

Legislation Outlook

May 2019

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 we think may have an impact on 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.

For months, many people's attention has naturally been focussed on preparing for Brexit. Now that a long delay looks likely, it's important to think about other approaching regulatory deadlines. In particular, time is ticking for compliance with ESOS Phase 2. ESOS is the topic of this month's Focus.

Upcoming Standard-Related Legislation

ISO 14001 and OHSAS 18001 / ISO 45001

Regulation (EU) 2019/636 amending Annexes IV and V to Regulation (EC) No 850/2004 on persistent organic pollutants

This [Regulation](#) comes into effect on 31 October 2019 to add pentachlorophenol (and its salts and esters) to the list of substances that should not contaminate waste in concentrations of higher than 100mg/kg. Any waste containing a higher concentration of pentachlorophenol will need to be either placed in permanent storage or processed so that it is destroyed or irreversibly transformed in accordance with the amended requirements of Annex V to [Regulation \(EC\) No 850/2004 on persistent organic pollutants](#).

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

EU proposes ban on single-use plastic

The European Parliament has voted overwhelmingly to back a [proposed Directive](#) on the reduction of the impact of certain plastic products on the environment. The aim of the Directive is to ban single-use plastics, such as straws, knives, forks, earbuds and plates, by 2021. The proposed ban will also include drinks containers made of expanded polystyrene and all products made of oxo-degradable plastic.

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Guidance

Ban on Combustible Materials in External Walls

The Ministry of Housing, Communities & Local Government has issued [guidance](#) containing frequently asked questions following the ban on combustible materials in external walls through the Building (Amendment) Regulations 2018. The ban was introduced following the Grenfell tragedy and applies to external cladding on any building with a storey at least 18m above ground level, and which contains a dwelling, an institution, or a room for residential purposes.

Compliance with COSHH Regulations in Woodworking

The HSE has updated its suite of [direct advice sheets](#) to help the woodworking industry comply with [COSHH regulations](#). The sheets set out how to reduce exposure to substances such as wood dust to an adequate level, and how to protect worker health specific to the woodworking industry.

Consultations

Workplace Exposure Limits for Carcinogens

The HSE has launched a [consultation](#) on proposals to implement amendments to the [Carcinogens and Mutagens Directive](#) which introduces or revises occupational exposure limit values for a number of carcinogens. The consultation sets out the HSE's proposals for establishing Workplace Exposure Limits for the substances contained in the amendment to the Directive.

Coming Soon: Agreements Manager

A new Activ module is in development, providing a simple, systematic way to catalogue, manage and assess your compliance against the 'other requirements' that your organisation is committed to, such as contracts or codes of practice. Use as a standalone tool, or in combination with Comply for comprehensive management of your legal and other requirements.

Would you like to trial Agreements Manager for free? We are looking for a small group of Activ customers to use Agreements Manager in their organisations to help us refine it before its public launch later this year. In exchange for your feedback and improvement suggestions over a 6-week period, you'll get full access to Agreements Manager for 6 months entirely free.

Please click [here](#) to register your interest.

Focus: ESOS

This month we revisit the Energy Savings Opportunity Scheme (ESOS), which applies to all 'large' businesses. A large business is one that:

- employs 250 people or more; or
- has both an annual turnover in excess of €50 million and an annual balance sheet total in excess of €43 million; or
- is part of a corporate group that satisfies either of the above criteria; or
- is a non-UK company that has 250 or more employees in the UK.

Unless you have a certified ISO 50001 energy management system in place, if any of the above applied to your company on 31 December 2018 you will need to carry out an ESOS assessment by 5 December 2019 or risk a large fine for continuing non-compliance. You should already have begun audits on your significant energy consumption in order to complete your ESOS assessment before the deadline.

ESOS assessments in 5 steps

1. Measure your total energy consumption over a 12-month reference period that includes 31 December 2018 and ends before 5 December 2019.
2. Identify the assets and activities that make up at least 90 per cent of your total energy consumption.
3. Carry out an energy audit to analyse your energy efficiency, identify ways to improve it, and recommend cost-effective energy saving measures and their associated cost benefits.
4. Engage a registered ESOS lead assessor to check that your energy audit complies with the Energy Savings Opportunity Scheme Regulations 2014.
5. Notify the Environment Agency that you are ESOS compliant using their online system on or before 5 December 2019.

ISO 50001 certified organisations are exempt

Organisations whose energy usage is completely covered by an ISO 50001 certified energy management system do not need to carry out ESOS assessments. Other benefits of ISO 50001 certification include improvements in energy performance and cost savings, as well as potentially identifying opportunities for increasing productivity and lowering maintenance needs.

There is still time to implement a certified 50001 system before the 5 December 2019, but time is running out.

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If you need independent expert advice on the best ESOS compliance route for your business, want to outsource your ESOS assessment, need a registered ESOS Lead Assessor, or are considering implementing an ISO 50001-compliant energy management system, we can help.

Find out more about ESOS on our [consultancy website](#), or call our friendly team on 01759 301000 for a no-obligation discussion.