

enhesa flash

global ehs compliance assurance

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Approaches to dealing with waste electrical and electronic equipment: The WEEE and RoHS Directives

Besides briefing you on recent Enhesa projects and Enhesa services on a regular basis, the Enhesa **Flash** is aimed at alerting you to new EHS Regulatory developments of interest to industry as they occur in over 50 countries around the globe.

If you are not aware of what these new developments require from you and how they impact you, please contact Enhesa for additional support. Email us at enhesa@enhesa.com.

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- The 13th of August 2004 is the deadline for EU Member States to transpose the two Directives with a major impact on how electrical and electronic equipment (EEE) is regulated within the EU. The first is the so-called WEEE Directive (2002/96/EC) on waste electrical and electronic equipment. The second is the RoHS Directive (2002/95/EC) on the restriction of the use of hazardous substances in electrical and electronic equipment. However, producer responsibility for waste electrical and electronic equipment is a subject which is not only receiving increasing attention in Europe, but also in countries such as Japan and the US.

Status of implementation

- As it stands, many Member States are expected to miss the 13 August 2004 deadline for transposing the Directives. To name a few, the **UK** has issued draft regulations addressing the issue, but only expects to transpose them in late 2004 at the earliest. **Spain** is still awaiting parliamentary approval but while official sources say it expects to meet the 13 August deadline, due to discrepancies over the financial implications for take back in the latest proposal on WEEE it seems unlikely the deadline for transposition will be met.
- This is a similar situation to **Ireland**, where a draft report has been issued but comments must still be taken into account before implementing legislation can be adopted. No legislation has yet been issued in **France**, but the **Netherlands** has issued a draft decision and rule which would replace existing requirements but this has not yet been adopted.

Financial implications

- The WEEE Directive obliges producers of each category of the specified electrical and electronic equipment to provide for the financing of the collection, treatment, recovery and environmentally sound disposal of WEEE on the market after 13 August 2005, and encourages a new look at the design and manufacture of such equipment to make the product easier to recover once it becomes waste.
- For products put on the market after 13 August 2005, each producer will be responsible for financing the environmentally sound disposal (collection, treatment and recovery) relating to the waste of

his own products. The producer can choose to fulfil this obligation either individually or by joining a collective scheme. By 31 December 2006 producers must meet recovery targets specified for different categories of equipment, specifically:

- large and small household appliances
- IT and telecommunications equipment
- consumer equipment
- lighting equipment
- electrical and electronic tools (with the exception of large-scale stationary industrial tools)
- toys, leisure and sports equipment
- medical devices (with the exception of all implanted and infected products)
- monitoring and control instruments
- automatic dispensers

- Regarding historical waste (i.e. WEEE put on the market before 13 August 2005), users other than private households may also be made partly or totally responsible for this financing, according to implementing national legislation.

Information to be provided

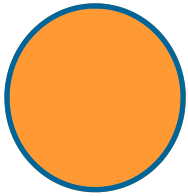
- Producers (i.e. manufacturers who sell under their own brand) will also have to provide reuse and treatment information for each type of new EEE put on the market. Information will have to be provided on the different EEE components and materials present in the products, as well as the location of dangerous substances and preparations in EEE. Producers and importers of EEE will have to make this information available to reuse centres and recycling facilities in the form of manuals or by means of electronic media (CD-Rom, online services). However, information on all product parts needs to be provided, so producers are likely to re-address this question to their suppliers.

Product design

- The RoHS Directive touches more directly on product design, and complements the WEEE Directive by restricting the use of hazardous substances in electrical and electronic equipment, thereby making it easier and safer to recover. This is complemented by the requirement in the WEEE Directive that Member States ensure that producers design their products in such a way that it doesn't prevent them from being reused.

(Continued on page 4)





During May and June 2004 several new environmental, health and safety Regulations were adopted that could directly impact your business. The following overview provides you with a descriptive title for the regulatory developments per country, the formal adoption date and the ID number of the abstract in the Update and the Enhesa database.

Asia Pacific

Australia

- NSW: Bulk of Water Management Act 2000 comes into force - 08-Dec-2000 [7143]
- WA: Dangerous Goods (Transport) (Dangerous Goods in Ports) Regulations amended - 29-Jun-2004 [7179]
- WA: Dangerous Goods (Transport) (Explosives by Road and Rail) Regulations amended - 29-Jun-2004 [7178]
- WA: Environmental Protection Amendment Regulations passed - 22-Jun-2004 [7177]
- WA: Dangerous Goods (Transport) (Road and Rail) Regulations amended - 29-Jun-2004 [7172]
- NSW: Water Management Amendment Act 2004 passed - 24-Jun-2004 [7142]
- WA: Amendments to explosives and dangerous goods regulations - 29-Jun-2004 [7134]
- WA: Amendment to Occupational Safety and Health Regulations for cranes - 25-Jun-2004 [7126]
- WA: Dangerous Goods Safety Act 2004 passed - 10-Jun-2004 [7116]
- WA: Environmental Protection Amendment Act 2003 came fully into force - 20-Oct-2003 [6985]
- WA: Regulations regarding the clearing of native vegetation passed - 30-Jun-2004 [7176]

China

- Shanghai: Safety management of elevators strengthened - 15-May-2004 [6970]
- Stockholm Convention on Persistent Organic Pollutants ratified - 25-Jun-2004 [7099]
- Guideline on Safety Assessment for Operation and Maintenance of Production Facilities issued - 26-Mar-2004 [7092]
- Shanghai: Requirement on environmental impact assessment specified - 15-May-2004 [6975]
- Safe production permit required for the production of hazardous chemicals - 17-May-2004 [6794]
- Permit system strengthened for the collection, storage and disposal of hazardous waste - 30-May-2004 [6361]
- Certification for environmental impact assessment engineers specified - 16-Feb-2004 [7091]

Hong Kong

- Teriparatide and its salts added to the Poisons List - 08-Mar-2004 [6981]
- Noise Control Ordinance Amendment to be implemented - 04-Jul-2002 [3767]

India

- Biological Diversity Rules adopted - 15-Apr-2004 [7012]

Indonesia

- Minister of Labor Decree regarding HIV/AIDS prevention adopted - 26-Apr-2004 [7020]
- House of Representatives approved bill to ratified Kyoto Protocol - 23-Jun-2004 [7140]

Korea, South

- PIC regulation implemented - 09-Feb-2004 [7007]
- Updated list of observational chemical substances - 12-May-2004 [2278]
- Updated list of new chemical substances which are not toxic - 12-May-2004 [6179]
- Updated list of toxic chemical substances - 23-Apr-2004 [6180]

Malaysia

- Adopted exemptions for certain types of unfired pressure vessels from inspection requirements - 17-Jun-2004 [4822]

Japan

- Rotterdam Convention on prior informed consent procedure ratified - 15-Jun-2004 [5714]
- Regulation on Health Standards in Offices amended - 30-Mar-2004 [6996]

Philippines

- Adopted Special Order establishing POPs Consultative Committee - [6670]

Singapore

- Departments designated to carry out provisions of the Environmental Pollution Control Act 1999 - 28-May-2004 [2669]
- Minimum height of guard rails required by the Factories (Scaffolds) Regulations reduced - 01-Jul-2004 [6171]
- Focus on enforcement of requirements regarding safety training courses for certain workers in metalworking factories - 15-Jul-2004 [4372]

Taiwan

- Labor Inspection Directive of 2005 released - 01-Jul-2004 [5851]
- Guideline to improve soil and groundwater pollution control sites issued - 30-Dec-2003 [7009]

Enhesa will be attending the **Auditing Roundtable** between 8 and 10 September 2004 in Philadelphia. The meeting will address the Role and Practice of EHS Auditing in a New Era of Corporate Governance and Management Systems. For more information about the Roundtable see: <http://www.auditing-roundtable.org/meetings/national/index.html>

From 16 to 17 September 2004 the **'OSH—Business Advantage!'** Conference will be held at the Ministry of Manpower in Singapore. The two-day conference is a response to calls for the importance of workplace safety to be emphasised and for safety standards and measures to be reviewed and strengthened. The **programme** addresses biosafety, various aspects of OSH and risk management. The legislative framework will be addressed, as will how a positive safety culture can be encouraged. More details are available at: http://www.osha-singapore.com/ec_conference_p.php



Asia Pacific

Thailand

- Adopted amendment to the list of hazardous substances - 22-Sep-2003 [5051]
- Adopted amendments to Notification on the land transport of hazardous substances - 08-Oct-2003 [4869]
- Adopted Notification specifying validity period of Hazardous Substance Production License - 28-Aug-2003 [3837]
- Adopted exemptions from compliance with Hazardous Substances Act B.E. 2535 - 08-Oct-2003 [3835]
- Adopted Ministerial Notification on Workplace Environmental Conditions - 06-Nov-2003 [1612]
- Adopted Notification on Criteria for an order to stop an operation for the discharge of wastewater from factories - 23-May-2003 [7156]

South America

Argentina

- Buenos Aires Province: Annual fee for generators of special waste amended - 26-Feb-2004 [6920]
- Extended deadline for obtaining the safety declaration of conformity for personal protective equipment - 06-May-2004 [6899]

Brazil

- Resolution on the transport of dangerous goods adopted - 12-Feb-2004 [7003]
- Legislation to restrict the benzene content in products adopted - 28-Apr-2004 [4848]
- Amendment to NR-11 on Transport, Movement, Storage and Handling of Materials - 01-Jun-2004 [7001]

Chile

- Regulation for hazardous waste management - 16-Jun-2004 [7158]

Colombia

- New pollution prevention and control requirements related to pesticide use and hazardous waste adopted - 07-May-2004 [1682]
- Resolution on regional environmental indicators adopted - 02-Jun-2004 [7108]

Costa Rica

- General regulation on environmental impact assessment procedures - 24-May-2004 [7093]
- Regulation on the register, import and labeling of wood preservation products amended - 11-Feb-2004 [6895]
- Amendment to Decree on sanitary landfill - 19-Apr-2004 [6894]

Mexico

- Agreement modifying the format of the sanitary prior permit for import of goods and services subject to sanitary control - 12-May-2004 [6936]
- Agreement imposing a one-year moratorium on new federal regulations - 12-May-2004 [6933]
- The Stockholm Convention on Persistent Organic Pollutants (POPs) enacted in Mexico - 04-Mar-2004 [6901]
- Extended validity of the Emergency Official Mexican Norm on phytosanitary treatment and marking of wood packaging for internationally traded goods - 13-Nov-2003 [6540]
- Emergency norm on safety requirements for trailer trucks - 10-Dec-2003 [6454]
- Official Mexican norm on commercial information and general product labelling - 01-Jun-2004 [6000]

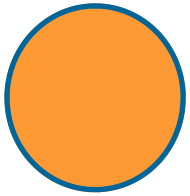
Peru

- Law regulating road transport of hazardous goods and wastes - 19-Jun-2004 [4325]
- Formats for verification of environment, health and safety norms in mining activities - 07-Jun-2004 [7146]

Puerto Rico

- Occupational accident compensation law amended - 24-Jun-2004 [7175]

Are all of your facilities in compliance with these EHS regulatory requirements? Enhesa develops ScoreCards and Audit Protocols that can be used by facility and corporate management to identify weaknesses and ensure compliance. Please contact Enhesa for further details.



Electrical and electronic equipment: The WEEE and RoHS Directives

(Continued from page 1)

- By banning the use of these hazardous substances (lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB) or polybrominated diphenyl ethers (PBDE), the RoHS Directive aims to protect public health and facilitate the dismantling and recycling of disposed electronic products. The Directive harmonises legislative requirements for the use of hazardous substances in electronic products. All EU Member States need to transpose the Directive into national legislation by 13 August 2004 (existing national provisions remain in force until 1st of July 2006).

Producer responsibility

- The RoHS Directive states that from 1 July 2006 new electrical and electronic equipment placed on the market may not contain the listed hazardous substances which cause problems during the waste management phase. National measures transposing both Directives must be in place by 13 August 2004 and within 30 months of it entering into force systems must be set up to allow WEEE to be collected from private households. The equipment must be properly marked and information must be provided to private household users.
- In Spain it is expected that manufacturers will have to recycle 160.000 tonnes of WEEE disposed by consumers. Companies such as HP already offer product end-of-life return programmes for HP and other manufacturers' hardware in a number of geographic areas, including Spain. In order to stay ahead of the WEEE legal requirements, an industry-led take-back scheme is under proposal at the moment that would join the efforts of companies such as Toshiba, Sony, Electrolux and Gillette, including HP. As producers of EEE are required to bear the financial burden of the cost incurred from WEEE collection and treatment, the manufacturing industry in Spain will face an estimated cost of EUR 80 million for managing the approximately 160.000 tonnes of WEEE currently generated in Spain, that is an average cost of EUR 500 per tonne of WEEE.
- Producer responsibility for electronic wastes is an area which is receiving an increasing amount of attention, and not only in Europe. The Japan Electronics and Information Technology Industries Association (電子情報技術産業協会) published Guidelines for Standardization of Material Declaration (グリーン調達調査共通化ガイドライン) on 20 July 2002 with the aim of tracing the content of specific chemicals in products. Responding

to the global nature of the issue and requests by the electronic and electrical appliance industry, the Guidelines of 20 July 2002 provide a method to identify specific chemicals of all products provided by suppliers. Specific chemicals, for which content information is to be provided and for which information was most needed (including substances typically present at very low concentrations and thus difficult to measure) are those regulated by Japanese and overseas laws and include the substances commonly requested by electronic and electrical appliance manufacturers. The Guidelines were updated on 3 June 2004 to list chemical substances covered under the RoHS Directive, including lead, mercury, cadmium, hexavalent chromium, and the brominated flame retardants polybrominated biphenyl (PBB) and polybrominated diphenyl ethers (PBDE).

- The US has also recently issued guidance on managing used electronic equipment. The US Environmental Protection Agency issued Guidelines for Materials Management in May, as part of the voluntary Plug-in to eCycling programme. More information is available at <http://www.epa.gov/epaoswer/osw/conserved/plugin/>. The programme relies on voluntary partnerships and projects, and aims to establish and expand partnerships with industries, states, tribes, and other entities to reduce waste. Companies already involved in these initiatives include Apple, AT&T Wireless, Dell, Epson, Intel, JVC, Lexmark, Panasonic, Sony, etc.

National legislation

- In **Sweden**, By 13 August 2004, Ordinance (SFS 2000:208) on producer responsibility for electrical and electronic products and Ordinance (NFS 2001:8) on pre-treatment of electric and electronic waste will be amended in order to transpose Directive 2002/96/EC on waste electrical and electronic equipment. With the transposition of Directive 2002/96/EC, there will be certain amendments to Ordinance (NFS 2001:8) as regards Annex II and III of the Directive, on selective treatment of materials and components of WEEE and on technical requirements on storage and treatment of WEEE. According to Ordinance (NFS 2001:8), waste which is classified as hazardous and other components, substances and preparations specified in the Ordinance have to be removed. When Directive 2002/96/EC is transposed into Ordinance (2001:8), printed circuit boards of mobile phones and of devices if the surface of the printed circuit board is greater than 10 cm² will be added, as will

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The EU legislation banning lead in electronic materials is expected to give rise to an increased demand for tin, it appeared at the Metal Events International Tin Conference. From 2006 all electronic components must be lead-free, which is expected to lead to a ten percent increase in the demand for tin over the next two years.

Western Europe



Belgium

- Allocation quotas national plan - 23-Jun-2004 [7133]
- Wallonia: Soil Remediation Decree adopted - 01-Apr-2004 [1825]
- Wallonia: Regional allocation plan on greenhouse gas emission trading system - 17-Jun-2004 [7118]

Denmark

- Amendments to Statutory Order on special duties for manufacturers and importers of substances and preparations - 01-Apr-2004 [6968]
- Act on environmental impact assessment of plans and programs adopted - 05-May-2004 [6971]
- Act on emission allowances adopted - 09-Jun-2004 [7064]
- Act on work environment amended - 09-Jun-2004 [7066]

Finland

- Adopted Decree on End-of-Life Vehicles - 23-Jun-2004 [7056]
- Adopted an Act amending the Environmental Protection Act - 04-Jun-2004 [7073]
- Adopted a Decree amending the Decision on Safety in Construction Work - 19-May-2004 [7069]
- Adopted Acts transposing the Rotterdam Convention - 19-May-2004 [7075]
- Adopted an Act amending the Waste Act - 04-Jun-2004 [7062]
- Adopted a Decree on the restrictions on the marketing and use of nonylphenol and nonylphenolethoxylate - 23-Jun-2004 [7061]
- Adopted a Decree amending a Decision on the use of electrical equipment - 03-May-2004 [6993]
- Adopted a Decree amending the Decision on the safety of construction work - 19-May-2004 [6990]
- Adopted an Act amending the Act on Young Workers - 19-Jun-2004 [6989]
- Adopted an Act amending the Act on Working Time - 19-May-2004 [6987]
- Decree amending a Decision on the procurement, safe use and inspections of equipment used at work - 18-Mar-2004 [6695]
- Adopted an Act on a National Works Council and Health and Safety Authorisations - 19-May-2004 [6983]

France

- Draft national greenhouse gas allocation plan - [7141]
- Decree on placing biocidal products on the market - 26-Feb-2004 [6620]
- Ordinance on Strategic Environmental Assessment - 03-Jun-2004 [6930]
- Order on placing biocidal products on the market - 19-May-2004 [7135]

Germany

- Stricter and new exposure threshold limit values for various substances (TRGS 900) - 31-Mar-2004 [3897]

Italy

- Regulations on assessment of the safety of gas installations adopted - 18-Mar-2004 [7047]
- Further developments in the legislation on the remission for illegal building activities (Condono Edilizio) - 24-Nov-2003 [7034]
- Guidelines on environmental impact assessment adopted - 01-Apr-2004 [7032]
- Financial guarantee required for asbestos decontamination contractors - 05-Feb-2004 [7031]
- Voluntary Agreement on telework reached in Italy among all employer associations and the unions - 09-Jun-2004 [7017]
- New Legislative Decree on the promotion of electricity from renewable energy sources adopted - 29-Dec-2003 [7025]

Ireland

- Adopted the European Communities (General Product Safety) Regulations 2004 - 04-May-2004 [6973]
- Published the Safety, Health and Welfare at Work Bill 2004 - 22-Jun-2004 [7053]
- Adopted Environmental Protection Agency (Licencing) (Amendment) Regulations 2004 - 22-Jun-2004 [7058]

Sweden

- National scheme on allowance trading with greenhouse emission gases adopted - 27-Apr-2004 [7008]

Switzerland

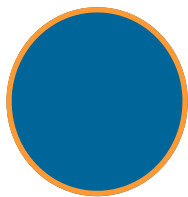
- Federal Law on the reduction of CO2 emissions - 08-Oct-1999 [1925]

Between 30 November and 3 December 2004 Enhesa will be exhibiting at the **Pollutec 2004** exposition in Lyon, France, the 20th international exhibition of environmental technologies and services.

Enhesa will be presenting the 'Forecast of global EHS regulatory developments of interest to industry' on 30 November between 11h30 and 12h15 and then again between 13h30 and 14h15 on *Les réglementations environnementales applicables à l'industrie à l'étranger (Amérique, Europe, Asie)*. If you will also be attending we would be very pleased to meet you.

More information is available at <http://www.pollutec.com/>

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Western Europe

(Continued from page 5)

Netherlands

- Adopted amendments to Working Conditions Decision regarding safety equipment for working at heights - 08-Jun-2004 [7109]
- Adopted amendment to Working Conditions Policy Rule regarding lifting at construction sites and other matters - 09-Jun-2004 [7097]
- Adopted Directive setting fines for transport of dangerous goods by waterway - 27-Apr-2004 [6998]
- Adopted amendments to legislation on potentially explosive atmospheres - 26-Mar-2004 [6124]
- Adopted amending Decision on the transport of radioactive substances - 11-Jun-2004 [4310]
- Working Conditions Inspectorate publishes reports on workplace incidents - [7157]
- Adopted Rules on approved ionizing smoke detectors 2004 - 11-May-2004 [2826]
- Adopted amendments to Decision restricting the use of short-chained chlorinated paraffins adopted - 26-Apr-2004 [1385]
- Amended Rule on Subsidies for Environmental Technology - 16-May-2004 [1090]
- Adopted Decision restricting the use of arsenic and its compounds in wood impregnation - 17-May-2004 [986]
- Adopted Increase in Subsidies under Rule on Reducing Environmental Impacts - 07-May-2004 [4461]
- Adopted Decision on environmental quality objectives for the external safety of facilities - 27-May-2004 [4981]

For more details on any of these developments, you can subscribe to the Update (1000 EUR/year) or register to receive detailed monitoring reports. For further information visit http://www.enhesa.com/EN_version/newsletter.htm

Norway

- Regulations on recovery and treatment of waste adopted - 01-Jun-2004 [6917]
- New Regulations on limitation on use of chemicals and other products dangerous to health and the environment - 01-Jun-2004 [6918]
- Regulation on pollution will replace 30 existing regulations - 01-Jul-2004 [6914]
- Stockholm Convention on Persistent Organic Pollutants enters into force - [6995]

Portugal

- Amended Decree-Law to further restrict marketing and use of certain dangerous substances and preparations - 24-May-2004 [7040]

Spain

- Royal Decree on General Product Safety adopted - 26-Dec-2003 [7145]
- The National Hydrologic Plan rejected - 05-Jul-2001 [3418]

United Kingdom

- Landfill Regulations Amended - 15-Jun-2004 [4115]
- Adopted amendments to Dangerous Substances and Preparations Regulations - 04-Jun-2004 [5371]
- Another consultation launched on the UK draft National Allocations Plan - 06-May-2004 [6965]
- National CO2 Allocation Plan (NAP) approved by European Commission with conditions - 07-Jul-2004 [7139]

European Union

European Union

- 29th Adaptation of Directive 67/548/EEC related to the classification, packaging and labeling of dangerous substances - 30-Apr-2004 [6855]
- Recommendation on risk evaluation findings and reduction strategies for eleven existing chemicals adopted - 29-Apr-2004 [7110]
- Directive on the protection of workers from the exposure to carcinogens or mutagens at work is adopted - 29-Apr-2004 [7070]
- Directive adapting another Directive on chemicals' classification, due to the EU accession of new countries - 01-May-2004 [7019]
- Regulation adapting EC decision on import and export of chemicals, due to the EU accession of new countries - 01-May-2004 [6963]
- Directive on disclosure of environmental issues in company annual reports issued - 18-Jun-2003 [7119]
- Directive on arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons (PAH) in ambient air approved - 20-Apr-2004 [6073]
- Persistent Organic Pollutants are being regulated - 19-Feb-2004 [5975]
- Directive on workers' exposure to electromagnetic fields adopted - 29-Apr-2004 [7011]

Minimum safety and health requirements when working at heights



- As the deadline for the EU Directive on the minimum safety and health requirements for the use of work equipment by workers at work (2001/45/EC) to be transposed into member states' law was on 19 July 2004, we thought it would be a good opportunity to have a look at how the issue is currently regulated, both within the EU and elsewhere.

Minimum Requirements

- The Directive itself sets out certain minimum requirements for work equipment used for temporary work at height, specifically addressing ladders, scaffolding, ropes and positioning techniques. Training forms an important part of the envisioned protective measures, as the way that equipment is used has as much an effect on its safety as the equipment itself. The basic premise is that where work equipment is needed to carry out work at height, suitable equipment must be used. Collective measures take preference over individual measures.

Variations

- A valid question of course is how working at heights is defined, and therefore at which point the obligations to take protective measures take effect. It isn't specified in the European Directive, leaving member States free to set their own standard or use the same level of ambiguity. This is a fairly common approach, and the **UK** defines work at height as that from which, if suitable measures are not taken, someone could fall a distance which is likely to cause personal injury. A similar approach is taken in **South Africa**, where measures must be taken when work is performed in an 'elevated position' (undefined) to ensure that it is performed safely from a ladder or scaffolding or from a position where the employee is safe as if he were working from scaffolding. **Italy** defines working at height as any activity exposing the workers at the risk of fall from a height of 2 meters or more. In **Japan, China** and **South Korea** the limit is also set at two metres, above which precautionary measures must be taken. The same applies in **Ireland**, but in **France** the height at which safety requirements take effect is at three metres. In **US**, protective requirements tend to kick in at a height of four feet or more, at which point open surfaces or platforms must be guarded by a rail, and wall openings must be guarded by slats, grillwork or railings
- Interestingly, the most risk of being considered out of compliance may arise in countries where the minimum height at which safety measures must be taken is not specified, as it leaves room for a less consistent interpretation of the requirements.

... the most risk of being considered out of compliance may arise in countries where the minimum height at which safety measures must be taken is not specified...

Safety Measures

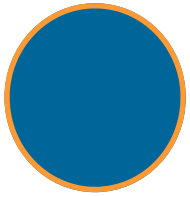
- According to the EU Directive, ladders should be positioned as to ensure their stability during use. Portable ladders must rest on a stable, strong, suitably-sized, immobile footing so that the rungs remain horizontal. The feet of portable ladders must be prevented from slipping during use by securing the stiles at or near their upper or lower ends by any anti-slip device or by any other arrangement of equivalent effectiveness. Ladders must be used in such a way that a secure handhold and secure support are available to workers at all times. In particular, if a load has to be carried by hand on a ladder, it must not preclude the maintenance of a safe handhold.
- For scaffolding, strength and stability calculations must be carried out unless scaffolding is assembled in conformity with a generally recognised standard configuration. Depending on the complexity of the scaffolding chosen, an assembly, use and dismantling plan must be drawn up by a competent person. When parts of a scaffolding are not ready for use, for example during assembly, dismantling or alteration, they must be marked with general warning signs. Scaffolding may only be assembled, dismantled or significantly altered under the supervision of a competent person and by workers who must have received appropriate and specific training in the operations envisaged listed in the Directive.
- The use of rope access and positioning techniques must comply with the following conditions:
 - the system must comprise at least two separately anchored ropes, one as a means of access, descent and support (work rope) and the other as backup (security rope);
 - workers must be provided with and use an appropriate harness and be connected by it to the security rope;
 - the work must be properly planned and supervised, so that a worker can be rescued immediately in an emergency;
 - the workers must receive adequate training specific to the operations envisaged, in particular rescue procedures, etc.

Implementing Legislation

- Directive 2001/45/EC was transposed in the **Netherlands** on 8 June 2004 by amending an existing Decision on Working Conditions, and will come into force on 15 July 2006. It requires an employer to select the work equipment most suitable to ensure and maintain safe working conditions. The dimensions of the work equipment must be appropriate to the nature of the work to be performed and to the foreseeable stresses and allow passage without danger. The most appropriate means of access

The Dutch Arbobalans 2003 report on workplace risks, effects and preventative measures indicated an increase in the number of workplace accidents in 2002, with 60% having occurred due to a lack of safety measures being taken. The lack of and poor quality of protective equipment provided was cited as a common cause of accidents.

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The WEEE and RoHS Directives

On 16 June 2004 a window manufacturer in Ontario, Canada was fined CAD 45,000 after an employee sustained serious arm and finger injuries while operating work equipment. The employee had been working with a milling machine when his arm was caught and pulled under the rotating saw. The Canadian Ministry of Labour investigated the incident and discovered that there had been no guarding device to prevent access to the saw blade, meaning that the employer was in violation of the Occupational Health and Safety Act. A 25% victim fine surcharge was also imposed on the CAD 45,000 to go towards a provincial government fund to assist victims of crime.

(source:
<http://www.gov.on.ca/>)

toner cartridges and external electric cables. Components which have to be treated accordingly are cathode ray tubes, equipment containing gases that are ozone depleting or have a global warming potential (GWP) above 15 and gas discharge lamps.

According to Ordinance (SFS 2000:208), the producer will have to respond to requests from recycling and waste operators with regard to the content of the products in order to facilitate the handling of scrapped items.

- The **UK** government completed a round of consultations in March 2004, and the government is expected to publish draft regulations for the two Directives in the summer of 2004. These will be accompanied by draft non-statutory guidelines on detailed technical issues.
- On 13 August 2004 the WEEE requirements will be transposed into **Norwegian** law, with the main responsibility for taking back discarded products being put on importers and producers of electric and electronic products. They have to ensure that discarded electronic and electrical equipment is collected from suppliers or collection points established by the municipalities in all regions within which they supply, sell or have previously sold equipment. They are also obliged to ensure that all materials and components in the discarded products which are classified as hazardous waste are dismantled and treated in an approved facility. In Norway, the target of collected WEEE has been set to 80% of the amount of waste produced annually, and the target will be maintained. Every year, around 150.000 tons of WEEE is produced in Norway.
- The **Netherlands** published a Draft Decision and a Draft Rule on 5 February 2004 on the management of electrical and electronic appliances, which would transpose the WEEE and RoHS Directives. When adopted, the draft legislation would replace the existing Decision on removal of white and brown goods of 21 April 1998, and the Rules on the disposal of CFC and HCFC-containing fridge and freezers 2000, although it would not substantially alter current practice in the Netherlands regarding electrical and electronic appliances. The draft Decision would continue the prohibition on the sale or marketing of cooling and freezing equipment containing HCFCs and CFCs. This continues the prohibition introduced by the Decision White and Brown Goods of 1999 and does not implement any European legislation.
- The draft Decision would include a reporting obligation. Producers who have responsibilities under the Draft rules on the management of electrical and electronic appliances would be

obliged to submit a report (an Action Plan) to the Ministry of VROM for approval, so that the authorities are informed of the methods of compliance with their responsibilities. This is one of the requirements for member state compliance with the WEEE Directive. It should be noted that the reporting obligation is already contained in various other Decision adopted under the Environmental Management Act (Wet milieubeheer), including the Decision on White and Brown Goods which is to be repealed. The draft legislation would replace the national legislation governing the take-back and recycling of electrical goods (the Decision on White and Brown Goods), which has been in force since 1998, and which was the first legislation of its kind in Europe.

- The WEEE Directive is to be implemented in the Netherlands by way of a Rule in accordance with the prescriptions of the Environmental Management Act – which specifies the use of Ministerial Rules for legislation binding on the Netherlands. The draft Rule would apply to virtually all appliances which have an electrical plug or work on batteries. 'Electrical' and 'electronic' appliances are defined in Article 1 to the draft Rule. The definition encompasses both domestic (e.g. fridges, coffee machines, televisions, etc) and business appliances (photocopiers, cash machines, vending machines and medical equipment, etc). The scope of the draft legislation would be broader than the Decision on the Removal of White and Brown Goods of 1998. More appliances would be covered, e.g. medical appliances, lighting equipment, and automated machines. In addition, the draft legislation would require free take-back of appliances from domestic households by municipal authorities, and producers would be responsible for all appliances (i.e. also historical stocks).

Regulatory Trends

- Looking at these and other developments, the predicted global trend towards greater producer responsibility for waste certainly seems to be gaining momentum. Targets have been set for WEEE recovery as of 31 December 2006 but it is likely that they will be strengthened thereafter, with knock-on impacts on producers. For more information on anticipated trends in regulatory activity see the Enhesa 2004 Global Forecast at: <http://www.ehstrends.com/>.

North America



Canada

Regulations Amending the Pulp and Paper Effluent Regulations come into force - 04-May-2004 [7045]

Ontario: Threshold limits for occupational exposure to asbestos and benzene amended - 08-May-2004 [7046]

Eastern Europe

Hungary

Decree on the protection against carcinogens at work and prevention from related health damage amended - 24-Apr-2004 [4219]

Decree on minimum health and safety requirements of work equipment - 19-Apr-2004 [7182]

Decree on risk assessment and risk reduction of chemical substances - 28-Apr-2004 [4499]

Czech Republic

Decree on major accident prevention adopted - 02-Jun-2004 [7161]

Act on the prevention of major industrial accidents amended - 22-Jan-2004 [3172]

A recent addition to our compliance 'toolbox' are Audit Protocols for **Colorado** and **New Mexico**, addressing both state and federal requirements.. Audit Protocols are complemented by ScoreCards, which offer an easy-to-use tool for assessing compliance.

Africa (limited to Egypt and South Africa)

South Africa

- Mineral and Petroleum Resources Development Regulations adopted - 23-Apr-2004 [6977]
- Biodiversity Act enacted - 31-May-2004 [6924]
- Mineral and Petroleum Resources Development Act comes into force - 10-Oct-2002 [6994]

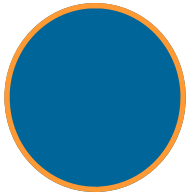
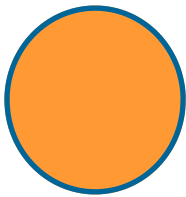
Between 6 and 8 October 2004 Enhesa will be attending the **NAEM 12th Annual EHS Management Forum** in Orlando, Florida. Various sessions will be held addressing a range of environmental, health and safety issues.

More information is available at <http://www.naem.org/>.

Do you want to be fully informed on changing EHS Regulations and how they impact your business?

- This Flash highlights some of the regulatory EHS developments that occurred in May and June of 2004. For details, you could consult the Enhesa Update which provides you with a one paragraph abstract for each development and the possibility to obtain further relevant details. The Enhesa Update is available for 1000 EUR per year.
- If you want to ensure that you get all the information you need, the Enhesa regulatory monitoring service could be the perfect solution for you. This service provides you with a summary of all relevant and applicable regulatory EHS developments for each new development (policy, law, regulation, proposal, etc.) of interest to your operations and/or products and for the countries you specify.
- For each development, a tailored business impact analysis is made for your company's operations. In most cases, a link to the full text of the Regulation is provided, either on the Internet or in the Enhesa knowledgebase of more than 16000 texts.
- The report is accompanied by a compliance calendar, a list of legislation with hyperlinks to the full text and an overview of interesting websites. These reports are delivered through a dedicated website tailored to your needs and connected to your Intranet.
- Contact us to visit our demo site.

Minimum safety and health requirements when working at heights



to temporary workplaces at a height must be selected according to the frequency of passage, the height to be negotiated and the duration of use. Evacuation in the event of imminent danger must be ensured. Ladders and ropes may only be used where the risk assessment reveals that the use of other work equipment is not justified. Depending on the type of work equipment chosen, the appropriate measures for minimising the risks to workers inherent in the type of equipment must be determined. If necessary, safeguards to prevent falls must be installed.

- It worthwhile to note that the Dutch 'Arbobalans 2003' report on workplace risks, effects and preventative measures was published in June. The report noted that 167,000 workplace accidents occurred in 2002 and that 19% of companies have encountered at least one workplace accident in the last two years. Of these, only 40% had taken suitable safety measures. Victims stated that in many cases the causes of the accidents were carelessness, a high workload, working in too much of a hurry, and lack of or poor quality protective equipment.
- **Finland** adopted the Decree implementing the Directive on 19 May 2004, and it came into force on 1 July 2004. In terms of general duties, the Decree places the responsibility of employee health and safety on the employer. However, where a person or organisation commissions construction work with more than one contractor and the site requires

expertise in its design and safety planning, the commissioner of the work is responsible for appointing a chief contractor. The chief contractor must be qualified in undertaking health and safety duties. Where a chief contractor has not been appointed, the responsibilities of the chief contractor fall on the commissioner of the work. The commissioner and the chief contractor have a general duty to cooperate in ensuring that simultaneous construction work at a site does not jeopardise health and safety requirements.

Other International Approaches

- Moving out of Europe, federal law in the **US** requires employers to conduct a fall hazard analysis to identify all potential fall hazards on level and elevated work areas (such as those associated with the use of portable and fixed ladders, scaffolds, platforms, stairs, ramps, etc.), and to take the appropriate means to control these requirements. This includes properly guarding floor and wall openings, ensuring that scaffolds, ladders and other such equipment meets design requirements, inspecting ladders on a regular basis and providing training on fall hazards and the correct use of fall protection devices.
- If you are unsure how your operations are affected by the requirement to provide a safe working environment, please contact us at enhesa@enhesa.com or +32(0)2 775 97 97.

ENHESA issues:

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Global EHS Compliance Assurance Support to Industry

Enhesa is an environmental, health and safety policy and strategy consulting team. Enhesa is based in Brussels, with regional managers in Washington, Tokyo and Florence, and a network of consultants covering almost any corner of the globe. Our mission is to inform and advise our clients on how to deal with rapidly evolving regulatory and policy developments in the fields of environmental protection and occupational health and safety (EH&S). <http://www.enhesa.com>

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