

Advisory Committee on Toxic Substances Paper		ACTS/24/2005	
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ADVISORY COMMITTEE ON TOXIC SUBSTANCES

2nd EUROPEAN COMMISSION DIRECTIVE ON INDICATIVE OCCUPATIONAL EXPOSURE LIMIT VALUES (IOELVs) – DRAFT CONSULTATIVE DOCUMENT

A Paper by Richard Pedersen

Cleared by Robin Foster on 23 May

Issue

1. To obtain ACTS agreement to the submission of a paper to the Health and Safety Commission, requesting permission to consult on proposals for the early implementation of the European Commission's 2nd IOELV Directive.

Timing

2. Routine.

Recommendation

3. That ACTS agrees that the draft Consultative Document, attached as Annex 1, be submitted to the Health and Safety Commission, below the line, prior to wide public consultation.

Background

4. Last March, HSE sent ACTS members a paper proposing that we consult on the implementation of exposure limits for 33 of the 34 substances in the draft 2nd IOELV Directive prior to its formal adoption by the European Commission (ACTS/03/2005). The full background to this draft Directive, and the reasons for proceeding in the way, were included in this paper. No ACTS member raised any objections to HSE's proposal, and we have therefore progressed the preparation of the Consultative Document.
5. In early June the European Commission published a revised text of the draft Directive, removing the proposed IOELV for nitrogen monoxide and thereby clearing the way for its imminent adoption.

Argument

6. The draft Consultative Document (CD) is attached at Annex 1. Appendix 2 of this draft CD is a Regulatory Impact Assessment, completed according to Cabinet Office guidelines, which sets out the likely costs and benefits of establishing Workplace Exposure Limits in line with those set out in the 2nd IOELV Directive. HSE conducted three separate surveys of trade associations and individual companies in autumn 2004 to assess the likely costs of implementation of the Directive. One survey dealt exclusively with nitrogen monoxide (now removed from the Directive), another with chlorine and a third with the remaining substances listed in the 2nd IOELV Directive where a revised Workplace Exposure Limit (WEL), or a new WEL, was needed.

7. Of the 33 substances in the draft IOELV Directive, 14 have recommended limit values that are identical or higher than the current WEL, and no change to the WEL is therefore proposed. These are:

Acetonitrile; Barium (soluble compounds as Ba); Carbon dioxide; Chloroethane; Chromium metal, inorganic chromium (II) and chromium (III) compounds; Cyclohexane; Formic acid; n-Hexane; Methanol; Monochlorobenzene; Nicotine; Oxalic acid; Resorcinol; Silver (soluble compounds as Ag).

8. Ten substances listed in the 2nd IOELV Directive have IOELVs which are lower than the existing WEL (either the 8-hour TWA limit, the short-term exposure limit (STEL) or both). The CD proposes that the WEL be reduced, to be at the same level as the IOELV. These substances are:

2-Aminoethanol; Chlorine; Cyanamide; Diethylamine; Morpholine; Nitric acid; Nitrobenzene; Phosphine; Pyrethrum; Toluene.

9. Seven substances do not currently have a WEL (either an 8-hour TWA limit or a STEL) whereas the Directive requires one or other or both. The CD therefore proposes the establishment of such a limit. The substances are:

2-(2-Butoxyethoxy) ethanol; Diphosphorus pentoxide; Isopentane; 2-(2-Methoxyethoxy) ethanol; Neopentane; Pentane; Phosphine.

10. Five substances require the establishment of a Skin (Sk) notation where one does not currently exist in EH40. These are:

Acetonitrile; 2-Aminoethanol; Cyanamide; 2-(2-Methoxyethoxy) ethanol; Resorcinol.

11. In three cases, the CD is proposing a minor domestic change to the current WEL, although this is not specifically required by the draft 2nd IOELV Directive. It is proposed to reduce the current STELs for bromine and for diphosphorus pentasulphide, and to introduce a STEL for phosphorus pentachloride. These three substances have the potential to cause acute irritation of the respiratory tract if inhaled, and so, for worker protection, it is appropriate that STELs should also be set for them.

12. The CD is also proposing that two 8-hour TWA limits currently in EH40 be withdrawn. Such limits are not required under the Directive and HSE considers that their retention is no longer necessary following the establishment of a revised STEL. The substances in question are chlorine and nitric acid. There is a further proposal that the current STELs for nitrobenzene and for pyrethrins also be withdrawn because of the reductions in the 8-hour TWA limits.
13. Subject to ACTS agreement, HSE intends to submit the draft CD to the Health and Safety Commission with a view to its publication in the late summer. HSE plans to report back to ACTS at its November meeting and to publish the new and revised limits in April 2006, in line with policy on common compliance dates.

Link to HSC Strategy

14. Implementation of the draft 2nd IOELV Directive falls under the category of Mandatory Activities related to European and international work. It is not directly related to the Disease Reduction Programme.

Communication Plan

15. Publication of the CD will be announced by means of a Press Release and a letter to known interested bodies inviting comments. The CD itself will be published on the HSE website.

Evaluation Plan

16. Not relevant.

Consultation

17. Appendix 3 of the CD lists the Government departments, public bodies, trade associations, other organisations and individual companies who will receive the consultation letter (paragraph 14).

Costs and Benefits

18. The Regulatory Impact Assessment (paragraph 5) gives details of the costs and benefits involved in the implementation of the 2nd IOELV Directive. HSE economists estimate that the compliance costs would be a one-off cost of £5.4 million, with recurring costs over ten years of £4.4 million. These costs would fall mainly on the Water Utility companies who use chlorine, and who anticipate additional costs for atmospheric scrubbers and atmospheric monitoring.

Financial/Resource Implications for HSE

19. Production and distribution of the CD will cost approximately £1,200. Staff costs will be met from existing resources.

Environmental implications

20. None.

European implications

21. Consultation at this stage will allow early implementation of the new and revised limit values in the draft 2nd IOELV Directive. It is expected that the Directive will have been formally adopted by the time the new and revised exposure limits are incorporated into the British domestic limit-setting system.

Devolution

22. There are no devolution issues. HSE will inform the Northern Ireland Health and Safety Executive and the Government of Gibraltar of its actions in order that they can take the appropriate steps to ensure implementation in the Province and the Dependent Territory.

Other implications

23. None.

Action

24. ACTS is asked to agree that the draft CD at Annex 1 be submitted to the Health and Safety Commission for its agreement, prior to publication.

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