

Legislation Outlook

July 2017

Tailored updates to legislation are automatically delivered direct into your [Activ Comply](#) system as they come into effect so you can be confident that you're always up to date.

This monthly legislation briefing is a supplement to your Activ Comply service to help you to plan ahead for maintenance of your ISO 14001, OHSAS 18001, ISO 50001 and ISO 27001 systems. In addition to giving you advance warning about important legislation that will affect your compliance with the standards, we'll provide you with news, newly-published guidance and government consultations that you might find useful, as well as any other significant legislation beyond the scope of the standards listed that we think may have a potential impact on your organisation. Unlike other services, we only report items of value: we don't waste your time reporting an increase of administrative fees or changes that will only affect enforcement agencies.

June was a relatively quiet month for standard-relevant legislation, but we expect big changes in the coming months as the Government provides more detail on Brexit-related legislation. Activ Comply will keep you fully informed along the way.

Upcoming Standard-Related Legislation

ISO 14001

Public Health (Wales) Act 2017 ANAW 2

Published on 3 July, this revokes and replaces the existing smoking regulation in Wales. It also adds hospital grounds, school grounds and public playgrounds to the existing list of smoke-free premises. It also give the Welsh Ministers powers to make regulations in relation to smoke-free vehicle and no-smoking signs. We'll let you know when a commencement date is set, so expect to hear more about this in the near future.

OHSAS 18001

Regulation (EU) 2017/999 amending Annex XIV to Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)

This came into force in the UK on the 3 July 2017 adding 12 substance groups to the list of substances subject to an authorisation in relation to their production, importation and use. Two substance groups are now classified as carcinogenic (anthracene oil; and pitch, coal tar, high temp.), two groups are classified as having endocrine disrupting properties (4-(1,1,3,3-tetramethylbutyl) phenol; and 4-nonylphenol, branched and linear, ethoxylated) and eight are classified as toxic for reproduction (1-bromopropane (n-propylbromide); diisopentylphthalate, 1,2-benzenedicarboxylic acid, di-C6-8-branched alkyl esters, C7 rich; 1,2-benzenedicarboxylic acid, di-C7-11-branched and linear alkyl; 1,2-benzenedicarboxylic acid, dipentylester, branched and linear; bis(2-methoxyethyl) phthalate; bipentylphthalate; and n-pentyl-isopentylphthalate).

The manufacture, import and use of these substances is now prohibited unless it is in accordance with the conditions specified either by the supplier or the European Commission. If you use any of these substances, you will need to check to see if your use complies with the new conditions.

Regulation (EU) 2017/1000 amending Annex XVII to Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards perfluorooctanoic acid (PFOA), its salts and PFOA-related substances

This came into force in the UK on 3 July 2017 and places restrictions on the use, manufacture and marketing of Perfluorooctanoic acid ('PFOA'), its salts and PFOA-related. PFOA is used in a wide variety of applications such as in the fluoropolymer and fluoroelastomer production, as surfactants in fire-fighting foams, and in textile and paper production to provide water, grease, oil and/or dirt repellency. If you use PFOA you must ensure that you abide by the new restrictions.

Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations (Northern Ireland) 2017 SR 2017/90

This came into force on 10 July 2017 and revokes and replaces the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations (Northern Ireland) 1996 in order to implement Directive 2014/34/EU. It brings Northern Ireland into line with the regulatory regime that is already in place through the rest of the UK in relation to the CE marking of products intended for use in potentially explosive atmospheres.

Other Legislation

Last month saw the Queen's Speech, which set out the Government's legislative plans for the next two years. It announced the forthcoming **Repeal Bill** which will transpose EU law into UK law after Brexit. The Repeal Bill will be one of the most important pieces of legislation in 40 years and we will be following its progress closely and keeping you informed. In the coming months we'll learn more about the **Data Protection Bill**, also announced in the Queen's Speech, which will implement parts of the General Data Protection Regulations (GDPR). This will have a significant impact on anyone who processes or controls personal data. Details of the Bill are currently unavailable but we will let you know as soon as any information is released.

News

ESOS Enforcement

The Environment Agency has confirmed that it has served around 500 enforcement notices on organisations that failed to submit the data required by the ESOS Regulations by the deadline date of 15 December 2016. The Agency also signalled that another 1,000 organisations which incorrectly claimed not to fall within the scheme will receive enforcement notices in the next few months.

No Dilution of Environmental Protection after Brexit

Michael Gove, the new Secretary of State for the Environment, has insisted in a Radio 4 interview for the Farming Today programme that he will not water down environmental legislation after the UK leaves the EU.

Six Charged Over 1989 Hillsborough Disaster

The CPS has charged six people with offences relating to the 1989 Hillsborough disaster including David Duckenfield, the match commander on the day, who has been charged with the manslaughter by gross negligence of 95 Liverpool fans, and Graham Mackrell, Sheffield Wednesday FC's safety officer and company secretary at the time, who has been charged with offences under the Safety of Sports Grounds Act 1975 and the Health and Safety at Work etc. Act 1974.

Guidance

The Environment Agency updated its **Climate Change Agreements Operations Manual** on 12 June 2017 to reflect previous legislative and policy changes in the energy efficiency of buildings, energy demand reduction in industry, business and the public sector, greenhouse gas emissions, environmental quality and sustainable development. The changes in the latest edition will not affect your compliance with ISO 14001 but if you refer to the guidance in your materials you should update it.

Consultations

There were no new significant consultations announced in June 2017.

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