

Health, Safety & Environment Committee



Minutes of meeting held on **Wednesday 24th October 2012 at 11.00am** in the Board Room of Federation House, 10 Vyse Street, Birmingham B18 6LT.

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Present:

Adrian Wlaker	Rimex
Bill Southworth	BSTSA Secretary
David Cass	Anopol Ltd
Jan Hughes	Poeton Industries
John Oliver	Anochrome Group
Lee Cooper	MacDermid plc (BSTSA)
Malcolm Griffiths	Ad-Qual Castech
Mervyn Brown	Haven Environmental
Neil Goodlad	Environment Agency
Paul Smith	HSE
Ron Read	IMF
Wieslaw Piatkiewicz	ICDA

Apologies:

Andrew Swain	Anopol Ltd
Cathy Phillips	Rolls Royce plc
Chris Brookes	TWB Finishing
Chris Taylor	Vitreous Enamel Association
Lee Grant	Stainless Plating
Paul Burke	Texturing Technology
Paul Handley	Heat Treatment 2000 Ltd (CHTA)
Paul Lansdell	Hart Materials Ltd
Paul Lovatt	Stainless Plating
Peter Atkinson	Dowding & Mills
Richard Woodward	Schloetter (BSTSA Reserve)
Roger Haw	Flame Hardeners
Roger Hooper	Nickel Institute
Stuart Whitehouse	Galvanisers Association
William Southall	Frost Electroplating

In attendance: David Elliott SEA/Secretary/Acting Chairman

Actions **Min 40/12 Apologies**

As listed above.

Min 41/12 Approval of Minutes of last meeting

The minutes of the previous meeting were approved and signed by the acting Chairman.

Min 42/12 Matters Arising

There were no matters arising that weren't covered by the agenda

Min 43/12 Correspondence

We have received the following correspondence:

1 – Notification from the HSE of the publication of the minutes of the last meeting of the United Nations Sub Committee of Experts (UNSCE) on GHS. Full details at:

<http://www.unece.org/trans/main/dgdb/dgsubc4/c4rep.html>

2 – Notification from the HSE of the ECHA consultation on the proposed harmonised classifications of Tebucanazole and Imazalil (both agricultural fungicides). Full details can be

Actions found at <http://echa.europa.eu/harmonised-classification-and-labelling-consultation>

3 – Notification from the HSE regarding CLP and the use of precautionary statements. Full details can be found at:

<http://www.unece.org/fileadmin/DAM/trans/doc/2010/ac10c4/ST-SG-AC10-C4-2010-12e.doc>

4 – Notification from the HSE regarding its position paper in respect of Dichloromethane paint strippers. Copy supplied with minutes.

5 – Notification from HSE of the 7th GHS Stakeholder Meeting to take place on Wednesday 5th December 2012 from 10:00 to 14:30 at HSE's offices at Rose Court, 2 Southwark Bridge, London SE1 9HS. Those interested in attending should contact jan.harris@hse.gsi.gov.uk

6 – Notification from DEFRA of the publication of a UK situation report on waste water collection & treatment in accordance with Article 16 of the Urban Waste Water Treatment Directive. Full details at: <http://www.defra.gov.uk/environment/quality/water/sewage/sewage-treatment/> and <http://cdr.eionet.europa.eu/gb/eu/uwwt16>

7 – Notification from HSE of the introduction of the Fee for Interventions scheme from 1st October 2012. Full details at <http://www.hse.gov.uk/fee-for-intervention/index.htm>

8 – Notification from HSE of the proposed 4th ATP to the CLP Regulations. Full details at: http://members.wto.org/crnattachments/2012/tbt/EEC/12_2818_00_e.pdf

9 – Notification from the Environment Agency of the publication of the Metals Sector Plan. Full details can be found on the SEA website at:

http://www.sea.org.uk/home/news?view=show&content_id=554

10 – Notification from the US Environmental Protection Agency of new National Emission Standards for Hazardous Air Pollutant Emissions: Hard & Decorative Chromium Electroplating, Chromic Acid Anodizing and Steel Pickling. Full details at:

<http://www.gpo.gov/fdsys/pkg/FR-2012-09-19/pdf/2012-20642.pdf>

11 – Notification from EnergyQuote JHA that participants in the Carbon Reduction Commitment scheme spent £657 million on buying allowances in order to comply with the scheme.

12 – Notification from our Dutch colleagues of a letter sent by the Dutch Ministry of Infrastructure and the Environment to DG Enterprise & Industry at Brussels, regarding their concerns with the authorisation of chromium trioxide.

Min 44/12 REACH & GHS

The Chairman informed the Committee that Peugeot Citroen were cutting 8,000 jobs in France and closing its plant at Aulnay. Ford were going to close its factory in Genk, Belgium with the loss of 4,300 jobs. This is the extremely difficult backdrop against manufacturers were struggling and the way in which the REACH Regulation was being implemented was only going to make things worse.

Following the last SEA House of Lords briefing luncheon, a meeting at been held with Secretary of State, Vince Cable to discuss our concerns regarding the potential impact on UK manufacturing by the authorisation of chromium trioxide. He agreed that the current situation was not helpful to the UK's recovery and long term growth and therefore DEFRA should be supporting UK manufacturing even if this means that the UK stood alone against the rest of the EU. He agreed to write to the Secretary of State for the Environment stating that Government Policy is to support UK manufacturing and that this must be the key aim in negotiations on environmental issues.

The Dutch Ministry of Infrastructure and the Environment has written to DG Enterprise & Industry at Brussels, regarding their concerns with the authorisation of chromium trioxide. They have called on the European Commission to reduce the uncertainty surrounding the authorisation process by adopting extended sunset dates and the guarantee that authorisations will be granted for processes that demonstrate an acceptable level of risk to human health & the environment. A copy of this letter has been forwarded to all of our political contacts.

Actions The Chairman attending a workshop in Brussels recently looking at the analysis of alternatives to nickel salts in surface treatment applications in the decorative sector. The workshop was organised by the Nickel Institute and chaired by the Danish research group DHI www.dhigroup.com It is hoped to have a draft report available early in the New Year.

It was interesting to note that the October 2012 issue of Products Finishing from the USA covered a story on a replacement coating for hard chromium electroplating – Nickel Boron. It is also interesting to note that when undertaking an analysis of alternatives for a substance requiring authorisation, you have to exclude any substances that could possibly be classified as a SVHC.

In August 2012, the European Commission instructed the European Chemicals Agency (ECHA) to take steps to eventually add 38 substances including 21 lead compounds to the REACH Candidate List. This list is the first step in the REACH Authorisation process. The proposing of the 21 lead compounds took the metals industry by surprise given the availability of a detailed Risk Management Option (RMO) analysis on some of them concluding that Authorisation is not the preferred route. At a meeting between the Commission's REACH Unit in DG Enterprise, Eurometaux and the International Lead Association (ILA), it was confirmed that the Commission's request to ECHA with regard to the lead compounds and the other 17 substances is only a first step of a longer term policy of the Commissioners to list more than 1000 substances as Substances of Very High Concern (SVHC) and place them on the Candidate List by 2020. This could have absolutely disastrous impacts on the whole of manufacturing and we will be working with all of our partners to oppose this in the strongest manner possible.

Min 45/12 Industrial Emissions Directive (formerly IPPC)

The Committee were reminded that under the new regulations, Industrial Emissions Directive instead of IPPC, the BAT conclusions from the BREF document would be incorporated into permits and expected to be achieved within a 4 year period.

Min 46/12 HSE matters

Paul informed the Committee that the Fee for Intervention scheme was now up and running. No invoices had been issued as yet because they are usually produced about 2 months after the initial site visit. Guidance on the HSE website has now been updated. A number of recent consultations have now closed, in particular ACOPs, self-employed persons & RIDDOR.

The final draft report from the biological monitoring programme will be available shortly for discussion with our sector. The key messages are that significant reductions in exposures are possible through the use of biological monitoring and subsequent process changes. Another key message is that it is possible to carry out both chromium and nickel plating processes with exposures close to background levels, but you must have a good understanding and control of the process. New guidance will follow on from the publication of the report.

Piat asked what the impact of Seveso III would be on dermal sensitisers. Paul agreed to get some information. The Seveso II Directive, implemented in the UK as the COMAH Regulations, is being revised and the new Seveso III Directive is currently being negotiated. A major change will be the use of the Globally Harmonised System (GHS) for classification of chemicals to determine whether they are within the scope of the Directive. There is the potential for sites to change their COMAH status (top tier, lower tier or non-COMAH) when the new Directive is implemented in 2015, depending on the substances and quantities held.

Ron Read asked if local inspectors had a time limit in which to revisit sites after an initial visit. Paul stated that there were no set limits and it really depend on the situation and whether the local inspector had confidence in the site.

A Tyneside firm has been fined after a worker was soaked with a concentrated, corrosive chemical and suffered serious burns. In a prosecution brought by the Health and Safety Executive (HSE), North Tyneside Magistrates' Court heard how as part of an electroplating process, the company used a stripping tank filled with a sodium hydroxide solution, which from time to time had to be topped up with a concentrate of the chemical. The employee was topping up the tank, by

pumping the highly-caustic concentrated sodium hydroxide from a drum into the tank, when the hose attached to the pump came off, soaking him in the corrosive chemical. He suffered serious burns to his legs and body, was in hospital for two weeks and had to undergo several skin grafts. The HSE investigation found that the hose had been attached to the pump with tape, rather than a permanent fixing such as a jubilee clip. The company was fined a total of £12,000 and ordered to pay £4,081 in costs after pleading guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 in that it failed to provide a safe system of work for topping up the stripping tank.

Paul informed the Committee that the HSE had produced new guidance on Working Safely with Nano-materials that might be of interest (copy attached)

Min 47/12 BERR (DTI) & DEFRA

The Chairman informed the Committee that the SEA were keeping on time with the scheduled produced by the Department of Energy & Climate Change for the introduction of the new climate change agreements. A lot of data collection was required by the end of this month in order for the new agreements to be in place for the new year. The new scheme will run until 2023 with targets through until 2020.

Min 48/12 Environment Agency Matters

Caroline Spelman replaced by Owen Paterson. Reviewing our work and positions

EPR Assurance Scheme

31 installations in trial which is for 18 months, 2 of which in non-ferrous sub sector. 1st trial audits with operators auditors complete and feedback session between EA, operator and TAs has happened. Main outcomes-1) All operators will remain in trial for second audit to allow full review of process 2) ability of auditor to do range and depth of audit EA require has been questioned and 3) operators on the whole would welcome competent EA inspectors onsite doing this work rather than auditor.

Permit Review, BREFs

EA going thru Ferrous permit review –first under IED so can be seen as a template for future sectors going thru BREF process. On publication of BAT conclusions, operators have 4 years to comply unless get a derogation from competent authority (EA). Permits will be issued during 4 year period up to active date identifying permitted limits etc from active date. Will also include derogation decisions. Derogations will be time limited. Reg 60 notices will be issued to operators probably in 1st year after BAT conclusions document published which will ask operators to inform us the areas where derogations may be sought.

Metals Sector Plans

Industry should have seen these already as they have been sent out to Trade Associations. The full plan is still with Harvey Bradshaw, Head of Environment and Business and will be signed off soon. The summary one already has Director signoff. They are not on our website as yet; I have been informed that they will be soon. The sector plan is mainly aimed at the ferrous sector as this has been identified as the most high risk.

EC Emissions Database

EA has been approached by DEFRA to provide emissions data for 3 ST sites which had historically been on database. Local agreements had meant that emissions were not being collated but were still needed by EC. There will be a review of local agreements.

Sustainable Business report

This is the new title of the Greener Business Report which has been discussed at previous meetings. The report will be provided to the TAs a couple of days before release as an embargoed document. Release generally will be in November.

Consultations

The Cabinet Office has released new [Consultation Principles](#) that replace the government's 'Code

of Practice on Consultation' and are for all Environment Agency formal consultations to follow. The emphasis of the new guidance is on taking a more flexible and proportionate approach to our consultations rather than following a set process. So instead of defaulting to the 12-week consultation period, we need to give more thought to how we engage and consult with our stakeholders, and plan a suitable type of engagement in relation to the effects of the proposal. Our consultation on EP Permitting and EUETS has for example gone out as an 8 week consultation finishing on the 9th Nov. An emphasis has also been placed on a greater use of e-consultation.

Piat agreed to provide an overview of his recent meeting with Harvey Bradshaw (see attached)

Min 49/12 Specialist Reports

49.1 Zinc

Piat informed the Committee that the proposed EQS (Environmental Quality Standard) for zinc under the WFD (Water Framework Directive) was 10.9µg/litre as an addition to background levels.

49.2 Nickel.

Nothing to report

49.3 Chromium / PFOS / COMAH

Nothing further to add

49.4 Waste Treatment

Nothing to report

49.5 Organic Coatings

Nothing further to add

Min 50/12 Association / Institute reports

50.1 BSTSA

Nothing further to report

50.2 IMF

Nothing further to report

50.3 IVE

Nothing further to report

50.4 CHTA

Nothing to report

Actions Min 51/12 Any other business

The Chairman informed the Committee of a consultation being undertaken by the European Commission regarding the TOP 10 most burdensome legislative acts for SMEs. The Chairman encouraged all Committee members to partake and to get others to contribute as well. Full details at: http://ec.europa.eu/enterprise/policies/sme/public-consultation-new/index_en.htm

Min 52/12 Dates of next meetings

22nd January 2013

23rd April 2013

23rd July 2013

22nd October 2013

Signed

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Chairman

Date