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HEALTH AND SAFETY COMMISSION

CONSULTATION DOCUMENT ON PROPOSALS TO AMEND THE CHEMICAL (HAZARD INFORMATION AND PACKAGING FOR SUPPLY) REGULATIONS 2002 TO IMPLEMENT THE 29TH ADAPTATION TO TECHNICAL PROGRESS TO THE DANGEROUS SUBSTANCES DIRECTIVE

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Issue

1. To note the publication of a Consultative Document (CD) on Regulations (CHIP 3.1) to bring into force the 29th Adaptation to Technical Progress (ATP) (Directive 2004/73/EC) of the EC's Dangerous Substances Directive.

Timing

2. Routine. You have previously agreed that CDs relating to this matter may be issued without formal agreement (HSC Paper 00/20, Minutes of meeting on 1 February 2000, paragraph 15). Directive 2004/73/EC must be implemented in the UK by 31 October 2005. Public consultation will take place between 17 January 2005 and 8 April 2005.

Recommendation

3. You are invited to note:

- a) the publication of the CHIP 3.1 consultative document at Annex A; and
- b) the list of consultees at Annex B.

Background

4. Successive versions of CHIP (Chemicals (Hazard Information and Packaging for Supply) Regulations) have provided the foundation of Great Britain's chemical control regime for more than 12 years. (See Annex C for links to other legislation). The current 2002 regulations are known as CHIP 3. CHIP requires suppliers to give health, safety and environmental information on dangerous chemicals by means of labels and safety data sheets. This enables proper precautions to be taken.

5. CHIP derives from several Single Market Directives; the Dangerous Substances Directive (DSD); the Dangerous Preparations Directive (DPD); and the Safety Data Sheets Directive (SDSD), on which HSE leads in negotiations (Annex D). In addition, CHIP implements some consumer protection labelling requirements under the Marketing and Use Directive. This will be the first amendment to CHIP 3 although there were many amendments to the previous CHIP 2 regulations. Amendments are usually the result of routine adaptations to technical progress (ATPs) which bring up to date the classifications of dangerous chemicals based on rigorous scientific study, properly reflecting their hazardous properties and the risks they pose.

6. Paper HSC/03/84 informed on the background to the 29th ATP (Directive 2004/73/EC) and sought agreement for the UK to vote for the proposed amendments set out in the Directive. The UK voted for the proposal on 14 April 2004. All Member States supported the Directive.

7. The CD summarises the content of the Directive and provides the draft Chemicals (Hazard Information and Packaging for Supply) (Amendment) Regulations 2005.

Argument

8. We are required to amend CHIP in order to meet the UK's treaty obligations. In order to give business the maximum amount of time to make the necessary changes we try to launch the CD with minimum delay. You previously agreed that for routine updates such as this HSE could operate a fast track system and that it was not necessary to seek your formal approval.

Consultation

9. We have consulted the Advisory Committee on Toxic Substances (ACTS), and in more detail with its sub committee dealing with these matters (SCHIP), and within HSE and OGDs, including Cabinet Office Regulation Unit and the Small Business Service. There is general support for the changes, most of which were known to industry and other relevant stakeholders prior to Members States agreement of the Directive.

Presentation

10. The HSE web site has carried an announcement about the proposed changes and HSC's intention to consult since September 2004, and also alerted stakeholders to the need to prepare for the new classifications. A press release is also intended. The CD is

free and appears on the HSC/E website as well as on the Cabinet Office Central Register of Consultations. Consultation will take place from 17 January 2005 to 8 April 2005.

Costs and Benefits

11. On this occasion we have taken particular care to develop a detailed preliminary Regulatory Impact Assessment following the latest guidelines. This is at Appendix vi of the CD (Annex A).

Financial/Resource Implications for HSE

12. CHIP has been subject to regular change and systems for briefing inspectors are well established. Costs to the enforcing authorities (HSE and Trading Standards Officers) should be minimal.

Environmental Implications

13. As with previous CHIP regulations, CHIP 3.1 (as the amended regulations will be known) will oblige suppliers to classify and label preparations for their environmental effects. CHIP 3.1 includes about 400 new or updated substance classifications and labels and many of these address environmental effects.

Other Implications

14. The proposals fully implement (and do not go beyond) the Directive. Implementation will contribute to the Single Market in chemicals.

15. CHIP makes provision in respect of the environment and although responsibility for this has been devolved to Scotland and Wales, the authorities there have agreed that implementation of this Directive should continue to be done on a Great Britain-wide basis.

Action

16. None at this stage; we will report back on the results of consultation.