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Advisory Committee on Toxic Substances

Minutes of the 85th meeting of the Advisory Committee on Toxic Substances held in public on 25th November 2004 in the Globe Room, Rose Court, 2 Southwark Bridge, London SE1 9HS

Present

Nick Starling - Chair
 Ian Carney
 Janet Asherson
 Mike Kingsland
 Roger Alesbury
 Colin Soutar
 Elspeth Metcalfe
 Ian Brown
 Len Levy
 David Tolley
 Liz Corbett
 Alastair Hay
 Bud Hudspith
 Susan Murray
 Rob Miguel

Apologies

Roger Alesbury
 Colette Nimbley (HSE)

Officials Present

Steve Coldrick - Secretary
 Helen Smith
 Frances Rowswell
 Steve Fairhurst
 Maureen Meldrum
 Christine Northage
 John Groves

Public Attendees Present

There were 21 attendees; a list of the organisations represented is at Annex 1.

Presenters

Item 2 - Colin Douglas, Bill MacDonald, Louisa McNamara, Paul Evans, Helen Smith. Item 3 Maureen Meldrum. Item 4 – Donald Adey. Item 5 – Steve Coldrick, Steve Fairhurst. Item 6 – Helen Smith.

1	Introductions and apologies
1.1	People
1.1	Nick Starling welcomed members and public attendees to the 85 th meeting of ACTS, the second open meeting and the first business meeting to be held in public. He explained that, as an advisory committee, the role of ACTS was to advise the Health and Safety Commission which, in turn, reported to Ministers. He introduced himself as the new chair of ACTS following reallocation of responsibilities within HSE. He also introduced Rob Miguel as the new TUC member, Steve Coldrick as the new Secretary, Frances Rowswell as the new note taker and Steve Fairhurst as the returning chair of WATCH.
1.1.2	Apologies had been received from Roger Alesbury, CBI, and Colette Nimbley, HSE FOD Health Unit.
1.1.3	The Chair announced the resignation of Gwynne Lyons, the ACTS member with responsibility for representing environmental interests and invited the secretariat to give an update on the review of independent membership. Members who had responded to

	<p>the review so far had been in broad agreement with the proposed way forward. A new member to represent environmental interests would be recruited at the earliest opportunity. Once a new member had been appointed, consideration would be given to whether one or both of the independent member vacancies should be filled before ACTS was reconstituted.</p> <p>[Action: Members to reply to HSE on the options for replacing independent members.]</p> <p>[Action: Secretariat to keep members informed of progress with recruitment of the environmental member.]</p>
1.2	Handling of the agenda
1.2.1	The draft agenda was accepted. There was agreement that the minutes would be in the usual non-attributable style and that comments by visitors would be summarised but not attributed to a named individual. No papers were raised above the line for discussion.
1.2.2	Delegates were told that for the items on silica and isocyanates there would be an opportunity for them to comment after the papers had been introduced but before discussion by ACTS members. There would also be the opportunity to comment on other items at the end of the meeting.
1.2.3	The Chair gave a brief update on proposed changes to the occupational exposure limit (OEL) framework. A question had been raised at the HSC meeting on 8 November, but as there had been no time for discussion the item would be on the agenda for the next HSC meeting on 7 December.
1.2.4	There were declarations of interest for item 3 (Colin Soutar) and item 4 (Colin Soutar and Ian Carney).
2	Communications
2.1	HSE's Communications Strategy
2.1.1	Colin Douglas, HSE's Communications Director, gave a presentation on HSE's Communications Strategy. He outlined the challenges of the public and stakeholder perception of HSE and the need for balance between preventing breaches of health and safety law and avoiding over-regulation. HSE had a more positive public image than many other regulators, but had sometimes been criticised by the media as too interventionist. Both employers and employees generally took health and safety seriously but there was some complacency.
2.1.2	<p>HSE's Communications Strategy aimed to promote good practice through four key messages:</p> <ul style="list-style-type: none"> • Sensible health and safety is a cornerstone of civilised society; • It is about managing risks, not eliminating them; • By working together staff and managers are best placed to make workplaces safer; • HSE is committed to being a good partner, working with others to improve health and safety.
2.1.3	The focus of the first year had been on promoting the communications strategy to key stakeholders. Next year HSE would launch several campaigns on various aspects of health and safety, including musculoskeletal disorders and slips and trips, to promote the business case for good health and safety.
2.1.4	HSE was reshaping its communications systems. A range of advertising and marketing techniques would be used to promote health and safety. There had been too much reliance on printed material to communicate messages and in future there would be greater emphasis on using HSE's website. Printed material was being reformatted to ensure consistency of style and content and HSE's internal communications were also being strengthened. Members were invited to comment on the Communications Strategy

	and the points made in the presentation. [Action: HSE to circulate the Communications Strategy to ACTS members.]
2.1.5	<p>The following points were made during discussion of the Communications Strategy:</p> <ul style="list-style-type: none"> • The TUC were concerned at the increased reliance on HSE's website for communicating information. There was evidence that many SMEs did not regularly use the Internet. HSE needed to explore different ways of reaching people. There was a very low overall reading age in industry where an oral culture sometimes prevailed. In response, HSE said that although the website would be a primary communications tool, many other tools, including face to face contact, safety awareness days, priced and free publications would also be used. More than half of the population now had access to the Internet and the website had a much higher penetration rate than, for example, leaflets. • The TUC suggested that more publications should be available free of charge and asked whether it was HSE's policy to make written material available free of charge on its website. HSE explained that priced publications were a Treasury requirement and an essential source of income to enable HSE to fund other forms of information and advice. HSE would be promoting its website and Infoline which was an important source of free advice. Web access to some publications would have to be through priced access. • The CBI asked for ACTS to be kept informed and involved. Industry would be happy to facilitate contact with partner groups. The extent of access to the web by SMEs would need to be explored. It was important in respect of the new OEL framework to ensure that business, particularly SMEs, was clear about what actions it needed to take. • Concern was expressed at the key message in the strategy that 'Sensible health and safety is about managing risks, not eliminating them'. The aim, as in the COSHH Regulations, should be to eliminate risk wherever possible. HSE agreed with this aim, but as a regulator it recognised that eliminating risks was not always possible and was trying to dispel any perception of HSE as an overzealous enforcer. • The LA representatives welcomed local authority involvement in the planned campaigns. From an LA perspective, more information was needed in pictorial format and using simpler language. It was suggested that HSE could use the Government white paper on 'Choosing health' to argue for more publications to be free of charge.
2.1.6	<p>The Chair invited delegates to comment and the following points were raised:</p> <ul style="list-style-type: none"> • The CIA representative asked how much HSE's net income from priced publications was. HSE replied that publications accounted for £5m of net income, but it was not certain if this took into account the cost of processing orders. The bulk of HSE's information was already free and this proportion would increase. • A consultant made the point that research reports, which used to be priced, were now free. SMEs needed to be made more aware of HSE's Infoline. He recommended a safety tool called 'Hazard Spotter' available on CD ROM from IChemE and suggested that it could be adapted for occupational health. • A representative from a trade association said that HSE inspectors still expected hard copies of documents to be available to the workforce. More documents should be available in PDF format so that they could be printed easily. <p>[Action: ACTS and members of public to let HSE know if there are HSE documents which should be available in PDF format.]</p>
2.2	Stakeholder engagement
2.2.1	Bill MacDonald gave a presentation to update members on HSE's approach to stakeholder engagement and the progress made on this in respect of the Chemicals

	<p>Programme. HSE recognised the importance of building long-term relationships with stakeholders. In order to reach the demanding targets in the Programme, HSE needed to involve all the stakeholder groups in a position to help it deliver those targets. Stakeholder analysis was being carried out for the key Programme areas, including asbestos and skin disease in hairdressing. HSE would welcome help from ACTS in identifying and engaging with stakeholder groups. During discussion, the following points were made:</p> <ul style="list-style-type: none"> • TUC and CBI expressed their willingness to help but they would need more information about which groups HSE had already identified. Members were told that HSE would shortly be requesting specific help from ACTS in specific areas. • It was suggested that IACs could be involved in identifying stakeholders who would be effective in bringing about change. HSE had approached the advisory committees for information, but as individuals rather than in their role as IACs. • HSE was asking stakeholders for help in identifying who had been missed and who was not in a position to help. Industry itself was doing a lot of good work, for example, by involving ‘celebrity’ hairdressers as role models. • LAs welcomed the opportunity to be involved in engaging previously undervalued stakeholder groups. • Communication was not always effective, particularly in SMEs and must be backed up by good enforcement. • The targets in the Chemicals Programme directly linked to those in HSC’s Strategy. HSE needed a clear view of the outcomes and activities needed to achieve these targets. Enforcement was an important part of this work. Stakeholder engagement was one of a raft of activities aimed at targetting specific areas of occupational health. <p>[Action: ACTS to assist in identifying stakeholder groups]</p>
2.3	<p>Proposed HSE hazardous substances web pages</p>
2.3.1	<p>Louisa McNamara gave a demonstration of the new chemicals web portal pages due to go live in January. The link to the test site would be e-mailed to ACTS members and public attendees, and all feedback on the pages would be welcome. The promotions strategy for the web pages would also be sent to ACTS members for comment by Christmas.</p> <ul style="list-style-type: none"> • The TUC suggested that Inspectors should be active in showing people have to use the web pages. • HSE confirmed that links to ACoPs and guidance could be included in the web pages. • The LAs were disappointed that there was currently no reference in the pages to local authorities as a source of advice. <p>[Action: HSE to e-mail the web portal link to ACTS and public attendees] [Action: HSE to circulate its communications strategy to ACTS members] [Action: ACTS and members of public invited to give feedback to HSE on web portal – deadline for response 24 December 2004.]</p>
2.4	<p>COSHH Essentials</p>
2.4.1	<p>Paul Evans gave a presentation on COSHH Essentials (copies of slides available on request from acts@hse.gsi.gov.uk). The aim of COSHH Essentials was to give guidance on good control practice, using plain English. It took the form of a step by step risk assessment, identifying adequate control measures and telling the user when it was necessary to seek expert advice. The presentation included information on the development of COSHH Essentials and the free internet version e-COSHH Essentials. Phase 2 of e-COSHH Essentials, launched in October 2003, provides task-based advice and targets small businesses such as bakeries and motor vehicle repairers. ACTS had agreed an initiative to raise awareness of COSHH Essentials through visits to IACs, SACs and other stakeholders. As a result several groups identified the need to develop</p>

	<p>guidance sheets. HSE has produced a delivery plan that summarises the steps in the development of COSHH Essential guidance sheets and explains how other stakeholder groups can submit draft sheets for review.</p> <p>An ACTS member asked whether the time taken to develop sheets could be shortened from the stated 20 months. HSE explained that this was a typical timescale and allowed for external input and extensive consultation. The time was streamlined when ever possible and one way of reducing the time taken would be for other groups, such as Industry Advisory Committees, to prepare the draft sheets.</p>
2.5	CHANS
2.5.1	<p>Helen Smith, standing in for Gary Dougherty, presented this item. HSE issued CHANS to highlight significant new hazard information about specific chemicals. CHANS had previously been written in complex technical language, putting them outside the reading ability of a large part of the target group, and had given only generic control advice. HSE were currently restyling CHANS, using simpler language and a clearer layout, to provide information on appropriate control measures and increase their impact. ACTS members were invited to comment on the proposed new style and layout and to make suggestions for any further improvements. The following points were made by ACTS members:</p> <ul style="list-style-type: none"> • The name CHAN was meaningless and should be changed to something clearer such as Chemical Alert. • Although the language was much simpler than in previous CHANS, it was still quite technical and could be simplified further. It was suggested that HSE might need to consider two versions, one for employers and one for employees, although there was not general agreement on this. • The style of CHANS needed further revision to make more impact. The recipient should be clear about what they must do. For example, five or six key points in colour, in a box, would make clear what action was needed. • HSE needed to give greater consideration to the target audience. At present there was too much technical information aimed at occupational hygienists who would already be aware of new hazard data and control advice. If CHANS were to be aimed at both employers and employees, HSE would need to make it obvious which information was intended for which group. <p>[Action: HSE to consider members' comments in their restyling of CHANS.]</p>
3	Proposal to introduce a new workplace exposure limit (WEL) for silica
3.1	<p>Maureen Meldrum presented this item (copies of slides available) setting out the reasons for the proposal to replace the current maximum exposure limit (MEL) of 0.3 mg.m^{-3} with a WEL of 0.1 mg.m^{-3}. The presentation included background on the occurrence of silica, information about its health effects and the risks of silicosis at different exposure levels over a period of 15 years. The costs of complying with the new WEL would be highest in the quarry industry. The Regulatory Impact Assessment (RIA) indicated that the costs to industry over 60 years of complying with the proposed limit of 0.1 mg.m^{-3} were not unreasonable when compared to the associated health benefits over the same period.</p>
3.2	<p>ACTS was asked to agree that approval should be sought from the HSC to consult on a new WEL for respirable crystalline silica of 0.1 mg.m^{-3} as an 8 hour time weighted average. If this was agreed, the intention was to issue a consultation document in April 2005 with a three month consultation period. Following consultation, the proposal would come back to the November 2005 ACTS meeting. If ACTS recommended it to HSC, the new WEL, supported by Silica Essentials, would come into force in 2006. The proposed WEL for silica would be the first to be brought in under the new OEL framework.</p>

3.3	<p>Delegates were advised that there would be plenty of opportunities for them to feed in their comments on the proposal and they were invited to give their initial views.</p> <ul style="list-style-type: none"> • A delegate from a trade association commented that all of its' members measured employee exposure to silica and that there could be a 100% variation in exposure values from day to day. Because of this variability, the industry would have to aim to achieve an average exposure of 0.05mg.m⁻³ in order to comply with the new WEL.
3.4	<p>ACTS members made the following comments on the proposal:</p> <ul style="list-style-type: none"> • The CBI agreed with the proposal to consult on a limit of 0.1mg.m⁻³. Industry had concerns about the enforcement and applicability of the limit, but recognised estimates of increased risk at higher levels. The CBI recommendation was to go out to consultation on both limits, but with a clear steer towards 0.1mg.m⁻³ and setting out the arguments in respect of 0.05mg.m⁻³. Industry would welcome indicators of performance in the form of measurable, achievable action to be taken within an agreed timeframe. These actions should be agreed by employers and workers to support whichever limit value is adopted. • The TUC recommendation was to consult at both 0.1mg.m⁻³ and 0.05mg.m⁻³, as the projected health benefits were much greater at the lower limit. There was a need for measures of compliance which should be looked at 2-3 years after adoption to gauge the effectiveness of the limit. • The proposed WEL would be conditional on the new OEL framework being adopted. When SCOEL had looked at silica it had considered the health benefits, not the costs or practicability in recommending a limit of 0.05mg.m⁻³ or less. If a limit of 0.05mg.m⁻³ were to be adopted it might act as a driver to improve measurement techniques. • Setting a WEL of 0.05mg.m⁻³ rather than 0.1mg.m⁻³ would have the benefit of saving fewer than 2 lung cancer fatalities per year, not 2 fatalities per week as had been mistakenly stated earlier in the discussion. <p>[Action: HSE to redraft the silica consultation document to include the option of setting a WEL at 0.05mg.m⁻³ as well as 0.1mg.m⁻³.]</p>
4	<p>Isocyanates</p>
4.1	<p>Donald Adey presented this item updating ACTS on progress in combating occupational asthma caused by exposure to isocyanates. At the last Asthma Board meeting in April, there had been a presentation from Dr Gary Liss of the Ministry of Labour in Ontario on their achievements in cutting new cases of occupational asthma. Feedback from Dr Liss was that Great Britain's measures were having a positive impact in reducing new cases. HSE welcomed the IOM report on isocyanates usage and would be considering its findings and meeting with stakeholder partners to discuss how to proceed. HSE was confident that the recommended actions in the Action Plan were achievable within a reasonable timescale. It was likely, however, that reported cases of occupational asthma would rise as awareness increased.</p>
4.2	<p>Several points arose during discussion:</p> <ul style="list-style-type: none"> • A delegate from a trade association commented that enhanced supplier side information needed to be addressed at the EU level. • There was support from the TUC for the recommendations in the paper and the evaluation plan. The IOM report was outstanding, clearly identifying the problems which HSE needed to consider. • The IOM report referred to 'momentary lapses in exposure controls'. The controls would only be effective if they were maintained all of the time. HSE also needed to

	<p>consider whether the existing exposure limits were effective and whether the current analytical method was sensitive enough.</p> <ul style="list-style-type: none"> • There appeared to be a mismatch in data between the number of occupational asthma cases reported to SWORD and the number of industrial injury compensation claims. • In response to a question from a TUC member, HSE said it had no plans for an authorisation scheme for isocyanates. • One member reported that in his experience, most cases of occupational asthma cases from exposure to isocyanates were due to a massive excursion which then sensitised the individual. In sensitised people the MEL would be ineffective in preventing OA. • A member asked for information about which urinary metabolites were being measured during biological monitoring. • HSE would take members comments back to its working group. <p>[Action: HSE to organise a working group to review the findings of the IOM research.]</p> <p>[Action: HSE to clarify the following technical issues: (i) whether the analytical method is sensitive enough to ensure that exposures do not cause asthma; (ii) whether momentary (high) excursions above the MEL cause asthma; (iii) more information about biological monitoring for di-isocyanates (specifically which urinary metabolites are measures.)]</p>
5	WATCH – update
5.1	<p>As Chemicals Programme Manager, Steve Coldrick introduced this item. WATCH would be an important resource in making robust the scientific base and perhaps also providing a valuable network of contacts to enable HSE to achieve the demanding targets in the Chemicals Programme. Steve Fairhurst, WATCH Chairman informed ACTS that the next meeting of WATCH would be a two day residential meeting in January 2005. WATCH was going through a process of reorientating its activities. The meeting planned for November had been cancelled due to time constraints following HSE internal reorganisation. The agenda for the January meeting would be substantial and challenging. As part of that meeting, one aim would be to reach agreement on a brief positional statement on WATCH's future role and to clarify the major influences that would shape the agendas for the meetings planned for May and November 2005.</p> <ul style="list-style-type: none"> • It was suggested that WATCH should look at organic solvents to ensure that current exposure limits were sufficient to protect against any possible longterm neurotoxic effects. HSE suggested that as WATCH had looked at solvents in the past, it might be appropriate as a first step for HSE to produce a paper updating ACTS on the work already carried out. <p>[Action: HSE to provide ACTS with an update on work done by WATCH on the question of the potential neurotoxicity of solvents in general.]</p>
6	ACTS Workplan – Update
6.1	<p>This item was presented by Helen Smith. The next phase in the development of the ACTS workplan was to add more detail to the second half, including initiatives arising from the visits to IACS, and mandatory activities in respect of limit setting. ACTS members were asked to send suggestions for ideas for the second phase of workplan. The Secretariat would incorporate these suggestions into the workplan for discussion at the</p>

	next ACTS meeting in March 2005.
6.2	<p>During discussion, the following points were made:</p> <ul style="list-style-type: none"> • With the imminent introduction of the new OEL framework and WELs, ACTS could usefully start to review some exposure limits to see how effective they are. • ACTS members supported the idea of a second round of visits to IACs. These visits should be focused on particular activities which would help to deliver HSC's Strategy and the various strands of HSE's Chemicals Programme such as skin disease. • A new round of visits to IACS would be an opportunity to reinforce previous messages and update on new developments such as WELs to make sure that they were understood. • The TUC asked about ACTS' involvement and planned activity in respect of asbestos. The British Lung Foundation had designated 2005 'Mesothelioma Awareness Year'. HSE replied that asbestos was part of ACTS' remit and suggested an update on this at the next meeting. • ACTS should be forward looking, 'horizon scanning' to prevent possible future health problems. • In response to a question, HSE said that chromium VI in cement was covered by a marketing and use restriction which would come into force in January 2005. <p>[Action: HSE to update the ACTS workplan to include a second, focused, series of visits to stakeholder groups.]</p> <p>[Action: HSE to organise a session on horizon scanning for the next meeting.]</p> <p>[Action: HSE to present an information paper on asbestos at the next meeting.]</p>
7	Minutes of the 84th Meeting held on 8th July 2004
7.1	The minutes were agreed.
8	Matters arising and Secretary's report
8.1	<p>A TUC member raised the issue of the demarcation between HSE and Local Authorities. LAs should be used whenever possible to deliver its messages on, for example, flour dust. HSE replied that it fully accepted that in the past it had been poor in conducting its relationships with LAs. As part of the HSE Strategy, a statement of intent had been signed in the summer. An HSE secondee was currently working with LACORS, examining all the links between HSE and LAs to ensure that HSE engaged more effectively with LAs.</p> <p>There were no comments on the Secretary's report.</p> <p>[Action: HSE to clarify the position concerning possible changes to LA enforcement powers.]</p>
9	Summary and close

9.1	<p>The Chair thanked everyone for attending the open meeting. He hoped that the public attendees had found the meeting worthwhile, thanked them for their contribution and invited them to comment.</p> <ul style="list-style-type: none">• In response to a question from a delegate, HSE said that details of how to contact ACTS and its subgroups were on the website. <p>[Action: HSE to analyse feedback from evaluation questionnaires and report back to ACTS.]</p> <p>The meeting closed at 15.30.</p>
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Organisations represented by public attendees at the 2nd ACTS Open Meeting

ORGANISATIONS REPRESENTED
ASK Consultants
Association of Occupational Health Nurse Practitioners
British Aerosol Manufacturers' Association
British Coatings Federation
British Occupational Hygiene Society
Chemical Industries Association
Core-Chem Ltd.
Electrical Employers Federation
Envirotech Europe Ltd.
Eurisol UK Ltd.
Filtronic Compound Semiconductors Ltd.
Infineum UK Ltd.
James Fisher Rumic Ltd.
Knauf Insulation Ltd.
National Grid Transco
Safety & Environmental Risks Management
Safety & Technical Services
Silica and Moulding Sands Association (2)
Toxicology Advice & Consulting Ltd.
United Utilities