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**Re: CER Consultation document ref CER/11/077
Proposed Definition for the Scope of Restricted Electrical Works**

Dear David,

We are making a submission to the CER to represent the views of Valeo Foods on the above document issued by the CER. Valeo Foods Group Limited is the holding company for Shamrock Foods, Odlums and Batchelors.

CER 11/077 Consultation on the Proposed Definition of Scope of Restricted Electrical Works

The wording of this document is of very serious concern to us. Whilst there are a number of options suggested the outcome of many would be that the highly skilled on-site company employed electricians could not actually do any work. We would therefore have to make them redundant at a very significant cost and then seek to employ a contractor or the previous employee at a higher cost of operation that at present and with much less knowledge and commitment to the business concerned. Given the time, cost and resources required over a number of years to bring our own electricians' knowledge to a level required to maintain and upgrade the plant it would be a prohibitively expensive option to do the same for a number of RECs so that we could have plant cover. This makes absolutely no commercial sense and nor does it improve safety.

Response on list of substantive Questions in Appendix 1

Q1 Do you agree or disagree with the introduction of Restricted Electrical Works?

We disagree with the introduction of Restricted Electrical Works. The implication of Restricted Electrical Works is that only Registered Electrical Contractors (RECs) are competent to carry out electrical work. Clearly this is not the case as many electricians employed in industry are very competent and usually very highly skilled. Indeed the proposed definition is such that even Qualified Certifiers working for a REC would appear to be restricted from working outside of their employment including in a domestic situation.

We believe this proposed legislation is at variance with normal health and safety legislation and a significant impediment to commercial operation of industrial plants. We have listed some of our points as follows:

1. This consultation paper needs to be withdrawn and radically altered and we believe that a concerted approach is needed so that the CER understands the seriousness of the negative impact on industry.
2. The requirement to have a REC carrying out the work of an on site electrician has very serious adverse implications for our industry including installations in areas of potentially explosive atmospheres. In nearly all complex industrial operations the employer has put in place a very extensive training program for their own electricians; they have knowledge of their own industrial process including safety requirements; the employers have put in place succession plans to ensure the intrinsic plant knowledge is not lost and is retained as required by Health and Safety Legislation. In our own case we have contracted out many services but have kept our in house electricians as this is essential to reliable plant operation.
3. In many industrial situations when a new installation or upgrade is carried out the installation work may well be done by an electrical contractor but it will often be inspected by the on-site electricians to ensure that it meets the standards required by the company and that nothing has been done that impacts negatively on the process or the goods produced. There is therefore no reason to bar the companies' own electricians from carrying out the installation.
4. In the case of a plant break down the company's own electrician will assess the problem, identify the method of repair and for example replace equipment which might be a motor, contactor, overload etc , and re-cable the equipment if necessary. Once they have checked that everything is in order it is handed back to production. It makes no sense to have to bring in a Registered Electrical Contractor to carry out this work. This appears to be required by some of the options in the Restricted Electrical Works regulation proposal.
5. In addition to the above points and because of the specialist nature of our plants which includes work in areas of potentially explosive atmospheres, for project work we bring in specialist contractors from outside the state who are very experienced in the electrical work required in this field. These people are unlikely to be Registered Electrical Contractors and in many cases probably could not be.
6. If not altered this regulation will add very significantly to the cost of manufacturing in Irish Industry.
7. Whilst we are making these points in relation to industry they also apply to other commercial operations.

Q2 Has the CER considered all the appropriate options for the introduction of Restricted Electrical Works?

We do not believe that the CER has fully considered the impact of the proposed regulations. We believe that the CER has not taken into consideration the very high skill levels and competency of many electricians that are not REC's, and that are very unlikely to be a REC. If Restricted Electrical Works are required they should not apply to industry other than the certification of new connections to the national grid.

Q3 Which option do you believe that the CER should adopt if it decides to introduce Restricted Electrical Works?

Whilst we do not believe that any of the proposed options should be selected; Option 4 – Defined Definition Approach (excluding work by Owner & Occupier) is the least damaging of the four options put forward. We believe that work in commercial settings whether it includes work in zones with Potentially Explosive Atmospheres or not should not be restricted work. These regulations would impose a very heavy and unnecessary burden on industry.

Q4 Is there a potential for regulatory overlap between the CER and the HSA, if the CER adopts a 'Broad or Intermediate Approach'?

We believe that there is already plenty of Health and Safety legislation on the statute books. The basis of Risk Assessment and competency is already a core part of carrying out any work in an industrial or commercial operation and as this is regulated by the HSA then there would be a regulatory overlap. We believe that there should be a single body responsible for Health and Safety.

Q5 If you deem that there is the potential for regulatory overlap between the CER and the HSA, do you believe that this is necessary to achieve the desired safety outcomes?

We would deem that there is a regulatory overlap and that this is totally unwarranted and a very serious impediment to industry. The level of safety is already very high and extensively regulated by the National Wiring Rules, European Directives and Health & Safety Legislation. Why do we need more, this would seem to cover the domestic situation as well. The definition of Minor Works should be extended to include extra low voltage equipment as it appears to do in other jurisdictions.

Summary

In summary we do not agree with the introduction of Restricted Electrical Works as set out in the proposal.

Yours sincerely



Tim Odlum
Group Engineer
Odlum Group
(on behalf of Valeo Foods)