

Advisory Committee on Toxic Substances Minutes		ACTS/MINS/1/2012	
Meeting date:	9 May 2012	Open Gov. Status:	Open
Type of paper:	Above the line	File ref:	2012/262171
Exemptions:	None		

Advisory Committee on Toxic Substances (ACTS)	
Minutes of the 100th meeting of the Advisory Committee on Toxic Substances held on 9 May 2012 at Oxford University Club, Oxford.	
<p>Present: Jane Willis - Chair (HSE) Ian Brown - Independent Robin Chapman – CBI Alastair Hay - TUC John Hopley – CBI Len Levy – Independent Doug Russell – TUC Bud Hudspith – TUC Roger Alesbury - CBI</p> <p>Apologies: Elspeth Metcalfe - Independent David Tolley – LA Susan Murray - TUC Steve Francis - CBI</p>	<p>Officials Present: Kären Clayton - Director, Long Latency Health Risks Division (LLHRD) Gill Smith – Head of COSHH and Chemical Carcinogens Unit Marie Warburton – Secretariat</p>
<p>Presenters Item 3: Alastair Hay. Item 4: Gill Smith. Item 6: Gill Smith. Item 7: John Hopley</p>	

Item	
1	Introductions and apologies
1.1 (i)	The Chair welcomed members to the 100th meeting of the Advisory Committee on Toxic Substances (ACTS) and thanked Ian Brown for providing the venue.
1.1 (ii)	Apologies were received from David Tolley, Elspeth Metcalfe, Susan Murray and Steve Francis.
1.1 (iii)	The Chair covered domestics.
2	Agreement of minutes/matters arising
2.1	The minutes of the 99 th meeting were formally accepted.
2.1 (i)	Members agreed that the minutes of the 100th meeting would be made available on the HSE website after they had been cleared by members via correspondence and before formal agreement at the following meeting in November 2012.

2.2	Current Issues
2.2(i)	<p><u>Taking forward Lofstedt</u> recommendations and progress of Red Tape Challenge – The Chair updated ACTS with the latest progress in this area. The chair confirmed that the review made 17 recommendations that fall to HSE to deliver, the overall conclusion was there was no evidence for radical changes to current health and safety legislation. Many of the recommendations are intended to clarify and simplify the existing requirements. The key recommendations included changing the law to remove health and safety burdens from the self-employed in low risk occupations by 2013, review of Approved Code of Practice (ACoP) by 2012 and to consolidate and revoke a number of Health and Safety Regulations by 2014. The Chair confirmed HSE has launched two challenge panels: the first, launched in January 2012, provides an opportunity for regulatory decisions to be challenged; the second, launched in April 2012, the ‘Myth Busters’ challenge panel is available for those who wish to challenge claims about health and safety requirements by non-regulators. The chair explained HSE are also required to review all regulatory provisions that impose strict liability by June 2013, so employers will no longer be in breach of their duties in civil law when they have done everything that is reasonably practicable and foreseeable to protect their employees.</p>
2.2(ii)	<p><u>Update on External Guidance Review</u> – The Chair explained HSE currently owns 1056 publications, HSE website has 7,000,000 downloads per annum and approx 900,000 hard copy requests per annum. The top 100 publications account for 70% of the publications used. The Chair confirmed the aim of the review of HSE’s external guidance is to ensure guidance is both practical and proportionate to the risk, and that it focuses on improving compliance. Best practice will be included as appropriate and identified as more than required to meet the legal requirement. The Chair explained the structured approach that HSE will take to producing guidance going forward - Layer 1: Health and Safety Made Simple; Layer 2: ‘A brief guide to...’ explaining risk in some detail; Layer 3: Detailed guidance; Layer 4: Legal series (including ACoPs). The principle behind this is that an inexperienced reader will start with Health and Safety Made Simple and work through the levels until they are satisfied they have the information they need.</p>
2.2(iii)	<p><u>Key points from the discussion following the presentation:</u></p> <ul style="list-style-type: none"> • The Methods for the Determination of Hazardous Substances (MDHS) have been reviewed by HSE/HSL. The overall portfolio of MDHS guidance will reduce from 50 to 22 (as HSE will withdraw guidance which has been superseded by standards), with HSL retaining ownership but branded as HSE guidance. Members were concerned that MDHS would no longer be free to download and the health and safety community will in effect be charged to check compliance. • A member asked how the review of legislation would fit in with EU law. The Chair explained that analysis of all legislation which has elements implementing EU law has been carried out. The major consolidation projects will be sector specific, for example there are more than 40 pieces of mining legislation and it is proposed to review these and consolidate them into perhaps three sets of regulations. • ACTS discussed the Framework Directive and risk assessment and noted that the differences in approach between Member States suggests a lack of understanding. This means some Member States seek to manage ‘risk’ whilst others focus solely on the ‘hazard’. ACTS members expressed concerns about a drive from the European Parliament to require hazard based assessments. The Chair confirmed that there is an appetite to initiate debate in Europe currently and other EU countries are becoming engaged in discussions to build a common

<p>2.2(iv)</p> <p>2.2 (v)</p>	<p>understanding of risk assessment.</p> <ul style="list-style-type: none"> • A member of ACTS asked if Workplace Exposure limits (WELs) are included in the review of guidance. The Chair confirmed WELs are not included in the review. • ACTS suggested HSE should consider looking at compliance levels over time in particular around asthma, as SWORD was not a quality driven data base. • ACTS members commented that health and safety is the responsibility of both employee and employers and that tools (training) should be more effective and be made available to all. Members reinforced the importance of communicating the risks and of drawing a link between what employees are doing now and the possibility of chronic illness later in life. • HSE explained that work continued in certain sectors to raise awareness of respiratory risks and promote key messages on good practice. • ACTS members asked if it would be useful to review decisions taken by ACTS in the previous 10 years and/or revisit subject areas. They also questioned whether the HSE Board should review ACTS work and were keen to know whether HSE Board members sat on any other HSE committees similar to ACTS. • HSE confirmed that HSE Board members do not sit on any other advisory committees. The Chair re-confirmed ACTS have a part to play in advising the HSE Board and in identifying areas of most concern. The HSE Board receive regular update papers on issues and two occupational health papers have been taken to the Board recently where ACTS' advice was put forwards. <p>Action Point 1: Secretariat to take comments on MDHS back to HSE for further consideration</p> <p>Action Point 2: Secretariat to provide update on HSE activity in relation to risk or hazard based approaches in EU</p> <p>Action Point 3: Secretariat to consider reviewing the effects of past decisions/advice provided by ACTS</p> <p>Action Point 4: Secretariat to raise ACTS concerns regarding their relationship with the HSE Board with the CE and HSE Chair.</p> <p><u>Evaluation of Asbestos Training Pledge</u> – HSE provided an update ACTS on the evaluation of process. Confirming in total, 10,308 hours of training were delivered and 3,197 trades people received free asbestos awareness training as a result of the initiative. When asked about motivation for attending 62% attended because it was important, 28% said they were told to come and 21% said they attended because it was free. HSE, the training providers and the delegates all considered the initiative to been a success and worth repeating at some time in the future. 90% of training organisations involved said they would do it again.</p> <p><u>Occupational Cancer HSE Board paper</u> – HSE confirmed the paper circulated to ACTS members which outlined what HSE was already doing in this area and provided suggestions for future activity had been agreed by HSE's SMT. The paper will be discussed by HSE Board on 16 May 2012. ACTS members comments have been included as an Annex to the paper and the outcome of the Board's deliberations will be communicated to ACTS.</p>
-------------------------------	--

	<p>occupational exposure to dust may be out of step with others in Europe. A TUC member stated that the current UK dust ‘standard’ is not fit for purpose and that employees and employers think that it is safe to be exposed to dust at this level.</p> <p>There was also further discussion concerning the case for lowering the limit values for dust to 1 mgm⁻³ respirable and 2.5 mgm⁻³ inhalable respectively. HSE noted members concerns and commented that limit setting is undertaken by an EU process and that HSE is aware of current discussions on limit setting within the EU.</p> <p>Action Point 11: Secretariat to circulate to members copy of low toxicity dust presentation</p> <p>Action Point 12: HSE to investigate the developments in Germany following publication of the MAK documentation and to advise the HSE board accordingly.</p> <p>Action Point 13: Secretariat to circulate to ACTS members a copy of the MAK documentation when the English translation becomes available</p>
<p>4</p> <p>4.1 (i)</p> <p>4.1 (ii)</p> <p>4.1 (iii)</p>	<p><u>Exposure to Pesticides during manufacturing process</u></p> <p>A short presentation provided an update on HSE current position on exposure to pesticides during the manufacturing process.</p> <p>General points from the presentation:</p> <ul style="list-style-type: none"> • There is comprehensive legislation covering the manufacture, supply, storage, transport, packaging, labeling, use and disposal of pesticides: • Pesticides Incidents Appraisal Panel (PIAP): considers all reported incidents of ill health which are alleged to have been caused by exposure to pesticides used at work. It does not carry out any investigations; it relies on information collected by Field Operations Directorate staff. • There is no current specific programme of intervention activity by HSE in the pesticides manufacturing sector and HSE are not aware of any particular health issues due to exposure to pesticides within the sector. • It worth noting that now many of the major manufacturers are outside the UK – but there will be repackaging and reformulating activity taking place. • HSE do not have any specific concerns within the sector - does ACTS have any further information on the particular issue? <p>The Chair asked if ACTS members had any specific concerns within these sectors. ACTS members stated that considerable control measures are in place within the manufacturing sector. It is a very contained environment, with very low exposures that would be difficult to detect. The use of pesticides further down the supply chain may be of concern, for example use in agriculture, road workers, railworkers. The Chair explained the manufacture comes under COSHH and its risk assessments requirements ACTS members suggested looking at the pesticides from ‘cradle to grave’ to identify the regulatory oversight and Committee interest at each stage and any gaps.</p> <p>.</p> <p>Action Point 14: Secretariat to circulate to members the presentation on exposure to pesticides during the manufacturing process</p> <p>Action Point 15: HSE to prepare a paper to set out cycle for the manufacturing, supply and use of pesticides ‘cradle to grave’ to identify possible regulatory gaps.</p>

<p>5</p> <p>5.1 (i)</p> <p>5.1 (ii)</p> <p>5.1 (iii)</p>	<p><u>Review of ACoP's, COSHH and Lead</u></p> <p>A presentation detailed HSE's review of ACoPs including those under COSHH and Lead at Work Regulations.</p> <p>General points from the presentation:</p> <ul style="list-style-type: none"> • Work generated by Löfstedt Report: Reclaiming health and Safety for All • Commitment to review all ACoP's (~52) to: ensure they provide authoritative practical guidance on achieving compliance with the law; Make it easier for dutyholders to understand and meet their legal obligations. • ACoPs are not law but do have a special legal status; if the advice in ACoP material is followed, dutyholders can be confident they are complying with the law. • HSE Review of ACoPs: Hazardous Substances: Control of Substances Hazardous to Health (L5) is cross-cutting in application. Other more specific ACoPs are Control of substances hazardous to health in the production of pottery (L60); Control of Lead at Work (L132); Legionnaires' Disease: The control of Legionella bacteria in water systems (L8) Timetable for the work: Internal review: February to March 2012; Consultation June → Sept 2012; Revision of ACoPs mid 2012 → 2013; Consultation on revised ACoPs Mid-2013 <p>There was a general discussion following the presentation regarding the use of ACoPs and the review process. Members confirmed they wished to be consulted and to contribute to the public consultation process.</p> <p>Action Point 16: Review of ACOPS. ACTS members to be consulted as part of the publication consultation process</p>
<p>6</p> <p>6.1 (i)</p> <p>6.1 (ii)</p>	<p><u>Metal Working Fluids (MWF)</u></p> <p>An ACTS member gave a presentation on data from USA Metal working Fluids: Analysis and Legionella growth.</p> <p>General points from presentation:</p> <ul style="list-style-type: none"> • The objective of this project was to develop an enumeration method for two species of <i>Legionella</i>, <i>Legionella pneumophila serotype 1</i> and <i>feeleij</i> in MWFs with a sensitivity requirement of <1 <i>Legionella</i> per mL • MWFs are often contaminated with high levels (e.g., 108 cfu/mL) of heterotrophic gram negative (non-<i>Legionella</i>) bacteria. • In summary, a pretreatment step at 55 oC for 30 min was selected for the enumeration method for <i>Legionella</i> in MWFs to reduce the interference of the background population with detection limits of not less than 10 cfu/mL for LPN and not less than 100 for LFL, respectively. • None of the used MWF samples, collected from manufacturing plants in the USA, tested positive for <i>Legionella</i>. <i>Legionella</i> bacteria died off in three virgin MWFs (2.5 to 5% solutions) in less than 3 days. Two used MWFs that provided the longest survival for <i>Legionella</i> among the 10 used also exhibited the highest heterotrophic plate counts. • The results indicate that MWFs in general are a hostile environment for <i>Legionella</i> to survive and grow.

	Action Point 17: Secretariat to circulate to Legionella presentation to ACTS members, HSE and HSL colleagues
7	AOB
7.1	CBI member commented that with the development of European binding limits, it would be helpful to establish what exactly a binding limit means.
7.2	To note the change to the Health and Social Care Act and possible impact on HSE's work.
	Action Point 18: Secretariat to send ACTS further clarification on the definition of binding limits
8	Next meeting <u>Location and Date</u>
8.1 (i)	Unite office, Birmingham confirmed as location for the 13 November 2012 ACTS meeting.
8.1 (ii)	Oxford, Bootle, Buxton, York, Manchester available for May 2013 meeting date and location to be confirmed.
	Action Point 19: Secretariat to confirm date and location of November 2012 meeting
	Action Point 20: Secretariat to contact members to check availability and agree location for May 2013 ACTS meeting
9	Future Agenda Items <ul style="list-style-type: none"> • Update on Silica • Life cycle of pesticides Action Point 21: Secretariat to include items on agenda for November 2012 meeting
10	Summary and Close
11	The Chair thanked everyone for their attendance and participation.