

SEA HS&E Committee Webinar Update 19th July 2022

Disclaimer

The material in this presentation is for informational purposes only and has been prepared by the Surface Engineering Association.

Although we have taken care to ensure that the information is current and accurate, it does not constitute legal advice and we are not liable for any omissions or misunderstandings.

Competition Law

During the webinar participants should not discuss any of the following items:

- 1 - Price or price elements (including discounts, rebates, surcharges, allowances, concessions, price mark-ups, and the like).
- 2 - Terms and conditions on which you supply services to your customers.
- 3 - Information relating to individual customers, suppliers, or competitors.
- 4 - Allocation of services, customers, markets, territories, or sales.
- 5 - Bids, bidding terms, tactics, strategies or practices.
- 6 - Refusals to purchase from, or modification of purchase arrangements with, suppliers.
- 7 - Profits, margins and costs.
- 8 - Strategic plans, business plans, intentions, promotional activities and marketing strategies or investment plans.
- 9 - Any other confidential or competitively sensitive information.

Overview

- REACH
- Silver Update
- HSE Issues
- Environment Issues
- Any sector / Institution Reports

UK REACH – SEA Consortium

3 applications for authorisation submitted before 30th June deadline

- 1 – Legacy components
- 2 – Sanitaryware and plumbing
- 3 – Technical requirements

35 companies in total

Applications fees to HSE total £92,097

UK REACH – SEA Consortium

Next steps:

Start work on applications to be submitted early 2023

Hard Chrome Plating

Passivating & Anodising

Formulation

HSE have 10 months in which to review applications and form their opinion, before sending to DEFRA for final decision

UK REACH eBulletin

Issued: 6 May 2022

HSE publishes restriction dossiers and opens public consultations on lead in ammunition and substances in tattoo inks and permanent make-up (PMU)

HSE has proposed a restriction on [lead in ammunition](#) as we have identified there is an unacceptable risk to human health and the environment that is not adequately controlled by current measures.

HSE has proposed a restriction on [hazardous substances present in tattoo inks and PMU](#) as a precautionary measure to address potential risks to human health, as there is currently no legislation in GB that addresses the risks presented by insertion into the skin of these substances.

In compiling the two restriction dossiers, HSE held a 60-day call for evidence on each proposal last year.

We are now opening a 6-month public consultation on each published dossier and invite interested parties to consider the questions posed to help us form opinions on the proposed restrictions in the next stage of this process.

In forming opinions on whether to introduce the restrictions, we will engage with our independent experts on the [REACH Independent Scientific Expert Pool \(RISEP\)](#), who will form a Challenge Panel to provide knowledge, scrutiny and challenge.

View the public consultations for:

- [lead in ammunition](#)
- [substances in tattoo inks and PMU](#)

Issued 19 July 2022

Presentations on UK REACH restrictions dossiers available

Presentations on the lead in ammunition and tattoo inks and permanent make-up (PMU) restriction dossiers are available on HSE's YouTube channel to help stakeholders understand them and respond to our ongoing public consultations.

The public consultations opened on Friday 6 May and close at midnight on Sunday 6 November 2022.

We are asking several questions to help us understand which of the restriction options provides the most effective, practical and monitorable approach to manage risks.

We intend to hold one or more meetings to help stakeholders further understand the restrictions and explain what information is required for the public consultations. We will aim to group stakeholders together by interest for these meetings.

There will be an opportunity to attend meetings in person or join remotely. If you are interested in attending, please email ukreach.clp@hse.gov.uk and further details about the meetings will be sent to you.

[View the lead in ammunition presentation](#)

[View the tattoo inks and PMU presentation](#)

The HSE has produced a final opinion on the below application for authorisation.
Reference: AFA001-01

Applicant: Rolls-Royce PLC

Substance name: Bis(2-ethylhexyl) phthalate (DEHP) [Toxic to reproduction (Article 57(c))]

Use: The processing of a stop-off formulation containing DEHP during the diffusion bonding and manufacture of aero engine fan blades

HSE sent the final opinion to the Appropriate Authorities on 29 April 2022. The Defra Secretary of State with the consent of the Appropriate Authorities have 6 months in which to make a decision on whether to grant the authorisation.

The opinion and other related documentation can be found on the HSE website:

[List of UK REACH authorisations – granted and applications in progress](#)

HSE publishes UK REACH Consolidated Report (2021) and Work Programme (2022/23)

UK REACH requires HSE (supported by the Environment Agency) to provide various reports on UK REACH activities and to agree an annual work programme for UK REACH operational activities.

HSE has published the UK REACH Consolidated Report, which outlines the relevant activities for the last calendar year of UK REACH operation.

We have also published the UK REACH Work Programme, which describes operational work planned for 2022/23.

[View the Consolidated Report and Work Programme on our website](#)

Silver update

Endpoints	Kemi proposal	EPMF proposal	RAC opinion
Skin sensitization	Cat. 1	No classification	No classification
Mutagenicity	Cat. 2	No classification	No classification (with minority position)
Reproductive toxicity	Cat. 1B	No classification	Reprotoxic Cat. 2 (H361) (with minority position)
STOT-RE	No classification	No classification	STOT-RE 2 (<i>brain</i>)
Carcinogenicity	No classification	No classification	No classification
Acute aquatic hazard	Cat. 1	Ag nano: Aquatic acute cat. 1, M=1000 Ag powder: Aquatic acute cat. 1, M=10 Ag massive: no classification	Ag nano: Aquatic acute cat. 1, M=1000 Ag powder: Aquatic acute cat. 1, M=10 Ag massive: no classification
Chronic aquatic hazard	Cat. 1	Ag nano: Aquatic chronic cat. 1, M=1000 Ag powder: Aquatic chronic cat. 1, M=10 Ag massive: no classification	Ag nano: Aquatic chronic cat. 1, M=1000 Ag powder: Aquatic chronic cat. 1, M=10 Ag massive: no classification

Silver update

Silver Advocacy Task Force Meeting

13 September 2022 (10:30-16:00 CET) – Sheraton Hotel, Brussels airport

Register online before 30th August 2022

<https://form.jotform.com/epmf/epmf-silver-task-force-registration>

Join from the meeting link :

<https://epmf.my.webex.com/epmf.my/j.php?MTID=ma7d160881420b9d8f3ddf3b713182a07>

Health & Safety

On 6 April 2022 the [Personal Protective Equipment at Work \(Amendment\) Regulations 2022](#) (PPER 2022) came into force and amend the [1992 Regulations](#) (PPER 1992).

They extend employers' and employees' duties regarding personal protective equipment (PPE) to limb (b) workers. HSE has reviewed and updated its [guidance](#) to explain the changes. This includes a revised version of [the Personal Protective Equipment at Work Regulations 1992 guidance](#) (L25).

Health & Safety

Temperature in the workplace: working safely in hot conditions

There's no law for maximum working temperature, or when it's too hot to work.

In offices or similar environments, the temperature in workplaces must be reasonable.

Employers must stick to health and safety at work law, including:
keeping the temperature at a comfortable level, sometimes known as thermal comfort

providing clean and fresh air

Our [thermal comfort checklist \(PDF\)](#) can help you identify whether there may be a risk of thermal discomfort in your workplace.

Employees should talk to their employer if the workplace temperature isn't comfortable. We have guidance on [what you can do to feel more comfortable](#).

Environment Issues

DEFRA and the EA publish guidance to organisations preparing for extended producer responsibility (EPR).

Under EPR, packaging producers will be made responsible for the full costs of managing the packaging that they place on the market. The guidance sets out who needs to take action in respect of the new EPR, what needs to be done depending on size of organisation and status as a parent/group/subsidiary, and details on how to prepare to capture packaging data depending on the type of packaging concerned. Guidance on producer responsibilities in respect of packaging waste (first published in 2014) and the packaging section of the producer responsibility regulations have been updated accordingly.

Full details at

<https://www.gov.uk/guidance/packaging-waste-prepare-for-extended-producer-responsibility>

Industrial Emissions Directive

On 5 April 2022, the European Commission adopted legislative proposals on the following:

- Industrial Emissions Directive <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0156R%2802%29&qid=1651130627889>

- Information document on the IED revision proposal:
<https://circabc.europa.eu/ui/group/06f33a94-9829-4eee-b187-21bb783a0fbf/library/cf99125f-11d1-44f3-9172-e33dc5bf3d52>

The ‘information document’ is purely illustrative and does not replace the legislative proposal. Particular attention should be given to the legal disclaimers at the start of the document.

Now includes references to human health

EU STM BREF

- Worrying developments with the production of the EU STM BREF
- Trying to collect data with spreadsheets
- 17 separate worksheets
- No chance of getting decent data
- CETS lobbying for change



Nickel Update

Surface Engineering Association HSE Meeting

Tony Newson
Web Conference, 19 July 2022

Nickel – REACH Restrictions update



1) REACH Restrictions Roadmap

- June 2021: draft Roadmap circulated by Commission to CARACAL
- Nickel and the **EU REACH restriction on nickel in articles in prolonged skin contact** were included in a rolling list of substance considered for possible review over the next years
- August 2021: NI submitted comments, arguing that Nickel should not be included, as the EU focus should be on improving compliance with the existing restriction.
- Final version of the [Restrictions Roadmap published on 25 April 2022](#)
 - Nickel is still included in the rolling list of substances / restrictions under consideration for a possible review in the future.
 - But it is regarded as a **low priority** by the Commission and ECHA

2) New call for evidence on “skin sensitizers” in consumer mixtures

- 15 June 2022: launched by ECHA together with DE / FR / IE – Deadline for comments: 30 September 2022.
- It could lead to a restriction on sensitisers in shampoos, soaps, other cosmetics, detergents, and paints.
- **NI to ask clarifications about the scope** of this new initiative **and provide comments**, as needed

Review of EU Nickel EQS



- **Background:** the Ni EQS was revised by the EU in 2013, setting a state-of-science standard fully supported by the NI
- **Issue:** the COM is preparing another revision of the EQS Directive and **the Ni EQS is considered again for review / revision**

	AA-EQS Inland surface waters	AA-EQS Other surface waters (marine)	MAC-EQS Inland surface waters	MAC-EQS Other surface waters (marine)
2008	20 µg/L	20 µg/L	Not applicable	Not applicable
2013 (current standard)	4 µg/L (Bioavailable)	8.6 µg/L	34 µg/L	34 µg/L
Draft by JRC (Nov. 2021)	4 µg Ni/L (tbc) bioavailable	2.25 µg Ni/L	3 µg Ni/L	0.072 to 0.55 µg Ni/L
Draft by JRC (Apr. 2022)	2 µg Ni/L (bioavailable)	3.1 µg Ni/L	7.2 µg Ni/L	7.2 µg Ni/L

- NI-NiPERA has concerns on draft Ni EQS. Extensive scientific comments on the draft Ni EQS dossier (Nov. 2022) sent by NiPERA in Dec. 2021

Issue relevant to all nickel value chain. EQS can impact the permit conditions

Review of EU Nickel EQS

Status and Next steps in the EU process:

- June 2022: meeting of expert subgroup (JRC, AT, DK, FR and NiPERA)
- July / August 2022: consultation of EU scientific committee (SCHEER)
- **26 October 2022 (tbc): publication of EC legislative proposal**
 - 2023-24: examination and adoption by EP and Council (political process)

NI views:

- The existing EU Ni EQS (4 μg / L) is scientifically robust and protective: when properly implemented, compliance is very high, indicating that Ni is not a broad risk
- We do not agree with the proposals, and the reduction of the freshwater EQS (from 4 to 2 $\mu\text{g}/\text{L}$) which is based on an unjustified increase in the AF from 1 to 2.

We have concerns on contents, the process and potential impacts
NI-NiPERA to provide comments on SCHEER opinion, when available

Nickel – Drinking Water update

1) Revision of WHO drinking water quality guidelines



- 22 Dec. 2021: [final WHO background document](#).
- **New:** [revised WHO DW Quality Guidelines](#) published on 21 March 2022
- Guidance updated on some chemicals and metals (e.g. chromium, manganese, nickel, silver). There are **no changes to the existing WHO drinking water standard for nickel** (70 µg/Ni/L)

2) Implementation of EU Drinking Water Directive



- Commission and ECHA are implementing the new harmonised EU regime for acceptance of materials in contact with DW
- Dec. 2021: ECHA draft compilation of national positive lists. Stainless steel, cast iron, carbon steel, “**platings**” and various alloys are on the metallic material list
- Work to continued in 2022 - EU Positive list of substances and materials by 2025

Nickel – Drinking Water update

3) Webinar on Drinking Water materials and products

- 24 June 2022 France Water provided an update on European DWD developments
- Eddo HOECKSTRA, DG JRC, focused on analytical and testing methods
- JRC's involvement with DWD Article 11 is based on their expertise in FCMs and the associated test methods, which includes migration, material composition, microbial growth, migration modelling, chemical analysis, data for RA and for official control monitoring.
- The presenter provided an overview of existing test methods including:
 - EN 155664-1 (Rig test for metal release)
 - EN 15664-2 (Test waters)
 - EN 16058 (Surface coatings with Ni)
 - EN 16057 (Residual surface Pb)
 - EN 16056 (Stainless steels/Passive materials)
 - CEN/TR 16364 (Migration modelling)

Natural Resources Wales



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

1 – Sewage Treatment Reduction Factors (STRF) are taking into account by companies completing a H1 assessment regarding their Environmental Permit. NRW, in conjunction with the Environment Agency, have decided that this approach should not be used when considering emissions of metals as the sewage treatment works are not designed to remove metals from wastewater.

2 – NRW is reviewing its charging scheme and a consultation is expected in the Autumn. The proposals are to change from using the OPRA performance scores to a flat-rate fee which can be adjusted according to the complexity of the site

Update from Marlen Moreno

1 – Consultation on extending the UK REACH submission deadlines for transitional registrations. Consultation closes on 1st September 2022 and full details can be found at:

<https://consult.defra.gov.uk/reach-policy/consultation-on-extending-the-uk-reach-submission/>

2 – Call for evidence launched regarding Annex 14 amendments. Closing date is 12th August 2022 and full details can be found at:

https://consult.defra.gov.uk/reach-policy/annex-14-call-for-evidence-dchp/supporting_documents/Call%20for%20Evidence%20document%20dicyclohexyl%20phthalate.pdf

3 – Lisa Allen, Senior Regulatory Affairs Manager at the International Lead Association has been working on a number of projects, including REACH, regarding the safe use of lead. It may be worth exploring her giving a presentation to the Committee at a future date.



DONM – 1st November 2022 @ 11:00