

Advisory Committee on Toxic Substances Minutes		ACTS/MIN/3/2010	
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### Advisory Committee on Toxic Substances (ACTS)

Minutes of the 97th meeting of the Advisory Committee on Toxic Substances held on 11 November 2010 at the Health and Safety Executive, Redgrave Court, Bootle, Merseyside.

#### Present

Jane Willis - Chair (HSE)  
 Robin Chapman - CBI  
 Alastair Hay - TUC  
 Bud Hudspith - TUC  
 Elspeth Metcalfe - Independent

#### Apologies

Roger Alesbury - CBI  
 Ian Brown - Independent  
 Ian Carney - CBI  
 Len Levy - Independent  
 Rob Miguel - TUC  
 Susan Murray - TUC  
 David Tolley - LGA  
 Robin Foster - HSE  
 Gill Smith - HSE

#### Officials Present

Kären Clayton - Director, Long Latency Health Risk Division (LLHRD)  
 Jenny Hagan - Secretariat  
 Joyce Levy - Secretariat  
 Cath Cottam - External Diversity Policy Team  
 Gareth Evans - Health and Safety Laboratory  
 Isla Fairhurst - Occupational Health & Safety Science Co-ordination Unit  
 Elizabeth Fox - Observer, LLHRD  
 Tim Harris - International Chemical's Unit  
 Patrick McDonald - Chief Scientist  
 Christine Northage - Chemicals Regulation Directorate  
 John Osman - Chief Scientific Advisor's Group

#### Presenters

Item 3: Tim Harris. Item 4: Cath Cottam. Item 5: Patrick McDonald and Gareth Evans

Item	
<b>1</b>	<b>Introductions and apologies</b>
1.1	<b>People</b>
	<p>The Chair welcomed members to the 97<sup>th</sup> meeting of the Advisory Committee on Toxic Substances (ACTS) and introduced Cath Cottam, Elizabeth Fox and Tim Harris, and mentioned that Gareth Evans, Isla Fairhurst, Patrick McDonald, Christine Northage and John Osman would be joining the meeting later.</p> <p>Apologies were received from Roger Alesbury, Ian Brown, Ian Carney, Len Levy, Rob Miguel, Susan Murray, David Tolley, Robin Foster and Gill Smith.</p>
<b>2</b>	<b>Agreement of minutes/matters arising</b>
2.1	The minutes of the 96 <sup>th</sup> meeting were formally accepted. Outstanding action points concerned various reports being forwarded to members and these will be sent once finalised.
2.2	<b>Current Issues</b>
2.2(i)	<p><u>Government Spending Review and implications for HSE:</u></p> <ul style="list-style-type: none"> <li>• Facing challenging times with at least 35% cuts over a four-year period.</li> <li>• Examining the possibility of extending cost recovery work</li> <li>• There are continuing restrictions on budgets for communications, research and meetings</li> <li>• Making efficiencies and looking at staff reductions</li> </ul>

2.2(ii)	<p><u>Government's Review of Public Bodies</u> HSE is to be retained but there will be a review by the HSE Board of how and what HSE does which will go to Ministers by the end of November.</p>
2.2(iii)	<p><u>Lord Young's Review:</u></p> <ul style="list-style-type: none"> <li>• HSE are working on Lord Young's recommendations, carrying out reviews on simplification and consolidation of regulations.</li> <li>• There is work being undertaken to change the perception of health and safety as a burden on small businesses e.g. HSE have launched a simplified risk assessment for low risk office work.</li> <li>• The Government sees construction, agricultural and engineering as high-risk areas for small as well as large companies.</li> <li>• "Occupational disease" is now used to refer to work related ill-health because the term "occupational health" is now used to mean well being and public health.</li> </ul>
2.2(iv)	<p><u>Reconstitution of ACTS</u> A note was sent to the Minister to inform him of the planned reconstitution of ACTS. He has put the process on hold until after the results of the Spending Review. HSE will probably go back to the Minister for a decision after the Board's review of HSE.</p> <p>ACTS offered to support HSE in any way they could, especially as social partners in delivery e.g. communicating messages.</p>
2.2(v)	<p><u>Semiconductor work</u> An HSE report published in August concluded workers at National Semiconductors UK were not at an increased risk of developing occupational cancers due to working at that factory. HSE are aware of research being carried out in America and will look carefully at the report when it is published.</p> <p>The TUC asked how the recommendations in the audit report by the HSE on The Control and Management of Hazardous Substances in Semiconductor Manufacturers in Great Britain were being followed-up. The Semiconductor Joint Working Group is taking them on board and the secretariat will ask the working group for updates.</p> <p><b>Action Point 1: Secretariat will contact the semiconductors working group for regular updates on how the recommendations in the audit report are being progressed.</b></p>
2.2(vi)	<p><u>Dust</u> The Chair thanked members for their advice at the last meeting and in correspondence, and for sight of the TUC's interim guidance. The paper on HSE activity to tackle respiratory diseases is due to go to the Board on 15 December and will be sent to Members in advance for any further comments. The paper will update the Board on progress since March 2010 in delivering the agreed priorities and will put forward the advice of ACTS concerning the proposal for a generic campaign on dust.</p> <p><b>Action Point 2: Secretariat will send members the paper on respiratory disease for information and comments.</b></p>
3	<p><b>REACH</b></p>
3.1	<p>Tim Harris gave a presentation on how REACH worked. As well as acting as the Competent Authority, HSE's role was to identify possible substances for the REACH candidate list and comment on other countries' recommendations.</p> <p>Points raised during the discussion on REACH were:</p> <ul style="list-style-type: none"> <li>• The Registration dossiers required by REACH are large, and for larger tonnages are complemented by a Chemical Safety Report (CSR). These documents are</li> </ul>

	<ul style="list-style-type: none"> <li>• Guidance on SDS being produced by the European Chemicals Agency is out for consultation at the moment.</li> <li>• HSE staff are being trained and given guidance on SDS and REACH so they can answer queries from employers.</li> <li>• The TU recommended that where there is an existing OEL, this should be used as the basis for any company setting their own DNEL for the inhalation exposure route. HSE confirmed that the European Commission have already indicated in guidance that this will normally be acceptable.</li> <li>• ACTS asked how REACH impacts on future development of EU OELs, and in particular how the significant body of data which is expected to be generated as a result of REACH registration will be taken account of. HSE indicated that there is no role for HSE or other Member States in taking REACH data forward for the separate EU worker protection regimes, but that there is no barrier to bodies using REACH registration data to establish or amend a non-REACH EU OEL. Within the European Commission, DG Employment are responsible for proposing new OELs on the basis of advice from their scientific committees. ECHA are custodians of the publically registration data, which is mostly publically available.</li> </ul> <p>ACTS' role in relation to REACH would be discussed at the next meeting, by which time members would have experience of REACH in action.</p> <p><b>Action Point 3: The agenda for the next ACTS meeting will include the potential role of ACTS in relation to REACH.</b></p> <p><b>Action Point 4: The secretariat will send members the link to the document on the relationship between REACH and the Chemical Agents Directive.</b></p>
<b>4</b>	<b>External Diversity</b>
4.1	<p>Cath Cottam gave a presentation on HSE's external diversity work, concentrating on the external equality objectives and action plan 2010-13 and giving examples of what is being undertaken:</p> <ul style="list-style-type: none"> <li>• Training staff new to policy work to ensure equality considerations are a part of any policy work</li> <li>• Undertaking a large amount of stakeholder work and employing outreach workers, especially on construction</li> <li>• Working with TUC and others to develop and promote web pages on gender</li> <li>• Involvement in research</li> </ul> <p>The TU asked how HSE decided what languages/format information should be available in and how its effectiveness was assessed. Communications Directive's policy is to have key information in key languages. The Equality Impact Assessment (EIA) would identify any other languages/formats required and includes an evaluation process. EIAs are available on HSE's website.</p> <p><b>Action Point 5: Members to consider how they could contribute to taking the external equality objectives and action plan forward and pass any ideas to the secretariat.</b></p>
<b>5</b>	<b>Research and Science</b>
5.1 (i)	<p>Patrick McDonald gave an outline of HSE's research strategy, planning and spend.</p> <ul style="list-style-type: none"> <li>• There is a rolling three-year needs based plan, refreshed annually and informed by horizon scanning</li> </ul>

5.1.(ii)	<ul style="list-style-type: none"> <li>• A large sum is spent on supporting investigations, forensics, and risk assessments for land planning</li> <li>• Scientific research supports the many specialisms in HSE</li> <li>• Spend will probably decrease because of budget constraints</li> </ul> <p>Gareth Evans introduced two research proposals intended to address concerns about knowledge gaps in HSE, “Occupational exposure to reproductive hazards” and “Tracking international exposure limits.”</p> <p>The Chair and asked for members views on taking the proposals forward and thanked absent members who had sent in comments on the proposals. These were taken into account in the discussion.</p> <p><u>Occupational exposure to reproductive hazards:</u></p> <ul style="list-style-type: none"> <li>• Members agreed the need to obtain more knowledge on reproductive toxicity and move away from the old view that only women are affected.</li> <li>• Members considered that other countries have carried out work in these areas that the UK is not fully informed about but should be.</li> <li>• Members agreed that it is important to remember the ‘big picture’ and other, non-work elements, can have an impact.</li> <li>• There was support for a literature review followed by an expert workshop to identify what the next steps might be.</li> <li>• A separate issue is compliance. Members considered it would be useful to survey people exposed to a particular substance at a selected site, checking exposure and compliance.</li> </ul> <p><u>Tracking international exposure limits</u></p> <p>Members views were that:</p> <ul style="list-style-type: none"> <li>• There can be potential problems if the UK disagrees with Europe on exposure limits so it will be useful to know of any likely differences.</li> <li>• WATCH may have a role in advising HSE on exposure levels if there is a difference of opinion.</li> </ul> <p>Members supported the projects. The Chair will keep ACTS informed about the progress of the proposals.</p> <p><b>Action Point 6: Secretariat will inform members of the progress of the research proposals.</b></p>
6	<b>AOB</b>
6.1	<p><b>Indicative Occupational Exposure Limit Values Directive (2009/161/EU) (IOELV 3<sup>rd</sup> List) – Consultation Document</b></p> <p>The majority of the substances on the list are straightforward but some substances are likely to require further consideration and ACTS thoughts would be welcome on these. The paper for the Board and consultative document will be sent to ACTS members for their views so the Board can be informed of ACTS’ advice.</p> <p><b>Action Point 7: The paper and consultative document on the IOELV 3<sup>rd</sup> List will be sent to members for their views early in 2011.</b></p>
6.2	<p><b>COSHH Essentials</b></p> <p>The updated COSHH website and revised leaflet have been very well received by SMEs, saving them time and money. Because of this, savings of £11.1 million have been claimed under the Simplification Plan.</p> <p>The next step is to consider options for the COSHH Essentials e-tool. Feedback has</p>

	<p>indicated it is used more by professional health &amp; safety experts than SMEs. Web statistics show that SMEs start to use the tool but appear to give up before completing an assessment. As the e-tool was primarily for SMEs it needs improving to make it easier for them to use. How this is done will need to take account of the implications of Lord Young's recommendations on simplifying risk assessments. The secretariat will return this issue to ACTS for consultation at the appropriate time.</p>
6.3	<p><b>Health and Safety Statistics</b></p> <p>The TU asked about the latest health and safety statistics. The full set of figures is available on HSE's website. Members can sign up to receive statistical e-bulletins.</p> <p>The points raised during the discussion were:</p> <ul style="list-style-type: none"> <li>• There had been a drop in prosecutions and an increase in improvement and prohibition notices. If fatal incidents decrease then prosecutions will also decrease. There is also a significant time lag from incident to prosecution that HSE are pushing to shorten.</li> <li>• It is difficult to set targets for occupational health as employers often do not know if an illness is work related</li> <li>• Members offered to assist HSE in promoting leading indicators on health and getting the health message across</li> <li>• Partnership working is increasing awareness of occupational disease</li> </ul> <p><b>Action Point 8: The secretariat will send members the link to the full statistics and the e-bulletin</b></p>
7	<p><b>Next meeting</b></p>
7.1	<p><b>Location and Date</b></p> <p>The next meeting will be in May. As it is difficult to hold meetings in London due to budget constraints, members were welcome to suggest other cost free venues or meet half way at HSE's Birmingham office.</p> <p><b>Action Point 9: Secretariat will ask for availability and venue suggestions for the next meeting</b></p>
7.2	<p><b>Agenda Items</b></p> <p>i) <u>Key indicators relating to occupational disease</u>. Members to identify any indicators for a briefing paper before the meeting to facilitate the discussion and raise questions for discussion.</p> <p>ii) <u>Guidance and information</u>. Discussion on how ACTS can aid the issue of guidance or information to employers and employees.</p> <p><b>Action Point 10: Members to inform the secretariat of any known indicators for occupational disease and any questions they want included in the briefing paper.</b></p> <p><b>Action Point 11: Secretariat to prepare a briefing paper on indicators relating to occupational disease.</b></p>
8	<p><b>Summary and Close</b></p>
8.1	<p>The Chair thanked everyone for their attendance and participation.</p>