

Case for Regulatory Intervention (CRI)

Title: The amalgamation of the Safety, Health and Welfare at Work (Quarries) Regulations 2008 and the Safety, Health and Welfare at Work (Quarries) (Amendment) Regulations 2013 within updated Regulations.

Proposed by: Jim Holmes

Date: 6th of March 2014

Approved (ACE/PM): Peter J. Claffey

Date 19th March 2014

Noted (Legislation Co-ordinator): Michael Walsh

Date 21st Mar 2014

Date approved by L&GSC

14/04/2014

Case for Regulatory Intervention

Proposed by: Jim Holmes **Date:** 6th of March 2014

Issue to be addressed:

The revision and replacement of the Safety, Health and Welfare at Work (Quarries) Regulations 2008 as amended by the Safety, Health and Welfare at Work (Quarries) Amendment Regulations, 2014 to address identified issues.

The Safety, Health and Welfare at Work (Quarries) Regulations 2008 come into force in 2008, and following on from their implementation a commitment was given to stakeholders that the Quarry Regulations would be revisited 5 years following their enactment. The revised draft regulations address that commitment.

In addition the Safety, Health and Welfare at Work (Quarries) Amendment Regulations, 2013 were enacted to address a complaint made to the European Commission in relation to vehicle auxiliary devices.

The Authority has now commenced a review of the Regulations and has collaborated with the Quarries Safety Partnership (QSP) to prepare the draft revised Regulations. The QSP is a tripartite body that represents the major stakeholders and the changes within the draft revised regulations represent their interests.

These draft revised regulations will reduce the burden of compliance for Quarry Operators that have temporarily ceased quarrying operations as a result of the downturn in the construction industry.

The draft revised Regulations provide clarity in terms of extraction of minerals within a construction site with regards to which regulations apply.

The draft revised Regulations apply additional safeguards when explosives are being used that could reduce the potential for flyrock.

The draft revised Regulations consolidate specific quarrying regulations within a single document.

Objectives:

The amendments included in these revised draft regulations will:

1. improve safeguards in relation to the use of explosives by requiring that:
 - a) the Quarry Operator ensures the competence of drilling operators;
 - b) ensure that trainee shotfirers only fire shots whilst under competent supervision;
 - c) ensure changes to the blast specification are agreed between the shotfirer and the explosives supervisor prior to blasting,
2. enable Quarry Operators to take appropriate measures and then notify the Authority of the temporary cessation of quarry operations at a quarry. This

will remove the requirements on the Operator to comply with the Quarry Regulations until they are in a position to recommence operations. This may reduce the financial and legal burden on Operators that have quarries that are currently not economically viable to operate or maintain,

3. provide greater clarity to the definition of “quarry” and of “quarrying operations”,
4. allow for the deletion of Part 7 and Schedule 4 of the 2008 Regulations as amended in 2013 as these now fall within the requirements of the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2012,
5. ensure Schedule 1 of the Regulations reflects the dissolving of FAS and the establishment of SOLAS and takes account of changes in the 2013 Construction Regulations,
6. improve the efficiency of the compliance and enforcement process as inspectors and stakeholders will operate on the basis of a simplified legislative framework.

Need for Intervention

The Safety, Health and Welfare at Work (Quarries) Amendment Regulations 2013 did not address identified issues within the Safety, Health and Welfare at Work (Quarries) Regulations 2008 as they only addressed an undertaking made to the European Commission.

The Authority had given an undertaking to stakeholders to revisit the Safety, Health and Welfare at Work (Quarries) Regulations 2008 five years following their enactment.

The Quarry Safety Partnership (a tripartite group established by the Health and Safety Authority with representatives from all of the senior stakeholders in the industry) has identified specific issues with the current regulations that require update.

The draft Regulations are required to improve health and safety management in the area of the use of explosives by providing additional control measure that may reduce the risk of flyrock.

The draft Regulations will provide clarity where mineral is extracted within the boundary or close to the boundary of a construction site through update and clarification of the definitions of a quarry and quarrying operations.

Project Manager: Jim Holmes

Stakeholders:

- Department of Jobs, Innovation and Enterprise
- Irish Concrete Federation
- Irish Mining and Quarrying Society
- Construction Industry Federation
- Irish Business and Employers' Confederation
- Services, Industrial, Professional and Technical Union
- Building Materials Federation
- Construction Safety Partnership

Consultation process envisaged:

Consultation with the stakeholders represented at the Quarry Safety Partnership will continue until such time as the consultation period is deemed to have ended.

The statutory public consultation will allow interested individuals and any groups that are not represented by the QSP to make representations.

The selected stakeholders below will be contacted directly by the Authority and invited to make submissions:

- Irish Concrete Federation
- Irish Mining and Quarrying Society
- Construction Industry Federation
- Irish Business and Employers' Confederation
- Services, Industrial, Professional and Technical Union
- Building Materials Federation
- Construction Safety Partnership
- Machinery suppliers
- Training providers

Guidance:

The 'Safe Quarry' guidance that currently accompanies the 2008 Regulations will be updated in accordance with any amendments. It is envisaged that this work will be completed before or very shortly after the publishing of the statutory instrument.