
The Control of Electromagnetic Fields at Work Regulations 2016

Health and Safety Executive (HSE)

RPC rating: **fit for purpose**

Description of proposal

The Electromagnetic Fields (EMF) Directive provides minimum health and safety requirements to protect workers from the risks arising from exposure to EMFs. It enters into force in July 2016.

During the negotiations, the Government argued that the Directive was not needed because the risks from EMF are already managed sufficiently using existing workplace health and safety law. The HSE's proposal is, therefore, to transpose only those parts of the Directive that are not covered by existing domestic legislation through a new set of health and safety regulations.

Impacts of proposal

Businesses from a variety of sectors including energy, telecommunications and broadcasting, and welding will be affected by the proposal.

Costs

The costs generated by the proposal can be split into the following categories:

Scoping costs: Organisations that have equipment emitting EMFs below the levels captured by the Directive will need to spend time checking whether they are in scope of the new requirements. The HSE estimates that there are 870,000 such organisations. The HSE anticipates that the proposal will generate one-off costs for these organisations of £3.75 million in the first year of the regulations.

Familiarisation costs: Organisations using equipment emitting EMFs at levels that are covered by the Directive will have to spend time understanding the new requirements. The HSE estimates it will take one hour for duty holders in the 18,000 businesses where EMFs are a significant risk and two hours for the (less informed) duty holders in the 70,000 businesses where EMFs are not a significant risk. The HSE estimates these first year costs of familiarisation at £4.1 million. It estimates one-off costs to new businesses established in each of the remaining nine years of the appraisal period at £4 million.

Costs of assessing exposure levels in first year: Businesses must spend time assessing the levels of EMFs to which their workers may be exposed and updating their risk assessments accordingly. The HSE explains that only the 9% of affected businesses with 5 or more employees will need to record the fact that they have undertaken these assessments. The HSE estimates it will take these businesses 1 hour to undertake and record the assessment, while businesses with fewer than 5 employees will need 15 minutes to undertake (but not record) the assessment. The HSE estimates the total cost of this activity at £1.2 million, falling entirely in year 1.

Ongoing costs: over the ten-year appraisal period, the HSE estimates the costs to new businesses entering the market of assessing exposure to be £1.2 million in present value terms.

Recurring costs: Every time a business introduces, retires or replaces equipment that emits EMFs it will have to reassess exposure, record this assessment and update its risk assessment. The HSE estimates the associated costs to be £1.1 million over the ten-year appraisal period in present value terms.

Benefits

Based on extensive discussions with key stakeholders since 2002, the HSE does not anticipate any direct beneficial consequences of the Directive, as EMF risks are already controlled under existing health and safety legislation. This is in contrast to the “*very considerable*” (page 27) sunk costs incurred in the negotiation and transposition period by businesses in several sectors. However, the EMF Directive will ensure the existence of a uniform set of values, enshrined in law, against which all duty holders will assess exposure. It will also provide a consistent approach across Europe. The HSE has not monetised these benefits.

The RPC is able to verify the estimated equivalent annual net cost to business (EANCB) of £1.7 million. The RPC expects that, as this is an EU measure, it will be a non-qualifying regulatory provision that will not score under the business impact target.

Quality of submission

The IA is well written, clearly setting out a complex proposal.

The HSE explains that it has avoided gold-plating by choosing the implementation option that minimises the burden on business. In particular, the HSE explains that,

because the Directive is technically complex, the regulations will be accompanied by supporting guidance to remove any ambiguity for businesses.

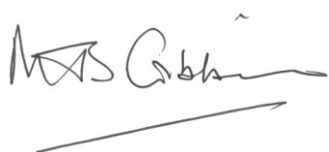
The RPC's consultation stage opinion stated that "*the Department will need to use the consultation to gather more evidence to strengthen further the analysis of the impacts on business*". Consultation evidence highlighted that the HSE's estimates of the time taken for scoping, familiarisation and assessment were too low. As a result, the HSE has increased its estimates of the costs of the proposal, resulting in a change in the estimated EANCB from £0.55 million to £1.66 million.

Departmental assessment

Classification	Non-qualifying regulatory provision (EU)
Equivalent annual net cost to business (EANCB)	£1.7 million
Business net present value	-£15.0 million
Societal net present value	-£15.1 million

RPC assessment¹

Classification	Non-qualifying regulatory provision (EU)
EANCB – RPC validated	£1.7 million
Small and micro business assessment	Not required (European origin)



Michael Gibbons CBE, Chairman

¹ The RPC verification of the estimated equivalent annual net cost to business (EANCB) and assessment of whether the measure is a qualifying regulatory provision are based on current working assumptions.