

Open Government status: Partially open

Paper Number: ACTS/MIN/1/2003

Exempt material: The public version of this paper will have exempt material removed from sections detailing members present and apologies and paragraphs 2.7 and 3.14. The sections are withheld under Exemption 12 of the Code of Practice on Access to Government Information – ‘information that would cause unwarranted invasion of personal privacy’.

Meeting Date: 13 March 2003

Type of Paper: Minutes

HEALTH AND SAFETY COMMISSION

ADVISORY COMMITTEE ON TOXIC SUBSTANCES (ACTS)

Minutes of the 80th meeting held on 13 March 2003 at Rose Court,
London SE1 9HS

Present:

Deputising as Chair:

Mr John Thompson HSE

Members present:

→ ← This section is being withheld under Exemption 12 of the Code of Practice on Access to Government Information

Apologies:

→ ← This section is being withheld under Exemption 12 of the Code of Practice on Access to Government Information

1 Introductions and apologies

1.1 John Thompson welcomed members to the 80th meeting of ACTS.

People

1.1 John Thompson apologised on behalf of Sandra Caldwell who was unable to attend the meeting and proposed that he deputise as Chair. Members agreed.

- 1.2 Apologies were also received from → ← **This section is being withheld under Exemption 12 of the Code of Practice on Access to Government Information**

Reconstitution of ACTS and feedback from the Health & Safety Commission (HSC)

- 1.3 John Thompson informed members that Kate Timms, Deputy Director General of the Health and Safety Executive (HSE), had agreed the reconstitution of ACTS. He also explained that the Health and Safety Commission had endorsed ACTS' new work plan.

Dates for ACTS meetings for the remainder of 2003

- 1.4 The July meeting has been brought forward to 10 July 2003 to avoid the holiday period. The November meeting has been brought forward to 17 October 2003 to coincide with the European Week of Safety and Health 2003. Secretariat has proposed that this should be an Open Meeting.

Declarations of interest

- 1.5 Two CBI representatives said that Polycyclic Aromatic Hydrocarbons (PAHs) were a by-product in their companies.

2 First steps in progressing the work plan

- 2.1 Paul Hems introduced the paper, which sought ACTS agreement on the proposals for working in partnership with other advisory committees (ACs).

The following points were discussed:

- 2.2 A TUC representative said that, with the exception of the Health Services AC and the Rubber Industry A C, there were no committees on the list (Annex 1) that dealt with the key asthmagens, for example isocyanates and flour dust. ACTS needs to identify whom to engage in order to bring about change in relation to these substances

2.3 Several CBI representatives expressed concern regarding the demands on members' time implicit in the proposals. They requested that a standard communications package be developed to assist volunteers when visiting ACs. John Thompson said that ACTS Secretariat would develop a communications pack. John Thompson said that only one member needed to attend each AC meeting. There was a proposal in the paper that ACTS could hold two meetings a year instead of three, freeing up time for members to visit other ACs. A TUC representative said that having two meetings a year would not allow enough time for ACTS to carry out normal business. Other members either concurred or expressed no opinion on this point.

Action: ACTS Secretariat

2.4 A Local Authority (LA) representative had not heard of the Local Authority Forum and asked for information on this committee. The member said that the HSE/Local Authority Enforcement Liaison Committee (HELA) should be added to the list of organisations to be visited. Paul Hems said he would provide information on the Local Authority Forum and add HELA to the list of organisations at Annex 1.

Action: ACTS Secretariat

2.5 An Independent representative asked if there was an AC dealing with the food industry. An LA representative suggested that ACTS consider contacting the Food Standards Agency. John Thompson said ACTS Secretariat could explore this idea but cautioned that volunteers would have less guaranteed access to non-HSC committees.

Action: ACTS Secretariat

2.6 Members agreed that it was important to find out what other ACs are doing on chemicals but believed that ACTS Secretariat was in the best position to do this. This information will help clarify which

ACs volunteers need to visit, as well as what ACTS wants them to do and what ACTS can do for them.

Action: ACTS Secretariat

- 2.7 Members considered it important to develop lasting relationships with other ACs. John Thompson agreed and said that ACTS Secretariat would need to do preparatory work, including identifying what other ACs could do to help deliver the Chemicals Strategy. He sought volunteers to act as champions. The following people volunteered (sometimes with qualifications): → ← **This section is being withheld under Exemption 12 of the Code of Practice on Access to Government Information.**

Action: ACTS members

3 Stock take of ACTS' sub-groups and proposals for a new scientific and technical advisory sub-committee

- 3.1 Julia Soave introduced the paper, which sought ACTS agreement on the recommendations in paragraph 3 of the cover paper.
- 3.2 John Thompson said WATCH had done excellent work and enjoyed a very high national and international reputation. As a committee it had focused on limit setting. However, ACTS has decided that it wants to address wider issues as a means of stopping people from being made ill at work. As such, it makes sense to create a new, less narrowly focused scientific and technical sub-committee to advise ACTS. He proposed that the new sub-committee should largely retain the previous WATCH members and build on this foundation rather than have an entirely new membership.

The following points were discussed:

- 3.3 A TUC representative expressed concern at the proposals, specifically: that they were not radical enough; there is a need to acknowledge and address the issue that a lot of work is being done in the EU and we will need to be able to continue to play a key role in EU decision making in the future; there is a need to retain the

ability to set limits on substances that are not being dealt with by SCOEL; more analysis is needed of what all ACTS' sub-committees are doing before a decision is made.

- 3.4 A CBI representative said that CBI would like to endorse the view expressed by TUC. Whilst recognising HSE's resource constraints, the member had concerns around the progressive erosion of opportunity for the UK to input into the EU limit setting system, to the point where it might become ineffective or disappear altogether. The move from 11 to 5 sub-committees, including the loss of ERMAG, represents a further loss of opportunity.
- 3.5 An Independent representative agreed with what had been said on Europe. The member welcomed the idea of broadening the disciplinary base of WATCH and suggested it was also important to: consider the information needs of ACTS and HSE due to OEL framework review and activity in Europe; scrutinise economic and technical information (such as regulatory impact assessments (RIAs)) as well as scientific information; and consider the scope for more network based structures rather than setting up committees so that ACTS can draw on information networks.
- 3.6 A TUC representative wanted a clearer picture of the overall approach we are taking, emphasising a need to look at European and national requirements. In the meantime, the member was apprehensive about getting rid of WATCH.
- 3.7 An Independent representative expressed concern at the loss of the name WATCH, which had a reputation for thorough, solid, well-considered work that was always taken seriously. TUC and CBI representatives endorsed the member's views. The member also considered that WATCH could provide the technical input necessary to manage the REACH programme.
- 3.8 A TUC representative suggested that whatever the remit of the new sub-committee it should retain the name WATCH. The member

stressed that it was the fact that we had WATCH that had allowed ACTS to change its direction in recent years.

- 3.9 Another TUC representative saw no value in the proposal to have lay members on WATCH, and requested that the working group that is to be set-up to review ACTS' sub-committees consider this point. Additionally, the member requested ACTS Secretariat to provide an organisational chart of HSE, particularly those elements relevant to ACTS.

Action: ACTS Secretariat

- 3.10 A LA representative considered that WATCH and other ACs are too remote from what actually happens in the workplace. It would be important for the new scientific and technical sub-committee to include an environmental health practitioner to represent the reality of working in SMEs.
- 3.11 In response, John Thompson noted the concerns and mood of caution expressed by ACTS members. He explained that HSC wants its ACs and HSE to do work that will make a real difference in the workplace. In order for ACTS to do this new work, it will not be possible for it to maintain its full traditional remit of chemical limit setting. However, he recognised the need for a continuing capacity to do some domestic limit setting. He explained that the paper proposed putting a tripartite group together to develop the proposals, and asked if members would join a working group.
- 3.12 Members considered that HSE and ACTS needed to take a more radical look at all of ACTS' sub-committees. It was sensible to set up a group to do this, but it should not be bound by the proposals in the ACTS paper. It would also need to be bigger than was originally envisaged. Members asked about the timescale for the group to report back. John Thompson said that he envisaged the new sub-committee meeting for the first time in November 2003. He stated that the working group could look at the entire

infrastructure of ACTS sub-committees, a larger than originally envisaged task.

3.13 Members did not think it possible to carry out the review by the end of summer 2003; one independent member warned that a November deadline could result in the working group doing a bad job. Members asked if WATCH could continue in the meantime. John Thompson explained that WATCH had met for the last time on 24 January 2003, since its period of constitution would come to an end in March. Members pointed out that ACTS had not agreed to WATCH coming to an end. Members asked if WATCH could be temporarily reconstituted until the working group reported back its findings.

3.14 John Thompson noted the views of ACTS members. He asked for volunteers for the working group to looking ACTS' sub-committees. The following people volunteered: → ← **This section is being withheld under Exemption 12 of the Code of Practice on Access to Government Information.**

Action: Working group volunteers and ACTS Secretariat.

4 Proposals for European Week of Safety & Health 2003 on prevention of risks caused by dangerous substances

4.1 Julia Soave introduced the paper, which was welcomed by members.

4.2 There was some discussion with regards to the extent to which LAs are involved in the organisation of Euro week, particularly how relevant information is being feedback into LA networks. The need for a toolkit to help LAs develop Euro Week initiatives was raised. Ms Soave agreed to consider this suggestion.

ACTION: Julia Soave

5 ACTS Open Meeting

5.1 Nick Summers introduced the paper.

5.2 ACTS agreed the proposals in the paper for the first ACTS Open Meeting which will be held on 17 October 2003. Members suggested several additional intermediaries for the mail shot. The ACTS working group will need to meet again to agree the finer detail of the arrangements.

6 The role of Occupational Exposure Limits (OELs) in setting performance standards for regulating health and safety in selected member states of the EU and the means and effectiveness of achieving compliance

6.1 Professor David Walters of Cardiff University presented this item and there was an opportunity for ACTS members to ask questions following the presentation. Members welcomed the report and its conclusions about limit setting in the EU. Members requested that a full version of the report be made available to members that wanted one.

Action: ACTS Secretariat

7 Progress with the Asthma Strategy

7.1 Donald Adey introduced the paper.

7.2 Members considered that volunteers visiting other advisory committees could use the opportunity to disseminate the excellent ideas in this paper. Members suggested additional ideas for inclusion in the strategy.

8 Polycyclic Aromatic Hydrocarbons – proposal for a MEL and a BMGV

8.1 John Thompson explained that the cost/benefits analysis in the Regulatory Impact Assessment for the proposal needed to be reworked and consequently this paper was withdrawn. A revised paper will be presented at a future meeting.

9 Subtilisins - proposal for a MEL

- 9.1 Richard Pedersen introduced the paper, which sought ACTS agreement to recommend the HSC to consult publicly on the setting of MELs for subtilisins of 0.00004 mg/m³ (40 ng/m³) (8-hour TWA and 15 minute reference period STEL), with a “Sen” notation.
- 9.1 Members raised points relating to sampling and measurement, including the availability of measuring kits and the ability or sophistication of the industries involved to be able to measure exposure.
- 9.2 Members agreed to recommend to the HSC to consult publicly on the setting of MELs for subtilisins.

10 The EU chemicals strategy

- 10.1 John Thompson introduced the paper.
- 10.2 Members commended the quality of the paper and noted the lack of progress on the Existing Substances Regulation. John Thompson agreed that this was unacceptable. Kathleen Cameron, the DEFRA observer, said that there were ongoing discussions at the EU level and undertook to feedback progress by the next ACTS meeting.

11 Minutes of the 79th meeting of ACTS held on 21 November 2002

- 11.1 The minutes were agreed.

12 Matters arising and Secretary’s report

- 12.1 Member’s attention was drawn to item 4(11) relating to HSE’s new asthma web page. Those members that had contributed to the development of the page were thanked. The site is now open - <http://www.hse.gov.uk/asthma/> - members were encouraged to visit it.