

The list of issues covers the main points made at the informal meetings and by correspondence or email during the 2 – 3 months following the meetings. We have published this list in order to make the informal consultation process more transparent and to give interested parties a chance to see others views. This does not imply that HSE endorses the views expressed or that they reflect HSE's views.

We will update this list and consider all the issues raised in the preparation of the Consultative Document to be published during 2003.

We would also continue to welcome comments on the Directive and its implementation, with supporting evidence if possible.

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Risk Assessment

- Assessment without measurement may disadvantage employers dealing with civil claims
- Assessments based on suppliers' data will not be enough as the data may not exist when the regulations come into force
- Concern about possible need to limit WBV exposure times of drivers of road freight transport lorries
- Concern about the vibration levels in trucks and cars being up close to the EAV
- If off road conditions vary assessment for WBV must be allowed rather than measurement required even if it is suspected that the EAV will be exceeded, as individual measurement will be a pointless and expensive exercise for agricultural employers
- Concern about satisfying the criteria for the risk management for a lorry driver - eg correct maintenance, suitable instruction and training of drivers
- Concern about the need for vibration figures to be accurate and the need for measurement
- Lack of causal link will cause difficulties with risk assessment
- Reliable data and robust industry guidelines will also prove important for worker protection and civil actions for back pain
- Small employers would prefer advice to having to carry out significant measurement
- Support HSE's intention that measurement of vibration exposure should not normally be necessary
- We need clarification of duties on Plant hire companies, the hirer of equipment and the manager of the site it will be used on - particularly in carrying out the vibration assessment. The equipment is often hired out with a driver and provided to the site, the hire company making infrequent site visits.

Manufacturers' Data, Vibration Dose Value (VDV) and A(8) method

- Concern about need for provision of vibration data by manufacturers for their products in both VDV and A(8). Currently standardised test methods provide data in m/s^2
- Difficult for employers to assess vibration exposure from driving on roads in the absence of suitable data from manufacturers
- Difficult to produce a standard for comparison of vibration exposures in vehicles when the results vary widely depending on the type of road surface used. The values measured can differ by a factor of 2.5:1 due to road surface variations
- Difficult to select a suitable road surface for use in the vibration test code for trucks
- Do not agree that measurement using VDV will be a simple matter. The only sensible way is to estimate based on HSE advice and manufacturers guidance
- EAV and ELV should use the same method
- Evidence regarding risks associated with WBV is sketchy and contradictory
- HSE should take steps to collect data and provide a database of vibration levels
- If manufacturers do not give data in VDV then measurement will be necessary in most cases
- If VDV is highly dependent on the severity and number of shocks it will mean that continual measurement is needed - which will be the case on the majority of farms
- It is unproven that VDV gives a good representation of shocks, jolts and steady vibration levels
- It is unreasonable to expect employers to calculate vibration dose when all the information is not readily available - for example the effect of the road surface
- Measurement of VDV will be expensive and complicated as it will vary with speed and terrain
- More instruments will be needed to measure vibration if VDV is used
- Providing two data sets, VDV and A(8) would be expensive small businesses have many calls on their time and should have confidence in the quality of manufacturers data*
- Steps should be taken to ensure that manufacturers provide suitable vibration data* for their products to enable purchasers to comply with their duty to carry out a risk assessment
- The Government should ensure, through HSE, that the necessary vibration data* is readily available to those who need to comply with the requirements
- The work of Silsoe Research Institute on exposure values in agricultural vehicles should be considered before deciding on a measurement method
- There is a lack of suitable test methods for VDV data
- There will be difficulty in getting VDV data from other EC Countries

- There would be great opposition to a requirement for manufacturers to provide VDV data, particularly if UK was alone in adopting the VDV method
- VDV is too complex
- We don't see any advantages in VDV. It introduces problems with manufacturer's data
- We have concerns about the accuracy of manufacturers' data*
- We have concerns about the lack of data* on vibration exposure in vehicles
- We have concerns about the quality of manufacturers' data. HSE should liaise with DTI to guarantee the quality of test data*.

Harmonising Implementation across the EU

- If different European Countries implement different methods of setting EAV and ELV it will introduce competitive disadvantages
- The European Commission should ensure that Member States implement the Directive in the same way so that they all use the same units for measuring vibration exposure thereby ensuring that barriers to trade are not created. So far only the UK has talked about using VDV for the measurement of vibration rather than A(8)
- We are concerned about difficulties which could be caused if different Member States implement the Directive in different ways
- We believe that the UK should not implement their regulations in a different way to other Member States and which might lead to barriers to trade.

Health Surveillance

- If someone is given a questionnaire and indicates back pain and then is driving 20 miles a day this could lead to civil claims, but the back pain could arise from the confounding factors rather than the driving
- Insurance premiums are likely to go up if information from health surveillance indicates a high prevalence of vibration-related injury
- The guidance on health surveillance should explain how life style effects from vibration effects can be differentiated
- The guidance should explain how the tiered approach to health surveillance for WBV will work and how it takes account of the confounding factors such as manual handling
- Unions often discourage employees from answering life style questions on health surveillance questionnaires.

Transitional Period

- Don't support the use of transitional periods for agriculture
- Don't support the use of transitional periods for forestry
- In the farming industry it is essential to work for long periods during certain of the busiest times of the year. Off road vehicles can reach vibration

levels of up to three times the ELV. This may mean that the only control measure will be to restrict driving time

- Oppose the use of exclusions and transitions
- Support general transition periods
- Support the full use of transitional periods for agriculture
- Support the full use of transitional periods for forestry.

Regulatory Impact Assessment (RIA)[‡]

- Assessment of the cost of pain and suffering is underestimated in the RIA
- Assumption is made in the RIA that no-one with HAV leaves their job
- Believe RIA overstates costs to employers and understates benefits
- Compliance and Inspection costs should be kept to a minimum
- Cost of buying measuring instruments or appointing consultants, which will have a disproportionate effect on SMEs should be considered
- HSE should carry out a full RIA to assess the risks to workers and it should consider SMEs in relation to the industry and types of work
- RIA ignores the MRC research findings of an effect of vibration on hearing which could represent an additional benefit
- The wage cost of training for job rotation to minimise exposure should be considered.

Exemptions

- Exemptions should be given under Article 10 for sea and air transport
- Vibration can reach extreme levels for emergency vehicles, search helicopters and rigid inflatable boats (RIBs) – It may be necessary to provide for exemptions as the Vibration Directive is a daughter directive of the Framework Directive.

Guidance

- Guidance for employers must be clear and as definitive as possible
- Guidance should include a method for using suppliers' data to assess exposure
- Guidance should include a method to decide if the EAV is exceeded without the need for quantitative data
- Guidance should place WBV in context with poor posture and manual handling so that control measures are properly targeted
- Guidance to regulations should include methods of minimising risk in a hierarchy of controls
- HSE needs to supply detailed explanation of how to reduce exposure without reducing operating time
- HSE should give guidance on what levels of vibration to expect from different types of vehicle.
- HSE should publish solutions for WBV in book form as they have done for HAV
- Support holistic approach to guidance as many factors contribute to back pain

- Supporting guidance should encourage a holistic approach to activities that could contribute to back problems.

General

- A single consultative document covering both HAV and WBV would be preferable
- EAV could be reached in a few minutes of use in tracked armoured vehicles in some circumstances
- Further research is needed prior to the implementation of the Directive
- Guidance must make the duties clear to avoid the danger of litigation
- HSE should publish evidence supporting the view that shocks and jolts pose a higher health risk to vehicle operators
- Implied precision of numerical values could deflect effort away from managing and controlling vibration exposure
- Important we avoid introducing other risks in moving away from standard equipment (eg from air tools to electrical tools).
- Industry is concerned about increases in civil action as a result of the implementation of the Directive.
- Legislate when dose/response and methods of control for WBV are better understood introducing and incorporating European Standards in the legislation
- Legislation, test methods and action levels should be easy to understand
- Ministers will expect the Directive to be implemented as flexibly as possible with regard to the industries
- Nature of the WBV problem is not adequately understood
- No causal link between WBV and back pain
- No satisfactory dose response data for WBV and back pain or other health effects
- Not aware of any prevalence of ill health in the Industry which is associated with WBV
- Other factors such as posture, seating and manual handling make a bigger contribution to health problems than WBV
- Regulations proposed to address a problem which may not exist
- Research with industry should be carried out on 24 hour exposure and marine environments
- Setting a quantitative limit on exposure to WBV may detract from action proportionate to the risk for other factors without limits such as poor posture, prolonged sitting and manual handling
- SMEs need to be considered as stringent interpretation of the Directive may have serious consequences for them
- Suggested consulting twice, once to seek views on the options as early as possible followed by a consultation on the draft regulations and guidance
- The regulations should be publicised using road shows and free leaflets
- The use of weekly averaging, for HAV, would be helpful
- There should be a duty on local authorities to provide suitable road surfaces to control vibration exposures
- Transport (including vessels) should be treated the same way as other industries

- Transport industry should be given full information about effects, symptoms and precautions
- UK legislation should not be any more prescriptive than the Directive
- Vibration measurements* are difficult and should be supervised by a qualified engineer
- We are carrying out research with the Health and Safety Laboratory on a suitable system, machine types and characters for the wide range of forestry operations. Cannot comply with assessment and measurement at present.

Notes

1. Comments refer to WBV except where indicated
2. List of Abbreviations

| | |
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| EAV | Exposure Action Value |
| ELV | Exposure Limit Value |
| HAV | Hand–arm vibration |
| MRC | Medical Research Council |
| SME | Small and Medium Sized Enterprises |
| WBV | Whole-body vibration |

* Data in VDV or A(8)

‡ The RIA describes the issue that has given rise to the need for regulation and compares possible options for dealing with that issue. It is intended to inform public debate about proposed regulations, and through analysis of risks, costs and benefits, and who will be affected.