



Health and Safety Executive for Northern Ireland

Consultation on proposals in relation to two
health and safety Approved Codes of
Practice:

(i) *L133 - Unloading petrol from road tankers*
- Dangerous Substances and Explosive
Atmospheres Regulations (2002) (DSEAR)

(ii) *L130 - The compilation of safety data
sheets* - Chemicals (Hazard Information and
Packaging for Supply) Regulations 2002

Consultative Document

February 2015

Consultation on proposals in relation to two health and safety Approved Codes of Practice:

L133 - Unloading petrol from road tankers - Dangerous Substances and Explosive Atmospheres Regulations (2002) (DSEAR); and

L130 - The compilation of safety data sheets - Chemicals (Hazard Information and Packaging for Supply) Regulations 2002

Contents	Page
INTRODUCTION	3
BACKGROUND	3
ACOP L133 Unloading petrol from road tankers	4
ACOP L130 - The compilation of safety data sheets	5
THE PROPOSALS	6
COSTS AND BENEFITS	7
EQUALITY IMPACT	7
INVITATION TO COMMENT	7
Annexes	
ANNEX 1 EQUALITY IMPACT SCREENING DOCUMENTS	9
ANNEX 2 LIST OF CONSULTEES	48

This Consultative Document is based on the Consultative Documents “Consultation to review HSE’s Approved Codes of Practice” and “Consultation on draft revised Approved Code of Practice (ACOP) Dangerous Substances and Explosive Atmospheres Regulations 2002 L133 – Unloading petrol from road tankers” issued by the Health and Safety Executive in Great Britain, whose assistance is gratefully acknowledged.

If you are reading this document on a computer screen and would prefer a printed version, it can be obtained on request. Furthermore, if you require a more accessible format an Executive Summary is available in Braille, large print, on disc or audiocassette, or in Irish, Ulster Scots and other languages of the minority ethnic communities in Northern Ireland. To obtain a summary in one of these formats, please contact Jim Sisk at the address shown at paragraph 25.

INTRODUCTION

1. This consultative document invites views on proposals to:
 - (a) withdraw approval for use in Northern Ireland of the Approved Code of Practice (ACOP) “Dangerous Substances and Explosive Atmospheres Regulations 2002 L133 – Unloading petrol from road tankers”, drafted by the Health and Safety Executive in Great Britain (HSE), and replace it with a revised edition.
 - (b) withdraw approval for use in Northern Ireland of the Approved Code of Practice ‘L130 - The compilation of safety data sheets - Chemicals (Hazard Information and Packaging for Supply) Regulations 2002, published by the HSE.
2. This consultation is undertaken in compliance with Article 18 of the Health and Safety at Work (Northern Ireland) Order 1978 which requires HSENI to consult on revisions to ACOPs prior to seeking the consent of the Department of Enterprise, Trade and Investment to approve revisions to the ACOP for use in Northern Ireland.

BACKGROUND

The role and status of ACOPs and how they are used to help organisations comply with health and safety law.

3. ACOPs provide practical guidance on complying with the general duties of the Health and Safety at Work (Northern Ireland) Order 1978 (HSWO) or the requirements of goal-setting regulations. They are important tools for experienced health and safety audiences that explain the law and enable the control of more complex risks. They can also provide certainty for dutyholders by setting out preferred methods or standards to achieve compliance and by clarifying what is required by terms such as suitable, sufficient or adequate. ACOPs have mainly been made available for high risk activities where some precision is required in the approach to controlling the risks.
4. ACOPs are not law but do have a special legal status; if the advice in ACOP material is followed in relevant circumstances duty holders can be confident they are complying with the law. This is made clear in the front of each ACOP document by a statement that those who comply with the ACOP material will have done enough to comply with the law on the specific issues addressed by the ACOP. Dutyholders may use alternative methods to those set out in an ACOP to comply with the law and this is also stated at the front of each ACOP. However, if the dutyholder is prosecuted for a breach of health and safety law, and it is proved that they have not followed the relevant provisions of the ACOP, then that element of the offence will be taken as proved unless they can show the court that they have complied with the law in some other way.

5. An ACOP can be an appropriate format for providing advice where:
 - there are certain preferred or recommended methods to be used (or standards to be met) to achieve compliance; and,
 - the nature of the issue being addressed is such that in most cases dutyholders should be strongly encouraged to pursue those methods (or standards).
6. Guidance material also helps dutyholders comply with the law but differs from the authoritative advice of an ACOP by allowing dutyholders wider discretion to identify the options that are the best fit for the circumstances.

HSE Review of health and safety legislation

7. In his report Professor Löfstedt recommended that HSE should review all of its ACOPs. The UK Government accepted this recommendation and an initial consultation was launched in June 2012 by HSE. That consultative document alongside an analysis of responses is available [on the HSE website](#).

ACOP L133 Unloading petrol from road tankers

8. This ACOP provides practical guidance on how to comply with the requirements of DSEAR in relation to the safe unloading of petrol at petrol filling stations. The principles can also be applied to other petrol dispensing facilities.
9. Following an initial review of 32 ACOPs, HSE launched a consultation on 25 June 2012 on proposals for the review of 30 of those ACOPs. As work was being undertaken at the time to consolidate petroleum legislation, L133 was not included in the initial consultation to merge five of the suite of DSEAR ACOPs (L134- L138) into a single revised ACOP (L138). Furthermore, L133 provides guidance on how to comply with the legislation in relation to the specific activity of unloading petrol whereas the other DSEAR ACOPs provide more generic guidance on how to comply with the legislation.
10. A proposal to retain and revise L133 was included as part of the HSE consultation on the consolidation of the petroleum legislation. There were 61 responses to this proposal with 98% of responders supporting its retention and revision.

ACOP L130 - The compilation of safety data sheets

11. This Approved Code of Practice formed part of the suite of HSE guidance supporting the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 (CHIP) in Great Britain. The ACOP was approved in

Northern Ireland in support of the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2002. The Code gave advice on how to compile chemical safety data sheets (SDS), a legal requirement under EU law on communicating the dangers of certain chemicals.

12. The European legal provisions relating to SDS were repealed by the direct-acting European REACH Regulation (chemicals) in 2006, but were then immediately re-enacted in Article 31 and Annex II of that Regulation. Consequently, the provisions in CHIP were also removed from the latest consolidating regulations, CHIP 4, which came into force in Great Britain on 6 April 2009. The relevant provisions were also removed from the equivalent Northern Ireland Regulations - the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2009, which came into operation on 27 July 2009.

13. HSE have now confirmed that the Code ceases to have legal effect and have withdrawn it. Accordingly, HSENI also proposes to withdraw approval for its use in Northern Ireland.

14. As from 1 June 2015, Annex II of REACH will be amended to align with Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures (CLP). For information, a draft of Annex II highlighting the relevant amendments can be viewed at the following link:

[Annex II REACH](#)

15. Additional links are provided below to useful guidance on existing, and planned changes in, the requirements of REACH in respect of safety data sheets (SDS), material safety data sheets (MSDS) and extended material safety data sheets (EMSDS).

[Reach and Safety Data Sheets](#)

[Guidance on the compilation of safety data sheets](#)

[Safety Data Sheets and Exposure Scenarios](#)

THE PROPOSALS

The revised L133 Unloading petrol from road tankers ACOP

16. It is the policy of the Northern Ireland Executive to maintain parity with the health and safety regime in Great Britain, where appropriate. Accordingly consultees are invited to comment on the proposal by HSENI that the revised ACOP, drafted by HSE, should be approved for use in Northern Ireland.

17. The revised ACOP can be accessed at [Unloading petrol from road tankers](#). It explains the differences in presentation and status of the contents of the publication i.e. ACOP material and guidance.

18. The significant revisions and other changes of note reflect the working group discussions that have been made and are as follows:

- Regulation text and schedules have not been included as they are available in the overarching DSEAR ACOP, L138.
- Following a critical review of ACOP against guidance text, some guidance has been elevated to ACOP status, namely:
 - Increased emphasis on the importance of complying with the risk assessment elements of DSEAR
 - Systems in place to contact the emergency services

These changes help to clarify what is already required by DSEAR and place no additional responsibilities on the dutyholder.

- Expanded sections on overfill and spillage to provide further guidance in relation to these issues.
- Some of the definitions have been refined (e.g. maximum working capacity for a storage tank) in the ACOP and more terms have been added to provide greater clarity.
- Sections of text have been re-organised to ensure clarity on what is required to comply with the law for the various parties involved.
- Removal of specific guidance on working at height on tankers whilst unloading. The working group view was that this practice occurs rarely, if at all and that as HSE has since produced more specific guidance on working at height on vehicles signposting to this within L133 is appropriate. This then enables the ACOP to focus on the key DSEAR elements of unloading of petrol.

The outcome of the HSE consultation on the detailed revised L133 ACOP

19. Analyses of responses to the HSE consultation on the draft revised ACOP indicated that 68% of respondents agreed that the draft revised ACOP gave sufficient clarity on how to comply with the Dangerous Substances and Explosive Atmosphere Regulations in relation to unloading petrol from road tankers. All of the comments received were considered and where appropriate they have been reflected in the revised ACOP.

The withdrawal of ACOP L130 - The compilation of safety data sheets

20. HSENI propose to withdraw the ACOP on the basis that the legal provisions with respect to which it was approved have now been revoked.

COSTS AND BENEFITS

21. In line with the findings of the Löfstedt review the L133 Unloading petrol from road tankers ACOP has been reviewed primarily to bring it up to date and to make it clearer and more understandable for users. The legal duties it provides advice on and the nature of the method of compliance it describes are substantively unchanged other than to update their descriptions to reflect current positions. Dutyholders already complying with the law should not therefore need to change what they are doing. The benefits arising from the revised ACOP will predominantly be realised by new users seeking advice on achieving compliance or those accessing it to refresh their knowledge.
22. No costs are anticipated in relation to the proposed withdrawal of ACOP L130 because it has ceased to have legal effect.

EQUALITY IMPACT

23. The proposals have been screened for any possible impact on equality of opportunity affecting the groups listed in section 75 of the Northern Ireland Act 1998 and no adverse or differential aspects were identified. Copies of the screening documents are at Annex 2.

INVITATION TO COMMENT

24. HSENI would welcome your comments on the proposals, by HSENI:
- i) that the revised and consolidated ACOP L133 should be approved for use in Northern Ireland. We are seeking views on the whole publication, i.e. the advice provided as ACOP and the associated guidance material; and
 - ii) that ACOP L130 should be withdrawn on the basis that the legal provisions with respect to which it was approved have now been revoked.

Comments are particularly welcome on the assumptions relating to costs and benefits relevant to Northern Ireland, and the conclusion that the proposals would have no adverse effect on any section 75 groups.

25. Comments, in whatever format you choose to use, should be sent to: -

Mr Jim Sisk
Health and Safety Executive for Northern Ireland
83 Ladas Drive, Belfast BT6 9FR
(Tel: 028 9054 6816; Fax: 028 9054 6811; Textphone: 028 9054 6896
E-mail: jim.sisk@hse.gov.uk)

so as to arrive not later than **noon on 29 April 2015**.

26. HSENI tries to make its consultation procedures as thorough and open as possible. Responses to this consultation will be kept at the office of HSENI at the above address after the close of this consultation period, where they can be inspected by members of the public or be copied to them. HSENI can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on confidentiality in relation to your response to this consultation.

27. The Environmental Information Regulations 2004 and the Freedom of Information Act 2000 give the public rights of access to information held by a public authority, namely, HSENI in this case. These rights of access to information include information provided in response to a consultation. HSENI cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or be treated as confidential.

28. This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances.

February 2015

Health and Safety Executive
for Northern Ireland

DETI EQUALITY SCREENING FORM

Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

Information about the policy

Name of the policy

Proposal relating to a revised Approved Code of Practice (ACOP) - "Dangerous Substances and Explosive Atmospheres Regulations (2002) (DSEAR) - L133 Unloading petrol from road tankers", drafted by the HSE, which HSENI proposes to approve for use in Northern Ireland.

Is this an existing, revised or a new policy?

Revised

What is it trying to achieve? (intended aims/outcomes)

This ACOP provides practical guidance on how to comply with the requirements of DSEAR in relation to the safe unloading of petrol at petrol filling stations. The principles can also be applied to other petrol dispensing facilities.

Are there any Section 75 categories which might be expected to benefit from the intended policy?
If so, explain how.

The benefits from the ACOP will apply equally to all S75 categories and to others affected by the guidance.

Who initiated or wrote the policy?

The Health and Safety Executive in Great Britain

Who owns and who implements the policy?

Subject to approval for use in Northern Ireland the policy is owned and implemented in Northern Ireland by the Health and Safety Executive for Northern Ireland.

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

If yes, are they

- financial
- legislative
- other, please specify _____

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?

- staff
- service users
- other public sector organisations
- voluntary/community/trade unions
- other, please specify - Road tanker operators, tanker drivers, petrol filling station operators and those who are involved with petrol dispensing facilities in general.

Other policies with a bearing on this policy

- what are they?

The Löfstedt review of health and safety legislation 'Reclaiming health and safety for all'. A UK Government independent review to make proposals for simplifying health and safety law.

- who owns them?

Department for Work & Pensions

Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data.

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Section 75 category	Details of evidence/information
Religious belief	Although there is no available data the revisions to guidance apply equally beneficially to all Section 75 categories and others.
Political opinion	As above.
Racial group	As above.
Age	As above.
Marital status	As above.
Sexual orientation	As above.
Men and women generally	As above.
Disability	As above.
Dependants	As above.

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories

Section 75 category	Details of needs/experiences/priorities
Religious belief	Although there is no available data the revisions to guidance apply equally beneficially to all Section 75 categories and others.
Political opinion	As above.
Racial group	As above.
Age	As above.
Marital status	As above.
Sexual orientation	As above.
Men and women generally	As above.
Disability	As above.
Dependants	As above.

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4 detailed below.

If the public authority's conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

If the public authority's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a 'major' impact

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;

- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- a) The policy has no relevance to equality of opportunity or good relations.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions detailed below and indicate the level of impact on the group i.e. minor, major or none.

Screening questions

1 What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? minor/major/none		
Section 75 Category	Details of policy impact	Level of impact? minor/major/none
Religious belief	Revisions to ACOP L133 on how to comply with the requirements of the Dangerous Substances and Explosive Atmospheres Regulations 2002 in relation to the safe unloading of petrol at petrol filling stations . It is proposed that the ACOP should be adopted for use in Northern Ireland.	None. The revisions to the ACOP have no bearing on equality of opportunity.
Political opinion	As above	As above
Racial group	As above	As above
Age	As above	As above
Marital status	As above	As above
Sexual orientation	As above	As above
Men and women generally	As above	As above
Disability	As above	As above
Dependants	As above	As above

2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?

Section 75 category	If Yes , provide details	If No , provide reasons
Religious belief		The revisions to the ACOP will apply equally beneficially to all of the Section 75 Groups and to other groups and has no relevance to the promotion of equality of opportunity.
Political opinion		As above
Racial group		As above
Age		As above
Marital status		As above
Sexual orientation		As above
Men and women generally		As above
Disability		As above
Dependants		As above

3 To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?

Section 75 category	Details of policy impact	Level of impact minor/major/none
Religious belief	Revisions to ACOP L133 on how to comply with the requirements of the Dangerous Substances and Explosive Atmospheres Regulations 2002 in relation to the safe unloading of petrol at petrol filling stations . It is proposed that the ACOP should be adopted for use in Northern Ireland.	None. The revisions to the ACOP have no bearing on good relations between people of different religious belief, political opinion or racial group.
Political opinion	As above	As above
Racial group	As above	As above

4 Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Good relations category	If Yes, provide details	If No, provide reasons
Religious belief		The revisions to the ACOP will apply equally beneficially to all of the Section 75 Groups and to other groups and have no relevance to the promotion of good relations between people of different religious belief, political opinion or

		racial group.
Political opinion		As above
Racial group		As above

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?
(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

Although there is no available data the revisions to guidance will apply equally to all of the Section 75 Groups and adverse impact on people with multiple identities is not anticipated.

Part 3. Screening decision

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

The provisions of the proposed revised ACOP will apply universally and would be expected to benefit, rather than adversely impact, all of the Section 75 groups equally and to the same extent as other groups.

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced.

The provisions of the proposed revised ACOP will apply universally and would be expected to benefit, rather than adversely impact, all of the Section 75 groups equally. There are therefore no grounds for mitigation or alternative policies.

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

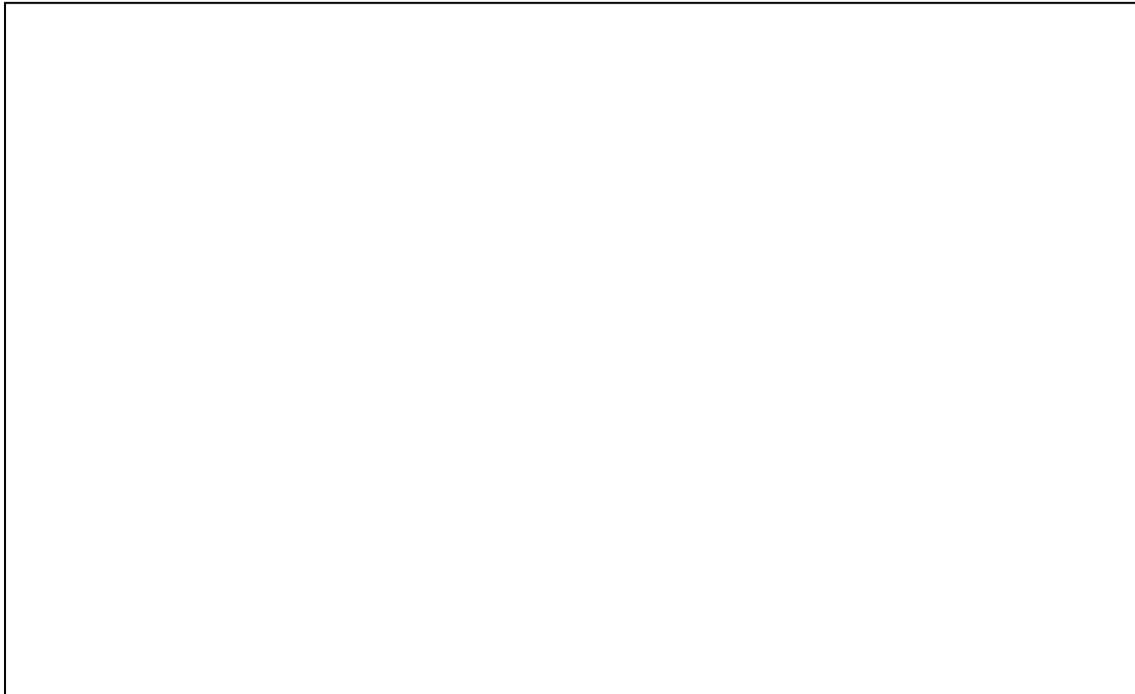
All public authorities' equality schemes must state the authority's arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

Mitigation

When the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy.



Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been '**screened in**' for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	
Relevance to a public authority's functions	

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority's Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

Is the policy affected by timetables established by other relevant public authorities?

If yes, please provide details

Part 4. Monitoring

Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, the public authority should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

Effective monitoring will help the public authority identify any future adverse impact arising from the policy which may lead the public authority to conduct an equality impact assessment, as well as help with future planning and policy development.

Part 5. Disability Duties

Under the Disability Discrimination Act 1995 (as amended by the Disability Discrimination (Northern Ireland) Order 2006), public authorities, when exercising their functions, are required to have due regard to the need:

- **to promote positive attitudes towards disabled people; and**
- **to encourage participation by disabled people in public life.**

5. Does this policy/legislation have any potential to contribute towards promoting positive attitudes towards disabled people or towards encouraging participation by disabled people in public life? If yes, please give brief details.

DETI EQUALITY SCREENING FORM

Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

Information about the policy

Name of the policy

Proposal relating to the withdrawal of the Approved Code of Practice (ACOP) -“ L130 - The compilation of safety data sheets - Chemicals (Hazard Information and Packaging for Supply) Regulations 2002”, published by the HSE, which HSENI currently approves for use in Northern Ireland.

Is this an existing, revised or a new policy?

Revised

What is it trying to achieve? (intended aims/outcomes)

This ACOP formed part of the suite of guidance supporting the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002. The Code gave advice on how to compile chemical safety data sheets, a legal requirement under EU law on communicating the dangers of certain chemicals. HSENI propose to withdraw the ACOP on the basis that the legal provisions with respect to which it was approved have now been revoked.

Are there any Section 75 categories which might be expected to benefit from the intended policy?

If so, explain how.

The benefits from the proposal will apply equally to all S75 categories and to others affected by the guidance.

Who initiated or wrote the policy?

The Health and Safety Executive in Great Britain

Who owns and who implements the policy?

The policy is owned and implemented in Northern Ireland by the Health and Safety Executive for Northern Ireland.

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

If yes, are they

- financial
- legislative
- other, please specify _____

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?

- staff
- service users
- other public sector organisations
- voluntary/community/trade unions
- other, please specify - Stakeholders working in the chemical industries.

Other policies with a bearing on this policy

- what are they?

The Löfstedt review of health and safety legislation 'Reclaiming health and safety for all'. A UK Government independent review to make proposals for simplifying health and safety law.

- who owns them?

Department for Work & Pensions

Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data.

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Section 75 category	Details of evidence/information
Religious belief	Although there is no available data the ACOP has ceased to have legal effect and its withdrawal will apply equally to all Section 75 categories and others.
Political opinion	As above.
Racial group	As above.
Age	As above.
Marital status	As above.
Sexual orientation	As above.

Men and women generally	As above.
Disability	As above.
Dependants	As above.

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories

Section 75 category	Details of needs/experiences/priorities
Religious belief	Although there is no available data the ACOP has ceased to have legal effect and its withdrawal will apply equally to all Section 75 categories and others.
Political opinion	As above.
Racial group	As above.
Age	As above.
Marital status	As above.
Sexual orientation	As above.
Men and women	As above.

generally	
Disability	As above.
Dependants	As above.

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4 detailed below.

If the public authority's conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

If the public authority's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a 'major' impact

a) The policy is significant in terms of its strategic importance;

- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- a) The policy has no relevance to equality of opportunity or good relations.

b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions detailed below and indicate the level of impact on the group i.e. minor, major or none.

Screening questions

1 What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? minor/major/none		
Section 75 Category	Details of policy impact	Level of impact? minor/major/none
Religious belief	Withdrawal of the ACOP on how to compile safety data sheet further to the requirements of the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002	None. The ACOP has ceased to have legal effect and its withdrawal will have no bearing on equality of opportunity.
Political opinion	As above	As above
Racial group	As above	As above
Age	As above	As above
Marital status	As above	As above
Sexual orientation	As above	As above

Men and women generally	As above	As above
Disability	As above	As above
Dependants	As above	As above

2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?

Section 75 category	If Yes , provide details	If No , provide reasons
Religious belief		The withdrawal of the ACOP will apply equally to all of the Section 75 Groups and to other groups

		and has no relevance to the promotion of equality of opportunity.
Political opinion		As above
Racial group		As above
Age		As above
Marital status		As above
Sexual orientation		As above
Men and women generally		As above
Disability		As above
Dependants		As above

3 To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?

Section 75 category	Details of policy impact	Level of impact minor/major/none
Religious belief	Withdrawal of the ACOP on how to compile safety data sheet further to the requirements of the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002	None. The ACOP has ceased to have legal effect and its withdrawal will have no bearing on good relations between people of different religious belief, political opinion or racial group.
Political opinion	As above	As above
Racial group	As above	As above

4 Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Good relations category	If Yes , provide details	If No , provide reasons
Religious belief		The withdrawal of the ACOP will apply equally to all of the Section 75 Groups and to other groups and has no relevance to the promotion of good relations between people of different religious belief, political opinion or racial group.
Political opinion		As above
Racial group		As above

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?

(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

Although there is no available data the revisions to guidance will apply equally to all of the Section 75 Groups and adverse impact on people with multiple identities is not anticipated.

Part 3. Screening decision

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

The proposed withdrawal of the ACOP will apply universally. The ACOP has ceased to have legal effect and its withdrawal would not be expected to adversely impact any of the Section 75, or other, groups.

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced.

The proposed withdrawal of the ACOP will apply universally and would not be expected to adversely impact any of the Section 75 groups. There are therefore no grounds for mitigation or alternative policies.

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

All public authorities' equality schemes must state the authority's

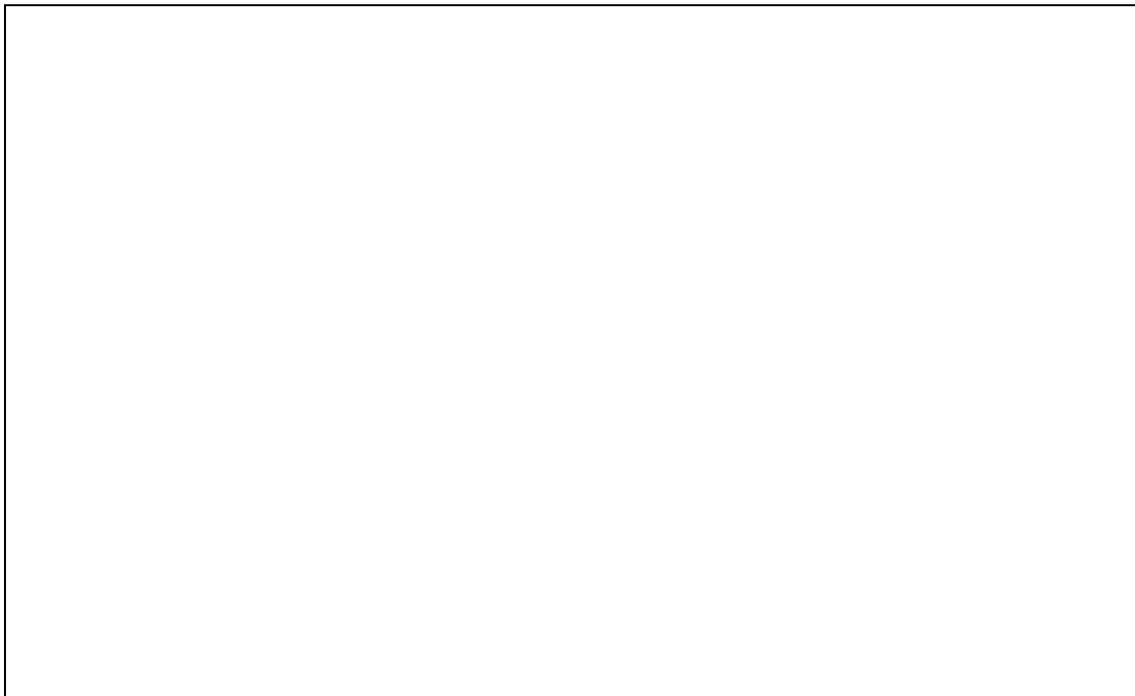
arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

Mitigation

When the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy.



Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been '**screened in**' for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	
Relevance to a public authority's functions	

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority's Equality Impact Assessment Timetable should be included in the

quarterly Screening Report.

Is the policy affected by timetables established by other relevant public authorities?

If yes, please provide details

Part 4. Monitoring

Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, the public authority should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

Effective monitoring will help the public authority identify any future adverse impact arising from the policy which may lead the public authority to conduct an equality impact assessment, as well as help with future planning and policy development.

Part 5. Disability Duties

Under the Disability Discrimination Act 1995 (as amended by the Disability Discrimination (Northern Ireland) Order 2006), public authorities, when exercising their functions, are required to have due regard to the need:

- **to promote positive attitudes towards disabled people; and**
- **to encourage participation by disabled people in public life.**

5. Does this policy/legislation have any potential to contribute towards promoting positive attitudes towards disabled people or towards encouraging participation by disabled people in public life? If yes, please give brief details.

Name of Consultees

Action on Hearing Loss
 Advice NI
 AES
 Age NI
 Age Sector Platform
 Agency for the Legal Deposit Libraries
 Alliance Party
 Allpipe Engineering Ltd.
 An Munia Tober
 Archbishop of Armagh and Primate of all Ireland
 Ards Business Centre Ltd.
 Argyle Business Centre Ltd.
 Armagh Business Centre Ltd.
 Aspergers Network
 Attorney General (NI)
 Autism Northern Ireland
 Ballymena Business Centre Ltd.
 Banbridge Enterprise Centre
 Bar Council
 Belfast Centre for the Unemployed
 Belfast City Centre Management
 Belfast Harbour Commissioners
 Belfast Health and Social Care Trust
 Belfast Hebrew Congregation
 Belfast Islamic Centre
 Belfast Solicitors Association
 Bishop of Down and Connor
 Board of Deputies of British Jews
 BOC
 Bombardier
 British Deaf Association
 British Library – Legal Deposit Office
 Bryson House
 BSC and Electric Ireland
 Buildhealth NI
 Business in the Community
 Calor Gas (NI) Ltd.
 Cancer Focus Northern Ireland
 Cara-Friend
 Carers NI
 Carrickfergus Enterprise Agency Ltd.

Catholic Bishops of Northern Ireland
Causeway Enterprise Agency Ltd.
Cedar Foundation
Central Services Agency
Chartered Institute of Environmental Health NI
Chemical Business Association
Chief Constable Police Service of Northern Ireland
Children in Northern Ireland
Children's Law Centre
Chinese Chamber of Commerce
Chinese Welfare Association
Civil Law Reform Division
Civil Service Occupational Health Service
Commission for Victims and Survivors
Commissioner for Children and Young People for NI
Commissioner for Older People for Northern Ireland
Committee on the Administration of Justice
Communication Access
Community Foundation for Northern Ireland
Community Relations Council
Construction Employers' Federation
Construction Industry Training Board NI
Cookstown Enterprise Centre Ltd.
Co-Operation Ireland
Council for Catholic Maintained Schools
Countryside Services Ltd.
Courts and Tribunal Service
Craigavon Borough Council
Creggan Enterprises Ltd.
Democratic Unionist Party
Disability Action
District Councils
Driver and Vehicle Testing Agency
Du Pont (UK) Industrial Ltd.
Dungannon Enterprise Centre Ltd.
East Belfast Community Development Agency
East Belfast Enterprise Park Ltd.
East Belfast Partnership Board
Eastern Group Environmental Health Committee
Employers For Disability NI
Engineering Employers' Federation NI (EEF)
Equality Coalition
Equality Commission
Executive Council of the Inn of Court of NI
Falls Community Council
Federation of Small Businesses
Fermanagh Enterprise Ltd.
Fire Brigades Union
Food Standards Agency Northern Ireland
Forensic Science Agency of Northern Ireland

Foyle Women's Information Network
Freight Transport Association
General Consumer Council for Northern Ireland
Gingerbread Northern Ireland
GMB
Gray & Adams (Ireland) Ltd
Greater Shankill Partnership
Green Party
Harland and Wolff Heavy Industries Ltd.
Health and Safety Executive
Health and Social Care Board HQ
Heron Brothers Ltd.
HM Council of County Court Judges
HM Revenue and Customs
Home Retail Group
Inclusive Mobility and Transport Advisory Committee (IMTAC)
INCORE Conflict Resolutions Ltd.
Indian Community Centre
Independent Political Parties
Information Commissioner's Office
Institute of Directors
Institute of Directors (NI Division)
Invest NI
Judge G Conner
Justice for Asbestos Victims
Kesh Development Association Charitable Trust
Labour Party
Labour Relations Agency
Larne Development Forum
Law Centre (NI)
Law Society of Northern Ireland
Lisburn City Council
Lonmin (NI) Ltd
Lord Chief Justice Office
Mallusk Enterprise Park
Maritime and Coastguard Agency
McAlorum Construction Ltd.
McClay Library, QUB
MENCAP
Methodist Church in Ireland
Mindwise
Ministry of Defence
MPs & MEPs (NI)
Mr Sam McKane
Musicians Union
Mutual Energy Ltd.
National Collection of NI Publications
National Library of Ireland
Newry and Mourne Enterprise Agency
Newtownabbey Borough Council

NI21

North Belfast Partnership
North City Business Centre Ltd.
North Down Development Organisation Ltd.
North / South Ministerial Council
North West Community Network
Northern Group
Northern Health and Social Care Trust
Northern Ireland Assembly Library
Northern Ireland Assembly Members
Northern Ireland Assembly – The Speaker
Northern Ireland Association for Mental Health
Northern Ireland Association for the Care and Resettlement of Offenders
Northern Ireland Audit Office
Northern Ireland Authority for Utility Regulation
Northern Ireland Association of Citizens Advice Bureaux
Northern Ireland Centre for Competitiveness
Northern Ireland Chamber of Commerce
Northern Ireland Chamber of Trade
Northern Ireland Committee/Irish Congress of Trade Unions
Northern Ireland Commissioner for Children and Young People
Northern Ireland Conservative Association
Northern Ireland Council for Ethnic Minorities
Northern Ireland Council for Voluntary Action
Northern Ireland Court Service
Northern Ireland Electricity
Northern Ireland Environment Link
Northern Ireland Fire and Rescue Service
Northern Ireland Gay Rights Association
Northern Ireland Housing Executive
Northern Ireland Human Rights Commission
Northern Ireland Judicial Appointments Commission
Northern Ireland Law Commission
Northern Ireland Local Government Association (NILGA)
Northern Ireland Prison Service
Northern Ireland Public Service Alliance (NIPSA)
Northern Ireland Safety Group (NISG)
Northern Ireland Statistics and Research Agency (NISRA)
Northern Ireland Tourist Board
Northern Ireland Women's European Platform
NSPCC, Northern Ireland Regional Office
NUS/USI
NW Community Network
Occupational Health Service
Office of Industrial Tribunals
Omagh Enterprise Co. Ltd.
Ormeau Enterprises Ltd.
Participation the Practice of Rights Project
Pharmaceutical Society of Northern Ireland
POBAL

Police Federation for Northern Ireland
Police Service of Northern Ireland
Presbyterian Church in Ireland
Prince's Trust
Progressive Unionist Party
Prospect
Quarry Products Association NI
Queen's University
Roads Service
Roman Catholic Church
Roy Coulter Consulting Ltd.
Royal College of Midwives
Royal Institution of Chartered Surveyors (RICS)
Royal National Institute for the Blind (NI)
Rural Community Network
Rural Development Council
Scotia Gas Networks (SGN)
SDLP
Seagate Technology (Ireland)
Sense NI
Services Industrial Professional Technical Union (SIPTU)
Sinn Fein
Social Security Agency
Society of Local Authority Chief Executives
South Belfast Partnership Board
South Eastern Health and Social Care Trust
South West Fermanagh Development Organisation Ltd.
Southern Education and Library Board
Southern Group Environmental Health Committee
Southern Health and Social Care Trust
SSE Airtricity Energy Supply (NI) Ltd
Strabane Industrial Properties Ltd.
Tennants Textile Colours Ltd.
Townsend Enterprise Park Ltd.
Traditional Unionist Voice
Training for Women Network Ltd.
Translink
Transport Salaried Staff Association
UK Independence Party
UK National Committee of UN Women
Ulster Farmers' Union
Ulster Scots Community Network
Ulster Teachers' Union
Ulster Unionist Party
Union of Construction, Allied Trades and Technicians (UCATT)
Union of Shop, Distributive and Allied Workers (USDAW)
UNISON (Northern Ireland)
Unite the Union
University of Ulster
Volunteer Centre

Volunteer Now
Visual Access NI (Braille, Audio and DAISY)
Water Service
West Belfast Development Trust Ltd.
West Belfast Partnership Board
Western Group Environmental Service
Western Health and Social Care Trust
Westlink Enterprise Ltd.
William Keown Trust
Women's Forum NI
Women's Information NI
Women's Resource and Development Agency
Women's Support Network
Women's Training, Enterprise and Childcare
Workers' Party
Workspace