Proposal COM (2010) 395 final: Concrete recommendations from the health and safety perspective

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Public hearing on "Agricultural and forestry vehicles: a new regulatory framework – 12 April 2011
Proposed objectives addressing OHS

Explanatory Memorandum

(…) ensuring the functioning of the internal market while at the same time providing for a high level of road and occupational safety and environmental protection.

Recital (3)

(…) this Regulation should (…) lay down only fundamental provisions on road safety, occupational safety and environmental performance and delegate to the Commission the power to lay down the technical specifications in delegated acts.
(a) roll-over protection systems (ROPS);
(b) falling objects protection systems (FOPS);
(c) passenger seats;
(d) internal sound levels;
(e) driving seat;
(f) operating space and access to the driving position;
(g) power take-offs;
(h) protection of drive components;
(i) seat-belt anchorage points;
(j) safety belts;
(k) protection of driver against penetrating objects (OPS);
(l) protection of driver against hazardous substances;
(m) operators manual.

No new requirements
Article 8 - ETUI recommends including additional risks emerging from workers' feedback and Authorities' risk studies

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(n) Reasonably foreseeable misuse (attention to retractable ROPS)

(o) Unintentional movement

(p) Rupture of flexibles pipes carrying fluids & errors of fittings

(q) Risk of fire

(r) Ergonomic position and accessibility of controls

(s) Unintentional activation of controls
It is well established that when a tractor is equipped with a rollover protective structure (ROPS) and seatbelt, and both are utilized, serious injuries rarely, if ever occur, in the event of an overturn.
ROPS: the accidents with retractable systems (I)
ROPS: why they are not put back to the upright position?

"Foldable ROPS require too much time and effort to manually raise and lower"

Ask the worker when you need to do it frequently, this results in leaving the bar in the down position.
The misuse of retractable ROPS is a fact. The diligent industry provides design solutions that completely remove the crushing risk in case the tractor overturns.

This is an example of correct application of Article 114 of the Treaty that calls for (...) high level of protection, taking account in particular of any new development based on scientific facts.
The Commission shall be delegated powers to adopt (...) a delegated act laying down the detailed technical requirements (...) for the subjects listed in paragraph 2 in order to ensure that a high level of occupational safety will be obtained.
The Commission shall be delegated powers to adopt (...) a delegated act laying down the detailed technical requirements (...) for the subjects listed in paragraph 2: delegated acts will take into account feedback from the workplace in order to ensure that a high level of occupational safety will be obtained.
The evidence: agricultural production is one of the most hazardous industries, where the leading cause of work-related injuries and deaths is the overturn of tractors. Occupational accidents and diseases represent an enormous financial burden for public and private actors of the EU.

The Proposal has the potential to improve the health and safety of millions of workers across Europe: ETUI's recommendations can help release this potential benefit.

The Proposal can promote the integration of human actions and reactions in tractors' operations and maintenance in the design process to achieve that, workers' feedback is an indispensable ingredient.
Summary of the recommended amendments

A. **Technical**: Enriching Article 8 with internationally recognized risk factors promoting European good engineering practice

B. **Procedural**: point A requires an explicit connection between the delegated acts and workplace feedback

C. **Legal & Administrative**: introducing the market surveillance dimension promoting better cooperation between National type-approval and machinery market control authorities

ETUI - Health and Safety Department - Safety of Machinery
National authorities and workers' representatives supporting the ETUI work on Tractors safety

- Ernst Aslund - Kommunal - Sweden
- Matthew Belsey - UNITE - United Kingdom
- Vincenzo Laurendi - INAIL - Italy
- Alastair Mitchell - HSE - United Kingdom
- Uwe Schäfer - Spitzenverband der landwirtschaftlichen Sozialversicherung - Bereich Prävention - Germany
- Fabio Strambi - USL4 Siena - Italy

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