

## Small Business Trade Association Forum Minutes

<b>Meeting Date:</b>	17 <sup>th</sup> January 2007	<b>Open Gov. Status:</b>	Fully Open
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<b>Exemptions:</b>			

### Small Business Trade Association Forum

#### Minutes of the Meeting of the Small Business Trade Association Forum, held on 18<sup>th</sup> October 2006 in the Hope Room, Rose Court.

**Present:**

Judith Donovan CBE, Chairman  
 Anne Tipple, British Chambers of Commerce  
 Moira McMillan, British Coatings Federation  
 Annabel Berdy, British Retail Consortium  
 Leslie Hill, British Wood Preserving & Damp Proofing Association (representing the Property Care Association, the Wood Protection Association and the British Pest Control Association)  
 Peter Newport, Chemical Business Association  
 Janet Asherson, Confederation of British Industry  
 Andrew Braund, Confederation of Paper Industries  
 Paul Reeve, Electrical Contractors' Association  
 Louise Ward, Engineering Employers Federation  
 Phil Russell, Federation of Master Builders  
 Rosina Robson and Nyree Connell, Federation of Small Business  
 Tim Kind, Forum of Private Business  
 Wendy Nixon, Hair and Beauty Industry Association  
 Pat Stanley, National Farmers' Union  
 John Kell, Professional Contractors Group

**Apologies:**

Philip Clarke, British Association of Chemical Specialities  
 Pete Walker, British Constructional Steelwork Association Ltd  
 Daniel McAlonan, British Dental Association  
 Declan Moore, British Glass Manufacturers' Confederation  
 Bob Cotton, British Hospitality Association  
 Robert Keen, British International Freight Association  
 Michael Lee, British Woodworking Federation  
 Shelley Atkinson – Frost, Construction Confederation  
 Haydn Steele, Construction Plant Hire Association  
 Angela Hills, Federation of Tour Operators  
 Bob Towse, Heating and Ventilating Contractors' Association  
 Geraint Day, Institute of Directors  
 Robert Hudson, National Association of Shopfitters  
 John Gililland, National Care Homes Association  
 Howard Button, National Federation of Demolition Contractors  
 Catherine Tong, National Federation of Retail Newsagents  
 Ray Seymour, National Hairdressers Federation  
 Martin Isles, Quarry Products Association  
 Mike Floodgate, Radio, Electrical and Television Repairers' Association  
 Frank Ursell, Registered Nursing Home Association  
 Ruth Pott, Road Haulage Association  
 Tony Hutchinson, Rural and Industrial Design and Building Association  
 Garry Parker, Small Business Bureau  
 Jean Rennie, Timber Trade Federation  
 John Morecroft, Vehicle Builders and Repairers Association

**Officials Present:**

Jenny Eastabrook (Head Cross Cutting Interventions Division)  
Steve Mason (International Chemicals Unit)  
Tim Harris (International Chemical Unit)  
Jan Harris (International Chemical Unit)  
Carole Grainger (Workplace Transport Programme)  
Kenny MacDonald (Online Services)  
Phil Kemball (Strategy Division)  
Ami Badmus (Strategy Division)  
David Gregson (Secretariat)

Heather Butler – SBTA Secretariat  
Debra MacLeod – SBTA Secretariat  
Elizabeth Hornsby - SBTA Secretariat

<b>1.</b>	<b>Introductions and apologies</b>
1.1	Judith Donovan welcomed members to the meeting. Judith congratulated forum member Phil Russell, Federation of Master Builders, on having received an MBE for services to health and safety.
<b>2.</b>	<b>Minutes of the last meeting</b>
2.1	Members agreed the minutes of last minute were an accurate representation of the meeting.
<b>3</b>	<b>An update on REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals) and introduction to GHS (Globally Harmonised System of Classification and Labelling of Chemicals)</b>
3.1	<p>Tim Harris, International Chemicals Unit, updated members on Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH). REACH is a single coherent system for registering new/existing chemicals. It replaces several existing regimes and simplifies systems across Europe and will affect everyone who uses chemicals.</p> <p>It was previously up to regulators to gather data and assess risks. REACH will change the responsibility of those in the supply chain, shifting the responsibility to industry manufacturers to gather data about their products and to communicate adequate risk reduction measures to users. Manufacturers and importers have to register substances with the European Chemicals Agency (ECHA). Distributors and suppliers have to pass information up and down supply chain for example through safety data sheets – a mandatory document supplied to professional users which supplements the information on the label. Users must use substances safely, and have a duty to report information about unsupported uses back up to the supplier/distributor.</p> <p>The REACH regulations have now been adopted and will come into force from 1st June 2007. HSE will be the UK 'Competent Authority'. Pre-registration begins 1st June 2008. REACH will require a lot of communication between suppliers and users. Members were encouraged to contact their suppliers and begin a dialogue with them as REACH will place duties on all those in the supply chain to communicate up and down the supply chain.</p>
3.2	<p>In terms of what is considered to be a "chemical", the rule of thumb is that a substance that is covered by REACH will be accompanied by a safety label. Those chemicals that are currently covered by the CHIP regulations will be covered under the REACH system.</p> <p>Comments were made regarding REACH being disproportionate, and concerns were expressed it places heavy responsibility on the end user. HSE is aware that the regulations are large and unwieldy and will be doing all that it can to ensure that the regulations are as accessible as possible.</p>

	<p>Restrictions on use currently in place under the Marketing and Use Directive will be carried will be across into REACH, and that the ECHA would be developing, with input from member states, a list of priority substances for evaluation and possible restrictions once it has been established. This list will be made available at the earliest possible opportunity.</p> <p>A lively and varied discussion followed. HSE committed to examining the implications of the regulations waste disposal.</p> <p>It was agreed that there is an acute need to communicate any changes effectively and consistently to avoid the serious effects resulting from confusion, mixed messages and misinformation.</p> <p>There was support for HSE as a sensible choice for the named the competent authority and thus the responsibility for this work given its previous experience in this area.</p>
3.3	<p>Jan Harris introduced the topic of the Globally Harmonised System of Classification and Labelling Chemicals to the forum. The current system for the classification, labelling of hazardous chemicals is through the Chemicals Hazard Information and Packaging for Supply Regulations (CHIP). CHIP provides the framework that ensures users of chemicals are provided with the information they require to use chemicals without causing harm to themselves, others and the environment. For example, where hazardous chemicals are supplied, the system requires the packages containing the chemicals to be labelled, alerting recipients/users to the dangers.</p> <p>As trade in chemicals is global, suppliers have to meet different requirements around the world. The GHS is the UN's proposed system to establish a single harmonised classification and labelling system for the global supply of chemicals. As the EU has a mature, well-developed system, it is unlikely that member states will experience significant net benefits for human health or environmental protection. But for countries that have no system, GHS will be a significant step forward in the safer management of chemicals.</p> <p>The European Commission has proposed a draft Regulation to implement the GHS in the EU. This regulation will replace national legislation such as CHIP. This will be achieved over the transitional period of 7.5 years. The EU intends to implement the vast majority of the UN GHS. All chemical suppliers, both large and small, need to be aware of GHS and the changes that it will bring. GHS will bring changes to how hazardous chemicals are classified and how those hazardous properties are communicated to users. However, as GHS is very similar in concept and intention to the existing EU system, for the UK, the new Regulation will mean practical changes rather than the introduction of an entirely new regime.</p> <p>Once the Regulation has been adopted, the UK will need to introduce legislation to enforce it, including providing for penalties for non-compliance. There will be a transition period before GHS applies in full to allow Member States and industry to prepare for and implement the necessary changes. As currently drafted, the provisions of the GHS Regulation shall apply to substances 3 years after the entry into force of the REACH Regulation (1 June 2007), with the provisions applying to mixtures a further 4.5 years later. The European Commission is expected to publish its formal regulatory text and impact assessment at the end of February / start of March 2007. Formal negotiations are not expected until March 2007 at the earliest.</p> <p>Jan informed the forum that global companies are generally content with the proposed changes but that HSE would be very interested to hear the opinions of smaller companies regarding this issues and what they think it would mean to them on a practical level. She encouraged SBTAF members to raise the awareness of the GHS amongst their members and to encourage their members to comment on the proposed regulations and the UN GHS more broadly. Jan also encouraged members to assess the potential cost and benefits of the GHS to UK business and to, once it has been prepared, contribute to the Regulatory Impact Assessment.</p>
	<p>It was agreed that it was beneficial that HSE has involved itself in the discussions at a European level at such an early stage as this means that it will provide greater scope for influencing implementation of the new regulations. It was commented upon that one of the challenges relating to GHS would be the very long time frame associated with the changes, as although</p>

	there may be some initial cost to companies there could in fact be long term gains.
<b>4</b>	<b>HSC/E Merger</b>
4.1	<p>Phil Kemball presented the case for changing the structure of the existing HSC/E. In the 30 years since the creation of the HSC/E, the environment in which it operates has changed dramatically. In particular, smaller businesses are of greater importance; the UK now has a more diverse and less unionised workforce; and the key health and safety risks have changed over time. There have also been significant developments of best practice in public sector governance with non-executive input during the 30 years that the HSC/E has been in existence. HSC/E believes that it needs a wider skill set in its governing body, and that its roles and responsibilities need to be clearer to the public, who are currently unclear on the difference between HSC/E. The case for change is set out in further detail in the Consultative Document.</p> <p>The Consultative Documents were published on 5th December 2006 and pose 7 questions:</p> <ol style="list-style-type: none"> <li>1. Do you agree with our proposals for merging HSC and HSE into a new single authority for regulating health and safety at work in Great Britain?</li> <li>2. Do you agree with the overarching governance principles for a new merged health and safety authority?</li> <li>3. Do you agree that the governing body of the new merged health and safety authority should consist entirely of non-executive directors?</li> <li>4. Do you agree that the governing body should have the scope to increase in size to 11 independent members should the need arise in future? Do you have views on the right size?</li> <li>5. We would welcome your views on whether we should be doing more to enhance our relationship with stakeholders</li> <li>6. Do you agree that prosecution and individual enforcement decisions within a merged health and safety authority should continue to be taken by officials?</li> <li>7. Do you agree that the merged body should be known as the Health and Safety Executive?</li> </ol> <p>Comments are requested before the deadline of 5<sup>th</sup> March 2007.</p> <p>The consultative document proposes the establishment of a new single authority providing a more accountable structure, better decision making and a clearer public and regulatory presence. The governing body will be comprised of non-executives, providing clear separation of functions from that of the senior management team. Given the high level of recognition, it is also proposed that the new merged body will be known as HSE.</p>
4.2	A member of the forum queried whether the changes to the governance structure would have any effect upon Local Authority (LA) enforcement. Phil reassured the forum that there is no intention for the proposed changes to have any effect in this area and that HSE is committed to retaining and strengthening its partnership with LAs.
4.3	There was a discussion about the remit of the new governance structure and accountability to ministers. Jenny Eastabrook confirmed there was no intention to change the existing remit and that the new body would take on the existing remits of both HSC and HSE. Equally the consultation was not looking to change existing accountability arrangements, the new body will continue to report to ministers and the secretary of state at the Department for Work and Pensions.

4.4	<p>A member of the forum commented that although the reference to the fact that many members of the general public do not understand the difference between HSC and HSE it is something that industry and many stakeholders do comprehend. It was agreed by the forum that whatever changes are to be made to the governance of the organisation it is important to retain a system to assess and examine the work of the organisation.</p> <p>The Chairman expressed the importance of looking at the consultation documents and responding to them appropriately. In particular, an issue likely to be of interest to Forum members is at present there is no guarantee in the consultative documents for the representation of small firms in the proposed governing body.</p> <p>Phil is happy to discuss any concerns regarding the content of the documents before members committed themselves to a formal response.</p>
<b>5</b>	<b>Managing Workplace Transport Risk – A Route Map</b>
5.1	<p>Carol Grainger introduced the forum to the workplace transport route map tool, and outlined the reasoning for its production. All industry sectors are affected by workplace transport and in 2004/05, workplace transport injuries accounted for, 4% of all injuries reported, 6% of all major injuries reported and 31% of all fatalities. A workplace transport accident is more likely to lead to a serious or fatal injury than other forms of accidents. Research has told HSE that the reasons that these accidents occur is because of the failure to recognise a problem, failure to provide safe systems of work and the failure to ensure safe systems of work followed. Research has revealed that training is essential to provide the necessary skills to avoid accidents and that a change in culture in workplaces is required. The importance of quality management supervision was emphasised. Although the life span of a work site might be 50 to 100 years, there are some simple, low cost changes that can be made quickly to improve safety - and details of these will be available on the route map.</p> <p>The tool is an internet site which will be easy to navigate and search where all of HSE's advice on workplace transport issues will be available, together with links to other useful sources of information like DVLA and Freight Best Practice. There will also be a route for individuals to post their own questions if they cannot find the information they need. It is intended that the tool will provide a one stop shop for people to understand how to comply with workplace transport regulations.</p>
5.2	<p>Following the presentation there was a brief discussion regarding vehicles covered by workplace transport regulations. These are any vehicles on a work site, including any delivery vehicle and cars owned by employees. Vehicles on the road are not covered as they come under the jurisdiction of the road traffic regulations.</p> <p>There was some concern that HSE and DfT guidance does not always appear consistent. This is being addressed by HSE which is currently working closely with DfT to research this area of regulation.</p> <p>Carol committed to share with the forum the checklist on workplace transport which inspectors use so that businesses can fully understand what HSE expects with regards to compliance.</p> <p>The workplace transport team has requested further feedback on the tool outside the meeting.</p>
<b>6</b>	<b>HSE internet pages</b>
6.1	<p>Kenny Macdonald highlighted recommendations for improving HSE's Website resulting from customer feedback and research. Several improvements had already been made - e.g. the introduction of e-bulletins; online 'communities'; and optimising webpages to make it easier to find information using major search engines. Kenny explained that further improvements were on the way and showed Forum members how the website is expected to look upon completion.</p>

6.2	<p>A brief discussion followed concerning the problems that members believe they currently face when using the website. The SBTAF secretariat agreed to explore options for an online community to allow members to access information more easily and to facilitate the sharing of information and documents.</p> <p>Kenny asked the forum members to provide comments on the draft homepage [<a href="http://development.login@www.hse.gov.uk/testbed/newwebhomepage/dem/index.htm">http://development.login@www.hse.gov.uk/testbed/newwebhomepage/dem/index.htm</a>] and consider whether an SME specific bulletin would be helpful. Members asked for access to the web statistics demonstrated during the presentation. This can be found at <a href="http://development.login@www.hse.gov.uk/testbed/soles/overview_console.htm">http://development.login@www.hse.gov.uk/testbed/soles/overview_console.htm</a></p>
<b>7</b>	<b>Members' opportunity to raise 'hot' topics</b>
	<p>One member of the forum commented on an item from a previous meeting, that a lot of benefits had arisen from the WSA challenge fund and that it would be useful to learn from this experience.</p> <p>Jenny Eastabrook provided a brief update on the new minister, Lord McKenzie's, background and experience. Geoffrey Podger, HSE Chief Executive and Bill Callaghan, Chair of HSC, had met with the minister and discussed key HSE issues with him and that the minister had visited Rose Court this morning. In relation to the possible implications for the CDM regulations it was explained that the new minister was taking on the same brief as Lord Hunt and would be briefed on the CDM regulations as they are currently at a critical stage.</p> <p>The question was posed as to why forum members contact details were hidden in forum wide emails as the word forum suggests an arena for open discussion. It was explained by the secretariat that emails are sent in this way to avoid any correspondence between secretariat and members being circulated to all members and also to respect the privacy of those members that have chosen to be correspondence only members of the SBTAF. It was suggested that the establishment of an online community for the forum may provide members with a solution to this dilemma.</p> <p>A member of the forum requested that the forum note the increasing health and safety risks posed by the use of MP3 players in the workplace.</p>
<b>8</b>	<b>AOB</b>
<b>9</b>	<b>Meeting round up and close</b>
9.1	The Chairman noted that this would be the last SBTAF meeting of Elizabeth Hornsby. Elizabeth received a round of applause as thanks for her hard work in establishing and running the forum.
<b>10</b>	<b>Date of next meeting – 17<sup>th</sup> April 2007, 14.00 – 16.00</b>
<b>Actions</b>	<p>Secretariat to:</p> <ul style="list-style-type: none"> <li>• keep the forum up to date with GHS developments and inform them of any future consultations.</li> <li>• investigate establishing an online community for the SBTAF</li> <li>• establish whether anyone in HSE is aware of the health and safety risk of using MP3 players in the workplace and whether there is a need for guidance regarding this issue</li> <li>• send forum members the 'Inspector Checklist' referred to during the workplace transport presentation. This can be found at: <a href="https://www.hse.gov.uk/forms/transport/wtchk1.pdf">https://www.hse.gov.uk/forms/transport/wtchk1.pdf</a></li> </ul> <p>HSE officials:</p> <ul style="list-style-type: none"> <li>• Carol Grainger to correspond with members of the SBTAF regarding research on safe</li> </ul>

	<p>loading as necessary</p> <ul style="list-style-type: none"> <li>• Tim Harris to confirm the details regarding the details of the implications of REACH on waste disposal.</li> <li>• Kenny MacDonald was asked to provide access to the web statistics demonstrated during the presentation. This can be found at: <a href="http://development.login@www.hse.gov.uk/testbed/consoles/overview_console.htm">http://development.login@www.hse.gov.uk/testbed/consoles/overview_console.htm</a></li> </ul> <p>Forum members to:</p> <ul style="list-style-type: none"> <li>• raise awareness of GHS (Globally Harmonised System of Classification and Labelling of Chemicals) amongst association members, and in particular to seek information on the possible effects of GHS on their members. Contact details for the relevant member of staff are: Jan Harris: <a href="mailto:jan.harriss@hse.gsi.gov.uk">jan.harriss@hse.gsi.gov.uk</a> tel: 020 7717 6251, Steve Mason: <a href="mailto:steve.mason@hse.gsi.gov.uk">steve.mason@hse.gsi.gov.uk</a> tel: 020 7717 6122 Further information regarding GHS can be found on the HSE website at: <a href="http://www.hse.gov.uk/ghs">http://www.hse.gov.uk/ghs</a></li> <li>• feed in comments regarding the HSC/E merger. The consultation documents can be found at: <a href="http://www.hse.gov.uk/consult/condocs/cd210.htm">http://www.hse.gov.uk/consult/condocs/cd210.htm</a> Contact Phil Kemball at <a href="mailto:phil.kemball@hse.gsi.gov.uk">phil.kemball@hse.gsi.gov.uk</a> tel: 020 7717 6725</li> <li>• provide any comments on the Workplace transport 'route map' tool. In particular to inform HSE as to whether the tool will be valuable to small business and any suggestions you may have to improve the tool. Comments to <a href="mailto:carol.grainger@hse.gsi.gov.uk">carol.grainger@hse.gsi.gov.uk</a> tel: 0207 717 6992 If you did not attend the meeting and require a copy of the CD Rom of the tool please contact the SBTAF secretariat. Unfortunately we are only able to provide one CD per association however due to the associated production costs.</li> <li>• provide comments on the test bed site and feedback whether an SME specific bulletin would be a useful tool. The draft homepage can be found at: <a href="http://development.login@www.hse.gov.uk/testbed/newwebhomepage/demo/index.htm">http://development.login@www.hse.gov.uk/testbed/newwebhomepage/demo/index.htm</a></li> </ul>
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To contact the Small Business Trade Association Forum Secretariat, please email [sbtaf.secretariat@hse.gsi.gov.uk](mailto:sbtaf.secretariat@hse.gsi.gov.uk) or telephone 020 7717 6319