Advisory Committee on Toxic Substances Minutes			ACTS/MIN/3/2005
Meeting date:	17 November 2005	**Open Gov. Status:**	Fully Open
Type of paper:	Above the line	**Paper File ref:**	
Exemptions:			

Advisory Committee on Toxic Substances	
Minutes of the 88th meeting of the Advisory Committee on Toxic Substances held on 17 November 2005 in the Globe Room, Rose Court, 2 Southwark Bridge, London SE1 9HS	
Present Les Philpott - Chair Roger Alesbury Ian Brown Liz Corbett Alastair Hay Bud Hudspith (items 1 & 3 only) Mike Kingsland Robert Miguel Susan Murray Colin Soutar David Tolley	**Officials Present** Kevin Walkin - Secretary Garry Wiles – Note Taker Carl Stuart Robert Turner Mike Wright
Presenters Item 2 - Richard Pedersen	

Item	
1	**Introductions and apologies**
1.1	**People**
1.1.1	Les Philpott welcomed members to the 88th meeting of ACTS, which he explained was starting later than was usual at his instigation due to the light agenda. He apologised for any inconvenience this may have caused members.
1.1.2	Kevin Walkin was introduced as the new Secretary following the retirement of Stuart Smith.
1.1.3	Apologies were received from Janet Asherson, Ian Carney, Len Levy, Elspeth Metcalf, Steve Fairhurst, Billy McClintock (represented by Carl Stuart), Maureen Meldrum, Chris Northage (represented by Rob Turner) and John Groves (represented by Mike Wright).
1.2	**Agenda**
1.2.1	It was agreed to reorder the agenda and take item 3 immediately after introductions and apologies in order to allow the participation in discussions of one member who had a diary clash due to the later start time. Also, in advance of agenda item 4, the Chair informed the Committee that their views, as expressed under item 5.8 of the minutes of the 87th meeting, had been put to the 6 September 2005 Health and Safety Commission (HSC)

	meeting. HSC had decided to recommend a 0.1 limit, to be reduced to 0.05 where it was practicable and achievable. The Consultation would reflect this.
3	**Future of ACTS: ACTS/41/2005**
3.1.	The Chair explained that the paper had been prepared at his request, and was prompted by the need to put proposals to HSC on the reconstitution of ACTS in 2006; the shift from limit values setting to a broader strategic view; and the discussion at the 87th meeting of ACTS. He wanted to present a balanced view to HSC on the future role of ACTS. There were no preconceived ideas on the way forward, but 3 options were put forward in the paper.
3.2	The CBI had written to the chair setting out its views, which were that: i) guidance from HSC was needed on how it viewed the ACTS remit and what were the boundaries of its involvement ii) ACTS had previously shown willingness to embrace change and adapt its ways of working, e.g. on topics including the OEL Framework, COSHH Essentials and flour dust, all of which needed further ACTS input iii) There was a clear link between REACH and past ACTS activities, and there was expertise within ACTS and available to members that could be invaluable in implementing REACH (although there was a need to first know the structure of the competent authority) They suggested an "option 4 (iv)", namely to put together a working group to review the options and evaluate the ACTS successes and otherwise. To allow the group time to report, they suggested an extension to the ACTS mandate to the end of 2006
3.3	The TUC noted that ACTS had changed considerably in the last few years, adapting to new ways of working, e.g. greater emphasis on control measures rather than exposure limits. Its structure should be such as to enable the Committee to achieve its goals. They commented on a number of issues as presented in the paper: i) They stressed that ACTS worked in partnership with HSC, not as an advisor. ii) ACTS has not had an explanation of how it would interface with the Disease Reduction Board and whether there was a potential overlap They thought that the Disease Reduction Programme went far beyond the remit of ACTS, but would welcome clarification; and considered that the Board should have a tripartite structure and ACTS should be involved in the programme. iii) The point made by paragraph 3(iii) in the paper was unclear. ACTS needed to know what effect its input was having and so an epidemiological study <u>was</u> needed to measure whether there was a reduction in ill heath and injury and to what extent this was due to ACTS' contributions. There was also need for an audit of ACTS decisions. iv) The TUC was content to explore a mixture of option 4 (iii) with some element of option 4 (i); was opposed to moving away from Section 13 Committee status; considered that meeting dates should continue to be planned in advance to ensure members could make space in their diaries to attend; and considered that meaningful discussion by email was not viable. v) They considered that there was a real need for ACTS to follow-up on a number of previous decisions, including exposure limits on isocyanates which remained unchanged despite the lack of reduction in the incidence of asthma. vi) They questioned what would happen to the sub-committees were ACTS to be wound up. The COSHH Essentials Working Group, for example, had recently been put forward as an exemplar by a DTI Committee looking at HSE activities, due in part to the steer provided by ACTS. They cited also WEELS, which fed into the EU exposure limits system

	but needed the support of ACTS as a more appropriate forum for feeding into SCOEL. vii) The TUC were keen to make contact with and influence other groups whose remits included looking at chemicals issues of importance to ACTS.
3.4	The LA view was that, although they accepted ACTS had undergone dramatic change, its present structure was too slow and ponderous and did not fit well with HSE's ways of working. They supported its metamorphosis into something more relevant and useful, but considered that an extension to the mandate to end 2006 was too long since it served to reinforce the impression that ACTS was cumbersome. LA side were also concerned to know the fate of the ACTS subcommittees. Another issue was the cost of running ACTS and LA side asked whether there was information available that could be presented in considering the arguments.
3.5	Independent members views included: There was a natural need for ACTS to evolve in order to survive, but it was not clear where HSC would get independent and transparent advice on toxic chemicals if ACTS ceased to exist. It would be only sensible to have epidemiological evidence of the effects of the work done by ACTS, regardless of the cost of the research.
3.6	Responding to some of the issues raised, the Chair noted that: The various programme Boards drove the programmes and decided on priorities, resourcing, etc. and Since ACTS was established, oversight of its work had been devolved from HSC to HSE and it was HSE who advised HSC on its role, taking into account the views of ACTS members. He thanked members for a useful discussion and emphasised the need to recognise that ACTS <u>had</u> evolved successfully. Based on the discussion, he ruled out the paper's option 4(ii) that ACTS is wound up without replacement and proposed the adoption of a new option 4(iv), i.e. to establish a small working group of ACTS. This might require an extension to the ACTS mandate. This could be communicated to HSC via a note and did not need to go before a full HSC meeting. All members were content that Les Philpott should Chair the Working Group, and the following members volunteered to sit on the group: Bud Hudspith Alastair Hay Ian Brown Roger Aylesbury Mike Kingsland Colin Soutar **Action: Secretariat to set up and facilitate Working Group. WG to report its findings to ACTS at next meeting**
3.7	Members asked that the group consider the following issues: HSE views (including those of the Disease Reduction Board) should be represented, since the ACTS agenda was shaped substantively by the HSE view of the world. The Chair would fulfil this function. In view of the paucity of ACTS agenda items recently and the fact that so much is going

	on across HSE, whether all relevant issues were being put before ACTS; and how to re-establish the links in the light of a move towards programme working. The extent to which ACTS members could suggest agenda items. How to identify and eradicate duplication with other cross-cutting committees. Whether there needed to be a representative from the Disease Reduction Programme Board at all ACTS meetings. Arrangements for Chairing the Committee (civil servant vs. independent Chair) & whether this raised any neutrality issues or caused conflict in communications between ACTS and HSC/E. ACTS running costs (public expenditure and members' time) as part of the business case. **Action: WG to consider the issues**
3.8	It was concluded that ACTS should continue to operate normally pending the WG report, and a meeting date should be fixed for early in 2006 to allow consideration of the initial WG findings. **Action: Secretariat to arrange next meeting early in 2006**
2	**Oral Update on REACH**
2.1	Richard Pedersen gave a presentation on the proposed European Commission Regulation REACH. This Regulation, which was due to come into force in April 2007, would be directly applicable in EU Member States and would not require implementing legislation. The UK would, nevertheless, need to introduce supplementary legislation on matters such as enforcement. Various existing European and domestic regulations would be subsumed under REACH. The lead Government Department involved in negotiations was DEFRA because of the environmental concerns involved, although HSE provided input on matters relating to workplace health. The over-arching principle of REACH was to place the onus for ensuring the safe use of chemicals firmly on manufacturers and suppliers rather than on regulatory bodies in Member States. The system would be managed by a new European Chemicals Agency (ECA), which would be established in Helsinki. There were five "steps" to REACH: Step 1 – Pre-registration, where companies manufacturing existing substances must inform the ECA of what chemicals they make and where the latter will encourage dialogue between companies; Step 2 – Registration, where companies will obtain the required information on substances produced or supplied in quantities greater than 1 tonne per year, prepare a Chemical Safety Report including a risk assessment with risk reduction measures and relevant Derived No-Effect Levels, and provide this information to the ECA; Step 3 - Evaluation, where the Competent Authorities in Member States will carry out dossier evaluations for substances manufactured in quantities greater than 11 tonnes per year, and substance evaluations where there are suspicions that a substance presents a risk; Step 4 – Authorisation, where certain substances will only be authorised if they are adequately controlled. This will apply to all substances of "high concern", which are principally those classified as Cat.1 and Cat. 2 Carcinogens, Mutagens and Reproductive Toxins (CMRs), Persistent, Bioaccummulative and Toxic (PBT) and Very Persistent and Very Bioaccummulative (vPvBs) amounting to around 3% of all substances;

	Step 5 – Restriction, as a final safety net. Classification and Labelling of products would henceforth be carried out by industry and included on a public inventory, with harmonised classification and labelling limited to CMR and respiratory sensitisers. The European Commission was working on a parallel regulation that would adopt the UN Globally Harmonised Classification and Labelling System. DEFRA was currently considering a number of bids for the operation of the UK Competent Authority, one of which was a joint bid from HSE and the Environment Agency. Decision on the Authority might be put out to consultation. The UK Presidency had devised a compromise text for REACH, aiming to arrive at proposals that were mutually acceptable to industry and the Green lobby. It stressed the principle of "one substance, one registration" and reduced registration requirements for low tonnage substances. The draft Regulation was due to go to a First Reading vote in the European Parliament that day. Political Agreement was planned for the Competitiveness Council to be held on 28 and 29 November, although this might be delayed because of the political situation in Germany. There would be a phased timetable for implementation of REACH, with registration required by 3, 6 and 11 years after the entry into force date, depending on tonnages and the harmful nature of the substances. REACH did not replace the Chemical Agents Directive, nor did it cover by-products such as wood dust or welding fume, which would continue to be subject to the existing legislation. In many ways REACH could be considered as COSHH Essentials taken one step further.
2.2	The Chair thanked Richard for his presentation and asked that copies of the PowerPoint slides used at the presentation, which were a good summary of the current position, be circulated with the minutes. **Action: Richard Pedersen to provide PowerPoint presentation to Secretariat. Secretariat to circulate with minutes**
2.3	In the subsequent discussion it was concluded that: There needed to be clear guidance for users of chemicals on the implications of REACH. ACTS members wished to see a note on what was planned prior to April 2007 to advise employers of the forthcoming changes. **Action: HSE to clarify the position in a note to ACTS.** A few sentences should be included in the draft HSC paper HSC/05/126 setting out the ACTS position on REACH, The key point to bring out would be that REACH would not undermine COSHH and any erroneous impression that it might do so might need to be addressed by the Commission in its communications. ACTS asked that the paper be copied to members for information. **Action: Paper to include line on ACTS views. Final version to be copied to ACTS for information** The feeling was that REACH would inevitably generate initial confusion and this would need to be addressed by HSE in the form of advice/guidance, to include clarification/reassurance that if they are operating COSHH properly now then they may not need to change what they're doing at all. There was concern that SMEs in particular

	needed to be targeted to ensure the messages reached them. One popular suggestion was to devise a 'control sheet' to show how COSHH/REACH intermesh. ACTS wished to see and comment on any "REACH" guidance prepared by HSE for employers. **Action: HSE guidance to be circulated to ACTS for comment** One member considered that those drafting the Regulations might be being naive in supposing that people would actually put into practice the manufacturer/supplier instructions.
4	**Minutes of the 87th meeting held on 30 June 2005: ACTS/MIN/02/2005**
4.1	The minutes were accepted as a true record, subject to the removal of the final sentence in paragraph 2.6. **Action: Secretariat to amend the minutes accordingly**
5	**Matters arising and Secretary's report: ACTS/42/2005**
5.1	The Secretary's report was noted. The discussion on the information paper on asbestos ACTS/02/2005 and results of recent consultation on amendments to the asbestos legislation and ACoPs would be placed on the agenda for the next meeting. **Action: Secretariat to put this item on the next agenda**
6	**Summary and Close**
6.1	The next meeting of ACTS had yet to be arranged. Secretariat would canvas for dates in early 2006 to allow ACTS input to the results of asbestos consultation.
	The meeting closed at 15.35