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HEALTH AND SAFETY COMMISSION

CONTROL OF SUBSTANCES HAZARDOUS TO HEALTH REGULATIONS 2002 CONSULTATION DOCUMENT ON OCCUPATIONAL EXPOSURE LIMITS

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Cleared by Sandra Caldwell, Director of Health Directorate on 25 March 2003

Issue

1. To seek the Commission's agreement to the publication of a consultative document on proposals for domestic occupational exposure limits (OELs).

Timing

2. Routine.

Recommendation

3. That the Commission approve the draft consultative document at **Annex 1**

Background

4. Following consultation in 1998, HSC and the Secretary of State agreed to approve Maximum Exposure Limits (MELs) in the same way as Occupational Exposure Standards (OESs), thus retaining their legal status but removing them from the COSHH Regulations. The limit-setting system is explained in detail in paragraphs 2-9 of the attached draft consultative document. New, revised or withdrawn MELs are now subject to public consultation via the same mechanism as OESs. The consultation database has been extended to maximise coverage; this includes targeting interested parties directly, and placing the consultation package on the Internet. The result has been an increase in the number of responses received.

5. This CD deals only with 'domestic' limits. Another large consultation exercise on the second Indicative Occupational Exposure Limit Values (IOELVs) Directive is possible later this year, although timings are subject to formal adoption of the Directive.

6. Should any major objections to the proposals in the CD be raised on scientific or practicability grounds, ACTS will be asked to consider the evidence provided and will consider the recommendation(s) if necessary.

7. Following consultation, ACTS' recommendations for substances in the CD will be presented to the Commission for approval at the end of the year and the new limits will be published in 2004.

Argument

8. ACTS agreed at its meeting in November 2002 (ACTS/45/2002) to endorse HSE's proposal for consultation on a maximum exposure limit for refractory ceramic fibres (RCFs) set at either 1 fibre/millilitre (f/ml) or 0.5 f/ml (8-hour TWA) (airborne fibre limit).

9. At its subsequent meeting in March 2003, ACTS agreed to endorse HSE's proposals for consultation on maximum exposure limits for subtilisins set at 40 ng.m⁻³ (8-hour TWA and 15-minute short-term exposure limit (STEL)).

10. New or revised EH64 summary criteria documents for RCFs and subtilisins are included in the draft CD. At the moment these summary criteria documents lack the sections on measurement methods, which are currently being prepared by the Health and Safety Laboratory. These sections will be included in the text prior to consultation.

11. Paragraph 10 of the Consultative Document explains to consultees the implications for these MELs of the proposal for a new occupational exposure limit framework, due to take effect, if approved, in summer 2004.

Consultation

12. ACTS has endorsed these proposals.

Presentation

13. Subject to minor formatting changes, HSE proposes that the CD should be published in May 2003. The proposed consultation period is 3 months from the date of publication. The CD will be widely publicised by:

- (a) sending out copies to a wide range of consultees;
- (b) placing it on the CD page of the HD website;
- (c) placing details on HSE's news and publications pages on the website;
- (d) the issue of an appropriately targeted press release;
- (e) a notice in the relevant journals including the Toxic Substances Bulletin.

14. All responses will be publicly available unless a respondent asks that part or all of a response be kept confidential.

Costs and Benefits

15. ACTS has examined the costs and benefits which will result from the implementation of each of the MEL proposals. The full RIAs will be made available to the public as part of the consultation exercise and a summary of each RIA is included in the CD.

16. Initial findings indicate a MEL for RCFs set at 0.5 f/ml is likely to involve major costs for small businesses, whereas a MEL set at 1 f/ml is likely to result in much lower costs. For that reason HSE is recommending that consultation be carried out on the basis of two proposed limits, in order to gain a clearer picture of all the likely costs involved. It will be for ACTS to make the final decision on a limit based on the information received.

Financial/Resource Implications for HSE

17. The resources for the consultation process are accounted for in existing budgets and plans of work.

Environmental implications

18. None

European implications

19. All of the OEL changes outlined in this paper are domestic proposals and do not form part of a European Commission Directive on Indicative Occupational Exposure Limit Values (IOELVs).

Action

20. That the Commission approve the publication of the draft consultative document attached at Annex 1.