

Legislation Outlook

July 2020

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 45001, 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 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 will potentially impact your organisation. Unlike other services, we only report items of value: we don't waste your time on items such as an increase in administrative fees or changes that only affect enforcement agencies.

When legislative changes are announced with short notice (<1 month) they are not reported here. All changes are automatically delivered direct into your [Activ Comply](#) system as they come into effect so you can be confident that you are always 100% up to date.

As lockdown starts to ease and we start to see increased activity across most sectors of the economy, you can continue to rely on Activ Comply to keep you updated with new legislative developments. We are also continuing to provide a summary of new official coronavirus guidance in our Focus feature.

Upcoming Standard-Related Legislation

OHSAS 18001 / ISO 45001

Regulation (EU) 2020/878 amending Annex II to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)

This [Regulation](#) comes into force on 1 January 2021, after the current end date for the EU transition period on 31 December 2020. It is important to note that, should the transition period be extended, the legislation will apply to UK suppliers of safety data sheets. The requirements will also be relevant to UK suppliers who export to the European Union, regardless of the end date of the transition period. The amendments to Annex II to REACH will require safety data sheets to:

- include specific information about nanoforms of substances;
- incorporate the requirements of the United Nations' Globally Harmonised System of Classification and Labelling of Chemicals (GHS);
- include the unique formula identifier for hazardous mixtures;
- include specific information about substances and mixtures with endocrine disrupting properties; and
- include specific concentration limits, multiplying factors and acute toxicity estimates where relevant for the safe use of substances and mixtures.

However, existing safety data sheets that do not comply with the above changes can continue to be provided until 31 December 2022.

Remember: short-notice changes to legislation are not reported in this briefing; all changes are delivered direct into your Activ Comply system as they come into effect.

News

New Building Regulator

The Health and Safety Executive is to establish a new building safety regulator as the government implement the recommendations in the 'Building a Safer Future' report by Dame Judith Hackitt following the Grenfell Tower disaster.

The building safety regulator will:

- implement a new, more stringent regulatory regime for high risk residential buildings;
- promote competence among industry professionals and regulators to raise standards in design, construction and the management of buildings;
- oversee performance systems of all buildings, so one regulator can provide guidance on building performance as well as building safety, ensuring that factors like countering climate change are factored into regulatory decisions; and

- provide independent expert advice to local regulators, landlords and building owners, the construction and building design industry and residents.

KN95 Facemask Safety Alert

The Health and Safety Executive has issued a [safety alert](#) urging all employers and suppliers not to purchase or use KN95 facemasks as personal protective equipment (PPE). KN95 is a performance rating that only requires the manufacturer to make a self-declaration of compliance; currently about 90% of the PPE concerns and queries currently being received by HSE involve KN95 masks which are often accompanied by fake or fraudulent paperwork.

Consultations

Reservoir Safety

Following the spillway failure at Toddbrook Reservoir in 2019, the Department for Environment, Food & Rural Affairs has issued a [consultation](#) seeking views on making reservoir emergency on-site flood plans a requirement for all reservoirs regulated under the Reservoir Act 1975. The consultation closes on 10 August 2020.

Energy-Related Products

The Department for Business, Energy & Industrial Strategy has published a [call for evidence](#) to support future UK products policy and achieve greater carbon savings. In particular, the Department are seeking evidence on:

- how to improve the efficacy of ecodesign and energy labelling policy in the UK to realise greater energy and carbon savings as well as other environmental benefits of more resource efficient products;
- whether better minimum energy performance standards and resource efficiency requirements could be set for certain products; and
- whether there are any other policy measures that could help to increase the uptake of energy and resource efficient products.

Focus: Coronavirus Guidance

For the last three months we have provided a summary of all the official coronavirus guidance. New guidance continues to be published and we have provided a summary of that guidance below, along with links to the source documents should you wish to look at the guidance in more detail.

Working Safely

The eight [guides](#) published last month by the Department for Business, Energy and Industrial Strategy relating to different work settings were updated on 15 June to reflect industry feedback, guidance on test and trace service, guidance on safer travel and to provide guidance on managing security risks. You should ensure that any work you have undertaken in reliance of these guidance documents is still correct and reflects current best practice, particularly if your activities include operating [restaurants, pubs, bars and takeaway services](#).

In addition, the Department has published guidance for four new work settings:

- [close contact services](#);
- [heritage locations](#);
- [hotels and other guest accommodation](#); and
- [the visitor economy](#).

The new guides continue with the five-step approach used by the original guidance documents:

1. Carry out a COVID-19 risk assessment.
2. Develop cleaning, handwashing and hygiene procedures.
3. Help people to work from home.
4. Maintain 2m social distancing, where possible.
5. Where people cannot be 2m apart, manage transmission risk.

For more information on the above five steps, see last month's addition of the Legislation Outlook, available in Activ Comply or for download [here](#).

Practical examples of how the construction industry can comply with the government guidance have been incorporated into the latest version of the Construction Leadership Council's [Site Operating Procedures](#).

First Aid

The Health and Safety Executive has published [guidance](#) on first aid in non-healthcare settings.

In all cases, first aiders should try to assist at a safe distance as much as possible. If they are capable, ask the casualty to do things for you. First aiders should use PPE where available and minimise the time in the same breathing zone as casualty. If a serious illness or injury is suspected, call 999 immediately and tell the call handler if the patient has any COVID-19 symptoms.

CPR should be carried out in line with the [guidance](#) from the Resuscitation Council UK:

- call 999 immediately – tell the call handler if the patient has any COVID-19 symptoms;

- ask for help. If a portable defibrillator is available, ask for it;
- before starting CPR, to minimise transmission risk, use a cloth or towel to cover the patient's mouth and nose, while still permitting breathing to restart following successful resuscitation;
- if available, use PPE (ideally a fluid-repellent surgical mask, disposable gloves, eye protection, and apron or other suitable covering)
- only deliver CPR by chest compressions and use a defibrillator (if available) – do not do rescue breaths.

After delivering first aid, a first aider should:

- safely discard disposable items and clean reusable ones thoroughly;
- wash their hands thoroughly with soap and water or an alcohol-based hand sanitiser as soon as possible.

Gas Safety

The Health and Safety Executive has published guidance on gas safety for:

- [landlords](#);
- [registered gas engineers](#); and
- [clinically vulnerable tenants](#).

The guidance principally advises on overcoming difficulties in carrying out annual gas safety checks created by social distancing and self-isolation rules.

Pressure Systems

The Health and Safety executive has published [guidance](#) on restarting workplace pressure equipment, such as steam boilers, air compressors and receivers, hydraulic cylinders for vehicle and passenger lifts, air compressors and articulated jibs. If pressure systems have not been used for an extended period of time due to the coronavirus outbreak they may become unsafe. In particular, pressure systems forming part of machinery that have exceeded their examination period should not be restarted without the agreement of a competent advisor.

The HSE recommend that the restart of pressure systems forming part of machinery should be regarded as a functional pressure test and that the safety precautions set out in the HSE's [guidance note](#) should be taken.



Planning for the Unplannable

2020 has challenged many organisations to review their business continuity planning. In our latest article, we are highlighting elements for a business to consider when planning for pandemic risk management. <https://bit.ly/3dUXjul>

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