

Health and Safety Executive	Operational Circular
<i>Field Operations Directorate</i>	OC 9/4
Review Date	31/07/2008
Open Government Status	Fully Open
Author Unit	OHEU

To
 AFQ Inspectors (Bands 0-4)
 RSG/SSG Specialist Inspectors (Occ Hyg) (Bands 0-3)
 CHID Inspectors (Bands 0-3)

**THE ENVIRONMENTAL PROTECTION (CONTROLS ON
 HEXACHLOROETHANE) REGULATIONS 1998**

This OC gives advice on the Environmental Protection (Controls on Hexachloroethane) Regulations 1998, SI 1998 No 545. Enforcement arrangements for these Regulations have yet to be agreed.

BACKGROUND INFORMATION

1 EC Directive (76/769EEC), known as the Marketing and Use (M&U) Directive, was introduced in 1976 in order to harmonise member states' controls over the marketing and use of certain dangerous substances and preparations. A series of amendments since 1976 has added further substances and/or restrictions to those already controlled under the Directive. Responsibility for negotiating these amendments on behalf of the UK has been shared between the Department of the Environment, Transport and the Regions (DETR), the Department of Trade and Industry (DTI) and HSE.

2 The substances or groups of substances controlled under the Directive are considered to present a risk to human health and/or the environment. The substances include some mainly used in the workplace, including hexachloroethane (HCE).

3 Directive 97/16/EC (Annex B) extends the controls enacted by Directive 76/769EEC to use of HCE while recognising the Paris Commission's (PARCOM) decision 96/1 on the phasing out of the use of HCE in the non-ferrous metals industry.

4 A copy of the Environmental Protection (Controls on Hexachloroethane) Regulations 1998, SI 1998 No 545 and related DETR guidance (joint DETR, Scottish Office and Welsh Office circular number 05/98) entitled *Environmental Protection (Controls on Hexachloroethane Regulations)* have been issued to file 9.

USE OF HEXACHLOROETHANE

5 Hexachloroethane is used to remove gases from molten metal before casting to avoid gas bubbles in the cooled product (known as 'degassing' in aluminium production and the foundry industry). The controls on the use of HCE in this process are intended to reduce the possible risk of dioxins being released as a result of the high temperatures involved in metal processing.

RESTRICTIONS ON THE USE OF HEXACHLOROETHANE

6 From the 1 April 1998 the use of HCE in the manufacturing or processing of non-ferrous metals is prohibited by reg.3 unless the following exceptions apply:

- 1) research and development or analysis;
- 2) the production of specialised castings for applications requiring high quality and high safety standards in non-integrated aluminium foundries and where the average consumption is less than 1.5 kg of HCE per day; or
- 3) grain refining in the production of the magnesium alloys AZ81, AZ91 and AZ92.

7 Inspectors can obtain further guidance on these restrictions and alternatives to the use of HCE from the Metals and Minerals Sector, Cardiff, VPN 511 3000.

INTERPRETATION OF THE EXCEPTIONS

8 The term 'non-integrated foundry' in the Regulations means a foundry that is not on the same site as a primary metal production plant (a smelter), and which uses the metal in secondary (ingot and alloy manufacture) and tertiary (casting of articles) processes. In contrast, an 'integrated' foundry would be one where all these 3 process stages are carried out on the same site and by the same company. There are no such foundries of this type in the United Kingdom.

9 Aluminium smelters are not foundries, being metal manufacturing plants. The prohibition will apply to smelters unless the exceptions in para 6(1) and (3) apply.

CURRENT ENFORCEMENT POSITION

10 Enforcement powers have not yet been provided for these particular Regulations. DETR are currently drafting legislation which will provide the necessary enforcement powers for the relevant enforcing authorities.

ACTION BY INSPECTORS

11 It is possible that FOD offices may receive enquiries about these Regulations. Until the enforcement position has been clarified, inspectors should limit any advice they give to the information contained in paras 5-9. Callers who require any additional information about the Regulations should be referred to DETR, Chemicals and Biotechnology Division, Ashdown House, 123 Victoria Street, London SW1E 6DE, Tel 0171 890 3000.

12 If complaints or matters of concern come to light relevant to the legislation then details should be sent to the Occupational Health and Environment Unit (OHEU), Edinburgh, who will forward them to Health Directorate and DETR.

13 Any queries about the content of this OC should be directed to OHEU, VPN 520 2078.

31 July 1998
(220/FOD/1014/1998)
(Author Unit: FOD OHEU)
Disc ref: J:\Editors\CA1\ocfiles\9_4.sam

ASI headings

Aluminium: casting (pouring): castings: degassing: hexachloroethane: Environmental Protection

(Controls on Hexachloroethane) Regulations 1998: non-ferrous metal: substances.