Advisory Committee on Toxic Substances			ACTS/05/2006
Meeting date:	3 May 2006	**Open Govt. Status:**	Fully Open
Exemptions:			

HEALTH AND SAFETY COMMISSION

ADVISORY COMMITTEE ON TOXIC SUBSTANCES (ACTS)

Current Developments

1. Global Harmonisation System for Classification and Labelling of chemicals (GHS)
2. 2nd Adaptation to Technical Progress to the Dangerous Preparations Directive (1999/45/EC)
3. 30th and 31st Adaptations to Technical Progress to the Dangerous Substances Directive (67/548/EEC)
4. 2nd IOELV Directive
5. Marketing and Use of Chemicals
6. DRP Cancer Project
7. REACH - An update on the current position of the European Council and the UK Competent Authority

1. Global Harmonisation System for Classification and Labelling of chemicals (GHS)

It is confirmed that HSE will act as the UK lead on the development and negotiation of the EC Regulation that will implement GHS. The GHS Regulation would sit alongside REACH and operate in parallel with it.

We understand that the EC intends to undertake an informal internet consultation on its proposals for GHS, starting in May 2006 with an 8 week consultation period. Following assessment of comments received, the EC intends to publish a formal proposal for an EC Regulation on GHS in the early Autumn. The indications are that Finland, which will have the Presidency in the second half of 2006, will start Council negotiations on the proposal, before handing over to the German Presidency in January 2007. The EC hope that the GHS Regulation will be available around the same time as the main provisions of REACH enter fully into force in the Spring or Summer 2008. This would enable the GHS Regulation to amend REACH to require industry to populate the classification and labelling inventory with GHS classifications only. However, the relevant EC officials admit this is an ambitious timetable.

We will keep Members up to date with developments.

2. 2nd Adaptation to Technical Progress to the Dangerous Preparations Directive (1999/45/EC)

The 2nd Amendment of the Dangerous Preparations Directive (2006/8/EC) was agreed on 4 November 2005. The implementation date is 1 March 2007. HSE originally planned to incorporate this Amendment in CHIP at the same time as the 30th ATP of the Dangerous Substances Directive. However, given the uncertainty from the European Commission on when the 30th and 31st ATPs will be held, we have concluded that it would be better to implement the 2nd Amendment of DPD now.

We therefore plan to introduce the Chemicals (Information Packaging for Supply) (Amendment) Regulations 2007 (subject to confirmation from HSE's legal advisers), or CHIP 3.2. The intended coming into force date will be 6 April 2007 – the nearest common commencement date to the EU deadline for implementation.

Subject to the agreement of HSC, formal consultation is expected during the summer of 2006.

3. 30th and 31st Adaptations to Technical Progress to the Dangerous Substances Directive (67/548/EEC)

If the European Commission keeps to their intention of holding the 30th and 31st ATPs close together (votes tentatively arranged for May/June and November of 2006 respectively), we intend to implement both together. Depending on timing and the length of the implementation period for these ATPs, we envisage CHIP 3.3 coming into force on 1 October 2007 or 6 April 2008, in line with the common commencement dates. CHIP 3.3 may also need to make other changes to CHIP to reflect the coming into force of REACH as a directly acting EC Regulation. For example, Regulation 5 of CHIP (safety data sheet provisions) can be revoked when Article 29 of REACH has direct effect.

4. 2nd IOELV Directive

In the Current Developments paper for the November 2005 ACTS meeting, it was reported that the European Commission's 2nd Directive on Indicative Occupational Exposure Limit Values (IOELVs) had been formally agreed by Member States on 5 October.

After some further delays, the Directive was finally adopted on 7 February 2006 (Commission Directive 2006/15/EC), and was published in the Official Journal of the European Union on 9 February (reference L38/36). Member States are required to implement the Directive within 18 months of its entry into force date, i.e. by 1 September 2007.

The Directive requires Member States to establish domestic occupational exposure limit values for each of the 33 substances listed in the Annex to the Directive, taking account of the indicative occupational exposure limit value determined by the Commission. In many cases the existing British limit is the same value, or a lower value, than that set out in the Directive. In other cases, HSE plans to reduce the current GB Workplace Exposure Limit (WEL), or introduce a WEL where one does not currently exist, in order to comply with the Directive.

HSE plans to put a paper to the Health and Safety Commission at its meeting on 9 May, seeking permission to consult on proposals for British implementation of the Directive. The draft Consultative Document was seen and agreed by ACTS at its meeting in June 2005. If HSC agrees publication, and the Consultative Document is published by mid-June, consultees will have until the middle of September to submit their comments on the proposals to HSE.

The subsequent timetable will be for the results of consultation to be considered by ACTS at its November meeting, for proposals for new and revised WELs to be submitted to HSC for its agreement in January, and for these new and revised WELs to take effect from 6 April 2007.

5. Marketing and Use of Chemicals

In December 2005 the European Commission published proposals for restrictions on the marketing and use of perfluorooctane sulfonates (PFOS), as an amendment to Council Directive 76/769/EEC. Although very little is marketed now, PFOS-related substances have been used in the past to provide grease, oil and water resistance to textiles, carpets, paper and general coatings. There are additionally some small volume uses in electrolytic hexavalent chromium processes (chromium plating), photography, photolithography, fire-fighting foams and in hydraulic fluids.

The draft Directive places a prohibition on the placing on the market or the use of PFOS and of products containing it, in concentrations equal to or higher than 0.1% by mass. There are, however, derogations from the ban for small-scale industrial uses such as mist suppressants for chromium plating and in fire-fighting foams.

The lead Department for negotiation of the Directive is Defra, but HSE maintains its interest because of the workplace health and safety issues involved. For example, chromium VI is a Category 1 carcinogen, for which PFOS is the only known control measure to prevent misting of plating solutions, and so prevent exposure at source. HSE

has consequently persuaded Defra of the continued need for PFOS to be used in this way, and has asked them to maintain this derogation in the draft directive.

The European Commission continues to consider whether to bring forward marketing and use restrictions on both acrylamide and dichloromethane (DCM).

6. DRP CANCER PROJECT

a. Overview

HSE, through its Disease Reduction Programme (DRP) is currently reviewing its priorities for chemicals including those that cause, or have potential to cause, cancer. The DRP cancer project has two main workstrands, work to look to reduce the number of deaths attributed to occupational cancers arising from exposure to chemical carcinogens and work to reduce the numbers of deaths from occupational cancers due to exposure to Asbestos through work activities.

b. DRP - Chemical carcinogens

The DRP work on chemical carcinogens will provide an up to date review of the use, exposure and management of risks from occupational carcinogens in the UK. As well as helping to identify carcinogens of concern, this information will provide options for improving the control of carcinogens and baselines for evaluation. A major element of this work will be improve HSE's evidence base on the current and future predicted burden of occupational cancer in Great Britain. HSE had already acknowledged the need to review its cancer statistics and has initiated a review of the current evidence base on the burden of cancer. This began in 2003 and continues under the DRP. A wide range of national and international experts are involved in this review. Its ultimate goal is that, in addition to updating estimates of the overall burden of occupational cancer, to provide a breakdown by cancer and carcinogen (to the extent the data will allow) that will be used alongside HSE's other intelligence on occupational carcinogens to identify and prioritise possible workplace interventions aimed at reducing the future risk of occupational cancer. HSE is therefore also reviewing the available toxicological and hygiene information on more than 100 known or probable carcinogens with a view to enabling identification of those that appear to be most potent or are in wide use today and is gathering new information on the adequacy of workplace control measures for specific carcinogens. HSE plans to share and discuss the findings at a stakeholder workshop planned for 2007.

c. DRP - Asbestos

Proposals in HSC's consultation document on 'The Control of Asbestos Regulations 2006', together with those introduced in 2002, will strengthen controls to reduce asbestos exposure; and increase employer and employee awareness of the presence of and risks from work with asbestos-containing materials to prevent further unnecessary deaths. HSE is currently developing the asbestos strand of its Disease Reduction Programme and alongside the introduction of the new asbestos regulations, the HSE will launch a new campaign targeting those at greatest risk. This campaign will build on the earlier 'Duty to Manage' campaign but will extend its audience to include building maintenance and repair workers and their employers.

d. DRP Presentations to WATCH and other bodies

An overview of the cancer project will be given at the WATCH meeting in June and a more detailed paper at the WATCH in the Autumn of 2006, where HSE will seek views on the available occupational hygiene data. Similar overview presentations on DRP cancer activity have also be given recently to the Committee on Carcinogenicity and the Expert Panel on Air Quality Standards.

e. Other HSE activity

In addition to the current DRP activity on occupational cancers HSE has undertaken (and continues to) a lot of work over many years to reduce risk of occupational cancer by introducing tighter controls, through identification and characterisation of risks via mandatory regulatory schemes and by giving advice and by enforcement. Control limits have been kept under regular review and new issues have been considered as they have arisen. This has been done in liaison with employee as well as employer representatives on tri-partite bodies such as ACTS. HSE inspectors have monitored compliance with the law on controlling risks from workplace carcinogens and where necessary they have taken appropriate enforcement action.

7. REACH - An update on the current position of the European Council and the UK Competent Authority

In December 2005, Member States reached unanimous political agreement on REACH. The European Commission welcomed the amendments made under the UK Presidency and fully supports the agreed text. This paves the way for the European Parliament and Council to adopt the Regulation in the autumn of 2006. REACH is expected to come into force in April 2007 with the European Chemical Agency (ECA) being operational a year later.

REACH requires Member States to appoint a Competent Authority (CA) to -

- provide advice to manufacturers, importers, downstream users and other interested parties on their respective responsibilities and obligations under REACH (Competent Authorities' help desks);
- conduct substance evaluation of prioritised substances and prepare draft decisions;
- suggest harmonised Classification and Labelling for CMRs, respiratory sensitisers and on other hazards on a case by case basis;
- identify substances of very high concern for authorisation;
- propose restrictions;
- nominate candidates to membership of ECA committees;
- provide adequate scientific and technical resources to the members of the Committees that they have nominated;
- enforce REACH;

- work closely with the European Chemical Agency in Helsinki.

HSE teamed up with the Environment Agency (EA) in September 2005 and submitted a business case to be the UK CA under which EA would lead. Defra who lead on REACH for the UK, also received a bid from the Pesticide Safety Directorate. Defra plan to appoint the UK CA by the summer.

HSE officials are working closely with Defra and other interested Government Departments to demonstrate the strengths of EA/HSE bid and to overcome any difficulties for example a single point of contact for industry. We will not know the full extent (if any) of HSE's involvement in the UK CA until Defra put their preferred option to Ministers. However, if the EA/HSE bid is chosen, the technical aspects of the CA's work (e.g. recommendation for substance evaluation and restrictions) may be referred to existing independent scientific committees. HSE officials have agreed with the EA that ACTS will be consulted to provide independent verification, of the CA's scientific work on human health.