

Explosives Transport Working Group

Minutes of meeting held at Centreport - 25 September 2007

1. Present

Tom Smith	Davas Ltd (Chairman)
John Randell	BAE Systems
Sally Fisher	Health & Safety Executive
Dave Green	DG Consulting
Karen Paterson	Orica
Andy Jarman	Men Shun
Charles Smith	CBI/EIG
Robin Eveleigh	Ridgeway

2. Apologies etc

Apologies:- John French,, Orla Hoy, Steve Lucas, Caroline Billingham, John Copleston

Sally Fisher was standing in for Paul Rushton and would report back to him.

3. Minutes of previous meeting

3.1 Minutes agreed

3.2 Matters arising

GHS - Paul Rushton had contacted the GHS group within HSE which specialise in dealing with GHS.

Paul Rushton's guide to the FTA was still valid, and if it is being revised for this season EIG would like to host a revised copy on their website.

Action Paul Rushton

4. Future of ETWG

4.1 The group endorsed the principle features of the proposed Terms of Reference, but agreed to an addition.

6. To contribute to the formulation of new transport regulations and to the amendment of transport regulations.

Action TS to update ToR

5. WP15/UN meetings

5.1 In the absence of representatives of DfT there was some discussion on the best way that members of the ETWG, and thus the wider industry, could have forthcoming issues relating to explosives highlighted. It was suggested that as DfT already prepare a matrix of UK positions for the pre-UN meetings, it should be possible for DfT to send a "blank" version of this table to ETWG so that explosives specific issues could be

identified. All members agreed that the UN papers currently forwarded by DfT were useful, the sheer volume meant that explosive specific issues could be missed.

Action DfT

5.2 Dave Green tabled a paper (TREN J3/AP/mcg-D(07) 322156 - dated 23rd September) from DG TREN regarding drafting "text suitable for inclusion in ADR..." Regarding security concerns arising from the "explosives security experts' task force" (sic), with which Andrea Pearson (ex DfT) had considerable involvement. The group was concerned that, as the UK body where a broad representation of industry liaised with both DfT and HSE that this "experts' task force" had not been highlighted to the group previously. Furthermore there was considerable concern of the scope of the proposals - the extracts tabled appear to consider all explosives, whether they be for commercial or non-commercial use, and including all personnel of service companies as well as those actually handling explosives - regardless of either their hazard, or their potential for use by terrorists. Furthermore the group considered that the proposals for vehicle modification (and the consequential monitoring requirements) to be impractical and unachievable at present.

In the UK now, the present requirements are confused, with different Police forces giving different advice and requiring different levels of disclosure (eg - ALL individuals who might have access to explosives, ALL individuals who potentially could re-route explosives, or just the named directors and senior managers). These ambiguities need to be resolved and consistent advice given. HSE were asked to look again at the advice they have given to VOSA and the Police regarding this area.

Action HSE

HSE and DfT will be asked to explain how they intend to follow up this "experts' task force" and what consultations are planned within the UK.

Action HSE and DfT

5.3 The group again expressed concern that it was nonsense to require "vetting" of staff without there being a mechanism in place to ensure that employment law acknowledged that dismissal or other action adverse to an employee as a result of a negative vetting report could not be construed as unreasonable grounds for such action. Industry will continue to highlight these concerns.

6. CDG 2007/2009

6.1 CDG 2007 was now in force, and CDG 2009 would be in force on 1 January 2009 although some provisions would not be adopted in the UK until 1 July 2009.

6.2 DfT's website still highlights guidance to Dangerous Goods regulations dating back to 2004, much of which is now erroneous and thus confusing. Carriers are citing this guidance to DGSA's as demonstrating their compliance - even if the advice given is no longer valid.

Action DFT should address this issue urgently

7. Classification issues

7.1 HSE have indicated that they will be setting up a Classification Working Group to pre-empt many of the discussions and perceived anomalies that have arisen in the past. This move was welcomed by the group, but it is imperative that this group meets soon, and that it is not merely a talking shop. EIG have suggested terms of reference to HMCIE but have not had any response.

Action HSE

8. AOB

8.1 The issue of stabling was raised again, particularly in light of the perceived heightened terrorist threat. Members of the group considered it unacceptable that the UK Government as a whole continue to ignore this issue and that the cited reasons for refusing to address the issue were, in the opinion of the ETWG, wholly erroneous.

The meeting agreed the following statement that will be sent to Ministers of relevant Government departments to at least make our position clear.

The Nation is being put at risk by interdepartmental quarrelling because the departments involved regard their own agenda as more important than the National interest

Action EIG/CBI to draft letter to Ministers

9. Date and place of next meeting

To be decided in light of WP15 agenda