

Health, Safety & Environment Committee

Minutes of meeting held on **Tuesday 20th October 2015 at 11:00am** in the Diamond Suite of Federation House, 10 Vyse Street, Birmingham B18 6LT.

Present:	Bill Southworth Chris Halliday Chris Taylor Charlie Harris Daniel Meakin Dave Canham David Cass Jan Hughes John Oliver Judy Bradley Lee Cooper Mike Smith Paul Smith Rebecca Green Roger Hooper William Smith	BSTSA Stainless Plating Vitreous Enamel Association Environment Agency Rimex Metals Environment Agency Anopol Ltd Poeton Industries Anochrome Group Anopol Ltd MacDermid Ltd (BSTSA) Institute of Materials Finishing HSE Natural Resources Wales Nickel Institute Zinc Information Centre
Apologies:	Andy Bartlett Cathy Phillips Chris Brookes John McAlindon Lee Grant Malcolm Griffiths Mervyn Brown Paul Burke Paul Handley Paul Lansdell Peter Atkinson Roger Haw Wieslaw Piatkiewicz William Southall	Anopol Ltd Rolls Royce TWB Finishing HSE Bootle Stainless Plating AdQual Haven Environmental Texturing Technology Heat Treatment 2000 Ltd (CHTA) Hart Materials (IMF) Dowding & Mills Flame Hardeners Brook Green Consulting Frost Electroplating
In attendance:	David Elliott	SEA/Secretary/Acting Chairman

Actions **Min 12/15 Apologies**

As listed above.

Min 13/15 Approval of Minutes of last meeting

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

Min 14/15 Matters Arising

There were no matters arising that were not covered by the agenda.

Min 15/15 Correspondence

We have received the following correspondence:

- 1 – Notification from International Chemicals Unit at HSE of proposed revised harmonised classification for sodium hypochlorite. Full details are on the ECHA website at:
<http://www.echa.europa.eu/harmonised-classification-and-labelling-consultation>

- Actions** 2 – Notification from HSE of changes to H&S Law for the self-employed who pose no risks to other persons. Full details at <http://www.hse.gov.uk/self-employed/index.htm>
- 3 – Notification from the Environment Agency that Defra launched a consultation on its plan to improve air quality on Saturday 12 September, with a closing date of 6 November.
<https://www.gov.uk/government/consultations/air-quality-draft-plans-to-improve-air-quality>
 The consultation is linked to an economic analysis that sets out new values for the damage costs for some pollutants released to air.
<https://www.gov.uk/guidance/air-quality-economic-analysis>
- 4 – Notification from HM Treasury of a consultation regarding reforming the business energy efficiency tax landscape. Full details at <https://www.gov.uk/government/consultations/consultation-reforming-the-business-energy-efficiency-tax-landscape>
- 5 – Notification from Natural Resources Wales of a draft briefing note on emissions to water and sewer. This will be covered in agenda item 20/15
- 6 – Notification from EHCA of the publication of their September 2015 Newsletter. The Newsletter can be downloaded at <http://newsletter.echa.europa.eu/>

Min 16/15 REACH & GHS

DE reported that the VECCO legal action against the European Commission had unfortunately been dismissed. The legal action began on 8th July 2013 and the final decision was made on 25th September 2015 – good job we weren't in a hurry!! It is not clear whether there will be further legal action although the judgement of the European General Court contained the following in section 74 – The argument raised by the applicants could therefore succeed, as the Commission correctly notes, only if it were directed at the lawfulness of Article 58(2) of Regulation No. 1907/2006 – so maybe there is hope yet.

DE also reported that applications for authorisation for the continued use of chromium trioxide in our sector had been submitted by a group of 7 applicants representing the main producers of chromium trioxide (all outside of the EU) and key formulators. It was felt that the application for use in hard chromium plating has a reasonable chance of success but the one submitted for “functional chromium plating with decorative character”, essentially bright chromium plating, had little chance of success in its current form. It is too broad and not specific enough and trivalent chromium plating is an acceptable alternative for many of the applications mentioned in the application. Further applications are expected to be submitted before the end of the year. Full details can be found at: http://echa.europa.eu/addressing-chemicals-of-concern/authorisation/applications-for-authorisation-previous-consultations/-/substance-rev/10110/del/50/col/synonymDynamicField_302/type/asc/pre/2/view

DC (EA) asked if the refusal of authorisation would present a problem to the sector. DE replied that time, costs and uncertainty were the key issues. If the application for authorisation for decorative chromium plating is refused, then companies will only have until September 2017 to ensure they have a replacement process in place. Another key issue is that it is often the OEM that specify which finish should be used on a particular component and they are very slow to change specifications. This could lead to components being manufactured and coated outside of the EU.

DE stated that the listing of Boric Acid and other Borates as candidates for authorisation was very strange given that boric acid is used in eye drops, wound dressing and antiseptic and now it is suddenly a Substance of Very High Concern. Boric acid is used as a pH buffer in many electroplating solutions including trivalent chromium electroplating.

CT reported that borates were an essential ingredient in the production of vitreous enamels and the uncertainty caused by REACH was leading to companies source product outside of the EU.

Action Min 17/15 Industrial Emissions Directive (formerly IPPC)

There was a discussion regarding baseline reporting in respect of the condition of the site and whether intrusive boreholes were required. The current guidance states:

5.10. *Where the activity involves the use, production or release of relevant hazardous substances, and having regard to the possibility of soil and groundwater contamination at the site of the installation, under Article 22(2) the regulator must require the operator to submit a baseline report. Hazardous substances are those defined in Article 3 of Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures. 'Relevant' here means relevant to soil or groundwater pollution.*

5.11. *For new installations, meaning those not in operation before 7 January 2013, the report will normally be submitted as part of the permit application. If the permit has already been granted the report should be submitted prior to operation and regulators may issue an information notice for this purpose if necessary. Existing installations already in operation on 7 January 2013 should already have a baseline report which satisfies the requirements. If not, one will be needed at the time of the first periodic review after 7 January 2014. 28*

5.12. *A baseline report must contain the information necessary to determine the state of soil and groundwater contamination so as to enable a quantified comparison to be made at the time of surrender of the permit. Reports must contain information on the present use and, where available, also the past uses of the site and existing soil and groundwater measurements. Where existing measurements are not available new measurements, having regard to the possibility of soil and groundwater contamination by those hazardous to be used, produced or released by the installation concerned, must be included.*

5.13. *Operators must bear in mind that, since the permit conditions and subsistence charges will remain in place until the regulator is satisfied, by reference to the baseline report, that no deterioration in site condition has occurred, it is in their interest to have a robust baseline report.*

5.14. *When an operator wishes to surrender a permit, the state of soil and groundwater contamination by relevant hazardous substances used, produced or released by the installation, must be assessed. If it is found that significant pollution has been caused compared to the state established by the baseline report, the operator must demonstrate in the surrender application that the measures necessary to return the site to that state have been taken. The technical feasibility of such measures may be taken into account. Provided the regulator considers this demonstration is sound, it will be satisfied that the requirements of paragraph 14(1) of Part 1 of Schedule 5 to the EPR have been met.*

5.15. *Where a baseline report is not available (for example, in the case of some existing installations in operation before 7 January 2013 or where a report is not required), the operator must take the necessary actions to remove, control, contain or reduce relevant hazardous substances so that the site ceases to pose any significant risk to human health of the environment. The conditions of the site established in the application for a permit under the IPPC Directive and the current or approved future use of the site should be taken into account. Provided the regulator considers this has been done, it will be satisfied that the requirements of paragraph 14(1) of Part 1 of Schedule 5 to the EPR have been met.*

Further guidance is expected which will clarify exactly what information is required in the baseline report.

Min 18/15 HSE matters

COMAH guidance has been updated and full details can be found at <http://www.hse.gov.uk/comah/index.htm>

Actions The Health & safety Laboratories have published 2 research reports that may be of interest to our members. They are RR1068 – in respect of handling nano-materials in the workplace. Full details at: <http://www.hse.gov.uk/research/rrhtm/rr1068.htm> And RR1064 – which deals with air-fed visors. Full details at: <http://www.hse.gov.uk/research/rrhtm/rr1064.htm>

Dr Richard Judge became Chief Executive of the HSE in November 2014 and has been visiting all the regional offices and HSL and has been working on a revised strategy document for HSE which is hoped to be released before the end of this year. The deregulation agenda is still being pushed by Government but with the majority of legislation coming from the EU, it is difficult to see where this agenda will lead to.

There have been a number of high profile fatal accidents in the workplace recently – Bosley Mill wood processing plant and Hoddesdon explosion. Both caused by explosions so companies must assess potential risk from explosions on their site.

There is a new version of COSSH essentials now available on the HSE website at <http://www.hse.gov.uk/coshh/essentials/>

The EMF Regulations are still being considered and it is hoped to get some funding for a follow-on project to the Biological Monitoring one, which would assess intervention and how it is working.

Min 19/15 BERR (DTI) & DEFRA

Bill Smith informed the Committee that a new Strategy for Metals had been published entitled: Vision 2030: The UK Metal's Industry's New Strategic Approach. Full details can be found at: <http://www.metalsforum.org/Industrial-Strategy-for-Metals.html>

Min 20/15 Environment Agency Matters

DC reported that the Treasury had rejected the EA's request for an increase in fees for 2016-7. He explained that the consultation on air quality, as reported in the correspondence section item 3, would be focussing on NOx emissions (amongst other things) as it has been found that these emissions can have significant health and environmental impacts.

DEFRA has recognised that some of the earlier BREF documents were not ideal and that future BREFs need to be more focussed on achievable outcomes and environmental performance improvements. Rebecca Green will be the UK lead on the STM – Surface Treatment of Metals & Plastics BREF and stressed that any information provided needed to be realistic as it was no use setting BAT AELs that nobody could achieve. The BAT AELs need to be achievable but also challenging and assist companies in improving their environmental performance.

Bill Smith asked if there had been any progress with the Ferrous Metals Processing BREF. DC reported that as far as he was aware, there should be a kick-off meeting before the end of this year, but he had not received any confirmation and, therefore, expected that it would not take place.

RG gave an overview of the Natural Resources Wales draft briefing note highlighted in the correspondence section. She asked the committee to provide feedback to DE would then collate the information and forward to her. It was asked that the document should not be circulated outside of the committee at present. **COPY ATTACHED**

DM explained that he had encountered difficulties in obtaining sewage work dilution factors. RG explained that these were listed in Appendix 5 of the H1 guidance Annex D1 and were listed as Sewage Treatment Reduction Factors (STRF).

Full details at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/396920/LIT_10076.pdf

Min 21/15 Specialist Reports

21.1 Zinc

William Smith reported that following meetings with DEFRA and the EA and the collection of

Actions significant amounts of data industry felt that there was no case for prioritisation of zinc under the Water Framework Directive. However, the proposed EQS for zinc in freshwater of 10.9 micro-grams per litre would be difficult to meet.

21.2 Nickel.

RH reported that an amendment to EN1811 had now been published which effectively removed the uncertainty from the previous testing methodology which allowed for a “no decision” category alongside the pass and fail categories. There is no longer a “no decision” category associated with the standard

An amendment to EN16128 was finally agreed and it is anticipated that this will be published on 4th November 2015.

Guidance notes are being produced to help users understand the amended standards and a workshop is being planned for February 2016. Full details will be circulated when they become available.

21.3 Chromium / PFOS / COMAH

DE queried the current PFOS derogation. LC stated that his understanding was that the derogation was still in place for hard chrome plating applications but not for decorative chrome plating as this ran out on 26th August 2015.

21.4 Waste Treatment

RG informed the Committee that WM3 had been issued and full details were at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/427077/LIT_10121.pdf

DE gave a quick overview of the STOWURC project – use of crab shells to remove metals from effluent streams. The project website is <http://www.stowurc.co.uk/>

21.5 Organic Coatings

No report

Min 22/15 Association / Institute reports

22.1 BSTSA

Nothing further to add

22.2 IMF

MS reported that the IMF were updating their training courses to take into account the changes required under the CLP regulations.

22.3 IVE

Nothing further to add

22.4 CHTA

Nothing to report.

Min 23/15 Any other business

No other business

Min 24/15 Date of next meeting

19th January 2016

Roger Hooper gave his apologies for the next meeting as he will be out of the country then.

Signed: _____
Chairman

Date: _____