Civil Service Learning; and an announcement about the future of COIN. Further communications around IT issues and the IT upgrade also took place.

### Asbestos behaviour change campaign

A digital agency has now been procured to help develop the asbestos safety app that will form a key part of the campaign. Work is continuing to finalise the asbestos safety kits and the asbestos policy team is beginning to engage stakeholders to support delivery of the campaign.

## Digital Marketing

Highlights for the month include:

- There were 8,527,023 visits to the website in the final quarter of 2013/14. Overall there were 32,006,750 visits to the website in the year 2013/14.
- eBulletin articles linking to a Myth busters case about plasters in a first aid box attracted 11,347 visits in March. E-bulletins accounted for 87% of all visits to the myth case (13,115 visits overall).
- eBulletin articles linking to a Press notice revealing the results of a survey of SMEs on risk assessments attracted 9253 visits in March. E-bulletins accounted for 89% of all visits to the notice (10,452 visits overall).

## Online revisions and improvements

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

- [L148 Safety in docks ACOP](#) replaced COP25, the ACOP to the Docks Regulations. The [Ports](#) website was also updated, along with two documents relating to freight container approval.
- Two guidance leaflets were revised under External Guidance Review ([INDG382 Driving at work](#) and [AFAG604 Wood chippers](#))
- REACH restrictions leaflet

## Online Consultations

The following HSE consultations began (or were underway) during April 2014:

- CD267 – Consultation on the proposal for new Regulations on health and safety in mines[1]  
This consultation seeks views on proposals to introduce new Regulations covering health and safety in mines. Consultation began on 7 April and ends on 1 June 2014
- CD261 – Consultation on replacement of the Construction (Design and Management) Regulations 2007[2]  
This consultation seeks views on HSE's proposal to replace the Construction (Design and Management) Regulations 2007 (CDM 2007) and withdraw the Approved Code of Practice. Consultation began on 31 March and ends on 6 June 2014
- CD268 – ACOPs: Provision and Use of Work Equipment (L22), Safe Use of Power Presses (L112), Safe Use of Woodworking Machinery (L114)[3]  
This Consultative Document seeks views on HSE's proposed revisions to the PUWER regulations approved code of practice (ACOP) and two associated ACOPs namely: Safe Use of Power Presses and Safe Use of Woodworking Machinery.  
Consultation began on 31 March and ends on 23 May 2014.

### Fatality details

Since the last update to the HSE Board on Wednesday 9<sup>th</sup> April 2014, **16** fatal accidents for 2013/2014 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 **16** fatalities listed in the current report, **9** occurred prior to February 2014. **2** fatalities occurred in February 2014, compared with **19** which occurred in February 2013.

**5** fatalities occurred in March 2014, compared with **13** which occurred in March 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 March and April 2014

1. [Castlebeck Care \(Teesdale\) Ltd](#) now in administration was fined £100,000 at Nottingham Crown Court after a patient died while being restrained using an unauthorised technique at a Nottinghamshire mental health hospital
2. [Mid Staffordshire NHS Foundation Trust](#) was fined £200,000 and ordered to pay £27,049 costs at Stafford Crown Court when a vulnerable diabetic patient died because the hospital trust failed to implement basic handover and essential record-keeping procedures
3. [Tangerine Confectionery Ltd](#) was fined £120,000 and ordered to pay £9,538 in prosecution costs at Preston Crown Court when a forklift truck pierced a worker's foot, entering the instep and exiting the bridge, breaking every bone in its path
4. [Four Seasons Health Care \(England\) Ltd](#) was fined £125,000 and ordered to pay £45,000 towards the cost of the prosecution at Preston Crown Court after a vulnerable resident choked to death on fish and chips during an entertainment evening at its Chorley premises
5. [Roberts-Gordon Europe Ltd](#) was fined £150,000 and ordered to pay £33,000 costs at Wolverhampton Crown Court after a worker was crushed to death while working in its warehouse
6. [EMC Contracts Ltd](#) was fined £130,000 and ordered to pay £52,790 in prosecution costs at Preston Crown Court over the death of a worker outside a cinema in Ashton-on-Ribble
7. [Glasgow City Council](#) was fined £20,000 by Glasgow Sheriff Court following the death of a pensioner after he was struck by a reversing refuse vehicle in the city centre

8. [Gaspack Services Ltd](#) was fined £30,000 and ordered to pay £60,000 in costs at Cardiff Crown Court when a worker filling gas cylinders had his leg severed below the knee when a faulty cylinder he was filling exploded at Guardian Gas Ltd, Brynmenyn Industrial Estate Bridgend
9. [Mistras ETS Ltd](#) was fined £30,000 and ordered to pay £4,930 in costs at Teesside Crown Court after one of its workers suffered radiation burns while carrying out tests on safety equipment
10. [Environmental Waste Recycling Ltd](#) was fined £46,000 and ordered to pay £3,671.30 in prosecution costs at Preston Crown Court when a young worker almost lost his arm when it became trapped in machinery at a recycling plant in Lancashire
11. [Thomas Vale Construction PLC](#) was fined £20,000 and ordered to pay costs of £10,250 by Kidderminster Magistrates' Court after a woman suffered life-changing head injuries when she was hit by a section of fencing that collapsed in a gust of wind
12. [Maxibrite Ltd](#) was fined a total of £20,000 and ordered to pay £5,115 in costs by at Pontypridd Magistrates' Court after two workers suffered burns, one seriously, when hot material from an industrial drier hit them as they tried to tackle a fire at a factory in South Wales
13. [Valbond Ltd](#) was fined a total of £28,000 with £432 in costs and [Holbond Ltd](#) was fined a total of £20,000 with £432 in costs by Westminster Magistrates' Court for gas safety breaches discovered at a block of privately rented flats in Hampstead, North London
14. [CEP Ceilings Ltd](#) was fined a total of £24,000 and ordered to pay £1,194 in costs by Stafford Magistrates' Court after a worker required skin grafts on his arm which had been caught in machinery
15. [DT Powder Coating Ltd](#) was fined a total of £36,000 and ordered to pay £10,509 costs by Luton Magistrates' Court after an employee suffered serious hand injuries when lifting equipment failed at the company premises in Leighton Buzzard
16. [Sarginsons Industries Ltd](#) was fined £20,000 and ordered to pay costs of £899 by Nuneaton Magistrates' Court after a worker broke three ribs after falling five metres through a fragile roof sheet while clearing gutters
17. [Meadow Foods Ltd](#) was fined £54,000 and ordered to pay costs of £18,553 by Chester Magistrates' Court after two employees were badly scalded when hot water escaped from the top of a 600 litre tank
18. [Powys County Council](#) was fined a total of £24,000 and ordered to pay £13,528 in costs by Llandrindod Wells Magistrates' Court after an employee was seriously injured at its public services' depot in Ystradgynlais

19. [Biffa Waste Services Ltd](#) was fined a total of £20,000 and ordered to pay costs of £1,542 by Derby Magistrates' Court after a Derby agency worker lost the tips of two fingers in unguarded machinery
20. [Salford City Council](#) was fined £20,000 and ordered to pay £3,632 in prosecution costs by Manchester Crown Court after a six-year-old boy with autism and learning difficulties lost the tips of three fingers when his hand was trapped in a school gate
21. [Craig Bragdy Design Ltd](#) was fined a total of £35,000 and ordered to pay costs of £23,271 by Llandudno Magistrates' court after nine workers at a ceramic tile factory in North Wales had levels of lead in their blood above national safety limits putting them at risk of serious health problems
22. [Con Mech Engineers Ltd](#) was fined a total of £20,000 (£10,000 for each offence) and ordered to pay £8,045 in costs by Peterlee Magistrates' Court when an agency worker was left with life-changing injuries when his leg had to be amputated after he was crushed between a moving vehicle and a water tank
23. [Portland Stone Firms Limited](#) was fined a total of £20,000 and ordered to pay £18,992 costs by Weymouth Magistrates' Court after a worker fell more than four metres onto a concrete floor, suffering a broken hip and head injuries, while replacing roof lights on a fragile roof
24. [Belmont Homes \(Cheshire\) Ltd](#) was fined £33,000 and ordered to pay costs of £15,000 and [Waymac Ltd](#) was fined £9,000 and ordered to pay £15,000 at Liverpool Crown Court after a floor collapsed during the construction of a six-bedroom mansion in Trafford, injuring three workers
25. [Alternative Energy Installations Limited](#) was today fined £30,000 and ordered to pay £27,000 in costs, Ian Black technical director was fined £7,300 and ordered to pay £6,700 in costs at Northampton Crown Court after an employee broke his back when he fell six metres through the roof light of a barn in Northamptonshire
26. [Freedom Group of Companies Ltd](#) was fined £35,000 and ordered to pay £11,272 in costs by Watford Magistrates' Court after a worker suffered multiple fractures in a cherry picker fall in Hertfordshire
27. [The Pirbright Institute](#) was fined a total of £22,350 and ordered to pay a further £50,000 in costs by City of London Magistrates' Court after pleading guilty to eight breaches of the Specified Animals Pathogens Order 2008

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

HSE received 909 FOI requests during the months of March and April 2014.

### **Parliamentary Business**

HSE answered 24 PQs during the months of March and April 2014

## Annex 2

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 9<sup>th</sup> April 2014, it contains fatalities notified to us in February and March 2014. It is taken from the latest "Names and details of fatalities" update published on HSE's website on Tuesday 6<sup>th</sup> May 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
12/08/2013	Derek Wensley	62	The deceased died following a fall	Yorkshire	Hambleton	2710	Construction	Joinery Installation
12/09/2013	Daniel McSwiggan	69	The deceased died whilst under social care	Hamilton	Edinburgh UA	9064	Service	Social Work Without Accommodation
31/10/2013	Geraint Rees	40	The deceased came into contact with machinery	Herefordshire	Herefordshire UA	1850	Agriculture	Mixed Farming
03/12/2013	John Hefford	69	The deceased died whilst under residential care	Doncaster	Doncaster	4410	Service	Residential Care Activities
22/12/2013	Jason Fogarty	23	The deceased fell from height	Greater Manchester	Manchester	4215	Construction	Roofing Activities
27/12/2013	Gary Aston	47	The deceased died whilst under residential nursing care	West Midlands	Dudley	4615	Service	Residential Nursing Care
02/01/2014	William Devey	72	The deceased fell from height	Leeds	Leeds	4720	Service	Window Cleaning Services
21/01/2014	Alan Dinsdale	56	The deceased came into contact with machinery	Essex	Basildon	1505	Manufacturing	Printing n.e.c.
27/01/2014	Stuart Thompson	43	The deceased was struck by a falling object	Buckie	Moray UA	9071	Water/Waste Management	Recovery of Sorted Materials
07/02/2014	Michael Smith	62	The deceased was struck by a falling object	Merseyside	Knowsley	4305	Manufacturing	Manufacture of other fabricated metal products n.e.c.

## Annex 2

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
28/02/2014	Paul Whitehead	49	The deceased came into contact with machinery	West Yorkshire	Wakefield	4725	Manufacturing	Manufacture of non-wovens, not apparel
02/03/2014	Kevin Campbell	46	The deceased came into contact with machinery	London	Newham LB	5750	Construction	Construction of Buildings
03/03/2014	Ryan McNally	33	The deceased was struck by a moving vehicle	Renfrewshire	Renfrewshire	9075	Construction	Construction of roads and motorways
12/03/2014	Stephen Twyman	51	The deceased fell from height	Kent	Ashford	2205	Construction	Specialised Construction Not Scaffolding
17/03/2014	James Martin Sharp	66	The deceased came into contact with machinery	Scottish Borders	Borders UA	9055	Agriculture	Raising of Sheep and Goats
25/03/2014	Daniel Lloyd	64	The deceased was struck by a falling object	Northumberland	Northumberland UA	2940	Agriculture	Silviculture and other forestry activities

**MAY 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](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 has announced that it will not propose legislation on environmental tobacco smoke during its current mandate.	
<b>Lead Department</b>	<b>DH</b>
<b>HSE contact</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 – Hilton Leslie

<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 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.	
<b>Lead Department</b>	<b>BIS</b>
<b>HSE contact</b>	HSE SCS Lead – David Sowerby HSE Policy Lead – Tanya Stewart, Field Operations Directorate, 0151 951 5851, <a href="mailto:tanya.stewart@hse.gsi.gov.uk">tanya.stewart@hse.gsi.gov.uk</a> HSE SCS Lawyer – Hilton Leslie

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

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

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

<b>Potential implementation of social partners agreement on the prevention of health risks in the hairdressing sector</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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.	
<b>Lead Department</b> <b>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 – Hilton Leslie

**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, where it remains under consideration.	
<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 – Hilton Leslie

<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. HSE continues to advise the Department for Business, Innovation and Skills, which leads on the proposal for the UK, on potential health and safety issues.	
<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 – Hilton Leslie

**ENTERPRISE AND INDUSTRY DOSSIERS:**

<b>Proposed Regulation on Product Safety and Market Surveillance</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b>	
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 on the proposal.	
<b>Lead Department</b>	<b>BIS</b>
<b>HSE contact</b>	HSE SCS Leads – Paul Logan, Peter Brown HSE Policy Leads – Pete Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, <a href="mailto:peter.lennon@hse.gsi.gov.uk">peter.lennon@hse.gsi.gov.uk</a> , and Debra Owen, Major Hazards Policy Division, 0151 951 3863, <a href="mailto:debra.owen@hse.gsi.gov.uk">debra.owen@hse.gsi.gov.uk</a> HSE SCS Lawyer – Hilton Leslie

<b>Proposed Regulation on Consumer Product Safety</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b>	
The European Commission 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.	
<b>Lead Department</b>	<b>BIS</b>
<b>HSE contact</b>	HSE SCS Leads – Paul Logan, Peter Brown HSE Policy Leads – Pete Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, <a href="mailto:peter.lennon@hse.gsi.gov.uk">peter.lennon@hse.gsi.gov.uk</a> , and Debra Owen, Major Hazards Policy Division, 0151 951 3863, <a href="mailto:debra.owen@hse.gsi.gov.uk">debra.owen@hse.gsi.gov.uk</a> HSE SCS Lawyer – Hilton Leslie

<b>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)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The European Commission has published a proposal to align the Pressure Equipment Directive with the European Regulation on the classification, labelling and packaging of substances and mixtures. HSE is acting as an advisor to the Department for Business, Innovation and Skills on the proposal.	
<b>Lead Department</b> <b>HSE contact</b>	<b>BIS</b> HSE SCS Lead – Paul Logan HSE Policy Lead – Pete Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, <a href="mailto:peter.lennon@hse.gsi.gov.uk">peter.lennon@hse.gsi.gov.uk</a> HSE SCS Lawyer – Hilton Leslie

<b>Proposed Regulation on Personal Protective Equipment (replace the Personal Protective Equipment (supply) Directive (89/686/EC))</b>	
<b>Current status (NEW DEVELOPMENTS):</b> 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 just begun. HSE is acting as an advisor to the Department for Business, Innovation and Skills on the proposal. Negotiations are not expected to be complete until late 2015.	
<b>Lead Department</b> <b>HSE contact</b>	<b>BIS</b> HSE SCS Lead – Paul Logan HSE Policy Lead – Pete Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, <a href="mailto:peter.lennon@hse.gsi.gov.uk">peter.lennon@hse.gsi.gov.uk</a> HSE SCS Lawyer – Hilton Leslie

**ENVIRONMENT DOSSIERS:**

<b>Essential use application following non-inclusion of copper in Annex I, IA or IB of the Biocidal Products Directive (98/8/EC)</b>	
<p><b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b></p> <p>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><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 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Peter Loosley</p>

<b>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)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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, transluthrin, 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).	
<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

**TRANSPORT DOSSIER:**

<b>Proposed Regulation on Cableways Installations (replace Directive on Cableways Installations (2000/09/EC))</b>	
<b>Current status (NEW DEVELOPMENTS):</b> 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 have just begun. HSE is acting as an advisor to the Department for Business, Innovation and Skills on the proposal. Negotiations are not expected to be complete until late 2015.	
<b>Lead Department</b> <b>HSE contact</b>	<b>BIS</b> HSE SCS Lead – Paul Logan HSE Policy Lead – Pete Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, <a href="mailto:peter.lennon@hse.gsi.gov.uk">peter.lennon@hse.gsi.gov.uk</a> HSE SCS Lawyer – Hilton Leslie

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

<b>Directive on electromagnetic fields (2013/35/EU)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> This Directive was published on 29 June 2013 and requires transposition by 1 July 2016. It replaces the 2004 Electromagnetic Fields Directive.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Paul Logan Policy Lead – Clare McNicholas, Work Environment, Radiation and Gas Division, 0151 951 3972, <a href="mailto:clare.mcnicholas@hse.gsi.gov.uk">clare.mcnicholas@hse.gsi.gov.uk</a> SCS Lawyer – Hilton Leslie

<b>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)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Sarah Mallagh, Long Latency Health Risks Division, 0151 951 4560, <a href="mailto:sarah.mallagh@hse.gsi.gov.uk">sarah.mallagh@hse.gsi.gov.uk</a> SCS Lawyer – Peter Loosley

**INDUSTRY AND ENTERPRISE DOSSIERS:**

<b>EU Regulation on the approval and market surveillance of agricultural and forestry vehicles (167/2013)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> This Regulation was published on 2 March 2013 and replaces the previous Agricultural Vehicles Type Approval Directive (2003/37/EC). The European Commission is in the process of drawing up five 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.	
<b>Lead Department</b> <b>HSE contact</b>	<b>DfT</b> HSE SCS Lead – Philip White 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>Directives on explosives for civil use (2014/28/EU), lifts (2014/33/EU), low voltage (2014/35/EU), simple pressure vessels (2014/29/EU) and pyrotechnics (2013/29/EU) (recasts)</b>	
<b>Current status (NEW DEVELOPMENTS):</b> Following the earlier publication of the recast Directive on pyrotechnics, further recast directives on explosives for civil use, lifts, low voltage, and simple pressure vessels have now been published. These directives bring their existing supply side requirements into line with the European Regulation on accreditation and market surveillance of products. HSE is the lead on explosives for civil uses but also has enforcement responsibilities under the other directives. The Department for Business, Innovation and Skills is leading on the transposition of the overall package with HSE acting as an advisor on relevant issues.	
<b>Lead Department</b> <b>HSE contact</b>	<b>BIS</b> HSE SCS Lead – Paul Logan, Peter Brown HSE Policy Leads – Pete Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, <a href="mailto:peter.lennon@hse.gsi.gov.uk">peter.lennon@hse.gsi.gov.uk</a> , and Debra Owen, Major Hazards Policy Division, 0151 951 3863, <a href="mailto:debra.owen@hse.gsi.gov.uk">debra.owen@hse.gsi.gov.uk</a> HSE SCS Lawyer – Peter Loosley

**ENVIRONMENT DOSSIERS:**

<b>EC Regulation on Registration, Evaluation, Authorisation and Restriction of Chemical substances (REACH) (1907/2006)</b>	
<b>Current status (NEW DEVELOPMENTS):</b> This Regulation came into force on 1 June 2007. Key recent developments include:	
<ul style="list-style-type: none"> <li>• 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 the Department for Environment, Food and Rural Affairs (Defra) to make the necessary changes to the REACH Enforcement Regulations 2008. <b>Defra is currently seeking clearance for its proposals.</b></li> <li>• <b>The REACH Enforcement Regulations 2008 have been amended to bring them into line with the EU REACH Regulation in relation to the latter's asbestos derogation. Discussions will continue with Defra on this issue on a case-by-case basis as required.</b></li> </ul>	
<b>Lead Department</b>	<b>DEFRA (Policy Lead) HSE (UK Competent Authority)</b>
<b>HSE contact</b>	HSE SCS Lead – Kären Clayton HSE 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> HSE SCS Lawyer – Peter Loosley
<b>EU Regulation (334/2014) amending the EU Biocides Regulation (528/2012)</b>	
<b>Current status (NEW DEVELOPMENTS):</b> This Regulation was published on 5 April 2014 and entered into force on 25 April. It makes a number of amendments to the European Biocides Regulation to ensure that it clear and meets its policy intention to streamline and the reduce costs of the existing system for the placing on the market and use of biocidal products. Although the Regulation is directly applicable in member states, and so does not require implementation as such, some changes to existing UK supporting legislation may be necessary to take account of the amendments made.	
<b>Lead Department</b>	<b>HSE</b>
<b>HSE contact</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
<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. 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 and which has now been completed. 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.	
<b>Lead Department</b>	<b>HSE</b>
<b>HSE contact</b>	SCS Lead – Peter Brown Policy Lead – Sandra Ashcroft, Major Hazards Policy Division, 0151 951 3531, <a href="mailto:sandra.ashcroft@hse.gsi.gov.uk">sandra.ashcroft@hse.gsi.gov.uk</a> SCS Lawyer – Hilton Leslie

**ENERGY DOSSIER:**

<b>Directive on safety of offshore oil and gas drilling operations (2013/30/EU)</b>	
<b>Current status (NEW DEVELOPMENTS):</b> 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. <b>The consultation package on draft proposals to transpose the Directive will be considered by the Board on 21 May. Subject to Board and ministerial agreement, the consultation package is expected to be published at the end of June.</b>	
<b>Lead Department</b> <b>HSE contact</b>	<b>DECC</b> HSE SCS Lead – Peter Brown HSE Policy Lead – Jim Neilson, Major Hazards Policy Division, 0151 951 4434, <a href="mailto:jim.neilson@hse.gsi.gov.uk">jim.neilson@hse.gsi.gov.uk</a> HSE SCS Lawyer – Peter Loosley

**EURATOM DOSSIER:**

<b>Directive on Basic Safety Standards for Radiological Protection (2013/59/Euratom)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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.	
<b>Lead Department</b> <b>HSE contact</b>	<b>DECC</b> HSE SCS Lead – Paul Logan Policy Lead – Clare McNicholas, Work Environment, Radiation and Gas Division, 0151 951 3972, <a href="mailto:clare.mcnicholas@hse.gsi.gov.uk">clare.mcnicholas@hse.gsi.gov.uk</a> HSE SCS Lawyer – Peter Loosley