

Advisory Committee on Toxic Substances		ACTS/43/2005	
Meeting date:	17 November 2005	Open Govt. Status:	Fully Open
Exemptions:			

HEALTH AND SAFETY COMMISSION
ADVISORY COMMITTEE ON TOXIC SUBSTANCES (ACTS)

Current Developments

1. 2nd IOELV Directive
2. 29th Adaptation to Technical Progress (ATP) to the Dangerous Substances Directive – entry into force of CHIP 3.1
3. Proposed 30th Adaptation to Technical Progress (ATP) to the Dangerous Substances Directive – update
4. Proposed 2nd Adaptation to Technical Progress (ATP) to the Dangerous Preparations Directive - update
5. The Science And Technology Initiative Of The ‘Local Authorities And HSE Working Together’ Strategic Programme

1. 2nd IOELV Directive

At the last ACTS meeting in June 2005, members considered Information Paper ACTS/23/2005 that was moved above the line. This paper sought members' agreement to a Consultative Document on proposals to implement the, as yet unadopted, European Commission's 2nd Directive on Indicative Occupational Exposure Limit Values (2nd IOELV Directive), subject to the agreement of the Health and Safety Commission that this consultation should take place.

HSE noted its view that the paper should not be forwarded to HSC for permission to consult on implementation until the Directive had been formally adopted. ACTS agreed with this view.

On 5 October 2005 representatives of Member States formally agreed the text of the Directive. This will now pass to the European Parliament for a "right of regard" before being adopted by the European Commission. Adoption is expected some time in November. HSE officials may be able to provide an oral update on progress at the meeting.

The Directive requires Member States to establish domestic occupational exposure limits for each of the 33 substances listed in the Annex to the Directive, taking account of the indicative occupational exposure limit value determined by the Commission, on the advice of its Scientific Committee on Occupational Exposure Limits (SCOEL). Member States have 18 months to implement the Directive, from the date of its publication in the Official Journal. Implementation in Great Britain will occur when new and revised Workplace Exposure Limits are agreed by the HSC and published by HSE.

HSE intends to seek permission to consult on implementation at the earliest possible HSC meeting following the Directive's adoption. It is therefore likely that the three-month consultation period will commence in early 2006.

HSE plans to report back to ACTS on the results of this consultation, at its meeting in July 2006 and, subject to the views of consultees, to put the new and revised Workplace Exposure Limits in place on 1 October 2006 in line with the Common Commencement Dates.

2. 29th Adaptation to Technical Progress (ATP) to the Dangerous Substances Directive – entry into force of CHIP 3.1

Further to ACTS paper ACTS/23/05, Members will wish to note that the Chemicals (Hazard Information and Packaging for Supply) (Amendment) Regulations 2005 entered into force, as planned, on 31 October 2005, giving legal effect to the 29th ATP to the Dangerous Substances Directive. The new regulations will be known as CHIP 3.1.

3. Proposed 30th Adaptation to Technical Progress (ATP) to the Dangerous Substances Directive – update

The vote on the proposed 30th ATP had been scheduled for 21 October. However, on 7 October, Member States were notified by the European Commission (EC), that the meeting had been postponed until a date later in the year. At the time of writing, no further date had been confirmed. The EC did not give a reason for the postponement.

The proposed 30th ATP will add around 320 new entries to the list of harmonised classifications and labels in Annex 1 of the Directive. The ATP will also revise around 520 existing entries to take account of new scientific knowledge. SCHIP has been consulted on these proposals.

Members may be aware that the proposed inclusion of a classification for borates and boric acid (currently unclassified) has resulted in considerable lobbying by industry. HSE, with DTI, has continued to have meetings with industry representatives and industry itself has participated in Working Group meetings.

The UK intends to vote in favour of the proposal.

4. Proposed 2nd Adaptation to Technical Progress (ATP) to the Dangerous Preparations Directive - update

Members will wish to note the proposed 2nd ATP to the Dangerous Preparations Directive is due for vote and final adoption by Member States on 4 November.

All the proposed amendments are related to environmental classifications. HSE has worked closely with colleagues in the Environment Agency and DEFRA in developing a UK position on these proposals. SCHIP has been also been consulted.

The UK intends to vote in favour of these proposals.

Implementation dates for above ATPs

We are hopeful that the European Commission will respond positively to UK requests to align the implementation dates of the 30th ATP to the Dangerous Substances Directive and the 2nd ATP to the Dangerous Preparations Directive. An alignment of dates will assist industry in preparing compliance arrangements for ATPs, as well as allowing HSC to consult on both sets of changes at the same time resulting in a single set of amendments to CHIP.

5. The Science And Technology Initiative Of The 'Local Authorities And HSE Working Together' Strategic Programme

The Science and Technology (S&T) Initiative was launched in spring 2005 as a part of the 'Local Authorities and HSE Working Together' Strategic Programme. It:

- Implements a key relevant action in HSC's Science Strategy: Local Authorities will receive funding of £5M over the next four years (from April 2005) to investigate how they might make increased use of science, especially HSE's Health and Safety Laboratory's (HSL) scientific resources, to support their delivery.
- Can provide funding for work in any area of science – not just that associated with the work of ACTS.

Applications for funding must meet certain criteria – they must be for work in the field of Health and Safety at Work and in areas that are of strategic importance to HSC and/or LA. In particular, the initiative seeks to promote LA priorities based on local and national intelligence. Projects should be to undertake proactive research or other ways of supporting practical field initiatives (including providing S&T based guidance), to meet a specific LA need and to support excellent regulatory outcomes.

There are two types of activity that can be supported – unplanned reactive support needed to support investigations, and planned projects. In the unplanned reactive support category HSL will assess whether LA need support in areas that traditionally HSL has not provided. The planned support category includes the production of S&T-based guidance and other initiatives impacting on H&S.

At the end of the initiative in 2009 a recommendation will be made to HSC/E regarding whether funding should continue and, if so, on the level of that funding.

There has been a small amount of activity in areas of interest to ACTS.

- HSL was asked to analyse a sample of 'black henna' confiscated from a 'street trader' painting tattoos on young people on Weymouth seafront. Analysis revealed the material to be 96% polyphenylene diamine, a recognised sensitiser. This material is used in some beauty products for making black/dark hair dye more permanent, but the industry-applied maximum limit on the amount allowable in such preparations is 6%. The LA concerned issued a press release and disseminated the information to LAs across the country.
- Working with the Local Authorities Co-ordinators of Regulatory Services (LACoRS), a study is planned to scope the health issues surrounding the 'beauty industry' (eg hairdressing, nail bars, tattooing, sun beds). This will be followed by further work targetted at selected priority areas in this industry. Several LAs have also submitted applications for funding for specific projects in this area.
- A project to provide support to a group of LAs to update their EHOs on asthma in the baking industry is currently being finalised. This project also includes a campaign to raise awareness of asthma in craft bakeries, with support for enforcement actions if warranted. If successful in this work will be extended to other LA/nationally. (NB: In September the ACTS working group on flour discussed HSE's proposals for a national initiative in both the LA and HSE enforced sectors. HSE is working with the LA and HSL to ensure that the important outputs and outcomes from the work will benefit the wider national initiative).