ANNEX B: RESPONSE FORM

RESPONSE FORM FOR THE CONSULTATION PAPER ON CHANGES TO THE REGULATION OF BIOLOGICAL AGENTS AND GMOS IN CONTAINED USE

Respondent Details

Name: Sam Turney, Technical Project Manager
Organisation: Institution of Chemical Engineers
Address: Davis Building,
Railway Terrace,
Town/City: Rugby                  County/Postcode: CV21 3HQ
Telephone: 01788 578214             Fax: 01788 560833
E-mail: sturney@icheme.org

General

What is your type of organisation?

☐ Industry        ☐ Trade association
☐ Local Government ☐ Charity
☐ National Government ☐ Academic
☐ Non-governmental organisation ☐ Consultancy
☐ Non-departmental ☐ Member of the public
☐ Public body     ☐ Pressure group
☐ Trade union     ☒ Other (please specify)

Professional Institution – Institution of Chemical Engineers
In what capacity are you responding?
(Please select one option from the list)

☐ An employer ☐ Safety representative
☐ An employee ☐ Training provider
☐ Trade union official ☒ Other (please specify)

Professional Institution – Institution of Chemical Engineers on behalf of members

Size of organisation
(Please choose one option)

☒ Not applicable ☐ 250 to 1000 employees
☐ 1 to 9 employees ☐ 1000+ employees
☐ 10 to 49 employees ☐ Self-employed
☐ 50 to 249 employees ☐

Specific questions

Question 1
Do you agree that it is desirable to have a single regulator and a single regulatory framework governing micro-organisms that are human and animal pathogens?

☒ Yes ☐ No

Please provide some comments to support your answer

To harmonise the physical and operational requirements of facilities, safely to manage pathogens and GMO.
Question 2

Do you agree that HSE cannot regulate work within animal pathogens in contained use without amending the Health and Safety at Work etc Act 1974?

☐ Yes  ☐ No

Please provide some comments to support your answer

This is a legal matter on which we are not qualified to respond but the arguments seem convincing.

Question 3

Do you agree that the proposed changes to the Health and Safety at Work etc Act 1974 are proportionate to the final outcome i.e. a single regulatory framework?

☒ Yes  ☐ No

Please provide some comments to support your answer

Question 4

Do you think the overall effect of the proposals will be to remove or reduce burdens as explained in section 2.6?

☒ Yes  ☐ No

Please provide some comments to support your answer
Question 5
Do you agree that the proposed extension of inspectors, powers of entry in section 20(1)(b) of HSWA to cover risks to animal health arising from contained use activities with animal pathogens are proportionate and for a similar purpose to the existing powers that cover risks arising to human health from human pathogens and zoonoses?

☑ Yes ☐ No

Please provide some comments to support your answer

This will give confidence to the public that facilities are more readily open for inspection.

Question 6
Do you agree that the proposed extension to inspectors powers in section 20 of HSWA
a) of search and seizure; and
b) to compel evidence
to cover risks to animal health arising from contained use activities with animal pathogens are proportionate and for a similar purpose to those existing powers that currently cover risks arising to human health from contained use of human pathogens and zoonoses arising from the contained use of genetically modified micro-organisms?

☑ Yes ☐ No

Please provide some comments to support your answer
Question 7
Do you have views regarding the expected benefits of the proposals as identified in Chapter 2 of this consultation document and addressed in the Partial Impact Assessment?

☑ Yes  ☐ No

Please provide some comments to support your answer

As operators and designers of products and facilities derived from biological agents we welcome the creation of one set of rules and guidelines in contrast to the three sets.

Question 8
If there is any empirical evidence that you are aware of that supports the need for these reforms, please provide details below.

None

Question 9
Are there any non-legislative means that would satisfactorily remedy the difficulty that the proposals intend to address?

☐ Yes  ☑ No

Please provide some comments to support your answer
Question 10
Are the proposals put forward in this consultation document proportionate to the policy objective?

☒ Yes ☐ No

Please provide some comments to support your answer

Question 11
Do the proposals put forward in this consultation document, taken as a whole, strike a fair balance between the public interest and any person adversely affected by it?

☒ Yes ☐ No

Please provide some comments to support your answer

Question 12
Do you agree that the proposed changes do not have a significant financial impact as set out in the summary impact assessment?

☒ Yes ☐ No

Please provide some comments to support your answer

The simplification of the regulations should decrease the effort required to comply with the revision regulations and guidelines.
Question 13

Do you agree that the proposed changes to Sections 20, 22, 25 and 53 of the Health and Safety at Work etc Act 1974 are proportionate to the policy objectives in this proposal?

☑ Yes  ☐ No

Please provide some comments to support your answer

Question 14

Do you agree that the proposed changes to the Health and Safety at Work etc Act 1974 do not remove any necessary protection?

☑ Yes  ☐ No

Please provide some comments to support your answer

Question 15

Do you agree that the proposed changes to the Health and Safety at Work etc Act 1974 do not prevent anyone from exercising right or freedom?

☐ Yes  ☐ No

Please provide some comments to support your answer

We do not have the breadth of knowledge to comment.
Question 16
Do you agree that the proposed changes to the Health and Safety at Work etc Act 1974 are not constitutionally significant?

☒ Yes ☐ No

Please provide some comments to support your answer

Question 17
Do you agree that the proposed Parliamentary resolution procedure should apply to the scrutiny of this proposal?

☒ Yes ☐ No

Please provide some comments to support your answer

Question 18
Do you agree that the burden on Crown premises is proportionate to the overall objective of ensuring that contained use activities with animal and human pathogens are applied consistently and effectively in respect of those carrying out contained use activities?

☒ Yes ☐ No

Please provide some comments to support your answer
Are there any further comments you would like to make on the issues raised in this consultation document that you have not already responded to in this questionnaire?

The IChemE would like the opportunity to comment on the detailed control and containment measures (CU2010) which we understand will be issued later in the transition process.

We note that plant pathogens have not been included in this proposed change. We recommend this amendment allows for their future inclusion without the need for further legislative amendment.

Is there anything you particularly liked or disliked about the questionnaire?