

<b>Advisory Committee on Toxic Substances Current Developments</b>		<b>ACTS/39/2004</b>	
<b>Meeting date:</b>	25 November 2004	<b>Open Govt. Status:</b>	Fully Open
<b>Exemptions:</b>	None		

## **HEALTH AND SAFETY COMMISSION**

### **ADVISORY COMMITTEE ON TOXIC SUBSTANCES (ACTS)**

#### **Current Developments**

- 1. HSE's Chemicals Programme – Update**
- 2. The launch of the LA/HSE e-COSHH Essentials Presenters Pack and Partnership Scheme**
- 3. Outbreak of Occupational Asthma**
- 4. 2<sup>nd</sup> European Commission Directive on Occupational Exposure Limits**
- 5. 29<sup>th</sup> Adaptation to Technical Progress – UK implementation**
- 6. Proposal for a Regulation of the European Parliament and of the Council – REACH**
- 7. Launch of the Health and Safety Executive's (HSE) approach for Managing sickness absence and return to work**
- 8. Occupational health aspects of nanotechnology**

## 1. HSE's Chemicals Programme – Update

HSC's new Business Plan (<http://www.hse.gov.uk/aboutus/plans/hscplans/0405/index.htm>) sets out the new Strategic Programmes that will provide an overall management framework for the key activities that will contribute to delivering HSC's new Strategy and the targets. These include a Health and Safety Hazards Strategic Programme which focuses on activity to address those health and safety hazards which result in particularly high incidence rates of injuries and ill health. Chemicals are one of the seven hazards covered by the Programme (others include workplace transport, falls from height, work-related stress and musculoskeletal disorders).

The Chemicals Programme was presented at the ACTS' July 2004 meeting. It aims to reduce the number of deaths and cases of ill health caused by failures in the workplace to properly control chemicals. It focuses on a number of areas, including:

- Identifying and managing risks from asbestos and other priority carcinogens;
- Taking forward the occupational asthma action plan to reduce exposure to the top eight causes of asthma;
- Tackling the causes of other respiratory diseases (such as chronic obstructive pulmonary disease (COPD) and silicosis);
- Tackling the causes of skin disease, particularly in occupations such as hairdressing, beauty therapy, metal working, printing, construction and health services;
- Developing tools, such as COSHH Essentials, to manage the risks posed by chemicals; and
- Raising awareness of the risks posed by chemicals and the correct action to take.

Since the Chemicals Programme presentation at the ACTS meeting in July a number of highlights from the Programme are worth flagging-up. These include:

New Guidelines for the detection and management of **Occupational Asthma** aimed at GP's & Practice Nurses was launched on 14<sup>th</sup> Sept. HSE worked with a range of partners in this 18-month project – the lead organisation being the British Occupational Health Research Foundation (BOHRF);

Launch of Asthma UK's '**Asthma Workplace Charter**' at the TU Congress on 14<sup>th</sup> Sept. HSE was involved in the development of this product and was a founding signatory;

Release of the **asbestos** video '*How are you managing?*' (July '04) enabled the launch of updated Presenter's Pack, which had been much awaited by partner organisations. This has signaled a resurgence of interest in HSE's asbestos campaign. See: <http://www.hse.gov.uk/campaigns/asbestos/index.htm>

Encouraging downward trends for **skin disease** and **asthma** published (in August) in HSE's *Occupational Health Statistics Bulletin 2003/04*, see: <http://www.hse.gov.uk/statistics/overall/ohsb0304.pdf>

HSE is in the process of recruiting an EHO to work on the priority **skin disease** project that will focus on the hairdressing and beauty sector. This initiative will also contribute to HSC's strategy to develop closer partnerships with local authorities.

## **2. The launch of the LA/HSE e-COSHH Essentials Presenters Pack and Partnership Scheme**

The LA/HSE intermediaries project group is pleased to report to ACTS that they've held a pilot seminar to promote the new e-COSHH Presenters resource pack.

More than 45 guests attended LA/HSE e-COSHH breakfast seminar in Leeds on 14<sup>th</sup> October 2004. The invited audience was made up of various Local Authorities, Safety Officers, Health Promotion professionals, Trade Associations and Small Business Intermediaries with responsibility for workers health and safety.

Guests received the first formal demonstration of the e-COSHH presenters pack CD-ROM; they were also invited to be amongst the first in the country to sign up to the HSE e-COSHH partnership scheme.

Partners commit to cascade the pack and its contents throughout their own networks to a minimum number of contacts, with the intention of promoting e COSHH to help employers protect their workers and comply with the law; partners also commit to let HSE have information that will form the basis of an evaluation project during the early part of 2005/2006 to help measure the effect of the eCOSHH events *and* the outcomes of reducing ill health (caused by hazardous substances) in the workplace.

Partners are given presentation packs containing the CD-ROM and supporting promotional material to help them cascade eCOSHH.

Thirty-seven guests "signed up" at the Leeds event and the feedback about the event has been very positive, especially about the packs usefulness and quality of the material. Another 20 who couldn't attend have also "Signed Up"; we anticipate many more via local EHO-led eCOSHH events in Yorkshire.

It is planned that a further four events, aimed at EHOs and small business intermediaries, will take place in England, Scotland and Wales between now and March 2005.

**If you would like more information about future events, or if you're interested in co-hosting an event, please contact Louise Jones or Gloria Birchall via e-mail; [gloria.birchall@hse.gsi.gov.uk](mailto:gloria.birchall@hse.gsi.gov.uk) or [louise.jones@hse.gsi.gov.uk](mailto:louise.jones@hse.gsi.gov.uk)**

### **Background**

Launched in 2002 e-COSHH essentials is HSE's innovative and free web based chemical risk assessment tool. The aim of e-COSHH is to make it easier for small businesses that work with hazardous substances to work towards compliance with the COSHH Regulations (2002).

e-COSHH works by asking the user a series of questions about the chemicals they use and the way in which they use them. The majority of this information can be found via the products safety data sheet.

Once the user has entered the required information into the e-COSHH system, e-COSHH flags up what level of control should be used for that chemical/process; then, the user is

offered a range of guidance sheets containing practical advice on how they could put the controls into practice.

During 2003 European week for safety and health the e-COSHH website was expanded to include a direct advice option and 70 direct advice topic sheets. These direct advice topic sheets cover a large range of business sectors including:

- Hairdressing
- Electrolysis
- Piercing and tattooing
- Beauty salon –makeover nails etc
- Motor vehicle repair
- Flour dust –craft bakeries
- Woodworking
- Foundries
- Rubber making
- Cleaning
- Dry cleaning

**This means that some sectors don't have to go through the full risk assessment process. Instead they can select the direct advice option on the e-COSHH homepage and get advice on how to control the risks from work involving hazardous substances in just a few clicks; without the need for the product's safety data sheet.**

As part of the 2004-2005 marketing strategy for e-COSHH, HSE approached the Health and /Local Authority (HELA) Technical Sub Committee to ask for their support in:

#### **Hosting a series of intermediary's events**

Attendees (i.e. Environmental Health Officers, Trade Associations and Small Business Intermediaries) will be given a demonstration of the e-COSHH Presenters pack and invited to join HSE in a partnership scheme to promote the use of e-COSHH: partners will be asked to commit their organisations to host a minimum number of events (as small as an training session or as part of a larger and broader 1 day health event, for example) – throughout their own networks. In exchange, HSE is providing free CD-ROM versions of the e-COSHH Essentials Presenters pack.

#### **Identifying suitable Local Authority representatives to work with HSE in developing the e-COSHH presenters resource pack designed**

The CD-ROM contains a power point presentation of slides with enough material for anyone with little or no knowledge of e-COSHH, to cascade to their networks the benefits of using e-COSHH. Included are 19 files including speakers notes, "how" to notes, contacts, web lists, feedback templates etc.

With the backing of the HELA Sub Tech Committee, HSE managed to secure five project team members from LA representing HSE (NI), Wales, Scotland, Hambleton and Gosport.

The LA/HSE intermediaries project group met twice since August 2004 and have since worked together on the resource pack contents, event criteria and evaluation system.

The project group are seeking suitable opportunities to host a further four events before March 2005 to promote the e-COSHH Essentials Presenters Pack and the HSE partnership Scheme.

### **3. Outbreak of Occupational Asthma**

There has been a serious outbreak of Occupational Asthma at a car engine factory (Powertrain) in the West Midlands. An HSE investigation has been in progress since March, working with the Health Protection Agency and the Birmingham Chest Clinic. To date 73 employees have been diagnosed, definitely or probably to have OA or allergic alveolitis. This number is sadly expected to rise. The outbreak will be a major agenda item at the 30<sup>th</sup> November meeting of the Asthma Board. Marcia Davies, FOD Director for the Midlands, will lead the item.

### **4. 2<sup>nd</sup> European Commission Directive on Occupational Exposure Limits**

ACTS members received a full update on the progress of the European Commission's 2<sup>nd</sup> Directive on Indicative Occupational Exposure Limits (IOELVs) in the Current Developments paper at the March 2004 meeting (ACTS/17/2004). A further short update was given in the Current Developments paper at the July meeting (ACTS/26/2004).

Regrettably little progress has been made on this topic, due principally to difficulties in reaching agreement on a proposed limit for nitrogen monoxide (NO) within the European Commission. Member States' representatives on EU committees have suggested, unsuccessfully, that nitrogen monoxide should be removed from the draft Directive in order that further progress can be made. In August 2004 HSE wrote to the Director General of the European Commission's Employment and Social Affairs Directorate General in order to express our concern over the lack of progress. The response said that the proposal was still under discussion within the European Commission, and that a final decision had not yet been taken.

A meeting of the Advisory Committee on Safety, Hygiene and Health Protection at Work's Working Group on Chemical Policies in the Workplace was held at the end of September. Members were informed that there was unlikely to be progress on the 2<sup>nd</sup> IOELV Directive until after the appointment of the new European Commission. HSE officials are not expecting an adopted Directive until early 2005. An initial list of candidate substances for a 3<sup>rd</sup> IOELV Directive was considered. However, a formal European Commission proposal is not expected until late 2005.

### **5. 29<sup>th</sup> Adaptation to Technical Progress – UK implementation**

At the last ACTS meeting on 8 July 2004, paper ACTS/27/2004 presented HSE's report on the outcome of the EU vote on the 29<sup>th</sup> Adaptation to Technical Progress (ATP) of the European Council's Dangerous Substances Directive (67/548/EEC). Annex 1 of the Directive sets out the classification and labeling information for thousands of chemicals that are classified as dangerous and pose risks to human health and/or the environment. The Annex is updated at routine intervals ensuring that dangerous substances and preparations ("chemicals") are correctly classified (a process which identifies all hazards to human health and/or the environment), labelled accordingly, and safely and appropriately packaged. This is the 29<sup>th</sup> such update. The full text of the 29<sup>th</sup> ATP (Directive: 2004/73/EC) can be found at:

[http://europa.eu.int/eur-lex/pri/en/oj/dat/2004/l\\_216/l\\_21620040616en00030310.pdf](http://europa.eu.int/eur-lex/pri/en/oj/dat/2004/l_216/l_21620040616en00030310.pdf)

Paper ACTS/27/2004 also set out HSE's plans for the amendment to the existing Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 (CHIP regulations) necessary to implement the 29<sup>th</sup> ATP in the UK.

ACTS was consulted on the draft HSC Consultative Document (CD) between 19 October and 12 November 2004. The draft CD detailed the proposed amendments to the existing CHIP regulations, the changes contained in the 29<sup>th</sup> ATP, together with a partial regulatory impact assessment.

Formal consultation is planned for January to March 2005. The HSC's CD will be published both in hard copy and via the HSC/E's web site. The amending CHIP regulations must come into effect on 31 October 2005, the date of entry into force of the 29<sup>th</sup> ATP.

## **6. Proposal for a Regulation of the European Parliament and of the Council – REACH**

### General Briefing

i. There are around 100 000 different substances registered in the EU, of which around 30 000 are manufactured or imported in quantities above 1 tonne. Complete data on the environmental and health effects is available for only a small proportion of these chemicals. The existing system for dealing with chemicals has been very slow to yield results.

ii. The European Commission published in February 2001 a White Paper setting out its strategy for a future chemicals policy. The aim is to ensure a high level of protection for human health and the environment, while ensuring the efficient functioning of the internal market, and stimulating innovation and competitiveness in the chemical industry.

iii. The White Paper proposed bringing new and existing chemicals under one system known as REACH (**R**egistration, **E**valuation, **A**uthorisation of **C**hemicals). The REACH system is intended to improve information about the hazards and risks associated with industrial chemicals. All chemicals manufactured or imported in volumes greater than 1 tonne per year are to be registered in a central database, at quantities greater than 100 tonnes substances be Evaluated, and substances of high concern eg carcinogens, mutagens and substances toxic to reproduction (CMRs) to be Authorised

iv. The Commission formally published the proposal on 29 October 03 and adopted it on the 28 November 03. The proposal is now subject to adoption by the European Parliament (EP) and the EU's Council of Ministers under the co-decision procedure.

v. The main themes of the new REACH scheme include:

**Registration:** A requirement on industry to collect, collate and submit data on the hazardous properties of all substances manufactured or imported into the EU in quantities above 1 tonne per year. In addition, industry should prepare risk assessments and provide safety information to downstream users.

**Evaluation:** There are two types of evaluation.

- Dossier evaluation covers all substances manufactured or imported into the EU over 100 tonnes per year. It requires Member States to assess and agree any testing proposals put forward by industry as part of their registration package.
- Substance evaluation provides a mechanism for Member States to review registration packages and consider whether more information is required.

**Authorisation:** Industry will need to gain authorisations for the use of substances considered to be of very high concern. These are substances that are identified as carcinogenic, mutagenic or toxic to reproduction (CMRs); persistent, bioaccumulative and toxic substances (PBTs); substances that are very persistent and very bioaccumulative (vPvBs); and substances demonstrated to be of equivalent concern, such as endocrine disruptors.

**Restrictions:** The provisions enable risk reduction measures to be introduced across the European Community where this is shown to be necessary. Member States or the Commission prepares proposals for restrictions.

**European Chemicals Agency:** The provisions create an agency for managing the technical and administrative aspects of the REACH system at Community level. In December 2003 the Council of Ministers decided that the Agency would be based in Finland.

## 7. **Launch of the Health and Safety Executive's (HSE) approach for Managing sickness absence and return to work:**

- I. On the 27<sup>th</sup> October, HSE launched its approach for Managing sickness absence and return to work in conjunction with the publication of the DWP Framework for Vocational Rehabilitation.
- II. HSE's approach is a non-medical model that practically addresses the barriers to return to work, whether work-related or not (see also ACTS/26/2004).

### **The following HSE products were launched:**

A priced guide for employers and managers, including a flowchart, that sets out practical advice, with examples, for growing a systematic and interventionist led approach for managing sickness absence and return to work (HSG249 - £9.95)

A free leaflet for employees on what actions they can take themselves to aid their return to work and where they can find further help and advice (INDG397).

A free desk-aid for small businesses setting out the key issues and actions they will need to consider and the benefits for managing sickness absence and return to work (INDG399).

New HSE web pages on managing sickness absence and return to work

([www.hse.gov.uk/sicknessabsence](http://www.hse.gov.uk/sicknessabsence))

### **Background on HSE's approach for managing sickness absence and return to work:**

- III. The Health and Safety Commission (HSC) in their new strategy recognised the need to strengthen through partnerships the role of health and safety in getting people back to work through a much greater emphasis on rehabilitation. The HSC, at their 11<sup>th</sup> May meeting, discussed a paper (HSC/04/10) on HSE's approach for Managing sickness absence and return to work and voiced their support.
- IV. HSE has developed, based upon the best evidence available and extensive consultation with experts and practitioners, including employer groups, trade unions and SMES, a good practice approach for managing

long-term sickness absence and helping those off work sick, whether the cause is work-related or not, to return to work. As a first step we are issuing on the 27<sup>th</sup> October guidance for employers and managers and advice for employees and small businesses.

- V. HSE is talking to identified partners and key stakeholders to use their networks to spread our approach for managing sickness absence and return to work. We will be targeting those sectors of the labour market where we can make the biggest difference.

### **The Framework for Vocational Rehabilitation:**

- VI. The DWP Framework for Vocational Rehabilitation outlines the scope, presents an overview of working practices and sets out the basic principles and approaches associated with effective vocational rehabilitation. It proposes structures to help people return to and remain in work. It makes reference to HSE's approach for Managing sickness absence and return to work and also the proposed Occupational Health and Safety Support Pilots and the Government Setting an Example Programme.

### **8. Occupational health aspects of nanotechnology**

Since the last update on 8 July 2004 (**ACTS/26/2004**) there have been two significant developments.

First, the Royal Society/Royal Academy of Engineering report ***Nanoscience and nanotechnologies: opportunities and uncertainties*** <http://www.nanotec.org.uk/finalReport.htm> was published on 29 July 2004. Since then HSE, together with other Government departments and agencies, eg the Department for Environment, Food and Rural Affairs (DEFRA) and the Environment Agency (EA), have been working to produce a draft Government's response to the report and, in particular, its 21 recommendations, some of which require HSC/E's consideration and input more than others. However, the recommendations are fairly high level and there is much work to be done with our partners over the coming months to satisfy ourselves and others that the recommendations will be addressed in a way that is acceptable to the wide community which holds an interest. It is expected that the formal Government response to the report will be given in December by Lord Sainsbury, the Minister for Science and Innovation.

Second, the First International Nanomaterials Symposium mentioned in the July paper, was held on 12-14 October 2004 at HSL in Buxton. It was extremely well attended by experts and interested parties from around the world. The immediate feedback from attendees was that the meeting was very timely and that it met the perceived need to get the relevant experts together to discuss the science. The third day, on which workshops covering research gaps and regulatory implications were held, was also well attended and provided an opportunity for lively debate of the issues raised in the Royal Society report. A report of the event will be put to WATCH in January as part of a package of information to inform their discussions

on nanomaterials, and it is proposed that the final report will be made available on the Web after that.