

| Advisory Committee on Toxic Substances Paper | | ACTS/05/2007 | |
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ADVISORY COMMITTEE ON TOXIC SUBSTANCES

ANNUAL REPORT ON THE WORK OF ACTS WORKING GROUPS – ERMAG, SCHIP AND WEELS

A Paper by HSE's International Chemicals Unit

Cleared by Robin Foster on 20 April 2007

Issue

1. Annual report to ACTS members on the activities of three of its sub-groups – the European Risk Management Advisory Group (ERMAG), the Standing Committee on Hazard Information and Packaging (SCHIP) and the Working Group on European Exposure Limits (WEELS).

Timing

2. Routine.

Recommendation

3. That ACTS note the activities of these sub-groups between May 2006 and April 2007.

Background

4. This paper covers the three sub-groups which are managed by International Chemicals Unit (DR 1), and which relate to areas of chemical control that are driven by the European Commission. The reports relate to the work year commencing April 2006.

Argument

a) The European Risk Management Advisory Group (ERMAG)

5. ERMAG (whose membership is listed in Annex 1) acts as a consultative forum for the development of the UK approach to negotiating on Risk Reduction Strategies (RRSs) as part of the European Union's Existing Substances Regulation (ESR) programme. ERMAG has advised HSE on the development of its negotiating strategy, on approaches to achieve the necessary balance between human health and

environmental concerns, as well as advising on the details of proposed RRS for specific substances.

6. The European Commission Working Group on ESR RRSs has met three times (June and December 2006 and May 2007) since the last update to ACTS in May 2006. ERMAG members provided comments on the HSE's RRS for hexavalent chromium compounds, but no meetings of ERMAG have been needed.
7. With the forthcoming entry into force of REACH, the ESR programme will finish in June 2008, and only two further meetings of the EC Working Group are planned. We shall therefore need to consider the position of ERMAG under the new regime.

b) The Standing Committee on Hazard Information and Packaging (SCHIP)

8. SCHIP advises HSE on the development of policy and the negotiating strategy in relation to the classification, packaging and labelling of dangerous substances and preparations. It identifies issues that need to be taken up at a higher level (e.g. with ACTS, HSC or Ministers), and helps HSE develop the domestic legal framework for implementing European Commission Directives dealing with these matters. Its current membership is listed in Annex 1.
9. Since 2004, SCHIP has operated on a 'virtual basis'. Its core work as a consultative forum is heavily influenced by the pace and nature of EU developments. With the entry into force of REACH on 1 June 2007, and the GHS regulation progressing, SCHIP Members have continued their work against this background of change.
10. SCHIP continues to be a focal point for interested parties to discuss these and other forthcoming developments and advise HSE. This may include the need to consider texts rapidly, e.g. during periods of quickly moving EU negotiations on GHS. We are considering whether SCHIP's remit and membership needs to change to do this effectively. We have invited the views of SCHIP Members and considerations continue as the EC's plans for a GHS regulation progress.
11. We have asked for Members' help in advising their respective networks to input to and plan for these significant legislative changes over the next few years. Timing and preparation is key to ensuring UK business, industry and regulators migrate successfully from the existing classification and labelling systems to the new regimes under REACH and GHS.
12. Specific areas of activity since the last ACTS meeting have included seeking Members' advice on the potential increase in COMAH regulated sites as a result of one of the provisions of the 2nd ATP to the Dangerous Preparations Directive agreed in 2005 (see ACTS Current Development paper) and the practical, financial and beneficial implications of such an outcome. Members were also alerted to the recent voting meeting on the long delayed 30th ATP to the Dangerous Substances Directive (held on 16 February 2007) and the likelihood of a 31st ATP before the end of 2007. The latter two ATPs are expected to take legal effect under GHS rather than through the usual amendment to domestic legislation – the CHIP regulations.

13. Members have been kept informed of the progress of the proposed GHS regulation, including details of the extensive consultation exercise undertaken by HSE (in which SCHIP played a key role) and the development and submission of the UK Government's response to the European Commission's consultation on the draft GHS regulation. Despite efforts of the relevant EC officials, progress has been slow as a result of internal discussions within the European Commission. The latest information suggests an expected publication date of the formal proposed regulation of the end of May 2007. Some Members have asked that a meeting of SCHIP be convened to consider latest issues, although GHS is likely to be the main agenda item. Initial plans are in place to call a meeting of SCHIP as soon as possible after the publication of the formal proposed regulation to help inform HSE's development of the UK negotiating strategy.
14. We have also advised Members of the latest activities of the forum of the UN Subcommittee of Experts on the GHS (UNSEGHS). The sub-committee's work programme for the biennium 2005/6 has just finished, and a new work programme for 2007/8 was agreed at the December meeting. Members have been advised of the detail.
15. Members were also formally advised of Ministers' decision to appoint HSE as the UK Competent Authority for REACH.
16. SCHIP also has three active sub groups. The subgroup on REACH was established as a source of rapid response during the drafting of the European Commission's White Paper on Chemicals. Although this work has now been completed, we have maintained the group as a source of advice as the guidance on, and details of REACH develop, and will continue to do so.
17. The two sub groups on Classification and Labelling of general chemicals and Pesticides have met several times during the year to help prepare the UK positions on specific issues and substances to be discussed in Europe. We consider these meetings to be particularly valuable in developing the UK position. Reports of both the panel meetings and the corresponding EU meetings are provided to SCHIP.

c) The Working Group on European Exposure Limits (WEELS)

18. WEELS provides a forum for discussion between HSE and UK industry and trade unions on the development of European Commission Indicative Occupational Exposure Limit Values (IOELVs) for hazardous substances. The current membership of WEELS is listed in Annex 1; and it includes two of the UK members of the EC's Scientific Committee on Occupational Exposure limits (SCOEL).
19. WEELS did not meet during 2006, as progress in developing further IOELVs was slow. There have, however, been some recent developments in this area and it may be necessary to convene a meeting later this year. The 2nd IOELV Directive was adopted by the European Commission in February 2006 with an implementation date of 1 September 2007. HSC conducted a consultation exercise during 2006 and the new and revised Workplace Exposure Limits (WELs) required to implement the Directive in Great Britain will enter into legal force on 1 October 2007.

20. A WEELS webpage on the HSE website serves as a repository for useful documents principally from the European Commission, e.g. draft SCOEL recommendations sent out for consultation, minutes of SCOEL meetings and papers and minutes from previous WEELS meetings.

Action

21. ACTS members are asked to note the information provided in this paper. We will continue to provide reports to ACTS on the work of these important sub groups.

Contact

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Annex 1

MEMBERSHIP OF ACTS SUB-GROUPS

1) ERMAG

Chair: Robin Foster (HSE)
Members: Dr I Carney (CBI)
Dr L Levy (Ind)
Ms S Murray (TUC)
Mr T Newbould (CBI)
Mr D Purchon (Ind)
Mr T Riley (CIA)

Officials also attend any meetings from the Department of Environment, Food and Rural Affairs, the Department of Health, the Department of Trade and Industry and the Environment Agency. In recent times business has been conducted by correspondence.

2) SCHIP

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| Chair: | Robin Foster (HSE) | |
| Members: | Mr D Beverley (TUC) Mr C White (Ind) Mr P Donnelly (CBI) Mr D Farrar (CBI) Mr B Hudspith (TUC) Mr N Berentzen (CBI) Mr I Thomson (Ind) | Associate Members Mr T Badcock Mr M Bernstein Mr T Bingham Mr P Cerins Mr P Cooper Mr G Hayward Mr T Newbould |

Independent vacancy
TUC vacancy

3) WEELS

Chair: Robin Foster (HSE)
Members: Mr D Bloor (Ind)
Mr R Chapman (CBI)
Dr A Fletcher (TUC)
Mr M Haugseng (Ind) (membership lapsed)
Prof. A Hay (TUC)
Dr L Levy (Ind)
Ms S Murray (TUC)
Dr D Owen (CBI)
Dr R Pullin (CBI)

The Department of the Environment, Food and Rural Affairs and the Department of Health are copy recipients of papers. In addition, UK members of the DG Employment Working Party Chemical Policies in the Workplace receive papers and may attend meetings.

