

Title: The Control of Electromagnetic Fields at Work Regulations 2016 PIR No: HSEPIR011 Original IA/RPC No: HSE0093 Lead department or agency: Health and Safety Executive Other departments or agencies: None Contact for enquiries: Richard Broughton email: richard.broughton@hse.gov.uk	Post Implementation Review
	Date: 30/06/2021
	Type of regulation: EU
	Type of review: Statutory
	Date measure came into force: 01/07/2016
	Recommendation: Keep
	RPC Opinion: Green

1. What were the policy objectives of the measure? (Maximum 5 lines)

To transpose Directive 2013/35/EU in line with EU Treaty obligations; ensure workers remain protected from adverse health and safety risks by ensuring exposure to EMFs continues to be assessed and controlled where necessary; and, ensure existing control measures already in place are taken into account so any burdens on businesses are minimised. Few benefits were anticipated at transposition given existing legislation required exposure to EMFs minimised.

2. What evidence has informed the PIR? (Maximum 5 lines)

The evidence was gathered primarily through online surveys directed to the sectors where it is known EMFs are a risk that needs assessing and managing. An initial survey went directly to around 700 stakeholders. A second survey gathered more information from smaller businesses by targeting the welding sector. Together, the surveys gathered 156 responses. A search of HSE's enforcement databases provided information on HSE operational activity.

3. To what extent have the policy objectives been achieved? (Maximum 5 lines)

The regulations came into force by the deadline set by the European Commission. From the survey, a majority of respondents felt the regulations assisted them in controlling the risks by minimising exposure to EMFs through keeping levels below specified limits. Whilst existing control measures were assumed to ensure minimal additional burdens on business, respondents to the survey suggested the final impact assessment had underestimated the costs to business.

Sign-off for Post Implementation Review: Chief economist and Minister

I have read the PIR and I am satisfied that it represents a fair and proportionate assessment of the impact of the measure.



Signed: _____

Date: 01/07/2021

Further information sheet

Please provide additional evidence in subsequent sheets, as required.

4. What were the original assumptions?(Maximum 5 lines)

That the regulations would provide few direct benefits as existing legislation (the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999) require all hazards be controlled and managed through a risk assessment. The regulations transposed only those requirements in the Directive not covered by existing legislation e.g. the requirement to determine levels of EMF exposure. The additional costs to employers was therefore thought to be minimal.

5. Were there any unintended consequences? (Maximum 5 lines)

Almost half of respondents to the survey (46%) provided some sort of comment about the unintended consequences of EMF 2016 and almost 90% were substantive. However, these provided no overriding theme or consistency in view; individual responses reflected bespoke points. However, respondents suggested the original cost assumptions e.g. time taken to do a risk assessment, were an underestimate and so the cost benefit analysis has been revised to reflect this.

6. Has the evidence identified any opportunities for reducing the burden on business? (Maximum 5 lines)

The final IA underestimated the costs and the revised cost benefit analysis has increased these by a factor of about 3.5. The estimates contain a range of uncertainty and could be influenced by responses that are not reflecting new duties in regulations rather what duty holders should already be doing under the baseline. There may be future opportunities to consider simplification and/or modernisation, subject to on-going priorities and stakeholder support.

7. How does the UK approach compare with the implementation of similar measures internationally, including how EU member states implemented EU requirements that are comparable or now form part of retained EU law, or how other countries have implemented international agreements? (Maximum 5 lines)

The regulations themselves already reflect, to some extent, international approaches to managing this risk through their reference to internationally agreed exposure limits. They transposed an EU Directive, were implemented consistent with UK approaches and there is no evidence to suggest they are inconsistent with any other regimes.