
Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Electromagnetic Fields) Regulations 2016

Department for Transport

RPC rating: confirmed as a non-qualifying regulatory provision

Description of proposal

The proposal would transpose EU requirements in relation to the protection of workers on ships from electromagnetic fields (EMFs). A range of equipment used on ships, from domestic appliances to generators, can produce EMFs. However, only a small proportion of such equipment is likely to produce EMFs of sufficient strength to be considered potentially harmful and to be caught by the requirements of the Regulations.

The Department's assessment is that nearly all of the EU requirements relate to activity that businesses already undertake, for example in relation to health and safety requirements under the General Duties Regulations. The transposition will only cover those areas where there are new requirements. The new requirements relate to assessing workers' levels of exposure to EMFs against the specific values in the regulations or recording the use of exemptions from the requirements.

Impacts of proposal

The Department estimates that around 40% of nearly 5,000 businesses will need to familiarise themselves with the changes. This is based on estimates that 10% of businesses will be affected, and that a further 30% will need to understand the regulatory change before confirming that they are not in scope. On this basis, the Department expects familiarisation to cost £66,000 across nearly 2,000 businesses.

Businesses that own vessels which have EMF-producing equipment in scope of the Regulations are already required to assess on-board levels of EMFs. The new requirements oblige businesses to consider whether the assessed levels reach the 'action levels' for exposure set out in the Regulations. Where exposures reaches these levels, the Department's assessment is that businesses will already be taking actions to protect health and safety under existing requirements (which are not specific to EMFs, but cover all risks to seafarers).

The regulations make use of derogations to provide for exemptions from the requirements in specified circumstances. The Maritime and Coastguard Agency will provide detailed guidance on these exemptions, but businesses will need to maintain records of their application. Undertaking assessments and recording exemptions are estimated to cost around £12,000 in the first year.

As the proposal is of EU origin, this will be a non-qualifying regulatory provision that will not score under the business impact target. While not required to do so, the RPC can also validate the estimated equivalent annual net direct cost to business (EANDCB) of zero for reporting purposes.

Quality of submission

The Department has provided sufficient information to support the assessment of the proposal as a non-qualifying regulatory provision of EU origin. As this is a low-cost non-qualifying regulatory provision, the Department is not required to provide an estimated EANDCB. However, the IA includes sufficient information to enable the RPC to validate an EANDCB of zero when rounded to the nearest £100,000. The IA explains that the estimates used are based on Health and Safety Executive estimates that were tested through the consultation process.

The Department is likewise not required to submit a small and micro business assessment, but has provided one. While the EU requirements do not provide for any small business exemption, the IA argues that small business will either not own vessels with sufficiently powerful EMFs to be in scope, or will already be undertaking the necessary assessments under existing regulations.

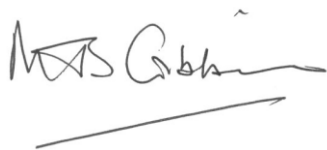
Departmental assessment

Classification	Non-qualifying regulatory provision (EU)
Equivalent annual net cost to business (EANCB)	Zero

RPC assessment

Classification	Non-qualifying regulatory provision (EU)
Small and micro business assessment	Not required (low-cost regulation)

Opinion: non-qualifying regulatory provision confirmation
Origin: European
RPC reference number: RPC-3449(1)-DfT
Date of implementation: Summer 2016



Michael Gibbons CBE, Chairman