

addressing developments throughout July and August 2005

Workplace accidents and fatalities on the increase, regulators attempt to close the gap

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 60 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 number of workplace accidents and diseases worldwide continue to rise steadily, with estimates of the costs reaching €55 billion in the European Union's first 15 member states alone. The current estimate of workplace deaths stands at 2.2 million a year worldwide. This is the latest news from the International Labour Organisation (ILO) in its SafeWork report released in September 2005. The report calls for urgent improvements not only in labour conditions but also reporting of accidents and diseases in order to be able to get a firmer handle on the problem. We had a look at the statistics released by the ILO, related enforcement practices as well as latest regulatory changes in various countries which are trying to improve the situation and its implications for business.

On average, over 5,000 people die every day from work-related accidents and diseases worldwide

Statistics

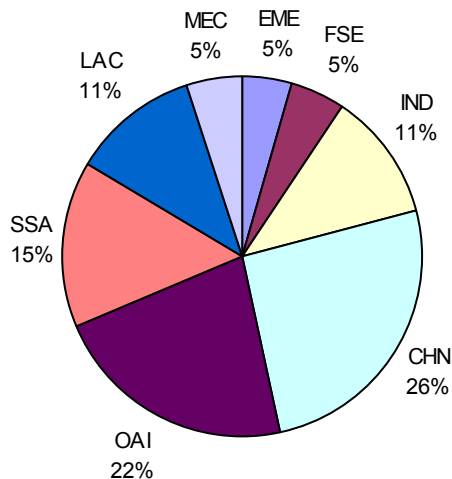
The annual number of non-fatal work-related diseases has been estimated by the ILO to be at least 160 million, although due to the lack of administrative procedures for ensuring systematic reporting, it is estimated that the real value probably approaches 200 million. The EU Labour Force Survey identified a prevalence rate

of 5,372 cases per 100,000 persons per year in 2004.

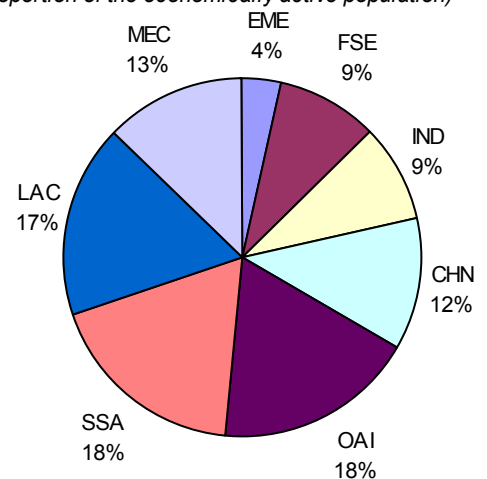
Although the ILO reports that exposure to toxic substances in the workplace is generally better controlled in industrialized countries, there is increasing evidence that supports that the rate of fatalities has increased for past exposures to certain substances because of the latency of some diseases. For example, in the UK an estimated 3,500 people die each year from mesothelioma and asbestos-related lung cancer. At the same time there is a general decline in fatal accidents in industrialised countries due to the gradual change in employment patterns, with fewer people now working in hazardous sectors such as steel mills, shipbuilding and ship breaking, agriculture, forestry and mining, and with more people being employed in relatively safe service sectors. Conversely, the industrialisation of developing countries is associated with the rapid increase in numbers of factories which employ untrained and migrant workers, and which are therefore highly susceptible to injuries and diseases. Experience illustrates that developing countries

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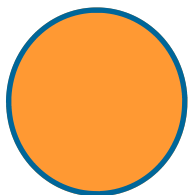
ILO Global Estimates of Fatal Accidents in 2001



ILO Global Estimates of Fatalities in 2001 (as a proportion of the economically active population)



During July and August 2005 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 monitoring record in the Enhesa Update and the Enhesa database.



Asia Pacific

Australia

- Amendments to the National Exposure Standards for Atmospheric Contaminants in the Occupational Environment declared - 31-Aug-2005 [6405]
- Amendments to the Ozone Protection and Synthetic Greenhouse Gas Management Act 1989 - 06-Jul-2005 [8851]
- Call for information on Polyhexanide - 05-Jul-2005 [9617]
- List of Priority Existing Chemicals published - 05-Jul-2005 [9499]
- National environment protection measure on used packaging materials extended - 02-Jul-2005 [1533]
- Notification required by importers and manufacturers of Infineum C9350 - 05-Jul-2005 [9497]
- NSW: Approved methods for the modelling and assessment of air pollutants in New South Wales revised - 26-Aug-2005 [7922]
- NSW: Approved methods for the sampling and analysis of air pollutants revised - 26-Aug-2005 [3150]
- NSW: Environmental Planning and Assessment Amendment (Development Contributions) Act 2005 passed - 18-May-2005 [8066]
- NSW: Environmental Planning and Assessment Amendment (Development Contributions) Regulations 2005 passed - [9501]
- NSW: Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act entered into force - 16-Jun-2005 [9128]
- NSW: Environmental Planning and Assessment Regulation 2000 amended - 01-Aug-2005 [9689]
- NSW: Explosives Act 2003 entered into force - 03-Jul-2003 [9813]
- NSW: Explosives Regulations 2005 entered into force - 01-Sep-2005 [9819]
- NSW: Occupational Health and Safety (Dangerous Goods) Amendment Regulation 2005 passed - 01-Sep-2005 [7812]
- NSW: Occupational Health and Safety Amendment (Dangerous Goods) Act 2003 entered into force - 22-Jul-2003 [2687]
- NSW: Pipelines Regulation 2005 adopted - [9654]
- NSW: Protection of the Environment Operations (Clean Air) Amendment (Industrial and Commercial Activities and Plant) Regulation 2005 - 01-Sep-2005 [7881]
- NSW: Protection of the Environment Operations (Waste) Amendment (Residue Wastes) Regulation 2005 passed. - 17-Jun-2005 [9482]
- NSW: Protection of the Environment Operations (Waste) Regulation 1996 to expire in March 2006 - 01-Nov-1996 [8422]
- NSW: Protection of the Environment Operations (Waste) Regulation 2005 under consultation. - 26-Aug-2005 [9884]
- Octabromobiphenyl and Decabromobiphenyl removed from the existing chemicals list - 06-Jul-2004 [8869]
- Regulations prohibiting the export and import of ammonium nitrate except by strict licencing passed - 21-Jul-2005 [9514]
- Standards for Water Efficiency Labelling specified - 15-Jun-2005 [9782]
- Victoria: Electricity Safety (Equipment) (Amendment) Regulations 2005 - 27-Jul-2005 [9647]
- Victoria: Energy Safe Victoria Act passed - 27-Jul-2005 [9123]
- Victoria: Environment Protection Authority Fee and Penalty unit increases - [9512]
- Victoria: High consequence dangerous goods regulations passed - 02-Aug-2005 [8671]
- Victoria: Occupational Health and Safety Prosecution Guidelines adopted - [9631]
- Victoria: Order declaring certain ammonium goods as dangerous goods - 02-Aug-2005 [9906]
- Victoria: Safe Drinking Water Regulations 2005 - [9506]
- Victoria: Terrorism (Community Protection) (Chemicals and Substances) Regulations introduce ammonium nitrate substances theft reporting obligations - 28-Jun-2005 [9616]

China

- Comprehensive rules on the disposal of hazardous chemicals specified - 30-Aug-2005 [9886]
- List of dangerous goods updated - 29-Jul-2005 [7354]
- List of strictly restricted or banned substances updated - 30-Jun-2005 [9858]
- Quality of chemical testing tightened - 12-Jul-2005 [9856]
- Transport of dangerous goods by road adopted - 12-Jul-2005 [8804]

Hong Kong

- No new regulatory developments were identified during this period.

India

- Right to Information Act adopted - 15-Jun-

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ILO reports increasing number of workplace fatalities



(Continued from page 1)

will continue to show a rise in fatal and major accidents and diseases until a plateau is reached, as prevention policies and programmes are gradually implemented and supported with enforcing legislation.

The results of rapid industrialisation coupled with relatively low workplace health and safety standards are plain to see. In 2001 Asia accounted for the majority of fatal workplace injuries, with China alone accounting for 26% worldwide. Hot on its heels were other Asian countries (including Malaysia, Korea, Thailand, Vietnam, Pakistan, Singapore, etc.), which jointly accounted for 22%, while India alone accounted for 11%. Sub-Saharan Africa came in at 15%. In comparison, established market economies (including EU-15 countries, Australia, Norway, Switzerland, the US, Canada, etc.) accounted for only 5% of deaths.

Contributing factors

The upward trend is clearly attributable among other things to the steady growth in the global working population, but even when this and other 'negating' factors are taken into account, the figures still show an increase in global fatalities. When looking at developing countries only, the rise is sharper. This is not only attributable to population growth but also to rapid industrialisation coupled with health and safety standards that lag behind.

The fact that the majority of the global workforce is not protected by legal or preventative health and safety measures, and does not have access to occupational health services or even compensation for occupational diseases or accidents is something which the ILO is trying to address. It has a few approaches to solving the problem, perhaps most effective of them all is strengthening national OHS systems, including collaborating with national authorities in the various countries in question. Fundamental aspects of strengthening a country's OHS systems include legal provisions, enforcement, compliance and labour inspection capacity and capability. The uptake and implementation of management systems is crucial but is best motivated by legislation rather than simply as good business practice.

In practice, a range of countries have been beavering away at their labour laws in the last year or so. Some examples of significant overhauls reported by Enhesa in its monthly Regulatory Monitoring service include the Czech Republic, Slovakia, Venezuela, Argentina, Singapore, etc.

Labour Accidents Trigger Enforcement Action

In many countries, labour accidents are one of the main causes of enforcement action. The accidents often trigger immediate inspections and stop-work-orders.

On 13 July 2005 the Working Conditions Inspectorate (*arboinspectie*) in the **Netherlands** released a report on major accidents involving hazardous substances. The report found that between April 2003 and September 2004, 55 serious incidents occurred involving hazardous substances in facilities which fall under the scope of the Decision Major Accident Risks. The majority of incidents occurred in the chemicals industry during maintenance work. After analysing 36 of the incidents, prosecutions are being brought in over half of these cases (see *Enhesa Monitoring report 9533*).

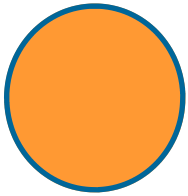
In **Australia**, the New South Wales Occupational Health and Safety Amendment (Workplace Deaths) Act 2005 entered into force on 15 June 2005. This amended the Occupational Health and Safety Act 2000 to address reducing workplace fatalities by providing for higher penalties for companies and individuals (including potentially directors and other employees), and clarifying certain offence provisions relating to workplace fatalities in the Act and the Criminal Appeal Act 1912 (see *Enhesa Monitoring report 7784*).

Some countries make use of accident statistics to prioritise their inspections. An example of this is the Site-Specific Targeting 2005 (SST-05) inspection plan published by the **United States** OSH-Agency on 5 August 2005 (see *Enhesa Monitoring report 9769*). Over the past seven years, OSHA has used a site-specific targeting inspection program based on injury and illness data. The 2005 program (SST-05) stems from OSHA's Data Initiative for 2004, which surveyed approximately 80,000 employers to attain their injury and illness numbers for 2003. The 2005 site-specific targeting (SST) plan will focus on approximately 4,400 high-hazard worksites for unannounced comprehensive inspections over the coming year.

Recent legislative developments

In the **Czech Republic**, a new Labor Code was approved in September 2005 (see *Enhesa monitoring report no. 9080*), introducing the biggest change in labour

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Central and Eastern Europe

Poland

- Changes to workplace health and safety training requirements - 28-Jun-2005 [7984]
- Health and safety of workers exposed to noise and mechanical vibration at work - 05-Aug-2005 [9818]
- New applications forms for acquisition, keeping and use, as well as transferring explosive products intended for civilian use - 13-Apr-2005 [9202]
- New maximum product charges announced for 2006, to be paid if recycling levels are not achieved - 09-Jun-2005 [9524]
- Ordinance of the Minister of Economy and Labour concerning methods of using explosives intended for civilian use - 28-Jul-2005 [8739]
- Ordinance on health and safety service at work amended to extend the period by which health and safety persons must be properly qualified - 29-Jun-2005 [1486]
- Ordinance on Minimum Requirements for Dismantling Stations and Methods of Dismantling End-of-Life Vehicles adopted - 28-Jul-2005 [9834]
- Ordinance on product charges rates for packaging and some products - 09-Aug-2005 [9817]
- Ordinance on the list of essential elements of end-of-life vehicle adopted - 15-Jun-2005 [9516]
- Series of Ordinances addressing administrative requirements when transporting dangerous waste internationally - 17-Sep-2004 [7840]
- Statute on environmental protection and some other statutes amended - 18-May-2005 [9525]
- Statute on Water and some other statutes amended extending restrictions on wastewater discharges - 03-Jun-2005 [9522]
- Training for persons dealing with explosives intended for civilian use - 04-Jul-2005 [9816]

The Ukraine

- Instruction on deduction, registration and application of the Occupational Accidents and Illnesses Insurance Fund money amended - 06-Jul-2005 [9809]
- Kyoto Protocol Action Plan Approved - 18-Aug-2005 [9744]
- Regulation on State Subsidies for Credits taken to Finance Environmental Protection Measures adopted - 18-Aug-2005 [9749]
- Regulations on issue of licences for the manufacture of extremely hazardous substances adopted - 04-Aug-2005 [9745]

Slovakia

- No new legislative developments were identified during this period.

Switzerland

- Adoption of technical standards for medical products - 30-Aug-2005 [9903]
- Ordinance on Biocidal Products enters into force - 18-May-2005 [9640]
- Ordinance on Chemical Substances enters into force - 18-May-2005 [6456]
- Ordinance on classification and labeling of dangerous substances enters into force - 28-Jun-2005 [9692]
- Ordinance on fees for the application of the chemicals legislation enters into force - 18-May-2005 [9670]
- Ordinance on Good Laboratory Practice enters into force - 18-May-2005 [9673]
- Ordinance on permit for handling of refrigerants enters into force - 28-Jun-2005 [9693]
- Ordinance on the CO₂ Tax adopted by the Federal Council - 22-Jun-2005 [9395]
- Ordinance on the Reduction of Risk from Chemical Substances enters into force - 18-May-2005 [9639]
- Ordinances on requirements for persons handling dangerous substances enter into force - 28-Jun-2005 [8324]
- Technical standards for lifts adopted - 30-Aug-2005 [9908]

Greece

- Obligations relating to Waste Electrical and Electronic Equipment enter into force - 04-Mar-2004 [9691]

Czech Republic

- Decree on details of the WEEE management adopted - 05-Sep-2005 [9312]
- Decree on the requirements for landfilling waste - 11-Jul-2005 [9511]
- Decree on underground storage of waste amended - 12-Jul-2005 [9534]
- Draft Decree on technical safety for selected equipment designed for nuclear power plants - 12-Apr-2005 [8816]
- National Allocation Plan 2005-2007 adopted by the Government - 20-Jul-2005 [7394]
- Regulation on the integrated pollutant register amended - 29-Jun-2005 [9509]
- Regulation setting requirements on construction products amended - 13-Jul-2005 [9538]

Before you buy... due diligence

How can you be sure that you not only avoid unforeseen environmental liabilities with your new acquisition, but that your new business is a sound and sustainable investment in terms of all EHS issues?

ENHESA calls on a wide variety of legal and regulatory expertise to facilitate the full range of on-site and desk studies necessary to identify potential environmental liabilities associated with acquisition, leasing and/or divestiture of properties. Contact us for more information at info@enhesa.com.



Hungary

- Amendment of the Decree on works involving electricity - 18-Jul-2005 [9699]
- Decree on the identification of soil and groundwater contamination approved - 28-Jun-2005 [9694]

Russia

- Amendments to the Montreal Protocol on ozone depleting substances adopted - 27-Aug-2005 [9799]
- Concept for the Federal System of Monitoring of Critically Important and/or Potentially Hazardous Structures and Dangerous Goods adopted - 27-Aug-2005 [9803]
- Emission and discharge rates for a number of polluting substances changed - 01-Jul-2005 [9523]
- New yearly form for statistical reporting on occupational injuries and illnesses approved - 05-Jul-2005 [9519]
- Rules for Establishing a Category of an Occupational Injury Adopted - [8817]

Turkey

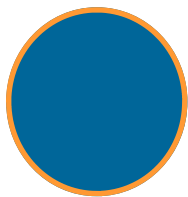
- Amended Regulation on notification of workers at the Ministry of Labour and Social Security by employers - 12-Aug-2005 [9695]
- Amendment Law on special provincial administration - 02-Jul-2005 [9475]
- Amendment of the Law on Greater Municipalities - 13-Jul-2005 [9474]
- Approved Law on Municipality - 03-Jul-2005 [9446]
- New Regulation on business and operation permit - 10-Aug-2005 [9668]
- Notification on export of endangered wild animal and plant species - 18-Jul-2005 [9486]
- Regulation for the Safe Transport of Radioactive Material - 08-Jul-2005 [9481]
- Regulation on assessment and management of environmental noise - 01-Jul-2005 [9472]
- Regulation on control of medical waste - 22-Jul-2005 [9488]
- Regulation on protection and licensing of industrial radiography - 08-Jul-2005 [9487]

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.

- This Enhesa Flash highlights some of the regulatory EHS developments that occurred in July and August 2005. For details, you could consult the Enhesa Update which provides you with a one paragraph abstract for each development impacting industry in general 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 (policy, law, regulation, proposal, etc.) of interest to your operations and/or products and for the
- 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.

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



Western Europe

New EHS Country Profiles available

Since the last issue of the Flash in September ENHESA has recently developed or updated comprehensive EHS country profiles for the following countries :

- Belgium
- Norway
- Turkey
- The United Kingdom
- Russia
- Singapore
- New Zealand

To find out about purchasing any of these, or having a tailor-made EHS country profile drafted for your specific operations, please contact us on +32 2 775 97 97 or email us at monitor@enhesa.com.

Austria

- Amendment to Business Code adopted - 10-Aug-2005 [8920]
- Ordinance on Transport of Dangerous Goods amended - 14-Jul-2005 [9495]

Belgium

- Brussels: Order on electrical and electronic equipment enters into force - 03-Jun-2004 [9835]
- Royal Order on marketing dangerous substances amended - 17-Mar-2005 [9624]
- Royal Order on the use of personal protective equipment - 13-Jun-2005 [9618]
- Royal Order on vibrations adopted - 07-Jul-2005 [9543]
- Wallonia: Adoption of an Order on the storage of liquid gas in bulk - 07-Jul-2005 [9633]
- Wallonia: Order on the take-back of certain waste amended - 10-Mar-2005 [9628]

Denmark

- Amendments to Act on CO2 allowances regarding JI-credits and CDM-credits - 01-Jun-2005 [9806]
- Regulations on vibrations enter into force - [9575]
- Statutory Order on driving licenses for cranes and forklifts adopted - 30-Jun-2005 [9724]
- The Statutory Order on Waste amended to include new recycling targets for packaging waste - 14-Aug-2005 [9783]

Finland

- Adopted a Decree amending asbestos restrictions - 25-Aug-2005 [9794]
- Adopted a Decree amending the Decision on restrictions on nickel-containing products - 22-Jun-2005 [3339]
- Adopted a Decree amending the Emissions Trading Decree - 21-Dec-2004 [8008]
- Adopted a Decree on the equipment required in safety shelters - 29-Jul-2005 [9789]
- Adopted a Decree on the list of dangerous substances - 15-Jun-2005 [9507]

Ireland

- Adopted the European Communities (Transport of Dangerous Goods by Rail) (Amendment) Regulations 2005 - 01-Jul-2005 [9521]
- Adopted the Safety, Health and Welfare at Work (General Application) (Revocation) Regulations 2005 - 26-Jul-2005 [9578]

France

- Adoption of an Order on releases of hazardous substances into water - 13-Jun-2005 [9608]
- Adoption of Order modifying Order of 2 February 1998 on emissions of classified installations subject to authorization - 30-Jun-2005 [9602]
- Circular DRT 2005/08 implementing rules for working at height - 27-Jun-2005 [9502]
- Decree 2005-746 on vibrations adopted - 04-Jul-2005 [9539]
- Decree 2005-829 on the composition of electronic and electric equipment and their waste disposal adopted - 20-Jul-2005 [2448]
- Decree 2005-989 modifying the classified installations list related to dangerous substances - 10-Aug-2005 [9725]
- Law 2005-781 establishing the energy policy objectives - 13-Jul-2005 [9536]
- National greenhouse gas allocation plan approved - 25-Feb-2005 [7141]
- Order on a safety plan for transport of dangerous goods adopted - 08-Jul-2005 [9730]
- Order on classified installations subject to declaration under rubric 1433 on flammable substances - 20-Apr-2005 [9067]
- Order related to the National action program on aquatic environment pollution - 30-Jun-2005 [9546]
- Ordinance 2005-805 relating to the simplification, and harmonization of water police adopted - 18-Jul-2005 [9613]
- Regulatory part of the Environment Code adopted - 02-Aug-2005 [9732]

Norway

- New or amended classification of 900 chemical substances - 01-Jul-2005 [6841]

Spain

- Amendment to Royal Decree on Seveso II adopted - 29-Jul-2005 [9622]
- Fertilizers manufacturing and trade controls further regulated - 08-Jul-2005 [9833]

Portugal

- Decree Law on exceptions to report certain activities involving radioactive substances - 17-Aug-2005 [9910]
- Decree Law on IPPC amended - 16-Aug-2005 [9878]
- Decree Law on recovery of controlled ozone-depleting substances adopted - 31-Aug-2005 [9880]

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Germany

- Amendment to Packaging Ordinance adopted - 25-May-2005 [560]
- Amendment to the Administrative Guide-line on water hazardous substances - 27-Jul-2005 [3253]
- Federal Network Agency for Electricity, Gas, Telecommunications, Post and Rail-way created - 07-Jul-2005 [9863]
- Legislation on assessment and manage-ment of environmental noise adopted - 24-Jun-2005 [9051]
- Ordinance on administrative fees pursuant to Electrical and Electronic Equipment Act adopted - 06-Jul-2005 [9469]
- Ordinance on Recovery of Waste on Land-fill Sites adopted - 25-Jul-2005 [6743]
- Stricter control of high activity sealed radio-active sources - 12-Aug-2005 [8354]
- Technical Rule TRGS 905 on carcinogenic and mutagenic substances amended - 01-Jul-2005 [4343]

Italy

- Regulations regarding the installation and use of pressure equipment and assemblies adopted - 01-Dec-2004 [8368]
- The prohibition on the use of asbestos extended - 14-Dec-2004 [8521]
- Provisions regarding the use of portable fire extinguishers adopted - 07-Jan-2005 [8342]

Sweden

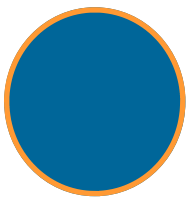
- Amendments to Ordinance (SFS 1998:944) on prohibitions etc. in connec-tion with certain use, import and export of chemical products - 26-Apr-2005 [9496]
- Regulations (KIFS 2005:5) on EC harmo-nized binding classifications and labeling issued - 22-Jul-2005 [9780]
- Regulations on pre-treatment of electric and electronic waste amended - 01-Jul-2005 [2959]

The Netherlands

- Adopted 2005 amendments to Working Conditions Policy Rules regarding adminis-trative fines - 15-Jun-2005 [9526]
- Adopted Amendment to Decision Submis-sion Requirements for Building Permit Ap-plication - 24-Jun-2005 [9527]
- Adopted amendments to Working Condi-tions Decision regarding exposure to vibra-tions - 05-Jul-2005 [9529]
- Adopted Decision adopting Subsidy Pro-grammes reducing CO₂ in transport - 30-Jun-2005 [9528]
- Adopted Rule on Green Projects - 22-Jun-2005 [9530]

The United Kingdom

- Adopted amending Regulations on the safety of cosmetic products - 04-Jul-2005 [9518]
- Adopted the Energy Information (Household Air Conditioners) (No. 2) Regulations 2005 - 30-Jun-2005 [9603]
- Adopted the General Product Safety Regu-lations - 30-Jun-2005 [9517]
- Adopted the Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 - 21-Jul-2005 [8892]
- Amending Regulations adopted on Climate Change Levy - 01-Jul-2005 [4281]
- Landfill Regulations Amended - 21-Jul-2005 [4115]
- Renewables Obligation Order 2005 adopted - 31-Mar-2005 [4632]
- Restrictions on the placing on the market of products containing nickel updated - 21-Jul-2005 [3685]
- The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 amended - 01-Apr-2004 [6801]
- The Climate Change Levy (Combined Heat and Power Stations) Regulations 2005 adopted - 21-Jul-2005 [9504]
- The Climate Change Levy (Fuel Use and Recycling Processes) Regulations 2005 adopted - 21-Jul-2005 [9520]



South America

Over 50 EHS Audit Protocols available

ENHESA currently has EHS audit protocols for over 50 countries and regions, specifically designed to help you assess compliance at a range of facilities worldwide.

To find out about purchasing any of these, or having a tailor-made audit protocol drafted for your specific operations, please contact us on +32 2 775 97 97 or email us at monitor@enhesa.com.

Audit Protocols are complemented by Score-Cards, which offer an easy-to-use tool for assessing compliance.

Argentina

- Amendment to the annual report format and applicable fee for hazardous waste generators - 28-Jun-2005 [1932]
- Buenos Aires - Resolutions concerning placing and operation of non-ionizing radiation sources above 300 KHz and their registry - 20-Apr-2005 [9625]
- Buenos Aires - Transport and disposal management of hazardous waste further regulated - 06-Jun-2005 [2023]
- Certification conditions for gaseous emissions regulated - 16-Aug-2005 [9808]
- Deadline for training requirements for road transporters of hazardous materials extended - 20-Jul-2005 [9632]
- Environmental land planning program adopted - 29-Jul-2005 [9793]
- Measures for the prevention of fatal accidents and subsequent amendments adopted - 04-Jul-2005 [6492]
- National Prevention Program on occupational accident and illness aimed at Small and Medium Size Enterprises (SMEs) amended - 19-Jul-2005 [8358]

Brazil

- CONAMA motions on water legislation - 21-Jun-2005 [9598]
- Decree regulating the Environmental Crimes Act amended - 25-Aug-2005 [2936]

Chile

- Labor code concerning maximum handling loads amended - 05-Feb-2005 [8498]
- Law amending the Labor Code to establish a paternal leave period - 02-Sep-2005 [9902]
- Proposal to amend the law on occupational accidents and diseases - 05-Jul-2005 [9656]

Puerto Rico

- No new legal developments were identified during this period.

Venezuela

- Law on occupational health and safety prevention and control adopted - 30-Jun-2005 [9644]
- Organic law on Land Planning and Management approved - 11-Aug-2005 [2434]

Colombia

- Environmental management guidelines published - 28-Jul-2005 [9868]
- Public environmental consultations regulated - 10-Aug-2005 [9826]
- Regulation on alkaline and carbon-zinc batteries adopted - 24-Jun-2005 [9635]

Costa Rica

- No legislative developments were identified during this period.

Dominican Republic

- No legislative developments were identified during this period.

Ecuador

- Quito - Ordinance regulating transport of hazardous chemicals in Quito - 06-Jul-2005 [9659]
- Register of hydrocarbon storage and distribution installations regulated - 11-Aug-2005 [9881]

Panama

- Environmental protection regulation adopted - 12-Jul-2005 [9779]
- Historical heritage protection regulation adopted - 08-Jul-2005 [9785]

Peru

- Regulation on threshold limit values of chemicals at workplace published - 06-Jul-2005 [8836]

Uruguay

- Multilayer PET packaging for carbonated alcoholic drinks - 15-Aug-2005 [9867]

North America



United States

- Adopted Energy Policy Act 2005 - 28-Jun-2005 [9638]
- Adopted Final rule classifying mercury-containing equipment as universal waste - 05-Aug-2005 [9553]
- Adopted Final Rule Identifying Areas for Which the 1-Hour Ozone Standard Has Been Revoked - 26-Jul-2005 [9569]
- Adopted Final Rule on Applicability of the Hazardous Materials Regulations to a "Person Who Offers" a Hazardous Material for Transportation - 28-Jul-2005 [9562]
- Adopted Final Rule on Standardized Permit for RCRA Hazardous Waste Management Facilities - 28-Jul-2005 [9570]
- CALIFORNIA: Adopted emergency regulations on heat illness prevention - 22-Aug-2005 [9568]
- New Mexico - Amendments to requirements for licensing of radioactive material - 29-Jul-2005 [9660]
- New Mexico - Amendments to the standards for protection against radiation - 29-Jul-2005 [9661]
- OSHA solicits public comment on proposed extension of the information collection requirements in Inorganic Arsenic Standard - 22-Jul-2005 [9565]
- Published Safety Advisory on Substandard Compressed Gas Cylinders - 12-Aug-2005 [9768]
- Request for comment on the information collection requirement in Standard on Permit-Required Confined Spaces - 31-Aug-2005 [9821]

Canada

- An Act to establish the department of human resources and skill department - 20-Jul-2005 [9645]
- Notice of intent to regulate greenhouse gas emissions by Large Final Emitters - 16-Jul-2005 [9651]
- Ontario: Approved methods for the modelling and assessment of air pollutants - 22-Jun-2005 [9679]
- Ontario: Legislation against polluters adopted - 13-Jun-2005 [7624]
- Ontario: Regulation on pre-treatment of hazardous waste adopted - 10-Aug-2005 [7627]
- Quebec: Draft Regulation modifying the Occupational Health and Safety Regulation - [9854]
- Quebec: Regulation amending transport of dangerous substances Regulation - 25-May-2005 [9685]
- Transport of Dangerous Goods Regulations amended - 28-Jun-2005 [9650]

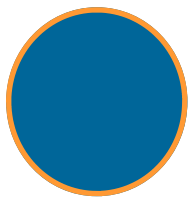
Mexico

- Decree publishing the text of the Rotterdam Convention on pesticides and other chemical substances - 02-Aug-2005 [8679]
- Official Mexican norm on sanitary requirements for systems providing water for human use - 12-Jul-2005 [6131]



*Enhesa recently attended the Fall Meeting and Technology Exhibition of the **Auditing Roundtable**, in Arlington, Virginia between the 6th and 9th of September 2005. The meeting provided an excellent opportunity to catch up with the latest developments in auditing worldwide, and to meet up with clients and colleagues.*

We would like to extend our warm regards to everyone who either stopped by at our stall or whom we spoke to elsewhere, we hope to see you again soon.



Asia Pacific

(Continued from page 2)
2005 [9870]

Indonesia

- Indonesian DNA for climate change is Established - 21-Jul-2005 [9662]

Japan

- Private entities excluded from the requirement on mandatory annual environmental reporting - 16-Mar-2005 [8637]

Kazakhstan

- Decree amending qualification requirements applicable to certain licensable activities adopted - 27-May-2005 [9584]
- Decree On Implementation of the Law "On Licensing" amended - 19-Aug-2005 [9797]
Law on environmental audit adopted - 08-Jul-2005 [8967]
- List of Licensable Industrial Activities and Services Adopted - 09-Aug-2005 [9788]
- Rules for Registration, Investigation and Recording of Occupational Illnesses and Poisonings (by the Authorities) adopted - 23-Jun-2005 [9791]
- Rules for the Transport of Dangerous Goods amended - 21-Jul-2005 [9615]
- Rules governing the state system of registration and control of nuclear materials and ionising radiation sources adopted - 22-Jul-2005 [9619]
- The criteria for environment protection measures adopted - 01-Jul-2005 [9621]

Malaysia

- Adopted Environmental Quality (Prescribed Conveyance) (Scheduled Wastes) Order 2005 - 03-Aug-2005 [9757]
- Adopted Environmental Quality (Scheduled Wastes) Regulations 2005 - 03-Aug-2005 [9758]

Taiwan

- Drinking Water Quality Standards tightened - 30-May-2005 [9068]
- Emergency response measures against accidental release of wastewater tightened - 26-Aug-2005 [9071]
- Liability insurance required to handle toxic chemicals - 30-Jun-2005 [9697]
- Packaging standards of products adopted - 01-Jul-2005 [9696]

Korea, South

- Updated list of toxic chemicals in July 2005 - 25-Jul-2005 [9636]

New Zealand

- Hazardous substances compressed gas regulations passed and amended - 23-Aug-2004 [7605]
- Implementing the Globally Harmonised System of Classification and Labelling of Chemicals under the Hazardous Substances and New Organisms Act 1996 - 10-Jun-1996 [9714]
- Land Transport Dangerous Goods Rule 2005 passed - [9904]
- Resource Management (National Environmental Standards Relating to Certain Air Pollutants, Dioxins, and Other Toxics) Amendment Regulations 2005 passed - 25-Jul-2005 [9492]
- Resource Management Amendment Act 2005 passed - 09-Oct-2005 [7617]

Philippines

- Air Quality Management Fund Selection Criteria - 15-Jul-2005 [9759]

Pakistan

- Ordinance adopted to establish the Alternative Energy Development Board - 30-Apr-2005 [9663]

Singapore

- Permissible sulphur content of diesel used for vehicles and industrial plants reduced from 1 December 2005 - 07-Jul-2005 [9401]
- Requirements on road transportation of petroleum and flammable materials amended - 01-Sep-2005 [9912]
- Workmen's Compensation Medical Board established under the Workmen's Compensation Act - 15-Aug-2005 [9918]

Thailand

- No new developments were identified during this period.



Africa and the Middle East

South Africa

- Air Quality Act, 2004 partially came into effect on 11 September 2005 - 24-Feb-2005 [8570]
- Industries involved in iron, steel, galvanising and certain other metal-related activities must implement a health and safety policy - 02-Sep-2005 [9889]

Egypt

- No new legal developments were identified during this period.

Israel

- No new legal developments were identified during this period.

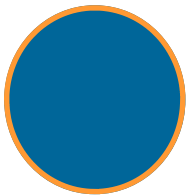
Enhesa continues to strengthen its capabilities in Asia, with better service and liaison for clients

Continuing on from our recent activities in Japan and Korea in July and August 2005, ENHESA continues to enhance local customer support in Asia.

On 23 September 2005 in Shanghai, DaeYoung Park, ENHESA's Regulatory Affairs Specialist for Asia, presented the closing session of the **China EHS** conference. The presentation, **A Practical Solution for Implementing EHS Projects**, was attended by Chinese EHS managers and professionals from the Bao Steel Group, DuPont, Bristol Myer Squibb, Shanghai Occupational Safety and Health Association, GTZ China, State Environmental Protection Administration, Intel Corporation, International SOS, Henkel China, Osram China Lighting.

With local co-operative links in Shanghai, China and Singapore, ENHESA is well placed to best serve multinational and Chinese customers to achieve superior EHS standards.





ILO reports increasing number of workplace fatalities

(Continued from page 3)

legislation since 1990. Once it comes into force on 1 July 2006, the Labor Code will lay down the basic rights and obligations of employers and employees in terms of health and safety, and give more flexibility to how employers manage health and safety at work. It is expected to be followed by a separate Act to detail specific provisions on work safety. It will become the obligation of the employer under whom the accident took place to investigate the causes of the accident.

Slovakia's proposed Act on Health and Safety at Work which was published in June 2005 (see *Enhessa monitoring report no. 9366*) would become the framework legislation in terms of occupational health and safety, replacing the current legislation which dates from 1975. The employee's obligation to report on his own accidents or accidents he witnessed will be reinforced. In terms of reporting, the employer has to report every month (by 5th) on all accidents that occurred during the last month. This would be changed so that the employer has 8 days to report. Overall, it would bring the requirements in line with EU legislation and introduce measures to provide for improvements in worker health and safety.

In **Australia**, the Victorian WorkCover Authority (VWA) released 2005 its Compliance and Enforcement Policy on 20 July. This was in line with the vision for Victorian workplaces to be free from work-related injury and disease, the entry into force of the Occupational Health and Safety Act 2004 and the released of the general prosecution guidelines. The policy provides an overview of the legislative framework within which WorkSafe operates and sets out how WorkSafe's 'Constructive Compliance Strategy' (a balanced combination of positive motivators and deterrents) is applied to its enforcement and prosecution activities (see *Enhessa Monitoring report 9631*).

A complete overhaul of Law on Prevention, Conditions and Work Environment was adopted on 30 June 2005 in **Venezuela** (see *Enhessa monitoring report no. 9644*), cranking up requirements to prevent occupational accidents and illnesses. Key changes include the requirement that Health and Safety Committees be registered with the

National Institute for Prevention, Occupational Health and Safety and makes provision for periodic reports to be submitted. In addition, an occupational health and safety program has to be designed and implemented, and a general duty of care has also been introduced. Occupational accidents and diseases had to be reported even under the previous legislation, but this now has to be done within 24 hours. It came into force on 26 July 2005.

Argentina adopted the ILO's ILO-OSH-2001 General Guidelines on the Health and Safety at Work Management Systems on 27 January 2005 (see *Enhessa monitoring report no. 8501*). They are aimed at the voluntary implementation of management systems in organisations for the protection of workers and the prevention of occupational illnesses and accidents. The same guidelines formed

the basis for **Germany's** national manual on occupational health and safety management systems, which were issued in June 2002 (see *Enhessa monitoring report no. 5519*). The aim of the manual is to provide guidance on integrating occupational safety and health management into the overall management of

an organization. The implementation of the national manual is voluntary and does not replace compliance with existing legal requirements. It also doesn't provide for third party certification, but there is a possibility of a voluntary check of the OHS system by authorities and Accident Insurance Associations (*Berufsgenossenschaften*).

ILO's Occupational Safety and Health Management System Standard (ILO-OHS-MS) was adopted by **Malaysia** as a national standard in December 2003 (see *Enhessa monitoring report no. 5404*). It is mandatory for all high-risk facilities, and was implemented to standardise all occupational health and safety management systems practiced by companies.

A ground-breaking judgement on 1 July 2005 in **the Netherlands** saw an employer held liable for repetitive strain injury (RSI) in an employee after it was shown that the employer had failed to comply with the requirement to provide ergonomic working conditions (see *Enhessa monitoring report no. 10097*). The right to appeal was rejected. The employee was shown to be suffering from RSI after spending more than

In the Netherlands in July 2005 an employer was held liable for repetitive strain injury (RSI) in an employee after it was shown that the employer had failed to comply with the requirement to provide ergonomic working conditions. The right to appeal was rejected.

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(Continued from page 12)

half his working time using a computer and keyboard, and more specifically this was frequently a laptop computer, a prominent cause of RSI if used intensively. Although at the time the employee started work in 1986 (he worked there until 1996) little was known about RSI and its causes the court held that the employer should have monitored developments in knowledge and complied with workplace safety requirements. In the Netherlands the Working Conditions Act 1998 requires that occupational illnesses be notified to the Dutch Centre for Occupational Illnesses, regardless of whether or not it involves absenteeism. Employees are obliged to provide their employees with the opportunity to undergo medical examinations, but employees are not obliged to undergo the examinations. These examinations have to cover the specific risks related to an employee's work activity.

Singapore is also in the final stages of overhauling its occupational health and safety requirements, although it is one of those countries where continual improvements have consistently been reported since 1995 and the authorities are now trying to break through the plateau (see *Enhesa monitoring report no. 8752*). Singapore's current occupational fatality rate for 2004 is slightly under 5 per 100,000 workers, and has reduced from 8 in 1998. The current accident rate of industrial accidents is 2.2 per million man hours, which has been reduced from over six in 1981. Since 2001 though the steady improvement has levelled out and the accident rate has remained the same, hence the call for continued improvement. The new OSH framework will focus on preventing or reducing risks at source, will give industry more responsibility and ownership of safety and will introduce higher penalties and financial disincentives for poor safety management.

Conclusion

While regulators struggle to keep up with increasing industrialisation and its accompanying toll on the health and safety of workers, the statistics reflect the fact that even in developed countries the existing health and safety frameworks are not sufficient to keep levels of accidents and illnesses down to a minimum. Highly regulated countries are therefore turning their attention to better implementation of the requirements and a tougher approach to enforcing compliance. Companies should review their accident and occupational illness records to determine how they compare with other companies in the sector. Multinational companies not only have to ensure compliance with local requirements, but they should also ensure proper operating practices (and hence low accident numbers) which may go beyond local requirements. It will help avoid disruption in production, help to ensure good relations with employees and local enforcement agencies, as well as prevent reputation damage due to poor labour practices.

Resources:

The ILO's SafeWork report can be accessed at <http://www.ilo.org/public/english/protection/safework/wdcongrs17/intrep.pdf>

A database of the ILO's labour standards is available at <http://www.ilo.org/ilolex/>

For more information please contact Enhesa at monitor@enhesa.com

- Victoria Bain and Thierry Dumortier



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

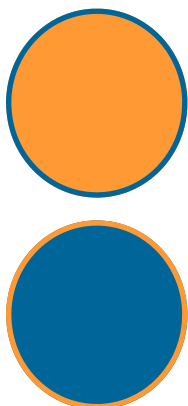
We are constantly expanding the geographic scope of our EHS Regulatory Monitoring. Since the last Flash was released in August we have added Lithuania, Luxembourg, Romania, Serbia and Montenegro, Vietnam, Cambodia and Guatemala.

This brings the total number of countries covered on a daily, in-depth basis to 72.

European Union

- Commission Decision establishing the classes of reaction-to-fire performance for certain construction products - 09-Aug-2005 [9883]
- Decision 2005/618/EC setting maximum concentration values for heavy metals and brominated flame retardants in Electrical and Electronic Equipment - 18-Aug-2005 [9925]
- Decision determining the permitted quantities of methyl bromide for critical uses adopted - 23-Aug-2005 [9740]
- Directive on the eco-design of energy using equipment adopted - 06-Jul-2005 [3674]
- Regulation on second phase of systematic examination of active substances in biocidal products amended - 13-Jun-2005 [6338]
- Summary Risk Assessment for but-2-yne-1,4-diol (butynediol) - 01-Jul-2005 [9646]

Upcoming Events and Presentations:



NAEM - 2005 13th Annual EHS Management Forum



Enhesa will be exhibiting at the National Association of Environmental Managers (NAEM) at the 13th Annual EHS Management Forum from October 19th -21st in Phoenix, Arizona.

If you're also going to be attending please stop by at our booth in the Exhibit Hall and visit for a demonstration or just to say hello.

For more information please contact Enhesa at 301-530-1392 or gv@enhesa.com. More information about the NAEM forum is available on the NAEM website www.naem.org.

Pollutec 2005



Enhesa will be exhibiting at the 21st Pollutec international exhibition on environmental equipment, technologies and risks from 29 November to 2 December in Paris, France.

Enhesa is organising three conferences at Pollutec :

1. **Industrial operating permitting worldwide** : 29 Nov 05, Forum B, 15h45 - 16h30
2. **How to ensure efficient global EHS monitoring of your operations and products** . 2 Dec 05, Forum B, 11h30 - 12h15
3. **How to follow chemical regulations globally**. Thursday 1 Nov, Village Ingénierie, 16h - 16h45

More information is available at www.pollutec.com

Come and visit us at the Village Ingénierie, booth M 149.

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- **Enhesa Flash**: 8-10 pages with titles of new regs - free - now every two months
- **Enhesa Update**: 50-100 pages with titles and abstracts of new and proposed regs - 1000 EUR/year - every month.
- **Enhesa monitoring reports**: tailored to your unique business needs, with detailed analyses of how new and proposed regulations will affect your specific operations in whichever country you operate in. Every month you will receive a tailored analysis of each development and a breakdown of what you will need to do to stay in compliance. Pricing starts around EUR 2,500 per country per year.
- **Country Profiles, Audit Protocols, Scorecards, Regulatory Registers, Training Manuals**, etc.

The **Enhesa Flash** is distributed free of charge. For subscriptions, please go to <http://www.enhesa.com/enhesa/EN/service/flash.asp>

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Enhesa is an environmental, health and safety policy and strategy consultancy. Enhesa is based in Brussels, with regional managers in Washington 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

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