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HEALTH AND SAFETY COMMISSION

ADVISORY COMMITTEE ON TOXIC SUBSTANCES (ACTS)

Current Developments

- 1. Standing Committee SCHIP update**
- 2. Respiratory Strategy**
- 3. New European Chemical Strategy**
- 4. Update on the Marketing and Use Directive to restrict the level of chromium VI in cement**
- 5. 2nd IOELV Directive**
- 6. European Risk Management Advisory Group (ERMAG)**
- 7. Micropigmentation**
- 8. Consultation on new MELs**

1. Standing Committee on Hazard Information and Packaging (SCHIP)

SCHIP has not met since its meeting on 12 February 2003. We have circulated a current developments paper to members updating them on current issues. We do not anticipate an SCHIP meeting until February 2004.

2. Respiratory Strategy

Members of ACTS have been regularly informed of the progress made under HSE/C's Respiratory Strategy in relation to occupational asthma. However, HSE's Respiratory Strategy group has also been recently considering other forms of respiratory ill-health that may be caused by occupational exposure. In particular, it has been noted that the treatment of chronic obstructive pulmonary disease (COPD) costs the NHS about £818 million annually, and it is estimated that 16% of cases of COPD are likely to have an occupational contribution caused by exposure to noxious gases, dusts and fumes. Much work is needed to clarify and characterise the evidence-base for the scale and distribution of the occupational contribution to respiratory ill health (non-asthma) in the UK in order to further develop HSE/C's Respiratory Strategy. HSE will keep ACTS informed of progress and developments in this area.

3. New European Chemical Strategy

On the 10 July the public consultation on the 'workability' of proposed new REACH system closed. The EC received some 7000 responses including a response from the UK Government. The responses have been published on DG Enterprise's web site <http://europa.eu.int/comm/enterprise/chemicals/chempol/whitepaper/contributions.htm> It is unclear how the responses will be used by the co-authors of the proposal (DG's Environment and Enterprise) when preparing the final text.

The Commission plans to publish the final text during October. However, given the number of responses and the requirement to hold an internal debate this appears ambitious.

HSE officials are still considering the possible 'threats and opportunities' of the proposal for OHS and we will submit papers to ACTS and HSC before our final position on the scheme is developed.

DEFRA are the lead department on REACH. They are working with the French and German Governments developing the common themes of their respective positions. The outcome of this work may develop into a common position that will be sent to the Commission.

4. Update on the Marketing and Use Directive to restrict the level of chromium VI in cement

The Directive was formally adopted by the European Parliament and the Council on 18 June 2003 and was published in the Official Journal on 17 July 2003 (OJ L178/24,

17/7/2003). Member States must have implementing legislation in place by 17 July 2004 and it must apply by 17 January 2005.

5. 2nd IOELV Directive

In the July ACTS current developments paper (ACTS/30/2003) we advised that HSE officials were due to attend a meeting of Member States' (MS) representatives on 3 July 2003 where it was intended that the European Commission's (EC) second Directive on Occupational Exposure Limit Values (IOELVs) would be adopted. You were informed at the meeting on 10 July 2003 that the vote did not take place because there was not a quorum. You were also told that the majority of MSs present supported the deletion of 10 substances from the Annex. These 10 substances were not based on sound scientific data or were awaiting final SCOEL recommendations.

A second meeting of Member States' representatives was held on 9 September 2003, again with the aim of discussing and voting on an EC draft Directive. Although at the July meeting, there was strong support for deleting 10 substances from the draft 2nd IOELV Directive, the Commission chose to ignore the majority view and circulated a new draft proposal containing the 10 substances. This time, 8 of the 10 substances had footnote annotations. The footnotes were intended to indicate that SCOEL was unable to set a different limit either due to the lack of scientific data available or there was not enough scientific data available to support changing the value.

It was agreed finally that 9 of the 10 substances would be deleted from the draft Annex and would remain in the 1st ILV Directive (91/322/EEC). Cyanamide would remain in the draft 2nd IOELV Directive, as it was highly likely that SCOEL would finalise its recommended value at the September meeting.

The final position on these substances was in line with the tripartite position agreed during negotiations in the Luxembourg Advisory Committee's Ad-hoc group, 'Policies on chemicals at the workplace' and by the Luxembourg Advisory Committee in May 2003.

The UK also sought to remove Nitrogen monoxide (NO) from the annex. However, apart from two other MSs who had concerns about the lack of measurement methods, no other MS raised concerns. The Commission confirmed that 0.2ppm was measurable using the NIOSH method. The UK also expressed concern about dealing with NO and Nitrogen dioxide (NO₂) differently. The Commission had chosen to remove (NO₂) from the 1st IOELV Directive following the opinion of SHCMOEI (Safety and Health Commission in Mining and Other Extractive Industries). It was understood that the Commission would produce a binding limit for (NO₂) and the UK wanted NO treated the same. No other MS indicated support for this concern. It was clear that as all MSs were satisfied that the limit was a health-based limit and that it was indicative, they would deal with the problems of feasibility/practicality when implementing into their own legislation. The UK accepted the majority view and indicated support.

The Commission has since amended the draft Directive to reflect the agreement of MSs at the meeting on 9 September 2003. It was circulated to MSs for final approval by written procedure on 18 September 2003. The UK has confirmed that it is content with the revised draft Directive.

The draft Directive is now likely to be adopted before the end of the year with an implementation date of 30 June 2005. In the meantime, HSE will start work on implementation, in particular developing a UK limit for NO.

6. European Risk Management Advisory Group (ERMAG)

ERMAG is the consultative forum that considers risk reduction strategies for chemicals being reviewed through the European Existing Substance Regulation (ESR).

We outlined the current position on ESR, particularly in relation to the European Commission REACH proposal, in the previous current developments paper (ACTS/30/2003). This is a brief further update.

The European Commission has organised a Working Group meeting to discuss draft risk reduction strategies on 20-21 November 2003. We are not proposing to table any new UK risk reduction strategies at this meeting. However, we will be contacting ERMAG to seek comments on risk reduction strategies that are tabled by other Member States.

We also anticipate that the Commission will seek final Member State agreement on a number of previously discussed risk reduction strategies, including UK strategies for acrylamide and 1,3 butadiene. A final vote on these is anticipated in early November. We will contact ERMAG for comment prior to the vote.

7. Micropigmentation

A year-long investigation by the Health and Safety Executive (HSE) has shown that hand-held micropigmentation machines - used for semi permanent make-up and "semi-permanent" tattoos - may provide a serious risk to health.

New guidance is being put on HSE's website to encourage those thinking about having micropigmentation to ask the right questions. Further information will be issued in October to Local Authority Health and Safety Inspectors who inspect premises and handle complaints and investigations in health and beauty salons.

The investigation was started as a result of an Environmental Health Officer in Tunbridge Wells prohibiting the use of a system called Goldeneye Basic, which could not be adequately cleaned. This was brought to their attention by a registered Tattooist in their area who was concerned with the equipment. HSE responded to the request made by Tunbridge Wells to investigate this particular piece of equipment and its supply was subject to a Prohibition Notice by HSE. All known users were visited to ensure the machines were taken out of use.

Further information can be found a press release, dated 17 September 2003, on HSE's website, see: <http://www.hse.gov.uk/press/2003/e03177.htm>

The guidance for customers can be found at:
<http://www.hse.gov.uk/campaigns/tattoo/main.htm>"

8. Consultation on new MELs

HSC consulted between June and September on the establishment of new Maximum Exposure Limits for refractory ceramic fibres (RCFs) and subtilisins. 25 comments were received altogether, of which five were "no comment". Of the 20 substantive comments, five dealt solely with RCFs, eight dealt solely with subtilisins and seven dealt with both substances. Chemicals and Flammables Policy Division is considering the comments received, in conjunction with HSE's Occupational Hygiene Section, and will possibly hold meetings with some of those who sent substantial comments on the proposals. HSE will submit a paper summarising all the comments, together with proposals for a submission to the HSC, at the ACTS meeting in March 2004.