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Advisory Committee on Toxic Substances

Minutes of the 84th meeting of the Advisory Committee on Toxic Substances held on 8 July 2004 in the Globe Room, Rose Court, 2 Southwark Bridge, London SE1 9HS

Present

Mike Kingsland
Roger Alesbury
Elspeth Metcalfe
Janet Asherson
Ian Brown
Len Levy
David Tolley
Liz Corbett
Alastair Hay
Bud Hudspith
Susan Murray

Apologies

Jane Willis
Gwynne Lyons
Colin Soutar
Ian Carney

Officials Present

Nick Starling - Chair
Michael Topping - Secretary
Helen Smith
Peter Tanczos
Paul Oldershaw
Elanor Ball
Anne Wilson
John Groves
Christine Northage

Observers present

Billy McClintock – HSENI
Frances Rowswell – HSE
Louise Jones - HSE
Gareth Evans – HSL
John McAlinden – HSE
Tony Gissane - HSE

Presenters

Item 2 - Brian Etheridge; item 3 - Carole Sullivan; item - 4 Michael Topping; item 5 - Richard Pedersen; items 6 & 7 - Helen Smith; item 8 - Peter Tanczos; item 9 - Amy Holmes; item 10 - Paul Oldershaw; item 11 - Peter Galsworthy; item 13 - Michael Topping.

1	Introductions and apologies
1.1	People
1.1.1	Nick Starling welcomed members to the 84 th meeting of ACTS and introduced himself as the substitute chair. He also introduced Michael Topping as the new Secretary; Dr Janet Asherson, the new CBI representative; and Helen Smith, returning to the ACTS Secretariat team.
1.1.2	The substitutions of Elanor Ball for Maureen Meldrum and Anne Wilson for Colette Nimbley were noted. The resignation from ACTS, in June, by Kim Sunley was also noted.
1.1.3	25 November 2004 was confirmed as the date of the next meeting of ACTS (which will be open to the public). [Action: Members to note date in diary]
1.1.4	The Chair made the point that from this meeting forward, all agenda items will need to be linked to HSC's "Strategy for workplace health and safety in Great Britain to 2010 and beyond" and that the link to the strategy will be included in all ACTS papers.

1.1.5	Members were reminded that the public version of the minutes would from now on include members' names (though the minutes would continue to be produced in a non-attributable style), unless specifically requested otherwise.
1.2	Handling the Agenda
1.2.1	The draft agenda was accepted. There were no papers raised above the line for discussion. There were no additional points of business raised
1.2.2	There were no declarations of interest expressed.
2	HSC's new "Strategy for workplace health and safety in Great Britain to 2010 and beyond"
2.1	Brian Etheridge presented the HSC strategy. He explained why a strategy had been necessary, how it was developed and its key elements. The Chair noted that the Strategy had been well received in government.
3	HSE's Chemicals Programme
3.1	<p>Carole Sullivan presented the HSE Chemicals Programme. She outlined how the Chemicals Programme contributed to the HSC strategy, by targeting the 5 disease areas of;</p> <ul style="list-style-type: none"> • Asthma, • Other respiratory diseases, • Asbestos related cancers, • Other cancers and • Skin disease. <p>She explained that there were also 6 cross-cutting themes;</p> <ul style="list-style-type: none"> • Communications, • Stakeholder engagement, • Evaluation, • Well-focused research, • Intelligence and • Developing tools. <p>She also showed where the Chemicals Programme fitted into the overall HSC strategy and how the work of ACTS contributed to the programme.</p> <p>Members were then invited to comment on both the Chemicals Programme (agenda item 3) and the HSC strategy (item 2) and suggest ways for ACTS to further contribute to the programme.</p>

3.2	<p>Members welcomed the overall strategy and the Chemicals Programme and agreed that there is a need for simplified guidance. There was a wide - ranging discussion on how to implement the strategy though members expressed some concerns. In discussion the following points were made:</p> <ul style="list-style-type: none"> • HSE noted that, the main drivers for the Strategy were an ambition to do better, and that it was a question of resources rather than deregulation or covering up not hitting the Revitalising and SH2 targets. The 2010 targets remain in place. • The CBI felt that upholding 27 separate strategic lines would be difficult, as failures tend to be operational rather than strategic. HSE does not seem to have recognised advances occurring outside HSE; it still has the power of enforcement but no longer a monopoly on knowledge. Businesses regard chemicals as products, which have to comply with a number of regulatory requirements, rather than only an H&S issue. Chemical Essentials goes some way to meeting this need by bringing together H&S and environmental advice. • HSE are still regarded as enforcers rather than partners, hence there is a reluctance to engage with HSE. HSE should publicly separate advice from enforcement. It was noted that in LAs the advice and enforcement functions are separate so employers are not so reticent about approaching the organisation for advice. HSE commented that the new Workplace Contact Officer role and working through intermediaries should address this issue. Also, FOD Inspector's training should reflect this balance between enforcement and partnership building. • Guidance needs to be seen as independent and clear. There was a concern that the embargo on publications and the move to online consultation disenfranchised smaller businesses. • As chemicals run across many programmes/sectors, care was needed to avoid duplication of effort. • From a Local Authority (LA) perspective one issue was how to improve the LA/HSE partnership relationships. How will enforcement occur without allocation? LA/HSE partnerships are working much better now, but there is a need for collective resources. Focus is the main issue, not doing too much too soon. • Hard to reach groups' (eg. small firms in some sectors) attitudes are formed by what they think is expected of them, rather than experience. Hard to reach groups need targeted, simpler advice. ACTS should identify these groups and the messages for delivery. • ACTS should be more interested in outcomes rather than outputs. The question for ACTS is what happens after we set a limit. It needs to see what happens next and should study outputs and outcomes. <p>The Chair summed up by saying that the government drives strategies and targets. This strategy addressed how HSE will meet those targets, and the Chemicals Programme was part of that.</p> <p>[Action: Secretariat to find out whether the Stress Management Standards consultation document (issued on CD-ROM) is available in a non-electronic format.]</p> <p>[Action: Secretariat will take account of comments from ACTS members on HSC's Strategy and the Chemicals Programme when developing the next phase of the ACTS work plan.]</p>
4	Proposals to introduce a new OEL framework
4.1	Michael Topping presented this paper and invited members to agree the OEL working group's proposals for a new OEL framework

4.2	<p>Members agreed the proposals. The CBI and TUC sides noted the improved understanding and easier compliance that a system based on good practice will bring to SMEs. Members expressed some concerns, but recognised that more work would not significantly improve the proposals at this stage. During the discussion members commented that;</p> <ul style="list-style-type: none"> • The proposed wording of paragraph 7 (7) of the Control of Substances Hazardous to Health Regulations could lead to litigation as there were still two ways of treating the single limit (depending on whether a substance has an R45 (carcinogen), is included in Schedule 1 of COSHH or an R42 (sensitiser) label. Michael Topping explained that the wording was necessary to ensure that the UK complied with the Carcinogens Directive. • In response to the comments received by respondents to the Consultative Document published in October 2003 (www.hse.gov.uk/consult/condocs/cd189.pdf), the latest proposal is to delete 100 OESs (the CD proposed the deletion of 322). Members asked for more details of how the revised lists of OESs proposed for deletion and retention were derived. • This had been a huge project and HSE's willingness to listen to views and reconcile technical concerns was welcomed, as was Social Partners commitment to the OEL Subgroup <p>Members welcomed the shift towards good practice, but stressed that the guidance is very important and communicating the changes in the right way was vital.</p> <p>The Committee agreed the proposals; noted that some minor refinements were needed before a paper goes to the Health and Safety Commission; and stated that they would like to contribute to the advice and guidance.</p> <p>[Action: HSE to send ACTS members information to explain the basis of the amended list of OESs for deletion/retention]</p> <p>[Action: HSE to put proposal for changes to OEL framework to HSC]</p> <p>[Action: HSE will consult ACTS members on the next phase of the work - the development of appropriate guidance to accompany the revised COSHH regulations and ACoP]</p>
5	Subtilisins - establishment of an OEL
5.1	Richard Pedersen presented this paper and invited members to agree a MEL of 40 ng/m ³ (8 hour TWA). He noted that this would be published as a WEL once the new OEL framework had come into force, subject to its approval. John McAlinden (HSE) and Gareth Evans (HSL) attended to give expert advice on technical detail.
5.2	<p>Members agreed the MEL, but stressed the need to control short term peaks of exposure.</p> <p>[Action: HSE undertook to ensure that there would be guidance on controlling peak exposures to accompany the new OEL for Subtilisins]</p>
6	ACTS open meeting 2004 – update
6.1	Helen Smith presented this paper and invited members to agree the proposed agenda, invitation and detailed arrangements for the open meeting in November.

6.2	<p>Members commented on a number of details in the proposals. The main points made were that;</p> <ul style="list-style-type: none"> • The papers needed to be circulated to the public who plan to attend before the meeting; • The public's opportunity to contribute should be proportionate. An alternative model to that proposed, was that all their comments could be invited at the end of the meeting; • An explanation of acronyms used at ACTS meetings and a glossary would be very helpful; • Provision of lunch to the public should be reconsidered. It was noted that the lunch break provided a good opportunity to meet those attending; • Careful consideration should be given to the seating arrangements to ensure that attendees feel part of the meeting and are able to hear the discussion <p>It was agreed that HSE would reconsider the specific issues raised.</p> <p>[Action: HSE will reconsider the issues of:</p> <ul style="list-style-type: none"> - Providing lunch to members of the public; - The seating arrangements; - How members of the public will contribute. <p>ACTS members will be consulted on a revised proposal]</p> <p>[Action: HSE will circulate a draft list of commonly used abbreviations for comments.]</p> <p>[Action: Full meeting papers will be circulated to public attendees]</p>
7	ACTS membership - any gaps in expertise?
	Helen Smith presented this item and explained that the Secretariat had begun the process of contacting members to obtain their views on the expertise that was needed for the Committee's work.
	<p>She invited members to comment by responding to the consultation process.</p> <p>[Action: Secretariat to complete the consultation of ACTS members and the circulate options on the way forward for the committee's comments.]</p>
8	Progressing the work plan: Liaison with other committees
8.1	Peter Tanczos presented the revised initiatives table and updated members on progress.
8.2	<p>Members supported the progress with the work plan and are keen to maintain the links formed with the other IACs. It was noted that this work fits with the HSC strategy; IACS being ACTS constituents. There was also a recognition that within IACS, work on chemicals had to compete with other health and safety priorities. The new COSHH regulations due in 2005 presented a useful opportunity to return to the IACs.</p> <p>[Action: ACTS volunteers are asked to comment on proposals to develop COSHH Essential sheets]</p> <p>[Action: ACTS Secretariat will act on comments received and incorporate comments in phase two of the ACTS work plan.]</p>
9	HSE's proposed hazardous substance web pages
	Amy Holmes presented this item and invited members to volunteer to test the portal in the Autumn before its release.

	<p>Seven members volunteered to test the portal. Members welcomed the initiative and suggested several other links and embellishments to the details of the proposal.</p> <p>[Action: HSE to circulate list of criteria against which ACTS volunteers should judge the HSE Chemicals web site.]</p> <p>[Action: HSE to develop a Communications Plan to accompany the proposal.]</p> <p>[Action: ACTS members, who volunteered, to pilot the web site in the Autumn.]</p>
10	WATCH – update
10.1	Paul Oldershaw gave an update on the work of WATCH to date, which had included introducing new members to the work of the new Committee, a consideration of the evidence base for COPD and a discussion of limiting setting in Europe. He said that in future a short report would be provided for each ACTS meeting.
10.2	<p>Members commented that:</p> <ul style="list-style-type: none"> • Comments and feedback from HSE are taken into account at a European level if the input is early enough in the process. • SCOEL works well but more secretariat resource would improve SCOEL outputs further. Outputs are good considering the resource. <p>[Action: WATCH Secretariat to provide a short paper for each ACTS meeting in future]</p>
11	The EU chemicals strategy (REACH) – update
11.1	Peter Galsworthy gave an update on REACH explaining that under the Irish Presidency there had been a high level reading of the proposals. The key issue at present surrounded the concept of 'one substance, one registration'.
12	Minutes of the 83rd meeting held on 25th March 2004
12.1	The minutes were accepted.
13	Secretary's report
	Michael Topping asked for comments on the Secretary's Report. He reported, prompted by a question, that HSE had held an internal meeting on flour dust in preparation for the working group meeting in the Autumn.
	Meeting closed 15.45pm.
	The Chair thanked everyone for welcoming him as temporary Chair and for their contributions to a very enjoyable meeting.