

Global Safety and Health Briefing

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Introduction

This fourth annual ASSE PDC global safety and health briefing is intended to provide a high level overview of current issues, trends and challenges impacting safety professionals around the world. Web sources are provided for more detailed information on the various points within this paper.

As the time of this writing, some of the key issues, trends and challenges for multinational companies include:

- I. Chemical Substance Management (Global Harmonization System)
- II. Executive Leadership & Workplace Health and Safety -- ISO 36000 Risk Management
- III. Criminal Liability legislation: Canada & the UK
- IV. ISO OHSMS, OHSAS 18001 & 18002
- V. EU: Website Update

I. Global Chemical Substance Management

During the August 2007 Action-Reaction Conference on Developing a Sustainable Approach to Emerging Chemical Issues, John Marburger, Ph.D., director, Office of Science and Technology Policy, Executive Office of the President (US) said, "We are meeting today during what I believe is still an early stage in a materials revolution that is every bit as powerful as the information revolution that has already transformed our global economy." It is this "materials revolution" that is happening now, and product safety and security have come to the forefront on issues of globalization. Specifically, the US and Europe experienced, first hand, the impact of safety and security on a wide range of consumer products including tea, shampoo, toothpaste and children's toys. (ASTM 2008)

In the EU, the registration aspect of the REACH (Registration, Evaluation, Authorization of Chemicals (REACH) regulations are coming into force June 2008 with a December 2008 deadline.

According to Mike Taubitz, General Motors Technical Liaison for emerging global health and safety issues, “Manufacturing ground rules have been forever changed. European and other regulations for waste now impact design of manufactured goods. We don’t normally think of hard goods as being chemicals, but indeed they are.” The European REACH regulations are causing importers, manufacturers and distributors to manage chemicals (substances and mixtures) used throughout their manufacturing life cycle. In the US, articles are exempt for chemical management, in the EU, they are not. Once again, Europe is driving Regulation and voluntary standards around the world. (ASTM 2008)

The European Union—status on the implementation of REACH

European Union registration of substances in articles imported, manufactured or distributed in the EU begins June 2008 with a December 2008 deadline. Registration is required for each substance (greater than 1 ton) and includes articles containing > 0.1% of a Substance of Very High Concern (SVHC) which are on the ‘candidate list’. (European Chemicals Bureau and REACH Article 6)

According to the REACH regulation, a manufacturer or importer of an “article” into the EU must register substances within the “article” if the substance:

- a) is intended to be released during use (normal reasonable foreseeable condition) and
- b) use exceeds one ton per annum per manufacturer or importer. (European Chemicals Bureau 2006)

On June 1 2007, the European Chemicals Agency, located in Helsinki, was charged with overseeing REACH implementation, including registration and future authorization and restriction of certain identified substances.

To assist companies with data collection and storage, a software tool called IUCLID 5 (International Uniform Chemical Information Database software) was developed by the European Chemicals Bureau in cooperation with the Organization for Economic Co-operation and Development (OECD) for consistency and future use with other database requirements within the EU. IUCLID 5 provides for entering, managing, storing and exchanging the REACH required data on the properties of chemical substances which need to be reported. It also provides for creating dossiers which are required to comply with REACH. The software is free for those who are required to register, and can be downloaded from [<http://iuclid.eu>]

To assist business and EU member-state governments with REACH implementation, the European Chemicals Agency developed REACH Implementation Projects (RIPs) to assist business and EU member-state governments with REACH implementation. These RIPs are guidance documents and cover topics such as *Guidance of Substances in Articles*, *Guidance for Downstream Users* to *Guidance on Data Sharing*. (European Chemicals Agency 2007) These RIPs are available for free download from [http://reach.jrc.it/guidance_en.htm] (European Chemicals Bureau 2006)

United States: Chemicals Management—voluntary and regulatory

In the US, the American Standards Institute (ANSI) has joined forces with the National Association of Manufacturers (NAM) to develop a “Manufacturer’s Network on Chemical Regulation.” This network is seeking “proactive approaches and risk based tools so that compliance with future regulation is merely part of the way you are already doing business.” The global economy is driving the US need for harmonization and guidance with REACH classification, labeling and packaging standards by US companies manufacturing, importing or distributing “articles” in the EU. As the global business community embraces their obligation to REACH, the trend in either the development government regulation or voluntary industry driven guidelines (US) will continue. Affected companies are recognizing a need for a consistent and efficient global approach to their classifying, labeling and packaging process. ASTM 2008)

On the US chemical regulatory side, chemicals management is being driven by the Department of Homeland Security (DHS) not the Department of Labor’s Occupational Safety and Health Administration. At the time of this writing, Rep. Bennie G. Thompson, chair of the House Homeland Security Committee had introduced the Chemical Facility Anti-Terrorism Act of 2008 (H.R. 5577) Congress. This proposed legislation is designed to "amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities." The Bill provides permanent authority for the Department of Homeland Security to enact the Chemical Facilities Anti-Terrorism Standards (CFATS) which will expire October 2009. The “Top Screen” reporting for CFATS has passed (January 22, 2008.) The focus of the DHS US chemical regulation and standards is to assess terrorism vulnerabilities for US chemical facilities. However, the goal of assessing risk (including SHE) through chemical identification, reporting, data management and vulnerability assessment associated with hazardous chemicals in specified quantities is the duty to all companies (US-non US parent) operating US sites. (Ranjan 2008)

GHS – Europe and around the world Europe

The EU has proposed a Regulation of the European Parliament and of the Council on “classification, labeling and packaging of substances and mixtures, and to amend Directive 67/548/EEC and Regulation (EC) No 1907/2006 (COM (2007) 355 final.” According to the European Commission, Directorate General for Enterprise and Industry, this proposal also aligns the EU system of classification, labeling and packaging substances and mixtures with the United Nations Globally Harmonized System (GHS). This regulation and its approval directly impact the REACH regulations for labeling and classification. Once accepted, and it enters into force, the proposed regulation deadline for reclassifying substances is 1 December 2010 and for mixtures 1 June 2015. The business community and governments around the world are gearing up for REACH implementation, and looking to the GHS as a tool for implementation. The current trend is in the voluntary development and implementation of GHS guidelines or standards either by governments aligning GHS with their own country regulations or within the business community in conjunction with Voluntary Consensus Standards Development organizations. (American Standards & Testing Materials 2008)

II. Executive Leadership and Workplace Health and Safety

ISO 31000 Risk Management Standard

ISO established a Working Group to develop a Risk Management Standard in 2006. The most recent Committee Draft ISO 31000 “Risk management — Guidelines on principles and implementation of risk management” can be found on the ISO website:

<http://www.nsai.ie/uploads/file/N047_Committee_Draft_of_ISO_31000.pdf >

According to ISO, the standard is being developed using a “common approach in support of standards dealing with specific risks and/or sectors and does not intend to replace those standards.” (For example: ISO 14001 or ISO 9001.) The standard is intended to provide generic guidelines on the principles of risk management and its implementation. The committee draft included risk identification, transparency and internal controls. Although ISO indicates the standard is not intended for third party certification, it will be used as guidance for organizations around the world. (National Standards Authority of Ireland 2007) And the global market will be the determiner of whether the standard will be used as a benchmark for certification. Since there is existing risk management legislation or Codes of Practice in the US, UK and Australia, executive leadership in these countries are watching the progress of this standard relative to their country’s legislation. (e.g. US-Sarbanes Oxley or UK -Combined Code of Practice)

Recent developments with BP’s Texas City incident and the product safety issues experience by Proctor and Gamble, John & Johnson and Lipton tea from products manufactured in China demonstrate how public and worker safety and health issues can be a significant financial risk to a business. Therefore, the Safety professional should keep a close watch on how the ISO 31000 Risk Management Standard develops. ISO 31000 could potentially be used as a template for government regulation as well as the default integrated ISO safety, health, environment, quality and security risk management standard around the world.

The US Secretariat is the American Society of Safety Engineers. For more information on the US’s perspective on ISO 31000 and to follow the development of the standard go to:
<http://www.ustag.org/riskmanagement/>.

III. Criminal Liability legislation: Canada and the UK

Canada

The first case involving amendments to the Criminal Code of Canada by the C-45 Bill is awaiting sentencing. As of this writing, the proposed fine was CD\$100,000; final sentencing is due mid March 2008. According to the Canadian HR Reporter, Transpav, a concrete block manufacturer in Saint-Eustache, Quebec, pleaded guilty to criminal negligence in the death of 23-year-old employee. In 2005, “the company was charged with criminal negligence causing death under the amendments to the Criminal Code brought in by Bill C-45, known as the “corporate killing law.” (HR Reporter 2008) According to the charges against Transpav, the company had intentionally disabled the perimeter curtain guarding, did not provide employee safety training to the employee and management was aware of the danger and chose not to remedy the situation. For more

information see the Canadian HR Reporter article No. 5898 on their website:
<<http://www.hrreporter.com/loginarea/members/viewing.asp?ArticleNo=5898>>

United Kingdom

The UK Corporate Manslaughter and Corporate Homicide Act 2007 received royal assent on 26 July 2007. According to the Act, “a corporation; a department or other body listed in Schedule 1; a police force; a partnership, or a trade union or employers’ association that is an employer” is liable if it “causes a person’s death, and amounts to a gross breach of a relevant duty of care owed by the organisation to the deceased.” If a gross breach of its duty of care is determined, the entity as described above can be fined. The importance of this legislation is that it extends criminal liability to corporations for workplace deaths. (Parliament 2007)

Types of Schedule 1 entities include, but are not limited to, the Attorney General’s Office, Cabinet Office, Central Office of Information, Crown Office and Procurator Fiscal Service, Crown Prosecution Service
Department for Communities and Local Government, Department for Constitutional Affairs (including the Scotland Office and the Wales Office) and the Department for Culture, Media and Sport. (Parliament 2007)

To date, there have been no prosecutions under this Act.

IV. ISO OHSMS, OHSAS 18001 and 18002

ISO Occupational Health and Safety Management system

According to the ISO TMB50/2007 Responses to their September 2007 survey, the TMB Secretariat observed that based on the finding of the survey, a standard would not be developed at this time. The report also concluded that ISO Technical Management Board would monitor stakeholders’ needs and revisit the question of an OHSMS standard in a few years.

That decision being made, British Standard Occupational Health and Safety Assessment Series (BS OHSAS) 18001:2007 now becomes the default global OHSMS standard.

BS OHSAS 18001:2007 Occupational Health and Safety Management Systems (OHSMS)

British Standards Institute updated their BS OHSAS 18001:1999 guidance document to an OHSMS standard in 2007. That is old news. The important issue for BS OHSAS 18001:1999 certified/registered companies is continuance of certification/registration. Companies wanting to continue their BS 18001 registration/certification must assure all aspects of BS OHSAS 18001:2007 are met. The deadline for re-certification/re-registering to BS OHSAS 18001:2007 is June 2009. A company’s current registrar will be able to provide specific requirements for this transition process.

BSI OHSAS 18002

The BS OHSAS 18002 Project Group met in Bali the first week of March 2007. As of this writing, the outcome document has not been published. Expect to see a published BS OHSAS 18002 Occupational health and safety management systems— Guidelines for the implementation

of OHSAS 18001 document mid to end of 2008. As of the last draft, OHSAS 18002:2000/2002 is intended to be used as additional guidance, not an implementation or auditor's guide for BS OHSAS 18001:2007.

V. European Union Safety and Health Web Resources

EU Agency on Safety and Health at Work has re-designed its homepage and provides new web services. They include:

- an alert service: sign up for automatic information on your favorite topics as they are updated.
- a network search tool: a new search function provides a search of more than 30 Agency and Agency Partners' websites.
- RSS: receive all the latest news items, publications via news feeds as soon as they are published

For more information, visit the new EU homepage at <<http://osha.europa.eu>>

Resources

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