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THE PROPOSED CHEMICALS (HAZARD INFORMATION AND PACKAGING FOR SUPPLY) (AMENDMENT) REGULATIONS 2005

At its meeting on 26 July 2005, the Health and Safety Commission agreed that you should be invited to sign new regulations relating to the classification, packaging and labelling of hazardous chemicals. An explanatory memorandum and a regulatory impact assessment accompany this letter, and a copy of the regulations will reach you shortly.

The proposed Chemicals (Hazard Information and Packaging for Supply) (Amendment) Regulations 2005 implement European Commission Directive 2004/73/EC, which updates and extends a dataset of hazardous properties of chemicals. In particular the Directive updates the existing dataset entries for some 450 chemicals and adds a similar number of new entries, bringing the total to around 5000. The database lists the hazardous properties of chemicals, for example, explosive, flammable, toxic by inhalation, carcinogenic, irritant, harmful to aquatic organisms, dangerous for the ozone layer, etc. This information is important for two reasons. Firstly it is a key step in protecting human health and the environment, because it prescribes the information that has to be present on warning labels for chemicals placed on the market for both professional and private use, and because the presence of certain properties triggers specific control measures in health, safety and environment legislation. Secondly, the information is an integral part of the single market in chemicals, in which the UK chemical supply industry is a significant player.

HSC/E leads for UK Government on chemical classification and labelling. The database of hazardous properties is updated and amended every 18 months or so in a process of adaptation to technical progress. In practice we implement such adaptations by the HSC approving a new version of the so-called 'Approved Supply List', and by introducing regulations that give effect to the new list by amending the Chemicals (Hazard Information and Packaging for Supply) Regulations, known as CHIP. The Commission approved the new Approved Supply List on 26 July. The proposed amending regulations also take the opportunity to make certain minor editorial changes to CHIP. Further details are in the explanatory memorandum.

The Health and Safety Commission is satisfied that stakeholders, including representatives of the chemicals industry, have been fully engaged in the European process in which these matters are discussed and agreed, and in HSC/E's own formal and informal consultative processes. There is broad support for the changes.

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There are, however, concerns from the suppliers of one particular chemical – n-propyl bromide (nPB) – a solvent used for vapour degreasing. The existing classification of this substance has been amended to include toxic to reproduction. This chemical is not manufactured in the UK, but in future suppliers of products containing nPB will have to include the risk phrases ‘May impair fertility’ and ‘Possible risk of harm to the unborn child’ on product labels. HSE is satisfied that this is justified on the basis of the scientific evidence, and the revised database entry for this chemical was agreed by all Member States. HSE continues to liaise with the suppliers of nPB and with the International Brominated Solvents Association, who are seeking to gather further data and submit this to the European forum in which the scientific evidence is considered.

The regulatory impact assessment estimates that the costs of the proposal amount to between £1.9m and £9m in the first year and between £11.4m and £18.5m in the following 10 years. The costs arise mainly from the need for suppliers to amend the labels on their products and to update safety data sheets, which provide further information for users about the hazardous properties and appropriate precautionary measures. The costs also reflect the link noted above between the hazardous properties identified in the database and the application of other health, safety and environment requirements. A change in the hazardous properties of chromium trioxide (used in chrome plating) from toxic to very toxic is estimated to bring three more sites within scope of requirements intended to reduce the likelihood, and minimise the consequences, of major accidents at larger chemical installations.

The benefits of the proposal are difficult to quantify, but include: (a) reduction in ill-health, injury and environmental damage as a result of the information provided and appropriate protective measures taken in consequence; (b) savings from reduced disruption and mitigation costs from accidents and incidents prevented; and (c) single market benefits for UK industry because all suppliers of dangerous chemicals will have to provide the same standard of information to their customers (this benefits industry domestically and in trade with other EU Member States).

European Commission Directive 2004/73/EC has to be implemented by 31 October 2005. The proposed amending regulations are drafted to come into force on that date.

Bill Callaghan
Chair
Health and Safety Commission