

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

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General

What is your type of organisation?

- | | |
|--|--|
| <input type="checkbox"/> Industry | <input type="checkbox"/> Trade association |
| <input type="checkbox"/> Local Government | <input type="checkbox"/> Charity |
| <input type="checkbox"/> National Government | <input type="checkbox"/> Academic |
| <input type="checkbox"/> Non-governmental organisation | <input type="checkbox"/> Consultancy |
| <input type="checkbox"/> Non-departmental | <input type="checkbox"/> Member of the public |
| <input type="checkbox"/> Public body | <input type="checkbox"/> Pressure group |
| <input type="checkbox"/> Trade union | <input checked="" type="checkbox"/> Other (please specify) |

Professional Institution – Institution of Chemical Engineers

In what capacity are you responding?

(Please select one option from the list)

- | | | | |
|--------------------------|----------------------|-------------------------------------|------------------------|
| <input type="checkbox"/> | An employer | <input type="checkbox"/> | Safety representative |
| <input type="checkbox"/> | An employee | <input type="checkbox"/> | Training provider |
| <input type="checkbox"/> | Trade union official | <input checked="" type="checkbox"/> | Other (please specify) |

Professional Institution – Institution of Chemical Engineers on behalf of members

Size of organisation

(Please chose one option)

- | | | | |
|-------------------------------------|---------------------|--------------------------|-----------------------|
| <input checked="" type="checkbox"/> | Not applicable | <input type="checkbox"/> | 250 to 1000 employees |
| <input type="checkbox"/> | 1 to 9 employees | <input type="checkbox"/> | 1000+ employees |
| <input type="checkbox"/> | 10 to 49 employees | <input type="checkbox"/> | Self-employed |
| <input type="checkbox"/> | 50 to 249 employees | <input type="checkbox"/> | |

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?

- | | | | |
|-------------------------------------|-----|--------------------------|----|
| <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/> | 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?