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Advisory Committee on Toxic Substances

Minutes of the 83rd meeting of the Advisory Committee on Toxic Substances held on 25 March 2004 in the Globe Room, Rose Court, 2 Southwark Bridge, London SE1 9HS

Present

Ian Carney
John Edwards
Mike Kingsland
Roger Alesbury
Colin Soutar
Elsbeth Metcalfe
Ian Brown
Len Levy
David Tolley
Liz Corbett
Alastair Hay
Bud Hudspith
Susan Murray

Apologies

Gwynne Lyons
Kim Sunley

Officials Present

Jane Willis - Chair
John Thompson - Secretary
Carole Sullivan
Peter Tanczos
Paul Oldershaw
Maureen Meldrum
Colette Nimbley
John Groves
Nick Summers

Presenters

Item 2 Nick Summers – item 3 Peter Tanczos – item 4 Richard Pedersen – items 5,10 & 13 John Thompson – items 6 & 7 Michael Topping – item 8 Donald Adey – item 9 Bill Macdonald

1	Introductions and apologies
1.1	People
1.1.1	Jane Willis welcomed members to the 83 rd meeting of ACTS.
1.1.2	She was introduced as the new Chair. Susan Murray was introduced as the new TUC Representative and Peter Tanczos was introduced as the new Note taker.
1.1.3	Resignations were noted from Harry Wilson and Andy Stirling. Also noted as John Edwards' last ACTS meeting due to his impending retirement
1.1.4	Elsbeth Metcalfe pointed out she is not the consumer representative, but an independent member and would like her details corrected. It was subsequently agreed that she will, in future, be referred to as the Public Interest Member. [Action: Secretariat]

1.1.5	Members asked that the issue of replacing the two independent members who recently resigned be put on the next meeting's agenda. It was agreed that ACTS would discuss whether there are any gaps in expertise. [Action: Secretariat]
1.1.6	A number of members have requested hard copy distribution due to printer resources. [Action: Secretariat]
1.1.7	The Current Developments paper ACTS/17/2004 was brought above the line for discussion.
1.1.8	Len Levy extended his thanks to the HSE authors of the draft HSC paper on Nanotechnology as an excellent piece of work that made a difficult subject understandable. Secretariat to circulate the final version of the HSC paper (HSC/04/42) once it becomes available. [Action: Secretariat]
1.2	Declarations of interest
1.2.1	John Edwards and Roger Alesbury had declarations of interest for the RCF item. Colin Soutar declared for the Inhalable dust in Mines (Current developments) and RCF items.
2	Open Meetings: Review of October 2003 meeting and future strategy ACTS/01/2004
2.1	Nick Summers presented this paper. <ul style="list-style-type: none"> • He summarised the evaluation of the feedback forms from the October Open Meeting, which showed that the meeting was very successful in raising the profile of ACTS and its work plan. • Members were then invited to agree the format for future open meetings.
2.2	Members all agreed that the first open meeting was very successful, and would like to repeat the success of that meeting.
2.3	John Thompson explained that there was no discrete budget for ACTS meetings and pointed out how financially and labour resource intensive seminar style events are. It was also pointed out that seminar style events do not address the transparency issue.
2.4	The Chair proposed holding the July meeting as a normal meeting open to the public. Members raised no concerns regarding one of the normal meetings being open to the public, but cautioned that whilst questions from the audience do need to be answered, they should not be allowed to detract from the business of the committee. Controversial or complicated questions should be taken away and answered later.
2.5	Members agreed to ask Secretariat to consider a July open meeting, subject to accommodation being available. [Action: ACTS Members and Secretariat]
3	Progressing the work plan: Liaison with other committees ACTS/12/2004
3.1	Peter Tanczos presented this paper. An updated Annex 2 (Table of Progress) was tabled at the meeting and the changes highlighted by discussion. Members were asked to agree to; <ol style="list-style-type: none"> 1. extending the programme of visits to the committees listed in annex 1 2. holding a meeting of the volunteers to prioritise the initiatives and agree the way

	forward.
3.2	Members rejected extending the programme of visits due to the time that has elapsed since the visits began. Members were keen to keep things rolling and not lose impetus.
3.3	Secretariat to send letters to the committees visited so far to let them know that we are taking things forward. [Action: Secretariat]
3.4	There was consensus on moving forward, with Secretariat to tailor the updated Annex 2 of this paper and distribute electronically for members to prioritise the proposed initiatives. [Action: Secretariat]
4	Review of the flour dust MEL (Agenda item 7 moved to item 4) ACTS/05/2004
4.1	Michael Topping presented this paper, with the volunteer member giving feedback on his visit to the Health & Safety in Bakeries Liaison Committee. <ul style="list-style-type: none"> • The summaries from 2 linked studies (full reports due to be published this summer) looking at the impact of the flour dust MEL in small to medium sized businesses were included as annexes. The studies showed that impact was minimal. • Members were invited to agree on the setting up of a small ACTS/industry working group to focus on developing a strategy for implementing compliance with existing MEL's before considering a review of the numerical figures. The group will have a proposed life of around 2 years.
4.2	Members agreed that the studies had been useful in evaluating the effects of a MEL.
4.3	There was serious concern expressed amongst ACTS members (across the board) about the lack of enforcement and compliance with the MEL after so many years of debate. "ACTS was very serious about setting this limit and now HSE needs to enforce it."
4.4	There was agreement on the proposal to set up a working group concentrating on communicating good practice solutions to the industry, provided work on planning and strategy have been developed beforehand.
4.5	ACTS were also keen to see representation from both bakery workers and management included in the group. TU and CBI sides both offered to identify representatives who have bakery industry knowledge. [Action: ACTS TU/CBI Reps]
4.6	ACTS volunteers for this working group will contact Michael Topping or Barbara Riley by the end of April to be included on the membership list. [Action: ACTS Volunteers]
5	Refractory ceramic fibres: ACTS /02/2004
5.1	Richard Pedersen presented this paper. Members agreed to invite HSC to set a MEL of 1 fibre/ml. This was the higher of two options, 1 fibre/ml or 0.5 fibre/ml that were put out for consultation. <ul style="list-style-type: none"> • Responses to consultation indicated that a limit of 0.5 f/ml would cause major difficulties for smaller businesses and that the Faculty of Occupational Medicine saw no specific health benefits arising from a lower limit.
5.2	ACTS recommended that HSC set a limit of 1fibre/ml now, to be transferred into the proposed new Occupational Exposure Limits framework, when this is implemented.

5.3	The committee was content to recommend the higher limit provided impact evaluation and monitoring takes place within 3 years of the limit being implemented
6	WATCH: Report from first meeting and discussion on future work plan
6.1	John Thompson reported that WATCH has been reconstituted as a scientific committee and as such, will deal with the technical and scientific issues flowing from the Chemicals Strategy as well as picking up outstanding issues from the previous WATCH committee and dealing with work that ACTS refers.
6.2	An independent requested that the Composition and Terms of reference for WATCH be e-mailed to them [Action: Secretariat]
6.3	Members were keen for more detail on what WATCH will do, with particular reference to the work of SCOEL.
6.4	John Thompson replied that this was discussed at the WATCH meeting, but not in great detail as the WATCH meeting and the SCOEL meeting were held simultaneously, so the discussion was delayed until members on both groups could debate. He also confirmed that it is not cost effective for WATCH to duplicate the work of SCOEL. Paul Oldershaw reaffirmed this view.
6.5	Members expressed concern that IOELVs set by Europe become <i>de facto</i> limits in the UK with no opportunity for input to either the incoming or outgoing phases. Members felt that there needs to be a mechanism to input early on in the process. Questioned as to what is the ACTS mechanism for getting involved, John Thompson invited TU-side to attend a meeting with the CIA that was already scheduled. An ACTS TU representative indicated that he would consider being involved the meeting. [Action: ACTS Secretariat]
6.6	Members expressed the need to clarify ACTS' role, WATCH's role etc. and to involve TUC and other stakeholders in this process.
6.7	ACTS asked the next meeting of WATCH to continue its discussions on SCOEL/IOELV's and to put their findings on paper. [Action: Paul Oldershaw, Chair of WATCH Committee]
7	Proposals to introduce a new OEL framework (CD189): Update on progress ACTS/04/2004
7.1	Michael Topping presented this paper. <ul style="list-style-type: none"> Members were invited to note the analysis of responses to the Consultative Document and agree the OEL working group's strategy and timetable for introduction of the new framework.
7.2	There was widespread support for almost all aspects of the proposals. However the comments received raised some real concerns regarding the COSHH ACoP and the transfer of existing OESs into the new system. It was agreed that: <ul style="list-style-type: none"> An HSE/Social Partner drafting group will be formed to refine the COSHH ACoP and guidance in the light of concerns from stakeholder groups about the complexity of the text. This will clarify that there is no intention to raise the status of COSHH Essentials to that of regulation and that large companies that already comply with MELs and OESs, can continue to use their existing good practice; The OEL Working Group would further consider the options for the transfer of OESs for discussion and agreement at their next meeting;

	<ul style="list-style-type: none"> The seven objectives for a new approach established by the OEL Working Group should be revisited to ensure the current version of the proposals meets those criteria. <p>Bud Hudspith volunteered to be on the drafting group.</p> <p>It was noted that the COSHH Regulations will be amended towards the end of 2004 to implement the Directive on Chromium VI in Cement. It was agreed that the changes to the COSHH Regulations arising as a result of the OEL framework should be made at the same time, as it would be a burden on dutyholders if the regulations were amended twice in a short period of time.</p> <p>[Action : HSE and OEL Working Group]</p>
7.3	Members noted the analysis of responses and agreed the OEL working group's strategy and timetable.
7.4	Michael Topping to note members concerns and try for a resolution at the July meeting. [Action : Michael Topping]
8	Progress with the asthma strategy ACTS/06/2004
8.1	Donald Adey presented this paper. Members were invited to note progress with the Plan of Actions.
8.2	Members discussed some minor points of information and the progress was duly noted.
9	Cancer and skin disease strategy ACTS/07/2004
9.1	Bill Macdonald presented this paper.
9.2	Members raised concerns over the uncertainty of evidence baselines for cancer. It was recommended this issue go to WATCH. [Action: WATCH]
9.3	Dermal absorption was also raised as an issue of concern and it was suggested this could also go to WATCH. [Action: WATCH]
9.4	Members noted the progress made on the carcinogens and skin disease programmes.
10	The EU chemicals strategy (REACH): Oral Update
10.1	John Thompson updated the members on developments with REACH since the current developments paper was written. <ul style="list-style-type: none"> He also updated ACTS on 'Issues of concern for the EU workplace in relation to REACH'. Members were also informed of the planned DEFRA workshop during their public electronic consultation.
10.2	Members discussed some points of information and strongly commended the progress
11	Minutes of the 82nd meeting held on 17th October 2003 ACTS/MIN/3/2003
11.1	The minutes were agreed.
12	Notes from the 1st ACTS open meeting 17th October 2003 ACTS/42/2003

12.1	The notes were agreed.
13	Matters arising and Secretary's report ACTS/09/2004
13.1	Secretary's report was agreed.
14	Genetic Testing in the Workplace: ACTS/10/2004
14.1	TU-side requested fuller discussion on this at a future meeting (as per paragraph 12 of paper). It was agreed that before this item is put on a future agenda the TU member would speak to Chair of OHAC's Genetic Screening Working Group to agree whether it is a worthwhile agenda item.
19	Current Developments: Brought above line for discussion ACTS/17/2004
19.1	Item 2 Proposals for the control of inhalable dust in coal mines. (CD 194) A member registered concern over a proposed limit of 0.3 mg/m ³ for quartz as this carries a 20% chance of silicosis. The Chair welcomed any comments on concerns with respiratory dusts.
	AOB
	The Chair noted that it was John Thompson's final meeting as ACTS' secretary. The Chair wished to formally record thanks, on behalf of the Committee, to both John Thompson and John Edwards for their contribution to ACTS over the years.
	Meeting ended.