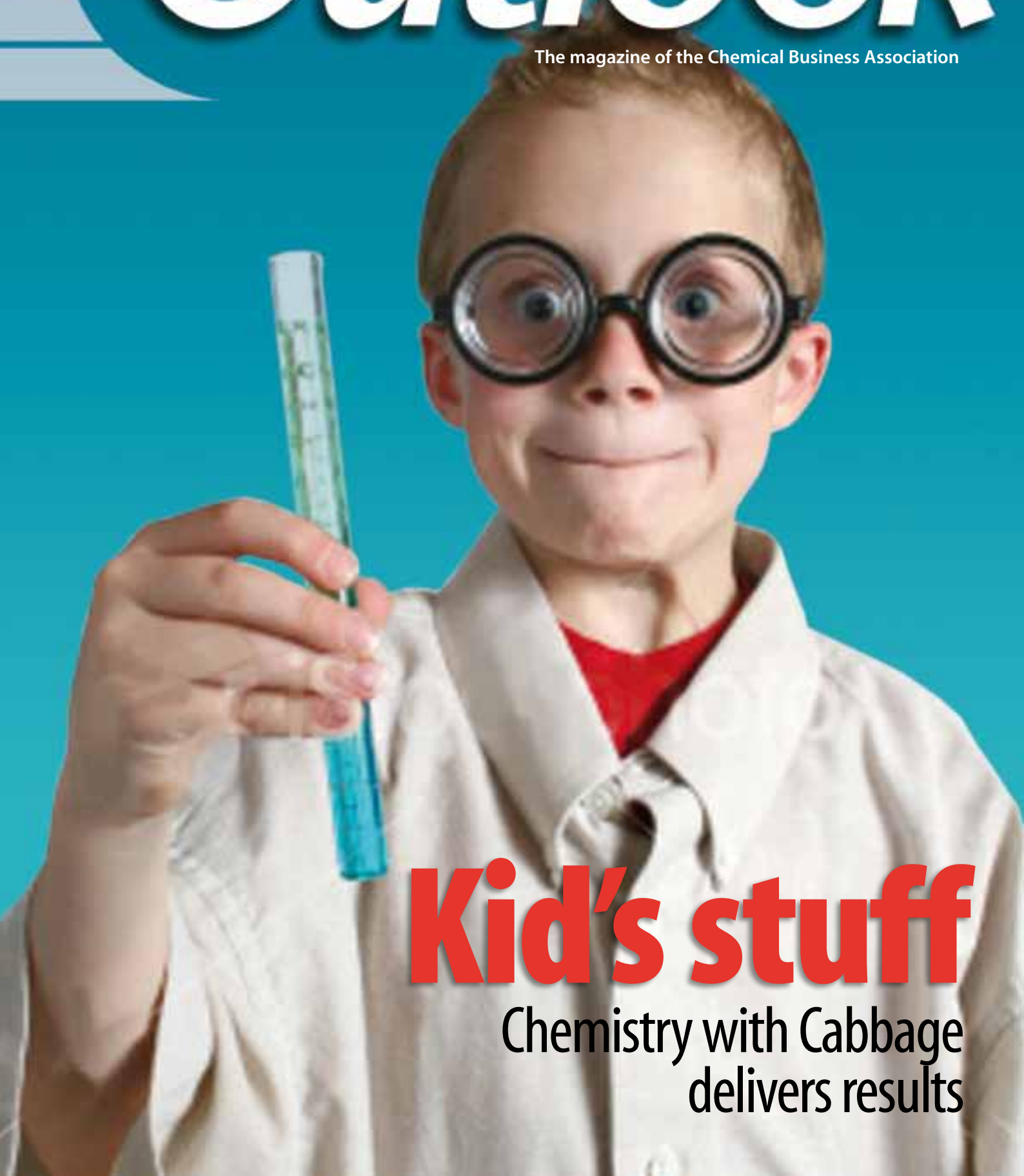


March 2010

Outlook

The magazine of the Chemical Business Association



Kid's stuff

Chemistry with Cabbage
delivers results

Welcome to CBA Outlook

In this issue of Outlook Magazine we demonstrate the lasting benefits of industry supporting educational projects. An interest in science, first stimulated by the award-winning Chemistry with Cabbage initiative, has resulted in a group of students achieving GCSE results which have exceeded their teachers' expectations.

Much of the credit for these achievements must go to the students themselves and their teachers. However, it is accepted on all sides that these results would not have been achieved without the Chemistry with Cabbage initiative supported by CBA member companies.

We also report on a CBA achievement which has saved many members hundreds of thousands of pounds. Intensive lobbying by CBA and other industry bodies has resulted in an acceptance by the Health & Safety Executive that stricter containment measures, being applied to the storage of petroleum following the Buncefield incident, are not required in relation to the storage of other hazardous chemicals.

In addition to all the latest industry news, Outlook includes a review of road transport law as it applies to CBA member companies as well as an analysis of the important difference between ISO accreditations and the European Single Assessment Document, ESAD.

I hope you enjoy reading this issue of Outlook.

Peter Newport
CBA Director

Outlook

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The views and opinions expressed in Outlook are not necessarily those of CBA.

For Outlook advertising rates, contact CBA on 01270 258200.

Book now for the Annual Lunch

Bookings are now being taken for the industry's major event of the year – CBA's Annual Lunch on 28 April at the Grosvenor House, Park Lane.



Dr Phil Hammond

The Annual Lunch offers unprecedented networking opportunities and demonstrates – both to principals and customers – the industry's continued confidence in its future growth.

For 2010, CBA has introduced a new incentive for companies to book more tickets than last year. Full details of this incentive can be found on CBA's website, www.chemical.org.uk by clicking on Events.

As usual, CBA has engaged a top-flight guest speaker – Dr Phil Hammond – a broadcaster, writer and comedian.

Phil Hammond has written and appeared in a number of comedy shows on medical themes: 'Doctors and Nurses' for BBC1 and 'Trust me, I'm a Doctor' for BBC2. He is a regular on 'Have I Got News for You' and Rob Brydon's 'Annually Retentive' on BBC television as well as the 'News Quiz' on Radio 4. He has written Private Eye's medical column 'Doing the Rounds' since 1992. In addition, Phil Hammond still works part-time as a General Practitioner in the Bristol area.

CBA's Annual Lunch also offers member companies a series of unique profile-raising opportunities in front of an audience including

many of the industry's key decision-makers.

There are a number of slots available on a high-visibility rolling audio-visual presentation which runs on large screens in the Great Room of Grosvenor House. This package is available to a limited number of companies. It offers a number of promotional slots and provides 16 minutes of exposure in a series of two-minute slots. For 2010, CBA has held the cost of this promotional package at 2009 prices – £1,500 + VAT.

Other promotional opportunities include:

- Sponsorship of the whole event
- Guest speaker
- Advertising (Annual Lunch booklet)
- Display stand

For further details of these sponsorship opportunities, contact CBA's Marketing Manager, **Nicola Jones** on **01270 258200** or e-mail on nicola.jones@chemical.org.uk



Members of the SAS Group



Lorelly Wilson

Chemistry with Cabbage delivers results

The long-term benefits of the Chemistry with Cabbage schools initiative – sponsored by CBA member companies – are now becoming clear as students take their GCSEs.

Students, whose interest in science was first sparked in primary school by the award-winning Chemistry with Cabbage workshops, have achieved GCSE results that have exceeded their teachers' expectations

Around 3,000 students every year attend a workshop in their final year before going to secondary school. To assess the benefits of Chemistry with Cabbage, one high school elected to track the longer-term effect of the workshops by selecting a number of students who were not necessarily the most academically able, but who enjoyed the Chemistry with Cabbage experience.

The students all now attend the Verdin High School, Winsford, Cheshire, and have become known as the SAS Group (Special Aptitude for Science). Throughout their time at secondary school, the members of the Group have benefitted from an enhanced science curriculum consisting of attending an after-school science club which gave them the opportunity to carry out supervised experiments.

Lorelly Wilson, the driving force behind Chemistry with Cabbage, believes these GCSE results show the long-term benefit of the initiative.

"The initial interest in science stimulated by Chemistry with Cabbage workshops has been successfully developed by the Verdin

High School. In science, the students in the SAS Group have achieved excellent results. Both the students and the Verdin High School should be proud of their achievement. But this would not have happened without CBA member companies supporting and sponsoring Chemistry with Cabbage," she said.

CBA President and Chairman of Norkem Holdings plc, Mike Smith, a sponsor of Chemistry with Cabbage, said, "As an industry, we constantly express concern about the status of science teaching in our schools. We have sponsored Chemistry with Cabbage for many years to promote a greater understanding of the importance of chemistry to modern society. This is a long-term project. There are no quick fixes. These first results of the SAS Group are very heartening and I'm sure all the CBA companies sponsoring this initiative will want to congratulate both the school and the students."

Teachers welcome the spirit of enquiry engendered by the Chemistry with Cabbage workshops and the fact that they help to make science accessible to students of all ages and abilities.

Lucy McKenna, head of science at Verdin High School, said, "It is a delight to have such enthusiastic students. We are doing some really interesting work with them and expect to turn many of them into the scientists of the future."

Many of the SAS Group will be staying-on at school to continue their scientific studies. "This is particularly pleasing," said Lorelly

About Chemistry with Cabbage

Chemistry with Cabbage provides full day, hands-on chemistry workshops for primary schools. It has given hundreds of pupils in Year 6 (10 year-olds) the chance to do their own experiments using everyday household chemicals. Chemistry with Cabbage workshops are now delivered in more than 100 schools every year and have proved hugely popular with both pupils and teachers. In 2005, Chemistry with Cabbage won the Royal Society of Chemistry's Education Award.

Current sponsors of Chemistry with Cabbage

- Alcohols Limited
- Lake Chemicals
- Norkem Limited
- Pearl Chemicals
- Multisol Group
- Stort Chemicals
- Univar Limited

Wilson. "The members of the SAS Group are not academically gifted in the traditional academic sense, but they now have a real interest in science and its practical application. This progress has also been noted in official circles. Ofsted Reports on participating schools have now cited Chemistry with Cabbage no fewer than eight times as an example of best practice," she added.

COMAH thresholds tripped by Sodium Hypochlorite reclassification



Doug Leech

The reclassification of sodium hypochlorite to meet the new EU CLP regulations will result in some member's sites coming within the Control of Major Accident Hazard Regulations (COMAH) from December 2010. For other sites, the reclassification will mean operating at the higher COMAH top tier level for the first time.

CBA's Technical Manager, Doug Leech, said, "The big change is that the reclassification effectively removes the exemption in the Dangerous Substance Directive applying to sodium hypochlorite solutions below 25% concentration as available chlorine. We calculate

that this change could affect around 10 or more member sites."

The reclassification means that the method of determining the environmental hazard posed by sodium hypochlorite solutions has changed. The new regime requires that the 'worst case' is adopted regarding classification, with solutions or mixtures containing over 2.5% available chlorine being assigned to the R50 category as 'very toxic to aquatic organisms'.

However, there are other ways to decide the classification allowed by the Directive, such as testing the entire mixture. The International Association for Soaps, Detergents and Maintenance Products (AISE),

one of the sectors most affected by the reclassification, is now in discussions with the UK's Health & Safety Executive and Environment Agency.

AISE research shows that R50 may not be required for solutions and mixtures with up to 5% available chlorine. The UK authorities have broadly accepted the AISE position, but make it clear that, whilst this interpretation may apply in the UK, it is not legally binding in the rest of Europe. "It will be important therefore for companies to verify data with national competent authorities in other relevant European Union member states to ensure the UK interpretation is accepted in that country," said Doug Leech.

The reclassification also has important implications for labelling and storage. Substances classified as R50, R50-53, and R51-53 are subject to the COMAH Regulations. However, as Doug Leech points out, "In general terms, sodium hypochlorite on its own will not usually bring sites into the scope of COMAH, but when it forms part of the cumulative total of environmentally hazardous substances on site, it may well do so."

A CBA Member Briefing note on the reclassification of sodium hypochlorite is available from the members' section of CBA's website –

www.chemical.org.uk

REACH ROUND-UP

SIEF inactivity threatens deadline

Official concern that the problems with Substance Information Exchange Forums (SIEF) could threaten the REACH 2010 deadline has resulted in the creation of a tri-partite review involving the European Commission, the European Chemicals Agency (ECHA) and industry bodies. The review, known as the REACH Directors' Contact Group, will meet regularly over the coming months to monitor progress and make recommendations. Industry is represented on the review by the European Chemical Industry Council (Cefic); the organisation for the metals industry, Eurométaux; the minerals grouping, REACH Alliance; the oil producers, CONCAWE; the SME body, UEAPME; and FECC on behalf of the distribution industry.

CBA REACH guidance

An updated version of the REACH guidance, written by CBA's technical team, is now available on the Members' Only section of CBA's website. The guidance notes provide a summary of a range of key REACH topics and have been specifically prepared to meet the needs of CBA member companies. To read this REACH guidance, go to **www.chemical.org.uk** and click on CBA REACH Update Series.

Minister focuses on animal testing

Dan Norris MP, Minister for Rural Affairs and the Environment at the Department for Environment, Food and Rural Affairs (Defra), has issued a statement designed to reinforce the REACH provisions relating to minimising animal testing. Mr Norris said that REACH required animal testing to be used only as a last resort. Companies have to seek the approval of the European Chemicals Agency (ECHA) before they can undertake animal testing. This process involves a 45-day public consultation on the test proposals to allow third parties the chance to provide information on the substance which would render animal testing unnecessary. In December 2009, Defra produced guidance to encourage industry to use alternative approaches to animal testing, such as Quantitative Structural Activity Relationships (QSARs).

SPEAKING UP VOICES OF BRITISH BUSINESS



The report of a two-year project reviewing the effectiveness of communications between business and government has recommended a closer dialogue on policy questions and the creation of long-term creative networks to promote better collaboration on key issues.

The Voices of British Business Report was a project run by the Department of Business, Innovation and Skills (BIS) and the Trade Association Forum, an organisation representing around 300 trade associations – including CBA.

Launching the report, the Minister for Business and Regulatory Reform, Ian Lucas MP, said that he believed business organisations, through the Trade Association Forum, had a key role to play in helping the Government to develop policies that would help British business to take advantage of new opportunities in the global economy.

Many of the report's recommendations are focused on improving the systems and sensitivities of Government officials and their departments, through training workshops and good practice events. Overall, the implementation of the report hopes to achieve a 'step-change' in relationships between Government and business.

The report also recommended closer co-operation between trade associations. In the chemical sector, progress has already been made on this front by the formation almost twenty years ago of the Alliance of Industry Associations (AIA) which brings together 11 trade associations representing companies in



Ian Lucas MP
Minister for Business
and Regulatory Reform

the chemical supply chain. Collectively, these associations represent 1,200 companies with an annual turnover of £28 billion and 75,000 employees.

Peter Newport, CBA Director said, "The Voices of British Business Report makes many constructive recommendations. The AIA has put the chemical supply chain ahead of the curve in relation to these developments. It is a virtual organisation - with no staff, no revenue, and no overheads. It meets on a regular basis to discuss issues of mutual concern, share information and, where appropriate, adopt common positions."

NANOTECH NEWS

Call for public register of Nano-foods

The UK Foods Standards Agency should establish a register of approved food products containing nanomaterials as they enter the market according to the latest report published by the Science and Technology Committee of the House of Lords. The report, published in January, called on the Agency to create a confidential database of risk assessment information about nanomaterials to help to provide a foundation for further research. It also expressed concern about the current adequacy of food safety legislation in the context of nanomaterials which, the Committee believes, are entering the market at a speed which is outstripping both contemporary scientific research and the competence of the current regulatory framework. Despite these reservations, the Committee is convinced that the commercialisation of nanotechnologies should be encouraged.

Commissioner designate targets Nanotech

The Environment Commissioner designate for the European Union, Janez Poto nik, believes that further regulation is necessary in relation to nanomaterials. Speaking at a meeting of the European Parliament's Environment Committee, he indicated that it was becoming increasingly clear that REACH was not enough and that nanomaterials required a stronger regulatory framework. Poto nik, a Slovenian politician and the current Science and Research Commissioner, indicated that he would not hesitate to act as he believed it was in the interest of everybody, including industry, to ensure the safety of nanotechnology.

Europe raises concerns over US EPA proposals

The European Union has expressed concerns about proposals by the United States Environment Protection Agency (EPA) to bring in rules relating to the new uses of carbon nanotubes. The EPA is considering a new rule which would require manufacturers, importers, or processors of multi-wall and single-wall carbon nanotubes to give 90-days notice of their intended use. The key concern is that the EPA's proposal could introduce significant legislative differences and market conditions between the United States and Europe. The European Union has suggested that the EPA waits for the results of an Organisation for Economic Co-operation and Development (OECD) report which aims to develop standard tools for testing in both the United States and Europe.

Millions of substance notifications expected by classification and labelling deadline

Millions of substance notifications will have to be made to the European Chemicals Agency (ECHA) by 3 January 2011 under the newly harmonised classification and labelling rules.

These notifications, which were originally required by the REACH Regulations, have now become part of the Classification, Labelling and Packaging (CLP) Regulation applying to all substances 'placed on the market' in the European Union by manufacturers or importers. The new rules mean that substances have to be reclassified from 1 December 2010 and mixtures from 1 June 2015.

Because the new CLP Regulation does not exempt small tonnages from its provisions, it covers substances which may not otherwise require to be registered under REACH.

ECHA is developing systems to handle the millions of substance notifications it will receive. These systems should be available during the first half of 2010. ECHA is keen to encourage 'group submissions' – for example, by manufacturers or importers in a Substance Information Exchange Forum (SIEF).

ECHA is already becoming nervous about the capacity of its REACH IT system to cope with millions of notifications under the CLP Regulations – particularly because the first REACH registration deadline also by 1 December 2010.

It looks likely that three possible submission options will be available for classification and labelling notifications:

- **IUCLID 5 – though ECHA recommend companies using this option should wait for the release of version 5.2 in the first half of 2010;**
- **On-line submission form – designed for smaller and medium-sized enterprises;**
- **Bulk submission of XML files.**

The REACH IT system will contain a dedicated menu for classification and labelling and each substance notification could require the completion of up to 200 data fields. After completing the notification procedure, companies will receive a report from ECHA as evidence that they have complied with their CLP obligations.

The notification deadline, 3 January 2011, applies to substances already on the market. Companies placing substances on the market after this date have one month to complete the notification procedure.

A CBA Member Briefing on these provisions is available from the members' section of CBA's website www.chemical.org.uk

The new CLP Rules

Manufacturers and importers need to notify the European Chemicals Agency by 3 January 2011 of the classification of substances placed on the market that are:

- **Subject to the REACH registration (for substances to be registered by 1 December 2010), notification will be part of the registration dossier;**
- **Classified as hazardous – regardless of volume;**
- **In mixtures above certain concentration limits which result in the need for classification.**

MANAGING

Many investigations into major incidents reveal evidence of a failure to recognise the early warning signs of increasing hazard risks. CBA and the UK Warehouse Association have now issued guidance to the chemical warehouse sector designed to provide assurance that major hazard risks are under control.



Ian Travers, HSE

The Buncefield and Texas City incidents have focused the attention of the regulatory authorities on safety in the major hazard sector and the consequences of a failure of companies to effectively manage major hazard risks.

In July 2009, CBA signed a commitment on behalf of its member companies to the Principles of Safety Leadership. The Chemical Industries Association has entered into a similar commitment on behalf of its members.

Since this time, CBA has been working with the UK Warehouse Association (UKWA) and Health & Safety Executive (HSE) to develop practical guidelines to help companies to manage hazard risks.

CBA's Director, Peter Newport, said, "We recognised that smaller businesses and warehouses may have limited technical and managerial resources. We were therefore keen to develop a pragmatic framework which recognised these constraints, but nevertheless moved the management of safety beyond the reliance on historical data to key leading indicators."

Roger Williams, CEO of the UK Warehouse Association, said, "Though the Guidance is focused mainly on sites within the scope of the Control of Major Accident Hazard (COMAH) Regulations, it provides a model of performance measurement which can be easily adapted to other facilities needing to maintain the integrity of their safety systems."

Extension to current

The UK's chemical manufacturing, storage and distribution sector will not now be required to meet the higher containment standards for hazardous liquids that have been applied to the storage of petroleum products.

Following the Buncefield incident, the Environment Agency (EA) as a member of the COMAH competent authority was actively considering introducing higher containment standards for hazardous liquids throughout the chemical sector.

CBA members companies operate 58 major hazard sites and

the proposed extension to the secondary and tertiary containment policy would have directly affected 34 of these sites and involved major capital investment in order to achieve compliance with the enhanced requirements being proposed.

CBA Director, Peter Newport, said, "We believed that an extension of the containment policy was unnecessary for hazardous liquids other than petroleum products as many of the CBA members already had high levels of bunding and have invested heavily over recent years in refurbishing existing and new sites to meet the current standards. It

MAJOR HAZARD RISKS

The Guidance provides a six-step programme to creating Safety Performance Leading Indicators (SPLI):

- 1** Establish an Implementation Team – to include senior managers and technical specialists with the resources and support to deliver SPLIs.
- 2** Decide the scope of the SPLI Programme – select the most relevant indicators from the existing Safety Management System (SMS) – by activity, site, or company – and identify the safety critical risks.
- 3** Identify the existing risk control systems – these could include inspection and maintenance routines, instrumentation, fire detection, operating procedures, staff competencies and so on.
- 4** Identify the critical element of each risk control system – and set the leading indicator in respect of each element which would show that the system is operating correctly – for example, the percentage of safety critical equipment which has been inspected on schedule.
- 5** Establish a data collection and reporting system – with senior management regularly receiving key performance information and taking decisions on any corrective action.
- 6** Review the data – senior managers and directors should regularly review the performance data to establish trends, to ensure that the SMS is operating effectively, and that risk control systems are continuing to operate as intended.

The Guidance provides examples of key indicators relevant to the warehouse sector. As part of the process of developing the Guidance, pilot tests of these indicators were conducted to ensure their practicality and effectiveness.

The Health & Safety Executive (HSE) has endorsed the CBA/UKWA Guidance. Ian Travers, Head of the HSE's Chemical Industries' Strategy Unit, said, "The critical importance of high standards of safety management and strong leadership is now well understood. Unfortunately, many companies have lost their sense of vulnerability to major incidents and believe that such an event could not happen within their business. The use of key performance indicators can help to provide a clear, accurate, and ongoing picture of the status of control measures needed to prevent major incidents."

For a copy of the Guidance, go to the public section of CBA's website www.chemical.org.uk

BOOK NOW FOR THE CBA/UKWA WORKSHOP

The CBA/UKWA Guidance will be launched at a special full-day Workshop on Tuesday 16 March 2010 at the Hilton Hotel, Coventry. The Workshop will feature a step-by-step introduction to Safety Performance Leading Indicators as well as case studies and presentations by the Health & Safety Executive. The cost of the Workshop to CBA/UKWA members is £99.50 + VAT; the cost to non-members is £195.00 + VAT. This includes lunch and other refreshments. To reserve a place at the Workshop contact **Claire Morris** on **01270 258200** or e-mail claire.morris@chemical.org.uk

containment policy 'unnecessary'

was also clear that complying with further requirements would represent a massive cost burden on the industry at a time when it could least afford it."

Intensive lobbying by chemical industry associations, including CBA, succeeded in persuading the Agency to undertake a review of secondary and tertiary containment measures in the chemical manufacturing, storage, and distribution sectors before taking any further action.

During 2009, the EA sent questionnaires to 214 sites within the scope of the Control of Major Accident Hazards (COMAH) regulations. Site operators self-

assessed each of the bunds, site containment, policies and procedures for their storage facilities. This provided responses relating to no fewer than 1,210 bunds.

To check these responses, the EA then audited 20% of all sites. As the result of these audits, EA

Inspectors confirmed that they were in agreement with 80% of the responses they had audited. Of the 20% of responses involving some measure of disagreement, the EA found that 14% required further assessment, 3% did not have containment measures in place, and 3% either had measures in place or the measures were not

applicable.

The COMAH Authorities Strategic Management Group has therefore now concluded that the 'standards of containment currently in place for the bulk storage of hazardous liquids in the chemical manufacturing, storage, and distribution sectors do not deviate significantly from established good practice.'

"This is a very satisfactory outcome and a major saving for CBA member companies," said Peter Newport. "Another aspect which weighed in the industry's favour was the final report of the Process Safety Leadership Group which sets clear benchmarks for



Peter Newport

the industry in relation to secondary and tertiary control measures," he added.

ISO v ESAD – A WORLD OF DIFFERENCE

Many companies wrongly believe that an ISO certification is more or less the same as the European Single Assessment Document (ESAD) or the Safety and Quality Assessment System (SQAS). Daniel Raymond of Worldwide Quality Assurance sets the record straight.

How do ISO certification and ESAD differ?

It's surprising how many misconceptions there are about ISO certification and ESAD. The most important difference is that ISO covers general management systems applying to an entire company, whereas ESAD focuses on those systems and operations specifically relevant to a company's role as a chemical distributor. This difference becomes clearer when you

ESAD Progress

Since ESADII became available, some 256 chemical distribution sites have completed an ESAD assessment throughout Europe. In the UK, some 39 sites have been assessed. The pace of SQAS/ESAD assessments is quickening. In 2009, the number of ESAD assessments rose by more than 60% across Europe.

recognise the origins of ESAD which arose from a joint initiative by Europe's chemical manufacturers and distributors. The intention was to develop a voluntary system for assessing the health, safety, and environmental standards of distributors' operations as well as providing an independent third party assessment of Responsible Care.

How does this translate in practice?

One of the key differences in practice is that, in an ISO assessment, there is considerable discretion in relation to non-conformances – but no such discretion exists with ESAD. The ESAD questions require a 'Yes' or 'No' answer – the Assessor has no discretion. In ESAD, there is no such thing as a pass or fail – it is an assessment with an overall percentage score at the end. One of the reasons for this approach is that ESAD was designed to apply throughout Europe and therefore it includes questions that reflect the regulations in different member states.

Are these the only practical differences?

No. The questions in ESAD are much more specific. For example, an ISO assessment will require companies to demonstrate they have procedures in place to undertake risk assessments. But

ESAD takes this an important stage further. An ESAD assessment will want to ensure that documented procedures are in place for actually implementing the risk assessment process. Similarly, ISO requires systems to be in place to manage any sub-contractors, such as third party hauliers or warehouse operators. ESAD, on the other hand, requires companies to show that they have procedures to assess the actual performance of these sub-contractors from operational and regulatory compliance perspectives.

Is ISO relevant at all to an ESAD assessment?

ISO is a very good foundation for an ESAD assessment. However, by definition, it is designed to assess general management systems. ESAD on

About WQA

Daniel Raymond has undertaken ISO assessments in a wide range of industries around the world including Europe, the United States and China. He has undertaken ESAD and SQAS assessments in Turkey and Europe as well as the UK. Worldwide Quality Assurance is a UKAS accredited certification body specialising in the chemical sector – see www.worldwideqa.com



Daniel Raymond

the other hand has been specifically geared to assess a chemical distribution business.

Is ESAD assessed on a consistent basis across Europe?

Yes – an ESAD assessment can only be undertaken by assessors that have been trained, examined and approved by a Training Group run by Cefic (the European Chemical Industry Council) and FECC (the European Association for Chemical Distributors).

In your experience, has ESAD proved to be a robust system?

ESAD definitely achieves its objectives. It is a comprehensive assessment of the health, safety, quality, security and environmental aspects of a distributor's performance and ensures they are assessed in a uniform manner. It also means the distributors avoid the costly process of multiple individual assessments from different chemical manufacturers.

NEW TPV LOGO

The International Council of Chemical Trade Associations (ICCTA) has issued a new logotype for companies whose Responsible Care programme has been subject to independent Third Party Verification (TPV) through a suitable assessment scheme, such as SQAS/ESAD. Permission to use the new logotype will be granted by ICCTA member associations, such as CBA for the UK, and be reviewed every three years to coincide with re-assessments. The use of the logotype is voluntary and companies wishing to use it will be required to allow CBA access to their assessment report to validate their compliance with Responsible Care. Further details of the rules relating to the ICCTA logotype and the design guidelines can be found in the Members' only section of CBA's website www.chemical.org.uk by clicking on Responsible Care.



Registration opens for FECC Congress

Delegates are now able to register for the Annual Congress of the Federation of European Chemical Distributors (FECC) which will take place in Barcelona, from 31 May – 2 June 2010.

This year's congress theme is 'Creating Value through Differentiation' and will include sessions on: Consolidation and Specialisation; the impact of REACH; Value Positioning in a changing world; and the European Union's new competition rules.

The Congress will attract delegates from companies throughout Europe as well as delegations from major markets such as the United States, South America, India and the Far East.

The venue is the Princesa Sofia Gran Hotel and the congress will be moderated by Lyn Tattum, Chemical Week.

FECC Congress offers a Partner Programme, including a full-day tour of Barcelona, a full-day tour of the wine region of Penedes, and half-day tour of to the historic town of Montserrat.

For further information, details of the Congress rates and sponsorship opportunities go to www.fecc-congress.com



Welcome to new members

Hammonds

Hammonds LLP

Hammonds LLP is a leading commercial law firm with offices throughout the UK, Europe and in Asia. It employs over 1,000 people working from 11 offices in six jurisdictions. As a full service commercial law firm, with acknowledged expertise in the chemicals sector, the firm is able to advice on a wide range of legal issues relevant to both the chemicals industry and CBA member companies. The firm's services cover: health and safety, the environment and transport to commercial agreements, employment issues, and competition law. Hammonds' in-house specialists in the chemical industry can offer general regulatory advice and specific REACH guidance.

Contacts David Williams
E-mail david.williams@hammonds.com
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Facsimile 0870 460 2703



Hanson Logistics

Owned by Robert and Brook Hanson, the sons of the late legendary business entrepreneur Lord Hanson, the business can trace its roots back to 1848 with the transportation of wool from Huddersfield to the cottage weavers in the Pennines. Still headquartered in Huddersfield, Hanson Logistics has extensive warehousing and transportation operations throughout the North of England including a top tier COMAH warehouse for handling and storing hazardous goods together with a repacking, blending and sampling facility. In addition our freight forwarding activity provides a comprehensive worldwide import/export service.

Contacts Mike Oldroyd – Site Manager
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Technical Helpdesk

CBA's Technical Team – Doug Leech, Michael Cooper and Natalie Gilligan – highlight current issues



Revised Safety Data Sheets

CBA member companies are affected by two key changes to the rules for Safety Data Sheets (SDS) that are now in the process of being approved by the European Union's legislative system. They concern issues relating to the publication of the full REACH registration number for each substance and the revised headings that will be used in the SDS.

The Last Four Digits – The REACH Regulation requires the full registration number for each substance to be shown in the SDS. As the last four digits of the registration number would be different for each registrant, this was identified as a particular problem for distributors and formulators. Because they purchase substances from a range of sources, it meant they would have to enter every number from every supplier on to the SDS. CBA lobbied the UK Department of Environment Foods and Rural Affairs (Defra) and the European Commission has now agreed that distributors and downstream users have the legal

right to omit the last four digits of the REACH registration number.

SDS Headings – The new SDS text will introduce 47 new mandatory sub-headings, which when added to the existing 16 headings makes a total of 63. Each of these headings must be populated with text and cannot be left blank or completed by entering 'not applicable'.

The implementation deadlines for updating SDS are staggered due to the staggered implementation of the CLP classification requirement for substances and mixtures. For substances placed on the market before 1 December 2010, which do not need to be relabelled and repackaged in line with the new CLP provisions, the existing SDS provisions will remain in force until 30 November 2012. For mixtures placed on the market before 1 June 2015 and which do not need to be relabelled and repackaged in line with the new CLP provisions, existing SDS are valid until 31 May 2017.



Doug Leech



Michael Cooper



Natalie Gilligan

Maritime Dangerous Goods Code

Two changes to the International Maritime Dangerous Goods Code (IMDG) came into force on 1 January 2010. They relate to the training of personnel and the classification of marine pollutants.

The training of shore-side personnel has been brought into line with similar requirements under the ADR provisions. The new training requirements have been prompted by an apparent lack of knowledge on the part of shore-side personnel which has resulted in avoidable accidents during the sea voyage and at ports. Details of the training have to be recorded and must be made available on request to the competent authority, the Maritime and Coastguard Agency (MCA).

The IMDG Code e-learning course from EXIS Technologies meets this requirement. Prices vary on the number of computers activated. For further details, visit the website www.imdge-learning.com or email imdge-learning@existec.com

Newly harmonised provisions for the classification of marine pollutants have also been adopted by IMDG to bring it in line with the ADR (road) and RID (rail) classifications. A new Marine Pollutant symbol has been introduced in the United Nations diamond style to replace the old triangular mark. Other changes relate to the ways in which a substance becomes classified as a marine pollutant.

CDG – Tunnel Restrictions

On 31 December 2009, new provisions relating to the transport of dangerous goods through certain UK tunnels came into force. A total of nine tunnels are affected and are now categorised by a single letter designation, A to E. The Dartford, Mersey, Tyne, Clyde, and Ramsgate tunnels have varying levels of restrictions from A to D; the London tunnels of Rotherhithe, Blackwall, East India Dock, and Limehouse have all been assigned the most restrictive category, E. One or other of these categories have been assigned to each United Nations number in the ADR dangerous goods list. Loads within the scope of the ADR/CDG provisions can only now travel through tunnels with a lesser letter code than is applied to the load. For multi-substances loads, the most restrictive code should be applied to the entire load. See www.dft.gov.uk/adobepdf/165226/460089/ADR_TunnelCodes.pdf for further details.

CBA has prepared Member Briefings providing step-by-step guidance to these provisions. For further details, go to the Members' Section of CBA's website – www.chemical.org.uk



THE RULES OF THE ROAD

Transport law for the chemical sector

Over the last five years, there have been significant changes in road transport law affecting the chemical sector. New offences, such as causing death by careless driving, have been introduced.

This new legislation now forms part of an already comprehensive legislative framework which also includes The Goods Vehicle (Licensing of Operators) Act 1995 (and its attendant Regulations); The Corporate Manslaughter Act 2007; and the Health & Safety at Work etc. Act 1974. This legislative framework creates specific road transport offences many of which impact on an Operator's Licence in the event of a breach.

In 2008, causing death by careless driving became an offence. It was considered necessary to plug the gap between the charge of causing death by dangerous driving, with a maximum penalty of 14 years imprisonment, and the relatively minor offence of driving without due care and attention which, in practice, was usually dealt with by way of a fine and penalty points. The offence of causing a death by careless driving attracts a prison sentence of up to 5 years.

Authorities believed that drivers involved in fatal collisions were being charged with driving without due care and attention because it would have been difficult to secure a successful prosecution under the more serious offence of causing death by dangerous driving. The new offence reduced the burden on the prosecution in situations where a fatality was caused by the actions of the driver.

For transport operators in the chemical sector, The Goods Vehicle (Licensing of Operators) Act 1995 (the '1995 Act') and The Goods Vehicle (Licensing of Operators) Regulations 1995 (the '1995 Regulations') are possibly the two most important pieces of legislation.

Both the 1995 Act and the 1995 Regulations effectively provide a framework within which transport operators are required to conduct their business.



Andrew Sanderson, a specialist road transport lawyer at Hammonds LLP, provides a guide to road transport law for the chemical sector.

Andrew Sanderson

Operators must ensure that they have the appropriate maintenance agreements in place, conduct regular servicing of vehicles, have sufficient financial resources in place to ensure the maintenance of vehicles etc. The regulations need to be adhered to by operators to ensure compliance.

Failure to comply with the 1995 Act or the 1995 Regulations will result in an

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investigation by VOSA and possible Public Inquiry before the Traffic Commissioners with the very real possibility of revocation or suspension of the operator's licence.

During the course of 2007, The Corporate Manslaughter and Corporate Homicide Act was introduced. It was designed to make organisations accountable for their actions whereby a fatality had resulted. There has been a number of high profile, but unsuccessful, prosecutions for corporate manslaughter in the past including, for example, the Herald of Free Enterprise disaster.

The new corporate manslaughter legislation is designed to make it easier for the authorities to bring a prosecution. The first prosecution under the Act has come in

the transport sector. It is important that operators in all transport sectors, but specifically in the chemical sector, are aware of their responsibilities under the Corporate Manslaughter Act to ensure that they are following their obligations to reduce risk to their employees and members of the public. Conviction under the Act can lead to unlimited fines and publicity orders which would have severe impact on operations.

It is worth noting that the Health & Safety at Work Etc. Act 1974 has been in place for a considerable period of time and provides a framework under which an organisation can be prosecuted for a breach of its health and safety duties either to one of its employees or a member of the public. Again, as is the case with the Corporate Manslaughter Act, a conviction in the Crown Court allows an unlimited fine to be imposed.

Should a transport operator be prosecuted for one or more of the offences discussed above this would have a significant impact on their Operator's Licence.

It is essential for the company to inform the Traffic Commissioner of any such conviction and it would then be for the Commissioners to decide what action to take. Should there be a serious breach, an investigation and subsequent Public Inquiry could be called with the possibility of curtailment or indeed suspension or revocation of the Operator's Licence. Any impact on the Operators Licence would have a detrimental affect on any operation.

Operators who wish to discuss these matters further can contact Andrew Sanderson at andrew.sanderson@hammonds.com or 0207 655 1060.

New ReFaC Manager

ReFaC has appointed a new Business Development Manager. **Dr Darren Staniforth** was previously Business Development Manager with Bostik Limited. He graduated in chemistry at Lancaster University where he also undertook doctoral research. After a period in R&D, in 1990 he moved into technical sales management with Evode Limited. In 2000, he joined Bostik Limited, initially as its Technical Sales Manager and he later became its Business Development and Product Manager. In this role, Darren became involved in the commercial and technical aspects of REACH



compliance in addition to communications with suppliers and downstream users. Darren can be contacted on 01270 258530 or by e-mail at manager@refac.eu.

DIARY DATES

- Date: **16 March 2010**
Event: **Safety Performance Leading Indicators**
Venue: **Hilton Hotel, Coventry**
- Date: **23 March 2010**
Event: **Northern Regional/Nucleus Meeting**
Venue: **BASF, Cheadle Hulme**
- Date: **25 March 2010**
Event: **Southern Regional/Nucleus Meeting**
Venue: **CIA, London**
- Date: **15 April 2010**
Event: **REACH Forum (Members Only)**
Venue: **CBA, Crewe**
- Date: **28 April 2010**
Event: **AGM/Annual Luncheon**
Venue: **Grosvenor House, London**
- Date: **12/13 May 2010**
Event: **Emergency Response Seminar**
Venue: **Tatton House, Crewe**
- Date: **19 May 2010**
Event: **Storage Tank Seminar**
Venue: **Ramada Hotel, Crewe**
- Date: **22 September 2010**
Event: **CDG – The Basics**
Venue: **CBA, Crewe**
- Date: **28 September 2010**
Event: **Northern Regional/Nucleus Meeting**
Venue: **BASF, Cheadle Hulme**
- Date: **29 September 2010**
Event: **Southern Regional/Nucleus Meeting**
Venue: **CIA, London**
- Date: **13 October 2010**
Event: **Trade Controls for Chemicals**
Venue: **CBA, Crewe**

NEWS DESK

Norkem appoints Sutton Winson

Norkem has appointed specialist insurance broker Sutton Winson following a competitive tendering process involving several other firms. Led by Norkem's Finance Director, David Robinson, the review was designed to ensure that Norkem received the best possible blend of service, competitive pricing and attention to its current and future insurance needs, both in the UK and overseas. Sutton Winson responded to the Norkem brief with a comprehensive proposal covering premiums, broker's remuneration, risks and exposure, relationships with insurers and the levels of service it would provide. "Sutton Winson ticked all the boxes and demonstrated an eagerness and insight not shown by the other parties," said David Robinson. A CBA member company, Sutton Winson supported CBA's European Single Assessment Document (ESAD) initiative by offering free ESAD assessments in exchange for being allowed to conduct a no obligation insurance review of the companies for which it is providing funding.

Multisol wins Product Stewardship Award

Multisol's approach to product stewardship has been recognised by an award made by the European Solvents Industry Group (ESIG). ESIG represents Europe's major solvents manufacturers and, since 1999, has made its annual product stewardship awards to companies making significant and cost-effective health, safety, or environmental improvements in their use of solvents. Competing against companies from every European country, Multisol received the second runner's-up award. Group CEO, Paul Oliphant, said, "This is a fantastic achievement for Multisol. Product stewardship is an integral part of our everyday operations and a key element in our success."

CBA MEMBER SERVICES

FREE Chemical Services Directory

If your company provides services to the chemical sector, have you taken advantage of a free entry in CBA's Chemical Services Directory? The fully searchable, on-line directory aims to promote the services offered by member companies. It can be accessed from the home page of the CBA's web site –

www.chemical.org.uk. For more information, e-mail nicola.jones@chemical.org.uk or call **01270 258200**.

On-line Update Newsletter

CBA's Update Newsletter is now available in an on-line format which is sent directly to your in-box. Update is a quick and user-friendly way of keeping up-to-date on a wide range of industry issues – from regulatory changes and consultations; to commercial opportunities and events, meetings and conferences. If you currently do not receive Update and would like to do so, just contact the CBA office – **01270 258200** or e-mail cba@chemical.org.uk