

Advisory Committee on Toxic Substances Minutes		ACTS/MIN/1/2006	
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Advisory Committee on Toxic Substances	
Minutes of the 89th meeting of the Advisory Committee on Toxic Substances held on 3 May 2006 in the Globe Room, Rose Court, 2 Southwark Bridge, London SE1 9HS	
Present Les Philpott - Chair Roger Alesbury Ian Brown Ian Carney Alastair Hay Bud Hudspith Mike Kingsland Robert Miguel Susan Murray Colin Soutar	Officials Present Androulla Michael – Secretary Garry Wiles – Note taker Steve Fairhurst Robin Foster Trevor Johnson Duncan Rimmer Graham Tompkins Robert Turner
Presenters Item 2 – Kevin Walkin	

Item	
1	Introductions and apologies
1.1	People
1.1.1	Les Philpott welcomed members to the 89 th meeting of ACTS. Andie Michael was introduced as the new Secretary following Kevin Walkin's move to the HSE team dealing with asbestos issues.
1.1.2	Apologies were received from Len Levy, David Tolley, Liz Corbett, Janet Asherson, Elspeth Metcalfe, Maureen Meldrum, John Groves (represented by Duncan Rimmer) and Carl Stuart.
1.2	Agenda
1.2.1	It was agreed to reorder the agenda and reverse items 3 & 4.
2	Asbestos Consultation
2.1.1	Kevin Walkin introduced paper ACTS/01/2006 on the outcome of a public consultation on proposals for implementing the Asbestos Worker Protection Directive (AWPD). The main purpose was to strengthen protection for those who work with asbestos. It was also an opportunity to simplify asbestos legislation & ACoPs and to take a risk based approach to licensing. During consultation, there was overwhelming support for the majority of the proposals. These include: <ul style="list-style-type: none"> • a single tighter control limit 0.1 f/cm³ as a 4 hour TWA for all types of asbestos; • a move towards the COSHH control hierarchy; • mandatory training requirements for all who are liable to be exposed to asbestos; • a single set of Regulations & ACoP to help people understand the requirements. The controls are intended to ensure that all work with asbestos materials, whether licensed or unlicensed, is undertaken by trained people using appropriate controls. However, there was a more mixed reaction to the proposals to de-license Textured

	<p>Decorative Coatings (TCs) and AWPD requirements relating to Sporadic and Low Intensity (S&LI) exposure. In particular, there was a campaign by licensed contractors and unions opposing these proposals.</p> <p>In response to issues raised, WATCH was asked to consider exposure assessment for TCs. The publicly available draft minutes of WATCH state that 0.08 f/ cm³ (4h TWA), as chrysotile fibre, is the most reliable estimate of the upper end of the range of potential exposures that could arise for operatives engaged in the removal of TCs under the conditions specified in the draft Control of Asbestos at Work Regulations 2006. This is below the new tighter Control Limit and does not take RPE into account.</p> <p>HSE also commissioned HSL to carry out further measurements during removal of TCs to assess proposed changes in the control regime specified in the draft ACoP. It was found that during removal of TCs from a range of surfaces, the fibre concentrations produced were almost always less than 0.08 f/ cm³ when analysed using electron microscopy. The effectiveness of clearance based on a visual assessment alone was tested. This demonstrated that fibre concentrations of around 0.01 f/cm³ would be produced from disturbance required for clearance testing. This is the clearance level for licensed work. The research also looked at implications of potential spread of TCs. It is unlikely that releases from the enclosure would exceed 0.01 f/ cm³ in the immediate area surrounding the entry point to the enclosure. A further simulation exercise at HSL showed that even if large amounts of debris remained after removal, the airborne concentration would be very low and below the clearance level. The research concluded that visual assessment was effective for assessing that the area was safe for reoccupation.</p> <p>The tables in Annex B demonstrate the difference in potential exposure levels from three different types of currently licensed materials, lagging, Asbestos Insulation Board and TCs. Figure 1 shows what can happen if materials are removed with and without control and in particular with dry removal. All the evidence demonstrates that levels of fibres released when working with TCs is low, even if there is poor control.</p> <p>The risk assessment concludes that the best estimate of the annual risk to someone working with chrysotile at an exposure level of 0.08 f/cm³ for 8 hours a day, 240 days a year for 5 years from age 30 & with no RPE is about 0.6 per million. The risk was estimated to be lower than for asbestos cement, which is an unlicensed material. Dr Walkin noted that TCs have not contained asbestos since 1985 & asbestos-free TCs have been available since the mid 1970s. Many TCs will not contain asbestos. The only way to find out is to have a sample analysed. If this is not done, then the presence of asbestos will have to be assumed.</p> <p>Despite all of this, HSE have recognised the concerns raised during the consultation and, in addition to the controls already specified in the ACoP will:</p> <ul style="list-style-type: none"> • provide guidance for those in buildings where TCs are being removed to inform them of the control measures that should be adopted; • make it absolutely clear that appropriate controls must be used when working with TCs; • require all contractors working with TCs to use a dedicated type-H vacuum cleaner; • require contractors who remove TCs to provide confirmation that the site has been visually inspected & is clear of ACMs.
2.1.2	The Chairman thanked Dr Walkin for his presentation and proposed a structured discussion of the issues on a) TCs, b) S&LI and c) others.
2.1.3	The TU members did not want TCs to be removed from the asbestos licensing regime but the consensus among ACTS members was to agree the proposal provided that the new arrangements are as good as or better than the current regime. They also suggested that

	<p>the proposed guidance to householders on specialist asbestos removal work in the home should be made available at larger DIY stores. There should be no lacuna allowing standards to fall when the new regime is introduced. They recognised the inclusion in the Regulations of a provision that work could not be considered to be sporadic and low intensity if the concentration of asbestos in the atmosphere was liable to exceed 0.6 f/cm³ in a 10 minute period but wanted practical examples of the types of work which is likely to be above or below that limit to be included in guidance to the Regulations.</p> <p>ACTS emphasised that they do not want to imply they consider work with asbestos to be safe. They wished to send out a message that the response should be proportionate to the risk. ACTS also asked for feedback on whether people were following the guidance and good advice.</p>
2.1.4	<p>ACTS considered that some higher risk work currently outside the scope of the licensing regime might be brought within scope. TU members asked for a group to be established to consider the types of jobs that should be licensed in future, noting that they had a strong mandate given that they represented some 8 million workers. They expressed a particular concern for the very dusty work involved in sanding carried out by householders, and were eager to help address the issue. They considered that the extent of non-licensed short term maintenance work allowed was too extensive.</p> <p>Action: Chairman/Secretariat to consider the TU request for a working group to consider future licensing of asbestos work.</p> <p>ACTS agreed to the proposal that a specific definition is given in the ACoP such that, if the risk assessment demonstrates that a peak exposure of 0.6 f/cm³ measured over a 10 minute period could be exceeded in a working day, then the work cannot give rise to sporadic and low intensity exposure.</p>
2.1.5	<p>ACTS agreed that the communications plan was a very positive step forward, and proposed that the messages agreed in discussion should be captured in a further level of detail in the plan.</p> <p>Action: HSE to relay to HSC in full the views and concerns of ACTS and consider its suggestion for more detail in the communications plan.</p>
4	Respirable crystalline silica
4.1.1	<p>Andie Michael introduced paper ACTS/03/2006. ACTS first considered this issue at the November 2004 open meeting, when it recommended the consultation included options for two WELs, of 0.1mg.m⁻³ and 0.05mg.m⁻³. HSC decided subsequently that the consultation should recommend the higher WEL. The CD was published in November 2005 and consultation ended on 13 March 2006. There were 31 responses in total, including three nil responses. Annex A of ACTS/03/2006 lists respondents' names and summarises their main comments. Section 2 contains some coding errors due to corruption of spreadsheet data, such that there is some incorrect attribution of comments, but this does not affect the main summary itself, which was done independently of the coding. ACTS was invited to note the results of the consultation and agree the recommendations to HSC as set out in the table at section 2. In their response, Amicus had signalled disagreement with the higher WEL because they considered there was no basis for rejecting the lower limit. Others had agreed the higher limit with the proviso that it was reviewed as soon as possible.</p>
4.1.2	<p>The Chairman identified the key issue for discussion as being whether ACTS was able to accept the proposed WEL. Bud Hudspith noted that discussion was needed also on the necessary actions arising from acceptance of the 0.1mg.m⁻³ WEL. One independent expert member noted that, if properly enforced, this limit would prevent silicosis in most cases. ACTS concluded that, although it could accept the higher WEL, it did not wish to see loss of momentum on progress towards introducing a lower, 0.05mg.m⁻³ WEL and so wished to receive feedback from the work being undertaken at HSL on measurement of exposures in the field. The TUs noted that they were willing to work with the quarrying</p>

	<p>industry, which was known to be at the upper end of workplace exposures, to improve their performance and help to move towards a lower WEL. ACTS also asked to see: the Social Dialogue Agreement for silica within which it was reported that industry had agreed the use of a silica COSHH Essentials sheet; feedback on how well industry was doing in implementing the lower WEL; and, data on HSE's enforcement activity. All the above activity was being taken forward as part of the Disease Reduction Programme.</p> <p>Actions: HSL to prepare a paper for next ACTS meeting setting out progress on its work on measurement of exposures in the field. Secretariat to obtain a copy of the silica Social Dialogue Agreement for the next ACTS meeting. HSE to provide feedback on implementation of WEL.</p>
3	Future of ACTS: Next Steps
3.1.1	<p>The Chairman introduced paper ACTS/02/2006, noting that discussion at the Working Group meeting on 3 February had centred around ACTS functioning as an expert group, which he observed was much in evidence in the current meeting. He asked that it be treated as 'work in progress' since there had been little opportunity to progress the issues, and in particular those around the Disease Reduction Board (DRB), which he had still to discuss on ACTS' behalf with Steve Coldrick in his capacity as Chair of the Board. He noted that members recruited to date included Neil Stephens and Carole Sullivan (DRP Business Delivery Manager/Programme Manager respectively); David Fishwick, Consultant Royal Hallamshire Hospital; Rob Miguel; David Tolley; and Carol Bannister, Royal College of Nursing. There was a vacancy for a Small Business representative. Rob Miguel confirmed that he had been asked to sit on the DRB, which to date had met only once to discuss its remit. He thought that there was insufficient transparency on how the DRB was being constituted. Mike Kingsland noted that the proposed mapping exercise was necessary in order to inform the ACTS discussion. Bud Hudspith noted that the Working Group had supported Les Philpott retaining the HSC Chair, and asked for clarification for next time on what the PSA1 targets were.</p> <p>Action: Chairman to discuss ACTS' role in relation to the DRB. Secretariat to initiate a mapping exercise, and provide ACTS with some detail on the PSA1 targets.</p>
5	Subjects proposed by Members
5.2	b) REACH
5.2.1	<p>Mike Kingsland drew members' attention to a 1-page summary that he had produced as a discussion aid. By way of further background, Members have also received a paper 'Guidance on REACH' by Richard Pedersen. He noted that REACH is a large and complex subject, and considered that now was the right time for ACTS to discuss what it might do to help in its implementation, for example using its experts to identify potential problems and propose solutions; using ACTS members' knowledge of the European dimension to identify views from Europe; and assisting with issues arising from substitution of chemicals of interest to the UK.</p>
5.2.2	<p>The Chairman thanked Mike for his presentation and welcomed views from other members, noting that HSE's Robin Foster was present to join the discussion at this point.</p>
5.2.3	<p>Views expressed included:</p> <ul style="list-style-type: none"> • REACH reflects the ethos of ACTS in that it is about adequate controls in the workplace. • There was potential for confusion and concern in that workplaces would have to work to WELs and DNELs, although it appeared they would not be consulted on workplace levels, which were set further up the supply chain. TU members had no problem with the concept of DNELs provided they were set at a sufficiently low level. • A positive feature of REACH was that suppliers would have to provide more information for chemicals. However, clarification was needed on how this could be reconciled with the duty on employers to provide information on articles.

	<ul style="list-style-type: none"> • ACTS could have a useful role in informing REACH and the competent authority on occupational health messages. They and Ministers needed to be persuaded of the need for an overarching expert committee with oversight of REACH, a role which could be filled by ACTS. • ACTS had already expressed the view that REACH and COSHH were complementary, but it would be helpful to have a summary detailing the points at which the two regimes merged and conflicted. It was noted that the paper on REACH put to the 17 January 2006 HSC meeting did not fully reflect the views on complementarity expressed at the November ACTS meeting. • ACTS should make detailed recommendations to HSC to help ensure that occupational health is not forgotten within the REACH regime.
5.2.4	<p>In response to some of the points raised and to other questions, Robin Foster noted that:</p> <ul style="list-style-type: none"> • no decision had yet been made on who would perform the competent authority role. None of the bids as presented were deemed fully satisfactory, but HSE was still in the running to have a role within the CA framework. Defra were keen to resolve the issue by summer, since REACH came into force in the first part of 2007; • worker/people safety was paramount for REACH - one of its key aims was an improvement in occupational health and safety. To this end, HSE was represented at high level meetings by its Chief Executive, Geoffrey Podger; • COSHH will retain its importance in areas not covered by REACH, eg in-situ generated chemicals, and so the way ahead involved a joint REACH/COSHH approach.
5.2.5	<p>Noting the strong views that ACTS should have an active role in REACH implementation, the Chairman was minded to put in place a review of how HSE could shape REACH, which could then be discussed at the next ACTS meeting.</p> <p>Action: Chairman to consider a review of HSE's potential role in REACH for discussion at next ACTS meeting</p>
5.1	a) Nanotechnology
5.1.1	<p>Colin Soutar introduced his paper 'Occupational health aspects of nanotechnologies', which set out details of the WATCH deliberations at its 13/14 January 2006 meeting. Very little was known about how toxicity interacts with particle size, and so WATCH concluded that the issue should be dealt with on a case-by-case basis. The purpose of the discussion was to reach a view on whether ACTS wished to keep the topic under review, with particular reference to the case-by-case approach proposed by WATCH and in the light of emerging research findings.</p>
5.1.2	<p>ACTS noted that current filtering techniques did not work with nanotechnologies. There was a need to know more about particle sizes used in nanotechnologies because very small particles have an almost infinite surface area and remain in the atmosphere forever, in which case complete containment should be recommended as a precautionary approach so that there was no exposure. Steve Fairhurst confirmed that WATCH was tracking developments on the issues and had received several papers in the previous 12 months on the uses of nanotechnologies, none of which had altered its position on toxicology.</p> <p>In view of the relative paucity of information available on new nanotechnologies, ACTS asked to receive at its next meeting a paper and presentation from WATCH suggesting where ACTS might usefully engage on the topic.</p> <p>Action: WATCH to present a paper on nanotechnologies at the next ACTS meeting</p>
5.3	c) Cancers in the Workplace
5.3.1	<p>An article from Hazards 92 'Burying the evidence' was tabled at the meeting, followed later by the full report. Bud Hudspith introduced the topic by highlighting a conclusion from the report that HSE is currently underestimating the incidence of work-related cancers, and</p>

	noted that, even using the lower estimate in the report, the numbers surpassed deaths from workplace injuries. He asked whether HSE agreed or not with the figures, and noted that until now there has been little discussion on the subject at ACTS, urging that such discussion should now take place on the current burden of occupational cancer in order for ACTS to advise HSC on a way forward.
5.3.1	<p>Ian Brown was of the view that the Doll/Peto 1981 study mentioned in the report was soundly based. In response to his question about how the issue could be dealt with given the very long latency periods for cancer, Bud Hudspith suggested that better predictive methods to allow problems to be identified earlier were needed. Steve Fairhurst advised that WATCH was already doing some work on predicting carcinogenicity. Rob Turner provided an outline of a project under DRP to identify what populations were exposed and the extent of such exposures, within which a workshop was being arranged to identify the issues to be addressed that would have the greatest impact. ACTS asked to receive an update on the WATCH deliberations at its next meeting.</p> <p>Action: WATCH to present an update on occupational cancer at the next ACTS meeting</p>
6	Minutes of the 88th meeting held on 17 November 2005
6.1.1	The minutes were accepted as a true record.
7	Matters arising and Secretary's report
7.1.1	The Secretary's report was noted.
7.2.1	<p>In response to a question about WATCH, Steve Fairhurst advised ACTS that the agenda was populated on a meeting-by-meeting basis by ACTS and HSE, although in practice items came largely from HSE. It would be helpful to know as far in advance as possible whether ACTS had any issues they wished WATCH to consider. Bud Hudspith offered solvents and reminded Dr Fairhurst about the earlier discussion on silica. The Chairman asked members to consider further what issues it wished to refer to WATCH and write to the secretariat.</p> <p>Action: Members to write to secretariat with issues they wish to refer to WATCH.</p>
7.3.1	<p>Mike Kingsland asked that the Future of ACTS Working Group meet before the next full ACTS meeting. The Chairman asked members to send in their thoughts for consideration by the WG and invited Steve Fairhurst to join the discussion. Roger Alesbury suggested the WG should write a paper on the reconstitution of ACTS for agreement at the next ACTS meeting. The Chairman noted that the paper would go to the Executive, which now makes such decisions, but that it might also be worthwhile informing the HSC via a 'Misc.' paper. He and the Secretariat would consider the practicalities of Mr Alesbury's suggestion.</p> <p>Action: ACTS members to send in suggestions for discussion by the WG. Secretariat to arrange a meeting of the WG and invite Steve Fairhurst.</p>
7.4.1	<p>Bud Hudspith asked why the new printing COSHH Essentials sheet was outside the COSHH Essentials web package, and whether any other materials were maintained separately. Andie Michael advised that HSE was ironing out some issues with the eCOSHH website, and would report progress on this at the next ACTS meeting.</p> <p>Action: Secretariat to report back to ACTS on eCOSHH.</p>
7.4.2	<p>Susan Murray considered that it would be helpful to alert users when new materials appeared on the website. Trevor Johnson advised that there already was an alert system that users could sign up to. [<i>post-meeting note: this service can be accessed via http://www.hse.gov.uk/new/index.htm</i>]</p>
8	Summary and close

8.1.1	The Chairman thanked members for a productive meeting, and wished them happy summer holidays. Members will shortly be canvassed for availability for dates in November for the next meeting.
	The meeting closed at 3.15pm