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## **HEALTH AND SAFETY COMMISSION**

### **ADVISORY COMMITTEE ON TOXIC SUBSTANCES (ACTS)**

#### **Current Developments**

- 1. Development of e-COSHH Essentials**
- 2. COSHH 2003**
- 3. Duty to Manage Asbestos in Premises**
- 4. SH2**
- 5. Proposals to introduce a new Occupational Exposure Limits (OEL) framework**

## 1. Development of e-COSHH Essentials

A source of funding has now been identified to proceed with the programming changes needed for the next phase of electronic COSHH Essentials. Phase 2 will cover a few process-generated emissions (foundry fume and dust, rubber fume and dust and wood dust in woodworking) and three leading causes of occupational asthma (isocyanates in motor vehicle repair and flour dust - wood dust also being a cause of asthma). Resources permitting, we also hope to cover common tasks involving chemicals in premises that are typically enforced by Environmental Health Officers.

HSE has been consulting on the draft control guidance sheets and is now making further arrangements for external review. The ACTS COSHH Essentials Working Group meets in April to consider the drafts. We hope that the final sheets will be available on line from October. A few changes are needed to the home page, so people can go straight to the advice without having to follow the standard risk assessment based inputs.

## 2. COSHH 2003

On 10 October 2002 HSC published a Consultative Document (CD) on proposed Control of Substances Hazardous to Health (Amendment) Regulations 2003 (COSHH 2003). It proposed two changes to the principal COSHH Regulations. The first, which is needed to implement in GB part of the 2<sup>nd</sup> Amendment to the Carcinogens Directive (1999/38/EC), extends COSHH's additional exposure control measures for Category 1 and 2 carcinogens to include Category 1 and 2 mutagens. In practice this only affects the substance triglycidyl isocyanurate (TGIC) (a constituent of powder coating formulations and solder mask inks), as all other mutagens are also carcinogenic and therefore already subject to the relevant control measures. The Directive must be implemented by no later than 29 April 2003. The second proposed change is to define 17 'dioxins' considered by the WHO to be the most toxic congeners, as carcinogens for the purposes of COSHH by adding them to Schedule 1 to the Regulations, i.e. *Other substances and processes to which the definition of "carcinogen" relates*. This would complement forthcoming HSE guidance for aluminium recyclers on reducing exposure to dioxins and complete the course of action set out in ACTS/03/2002 – *Controlling occupational exposure to dioxins* agreed by ACTS on 14 March 2002.

Consultation closed on 10 January and HSE received 24 responses. The majority of consultees supported the proposals. However, some thought that the Regulatory Impact Assessment's (RIA) estimates of the costs likely to be incurred by manufacturers/users of TGIC products were too low. Three respondents questioned the cost and justification of the dioxins' proposal since only for one of the 17 substances is there strong evidence of carcinogenicity in humans. Nevertheless, HSE remains convinced that all 17 dioxins concerned should be considered together for regulatory purposes. However, in light of the views expressed, the RIA has been adjusted and the forthcoming guidance on dioxins slightly modified. A paper on the results of consultation will be presented to HSC at its meeting on 11 March. Subject to the agreement of the HSC and Ministers, it is hoped to have the

new Regulations in force by 29 April and the guidance published at about the same time.

### **3. Duty to Manage Asbestos in Premises**

A further debate on the Control of Asbestos at Work Regulations took place in the House of Lords on 5 December 2002, following two prayers against the Regulations - one from the Earl of Onslow to annul the Regulations and one from Baroness Noakes asking for an independent scientific enquiry into the evidence relating to white asbestos and for the Regulations to be reviewed in light of the enquiry's findings. All types of asbestos are included in the duty to manage and during the development of the proposals a small but vociferous minority had argued that the inclusion of chrysotile (white asbestos) in the proposals was not justified, as "it is safe". Evidence shows that chrysotile is a risk to health and, furthermore, it would be completely impractical to exclude it from the duty to manage when many asbestos products were made from a mixture of asbestos types.

Neither motion went to the vote. Baroness Hollis, Minister for Health and Safety in the Lords, who closed the debate, agreed that there would be a review into "the operation of the new regulation" by the end of this year. Although the details of this are yet to be developed, it is likely that this will look at how dutyholders are progressing with implementing the regulation and will identify any particular problems or issues they are facing.

A press launch for the revised and new Approved Codes of Practice supporting the Regulations, together with a range of asbestos management guidance was held on 16 December.

An Asbestos Conference was held on 24 February as part of the 5-year implementation campaign. Its purpose was to encourage dutyholders to start taking action now to manage asbestos in their premises and not wait until the regulation came into force on 21 May 2004. 250 people attended representing major dutyholders and their representative organisations, and other influential groups such as trade unions, trade associations and pressure groups. It also included some of the 1600 organisations, which have agreed to join HSE as partners in its campaign to publicise the new duty and promote effective but proportionate compliance to prevent asbestos related diseases.

### **4. SH2**

A new approach to stakeholder engagement is currently being discussed.

The Compliance PAG On-going work includes; body mapping is being taking to new groups within trade unions and introduced to OH physicians and nurses as a method to be supported in the workplace; and a

Project is being led by United Utilities to see if influencing the supply chain can improve OH standards

The Continuous Improvement PAG have produced a Continuous Improvement Cycle model and report listing current OH award schemes – links well with European work and when published can raise awareness and enable comparison

The Knowledge PAG - Input to the HSE “Measuring Progress on the Revitalising Health and Safety Targets” paper

The Skills PAG have produced a report with an analysis of skills gaps, and their causes and solutions have been key to HSE’s position on work with DWP on developing expertise. The report recommends 8 actions; identifying those intermediaries who should be targeted to take action.

The Support PAG - Developed innovative thinking on a national model for provision of occupational health and rehabilitation support that has already been taken up in the Scottish Executive programme and now needs to be tested in other ways.

## **5. Proposals to Introduce a New Occupational Exposure Limits (OEL) Framework**

ACTS/43/2002 was considered by members at the November Meeting. Since then two OEL Subgroup meetings have taken place to develop proposals further. These included an WATCH/ACTS/OEL framework sub-group meeting at the end of January, which considered the categorisation of existing OESs/MELs with a view to developing proposals for incorporating them into the new system.

Following the WATCH/ACTS/ OEL framework sub-group meeting, a letter was sent to members regarding the transition towards the new OEL framework and the withdrawal of "unsafe" Occupational Exposure Standards (OESs) from EH40. No objections were received to this proposal. Consequently a paper to withdraw the "unsafe" OESs will be considered by the Health and Safety Commission (HSC) on 8 April.

Two more subgroup meetings are scheduled to take place in Rose Court on 20 and 21 April, to discuss the draft CD which will:

- summarise the concerns with the present system;
- describe the proposed new system;
- make proposals for amendments to the COSHH Regulations and ACoP;
- make proposals for incorporating the existing OELs into the new system; and
- present Regulatory Impact Assessments for the new system and for incorporating existing OELs into the new system.

The draft CD is on the agenda for discussion at the ACTS Meeting on 10 July. It will then go to HSC as an above the line paper on 5 August. The CD is expected to be published in the autumn.