

Health and Safety News Spring 2011

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

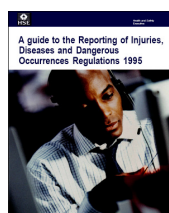
Regulations generally come into force on 6 April and 1 October. As Regulations arise in response to European legislation, regulations may occasionally be introduced at other times.

Artificial Optical Radiation



The *Control of Artificial Optical Radiation at Work Regulations 2010* came into force in 2010. These require employers to protect the eyes and skin of employees from exposure to hazardous sources of artificial optical radiation (AOR). AOR includes light emitted from all artificial sources in all forms such as ultraviolet, infrared and laser beams. It is likely that employees will be exposed to some form of artificial light at work, whether from general lighting, equipment or from a work process. However,

the majority of light sources are considered safe and in these cases, no action is required. Some activities can cause a risk of burns or reddening of the skin, burns to the retina and/or damage to the lens of the eye. HSE's ['Guidance for Employers on the Control of Artificial Optical Radiation at Work Regulations 2010'](#) includes examples of sources of AOR that do / do not require risk assessment. When undertaking risk assessment, the user and the task need to be considered rather than assessing the equipment in isolation i.e. consider the health of the user and whether multiple sources are used. The majority of organisations will not have equipment requiring AOR assessments.



Proposed amendment to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR)

[HSE Consultation](#) document outlines the amendment to regulation 3(2) of the RIDDOR proposed by Lord Young's, "Common Sense, Common Safety" Report. If adopted, the period of incapacitation after which an injury to a person at work must be reported to the enforcing authority, will change from over three to over seven days. This would also then coincide with the requirement for individuals to obtain a Fit Note from their GP if their absence is expected to last more than a week. This would ensure that a person who has suffered a reportable injury has had a professional medical assessment.

Substances / Chemicals Update

Worldwide there is currently different legislation regarding the identification and classification of the hazardous properties of chemicals (called 'classification') and how to inform staff about these hazards (through labels, and safety data sheets). The same chemical can have different hazard descriptions in different countries. For example, a chemical could be labelled as 'toxic' in one country, but not in another.

The Globally Harmonized System of Classification and Labelling of Chemicals (GHS) has been created to set a world wide standard. The aim of the GHS is to have, worldwide, the same:

- criteria for classifying chemicals according to their health, environmental and physical hazards; and
- hazard communication requirements for labelling and safety data sheets.

Countries must create local or national legislation to implement the GHS. [HSE GHS webpages](#)

The European Regulation on the Classification, Labeling and Packaging of substances and mixtures (CLP) is an EU Regulation that applies directly without being transposed into UK legislation. The CLP is the means by which the EU has adopted the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) and is being phased in through a transitional period which runs until 1 June 2015. European symbols will be replaced by international symbols e.g. the orange and black symbols we are used to seeing will be replaced and there will be no text description. [HSE CLP webpages](#)



New harmonised **warning/hazard** and **precautionary statements** for labels will replace the existing **risk** and **safety** phrases.

Registration, Evaluation, Authorisation and restriction of Chemicals (REACH)

REACH is a EU regulation concerning the Registration, Evaluation, Authorisation and restriction of Chemicals. It came into force on 1st June 2007 and replaced a number of European Directives and Regulations with a single system. REACH is of greater relevance to manufacturers and importers of substances. Note: Safety data sheets (SDS) are no longer part of the CHIP regulations, they are now included in REACH. SDS should be provided the first time the chemical is supplied and subsequently if the ingredients of the product (composite substances) change and new information has to be included. As SDS are updated they will use the new symbols. [HSE REACH webpages](#)

Chemicals (Hazard Information and Packaging for Supply) Regulations 2009 (CHIP or CHIP 4)

As CLP Regulation applies directly in the EU, this means member states will need to repeal national legislation that implements the existing classification and labelling system. Within the UK the implementing legislation is the Chemicals (Hazard Information and Packaging for Supply) Regulations 2009. CHIP Regulations will be repealed in full in the UK when CLP is fully in force (1 June 2015), CHIP and its supporting guidance will be amended as necessary during the transitional period towards the GHS regime. [HSE CHIP webpages](#)



Control of Substances Hazardous to Health Regulations 2002 (as amended 2004) - (COSHH)

COSHH regulations require employers to control hazardous substances at work so that they do not cause ill health. This includes but is not limited to assessment of the risk to health created by work involving substances hazardous to health, prevention or control of exposure to substances hazardous to health and provision of information, instruction and training for persons who may be exposed to substances hazardous to health. In order to undertake assessments, the information from Safety Data Sheets (SDS) and packaging is required. [HSE COSHH webpages](#)

As the transition period for the GHS and CLP is over several years Safety Data Sheets and packaging will change gradually as manufacturers revise these. It is acceptable for you, as users, to have SDS and assessments using the European symbols along with risk and safety phrases until suppliers provide revised SDS with international symbols along with warning/hazard and precautionary statements.



Respiratory Protective Equipment

British Safety Industry Federation (BSIF) have published information regarding changes to EN149, which applies to disposable particulate respirators and will therefore affect many manufacturers, suppliers and users of RPE. Distinction has been made between non re-usable products (marked NR) and re-usable products (marked R). Markings will appear on RPE as you purchase new stock. Suppliers of PPE should be able to provide information. Where products are designed for re-use manufacturers must specify a cleaning procedure. [EN149 Respiratory Standards PDF](#)

First Corporate Manslaughter Sentence Delivered

Following the first prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 on 15 February Cotswold Geotechnical Holdings Ltd was fined £385,000. In September, 2008, a 27-year-old geologist employee was killed when a 3.5m trench in which he was working in collapsed.

Recommendations issued by the Sentencing Guidelines Council stated that the level of fine should seldom be below £500,000. In this case, it was decided that the fine would be below this level because of the size of the company involved. The fine was limited to avoid putting the company out of business, although this is still a possibility.

Fire Risk Assessments

Following introduction of the Regulatory Reform (Fire Safety) Order (RRFSO) 2005, organisations are required to undertake risk assessments and manage fire precautions. The Fire and Rescue Service no longer issue fire certificates, but will continue to make inspections. In addition to providing assistance with health and safety issues, PFB are able to assist with meeting the requirements of the [RRFSO](#).



Help always available

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

Telephone: 020 7329 1221 **Email:** paul.jarvey@pfbconsult.co.uk