

Health and Safety Executive
Safety Policy Directorate
Room 117
Daniel House
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Dear

CONSULTATION ON PROPOSALS TO REMOVE SAFETY LEGISLATION ON CELLULOID AND CINEMATOGRAFH FILM

I am writing to seek your views on the Health and Safety Executive's (HSE) proposals to remove old safety legislation on celluloid and cinematograph i.e. nitrocellulose-based cinema film. The legislation we intend to remove is summarised in [appendix 1](#).

When HSE carried out a similar review in 1996 the responses we received supported our view that this legislation is no longer relevant, and that there would be no adverse effects on safety if it was removed. However, the findings of the review were not carried forward at that time: instead, they have become part of a wider review of all flammable substances legislation that is being carried out as part of our work to implement the Chemical Agents Directive 98/24/EC (CAD) and the Explosive Atmospheres Directive 99/92/EC (ATEX).

CAD sets minimum requirements for the protection of the health and safety of workers from risks related to chemical agents at work and ATEX sets minimum requirements for improving the safety and health of workers potentially at risk from explosive atmospheres. Both Directives are relevant to work with celluloid and cinematograph film. Because there is a considerable overlap between the requirements of the two Directives, HSE has decided to implement both ATEX and the safety aspects of CAD in one set of regulations, the Dangerous Substances and Explosive Atmospheres Regulations (DSEAR). These Regulations are due to come into force in August 2002. A summary of the main requirements of DSEAR can be found in [appendix 2](#).

HSE believes that the fire and explosion risks from celluloid and cinematograph film can be adequately controlled through the proposed new DSEAR regulations (and, subject to your comments, an Approved Code of Practice (ACoP)), the Management of Health and Safety at Work Regulations 1999 (see summary at [appendix 3](#)) and associated ACoP, operating in combination with Part I of the Health and Safety at Work etc. Act 1974, and the Fire Precautions (Workplace) Regulations 1997, and that the existing legislation can be safely removed.

Consultation on DSEAR is now taking place and we need to seek the views on our proposals from businesses and others who still work with celluloid or cinematograph film. In particular, it would be helpful to know:

- i. the extent to which the substances, articles or processes covered by the legislation in appendix 1 are still used;
- ii. whether you think existing legislation contributes significantly to safety standards, given other safety legislation which has been introduced under the Health and Safety at Work etc. Act 1974, much of which is based on assessment and control of risks;
- iii. whether you agree that the proposed new Regulations (DSEAR) together with the Management Regulations and the HSW Act will be sufficient to ensure safety if the old legislation is removed;
- iv. whether you agree that modern fire legislation, including the Fire Precautions (Workplace) Regulations 1997, are adequate to address the fire precautions aspects of work with celluloid and cinematograph film;
- v. whether any Approved Codes of Practice or guidance material are needed on any specific aspects of work with celluloid or cinematograph film;
- vi. whether you would expect there to be any cost implications for your company (or, in the case of an association, your member companies) resulting from the removal of the old legislation;
- vii. whether are you aware of any other businesses that still use these substances/articles that you think may like to receive a copy of this letter (a list of consultees is attached at appendix 4); and
- viii. the extent to which cinematograph film may be kept at premises other than workplaces, such as by a collector or film club in domestic or other private premises.
- ix. we think it is extremely unlikely that raw celluloid would be found anywhere other than at a workplace and we would also welcome your views on this (the legislation covers raw celluloid and cinematographic film).

It would be very helpful if you could let me have your views, together with any other information you think may be useful to us, by **20 May 2002**. If you have any questions or require further information please do not hesitate to contact me either by telephone on 0151 951 3214 or e.mail at marion.dale@hse.gsi.gov.uk . Further information can also be found on the DSEAR website at: www.hse.gov.uk/spd/dsear.htm .

I look forward to hearing from you.

Yours sincerely

Marion R Dale

EXISTING LEGISLATION ON CELLULOID AND CINEMATOGRAPH FILM

The Celluloid Regulations 1921 apply to factories where celluloid articles are made, manipulated or stored. They contain controls on amounts to be kept in workrooms, possible sources of ignition, and fire precautions.

The Celluloid and Cinematograph Film Act 1922 provides for the prevention of fire in, and means of escape from, premises where raw celluloid or cinematograph film (i.e. film containing nitro-cellulose or other nitrated products intended for use in a cinematograph) is used or stored. It applies where the rest of this legislation, made under the Factories Act, does not.

The Manufacture of Cinematograph Film Regulations 1928 apply to factories and workshops where cinematograph film is manufactured, repaired, manipulated, used or stored. They place restrictions on the storage of film and waste film, describe some fire precautions and require control over possible ignition sources.

The Cinematograph Film Stripping regulations 1939 apply to factories/workshops where stripping (i.e. the removal of emulsion from film) or drying of film is done. They again limit quantities in workrooms and lay down some fire precautions, require separate rooms for certain activities and prescribe how some activities should be carried out.

The Celluloid and Cinematograph Film Act 1922 (Repeals and Modifications) Regulations 1974 repeal certain sections of the 1922 Act.

The Celluloid and Cinematograph Film Act 1922 (Exemptions) Regulations 1980 allow the HSE to grant exemptions from any of the requirements of the 1922 Act.

Copies of complete sets of any of these pieces of legislation can be obtained by contacting this office.

SUMMARY OF THE MAIN REQUIREMENTS OF THE PROPOSED DANGEROUS SUBSTANCES AND EXPLOSIVE ATMOSPHERES REGULATION (DSEAR)

DSEAR will apply to any substance or mixture of substances with potential to create a risk from energetic (energy-releasing) events such as fire, explosions, thermal runaway from exothermic reactions etc. Such substances, known in DSEAR as dangerous substances, include: petrol, liquefied petroleum gas (LPG), paints, varnishes and certain types of dust that are explosive (e.g. wood dust).

The Regulations are due to come into force in August 2002. The main requirements are that employers and the self-employed must:

- carry out a risk assessment of any work activities involving dangerous substances (employers with five or more employees must record the significant findings of the risk assessment);
- provide measures to eliminate, or reduce as far as is reasonably practicable, the identified risks;
- where it is not reasonably practicable to eliminate risks, take measures to control risks and to mitigate the detrimental effects of a fire or explosion or other harmful physical effects from dangerous substances;
- provide equipment and procedures to deal with accidents and emergencies; and
- provide employees with information and precautionary training in relation to dangerous substances.

Also, from 30 June 2003, where explosive atmospheres may occur:

- workplaces should be classified into hazardous areas and where necessary marked with a sign;
- equipment in classified places should be safe for use in those places (i.e. it should be selected in accordance with Schedule 4 of the Equipment and Protective Systems Intended for Use in a Potentially Explosive Atmosphere Regulations 1996; and
- any new workplaces should be verified as meeting the requirements of DSEAR, by a competent person, before coming into operation for the first time.

Overall, DSEAR can be seen as an expansion of the general duty to manage risks under the Management of Health and Safety at Work Regulations 1999, making explicit good practices for reducing the risks to people from fires, explosions and similar energetic events.

Consultation on DSEAR is now taking place. Further information on the proposed Regulations, the Approved Code of Practice (ACoP) and related Guidance can be found on www.open.gov.uk/hse/condocs/index.htm.

SUMMARY OF THE MAIN REQUIREMENTS OF THE MANAGEMENT OF HEALTH AND SAFETY AT WORK REGULATIONS 1999

Risk assessment (regulation 3)

Employers and the self-employed must assess the risks to workers and any others who may be affected by their work or businesses. This includes identifying hazards, who might be harmed and how, and evaluating the risks. Employers with five or more employees must record the significant findings of the risk assessment.

Principles of prevention to be applied (regulation 4)

Preventive and protective measures must be introduced to control the risks identified by the risk assessment.

Health and safety arrangements (regulation 5)

Employers must have in place arrangements for the effective management of health and safety which reflect the size and complexity of the organisations activities and working environment.

Health and safety assistance (regulation 7)

Employers must ensure, when appointing people to assist them with health and safety measures, that those people are competent to carry out the tasks they are assigned and are given adequate information and support.

Procedures for serious and imminent danger and for danger areas (regulation 8)

Procedures must be established to be followed in the event of serious or imminent danger. Competent people should be nominated to implement procedures should an evacuation of the premises be necessary. Employees should not have access to areas restricted on health and safety grounds unless they have received adequate health and safety instructions.

Contacts with external services (regulation 9)

Employers should establish appropriate external contacts to ensure effective provision for first-aid, emergency medical care and rescue work.

Information and training for employees (regulation 10 and 13 respectively)

All employees should be provided with relevant information about risks to their health and safety, and on preventative and protective measures including, for example, emergency arrangements for evacuation. Health and safety training should be provided, as appropriate to the requirements of the work being undertaken.

Amendment to the Fire Precautions (Workplace) Regulations 1997 (Schedule 2)

This Schedule makes the fire authority the enforcing authority for regulations 1 to 4, 6 to 10 and 11(2) and 11(3) of the Management of Health and Safety at Work Regulations 1999 insofar as they relate to general fire precautions.

CONSULTATION LIST

Association of British Theatre Technicians
Association of Colleges
The Machine Room
ITFS
Chemical Industries Association
Pinewood Studios
British Aerospace Defence Ltd
Wardle Storeys
BBC
ICI Ardeer
Soho Images
Committee of Vice-Chancellors and Principles of the Universities of the UK
Convention of Scottish Local Authorities
Granada TV
Advertising Film and Videotape Producers Association
Yorkshire Television Ltd
Home Office
Imaging Solutions
Glasgow City Council
Channel 4
Amalgamated Engineering and Electrical Union
IVCA
The National Archives of Scotland
Universities and Colleges Association
Hendersons Laboratory
Rank Film Laboratory
British Film Institute
Scottish council for Educational Technology
Broadcasting Entertainment Cinematograph & Theatre Union
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