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**Exempt material:** The public version of this paper will have exempt material removed from Annex 2. The section is withheld under Exemption 12 of the Code of Practice on Access to Government Information – ‘information that would cause unwarranted invasion of personal privacy’.

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## **HEALTH AND SAFETY COMMISSION**

### **ADVISORY COMMITTEE ON TOXIC SUBSTANCES**

#### **Stock-take of ACTS Sub-Groups and proposals for a new Scientific and Technical Advisory Sub-Committee**

**A paper by Julia Soave**

**Cleared by John Thompson on 17 February 2003**

#### **Issue**

1. A stock-take of ACTS sub groups and HSE’s recommendations for the setting up of a new Scientific and Technical (SciTech) advisory sub-committee of ACTS in place of the Working Group on the Assessment of Toxic Chemicals (WATCH).

#### **Timing**

2. Routine.

#### **Recommendation**

3. To consider and agree:

- a) the establishment of a small tri-partite ACTS working group (one member each from the CBI and TUC and one representing experts) to work up the proposal further for a sub-committee in place of WATCH, provisionally known as “SciTech” .
- b) the future of the remaining sub-groups.

ACTS preliminary views on HSE’s proposals for SciTech’s remit and draft terms of reference (see paragraphs 10 to 15) are also invited.

#### **Background**

4. At the ACTS meeting of 14 March 2002, both ACTS and WATCH were reconstituted until 31 March 2003. At its July 2002 residential meeting, ACTS members agreed a new work plan and range of initiatives. HSE was asked to revisit the work of ACTS sub-groups.

5. WATCH was originally established in July 1984 as an expert body to provide scientific advice to the Advisory Committee on Toxic Substances (ACTS), particularly in relation to the setting of occupational exposure limits (OELs). Over the years, its work has evolved and moved away from dealing exclusively with OELs. In 1999 its terms of reference were changed to reflect this change in emphasis. (**Annex 1**). It last met on 24 January 2003. The CBI and TUC nominate four members each; there are seven independent experts and HSE provides the Chair. WATCH has seven toxicologists, three epidemiologists, two occupational hygienists, one occupational physician, one chemical pathologist and one neurobehavioural psychologist. (**Annex 2**).

6. At its meeting on 12 November 2002 in discussion on “Work towards an HSE Chemicals Strategy” (HSC/02/106), the HSC agreed that HSE should prioritise work, particularly into programmes dealing with occupational cancer, respiratory diseases and skin diseases. It also agreed that HSE should align its work more closely to Revitalising Health and Safety and Securing Health Together agendas. The paper explained that the Chemicals Strategy would lead to a reallocation of resources within the existing programme on chemicals. There would be a reduction in measures addressing the supply side and the production of domestic occupational exposure limits and an increasing emphasis on communicating information about hazards and informing the workplace of how to ensure the controls are adequate (or what to do if the controls are inadequate). The Commission endorsed the recommendations of the emerging Chemicals Strategy.

7. Prior to this in November 2000, the HSC considered a paper on IOELVs (HSC/00/240) and agreed to shift the emphasis from domestic scientific evaluation to influencing and reliance on the European Commission’s Scientific Committee on Occupational Exposure Limits.

8. HSE recognises the important and invaluable contribution that WATCH has provided over nearly nineteen years. WATCH is held in high regard both domestically and internationally. But in the light of Revitalising Health and Safety and Securing Health Together, and the emerging HSE Chemicals Strategy, HSE believes there is a need for an ACTS sub-committee (SciTech) with a broader remit to help HSC/E meet current and future challenges. The view of HSE’s Chief Scientist is that HSC/E’s scientific advisory committees must meet our policy needs and satisfy the Chief Scientific Adviser’s Guidelines 2000 on the use of scientific advice in policy making. HSE’s internal discussions have concluded that a new scientific and technical advisory sub-committee would meet these requirements. We therefore propose that SciTech would replace WATCH although we would hope to retain most of its current membership.

9. HSE has also considered the future of the remaining sub-groups. Details are set out in paragraph 16 below.

## **Argument**

### WATCH stock-take – findings

10. The HSE's internal discussions agreed that WATCH had functioned well as an expert forum. This was because of the commitment and energy of its members. However, its remit needed to be broadened to enable a stronger input on occupational hygiene, epidemiology and causation.

11. Rather than simply give WATCH a new remit and terms of reference, we concluded that the best way to address this issue was by setting up a new S&T advisory sub-committee with a broader membership, new remit and terms of reference. We would see this sub-committee as an important forum for advising the HSE on the scientific and technical aspects of, for instance, developing the HSE's Chemicals Strategy. This could include the provision of scientific and technical advice on the three priority areas in the new Chemical Strategy relating to occupational cancer, respiratory diseases and skin diseases, as well as technical support on improving the technical basis of COSHH essentials. It would still have a role in advising on individual substances and occupational limit setting, but to a lesser extent than WATCH. ACTS could refer technical/scientific issues to it for advice.

#### Proposal for an ACTS working group

12. HSE recommends that ACTS agree to set up a small tri-partite working group (one member each from the CBI and TUC and one representing experts) to work up the proposal further for this sub-committee. HSE has drafted outline terms of reference for SciTech at **Annex 3** for ACTS consideration. We would welcome stakeholder input in drawing up the terms of reference and setting up this new sub-committee.

#### Membership

13. We think that the membership should comprise a spread of disciplines with a balance of representation from the social partners. The sub-committee would benefit from having at least one layperson to maintain a focus on practical outcomes during meetings. Laypersons have increasingly been found to add substantial value to Scientific Advisory Committees and given the proposed broad remit of SciTech it may be appropriate to have at least two lay members. The appointment of the Chairperson and members would need to be in accordance with the Chief Scientific Adviser's Code of Practice for Scientific Advisory Committees (ACTS/02/2002 refers.) The Code of Practice includes a need to focus on the clarity and remit of a committee.

14. SciTech might include the following disciplines:
- (i) occupational hygiene (including design/engineering aspects and understanding of contemporary workplace exposures)
  - (ii) toxicology (all aspects of the effects of chemicals on health)
  - (iii) occupational medicine
  - (iv) epidemiology/biological statistics (assessing the strength/quality/robustness of epidemiology study design and conduct)
  - (v) lay members

- (vi) occasionally there might be a need to co-opt a particular and/or different expertise, e.g. neuropsychology, dust physics, chemistry. for a specific meeting/issue.

The membership of SciTech is likely to be of a similar number to WATCH. However, the range of expertise needed may not become obvious until SciTech has begun its discussions. In that event, it would review its membership and advise of any gaps. Apart from regular full meetings, it could set up time-limited sub groups for particular projects; for those it could co-opt other disciplines as needed.

15. Once ACTS has agreed SciTech's remit and terms of reference, we shall need to identify appropriate persons to serve in the various capacities outlined above and contact organisations, including the TUC and CBI, for nominations.

#### Review of remaining sub-groups

16. **Annex 4** shows that ACTS currently has 11 sub-groups including WATCH. **Annex 5** updates Annex 4, reflecting the advice that HSE believes ACTS will need over the next 3-5 years, the term of its work plan. HSE's proposals are:

- WEELs and the Communications sub-group will meet when necessary, probably 2-3 times per year.
- SCHIP will continue to meet but less frequently now that CHIP 3 has been implemented;
- The DETR stakeholder forum sub-group is a rapid response panel which will remain for consultation purposes only;
- ERMAG and the OEL framework sub-group are time limited and will be dissolved in December 2003 and 2004 respectively;
- Incorporate the technical and promotion aspects of the COSHH Essentials sub-group into the new S & T Advisory sub-committee and the Communications sub-group respectively;
- 2 sub-groups will be dissolved (NEWCON and the Chemical Agents Directive sub-group).

In total this therefore leaves 5 permanent sub-committees (S&T, SCHIP, WEELs, DETR stakeholder forum and Communications). HSE believes that this revised structure will deliver the necessary advice to ACTS in respect of its work plan.

#### **Communication Plan**

17. Subject to the views of ACTS, we will seek the layperson(s) for SciTech by using a list held by the Cabinet Office. Any changes to the sub-group structure will be explained via the new ACTS website, currently in development. SciTech will also need to consider how it will communicate its work with the public and other interested parties so that it is in accordance with the Code of Practice for Scientific Advisory Committees.

#### **Evaluation Plan**

18. The outcomes of the work will be subject to HSE evaluation procedures.

## **Relevant Control Systems**

19. Not applicable

## **Consultation**

20. Relevant HSE Divisions have been consulted about the proposals in this paper. The views of WATCH were sought at its meeting on 24 January 2003. As agreed at that meeting, we are also sending this paper to WATCH.

## **Presentation**

21. The proposals for SciTech involve the setting up of a small ACTS working group to explore this issue more fully.

## **Costs and Benefits**

22. Existing resources will be used to establish any new structure, (seeking nominations in conformity with the Nolan procedures and OST's Code of Practice). Setting up any new sub-committee will initially be resource intensive for HSE but this will be managed within existing resources.

23. By approving the reduction of the number of permanent sub-groups from 11 to 5, ACTS will demonstrate its will to achieve positive outcomes using resources as cost-effectively as possible.

## **Environmental implications**

24. Not applicable

## **European implications**

25. We envisage that SciTech might be called upon to provide advice in response to requests from European driven work.

## **Devolution**

26. All of ACTS sub-groups cover issues throughout England, Scotland and Wales.

## **Other implications**

27. A further paper will be put to ACTS with firmer proposals once more progress has been made.

## **Action**

28. ACTS is invited to:

- agree to the proposal to set up a small ACTS Working Group to work up proposals for terms of reference etc for SciTech and to agree three volunteers to serve on it (paragraph 12);
- provide a steer on the draft terms of reference for SciTech (Annex 3);

- approve the proposals for a revised sub-committee structure (paragraph 16) and Annex 5) pending the outcome of work on SciTech.

**Contact****ACTS Secretariat**

Tel: 020 7717 6184

Fax: 020 7717 6190

## ANNEX 1

### THE TERMS OF REFERENCE FOR WATCH

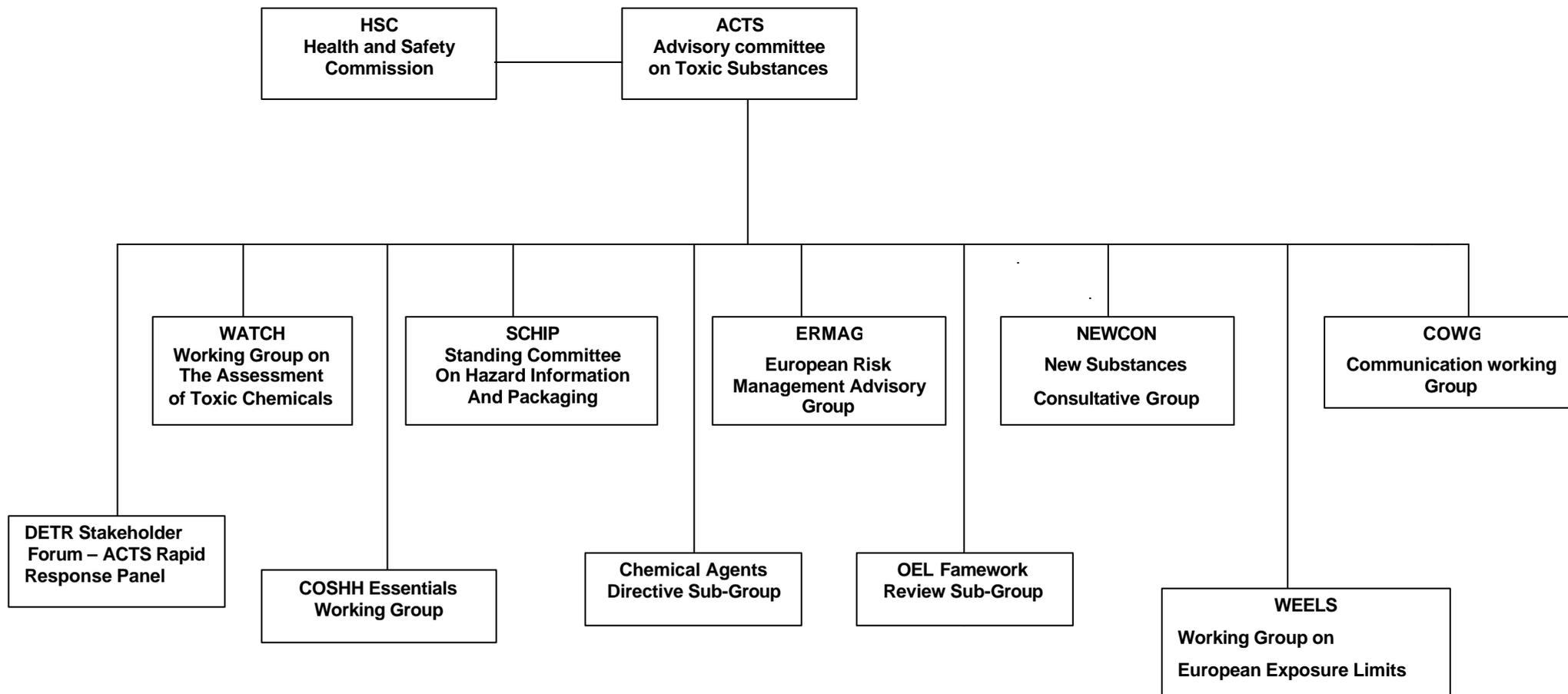
To consider in relation to chemicals and ill-health the technical aspects of hazard identification and characterisation, occupational exposure assessment, risk characterisation and the uncertainties involved in these issues; also to consider the technical aspects of associated occupational risk management measures; all of this in accordance with a programme of work agreed by ACTS; and to make recommendations to ACTS, HSE and, where appropriate, to SCHIP, based on such technical considerations. WATCH would also, where appropriate, consider broader risks to the public from occupational use of chemicals.

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**DRAFT TERMS OF REFERENCE FOR THE S&T ADVISORY SUB-COMMITTEE**

- 1 The Scientific and Technical Advisory Sub-Committee of ACTS is a forum for providing scientific and technical advice on chemicals involving occupational health and safety issues. The sub-committee's work should contribute to the delivery of outcomes that result in an improvement in worker protection.
2. Its terms of reference are
  - to provide scientific and technical advice to HSE, ACTS and its other sub-groups on issues relating to chemicals, their actual or potential health impact and the means of their control in the workplace
  - to advise, on behalf of HSC and ACTS, on the scientific aspects of HSE's Chemical Strategy and HSC/E's priorities;
  - to advise the Standing Committee on Hazard Information and Packaging (SCHIP) on particular scientific and technical issues
3. The sub-committee will consist of approximately [15] members, and will advise if significant gaps in expertise are subsequently identified requiring additional or co-opted members. Before appointing the members of the sub-Committee, the Secretariat shall:
  - a) as to [4] of them, consult such organisations representing employers as it considers appropriate;
  - b) as to [4] of them, consult such organisations representing employees as it considers appropriate; and
  - c) as to [7] of them, appoint independent members as it considers appropriate. [One or two] of these members shall be laypersons.
4. The appointment of each sub-committee member shall be subject to endorsement by ACTS and will continue for the period of [3] years from the date of the letter of appointment unless previously determined in writing by ACTS or by the member.
5. The HSE shall provide the Chair and Secretariat for the Sub-Committee.
6. The Secretariat (in consultation with the members) may appoint other persons to attend meetings of the sub-committee to meet particular needs, including:
  - (i) Co-opting independent experts for particular issues/meetings
  - (ii) Observers from within HSE, Other Government Departments or Agencies .
  - (iii) Observers who are not affiliated with an organisation already attending meetings.
7. The Sub-committee may also appoint advisory panels to advise it and HSE officials on specific issues. Members may be drawn for outside the sub-committee but will be nominated to ensure a diversity of views and to reflect the constitution of the main group. The terms of reference and membership of panels will be confirmed by the sub-committee before they first meet and at least once a year.
- 8 The sub-committee will provide regular reports on its work to ACTS.

## ADVISORY COMMITTEE ON TOXIC SUBSTANCES (ACTS)



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