

Advisory Committee on Toxic Substances Minutes**ACTS/MIN/1/2007****Meeting date:** 25 May 2007**Open Gov. Status:** Open**Type of paper:** Above the line**Paper File ref:****Exemptions:** None**Advisory Committee on Toxic Substances**

Minutes of the 91st meeting of the Advisory Committee on Toxic Substances held on 25th May 2007 in the Globe Room, Rose Court, 2 Southwark Bridge, London SE1 9HS

Present

Les Philpott – **Chair**
 Janet Asherson
 Ian Brown
 Ian Carney
 Bud Hudspith
 Rob Chapman
 Roger Aylesbury
 Elspeth Metcalfe
 Len Levy
 David Tolley
 Alastair Hay
 Rob Miguel
 Susan Murray

Apologies

Colin Soutar

Officials Present

Andie Michael – Secretary
 Steve Fairhurst
 Rob Turner
 Mike Wright
 Greg Haywood
 Carl Stuart (HSE NI)
 Louise Jones – Note taker

Presenters

Item 2 Steve Coldrick

Item**1 Introduction and apologies****1.1 People**

1.1.1 The Chairman welcomed members to the 91st meeting of the Advisory Committee on Toxic Substances (ACTS). Apologies had been received from Colin Soutar. Rob Chapman was introduced as the new CBI representative. Liz Corbett's position had yet to be filled.

1.2 Agenda

1.2.1 The Chairman informed members that, following the discussion at the last meeting, it had been agreed that the Committee's constitution be extended, pending the decision on the HSC/HSE merger.

ACTION: HSE to write to members to confirm the extension.

1.2.2 Members asked to raise Items 10 – 13 above the line for discussion.

2 Advice on priorities that the Health and Safety System should address during 2009 – 2011

2.1 Steve Coldrick introduced paper ACTS/01/2007, noting that the current Disease Reduction Programme (DRP) plans would end in March 2008. It was therefore important to identify the priorities for April 2008 onwards. The paper presented the disease areas that stakeholders thought most important. HSE and key stakeholders would decide what's deliverable and achievable through the health and safety system, and report back to ACTS.

2.2	<p>Discussion between members and HSE included the following points:</p> <ul style="list-style-type: none"> • HSE’s paper to HSC should acknowledge that there would be both economic and environmental implications in selection of the priority areas. • A short priority list and good timing/planning would be key to delivering results in partnership with Local Authorities. • There was a need to concentrate efforts for maximum impact and keep messages simple. • Although little hard evidence exists, gender-related issues should be considered across all priority areas. • Some members wanted dust to be included under the generic term “particulates”. • Enforcement and education should contribute to validation/evaluation feedback mechanism to measure outcomes. • Make use of the ACTS and WATCH interrelationship for direction.
2.3	<p>In summary:</p> <ul style="list-style-type: none"> • Members were generally content with the priorities presented in the paper but stressed the need to be flexible to allow other disease areas to be considered if relevant, supporting data became available; in doing so however, HSE made clear that it would have to shift resource away from agreed priorities in order to deliver activity in any new areas. • In tackling priorities, members recommended an approach beginning with disease and prevalence, targeted to relevant sectors. Epidemiology had a role to play and judgements should be based on science, not emotion. • Some members preferred a generic approach to eg dust. • Members were keen to validate/evaluate interventions, thus demonstrating a clear “line of sight” from the Committee to outcome. <p>ACTION: HSE to note members’ advice in forthcoming paper to HSC.</p>
3	REACH
3.1	<p>Steve Fairhurst noted that:</p> <ul style="list-style-type: none"> • REACH would come into force on 1 June 2007. • A paper to the HSC meeting on 5th June 2007 presented a synopsis of HSE’s role in the UK as the competent authority and also as one of the enforcement bodies for REACH. • HSE had been delivering a reactive “help” function since October 2006 and planning had now begun for a proactive role, eg staging events, producing publicity material, interacting with stakeholders and a website launch due early June 2007. • Funding from DEFRA was in place for 07/08 and negotiations would begin soon to establish the arrangements for 2008/09. • DEFRA is consulting on proposals for a UK enforcement regime. HSE anticipated having a major role in supply chain enforcement and also in relation to workplace issues arising from REACH. • Regarding any potential differences between Workplace Exposure Limits (WELs) and Derived No Effect Limits (DNELs) for the same substance, the REACH CA Helpdesk’s current advice to businesses is for users to follow the risk management information given in suppliers’ Safety Data Sheets (SDSs). Issues such as the relationship between OELs and DNELs and conflicting DNELs from different suppliers of the same substance would need to be resolved in the near future. • DNELs would start to appear in SDSs over the next few years. In the meantime, businesses should employ good control practice, review their controls, carry out risk assessments, consider how to comply with WELs and act accordingly. <p>ACTIONS: HSE to circulate HSC Paper on REACH. Members to email their questions/issues in to ACTS email account. Secretariat to put item on the agenda for next meeting, allowing up to 40 minutes for discussion.</p>

4	Project on Local Exhaust Ventilation (LEV)
4.1	<ul style="list-style-type: none"> • Rob Turner reported that the guidance for designers and suppliers of LEV equipment discussed at the last meeting was now scheduled for publication in March 2008. Consultation on a draft of the document was likely to take place in September 2007 to enable the draft to be finalised by December 2007. • Work continued on the two non-technical guides for users and buyers of LEV. User consultation was anticipated to take place between October 2007 and March 2008 with a view to publication in June. However, these dates would be kept under review with a view to launching all the guidance together on World Asthma Day in May 2008 if possible. <p>ACTION: HSE to give presentation at next meeting.</p>
5	COSHH web pages
5.1	<p>Andie Michael updated members on work to make HSE's COSHH webpages more user-friendly. She demonstrated a redrafted "test" homepage which had been aligned to HSE house style, including more graphics, key sector-specific and generic messages for employers and employees and signposting to further information. She noted that the new structure was flexible to allow for updating and re-prioritisation. eCOSHH Essentials would be accessible through the new COSHH webpages.</p> <p>ACTION: HSE to send test-bed web-link to members for their comments.</p>
6	Lead and CLAW
6.1	<p>A TU member suggested that a review of the Control of Lead at Work Regulations 2002 (CLAW) should be considered to take account of recent epidemiological evidence linking exposure below current limits with increased heart disease and strokes. It was not known whether the European Union would initiate any relevant work.</p> <p>ACTIONS: TUC member to pass relevant documents to ACTS Secretariat for circulation to members. Item to be put on agenda for discussion at next meeting.</p>
	Mesothelioma. The Human Face of an Asbestos Epidemic
	<ul style="list-style-type: none"> • A TU member presented a short DVD film "Mesothelioma: The Human Face of an Asbestos Epidemic" commissioned by the Forum of Asbestos Victims Support Groups for Action Mesothelioma Day 27 February 2007. Made to raise awareness of mesothelioma, the DVD contained an 8-minute presentation plus interviews with sufferers (from teaching, plumbing, joinery and school-caretaking professions) and their families. • Every year, 2000 people die from mesothelioma. Some victims are young and the trend is increasing. The DVD's main message was "Don't let this happen again: prevent exposure to asbestos, now and in the future!"
	<p>The Chairman thanked TU for bringing this emotional film to ACTS' attention and asked for comments. All members welcomed the film as an aid to raise awareness of mesothelioma. They recommended people watch all the interviews but in particular that of "Andy", only 38 years old. An independent member asked TU if the DVD contained information on how to recognise the causes of mesothelioma; TU confirmed it didn't.</p>
	<p>Greg Haywood noted that, in terms of HSE activities:</p> <ul style="list-style-type: none"> • Inspectors were continuing to actively enforce Regulation 4 of the Duty to Manage Asbestos Regulations, and non-construction inspectors were also being trained. • Standard Life Investments and their consultants ARK Workplace Risk Ltd held a seminar for large-scale DTM duty-holders in the retail, financial and property (multi-tenanted) sectors at the Guildhall, London on 10 May 2007. HSE speakers described what good asbestos management should look like. HSE Chief Executive Geoffrey Podger attended. <p>ACTION: HSE to consider adding ActionMeso web link to HSE website.</p>
9	WATCH annual report
9.1	This paper had been brought above the line. The following main points arose from the

	<p>discussion:</p> <ul style="list-style-type: none"> • Members thought communication and working relationships between WATCH and ACTS could be improved. The Chair observed that existing Terms of Reference confirmed the roles of WATCH and ACTS. • Using dust as an example, members wondered if a stronger scientific steer from WATCH was necessary in order to achieve some members' preference for establishing exposure limits with associated measurement requirements. Others thought that if WATCH were to be overly prescriptive, this would have serious implications for establishing regulatory positions for some dusts eg flour. • HSE reported that for hazardous substances, sustainable desirable behavioural change (such as is being pursued through the DRP) would be more likely than exposure limits to bring about good control practice. It was noted that the general dust reference values of 10 and 4 mgm⁻³ in Reg 2 of COSHH were not exposure limits and that control below those values could be required, depending on the risk. • HSE noted that the Engineering Control project would impact on the issue of dusts in the workplace. • A TU member suggested that WATCH should attempt to derive appropriate values for control standards for low toxicity dusts and report to ACTS, who would request that HSE (Policy) inform HSC; however, some members were concerned that timescales for completing the passage of such an initiative through WATCH and ACTS deliberations would preclude action on securing better control to be included within the DRP's next phase – given that ACTS was being asked about DRP priorities for 2008. <p>ACTIONS: Secretariat to include “WATCH Update” standing item (above the line) on ACTS agenda. HSE to include ACTS views on reviewing the 10-4 values for dust, in the forthcoming HSC paper (“Advice on priorities....2009 – 2011”). HSE to facilitate WATCH completing its analysis of low toxicity dust issues at next WATCH meeting in Nov 2007.</p>
10	Flour dust annual report
10.1	This paper had also been brought above the line. TU started the discussion by asking for dust values to be reduced; TU cited high remedial action costs incurred by business and perceived inconsistencies of advice from HSC/E over cheaper, practicable remedies.
10.2	<p>HSE informed members that:</p> <ul style="list-style-type: none"> • they would shortly issue guidance on the use of vacuum cleaners in bakeries, covering the use of cheaper alternatives to industrial vacuum cleaners; • use of COSHH Essentials advice sheets would control exposure; • strong differences of opinion (beyond remedial equipment cost) prevailed in this sector preventing some employer stakeholders from recognising and accepting the problem.
10.3	<ul style="list-style-type: none"> • An Independent member wondered if a paper following the on-going SCOEL Consultation* might propose an IOELV of 1mgm⁻³ for flour dust. HSE noted that the paper didn't propose an IOELV probably because a reliable threshold for the respiratory effects of flour dust cannot be determined. • TU and CBI called on HSE to enforce more. HSE responded that an enforcement initiative had been held and notices were being issued both by HSE and Local Authority inspectors on flour dust. • CBI asked what use was being made of stakeholder networks. HSE confirmed it was using the Lead Authority Partnership Scheme (LAPS) and Large Organisation Partnership Pilots schemes. <p>* HSE sent copies of the SCOEL paper to all ACTS (and other groups') members on 16 April 2007, to provide any comments to SCOEL by 30 September 2007.</p> <p>ACTIONS: HSE's Local Authority Unit to remind LAPS members about flour dust limits and enforcement; LAPS members to be asked to feedback to HSE. HSE to provide update at next meeting.</p>

11	ERMAG, WEELS and SCHIP annual report
11.1	This paper had also been brought above the line for discussion.
11.2	<ul style="list-style-type: none"> • TU thought the credibility of the working groups was undermined by the rarity of meetings. • HSE noted WEELS would be used for consultation on the forthcoming 3rd IOELV Directive, ERMAG would be used to consult on risk management strategies for REACH with a possible meeting later in 2007, and SCHIP would be used for consultation on the Global Harmonisation System. • On balance, members saw roles for ERMAG and SCHIP but felt that issues relating to the 3rd IOELV Directive could be put directly to ACTS. Independent and CBI members commended the WEELS Secretary for his “diligence and communication” over the years. <p>ACTION: Stand WEELS down but retain its website and networking/information role. Issues on 3rd IOELV to go to ACTS outside of meetings if necessary.</p>
12	Current developments
	This paper had also been brought above the line. Chairman asked if there were any comments but members noted contents only.
7	Minutes of last meeting
7.1	The minutes of the last meeting were agreed.
8	Matters arising and Secretary’s report
8.1	No issues were raised.
	Summary and close
	The Chairman thanked members for attending and for their participation. The next meeting is scheduled for November 2007.
	The meeting closed at 3.10 pm