

Health and Safety News Autumn 2012

This newsletter is issued to assist with keeping up to date with changes to health and safety (H&S) legislation and issues as part of our H&S Advisor / Consultancy Services.

Health and Safety Legislation

Regulations generally come into force on 6 April and 1 October. As Regulations arise in response to European legislation, regulations may occasionally be introduced at other times.

HSE Updates

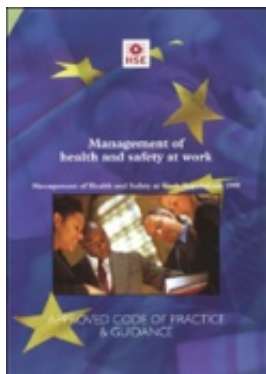
Fee for Intervention is a scheme which is designed to enable the Health and Safety Executive (HSE) to recover its intervention costs from those breaching the rules. The scheme was implemented on 1 October 2012. Under the new scheme the actions undertaken by the HSE will be funded by the offenders, adding an extra reason to keep on top of the rules. The move will be good for most businesses as it is only those who flout legislation who will face the charges.

Keeping up with all the latest changes in health and safety legislation is the best way for businesses to protect themselves against the new measure.



Management ACoP to be withdrawn

The proposal to remove the Management of Health and Safety at Work Approved Code of Practice (ACoP) was originally put forward in Lord Young's report 'Common sense, common safety', in 2010 but the idea was then introduced again by Professor Lofstedt in his 2011 report 'Reclaiming Health and Safety for all'.



This ACoP currently provides explanation of the Regulations, and gives definitions and principles to be applied in complying with them. In most cases, there is no one recommended method to be used to achieve compliance and, consequently, the ACoP does not describe methods of compliance with sufficient precision for duty-holders to be certain they have complied with their legal obligations.

It is proposed that the ACoP should be replaced by structured guidance, including:

- Health and safety made simple;
- Revised guidance previously branded as 'Essentials';
- Revised 'Five steps to risk assessment'; and
- Managing for health and safety (HSG65).

It is expected that this approach will provide comprehensive advice for businesses, particularly SMEs, and safety representatives on how to comply with the law in a way that is much more specific than the current ACoP. The consultation ended on 14th September 2012. Further details about the consultation process can be found [here](#) along with details of how to put your views across.

Diesel Fumes



In 1988, diesel exhaust fumes were classified by the World Health Organization (WHO) as probably carcinogenic to humans (Group 2A), but there has been mounting concern about the cancer-causing potential of diesel exhaust, particularly based on findings of studies of workers exposed in various settings. Extensive research found that diesel exhaust is a cause of lung cancer and also noted a positive association (limited evidence) with an increased risk of bladder cancer (Group 1).

In the context of the workplace, the law requires that employers make a suitable and sufficient assessment of the risks to health which arise from exposure to hazardous substances. This includes diesel engine exhaust emissions, and in some circumstances, it may be necessary to carry out monitoring to assess the effectiveness of controls.

Self employed

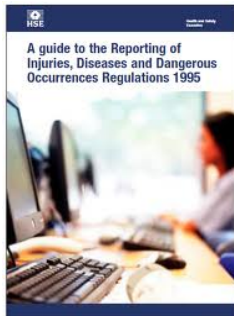
The HSE has opened up a three month consultation period over proposals that self-employed workers whose work activities pose no risk of harm to others, to be exempt from health and safety law.

The proposals do not extend to include those self-employed who work in a 'high risk environment' and those who employ others who will not be exempt. The consultation ends on 28th October. Further details about the consultation process can be found [here](#) along with details of how to put your views across.



RIDDOR changes

Another proposed change following Professor Lofstedt review of health and safety legislation was that 'ambiguity over reporting requirements should be removed' in regards to the Reporting of Injuries, Diseases and Dangerous Occurrence Regulations (RIDDOR) 1995.



The main changes proposed are to remove the need to report the following:

- Occupational disease other than those resulting from a biological agent
- Non-fatal accidents to those not at work, and
- Dangerous occurrences outside of high risk sectors or activities.

Duties regarding record keeping **will not** be changed.

The consultation ends on 28th October. Further details about the consultation process can be found [here](#) along with details of how to put your views across.

Work at Height British Standard Update

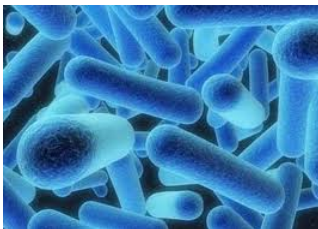
BS 8437:2005 is being superseded by **BS 8437:2005 + A1:2012**. The British Standard is the 'Code of practice for selection, use and maintenance of personal fall protection systems and equipment for use in the workplace'.

BS EN 795:2012 'Personal fall protection equipment – Anchor devices' is being introduced to fully comply with the European Directive 89/686/EEC. It will supersede BS EN 795: 1997 which is being withdrawn.

If you would think that these changes will affect your business and would like further information then please contact us using the details at the bottom of this newsletter.



HSE tells companies to improve management of Legionella risks

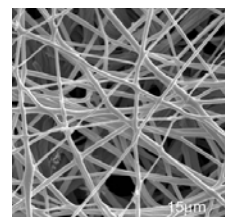


The Health and Safety Executive (HSE) has issued a safety notice after identifying common failings in legionella control from a review of outbreaks of Legionnaires' disease in GB over the past ten years. HSE's findings confirmed that cooling towers and evaporative condensers are the most common source of significant outbreaks. Ninety per cent of outbreaks stem from failure to recognise potential legionella problems or to adopt effective control measures.

The notice also stresses the need for effective and consistent monitoring of water quality and the importance of responsibilities being assigned to named individuals with proper management oversight. If you require more guidance about how to manage the risks of Legionella at your premises then contact us using the details below.

New risk from Nanofibers

Researchers at The University of Edinburgh have discovered that inhaling nanofibers may cause the same ill health effects as asbestos. It was found that fibres of 5 micrometres became lodged in the lungs and could cause inflammation. Once further research has been carried out to verify the results, the 5 micrometre length could be sited in industry guidelines to reduce the risk of deadly diseases.



P F B Help always available

If you need any assistance or clarification of these H&S issues or any others affecting your business then please contact Paul or Kim.

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