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**HEALTH AND SAFETY COMMISSION
ADVISORY COMMITTEE ON TOXIC SUBSTANCES
Current Developments**

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1 Draft proposal for a 2nd IOELV directive

Background

The draft proposal for a European Commission (EC) directive to establish a second list of indicative occupational exposure limit values (IOELV) has been further amended. This proposed directive – originally proposed by the EC in December 1999 - supports the implementation of the Council Directive on Chemical Agents at Work (98/24/EC). The Luxembourg Advisory Committee adopted the draft opinion of its Ad Hoc Group (AHG) on Chemical Policies in the Workplace on 14/15 May 2001. HSE had been waiting for the next stage of the directive – the technical progress Committee and voting committee – to proceed.

There are two previous papers on this issue. ACTS/08/2001 described HSE's strategy for implementing the directive; and ACTS/09/2000 contained a copy of the European Commission's draft proposals.

Current issues

Unexpectedly, a revised proposal was tabled at the AHG's 16 September 2002 meeting; a copy is at **Annex 1**. For the purposes of consolidation, the EC's legal services have moved all the substances from the first Indicative Limit Values (ILV) Directive (91/322/EEC) to the current draft of the 2nd IOELV directive. The list of substances has therefore grown from the original twenty-six to forty four in the latest proposal. This means that:

- Fourteen substances from the 1st ILV Directive have been added:
 - Nitrogen monoxide
 - Lithium hydride
 - Calcium dihydroxide
 - Tin (inorganic compounds)
 - Diethylamine
 - Platinum metal
 - Acetic acid
 - Picric acid
 - Cyanamide
 - Naphthalene
 - Nitrobenzene
 - Pyridine
 - Cresols (all isomers)
 - Pyrethrum
- Five non-ILV substances have been added for which there are recent recommendations from the EC's Scientific Committee on Occupational Exposure Limits (SCOEL/SUM):
 - Monochlorobenzene
 - Cyclohexane
 - 2-(2-Methoxyethoxy) ethanol
 - 2-(2-Butoxyethoxy) ethanol
 - Mercury and inorganic divalent compounds
- One substance – sulphur dioxide - has been removed

The next AHG meeting on 19 November (which HSE and UK social partners attend) will continue discussions on the proposal. In order to inform continuing negotiations, HSE is sending a paper to WEELS for comment by correspondence, and also to persuade members to lobby the EC directly about any issues on which they have concerns.

2 Duty to Manage Asbestos in Premises

In response to a request from the Leader of the Opposition the Government gave up time on 24 October 2002 for a debate on asbestos in the workplace. Nick Brown (the Minister for Work) presented the Government's case in support of the new Control of Asbestos at Work Regulations (CAW) and John Bercow (his shadow) led the argument against them.

In his speech the Minister was very supportive of the Regulations and their reasonable and proportionate approach, and emphasised the importance of the five-year implementation campaign which underpin them. The Minister signed the Regulations after the debate.

The signing of the Regulations set in motion a sequence of activities which will culminate in a formal national launch being reorganised for December 2002; the original event arranged for 3 October 2002 at the British Library having had to be postponed. These activities include the publication of the Regulations on 31 October 2002, with the supporting ACoPs, together with a range of guidance, becoming available by the end of November 2002.

The CAW Regulations come into force on 21 November 2002 except for regulation 20 'Standards for analysis' which has a two-year lead in period, and regulation 4 'The duty to manage asbestos in non-domestic premises' which comes into force on 21 May 2004. This new duty to manage requires those with responsibility for premises to assess whether the building contains asbestos materials, to assess the risk from them, and to take action to manage that risk.

HSE's 5 year implementation campaign supporting the making of the new duty to manage continues to promote a heightened awareness of the requirements of the new duty together with encouraging effective compliance, with the key message that duty holders need to address the task now. HSE's campaign messages are, in part, being ably cascaded by its network of some 1,400 Partners, organisations committed to support the HSE in its campaign. Wider communication is encouraged through the continued development of the Asbestos Campaign web page.

3 Update on negotiations on the European Commission's (EC) proposal to the Asbestos Worker Protection Directive (83/477EEC, as amended by 91/382/EEC)

In the July ACTS current developments paper (ACTS/27/2002), we attached a copy of a Health and Safety Commission MISC paper which updated the HSC and ACTS members on negotiations on the EC's proposal to amend the Asbestos Worker Protection Directive. Political agreement to common position

had been reached on a Presidency compromise text at the Employment and Social Policy Council (ESPC) on 3 June 2002.

Since July, the Presidency text has been considered by jurist linguist to iron out any translation issues; the European Council adopted its common position on 23 September 2002; and the Council's text was referred back to the European Parliament (EP) for its second reading in October 2002. The EP has three months in which to consider the Council's text and submit a second reading report. This is expected in January 2003.

4 Chemicals Essentials project - current developments

Members will be aware of the role of the ACDS/ACTS sub group in supporting this joint HSE/Environment Agency project. The role of the group is central in developing the proposals for an Internet based health, safety and environment advice tool for smaller firms.

ACDS/ACTS subgroup - met on 25th July to introduce the members to the project and a useful initial discussion raised some key issues, which have informed the content of the framework document. The next meeting on 28th Nov will discuss the draft framework document and address issues in more detail.

Framework document - steady progress has been made on the technical basis for the system. The document is now taking shape, aided by discussion at the development team meeting on 8th October. The document includes high level process flowcharts and worked examples to illustrate how the system will operate. An early draft will be discussed at the CIA reference group meeting on 14th November. Publication of the document is planned for early 2003, following wide consultation with stakeholders and project board members.

Project Board - Project Board will meet on 10th Dec to discuss and progress the publication of the framework document.

5 CHIP3 and NONS 2002 Regulations

The Chemicals (Hazard Information and packaging for Supply) Regulations 2002 (SI 2002/1689) – known as CHIP 3 – were signed on 28 June 2002 and came into force on 24 July. The Notification of New Substances (Amendment) Regulations 2002 (SI 2002/2176) - NONS 2002 - were signed on 17 August 2002 and came into force on 17 September.

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