



HEALTH AND SAFETY
AUTHORITY



Annual Report | 2010

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Foreword by the Chief Executive



Martin O'Halloran
Chief Executive

2010 was a challenging year for the Authority, as it was for many other organisations. The Authority saw further reductions in budgets and staffing. Workplace deaths rose from their all-time low of 43 in 2009 to a total of 48 workplace deaths in 2010. Sixty percent of these deaths occurred in the farming, logging and fishing sector, a sector that employs about 6% of the working population. Regrettably, these accidents were foreseeable and preventable.

There were a number of notable achievements in 2010. The farming organisations have recognised that the number of fatalities in their sector is unacceptable and are working on their own initiatives and with the Authority in a collaborative way to improve safety in their area.

We also delivered high numbers of workplace inspections and investigations in 2010. Over 70% of these inspections were advisory, but in 9% of inspections an unwillingness to comply with basic legal requirements resulted in enforcement action being taken to prevent serious injury or ill health or death.

We continued our strategy of helping to make it easier for employers to prevent accidents and of the 19 legislative proposals developed in 2010, 12 were reviews of the existing legislation aimed at consolidation and simplification. We commenced work on a new risk assessment tool to make it easier for small and micro businesses to carry out risk assessments and develop safety statements. This is part of our "Taking Care of Business" programme aimed at reducing administrative burdens on business. Our information line dealt with more than 30,000 contacts, and over 400,000 advisory and guidance publications were downloaded free of charge from our website.

Our chemicals activities focused on providing information and advice in the run-up to the REACH registration and Classification, Labelling and Packaging (CLP) notification deadlines. We did this through our seminars, helpdesk, website, webinars and direct mail.

We consolidated our lead role on chemicals nationally by providing technical, policy and legislative development advice both at home and in the EU. We provided technical and policy advice on a wide range of issues and agreed Memoranda of Understanding with the EPA (Environmental Protection Agency) and Department of Agriculture Fisheries and Food. We also engaged actively at EU level in representing the Irish national interest to shape regulations and support our vital pharma-chem sector in its work.

While delivering an ambitious programme of work we maintained close control on expenditure during 2010 and this enabled us to make a significant saving.

The year involved a tremendous commitment from our staff, who have been actively involved in helping us to meet the modernisation targets which we developed in consultation with them and with their representative organisations. During 2010 we also suffered the tragic loss of our colleague Con Body. He will be missed for his professionalism, his commitment and depth of knowledge, and for his more than 25 years of enthusiastic advocacy of health and safety. Ar dheis Dé go raibh an anam dílis.

The next year will bring a new set of challenges, but I know that our emphasis will be on helping employers and employees to prevent injuries and ill health, and to manage chemical safety in the most sensible and cost-effective way possible.

We will continue to implement our strategy 2010–2012 in an efficient and effective manner and will be significant contributors to public sector reform in the way in which we operate and deliver services.



Role of the Health and Safety Authority

The Health and Safety Authority is the national statutory body with responsibility for enforcing occupational safety and health law, promoting and encouraging accident prevention, and providing information and advice to all companies, organisations and individuals. The Authority is also the national Competent Authority for REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals) and other chemicals legislation. The Authority deals with every size of workplace in every economic sector.

The Board, with the Minister's approval, establishes the Authority's strategy and policies. The Executive Team leads the implementation of annual programmes of work in line with the Authority's statutory responsibilities and policies set out by the Board.

The Authority has made a commitment in its Statement of Strategy 2010–2012 to achieve six goals:

- A. To enable employers, employees and other duty holders to reduce risks to safety, health and welfare.
- B. To motivate and gain commitment to having safe and healthy workplaces which support success in all enterprises.
- C. To support the Minister for Enterprise, Trade and Innovation in the initiation and development of appropriate legislation and policies.
- D. To hold accountable those who disregard their duties and responsibilities for occupational safety, health and welfare.
- E. To promote the safe and sustainable management of chemicals.
- F. To ensure the Authority is effective in achieving its goals and delivering value for money.

The programme of work for 2010 continued the implementation of a range of activities to achieve these goals. This report outlines the Authority's key achievements in 2010 in each of the four divisional work programmes.



Board of the Health and Safety Authority

The Board determines Authority's operational policy. It comprises twelve members: a chairperson and eleven members appointed by the Minister for Labour Affairs. The Minister appoints members nominated by organisations which are representative of the social partners and other interests associated with occupational safety and health, including employees, employers and other bodies.

The membership of the Board until December 19th 2010 was as follows:

Chairperson

Jim Lyons,
former Chief Executive, County Clare
Vocational Education Committee

Employer Nominees

Dermot Carey, Head of Safety Services,
Construction Industry Federation (CIF)

Marian Byron, Director, Industrial Products
and Services Group, Irish Business and
Employers Confederation (IBEC)

Sean Corrigan

Employee Nominees

Eamon Devoy (Vice-Chairperson), General
Secretary, Technical Engineering and
Electrical Union (TEEU)

Esther Lynch, Legal and Social Affairs, Irish
Congress of Trade Unions (ICTU)

Dessie Robinson, Assistant General
Secretary, IMPACT

Minister's Nominees

Anne Marie Hayes

Pat Kearney

Francis Rochford

Christina McEleney

Rosie Sheerin

Board Member

Jim Lyons (Chairperson)

Eamon Devoy (Vice-Chairperson)

Dessie Robinson

Esther Lynch

Dermot Carey

Marian Byron

Sean Corrigan

Anne Marie Hayes

Pat Kearney

Francis Rochford

Christina McEleney

Rosie Sheerin

Board Meetings Attended (out of 9)

9

5

6

7

8

7

9

7

7

8

8

9



Chairman



Jim Lyons
*former Chief Executive,
County Clare Vocational
Education Committee*

Employer Nominees



Dermot Carey
*Head of Safety Services,
Construction Industry
Federation (CIF)*



Marian Byron
*Director, Industrial
Products Centre, IBEC*



Sean Corrigan

Employee Nominees



Eamon Devoy
*(Vice-Chairman), General
Secretary Designate,
Technical Engineering &
Electrical Union (TEEU)*



Esther Lynch
*Legal and Social Affairs,
Irish Congress of Trade
Unions (ICTU)*



Dessie Robinson
*Assistant General
Secretary, IMPACT*

Minister Nominees



Anne-Marie Hayes



Pat Kearney



Francis Rochford



Christina McEleney



Rosie Sheerin



Executive Management Team

The Authority employs inspectors, professional specialists, administrators and clerical staff. The Authority met its Employee Control Framework target staffing level of 190 and at the end of 2010 we had 185.1 full-time equivalents.

The Chief Executive Officer manages the implementation of strategy in line with the Authority's statutory responsibilities and policies set out by the Board. The organisation is structured in four Units headed by Assistant Chief Executives as follows:

CEO
Martin O'Halloran



Assistant Chief Executive
Compliance and Advice

Brian Higginson



Assistant Chief Executive
Chemicals Policy & Services

Sharon McGuinness



(PJ Claffey deputised for Sharon McGuinness during the first half of 2010)

Assistant Chief Executive
Prevention Services

Mary Dorgan



Assistant Chief Executive
Corporate Services

Robert Roe



Achievements in 2010 – Workplace Compliance and Advice Programme

Inspections by the Workplace Compliance and Advice Division enabled employers, employees and other duty holders to achieve safer and healthier workplaces in 2010.

A total of 16,714 inspections and investigations were undertaken by the Authority in 2010. Using a risk-based approach, the sectors and topics to be addressed were determined by a review of the levels of activity in a sector, the known safety and health risks, the rates of injury and ill health. Inspections were also co-ordinated with Authority initiatives and awareness campaigns.

In addition the Authority recognises the need to prioritise serious accidents and all workplace fatalities for investigation. The aim of these investigations is twofold: to identify causes and use that knowledge to inform and to prevent recurrence; and to hold duty holders to account where that is warranted.

In line with Goals A and B of our strategy, we promote an approach to compliance based on supporting those employers who recognise the benefit of a safe and healthy workplace and demonstrate a willingness to meet those requirements. Our inspectors provide guidance material and advice (verbal advice in 31% of inspections in 2010 and written advice in 42% of inspections). However, in the 9% of inspections where employers were unwilling to meet the legal requirements, formal enforcement actions to ensure compliance were taken.

The implementation of effective health and safety management systems was supported through inspection in line with Goal A of the Strategy. Data gathered during inspections indicates performance in relation to the following key health and safety requirements:

- 83% of employers had a safety statement prepared, 73% of which were available at the workplace;
- 88% of senior managers were aware of their duties under safety and health legislation;
- 88% of workplaces where it was relevant have systems for safety consultation;
- 85% of employers were aware of the requirement to notify 4+ day accidents and have systems for reporting;

The levels of inspection and enforcement activity by sector are presented in Appendix A.

During inspections the Authority undertook a range of activities to support and ensure compliance with legislative requirements. In total, verbal advice (only) was provided in 5,235 inspections. In a further 6,971 cases verbal advice was supported by written advice which included details of the specific issues needing attention. Where there was evidence of an activity with the potential for serious risk to a person or where the standards of health and safety at a workplace were such that it was not possible to form the opinion that voluntary compliance would take place, the Authority used formal enforcement. In 2010, 914 Improvement Notices and 599 Prohibition Notices were issued to address specific activities. In addition, the safety and health standards observed on 14 construction sites were deemed so poor as to warrant a closure. In all these instances the contractor engaged in an agreed prohibition process to enable health and safety standards to be improved. Under the Transportation of Hazardous Substances Regulation, 71 on-the-spot fines were issued.



The Authority can and does use the ultimate sanction of prosecution where that is required. In 2010, 27 prosecutions were completed successfully: 10 summary and 17 on indictment (see details in Appendix B). In addition a further 23 files were sent to the Director of Public Prosecutions for direction. Sentences in successful prosecutions resulted in total fines of €571,900. In addition two 12 month suspended custodial sentences were handed down.

The Authority recognises that ensuring compliance with safety and health legislation as well as investigating significant breaches of this legislation may involve interaction with other state agencies that have a statutory role to play. To facilitate co-operation in such cases, the Authority has developed and has kept under review its Memoranda of Understanding with An Garda Síochána, the Office of the Commission for Energy Regulation, the Environmental Protection Agency and the Radiological Protection Institute of Ireland.

Summary of Inspection Programme

In 2010 a significant and immediate increase in inspection activity in the **agriculture** sector was prioritised. This required the establishment of a dedicated agriculture inspection team within the Authority. This shift in focus resulted in a 40% increase in the level of farm inspections in 2010. This increase will continue in 2011 with a planned programme of 3000 inspections. The standard of health and safety management on farms continued to require intervention in 42% of inspections. The inspectors have also been working with the farming organisations to develop other methods for creating awareness among farmers. For example, farm walks were used as an educational approach where farmers were invited to attend a local farm being visited by two inspectors. The key hazards and their controls were shown to the farmers present. In April, an agriculture safety campaign was held.

A high level of implementation of health and safety management systems was recorded by our inspectors in the **construction** sector. Enforcement actions were

required in only 18% of inspections. However, the increase in the need for agreed prohibition on construction sites because of poor overall standards continued, with 14 such actions. Two week-long construction campaigns were held in 2010. In June, compliance with the requirements relating to plant and machinery was assessed. Results indicated a relatively high rate of compliance: for example levels of compliance relating to operation of machinery by a competent person 97%; relevant CSCS held 96%; plant maintained in good order 88%; and operators holding SAFE PASS 93%.

The level of activity in the **mines and quarries** sector has decreased significantly in the past two years and inspection levels have decreased accordingly. Overall, data from inspections in 2010 indicated high levels of awareness and compliance with requirements of the Safety, Health and Welfare (Quarries) Regulations 2008 and the following compliance rates were found: relevant appointments being made 78%; written operating procedures available 87%; and written shot firing rules available 90%. Enforcement action was taken in 31% of inspections. Action in relation to the safety statement was required in only 15% of inspections. A mines and quarries safety campaign was successfully completed in October.

In general the levels of health and safety management compliance observed in the **manufacturing** sector were in line with those of 2009, although there was an increase in the percentage of workplaces where a safety statement was available (91% compared to 84% in 2009). Machine guarding and forklift use continued to attract attention, with 20% of machinery inspected observed to have inadequate guarding.

Employers in 76% of the inspections in the **wholesale and retail** sector indicated that a safety statement had been prepared, although it could be produced in only 65% of these cases. Seventy three percent of employers in the sector indicated awareness of the need to report notifiable accidents. In addition the levels of awareness of managerial responsibilities was 80%, a significant increase on the



40% recorded in 2009. Enforcement actions in relation to the safety management systems in this sector were required in 50% of inspections.

The Authority continued the programme of inspection in the **education** sector which began in 2009. The level of inspection was increased to 359 inspections (compared to 269 in 2009) and included primary and secondary schools. The increased focus on this sector coincided with the launch of guidelines for health and safety management in second level schools in October 2010. The 2011 programme in this sector will assess the levels of use of these guidelines.

The level of inspection in the **healthcare** sector was increased to support the Authority's five year plan for the sector. Safety statements were present and available in 90% of workplaces inspected. Assessments showed that the relevant risks had been identified in 76% of safety statements, and the controls implemented in 79%. Enforcement action was required in 43% of inspections.

In the **public administration** sector the level of compliance with the requirement to have a safety statement was high (92%) and the level of enforcement action required by inspectors during these inspections was 26%.

In line with ensuring that our strategic aim of increasing the focus on **occupational health** during inspections was achieved, health related topics accounted for more than 30% of the topics addressed during inspection. These included asbestos, biological agents, bullying, carcinogens, chemicals, display screen equipment (DSE), manual handling, pregnancy and post-natal provisions, radon, REACH and stress. Forty-seven specialist monitoring inspections covering areas such as noise, vibration, air monitoring for exposure to total inhalable dust (flour) and checking efficiency of workplace extraction systems were also carried out. The levels of compliance in **manual handling** were assessed across all sectors. The levels of compliance observed in relation to having a written risk assessment for individual tasks,

appropriate control measures and a manual handling training programme were 67%, 69% and 81% respectively. Employers' approaches to assessing **bullying** in the workplace and the implementation of the appropriate controls in line with the Code of Practice were assessed in 1049 workplaces. Employers were found to have written records in relation to bullying in 33% of workplaces inspected. Employers were found to have met the requirements of the Code of Practice in more than 80% of cases. A total of 228 **asbestos**-related site visits and 165 asbestos notifications were reviewed during this period. A review of the safety and health standards being applied by asbestos analysts continued in 2010. The review revealed that standards are variable, and the issues identified have informed the revisions to the regulations and Code of Practice developed in this area. There were 113 inspections for **biological agents** and a series of follow-up inspections of specialist facilities where these agents are intentionally used was initiated in 2010.

The increased focus on the area of **chemicals** continued with the completion of 1425 inspections and 95 investigations, including 1232 specific REACH inspections (the majority of which were in the manufacturing, wholesale-retail and construction sectors). The results of these REACH awareness inspections indicated that 92% of those visited had identified themselves as downstream users and therefore exempt from the chemical registration process. Companies were given specific advice regarding quality of safety data available in 96% of these inspections and advice on hazard labelling issues was issued in 45% of the inspections. Awareness of the new Classification, Labelling and Packaging (CLP) regulations was low with only 1% of those visited being aware of requirements to notify under these regulations, a fact that points to a continuing need for action in this area. The Authority also participated in the EU SLIC Campaign on Use of Dangerous Substances Project, which specifically targeted small to medium enterprises (SMEs) in the motor vehicle repair and dry cleaning sectors.



A total of 1,685 workplaces were assessed for their approach to the management of **slips, trips and falls**. Of these, 80% had addressed the issue in their risk assessments. Where slip resistant footwear was required, the appropriate footwear was provided and in use in 90% of cases. Ninety three percent of employers could demonstrate adequate precautions for spills.

The inclusion of **workplace vehicle transport** in the health and safety management systems at workplaces was assessed in 1494 inspections. Workplace vehicle transport was included in 79% of safety statements and traffic management systems were observed in 80% of relevant inspections.

The Authority continued its 2009 initiative directed at **multi-site employers**. The approach taken begins with an initial engagement with senior management at corporate level, followed by a series of inspections of various workplace locations. Results are correlated with the advised corporate approach and the outcomes advised to senior managers. Five such projects were successfully completed and corporate commitments received for any required improvements. In addition this approach was adopted for two sector-wide initiatives in the area of third level education and telecommunications.

In fulfilling the Competent Authority role in relation to the **transport and storage of dangerous substances**, 1360 inspections were carried out including inspections of 731 dangerous goods vehicles, 193 depots and 180 retail and private petroleum stores. In addition there was an increased focus on unmarked vehicles (256 inspections) to ensure that they were not carrying dangerous goods. The report on the coordinated enforcement of spot checks during 2009 was submitted to the European Commission as required by Council Directive 95/50/EC.



Achievements in 2010 – Prevention Services Programme

The Prevention Services Division continued our work in policy and technical guidance, legislative development (including codes of practice) and promotion and awareness raising campaigns. Our work spanned all sectors and key hazards. We also delivered a substantial programme in activities which have a national impact, for example in promoting safety and health to students in the education system, in managing occupational health priorities across all workplaces and in the area of work-related vehicle safety, which impacts the majority of workplaces.

Perhaps the most significant aspect of 2010 has been the development work on the **Taking Care of Business** initiative to address the needs of business and small business in particular. This is in response to Goal A of our 2010–2012 Strategy, “To enable employers, employees and other duty holders to reduce risks to safety, health and welfare”. The initiative started with an assessment by the Authority of the needs of small businesses as expressed by them in consultation. This consultation led us to revise and expand how we interact with small businesses to achieve prevention of accidents and ill health at their workplaces. We have been encouraged by the concern of businesses to protect their employees from injury. However, we have also noted their desire that the methods to achieve this be simplified and made more accessible to them. Phase one of Taking Care of Business commenced in 2010. In the six months to December 2010, this organisation-wide initiative was established with a cross-functional project team. Planning and scheduling was done, project content developed, and the groundwork was laid for a launch in early 2011, which will include a major expo interactive event at the Convention Centre Dublin focused on small businesses and their employees. The development included work on a new online risk assessment tool for businesses and a suite of materials that make it easier for them to comply with their duties to take care of their employees in a meaningful way and to ensure that their “bottom line” is protected from the negative consequences of a workplace accident. We look forward to carrying on to phase two of this service in 2011.

Summary of Policy Programme

Agriculture took a significant step up in policy support in 2010. Whilst the sector has always been a demanding one for preventive initiatives, we were pleased to have the drive to improve safety management on farms led by our Minister, Dara Calleary, TD. This followed an exceptionally high rate of fatalities in 2010. Despite the tragic outcomes for the sector, we ended the year with increased confidence, the key stakeholders in the farming community having pledged their increased participation and called for action on the reduction of deaths and accidents. The approach will continue in 2011 and will build on the supports in place including the online risk assessment tool also launched in 2010. The dedicated farm inspection team and the Agriculture Policy Unit will work closely together to achieve the required progress in the sector.

Construction is a radically changed sector in the past three years with a large drop in the number of those employed. However, it remains a hazardous sector. We have also witnessed a concentration of both work and accidents in the business of very small contractors who are engaged in repair, maintenance and improvement works. We were pleased to have been actively involved with the Construction Safety Partnership in the development of the SMP20 pack – a preventive initiative focusing on these small contractors. In addition, several



publications assisted the sector ranging from codes of practice to short information alerts for the public.

Two programmes which have been the subject of recent five year plans made good progress in their first full year of delivery. The programmes related to the **healthcare** sector and **work related vehicle safety**. Both of these plans included the establishment of partnerships to advance the work. A Healthcare Technical Steering Group was established. In the work related vehicle safety area, a consultative group was set up to act in an advisory capacity to the steering group which comprises the Road Safety Authority, An Garda Síochána and the Authority.

In 2010 good progress was made in introducing **occupational health** to small businesses with a user-friendly tool kit and delivery of six regional seminars. The final revisions to the manual handling training system have resulted in the publication of new standards at FETAC Level 6 for manual handling and people handling. This hazard continues to be the most significant cause of accidents and lost days, and reduction of such accidents is a key target for our 2010–2012 Strategy. Progress in the area of mental health at work included revised guidance on work related stress. Work also commenced to develop Irish norms for the existing “Work Positive” tool.

The Government agenda to reduce the **administrative burden** for business has continued during 2010 and the Authority, led by Prevention



Services, has been working closely with our parent the Department of Enterprise, Trade and Innovation to assess those information obligations on businesses which might be revised or simplified. This work complements the Authority's own agenda to improve ease of compliance.

Our **Workplace Contact Unit (WCU)** handled 30,000 inbound contacts – the majority of which were telephone contacts seeking information or making a complaint about workplace safety and health at specific sites. This Unit retained its accreditation from the Customer Contact Association (CCA) and continued to be a key resource for both employers and employees. In addition, almost 400,000 publications were downloaded from our website. We also continued valuable interactions with the media and reached a wide audience with key messages for those who influence workplace safety and health.

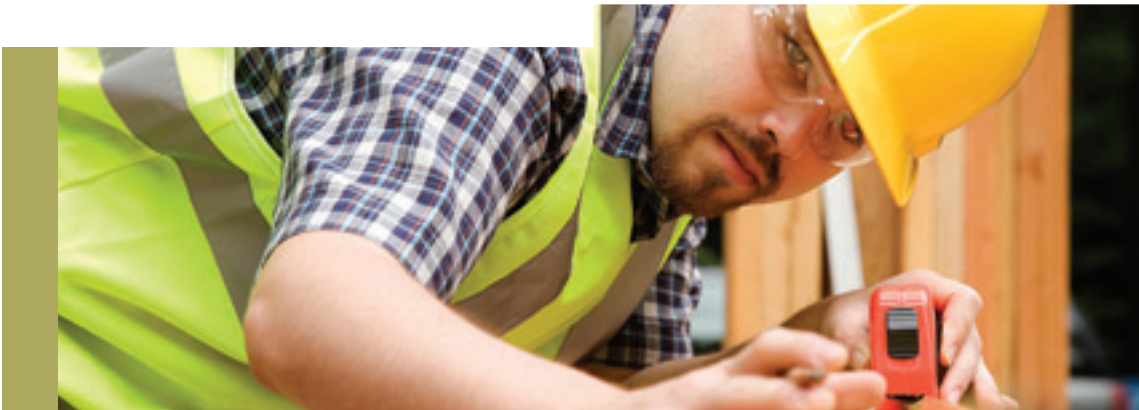
Our strategy to influence and prepare the **workers of the future** continued with exciting initiatives in education for schools and pupils at all levels. In conjunction with other local and national bodies, we organised and ran six Keep Safe events – an interactive safety half-day for children in primary schools at locations around the country. At third level we organised a competition for design students, an initiative which was created by the Construction Advisory Committee of the Authority. In 2010, five e-learning programmes, which had been in development, were launched and will be a good learning tool for both students and teachers. Initiatives such as Choose Safety and the Transition Year unit continued. Employers in the sector were also supported with the publication of a Guide for Management of Safety and Health in Post Primary Schools, which was the outcome of work from a steering group made up of representatives from the Department of Education and Skills, the State Claims Agency, the Schools Development Planning Initiative and the Authority. This guide was promoted widely in the last quarter of 2010.



The Division managed an increased level of reactive policy and technical work in response to emerging risks during 2010. For example, our **Engineering Unit** has been involved in coordinating activities to promote attention to the application of EU regulations on Market Surveillance. Website guidance and specific alerts were promoted and issued to workplaces. Technical assistance was provided to field inspection teams, for example in improving the safety of post driver machines. A safety alert was issued to discourage the purchase and use of dangerous attachments for heavy-duty brush cutters. We have also assisted the National Standards Authority of Ireland in developing and revising standards for lifting equipment.

The **legislative programme** was delivered on schedule, with many items guided to enactment by the Minister. The full list of legislative items on the programme is set out at appendix C. The legislative development process was further streamlined with the assistance of the Board Subcommittee for Legislation and Guidance. Consultation continued in accordance with agreed structures for all new legislative proposals and related codes of practice.

In summary, we in the Prevention Services Division demonstrated our willingness to listen to and respond to customer needs – both employees and employers – with practical supports that both motivated and assisted them. We continued to be a Division whose work has benefited from collaboration and where outcomes are the better for such partnerships.



Achievements in 2010 – Chemicals Policy and Services Programme

The Chemicals Policy and Services (CPS) Division were involved in a number of firsts in 2010. The first REACH registration deadline for the high concern substances and those over 1000 tonnes per year; the first CLP (Classification, Labelling and Packaging) notification deadline; the first webinars held by the Authority in support of our modernisation agenda; the first annual report under the Chemicals Act, 2008; the first Member State report under REACH (Article 117); and the agreement on the first list of substances subject to Authorisation under Annex XIV. We further consolidated our lead role on chemicals nationally by providing technical, policy and legislative advice at home and in the EU. We also continued to provide an innovative and high quality customer service across the varied range of legislation for which we have responsibility in the areas of chemicals, transport and biological agents.

2010 also saw the CPS Division expand to take on additional chemical or chemical related programmes such as the COMAH (Seveso II) Regulations, ADR transport, the UN Chemical Weapons Convention, dangerous substances, offshore Installations and transportable pressure equipment. With this increased range of responsibilities, we were able to introduce efficiencies and procedures that enabled us provide a more robust Competent Authority and customer service across all aspects of chemical manufacture, supply, use and transport. We completed 194 COMAH (Major Accident Hazard) specific inspections alongside 239 REACH–CLP inspections and processed 248 land use planning advice requests.

In 2010, the national focus of our activities in the areas of REACH and CLP was on preparing Irish industry for deadlines in November and December respectively. To this end, we did a significant body of work on **awareness and knowledge raising** about company duties and obligations through seminars, helpdesks (465 REACH queries and 228 CLP and Detergents queries), e-bulletins, direct mail campaigns and concise and relevant webpages. By close of the deadlines, some 24,675 registration dossiers covering 3,400 substances and 3.1 million CLP notifications covering over 107,067 substances had been received by the European Chemicals Agency (ECHA). Initial statistics suggest there were 227 dossiers and 89,445 notifications submitted by Irish stakeholders. Throughout the year, the chemical and REACH pages of the Authority's website were always in the top 10 pages visited by customers.

We contributed to the national **legislative programme**, alongside our colleagues in the Department of Enterprise, Trade and Innovation, which introduced the Chemicals (Amendment) Act 2010, the Asbestos (Amendment) Regulations 2010 and the Carriage of Dangerous Goods by Road Regulations 2010 to transpose the 2009 ADR agreement. In Europe, we contributed to the introduction of criteria for identification of persistent, bioaccumulative and toxic (PBT) and very persistent and very bioaccumulative (vPvB) substances (Annex XIII); the introduction of the first list of substances subject to authorisation (Annex XIV) and restrictions (Annex XVII). We also contributed to the second adaptation of the CLP Regulation. Further details on our lead Competent Authority role under the Chemicals Act are provided in the annual report on the Act which is provided in appendix G of this report.

In **Europe**, we focused our REACH and CLP policy work on our participation in Commission and ECHA working groups and committees. We only participated in those committees and working



groups where we had a statutory duty to do so or where our participation met a strategic or business need. As lead Irish Competent Authority, we contributed to multiple stakeholder consultations on restriction proposals (9); identification of substances of very high concern (SVHC, 19); authorisation recommendations (7); testing proposals (7) and harmonised classification and labelling proposals (15). We commenced our internal preparations for future contributions in identification of SVHCs and substance evaluation, activities which will form a key element of our 2011 work programme. As Designated National Authority for the Rotterdam Regulation, we actively participated in the relevant EU working group as well as fulfilling our national duties and obligations in relation to processing of export notifications and explicit consents. A key policy paper produced by the Authority in 2010 was one detailing difficulties encountered by industry and designated national authorities with implementation of the Rotterdam Regulation.

We also actively pursued our **occupational hygiene** programme on asbestos, chemical and biological agents through legislation and guidance publications, culminating in the publication of the Asbestos (Amendment) Regulations in December together with guidance on low and sporadic asbestos risks. Guidance to accompany the Regulations was also completed. The 2010 Code of Practice for the Chemical Agents Regulations 2001 was published

early in the year. With respect to biological agents, a significant effort was put into preparing draft regulations and a related Code of Practice. It is hoped this work will be completed in 2011. We organised and completed biological agents training in conjunction with our colleagues in the Department of Agriculture to bring our respective inspectors up to date on effective monitoring and enforcement techniques.

Our focus on **customer service** continued in 2010 through our many and varied activities in relation to our helpdesk (922 queries), the internet, e-bulletins, direct mailings and seminars. We also provided a range of simple and concise information sheets and posters ranging from ADR advice to drivers and chemical management for the motor vehicle sector to CLP requirements and safety data sheets. These have all been designed to be short, focused and colour coded for ease of reference. In addition, we produced a business focused chemicals toolkit designed to assist small businesses identify and address hazards and risks from chemicals they may use in the workplace. This toolkit will be published in 2011 and we believe it can greatly assist businesses, irrespective of size, to meet the goal of safe and sustainable chemical use.

We continue to **innovate** in the provision and delivery of our services. In 2010, we organised the first webinars held by the Authority with participants



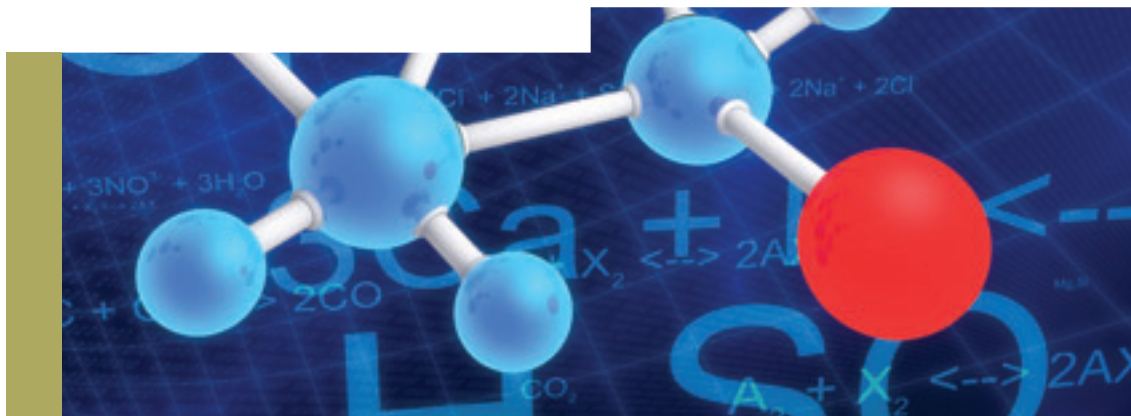


from Ireland, Europe and USA in attendance. As a commitment to our modernisation agenda, we will continue to use this technology internally and externally to drive efficiencies, reduce costs and make it easier for businesses to interact with us. We contributed to technology development and innovation in Ireland through our expert involvement in the field of nanomaterials in Europe. Policy developments in this area will advance at a greater pace in 2011 as the Commission moves to set a definition of nanomaterials. We will continue our efforts in this area to ensure that decisions are taken on a sound scientific basis and balanced to take account of innovation as enshrined in the goals of REACH.

We believe that **co-operation with our Government partners** is the key to the delivery of our goal of the safe and sustainable management of chemicals. In 2010, we provided technical and policy advice in a range of environmental and other legislative areas (for example, restriction of hazardous substances (RoHS), explosive precursors, headshops, tattoo inks). While most of this advice was provided informally outside of agreed working arrangements, we also put in a place a number of Memoranda of Understanding (MoUs) with the Environmental Protection Agency, Revenue and the Department of

Agriculture, Food and Fisheries with the aim of streamlining and introducing efficiencies in the provision of our respective services on REACH and the Rotterdam Regulation.

In conclusion, the chemicals division has again in 2010 delivered a high quality, innovative, accessible and customer focused policy and advice service and we look forward to continuing this role and function in 2011.



Achievements in 2010 – Corporate Services Programme

The key goal in the Strategy for 2010–2012 for the Corporate Services Programme is Goal F - “to ensure the Authority is effective in delivering its goals and achieves value for money”.

During 2010 the Authority, like most public sector bodies, was informed of the need to significantly reduce both its staff and budgets in the period up to 2014. As part of its response the Authority drafted a modernisation action plan, made significant savings in expenditure and carried out a review of structures so as to respond to and anticipate changes in staffing. The modernisation plan aims to improve our flexibility so that we can cope with reductions in staffing and improve efficiency. It involves reviews of roles and structures, the use of Information and Communications Technology (ICT) to improve efficiency and, in partnership with the Department of Enterprise, Trade and Innovation (DETI), the development of shared services.

The Authority met its targets for reduced **staffing** in accordance with the Employment Control Framework in 2010 and had a staff of 185.1 full-time equivalents at the end of 2010 compared to its previously sanctioned level of 197.

The human resource focus of the Authority included training existing staff so as to increase their capability and flexibility: over 800 training days were delivered to staff with the aim of increasing both technical and managerial capability. Staff were provided with an occupational health service and with counselling services where required. An attendance management policy was implemented and return-to-work interviews now take place for all absences. A staff engagement survey was carried out and follow-up actions were begun to enhance performance in key areas.

The Authority operates a performance management system where the performance of all staff in meeting the goals set out in their role profile is periodically evaluated. The operation of this system was reviewed in 2010.

There was industrial action at a national level early in 2010 and this delayed a number of initiatives, but after the conclusion of the Croke Park Agreement the Authority engaged in a positive manner with staff unions and in particular on the implementation of its modernisation plan.

ICT services were delivered to support the work of those Divisions serving customers. Projects delivered included enhanced security to facilitate implementation of the IT systems supporting REACH; enhanced disaster recovery and use of videoconferencing and webinars to reduce travel costs; the implementation of call recording to enhance customer service on our information lines; and the implementation of improvements in the functionality of the Authority's system for the management of workflows in relation to inspections and information services.

The Authority published detailed **statistical information** on work related injuries and ill health, and this information is used to inform decisions relating to resource allocation and the development of preventive initiatives, including programmes of inspection.

In order to help reduce accident reporting demands the Authority and the State Claims Agency commenced a pilot project to simplify and streamline the accident reporting process for a number of state bodies.



The Authority actively participated in the socio-economic evaluation of chemicals at EU level and developed regulatory impact assessments for all proposals for the development or review of regulations.

The Authority implemented the requirements of the **Code of Practice for the Governance of State Bodies** and approved a Code of Governance and a Code of Standards and Behaviour. Four internal audits were carried out, including one audit in relation to Corporate Governance. Preparations were made during late 2010 for the induction of the new Board appointed by Minister Calleary on December 20th 2010.

A new system to support file tracking processes was implemented to help improve the efficiency of information retrieval within the Authority.



Financial Reports

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Financial Reports and Unaudited Accounts¹

Statement on Internal Financial Control

On behalf of the members of the Board of the Health and Safety Authority I acknowledge our responsibility for ensuring that an effective system of internal financial control is maintained and operated. The system can only provide reasonable and not absolute assurance that assets are safeguarded, transactions authorised and properly recorded, and that material errors or irregularities are either prevented or will be detected promptly.

Key Control Procedures

The Authority has taken steps to ensure an appropriate control environment by:

- Clearly defining management responsibilities and powers;
- Establishing formal procedures for reporting significant control failures and ensuring appropriate corrective action;
- Establishing a process to safeguard the assets of the Authority;
- Developing a culture of accountability across all levels of the organisation.

The Authority has established processes to identify and evaluate business risks by:

- Identifying the nature, extent and financial implication of risks facing the Authority including the categories and extent of risk which it regards as acceptable;
- Assessing the likelihood of identified risks occurring;
- Assessing the Authority's ability to manage and mitigate the risks that do occur;
- Assessing the costs of operating particular controls relative to the benefit obtained;
- Working closely with Government and various agencies to ensure that there is a clear understanding of the Authority's goals and support for the strategies to achieve those goals.

The system of internal financial control is based on a framework of regular management information, administrative procedures including segregation of duties, and a system of delegation and accountability; In particular it includes:

- A comprehensive budgeting system with an annual budget which is reviewed and agreed by the Board of the Authority;
- Regular reviews by the Authority of periodic and annual financial reports which indicate financial performance against forecasts;
- Setting of targets to measure financial and other performance;
- Clearly defined purchasing and approval guidelines;
- Formal project management disciplines.

¹ The Authority submitted its unaudited accounts to the Comptroller and Auditor General (C&AG) as required under the Safety, Health and Welfare at Work Act 2005. The C&AG had not completed their audit work at the time of publication and the accounts are therefore listed as unaudited.



The Authority has put in place an internal audit function which operates in accordance with the principles set out in the Code of Practice on the Governance of State Bodies published in June 2009. The work of internal audit is informed by analysis of the risk to which the body is exposed, and annual internal audit plans are based on this analysis. The analysis of risk and the internal audit plans are endorsed by the Audit Committee and approved by the Authority. At least annually, the Internal Auditor will provide the Authority with a report of internal audit activity. The report includes the Internal Auditor's opinion on the adequacy and effectiveness of the system of internal financial control.

The Authority's monitoring and review of the effectiveness of the system of internal financial control is informed by the work of the Internal Auditor, the Audit Committee, which oversees the work of the Internal Auditor, the Executive within the Authority, which has responsibility for the development and maintenance of the financial control framework, and comments made by the Comptroller and Auditor General in his or her management letter or other reports.

Annual Review of Controls

The Authority's Internal Audit Committee reviews the effectiveness of the internal financial control systems with a formal report then going to the Board. The Board has carried out a formal review of its internal financial controls during 2010.

On behalf of the Board.

Michael Horgan

Chairperson
March 2011



Statement of Authority Responsibilities

Section 48(1) of the Safety, Health and Welfare at Work Act 2005 requires the Authority to prepare financial statements in such form as may be approved by the Minister for Enterprise, Trade and Innovation with the concurrence of the Minister for Finance. In preparing those financial statements, the Authority is required to:

- Select suitable accounting policies and then apply them consistently;
- Make judgements and estimates that are reasonable and prudent;
- Prepare the financial statements on the going concern basis unless it is inappropriate to presume that the Authority will continue in operation;
- State whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements.

The Authority is responsible for keeping proper books of account which disclose with reasonable accuracy at any time the financial position of the Authority and which enable it to ensure that the financial statements comply with Section 48(1) of the Safety, Health and Welfare at Work Act 2005. The Authority is also responsible for safeguarding its assets and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

Michael Horgan
Chairperson

Des Mahon
Member



Statement on Accounting Policies for Year Ended 31st December 2010

1. Basis for Accounting

The financial statements are prepared under the accruals method of accounting and in accordance with generally accepted accounting principles under the historical cost convention.

2. Fixed Assets and Depreciation

Fixed assets are stated at their historical cost less accumulated depreciation.

Expenditure on tangible fixed assets above €1,000 is capitalised.

Software development costs on major systems are written off over a period of 10 years from the date of implementation.

Depreciation is calculated on the straight-line basis as follows:-

Office Furniture and Equipment	20% per annum
Computer Equipment	33.33% per annum
Scientific Equipment	20% per annum
Fixtures and Fittings	10% per annum
Software Development	10% per annum

3. Stocks

Stocks of publications on hand have no net realisable value and are not regarded as assets.

4. Capital Account

The capital account represents the unamortised value of Oireachtas grants used to purchase fixed assets.

5. Income Recognition

Oireachtas Grants shown in the Income and Expenditure Account reflect the amounts received from the Department of Enterprise, Trade and Innovation (DETI) in respect of the year.

6. Foreign Currencies

Transactions denominated in foreign currencies converted in Euro at standard rates during the year are included in the Income and Expenditure for the year.

7. Superannuation

The Authority operates an unfunded defined benefit pension scheme, which is funded annually on a pay as you go basis from monies available to it, including monies provided by the DETI.

Pension costs reflect pension benefits earned by employees in the period and are shown net of staff pension contributions, which are refunded to the DETI in accordance with the Authority's financing arrangements. An amount corresponding to the pension charge is recognised as income to the extent that it is recoverable and offset by grants received in the year to discharge pension payments.

Actuarial gains or losses arising on scheme liabilities are reflected in the Statement on Total Recognised Gains and Losses and a corresponding adjustment is recognised in the amounts recoverable from DETI.

Pension liabilities represent the present value of future pension payments earned by staff to date. Deferred pension funding represents the corresponding asset to be recovered in future periods from the DETI.

Draft Financial Statements

Income and Expenditure Account for Year Ended 31st December 2010			
INCOME	NOTES	2010 €	2009 €
Oireachtas Grants	1(a)	19,984,000	22,561,000
Net deferred funding for pensions	8(c)	4,732,000	4,915,000
Employee deductions refundable to DETI		(700,000)	(875,144)
Other Income	1(b)	298,882	354,094
Sub total		24,314,882	26,954,950
Transfer from capital account	2	276,195	423,216
		24,591,077	27,378,166
EXPENDITURE			
Salaries Costs	3	11,769,504	12,917,570
Pension Costs	8(a)	4,997,000	5,124,856
Other Administration Costs	5	7,587,451	8,478,607
		24,353,955	26,521,033
Operating surplus for the year		237,122	857,133
EXCEPTIONAL ITEMS			
Loss on disposal of assets		(40,826)	
Total surplus for the year		196,296	
Accumulated Surplus/(Deficit) at 1 January		723,766	(133,367)
Accumulated (Deficit)/Surplus at 31 December		920,062	723,766

The results for the year relate to continuing operations.

The Statement on Accounting Policies and Notes 1–12 form part of the Financial Statements.



Statement on Total Recognised Gains and Losses for Year Ended 31st December 2010					
	NOTES	2010	2010	2009	2009
		€	€	€	€
Surplus for financial year			196,296		857,133
Changes in actuarial assumptions underlying the present value of scheme liabilities		(5,432,000)		(895,000)	
Experience (gains)/ losses on pension scheme liabilities	8(d)	(7,867,000)		(720,000)	
Actuarial gain on pension liabilities			(13,299,000)		(1,615,000)
Adjustment to Deferred Pension funding			13,299,000		1,615,000
Total recognised gains and losses for the year			196,296		857,133

The Statement of Accounting Policies and Notes 1 to 12 form part of the Financial Statements.



Balance Sheet as at 31 December 2010					
	NOTES	2010 €	2010 €	2009 €	2009 €
FIXED ASSETS	6		577,996		854,192
CURRENT ASSETS					
Debtors and Prepayments	7	890,385		1,006,913	
Bank and cash Balances		545,719		162,167	
		1,436,104		1,169,080	
CREDITORS (due in less than one year)					
Creditors	8	516,042		445,314	
		516,042		445,314	
Net current assets/(liabilities)			920,062		723,766
NET ASSETS BEFORE PENSIONS			1,498,058		1,577,958
Deferred pension funding	9(b)		44,333,000		52,900,000
Pension Liabilities	9(b)		(44,333,000)		(52,900,000)
NET ASSETS			1,498,058		1,577,958
REPRESENTED BY:					
Capital Account	2		577,996		854,192
Accumulated Surplus/(Deficit) on Income and Expenditure Account			920,062		723,766
			1,498,058		1,577,958

The Statement on Accounting Policies and Notes 1–12 form part of these Financial Statements.



Cash Flow Statement as at 31 December 2010		
RECONCILIATION OF OPERATING SURPLUS/(DEFICIT) TO NET CASH INFLOW FROM OPERATION ACTIVITIES	2010	2009
	€	€
Surplus for year	237,122	857,133
Movement on Capital Account	(276,195)	(419,459)
Depreciation	347,988	515,355
(Increase)/decrease in Debtors	116,528	(269,721)
Increase/(decrease) in Creditors	70,727	(485,372)
Net Cash Inflow from Operating Activities	496,170	197,936
Cash Flow Statement		
Net Cash Inflow from Operating Activities	496,170	197,936
Capital Expenditure		
Payments to acquire fixed assets	(112,618)	(92,138)
Increase in Cash	383,552	105,798
Reconciliation of net cash flow to movement in Net Funds		
Increase in cash in year	383,552	105,798
Net funds at 1 January	162,167	56,369
Net funds at 31 December	545,719	162,167
Analysis of Change in net funds	Cash at Bank and in hand	Total
	€	€
At start of year	162,167	162,167
Cash Flow	383,552	383,519
At end of year	545,719	545,719

The Statement on Accounting Policies and Notes 1–12 form part of these Financial Statements.



Notes to the Financial Statements year ended 31 December 2010

1(a). Oireachtas Grants		2010	2009
		€	€
		19,984,000	22,561,000
1(b). Other Income		2010	2009
		€	€
EU Grant		-	-
Driver Training Course Income		69,630	38,315
Processing Fees		44,882	-
Fines – ADR (carriage of dangerous goods by road)		11,400	19,890
Sale of Authority's Publications		45,063	81,515
Miscellaneous (seminars, legal, witness expenses)		127,907	214,374
		298,882	354,094
2. Capital Account		2010	2009
		€	€
Balance at 1 January		854,192	1,273,651
Total grants applied towards purchase of Fixed Assets	112,618		
Amortisation in line with depreciation	(347,988)		
Loss on disposal of fixed assets	(40,826)		
Transfer to the Income and Expenditure Account		(276,196)	(419,459)
Balance at 31 December		577,996	854,192
3. Salary Costs		2010	2009
		€	€
Gross Salaries		11,913,476	12,002,973
Employer PRSI		821,028	914,597
Total Salary Costs		12,734,504	12,917,570
Pension levy		766,312	666,637
€ 766,312 was deducted from staff by way of pension levy and was paid over to the Department of Enterprise, Trade and Innovation			
<i>Numbers Employed (full time equivalents)</i>			185.1
Chief Executive Officer - Salary		2010	2009
		€	€
Salary		153,445	159,761
<p>The CEO received recoupment of travel and subsistence expenses of €7,590 in 2010.</p> <p>The CEO is a member of an unfunded defined benefit public sector scheme and his pension entitlements do not extend beyond standard entitlements in the public sector defined benefit superannuation scheme.</p>			



Notes to the Financial Statements year ended 31 December 2010			
4. Members' Fees and Expenses	NOTES	2010	2009
Fees		€	€
Chairman		12,600	13,067
Board Members		81,000	84,000
Marion Byron		8,100	8,400
Dermot Carey		8,100	8,400
Sean Corrigan		8,100	8,400
Esther Lynch		8,100	8,400
Eamon Devoy		8,100	8,400
Dessie Robinson		8,100	8,400
Francis Rochford (employee of the DETI)		0	0
Rosie Sheerin		8,100	8,400
Pat Kearney		8,100	8,400
Christina McEleney		8,100	8,400
Anne Marie Hayes		8,100	8,400
		93,600	97,067
Expenses		2010	2009
		€	€
Chairman		7,088	6,740
Board Members		16,850	11,276
Marion Byron		0	0
Dermot Carey		1,615	1,085
Sean Corrigan		0	0
Esther Lynch		0	0
Eamon Devoy		0	0
Dessie Robinson		0	0
Francis Rochford		0	0
Rosie Sheerin		948	1,153
Pat Kearney		6,002	3,435
Christina McEleney		4,664	2,433
Anne Marie Hayes		3,621	3,170
5. Administration		2010	2009
		€	€
Accommodation		2,243,324	2,222,404
Communications costs		516,758	423,654
Travel and subsistence		917,778	959,579
Publications and marketing		1,073,542	683,639
Legal services		312,240	169,994
Research and consultancy		481,562	824,756
Business process review		337,411	789,799
Staffing costs		167,314	334,183
General equipment supplies		96,519	212,240
External partnership		200,000	210,000
Investment in learning		186,176	269,922
Technology costs		463,142	578,170
Depreciation		347,988	515,355
Internal audit fees		33,199	34,226
External audit fee		15,510	15,510
Members' fees	Note 3	93,600	97,067
Other		101,388	138,109
		7,587,451	8,478,607



Notes to the Financial Statements year ended 31 December 2010

6. Fixed Assets	Fixtures & Fittings €	Furniture & Equipment €	Computer Equipment €	Scientific Equipment €	Software Development €	Total €
Cost						
Balance at 1 January 2010	1,851,028	1,980,327	5,359,708	515,328	435,358	10,141,748
Additions in year	-	10,949	101,670	-	-	112,618
Disposals	(93,982)	(1,001,785)	(4,646,976)	-	-	(5,742,743)
Balance at 31 December 10	1,757,046	989,490	814,402	515,328	435,358	4,511,623
Accumulated Depreciation						
Balance at 1 January 2010	1,713,051	1,741,006	5,262,612	483,816	87,071	9,287,556
Disposals	(53,156)	(1,001,785)	(4,646,976)	-	-	(5,701,917)
Charge for year	26,000	145,757	112,889	19,805	43,536	347,988
Balance at 31 December 10	1,685,896	884,977	728,530	503,619	130,607	3,933,629
Net book value						
31 December 2010	71,152	104,512	85,872	11,709	304,751	577,996
NBV 31 December 2009	137,977	239,321	97,095	31,512	348,287	854,192

7. Debtors and Prepayments	2010 €	2009 €
Prepayments	850,907	971,160
Other Debtors	39,478	35,753
	890,385	1,006,913
8. Creditors	2010 €	2009 €
Amounts due in less than one year		
Trade & Expense Creditors	68,486	98,093
Accrued expenses	216,502	263,201
Payroll Creditors	231,054	84,020
	516,042	445,314



Notes to the Financial Statements year ended 31 December 2010		
9. Superannuation Scheme and Accounting Treatment for Retirement Benefits	2010 €	2009 €
(a) Analysis of total pension costs charged to expenditure		
Current service cost	2,667,000	3,600,000
Interest on pension scheme liabilities	3,030,000	2,400,000
Employee contributions	(700,000)	(875,144)
	4,997,000	5,124,856
(b) Movement in Net Pension Liability during the financial year	2010 €	2009 €
Deficit at the beginning of the year	52,900,000	49,600,000
Current service cost	2,667,000	3,600,000
Benefits paid	(965,000)	(1,085,000)
Past service costs	-	-
Interest Costs	3,030,000	2,400,000
Actuarial loss/(gain)	(13,299,000)	(1,615,000)
Net Pension liability at 31 December	44,333,000	52,900,000
(c) Deferred funding for pensions		
<p>The Authority recognises these amounts as an asset corresponding to the unfunded deferred liability for pensions on the basis of the set of assumptions described above and a number of past events. These events include the statutory backing for the superannuation scheme and the policy and practice in relation to funding public service pensions, including contributions from employees and the annual estimates process. The Authority has no evidence that this funding policy will not continue to meet such sums in accordance with current practice. The deferred funding asset as at 31st December 2010 amounted to €44,333,000 (2009 €52,900,000). The quantification of the liability is based on the financial assumptions set out in this note. The financial assumptions used, which are based on professional actuarial advice, are advised to the Department of Enterprise, Trade and Innovation but are not formally agreed with the Department.</p>		
Net Deferred Funding	2010 €	2009 €
Funding recoverable in respect of current pension year costs	5,697,000	6,000,000
State grant applied to pay pensioners	(965,000)	(1,085,000)
	4,732,000	4,915,000
(d) History of defined benefit obligations	2010 €	2009 €
Experience (Gains)/losses on scheme liabilities Amount (€)	(7,867,000)	(720,000)
Percentage of the present value of scheme liabilities	(17.7%)	(1.00%)
The cumulative actuarial loss recognised in the Statement of Total Recognised Gains and losses amounts to €		(6,474,000)



Notes to the Financial Statements year ended 31 December 2010

(e) General description of the scheme

The Authority operates unfunded defined benefit superannuation schemes for staff. Superannuation entitlements arising under the schemes are paid out of current income and are charged to the Income and Expenditure Account, net of employee superannuation contributions, in the year in which they become payable.

The results set out below are based on an actuarial valuation of the pension liabilities in respect of serving and former staff of the Authority as at 31st December 2010. This valuation was carried out by a qualified independent actuary for the purposes of the accounting standard, Financial Reporting Standard No. 17 – Retirement Benefits (FRS 17)

The financial assumptions used were:

	At 31/12/10	At 31/12/09	At 31/12/08
Discount Rate	5.25%	5.5%	4.90%
Rate of Increase in Salaries	3.50%	4.0%	4.00%
Rate of Increase in Pensions	3.25%	4.0%	4.00%
Inflation	2.00%	2.0%	2.00%

(f) Average future life expectancy according to the mortality tables used to determine the pension liabilities

	<u>Male aged 65</u>	<u>Female aged 65</u>
Current pensioners	21.0	23.9
Future Pensioners retiring 2031	23.8	25.8

10. Commitments under operating leases

At 31st December 2010 the Authority had annual commitments under non-cancellable operational leases as set out below.

	<u>Land & Buildings</u>
Operating Lease which expire:	€
Within one year	37,000
In the second to fifth years inclusive	36,268
Over five years	1,344,029



Notes to the Financial Statements year ended 31 December 2010

11. Board Members – Disclosure of Transactions

Each year, in addition to our Exchequer Grant (Subhead T), the Authority is requested to administer a fund – Grant X01 – to support a number of workplace safety initiatives approved by the Board to be undertaken by external organisations.

Submissions were received from a number of organisations and strategic partnerships in respect of this fund. The total value of the fund for 2010 was €200,000.

In the course of distributing the Grant X01 funding, the Board may approve financial assistance to undertakings with which individual Board members are associated.

The following members disclosed an interest in organisations to which financial assistance was approved during the year.

Organisation Member	Amount	Associated Board Member
CIF/Construction Safety Partnership	€163,169	Dermot Carey
ICTU/Construction Safety Partnership		Esther Lynch

The approved funding was paid by the Authority's into the Partnership's bank account, which is controlled by the Construction Industry Federation. Both the CIF and the ICTU have key roles in relation to the Construction Safety Partnership.

In accordance with the Authority's Code of Practice for Board Members, the members referred to above absented themselves from the portion of the meeting where the decision was made granting funding to these organisations.

12. Approval of Financial Statements

The Financial Statements were approved by the Board on 4th March 2011.

Appendices

- Appendix A Enforcement Statistics 2010
- Appendix B Outcomes of Prosecutions 2010
- Appendix C Legislative Development Programme 2010
- Appendix D Code of Practice Development Programme 2010
- Appendix E Guidance Materials 2010
- Appendix F Board Sub-Committees, Advisory Committees and Working Groups
- Appendix G Report for 2010 on the Performance of Designated National Authorities on their Functions under the Chemicals Acts 2008 and 2010
- Appendix H Overview of Energy Usage in 2010
- Appendix I Statement on Compliance with the requirements of the Code of Practice for the Governance of State Bodies - Additional to the Statement on Financial Control

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Appendix A: Enforcement Statistics 2010

Table A.1 Number of Inspections 2003 –2010

Year	2003	2004	2005	2006	2007	2008	2009	2010
Total	10,704	11,382	13,552	15,365	13,631	16,009	18,451	16,714

Table A.2 Number of Inspections by Economic Sector and Inspection Type

NACE Sector	Investigations	Inspections	Total
A – Agriculture, forestry and fishing	76	1,678	1,754
B – Mining and quarrying	40	433	473
C – Manufacturing	208	1,727	1,935
D – Electricity, gas, steam and air-conditioning supply	8	68	76
E – Water supply, sewerage, waste management and remediation activities	33	244	277
F – Construction	478	5,227	5,705
G – Wholesale and retail trade, repair of motor vehicles and motorcycles	170	2,367	2,537
H – Transportation and storage	91	1,083	1,174
I – Accommodation and food service activities	40	464	504
K – Financial and insurance activities	7	275	282
N – Administrative and support service activities	31	154	185
O – Public administration and defence, compulsory social security	36	189	225
P – Education	26	360	386
Q – Human health and social work activities	64	424	488
R – Arts, entertainment and recreation	16	119	135
S – Other service activities	57	521	578
Total	1,381	15,333	16,714


Table A.3 Percentage Employer Compliance with Safety and Health Requirements by Sector 2010

NACE	% Safety Statement prepared	% Safety Consultation System (where applicable)	% Safety Representatives appointed (where applicable)
A – Agriculture, forestry and fishing	67	83	25
B – Mining and quarrying	97	97	52
C – Manufacturing	91	89	46
D – Electricity, gas, steam and air-conditioning supply	93	98	62
E – Water supply, sewerage, waste management and remediation activities	95	94	48
F – Construction	87	92	46
G – Wholesale and retail trade, repair of motor vehicles and motorcycles	76	82	25
H – Transportation and storage	92	90	50
I – Accommodation and food service activities	73	79	25
K – Financial and insurance activities	94	93	49
N – Administrative and support service activities	86	86	14
O – Public administration and defence, compulsory social security	92	99	78
P – Education	97	91	63
Q – Human health and social work activities	90	94	56
R – Arts, entertainment and recreation	79	84	35
S – Other service activities	48	53	10



Table A.4 Number of Inspections by Economic Sector and Enforcement Action

	Inspections / Investigations	Agreed Prohibition	Improvement Notice	Payment in Lieu	Prohibition Notice	Written Advice	Total	% Enforcement
A –agriculture, forestry and fishing	1754	1	103	0	116	839	1059	60%
B – mining and quarrying	473	0	26	0	4	178	208	44%
C – manufacturing	1935	0	151	6	39	972	1168	60%
D – electricity,gas,steam and air-conditioning supply	76	0	0	0	0	23	23	30%
E – water supply, sewerage, waste management and remediation activities	277	1	18	1	19	138	177	64%
F – construction	5705	12	151	2	354	2000	2519	44%
G –wholesale and retail trade, repair of motor vehicles and motorcycles	2537	0	285	22	28	1286	1621	64%
H – transportation and storage	1174	0	26	40	11	217	294	25%
I –accommodation and food service activities	504	0	34	0	6	250	290	58%
K – financial and insurance activities	282	0	3	0	1	168	173	61%
N –administrative and support service activities	185	0	6	0	6	64	76	41%
O – public administration and defence, compulsory social security	225	0	6	0	2	82	90	40%
P –education	386	0	4	0	1	198	203	53%
Q – human health and social work activities	488	0	26	0	1	261	288	59%
S – other service activities	326	0	45	0	2	154	201	62%
Other	387	0	30	0	9	141	180	47%
Total	16714	14	914	71	599	6971	8570	51%

Appendix B: Outcomes of Prosecutions 2010

Table B.1 Summary of results of prosecutions taken 2009

Type of proceeding	Total heard	% Total of cases heard summarily or on indictment	Dismissals	Circuit Court Appeal	Suspended sentence	Probation Act	Fines €
Summary	10	33	1	0	0	0	19,800
Indictment	17	67	1	2	2	0	552,100
Total	27	100	2	2	2	0	571,900

Summary

Adrian McMahon t/a Mid West Communications

On the 13 January 2010 this case was heard in Tralee District Court. Adrian McMahon t/a Mid West Communications pleaded guilty to one charge. The case arose out of an accident that occurred on the 12 November 2008. The injured party, whilst attempting to install an aerial, climbed onto a roof ladder and fell approximately 6 metres to the ground below. He sustained severe head trauma.

Contravention	Legislation	Verdict	Fine	Sentence
Section 19(a) contrary to Section 77 (2)(a)	Safety Health and Welfare at Work Act ,2005	Guilty plea	€800	n/a

Hawlsion Limited

On the 18 January 2010 this case was heard in District Court 50, Dublin. Hawlsion Ltd pleaded guilty to three charges. This case arose from an accident on the 10 December 2007 when an employee, while conducting repair work, was crushed against the chassis of a Volvo A30 dump truck. He was fatally injured.

Contravention	Legislation	Verdict	Fine	Sentence
Section 8(2)(g) contrary to Section 77(2)(a)	Safety Health and Welfare at Work Act, 2005	Guilty plea	€1,000	n/a
Regulation 28(f)(ii) contrary to Section 77(2)(c)	Safety Health and Welfare at Work (General Applications) Regulations 2007	Guilty plea	€1,000	n/a
Regulation 32(1)(a) contrary to Section 77(2)(c)	Safety Health and Welfare at Work (General Applications) Regulations 2007	Guilty plea	€2,000	n/a



Condron Concrete Limited

On the 27 January 2010 this case was heard in Tullamore District Court. Condron Concrete Ltd pleaded guilty to two charges. The case arose out of an accident on the 23 of May 2008. An employee of Condron Concrete Ltd suffered crush injuries when his right hand got caught in the tail drum of a conveyor.

Contravention	Legislation	Verdict	Fine	Sentence
Section 8(2)(a) contrary to section 77(2)(a)	Safety Health and Welfare at Work Act, 2005	Guilty plea	€1,500	n/a
Section 8(2)(d) contrary to Section 77(9)(a)	Safety Health and Welfare at Work Act, 2005	Guilty plea	Taken into account	n/a

Roofing Experts and Company Limited

On the 16 February 2010 this case was heard in Court 50, Dublin. Roofing Experts and Co. Ltd pleaded guilty to two charges. This case arose from an accident on the 4 July 2008. An employee, whilst undertaking work on a flat roof, fell 3.2 metres on to a concrete surface below him and sustained serious injuries.

Contravention	Legislation	Verdict	Fine	Sentence
Section 8(2)(a) contrary to Section 77(9)(a)	Safety, Health and Welfare at Work Act, 2005	Guilty plea	€500	n/a
Regulation 98(c)(ii) as provided for by Section 77(2)(c)	Safety, Health and Welfare at Work (General Application) Regulations 2007	Guilty plea	€500	n/a

Nypro Limited

On the 19 of April 2010 this case was heard at Bray District Court. Nypro Ltd pleaded guilty to two charges. The case arose out of an accident on the 15 July 2008 when a large injection moulding tool fell on top of an employee resulting in severe injuries to fingers on right hand.

Contravention	Legislation	Verdict	Fine	Sentence
Section 8(2)(a) contrary to Section 77(2)(a)	Safety, Health and Welfare at Work Act, 2005	Guilty plea	Agreed to pay €1,000 to local charity	n/a
Section 8(2)(e) contrary to Section 77(2)(a)	Safety, Health and Welfare at Work Act, 2005	Guilty plea	Agreed to pay €1,000 to local charity	n/a



Dublin Airport Authority PLC

On the 13 May 2010 this case was heard at Shannon District Court. Dublin Airport Authority PLC pleaded guilty to one charge. The aviation fuel-tank farm at Shannon Airport did not have suitable secondary containment around the fuel tanks.

Contravention	Legislation	Verdict	Fine	Sentence
Regulation 9(1) contrary to Section 77(2)(c)	Safety, Health and Welfare at Work Act, 2005; European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2006	Guilty plea	€2,000	n/a

Mr. Richard Corrigan

On the 10 May 2010 this case was heard in Drogheda District Court. Richard Corrigan pleaded guilty to one charge. This case arose out of an accident on the 3 October 2008. Whilst pothole repairs were being carried out, a motorcyclist came upon the scene; there was an impact and the motorcyclist sustained serious personal injuries. The work location was immediately around a sharp bend on a country road and no advance warning signage or traffic management was in place for the road works.

Contravention	Legislation	Verdict	Fine	Sentence
Section 14(b) contrary to Section 77(2)(a)	Safety, Health and Welfare at Work Act, 2005	Guilty plea	€2,000	n/a

AIBP t/a Waterford Proteins

On the 5 of July 2010 this case was heard in Waterford District Court. AIBP t/a Waterford Proteins pleaded guilty to two charges. The case arose as a result of an accident on the 15 of February 2008. An employee was grinding a weld when an explosion occurred because of a build up of flammable gas. The employee suffered very severe injuries as a result.

Contravention	Legislation	Verdict	Fine	Sentence
Section 8(2)(a) contrary to Section 77(2)(a)	Safety, Health and Welfare at Work Act, 2005	Guilty plea	€2,000	n/a
Regulation 169(1)(a) contrary to Section 77(2)(c)	Safety, Health and Welfare at Work Act, 2005; Safety, Health and Welfare at Work (General Application) Regulations 2007	Guilty plea	€2,000	n/a



Mr. Victor Hogan

On the 11 of November 2010 this case came up for final hearing at Cavan District Court. Victor Hogan pleaded guilty to one of the charges. The case arose from an incident on the 18 of June 2009 involving two employees of Victor Hogan who both suffered serious injuries when they fell 4.1 metres through an insufficiently supported roof.

Contravention	Legislation	Verdict	Fine	Sentence
Regulation 44(d)(ii) contrary to section 77(2)(c)	Safety Health and Welfare at Work Act, 2005; Construction Regulations 2006	Guilty plea	€1,500	None

Booth Precast Concrete Limited

On the 11 September 2008 this case was heard in Clonmel District Court. Booth Precast Concrete Ltd were found guilty of five charges. The case arose from an incident on the 6 of December 2006 in which a Polish national suffered serious injuries when he fell from a height at a construction site at Rossmore, Tipperary Town. He was employed by Booth Precast Products Ltd, subcontractors on site tasked to erect prefabricated chimney sections in timber-framed houses. He suffered serious head and limb injuries.

Contravention	Legislation	Verdict	Fine	Sentence
Section 8(2)(e) contrary to Section 77(2)(a)	Safety, Health and Welfare at Work Act, 2005	Guilty	€1,000	n/a
Section 8(2)(e) contrary to Section 77(9)(a)	Safety, Health and Welfare at Work Act, 2005	Guilty	€1,000	n/a
Section 8(2)(g) contrary to Section 77(2)(a)	Safety, Health and Welfare at Work Act, 2005	Guilty	Nil	n/a
Section 8(2)(g) contrary to Section 77(9)(a)	Safety, Health and Welfare at Work Act, 2005	Guilty	Nil	n/a
Regulation 3(1) contrary to Section 77(2)(c)	Safety, Health and Welfare at Work Act, 2005;, (Work at Height) Regulations 2006	Guilty	€1,000	n/a



On Indictment

Jameson Roofing Specialists Limited

On the 14 January 2010 this case was heard in Dublin Circuit Criminal Court. Jameson Roofing Specialists Ltd pleaded guilty to one charge. This case arose out of an accident on 22 July 2005. Drip flashing was being installed at the baggage hall extension construction site at Dublin Airport. An employee was fatally injured when he fell from height.

Contravention	Legislation	Verdict	Fine	Sentence
Regulation 10(a) , contrary to Section 48 (1)(c) of the Safety, Health and Welfare at Work Act, 1989, as amended	Safety, Health and Welfare at Work Act, 2005; Safety, Health and Welfare at Work (General Application) Regulations 1993	Guilty plea	€7,500	n/a

Galmoy Mines Limited

On the 20 January 2010 this case was heard in Kilkenny Circuit Criminal Court sitting in Carlow. Galmoy Mines Limited pleaded guilty to two charges. This case arose from an incident on 16 February 2007 when an employee fell from the top guardrail of a manway gantry platform onto the concrete floor while working on a crusher underground. He was fatally injured.

Contravention	Legislation	Verdict	Fine	Sentence
Section 8(2) (c)(i) contrary to Section 77(9)(a)	Safety Health and Welfare at Work Act, 2005	Guilty plea	€100,000	n/a
Section 8(2)(c)(i) contrary to Section 77(2)(a)	Safety Health and Welfare at Work Act ,2005	Guilty plea	Taken into account	n/a

Markethaven Limited

On the 9 of February 2010 this case was heard in the Circuit Criminal Court Dublin. Markethaven Ltd had earlier pleaded guilty to two charges. The matter arose from an inspection on 20 June 2003. Markethaven Ltd had arranged for a contractor to carry out demolition works at a site at the Old Spring Grove Laundry. Upon inspection it was found that there was no order to the demolition and pipe work could be seen strewn about with grossly damaged asbestos lagging, containing high levels of category one human carcinogen.



Contravention	Legislation	Verdict	Fine	Sentence
Regulation 3(1) contrary to Section 77(2)(c)	Safety Health and Welfare at Work Act, 2005; Safety Health and Welfare at Work (Construction) Regulations 2001	Guilty plea	€60,000	n/a
Section 13	Non-Fatal Offences Against the Person Act, 1997	Guilty plea	€60,000	n/a

See Also *Walmac Limited*

Walmac Limited

On the 9 of February 2010 this case was heard in Circuit Criminal Court Dublin. Walmac Ltd had earlier pleaded guilty to one charge. The matter arose from an inspection on the 20 June 2003. Walmac Ltd had been engaged to carry out demolition works at a site at the Old Spring Grove Laundry. Upon Inspection it was found that there was no order to the demolition and pipe work could be seen strewn about with grossly damaged asbestos lagging, containing high levels of category one human carcinogen.

Contravention	Legislation	Verdict	Fine	Sentence
Section 7(1) and Section 48(1)(a)	Safety Health and Welfare at Work Act, 1989	Guilty plea	€30,000	n/a

Dunree Construction Limited

On the 11 February 2010 this case was heard in Letterkenny Circuit Court, Dunree Construction Limited pleaded guilty to one charge. The case arose from an accident on the 3 of July 2006. A female member of the public was fatally injured when she fell over 2 metres into an unguarded light-well at Gallagher's Hotel, Main Street Upper, Letterkenny, Co. Donegal. She was fatally injured.

Contravention	Legislation	Verdict	Fine	Sentence
Regulation 15(3) contrary to Section 77(2)(c)	Safety Health and Welfare at Work Act, 2005; Safety Health and Welfare at Work (Construction) Regulations 2001	Guilty plea	€10,000	n/a



Clare County Council

On the 16 and 17 of February 2010 this case was heard in Ennis Circuit Court. Clare County Council pleaded guilty to four charges. This case arose from an accident that occurred on the 17 May 2006. An employee of Clare County Council suffered serious injuries when the site dumper he was operating overturned. He subsequently died as a result of the injuries. There were no protective measures in place to prevent overturning and he was not wearing a seatbelt.

Contravention	Legislation	Verdict	Fine	Sentence
Section 8 (2)(a) contrary to Section 77(2)(a)	Safety, Health and Welfare at Work Act ,2005	Guilty plea	€12,500	n/a
Section 8(2)(a) contrary to Section 77(9)(a)	Safety, Health and Welfare at Work Act, 2005	Guilty plea	€12,500	n/a
Section 19(1) contrary to Section 77(2)(a)	Safety, Health and Welfare at Work Act, 2005	Guilty plea	€12,500	n/a
Regulation 9(1)(a), as it relates to Regulation 45 contrary to Section 77(2)(c)	Health and Welfare at Work Act, 2005; Safety Health and Welfare at Work (Construction) Regulations 2001	Guilty plea	€12,500	n/a

See also Michael Scully

Mr. Michael Scully

On the 16 and 17 of February 2010 this case was heard in Ennis Circuit Court. Mr. Michael Scully (Senior Executive Engineer) of Clare County Council pleaded guilty to two charges. This case arose from an accident that occurred on the 17 May 2006 when an employee of Clare County Council suffered serious injuries when the site dumper he was operating overturned .He subsequently died as a result of the injuries. There were no protective measures in place to prevent overturning and he was not wearing a seatbelt.



Contravention	Legislation	Verdict	Fine	Sentence
Section 19(1) contrary to Section 77(2)(a) contrary to Section 80	Safety, Health and Welfare at Work Act, 2005	Guilty plea	n/a	12 months (suspended)
Regulation 9(1)(a) (suspended) as it relates to Regulation 45 of contrary to Section 77 (2)(c) and Section 80	Safety, Health and Welfare at Work Act, 2005; Safety, Health and Welfare at Work Act, 2005 (Construction) Regulations 2001	Guilty plea	n/a	12 months

Mr. Pascal O’ Regan

On 4 May 2010 this case was heard in Cork Circuit Court. Pascal O’ Regan pleaded guilty to one charge. The case arose from an accident on 13 November 2007. Mr. O’ Regan removed a handrail during the course of repairs to a flat roof which was also the means of access to a flat. As a consequence, whilst socialising, a member of the public fell from the roof and sustained serious injuries.

Contravention	Legislation	Verdict	Fine	Sentence
Section 12 contrary to Section 77(2)(A)	Safety, Health and Welfare at Work Act, 2005	Guilty plea	€600	n/a

DAF Sales Limited

On May 10 2010 this case was heard at Dublin Circuit Criminal Court. It arose from an accident that occurred on the 1 of December 2006. An employee was standing in a metal basket on the forks of a forklift truck when, from a height of 4 to 5 meters the employee fell to the ground and the basket fell on top of him. He was pronounced dead at the scene. A risk assessment had not been carried out for work at height and there was no proper means of attachment in place for the basket. DAF Sales Limited pleaded guilty to both charges.

Contravention	Legislation	Verdict	Fine	Sentence
Section 8(2)(c)(iii) contrary to Section 77(9)(a)	Safety, Health and Welfare at Work Act, 2005	Guilty plea	€60,000	n/a
Section 19(1) contrary to Section 77(2)(a)	Safety, Health and Welfare at Work Act, 2005	Guilty plea	€15,000	n/a



Slaney Foods International Limited

On the 27 of October this case was heard at Wexford Circuit Court. Slaney Foods International pleaded guilty to two charges. The case arose from an accident that occurred on 13 April 2007 when a horn cutting machine was being operated by an employee (butcher). As a result of the employee slipping, and the fact that key safety features on the machine had been bypassed, the employee's right hand was caught in the closing blade resulting in severe injuries.

Contravention	Legislation	Verdict	Fine	Sentence
Section 8(2)(c)(iii) contrary to Section 77(9)(a)	Safety Health and Welfare at Work Act, 2005	Guilty plea	€10,000	n/a
Section 8(2)(g) contrary to Section 77(9)(a)	Safety Health and Welfare at Work Act, 2005	Guilty plea	€10,000	n/a

Seamus Brett and Sons Limited

On the 28 of October 2010 this case was heard at Castlebar Circuit Court. Seamus Brett and Sons Ltd pleaded guilty to two charges. The case arose as a result of an accident on the 25 of July 2008. An employee of Seamus Brett and Sons Ltd was injured while working on a farm when the crane he was operating came in contact with 10Kv ESB overhead lines.

Contravention	Legislation	Verdict	Fine	Sentence
Section 8 contrary to Section 77(2)(a)	Safety Health and Welfare at Work Act, 2005	Guilty plea	€3,000	n/a
Regulation 41(b) contrary to Section 77(2)(c)	Safety Health and Welfare at Work Act, 2005; Safety, Health and Welfare at Work (Construction) Regulations 2006	Guilty plea	€3,000	n/a

Dawn Farm Foods Limited

On the 26 of November 2010 this case came on for final hearing at Naas Circuit Court. Dawn Farm Foods Ltd pleaded guilty to four charges. This case arose out of an accident which occurred on the 23 of November 2007. An employee of Dawn Farm Foods Ltd was seriously injured when his left arm became entangled in the machinery he was working on.



Contravention	Legislation	Verdict	Fine	Sentence
Section 8 (1), Section 8(2)(a) and Section 77(2) (a) and Section 78	Safety, Health and Welfare at Work Act, 2005	Guilty plea	€5,000	n/a
Section 8(1), Section 8(2)(c)(iii), Section 79(a) and Section 78	Safety, Health and Welfare at Work Act, 2005	Guilty plea	€50,000	n/a
Regulation 28(a) and Section 77(2)(c) and Section 78	Safety, Health and Welfare at Work Act, 2005; Safety, Health and Welfare at Work (General Application) Regulations 2007	Guilty plea	€5,000	n/a
Regulation 33(e) and Section 77(2)(c) and Section 78	Safety, Health and Welfare at Work Act, 2005 ; Safety, Health and Welfare at Work (General Application) Regulations 2007	Guilty plea	€5,000	n/a

Mr. John Hennessey

On the 3 of November 2010 this matter came on for hearing at Kilkenny Circuit Court. Mr. John Hennessey pleaded guilty to four charges against him. The case arose out of an accident on the 25 of March 2008 when his employee was fatally injured at work. The employee was operating a site dumper when it overturned and he became trapped.

Contravention	Legislation	Verdict	Fine	Sentence
Section 8(1) and Section 8(2)(c)(iii) contrary to Section 77(9)(a)	Safety, Health and Welfare at Work Act, 2005	Guilty plea	Nil	12 months suspended for 12 months
Regulation 91 contrary to Section 77(2) (c) and Section 80	Safety Health and Welfare at Work Act, 2005; Safety, Health and Welfare at Work (Construction Regulations) 2006	Guilty plea	Nil	12 months suspended for 12 months
Regulation 25(1)(b) contrary to Section 77(2)(c) and Section 80	Safety, Health and Welfare at Work Act, 2005; Safety, Health and Welfare at Work (Construction) Regulations 2006	Guilty plea	Nil	12 months suspended for 12 months
Section 14(b) contrary to Section 77(9) (a)	Safety, Health and Welfare at Work Act, 2005	Guilty plea	Nil	12 months suspended for 12 months



M and P Construction Limited

On the 17 of December 2010 this matter came on for final hearing at Dublin Circuit Criminal Court. M and P Construction Limited pleaded guilty to three charges. The incident arose as a result of an accident that occurred on the 8 of December 2006. An employee of M and P Construction Limited was working within an excavation site when an edge collapse occurred. The employee was fatally injured.

Contravention	Legislation	Verdict	Fine	Sentence
Section 8(2)(a) relating to Section 77(9)(a)	Safety, Health and Welfare at Work Act, 2005	Guilty plea	€52,000	n/a
Regulation 16(b) contrary to Section 77(2)(c)	Safety, Health and Welfare at Work Act, 2005; Safety, Health and Welfare at Work (Construction) Regulations 2006	Guilty plea	Taken into account	n/a
Regulation 51(1a) contrary to Section 77(2)(c)	Safety, Health and Welfare at Work Act, 2005; Safety, Health and Welfare at Work (Construction) Regulations 2006	Guilty plea	Taken into account	n/a

See also David Lumley

Mr. David Lumley

On the 17 of December 2010 this matter came on for final hearing at Dublin Circuit Criminal Court. David Lumley, the site foreman pleaded guilty to one charge. The incident arose as a result of an accident that occurred on the 8 of December 2006. An employee was working within an excavation site when an edge collapse occurred. The employee was fatally injured. The construction company had directed the site foreman to carry out specific remedial works to the section of excavation open at that time.

Contravention	Legislation	Verdict	Fine	Sentence
Section 80 relating to Section 8(2)(a) relating to Section 77(9) (a)	Safety, Health and Welfare at Work Act, 2005	Guilty plea	€5,000	n/a



Oliver Taaffe Limited

On the 3 of November 2010 this case was heard at Ennis Circuit Court. Oliver Taaffe Ltd pleaded guilty to two charges. The case arose following injuries to an employee of Oliver Taaffe Ltd. The injured party (a minor) who was on work experience at the time of the accident suffered injuries when a concrete slab fell on his foot resulting in amputation of four toes.

Contravention	Legislation	Verdict	Fine	Sentence
Section 20(3)(b) contrary to 77(2)(a)	Safety, Health and Welfare at Work Act, 2005	Guilty plea	€3,000	n/a
Regulation 144(b)(i) contrary to 77(2)(a)	Safety, Health and Welfare at Work (General Application) Regulations 2007	Guilty plea	€3,000	n/a

Mega-Var Electrical Services Limited

On the 15 of December 2010 this case was heard at Portlaoise Circuit Court. Mega-Var Electrical Services Limited pleaded guilty to all five charges. The case arose out of an accident on the 26 of June 2008. Two employees were being elevated in a non-integrated man-riding basket attached to the carriage of a telescopic handler which overturned. One of the employees died as a result of the accident and one was seriously injured.

Contravention	Legislation	Verdict	Fine	Sentence
Regulation 42(i)	Safety, Health and Welfare at Work (General Application) Regulations 2007	Guilty plea	€1,000	n/a
Regulation 42(j)	Safety, Health and Welfare at Work (General Application) Regulations 2007	Guilty plea	€1,000	n/a
Regulation 25(b)	Safety, Health and Welfare at Work (Construction) Regulations 2006	Guilty plea	€1,000	n/a
Section 8(2)(e) contrary to Section 77(2)(a)	Safety, Health and Welfare at Work Act, 2005	Guilty plea	€1,000	n/a
Section 8(2)(e) contrary to Section 77(9)(a)	Safety, Health and Welfare at Work Act, 2005	Guilty plea	€1,000	n/a

Appendix C: Legislative Development Programme 2010

Regulation	Type	Status
Chemicals (Amendment) Act, 2010	Review	Published in December.
Asbestos (Amendment) Regulations 2010	Review	Published in December. Guidance developed on low and sporadic asbestos risks published. A Code of Practice for the 2006 and 2010 Asbestos Regulations also drafted and due for publication in Q1 2011.
Biological Agents Regulations	Review	Draft Regulations and related Code of Practice forwarded to the DETI in July 2010. The Regulations are currently with the Office of Parliamentary Counsel.
Carcinogens	Review	This work was postponed pending update to EU Carcinogens directive.
Carriage of Dangerous Goods by Road Regulations 2010	New	Provided technical support to DETI in drafting the Regulations to transpose the 2009 ADR directive.
EU Classification, Labelling and Packaging of Substances and Mixtures Regulations	New	Amendments to new EU Classification, Labelling and Packaging Regulation now covered by Chemicals (Amendment) Act, 2010.
Draft Safety, Health and Welfare at Work (Construction)(Amendment) Regulations 2010 (S.I. No. 523 of 2010)	Review	Published 2 November 2010.
Control of Major Accident Hazards (COMAH)	Review	Submissions provided to DETI on the content of the new draft Regulations. The Regulations are currently with the Office of Parliamentary Counsel.
EU Detergents Regulation	New	Amendments to EU Detergents Regulation now covered by Chemicals (Amendment) Act, 2010.
Diving Regulations	Review	Draft Regulations submitted to the DETI in March 2010. The Regulations are currently with the Office of Parliamentary Counsel.
Docks	Review	Decision made to develop a Code of Practice on Docks in accordance with 2005 Act.
Safety, Health and Welfare at Work (General Application) (Amendment) Regulations (Emergency Exits)	Review	Draft Regulations submitted to DETI.



Regulation	Type	Status
Export and import of dangerous substances	New	Amendments to EU Export and Import of Dangerous Chemicals Regulation now covered by Chemicals (Amendment) Act, 2010.
Safety, Health and Welfare at Work (Mines) Regulations	New/review	Proposals for new Regulations and the repeal and revocation of corresponding provisions of the Mines and Quarries Act, 1965 and Regulations made under it were submitted to the DETI in October 2010.
Safety, Health and Welfare at Work (General Application)(Amendment) Regulations 2010 (Artificial Optical Radiation) (S.I. No. 176 of 2010)	New	Published 29 April 2010.
Safety, Health and Welfare at Work (General Application) (Amendment) Regulations (Pressure Systems)	Review	Draft Regulations submitted to the DETI. The Regulations are currently with the Office of Parliamentary Counsel.
Reporting of Accidents Regulations	Review	At draft stage and deferred to 2011.
Safety in Industry Acts 1955 and 1980	Review	Public consultation on the review of the extant provisions concluded in December 2010.
Safety, Health and Welfare at Work (General Application) (Amendment) Regulations (Use of Work Equipment)	Review	Draft Regulations submitted to DETI.

Appendix D: Code of Practice Development Programme 2010

Code of Practice	Status
Code of Practice for Avoiding Danger from Underground Services	Came into operation on 11 January 2010
Code of Practice for Contractors Working on Roads with Three or Less Employees	Came into operation on 4 May 2010
Code of Practice for the Safety, Health and Welfare at Work (Chemical Agents) Regulations 2001	Came into operation on 4 May 2010
Code of Practice for the Design and Installation of Anchors	Came into operation on 7 May 2010
Code of Practice for Working in Confined Spaces	Came into operation on 17 May 2010
Code of Practice on Preventing Accidents to Children and Young Persons in Agriculture	Came into operation on 6 September 2010
Code of Practice for Electrical Safety in Quarries	Came into operation on 20 December 2010
Code of Practice for Operators of Quarry Delivery Vehicles (Employing 3 or Less)	Completed in December 2010. Due for publication early in 2011
Code of Practice for Safety in Roofwork	Draft submitted to the DETI in November 2010 for the Minister's consent to its publication
Codes of Practice for Inland/Inshore and Offshore Diving Operations	Draft submitted to the DETI in March 2010
Code of Practice for Fishing Vessels (less than 15m in length)	At draft stage. Bilateral consultations with the sector currently underway



Appendix E: Guidance Materials 2010

Guidance	Status
Agriculture	<p><i>Guidelines on Safe Handling of Livestock at Marts and Lairages</i></p> <p><i>Cattle Handling in Marts and Lairages – Information Sheet</i></p> <p><i>Safe Handling of Cattle on Farms</i></p> <p><i>Tractor Safety and You</i></p> <p><i>Guide to Safe Working with Timber and Chainsaws</i></p> <p><i>Guidelines for Safe Working near Overhead Electricity Lines in Agriculture</i></p>
Construction	<p><i>SMP 20 – The Safety Management Pack for Small Contractors with 20 or Less Employees (Initiative of the Construction Safety Partnership)</i></p> <p><i>Definition of Construction Work</i></p> <p><i>Safe Use of Site Dumpers on Construction Sites</i></p> <p><i>Information Sheet</i></p>
Docks	<p><i>Management of Health and Safety in Docks – Information Sheet</i></p> <p><i>Hazards in Port and Dock Operations – Information Sheet</i></p>
Education – online learning supports	<p><i>Five e-learning modules aimed at teachers and students in education</i></p> <p><i>Guidelines on Managing Safety and Health in Post-Primary Schools (Part 1 and Part 2)</i></p>
Healthcare	<p><i>Get a Grip: Stop Slips and Trips in Healthcare</i></p> <p><i>Health and Safety Management in Healthcare – Information Sheet</i></p>
Local Authorities	<p><i>Safe System of Work Plan (SSWP) Building and Monument Maintenance</i></p>
Manual handling	<p><i>Guide on Manual Handling Risk Assessment in the Retail Sector</i></p> <p><i>Guidance on the Manual Handling Training System – 2010 Revision</i></p>
Optical radiation	<p><i>Guidance for Employers on the Control of Artificial Optical Radiation at Work Regulations 2010</i></p>
Retail	<p><i>Health and Safety in Small Retail Premises Checklist</i></p> <p><i>Get a Grip: Stop Slips and Trips in the Retail Sector</i></p>
Intoxicants	Information note complete and awaiting publication
Market surveillance	Guidance on Market Surveillance awaiting publication
Occupational stress	Guidance at final draft stage

Appendix F: Board Sub-Committees, Advisory Committees and Working Groups

Legislation and Guidance Sub-Committee of the Board

- Rosie Sheerin (Chairperson)
- Marian Byron
- Dermot Carey
- Esther Lynch
- Eamonn Devoy (alternate)

Finance Sub-Committee of the Board

- Sean Corrigan (Chairperson)
- Anne Marie Hayes
- Pat Kearney
- Dessie Robinson

Audit Sub-Committee of the Board

- Sean Corrigan (Chairperson)
- Dermot Carey
- Anne Marie Hayes
- Pat Kearney
- Dessie Robinson

Strategic Review and Implementation Sub-Committee of the Board

- Jim Lyons (Chairperson)
- Eamon Devoy
- Francis Rochford
- Christina McEleney
- Marian Byron

Construction Advisory Committee (CAC)

- Dessie Robinson (Chairperson) Health and Safety Authority Board member and IMPACT
- Denis Farrell Building and Allied Trades' Union
- John Graby Royal Institute of the Architects of Ireland
- Joe Miller Royal Institute of the Architects of Ireland
- John Ryan Construction Industry Federation
- Robert Butler Construction Industry Federation
- Kevin Enright Irish Business and Employers Confederation
- Kevin Geraghty Irish Concrete Federation
- Eoin Kennedy Irish Concrete Federation
- Nevan Mulrooney Society of Chartered Surveyors
- Nicholas O'Loughlin Department of Finance
- Robert Byrne FÁS
- Maurice Walsh FÁS
- James Coughlan INPDTU/SIPTU
- Anne Drummond, University College Dublin
- Kevin Rudden TGP – Thomas Garland and Partners
- Martin O'Dea Health and Safety Authority
- Paraig Earley Health and Safety Authority
- Elaine Walsh (Secretary) Health and Safety Authority



Technical Scientific Advisory Committee (TSAC)

- Marian Byron (Chairperson) Health and Safety Authority Board member
- Frank Barry (Deputy Chair) ICTU
- Anne Marie Finlay Department of Enterprise, Trade and Employment
- Michael Gillen IBEC
- Carl Anders IBEC
- Eddie Mullins ICTU
- Darren Byrne Department of the Environment and Local Government
- John Harrison Pesticide Control Service
- Conor Clenaghan Environmental Protection Agency
- PJ Claffey Health and Safety Authority
- Shara Smith (Secretary) Health and Safety Authority

Farm Safety Partnership Advisory Committee (FSPAC)

- Pat Kearney (Chairperson) Health and Safety Authority Board member
- Brian Carroll Agricultural Consultants Association
- Jim Dockery Farm Relief Network
- Michael Larkin Macra na Feirme
- John McNamara Teagasc
- Oliver McEvoy Department of Agriculture, Fisheries and Food
- Tom Murphy Professional Agricultural Contractors Association
- Vincent Nally Irish Rural Link
- John O'Donnell Irish Creamery Milk Suppliers Association
- Bidy O'Neill Health Services Executive
- Ciarán Roche FBD Insurance
- Margaret Healy Irish Farmers Association
- Pat Griffin Health and Safety Authority
- Anthony Morahan Health and Safety Authority
- Maura Kavanagh (Secretary) Health and Safety Authority

Southern Regional Advisory Committee (SRAC)

- Sylvester Cronin (Chairperson) Safety and Health Adviser, SIPTU
- Anne Keohane IFA
- Anne Marie Hayes Board Member Health and Safety Authority
- Austin Noonan Limerick Institute of Technology
- Clive Kelly Irish Concrete Federation
- Con Casey SIPTU, Killarney
- Conor O'Connell Construction Industry Federation (CIF)
- David Neal IFO
- Donal Harte ICMSA
- Eddie Ronayne Cork Co. Council
- Gus Connolly ESB
- John Dromey Cork City Council
- John McEntee Limerick City Council
- Caroline Neville IOSH
- Maria O'Brien Health Service Executive
- Mary Keane NISO
- Michael Reidy Limerick Co. Council
- Pat O'Flynn SIPTU



- Robert Stuart Kerry Co. Council
- Tony Briscoe IBEC
- Sean Hyde Senior Inspector, Health and Safety Authority
- Patricia Truscott (Secretary) Health and Safety Authority

Western Regional Advisory Committee (WRAC)

- Dermot Carey (Chairperson) Health and Safety Authority Board member and Construction Industry Federation (CIF)
- Pat Kearney Health and Safety Authority Board member
- Louise Galvin Galway/Mayo Institute of Technology
- Shane MacLoughlin IBEC
- John McGovern Coillte
- Gerry Finnerty Gort Livestock Mart
- Sgt Pat Fitzmaurice An Garda Síochána
- Dr Shelly Hegarty Clare Co. Council
- Martin Cleary ESB Networks
- Caitriona Gannon Baxter Healthcare
- Tom O'Connor NISO Western Branch
- James Glennon FÁS
- Joe Kelly Mayo Co. Council
- Noel Kilfeather SIPTU
- Michael Dolly Galway Co. Council
- Maura Canning IFA
- Adrian Maye Irish Concrete Federation
- PJ Murphy Health and Safety Authority
- Orla Cahalan (Secretary) Health and Safety Authority

South-East Regional Advisory Committee (SERAC)

- Rosie Sheerin (Chairperson) Health and Safety Authority Board member
- John Cassidy FÁS
- John Cooney Kilkenny Co. Council
- Ita Leyden Institute of Occupational Health and Safety
- Patrick Cummins Irish Water Safety Association (IWSA)
- James Curran Construction Industry Federation (CIF)
- Caroline Foley SIPTU
- John Hickey Bord Iascaigh Mhara
- John Hogan Teagasc
- Sean Kavanagh Wexford Co. Council
- Eoin Kennedy Irish Concrete Federation
- Kieran Leahy Garda Representative Association
- Ray Murray Bord Iascaigh Mhara
- Mary O'Doherty Waterford Institute of Technology
- Rosaleen O'Keefe IBEC
- Jim Shaw NISO
- Lisa Russell Kilkenny Co. Council
- Aileen Scott Health Service Executive South
- Brian Sheerin South Eastern Regional Fisheries Board
- Mark Cullen Health and Safety Authority
- Maura Kavanagh (Secretary) Health and Safety Authority



North-West Regional Advisory Committee (NWRAC)

- Christina McEleney (Chairperson) Health and Safety Authority Board member
- Martin Shields Secretary NISO (North-West Branch)
- Anthony McCormack Assistant Branch Secretary SIPTU Sligo
- Art McGrath Education Officer Teagasc Co. Donegal
- Tony Kelly IMPACT Sligo
- David Mullarkey Lecturer Sligo Institute of Technology
- Gerald Mawn Chief Safety Officer Coillte Teo Donegal Town
- Louis Cabena Senior Training Adviser FÁS Sligo
- Mary McGreal Chairperson National Farm Family and Social Policy Committee IFA
- Sonya Maguire LASAG representative Cavan Co. Council
- Ted Breslin Deputy Chief Executive Officer Killybegs Fishermen's Organisation
- Tom Currie Chairman CFI, North-West Branch
- Vincent Turley President Monaghan Chamber of Commerce
- James McHugh ESB
- Bernadette McLoughlin ICA
- Garda Grainne Fagan Regional Safety Adviser An Garda Síochána
- PJ Murphy Health and Safety Authority
- Orla Cahalan (Secretary) Health and Safety Authority

Appendix G: Report for 2010 on the Performance of Designated National Authorities on their Functions under the Chemicals Acts 2008 and 2010

Background

The Health and Safety Authority (herein referred to as 'the Authority') was appointed as the principal national authority under the Chemicals Act, No. 13 of 2008, which was amended in 2010 by the Chemicals (Amendment) Act, No. 32 of 2010 (herein referred to as 'the Chemicals Acts of 2008 and 2010') and as such has responsibility for co-ordinating the operation of the Acts. The Acts provide for the implementation and administration of the REACH Regulation (EC 1907/2006), the CLP Regulation (EC 1272/2008), the Rotterdam Regulation (EC 689/2008) and the Detergents Regulation (EC 648/2004).

Five other national authorities have administrative and/or enforcement obligations under the 2008 and 2010 Acts, namely, the Department for Agriculture, Fisheries and Food (DAFF), the Environmental Protection Agency (EPA), Beaumont Hospital Board, the Customs Service of the Department of the Revenue Commissioners and the Irish National Accreditation Board (INAB). This addendum summarises the performance of the functions of these Authorities for 2010, details of which were submitted to the Authority in reports as required under Sections 8(4) and 8(5) of the 2008 Act.

This addendum should be read in conjunction with the main body of the Annual Report for 2010 on the Chemicals Policy and Services section and Goals C and Goal of the Authority's strategy.

1. Key Achievements

The **Health and Safety Authority (HSA)** fully met its statutory obligation under the Chemicals Acts 2008 and 2010 to provide national leadership for the implementation and administration of REACH, CLP, Detergents and Export-Import. We provided a national service in the form of the Irish Helpdesk on REACH and CLP (which handled a total of 693 queries on REACH and CLP and 15 on the Rotterdam Regulation); we organised a range of national seminars (6) and webinars (2) and contributed speakers to many others (7). In relation to policy, we had a leading role on submissions to ECHA and Commission consultations on a range of issues; we attended CARACAL and related subgroups and our staff participated as national representatives or experts on the relevant ECHA working groups and committees. We worked closely with our DETI colleagues, providing policy and briefing materials during both national (Chemical (Amendment) Act 2010) and European (amendments to REACH annexes, adaptations to CLP, amendments to Annex I of the Rotterdam Regulation) legislative processes. We also exercised leadership functions on EU developments in to the area of nanomaterials and in particular on how they should be addressed under REACH and CLP.

The **Revenue Commissioners** are appointed as the Designated National Authority under Article 17 of the Rotterdam Regulation, and Revenue's Custom Service is responsible for the control of the import and export of dangerous chemicals listed in the Regulation. In this regard, throughout 2010 chemicals prohibited or restricted from exportation were profiled on Revenue's Automated Entry Processing (AEP) Customs Clearance System. Post-clearance monitoring carried out throughout the year indicated that in general Irish exporters are including the appropriate coding on export declarations.

The **Beaumont Hospital Board** is appointed as the National Authority in relation to the Detergents Regulation (Article 9(3) only) and CLP Regulation (Article 45 only) under the Chemicals (Amendment) Act 2010. The task of providing product information to meet the needs of medical professionals has been assigned to the **National Poisons Information Centre (NPIC)**, which is based in Beaumont Hospital. The Beaumont Hospital IT Department provides and supports a document management system for storing and retrieving product information. Preliminary data indicates that in 2010 the NPIC answered enquiries about suspected



human poisoning/exposure incidents which involved 1111 detergent products. Fabric cleaning liquid sachets/capsules, bleach, disinfectants, washing-up liquid and dishwasher tablets were the detergent products most frequently involved in these cases.

The Irish National Accreditation Board (INAB) accredits laboratories to ISO/IEC 17025 and operates a GLP programme in accordance with the OECD Principles of Good Laboratory Practice. The INAB reported that there are currently no laboratories accredited by INAB to ISO/IEC 17025 for testing activities under Articles 8(2) and 8(3) of the Detergents Regulation, i.e. there are no approved testing laboratories in Ireland.

2. Key Issues

In 2010 there were two critical REACH and CLP deadlines for industry and the Authority lead efforts to support companies and advise them on their duties and obligations. The first registration deadline under REACH was 30 November, for substances of very high concern (carcinogens, mutagens, reproductive toxicants etc) and those over 1,000 tonnes per year. The first CLP notification deadline for notifying classifications to ECHA was on 1 December. Initial statistics suggest that there were 227 dossiers and 89,445 notifications submitted by Irish stakeholders.

In conjunction with the DAFF, the Authority submitted a paper to the Commission containing detailed comments on implementation issues surrounding the Rotterdam Regulation and possible solutions. At the sixteenth DNA meeting in October, the Commission suggested that some of these points would be considered during the upcoming review of the Rotterdam Regulation in 2011.

Revenue's Customs Service (RCS) reported that customs codes do not always identify the specific chemicals that are subject to the Rotterdam Regulation. This is an issue affecting all EU Member States. To address the issue, RCS (Ireland) submitted a proposal to the Commission to impose the mandatory use on the Customs declaration of a unique number to identify specific chemicals. The RCS is currently awaiting the outcome of the Commission's consideration of the proposal.

Under Detergents, following non-compliant notification from Germany (detergent product found in their market), the Authority alerted and consulted with Customs, the National Poisons Information Centre and the National Consumer Agency (NCA) to prepare IE position for submission to the Working Group.

3. Enforcement Programmes

3.1 Description of the enforcement activities carried out by each of the national authorities under each of the relevant regulations

The HSA carried out approximately 1,400 REACH inspections, including 16 detailed inspections checking compliance with Registration, in line with the 2010 Reach Enforcement Strategy.

The EPA undertakes a range of enforcement activities aimed at prevention of environmental pollution from chemicals, for example, through the enforcement of industrial and waste licences, and through the enforcement of legislation controlling chemicals which pose a particular risk to man and the environment.

The DAFF carried out inspections of pesticide distributors and farmers under the ambit of the Biocides Directive 98/8/EC and Plant Protection Products Directive 91/414/EEC.

Enforcement activity by the Customs Service in fulfilment of obligations under the Rotterdam Regulation involved the electronic profiling of certain dangerous chemicals on the AEP Customs Clearance System, and validation by Customs staff at the point of export.



3.2 Description of inspector development programmes and inspection process development programmes undertaken by each of the national authorities

The Authority prepared a 2010 REACH Enforcement Strategy and Training Plan which outlined the development and training needs of inspectors and the requirements and the resources required to deliver them. A core group of specialist staff was assigned to provide REACH training and technical support to inspectors, offering advice and technical interpretation of the REACH Regulation.

The EPA attended Authority seminars on the new CLP regulation as well as the Authority sponsored seminar on "Supply Chain Intelligence" delivered by a colleague from the UK Environment Agency.

4. Co-operation Arrangements

4.1 Memoranda of Understanding (MoU) between national authorities

The Authority lead the preparation of a Memorandum of Understanding, which was signed in July 2010, between Revenue's Customs Service, the Authority and the Department of Agriculture, Fisheries and Food. This MoU sets out their respective roles and responsibilities in the implementation of the Rotterdam Regulation.

Discussions with the DAFF in relation to a MoU on REACH Regulation were not concluded in 2010.

The Authority drafted a MoU on detergents and submitted it to the EPA for their consideration. We will seek to conclude this in 2011.

One Interdepartmental meeting was chaired by the Department in 2010 and attended by all national Competent Authorities, and some bilateral meetings were also held to advance the development of REACH guidance and other administrative activities.

4.2 Mutual co-operation arrangements with external authorities

In 2010, the Authority provided technical and policy advice to our Government colleagues (DEHLG, EPA, Department of Justice, Department of Health and Children, etc) on a significant range of environmental and other legislative areas (RoHS, PoPS, explosive precursors, head shops, tattoo inks, etc).

The Authority also engaged with the relevant REACH Competent Authorities in the UK and Northern Ireland (HSE and HSE-NI) for the purpose of sharing experiences of and information on REACH implementation. Through these links we participated in the UK REACH Enforcement Liaison Group meetings and we attended two such meetings in 2010.

One Joint Irish Designated National Authority meeting was held between Revenue's Customs Service, the Authority and the Department of Agriculture, Fisheries and Food. Issues surrounding the implementation of the Rotterdam Regulation in Ireland were discussed in addition to operational and policy matters.

5. National Advisory Committees

The Authority's Technical and Scientific Advisory Committee (TSAC) is the principal forum for consultation with external bodies on chemicals, and representatives from both the EPA and the DAFF participate in this forum. Three meetings were held in 2010 following developments in relation to the REACH, and CLP Regulations as well as the development of Authority guidance in relation to safe chemicals management.



6. National Authority Obligations

6.1 Administration

The REACH and CLP Regulations:

The Authority lead the national programme on REACH and CLP in 2010 by attending three CARACAL meetings and additional subgroups on nanomaterials and the adaptation of the CLP Regulation. We also provided policy inputs on a range of issues in these different forums. In addition, we took a lead role on submissions to public consultations organised by ECHA and the Commission. For example, we contributed to consultations on restrictions, authorisations, harmonised classification and labelling and SVHC identification and testing proposals.

In 2010 the EPA attended two EU REACH CARACAL meetings and also provided environmental information to the Authority on ECHA consultations on substances proposed for addition to the REACH candidate lists and authorisation, as well as policy input on the interaction between GMO legislation and REACH.

All national Competent Authorities provided input into the Member State five-year report (Article 117) to the EU Commission on the operation and enforcement of REACH in Ireland, which was coordinated and submitted by the HSA as lead Competent Authority.

Rotterdam Regulation:

In 2010, representatives from the Authority attended the two EU Designated National Authority (DNA) Meetings, as well as the two Regulatory Committee meetings held to amend Annex I of the Rotterdam Regulation. The DAFF did not attend any DNA meetings in 2010.

As Designated National Authority under the Rotterdam Regulation for pesticides, the **Department of Agriculture, Fisheries and Food (DAFF)** reported that in 2010 no PIC applications related to pesticides were received.

We processed 15 export notifications and 4 explicit consents under the Export-Import Regulation and responded to 15 other queries in relation to implementation of the Regulation.

Revenue's Customs Service provides relevant information for reporting via the Authority and has no direct reporting requirements under this legislation.

Detergents Regulation:

The Authority consulted with IE stakeholders to prepare and provide COM with the IE position on proposals to restrict phosphates in detergents.

6.2 Regulatory developments

The main regulatory development was the enactment of the Chemicals (Amendment) Act, 2010, which was supported by all the national authorities. This gives national effect to the CLP Regulation (EC) 1272/2008/EC, as well as all future and past amendments of the relevant regulations within the ambit of the Chemicals 2008 and 2010 Acts, e.g. any Annex of REACH Regulation amended since the 2008 Chemicals Act came into force, such as Annex XVII (the list of restrictions).

The Authority also provided technical support for the legislative developments of the REACH Regulation and its Annexes, in particular in relation to the revision of Annex II, Annex XIII and Annex XIV, as well as Annex XVII. National positions were prepared to support the DETI in the Comitology process. Although the DETI is the lead for the Article 133 Committee votes, the Authority deputised for them in several of the meetings.



The EPA liaised with the Authority, the DETI and the DEHLG on issues such as the inter-relationship between REACH and other environmental legislation (e.g. legislation relating to waste, genetically modified organisms, persistent organic pollutants, restriction of hazardous substances and the issue of phosphates in detergents).

6.3 Guidance and enforcement policy

REACH and CLP:

The Authority's 2010 REACH and CLP enforcement strategy and training programme took into account the work of the ECHA FORUM and policies arising from the efforts of various working groups. In addition, the Authority provided policy and technical input at the FORUM (two meetings held in 2010), and contributed to a number of working groups. We also participated in a Forum working group developing training material for the Train the CLP Enforcement event, and we will use that experience as well as materials from the event in our in-house training work.

In relation to guidance development the Authority also contributed to the work of ECHA's Partner Expert Groups (PEGs) for the review and updating of guidance documents in relation to various aspects of REACH and CLP, including guidance on information requirements and chemical safety assessment, safety data sheets and strictly controlled conditions. We were also involved in the Hazard Communication Expert Working Group on the development of ECHA guidance on labelling and packaging for CLP. In addition, we contributed to policy and guidance development on nanomaterials through participation in CARACAL subgroups and other working parties.

CLP Regulation:

Under Article 45 of the CLP Regulation the European Commission is carrying out a review to assess the possibility of harmonising the information to be submitted to Poisons Centres and appointed bodies, including establishing a format for the submission of information by importers and downstream users. The outcome of this review and subsequent consultation with relevant stakeholders will heavily influence the position the Commission adopts on a Regulation adding an Annex to the CLP Regulation. The European Association of Poison Centres and Clinical Toxicologists (EAPCCT) is a stakeholder in this process.

During 2010 the Director and Manager of the NPIC were active members of a working group convened by the EAPCCT to develop harmonised guidelines for product information for Poisons Centres and appointed bodies. They attended four meetings of the working group, participated in e-mail discussions about the guidelines and attended a workshop convened by the Commission on 24 November to present the draft guidelines to industry. There will be further work on the guidelines in 2011 and the Commission will complete its review by January 2012.

6.4 Awareness-raising

The Authority remains the lead Authority in the provision of advice and information. Through our National Helpdesk for both the REACH and CLP Regulations, we addressed 465 queries for REACH and 228 queries for CLP and Detergents. We also held a number of awareness-raising seminars (two) and webinars (two) in 2010 to raise industry awareness on requirements for the REACH registration and the CLP notification. The webinars were the first organised by the Authority and represent a significant milestone in our modernisation agenda.

The EPA has undertaken various activities to raise awareness, including listing information on REACH on its website, issuing publications (e.g. research reports, the EPA newsletter, guidance documents), organising conferences and alerting the media to the issues.



Revenue's Customs Service has (via the Customs Consultative Committee) informed the trade of the export declaration and Reference Identification Number (RIN) requirements for the exportation of chemicals covered by the Rotterdam Regulation. The Revenue website also sets out general information in respect of Prohibited/Restricted goods, including information in respect of the exportation of Dangerous Chemicals under the Rotterdam Regulation.

The National Poisons Information Centre issued guidelines on its website for manufacturers on submitting product information to the NPIC.

7.0 Research

Throughout 2010 the EPA supported a wide range of research projects on chemicals issues through its research programmes. The EPA is also supporting a Cleaner Greener Production Programme which aims to encourage Irish industry to implement cleaner greener practices.

The Authority used the results from its 2008 Chemicals Usage Survey to target the motor vehicle sector as a high risk sector. We prepared and distributed several factsheet and posters to the sector to inform its members of the specific hazards they face and on ways they could manage the risk.

Appendix H: Health and Safety Authority Overview of Energy Usage in 2010

The main energy users at the health and Safety Authority are our headquarters office building in Dublin, 7 regional offices and 2 warehouses. Most of our energy consumption in our office buildings is for space heating, air conditioning, lighting, office equipment and catering equipment.

In 2010, the Health and Safety Authority consumed 846,004 kWh of energy, consisting of:

- 41,156 kWh of natural gas
- 804,848 kWh of electricity;

Actions Undertaken in 2010

In 2010 the Health and Safety Authority undertook a range of initiatives to improve our energy performance, including:

- Installation of energy efficient lighting in HQ
- Use of multi function devices which reduced amount of photocopying and cut down on number of machines.
- Promotion of cycle to work scheme
- Recycling paper. Health and Safety Authority saved 80 trees in 2010 by participating in recycling programme.

Actions Planned for 2011

In 2011 the Authority intends to further improve our energy performance by undertaking the following initiatives:

- Installation of new energy efficient boiler in our Athlone Office
- Installation of energy efficient lighting in regional offices
- Further installation upgrades in HQ
- Clean or replace air conditioning filters
- Recycle or reduce waste where possible
- Promote cycle to work scheme and encourage staff to walk, bike, car pool where possible
- Energy efficient driver training included in Advanced Driving skills course provided to staff



Appendix I: Statement on Compliance with the requirements of the Code of Practice for the Governance of State Bodies – Additional to the Statement on Internal Financial Control

This Statement on Compliance must be read in conjunction with the Statement on Internal Control that appears in both the Annual Report and Financial Statements of the Authority. This Statement seeks to provide assurance in connection with a range of items detailed in Paragraph 13.1 of the Code that are not addressed in the Statement on Internal Financial Control.

A Code of Standards and Behaviour has been put in place for employees and a Code of Corporate Governance has been put in place for Board Members and both are adhered to.

Government policy on the pay of Chief Executives and all State body employees is being complied with. Details of the salary of the Chief Executive Officer are published in the Annual Report.

Government guidelines on the payment of Directors' fees and expenses are also being complied with. The fees and expenses paid to Board members during 2010 are detailed in a note to the Financial Statements and in this Annual Report.

There have been no significant post balance sheet events.

The Authority has complied with the Government travel policies in all respects, has adhered to the relevant procurement policy and procedures and complies with the asset disposal procedures.

The Authority has complied with all relevant tax laws and the Code of Practice for the Governance of State Bodies is being complied with.

On behalf of the Board.

Michael Horgan

Chairperson

March 2011

*Working to
create a
National Culture
where All Commit to
Safe and Healthy
Workplaces and the Safe
and Sustainable
Management of
Chemicals*

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