

# **Health and Safety Authority**

## **Consultation Paper on Accreditation and Independence of Persons carrying out Statutory Examinations of Equipment pursuant to the Safety, Health and Welfare at Work (General Application) Regulations 2007 to 2012**

The Health and Safety Authority requests your views on the issue of accreditation and independence of persons who conduct specific inspection/examination activities required by statute, such as the examination of lifting equipment or pressure vessels.

Statutory examinations may be required at the time of installation or on a periodic basis.

### **Background**

The Authority is occasionally asked about the legal requirements to undertake statutory examinations. Sometimes the question is asked by those who are considering offering their services for this type of work and other times by those who are engaging the services of others to have this function performed.

Regulations 30, 52 and 191 of the Safety, Health and Welfare at Work (General Application) Regulations, 2007 to 2012, require inspections or examinations to be carried out by competent persons. The most recent Regulations [S.I. No. 445 of 2012] include in a more specific manner the requirements for the statutory examination of pressure vessels.

The 2005 Safety, Health and Welfare at Work Act states in section 2(2) that:

- (a) *For the purposes of the relevant statutory provisions, a person is deemed to be a competent person where, having regard to the task he or she is required to perform and taking account of the size or hazards (or both of them) of the undertaking or establishment in which he or she undertakes work, the person possesses sufficient training, experience and knowledge appropriate to the nature of the work to be undertaken.*
- (b) *Account shall be taken, as appropriate, for the purposes of paragraph (a) of the framework of qualifications referred to in the Qualifications (Education and Training) Act 1999.*

The use of the term “competent person” for statutory inspection is well established; its use can be found in the 1955 Factories Act.

The Authority is not aware of an Irish based, qualification or professional membership, which, by itself, provides proof of competency for these statutory examinations.

Regulation 53 sets out a range of duties for a competent person who conducts statutory examinations of lifting equipment and similarly Regulation 192 for pressure vessels. The Guide to the Safety, Health and Welfare at Work (General Application) Regulations on the Use of Work Equipment states that the competent person may be an employee of the organisation or external to it, but goes on to say that if the person is an employee, he or she has to be in a position to exercise independent judgement. The same situation applies to examination of pressure vessels.

If the Health and Safety Authority has reason to believe that the examinations and/or the reports of such examinations are not adequate, it has the power to require re-examinations to be conducted by another entity.

Whilst the Regulations refer to the requirement for a competent person, they do not identify a particular group that meet that requirement for the issue at hand and it is left to the employer engaging the service to make reasonable enquiry to assure themselves that the service provider is suitable.

One way is for the competent person to keep records documenting their “training, experience and knowledge”, taking account of their educational qualifications, in order to prove that they have appropriate practical and theoretical knowledge and experience relevant to the type of plant or equipment that they examine.

Whilst such record keeping constitutes good practice, it is not readily subject to independent verification and many clients are not in a position to judge the adequacy of the information in forming a view about competency.

An established method to provide independent assurance of competency is by means of accreditation. The process of accreditation is facilitated by the existence of recognised standards and for engineering inspection; one relevant standard is EN ISO/IEC 17020:2012, ‘General Criteria for the Operation of Various Bodies Performing Inspection’. This international standard specifies general criteria for the competence of impartial bodies performing inspection, irrespective of the sector involved. It also specifies independence criteria.

The standard is intended for the use of inspection bodies and their accreditation bodies as well as other bodies concerned with recognizing the competence of inspection bodies. This standard covers the functions of bodies whose work may include the examination of materials, products, installations, plant, processes, work procedures, or services, and the determination of their conformity, with requirements, and the subsequent reporting of results of these activities to clients and, when required, to supervisory authorities. Because of the broad application of the standard, the set of criteria may have to be interpreted when applied to particular inspection/examination activities.

The national body with responsibility for accreditation in Ireland is the Irish National Accreditation Board (INAB). INAB provides accreditation of laboratories, certification bodies and inspection bodies.

INAB’s co-operation with other accreditation bodies in Europe and globally, through multilateral agreements means that certificates and reports issued by INAB accredited organisations are recognised internationally.

If regulations should require accreditation for a certain activity, accreditation through any European accreditation body would be acceptable.

With the exception of regulations for offshore installations, there is no requirement for independent equipment examinations. In some sectors, equipment is being examined for the purpose of statutory reports by the companies who carry out the routine maintenance for that

equipment. In such instances the report of statutory examination may not provide a feedback on the history of deterioration or the quality of the maintenance process.

Although outside the scope of this discussion paper, it may be noted that the Regulations covering the international transport of dangerous goods by road [ADR] have requirements relating to independence of inspection and accreditation for certain activities.

Accreditation does involve costs to the body being accredited which may not be readily absorbed by smaller organisations or self-employed. The introduction of a requirement that all statutory examinations should be conducted by accredited bodies would be seen as a disproportionate requirement relative to the history of catastrophic equipment failures. That being said, it appears that in the area of fixed pressure vessels, most if not all statutory inspections are being conducted by accredited bodies and it is desirable to maintain that position as the norm.

If a major failure occurred resulting in multiple casualties, major damage or widespread disruption the question could be asked as to whether the current legal requirements for plant inspection were sufficiently robust and fit for purpose.

This paper seeks to obtain the views of interested parties on the question of statutory examinations and whether certain requirements should be set for those who carry these tasks on certain types of equipment particularly where there is a potential for multiple casualties or major damage.

**Points for consultation:**

The Authority seeks the opinion of interested parties on the following questions:

1. Are there certain types of plant, for which the conduct of statutory examinations should be limited to those who are accredited for that activity, for example
  - large mobile cranes with a safe working load rating of {to be determined} including truck-mounted, rough or all terrain, and crawler cranes;
  - all tower cranes including stationary, rail-mounted, climbing cranes (moving up with erected building/structure) and quick-assembling (self-erecting);
  - dockside cranes;
  - container handling cranes;
  - floating cranes;
  - passenger and goods lifts;
  - steam boilers;
  - pressure vessels containing dangerous substances.
2. Are there certain types of equipment where statutory inspection should be conducted only by independent accredited third party organisations?
3. Any other observations?

The closing date for receiving submissions is 5.00 p.m. on Friday 1<sup>st</sup> March 2013.