**Venue: GtM Webinar**

**Date:** **26th June 2020**

**Time:** **10:30am**

**CONFIDENTIAL**

***PRESENT ON THE CALL***

Peter Newport (PN) CBA - ACA Chairman

Lorna Williams (LBW) BASA - ACA Secretary

John Reid (JR) BACS

Patrick Heskins (PH) BAMA

Philip Malpass (PM) UKCPI

Tom Bowtell (TB) BCF

Lee Vousden (LV) BEIS (11.15)

Steve Elliott (SE) CIA

Mo Elkhalifa (ME) BPF

Emma Meredith (EM) CTPA

John Dorken (JD) BRPPA

Lisa Hipgrave (LH) IFRA UK

Peter Davidson (PD) TSA

Jake Lake (JL) BCGA

***APOLOGIES***

Jo Bray (JB) BEIS

Ellen Daniels (ED) BCGA

Philip Law (PL) BPF

Matt Davies (MD) BPF

**Minutes**

1. **Welcome, competition law reminder and apologies for absence**

All attendees were reminded of the requirement to comply with Competition Law. Apologies were received from Jo Bray, Ellen Daniels, Philip Law & Matt Davies. Lee Vousden will represent BEIS and is scheduled to join the meeting at approximately 11:30.

1. **Minutes of the ACA meeting held on 20th March 2020**

Corrections/additions -amendments. Page 4/BPR– First reference should be Article 55 not Article 95. In AOB correct typos. For future minutes it would be helpful to make actions a bit clearer, on page 4 of the last minutes JR offered to share their HSE correspondence with HSE and JR will do this after this meeting.

**ACTION: JR to share their correspondence with HSE relating to biocidal products after this meeting (as mentioned in the minutes of the last meeting) [Secretary’s note – Done]**

1. **Approval of the Agenda for today including matters arising not on agenda**

There were no matters arising and the agenda was accepted with the following additions added under AOB: CBA return to work seminar, TiO2 update, Caracal meeting in a couple of weeks, inclusion of propellant in CLP

1. **Covid-19 Update**
   1. **Business Support Schemes**

Seen amendments to furloughing provisions and what is not necessarily common knowledge, under the finance bill are furlough fraud provisions. Apparently 34% have been working when they shouldn’t whilst on furlough (surveys undertaken by law firms and trade associations). HMRC is quoting 3000+ whistle blowers and this is down to employers expecting furloughed staff to work. Some big companies are taking furlough money when they don’t really need to. There will be a 30-day amnesty for companies to declare accidental or deliberate mis-claiming and pay money back. Also, if firms become insolvent then action will be able to be taken against directors.

Guidance from HMG on how you can go about repaying furlough grants came out this morning.

There is guidance from BEIS regarding how to deal with returning to work and managing people.

SE added that they don’t hear from companies abusing the system, but it is a job retention scheme, so companies should not take the money if they intend to lose staff. There may be many firms who require furlough in Q3/4 but are not eligible. In fact, this is needed to avoid redundancies later in the year. Agreed to raise with LV/BEIS later.

* 1. **Social Distancing**

BEIS have been consulting and more clarity is needed regarding the 1m+ control measures. It would have been better if it had been treated as an HSE for UK matter to avoid the issues with devolved governments and the mess of different terminology. It is difficult for firms operating across multiple sites. This should be raised with LV/BEIS later.

There is an issue with the messaging – ‘work from home if you can’, 2m if possible and if not 1+m. This is causing issues as some workers are reluctant to go back to work, as they believe they are effective in continuing to work at home. Government guidance is going to have to be more specific on guidance.

* 1. **ACA Members Issues & Return to work plans**

Some small TAs are already working and have been throughout as the office is at home!

CTPA looking at asking staff to return and establishing timescales.

CBA commence office working from next week as RA and RMM in place and plenty of space so all bar one (childcare issues) will return next week. No member F2F meetings at CBA office, all will be teleconference/online and just can’t run some breakout/tabletop exercises.

BAMA – board said, ‘staff no less efficient working from home, so do we really need to have an office?’

These sorts of discussions are likely to continue.

One thing is very clear and that is that we really need better broadband in UK, Government says this is part of their strategy and already looking at gigabyte broadband asap.

CIA – virtual and physical assessment, not likely to come back until September, but have also had the question about ‘do we need to have a building’. It is important that we make sure we don’t put in place irreversible measures that are ultimately unhelpful. CIA have a rent review in September, and this will be interesting!

CTPA in similar position with London rent review but 6 months later.

BCF office is in Coventry suburbs, and a skeleton staff have been coming in. BCF are comfortable that can have 2/3rds of the team in and maintain social distance. Important mentally to help employees come back in. The psychology of returning to work is important.

1. **Brexit Update including UK REACH**
2. **UK REACH**

It is now clear that we are going to get it whether we like it or not. The 2-year period for data provision is up for debate and industry is still pushing on the disproportionate fee structure. It is also unclear how REACH will work under the NI protocol. We are told that guidance for difficult goods under the NI protocol is being developed and will be given in sufficient time for industry to adapt.

A group of conservative MPs have tabled an amendment that will force government to regularly update what the trade agreements status is and to hold the government to account in terms of their aims and performance against them.

There has been no real progress for a deal and the UK/EU recognise that progress is pretty poor but are calling for better progress in July. It now seems unlikely that a deal will be agreed. Perhaps best outcome is a framework deal, but Boris does not want this fudge to happen. If there is no deal the UK tariffs have been published. There is a 4% tariff on heating fuels and expect that in wider sector chemicals will go from zero to some other tariff.

The current tariff document is a living document, and if people have issues, they should raise them. People seem to have missed the point that these global tariffs will apply (UK Global tariff) to EU in the case of no deal. Even if a zero tariff is applicable, companies still have all the paperwork to do – which is something than many companies may not have the experience to deal with. The European Excise Movement and Control System (EMCS) will not be available for the UK as of 1st January 2021 and the new Customs Declaration Service (CDS) will replace the Customs Handling of Import and Export Freight (CHIEF) system. Users will need training on this.

HMG needs to realise that the UK will suffer without a deal – so need to start negotiating properly –

TB/SE on Chemicals Brexit group - this meets next week with Nadhim Zahawi. A number of ACA members have received a template letter to be sent to the Prime Minister relating to a closely aligned trade deal with the EU. CIA is not going to sign the letter (because they don’t know where it comes from politically and not sure of the tone or the timing). It might be unhelpful right now.

FECC/CBA communication could be better as it is asserted that FECC has been inputting direct to HMG on Brexit, but no reports of those meetings issued, CBA are unsure of relevance and value for money of membership post 1st January 2021.

**[Lee Vousden joined at 11:15[**

1. **UK CLP**

EU CLP will be transposed from day 1 as indicated on the HSE website. Our understanding is that the EU CLP will apply from day 1, but it could start to diverge subsequently. There is no CLP specific SI it is covered under SI 2019 No. 720. Snappily named the EXITING THE EUROPEAN UNION. ENVIRONMENTAL PROTECTION FEES AND CHARGES. HEALTH AND SAFETY. PESTICIDES. The Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2019 made on 27th March 2019.

JR had assumed a whole host of equivalent regulation was in place. LV has emailed the group with the link to the SI under Agenda item 9.

**ACTION: LV to provide SI for CLP – DONE see item 9**

1. **UK Poison Centres**

NI issues unclear, rest of UK will continue just to submit SDS to NPIS

1. **Other Brexit Issues including BPR, NI Protocol & Guidance**

Waiting for guidance around chemicals and what happens under the NI protocol. We will need this guidance quickly. We keep being re-assured that we will have plenty of time to prepare – but we need this asap. Lee will stress this that we need time.

**ACTION: LV/BEIS need to stress to government that ‘plenty of time’ needs to be exactly this and there is not plenty of time until 1st January and industry still don’t have various guidance!**

Made in UK/Made in GB – DIT seemed to be unaware that there was an ISO standard on this, and UK cannot be used (needs to be GB).

Members who have no EU entity but have to have name and address of EU contact – what do they do? Even worse is the situation for UK distributors, as they have to set up offices at considerable costs in the EU and cannot use an EU OR as they are not manufacturers or formulators.

1. **EU Poison Centres Update (ALL)**

Nothing to add

1. **Training and Skills Update (ALL)**

PD – energy industry no longer has accredited training courses. Cogent Skills, IOSH ROSPA struggling at the moment with the work they used to do but cannot do at the moment. IOSH is looking to rationalise a number of their committees.

SE – Cogent, regarding training courses as there could not be any F2F the training is increasingly web based, and it is unclear whether fees can/should be charged. Cogent were struggling before this disruption, so are going to come under increasing pressure.

There are a lot of comments about the Apprenticeship Levy in the current climate. It is important not to dilute high value apprenticeships. Companies are looking to access the existing talent that has come on stream as a result of Covid-19 and may be less able to support Apprenticeships in the immediate future.

Are there any practical training courses? What should we be saying to people in this respect, how to share equipment and machinery safely etc.?

The issue is for practical courses where there are dedicated classrooms for training, have to travel and stay in hotel etc. It will all come down to risk assessments and risk management protocols, cleaning etc. Those providing the training have to do the risk assessment and put in place appropriate measures.

SE – Humber Chemicals Facility have their CATCH partnership so SE can ask them for any guidance relating to what they have put in place. The website has a number of videos that may be useful: <https://www.catchuk.org/covid-19-update-2/>

**ACTION: SE to ask HCF if they have any guidance they can share.**

1. **EU REACH Update (ALL)**

Started work on inclusion of polymers. No other updates at this time.

1. **BEIS Report (11:35)**

LV acknowledged that on emergence from Covid-19 there can be confusion caused by guidance.

Work from home, 2m becoming 1m+ which is it? Part of the confusion is because it is a devolved issue rather than HSE.

There are employment issues, where the employer wants to bring more office staff back, but the staff want to stay at home, because the government message is still to stay at home! In some cases, colleagues who have returned to work are having to do some of the office tasks that home workers cannot do from home.

Withdrawal of business support – may need some Q3/Q4 support to prevent redundancies. Running down of stocks and financial reserves driven by COVID puts pressure on businesses and whilst there is help to return for employees, we might need something going further forward.

In terms of support and the current furlough scheme, what happens if there is a downturn in Q3/4? The government expects things to pick up and will be doing things to support demand and is focussing on broader stimulation rather than specific schemes. Lee will chase our demand for clearer guidance on working from home when possible vs return to work.

**ACTION: LV will chase this and push for clearer guidance for employers (and employees to understand when they should return to work).**

In terms of why this is a devolved issue LV is not privy to the rationale as to why it was done like that. We are just going to have to get used to this.

SI CLP – LV asked HSE and confirmed there is one to cover CLP and BPR, the title means that it is not obvious but it can be found here:  <https://www.legislation.gov.uk/uksi/2019/720/contents/made>. There’s a recognition they (Lee assumes legally DWP rather than HSE) now need to update it to reflect the NIP.

**ACTION: LV to clarify NI Protocol issues relating to SI 2019 No. 720**

How is the government going to help the sector recover post Covid -19? Stimulating the downstream demand is vital as this will feed back to the chemicals sector. There is an opportunity for us to use spending review to look at onshoring and other measures to implement in some cases quickly to address key supply chains. PPE is one area where this might happen long term.

There is a general sustainability agenda, why not have a battery recycling plant in the UK? Topics like this help in the general conversation.

In terms of HSE and TiO2, once we are over transition period, they are prepared to look at new science.

Skills – and courses, BEIS approached by Cogent on science and chemical skills, out of the blue. Maybe part of the reason is that Cogent is not making money! There are some aspects on skills in sector deal proposal, but this may be a DfE issue to address.

**SE raised the issue of test and trace.** BEIS team being helpful, but we urgently need clarification relating to PPE – and when does PPE prevent you from becoming a contact? Guidance including the NHS Q&A doesn’t allow for PPE as a control measure when dealing with <2m contact. Only full grade medical PPE will be considered. Face visors are insufficient and will not limit subsequent self-isolation requirement. This is inconsistent with FFP2 and FFP3 respirator masks. Sticking with NHS guidance is going to disrupt industry.

**ACTION: SE to circulate CIA work on track and trace.**

SE mentioned that he sits on Cogent Skill’s board (no chemicals industrialist identified). Pharma and nuclear are much more joined up, we are far less homogenous, so difficult to manage.

PH asked if a Covid outbreak was RIDDOR reportable? PN suggested that it’s not logical as the source of infection may not be easily identified but strictly speaking it is reportable. The problem is how are you empirically going to know that the infection has originated in the workplace. More understandable in a COVID hospital or infected care environment, but in an industrial setting (unless the German meat packing plant), how can it apply? LV was asked for some better guidance on this? PD’s understanding was that it is only RIDDOR if carrying out activities in workplace that puts you at higher risk of catching COVID.

**ACTION: LV to seek detailed guidance on RIDDOR reporting if employees fall sick with COVID-19.**

**12:00 LV/BEIS left the call.**

1. **Cross sector preservatives group update (TB)**

There is another meeting next week, will issue a press release based on MORI poll perhaps at the end of July, also looking at a campaign using ‘world without preservatives’ video at the end of the year and maybe also a Parliamentary drop-in next year. It is not the time to dive in at the moment, team are positioning the importance of preservation to get a sensible pragmatic decision going forward.

1. **Chemical Stakeholders Forum (JR)**

Zoom meeting (last Wednesday) lasting 2 hrs., went OK. 100 people registered, when JR first looked at number of participants 88 on call and even at the end 77 still on call. The agenda was tailored for a Zoom format.

There was a general update on the response on COVID-19, LV gave an overview, DEFRA gave presentation on green recovery. Some presentation by CSF members on what they have been doing. Simon Johnson from DEFRA gave an update on EU exit policy, but nothing new. The DEFRA chemicals strategy is paused, and the EA river basin planning consultation closes September. The next meeting is on 1st Oct probably by Zoom.

Roger Pullin, CIA was there, and his notes talked about recovery, decarbonisation, chemicals strategy and the impact of chemical pollution opposite Covid19. Worried that recovery plan ambition won’t match capacity and also worried about realistic ambition. The comment ‘hardly anyone dying of Covid but 30x more people dying of pollution globally’ made it seem like ‘Covid over, its back to normal let’s get on with it!’ If DEFRA are carrying on with green sky thinking on the basis that Covid is over then this is unrealistic. 100 registered for meeting seeming a much larger number than for a F2F CSF meeting, the balance between industry, NGO and government was questioned, JR commented that he expected to see attendees from the minutes in due course.

1. **The Chemistry Council (SE)**

SE - nothing really happening on that front, given COVID and no movement on Industrial Strategy and Sector Deals. Next Chemistry Council meeting is scheduled for late July and have asked Govt for more clarity to help industry decide next steps. In the meantime, BEIS also looking at any tactical opportunities to submit sector deal projects. They want “shovel-ready” projects from sector deal to put into a pot and see if they have any chance of flying. e.g. the bio-EO plant Projects will be raised to No 10 and the Treasury. The anticipated recovery plan details and related funding from the PM and Chancellor are expected next month. It is not clear how the process works from here. Announcement expected from Boris next month.

Regarding the BEIS super enquiry on recovering from the pandemic, this is part of one of the 5 workstreams but it is unclear whether it is going anywhere.

1. **AOB**

**TB – TiO2** – covered

**PM - MRA**. There are difficulties with certain people not being in favour of Mutual Recognition Agreement principles, which if accepted would solve some problems. Notified bodies would benefit if this was acceptable.

JL mentioned that DFT have said that trying to get MRA is difficult.

LBW mentioned that for the CPR and CE marking the MRA are already in place for some notified bodies in Canada and Australia, so it can work.

**PH - Caracal and propellants** Q&A some time ago on whether propellants should be included in health classification of aerosol. Q&A was no – as all it does is push the stuff out of the can. Further debate over 5 years and now ECHA are planning on bringing into formal guidance – if using CLP aerosol no longer able to include gas in product and take out that proportion. For products with a lot of fragrance this could be very detrimental to classification. Now going through formal process of including in guidance. Trying to get ECHA to back off but this is unlikely. CEFIC biocides group sent in a letter to Caracal – ‘if we are not allowed to use it why is the cosmetics industry’ – this approach is a very bad idea and seems to have been done without any discussions with Cosmetics, and this is now on the radar for ECHA to consider for cosmetics. Argument from Germany is that it is only advice so can ignore as the wording in the regulation allows you to include propellant. But this will not stop court cases from competent authorities. Where do we stop in terms of solvents? Are CLP classifications going to end up based on dry product. Moving from risk to hazard. Rearguard action. One idea is to transfer to GHS debate so the US can intervene.

**ACTION: PH to share CEFIC letter with EM**

**PH – International Standards**. MakeUK have raised questions about an International standards and the issues with trade, particularly US trade agreement as the negotiations seem to open the way for US standards (which the US regard as International standards in the same way as world series baseball) to be forced as equivalent to BS (in ISO and EN)

Heather Thomas has sent out an RFI on technical barriers to trade and potential UK/USA agreement to some ACA members. Some have not seen, so circulating would be helpful.

**ACTION: JR send HT email to all except PN who has already seen it.**

**CBA Return to work webinar**. CBA will be running a return to work planning webinar at 10:30 Friday next week for offices and will open up to ACA members FOC. PN can send a flyer out if anyone is interested, it will require sign up and places will be on a first come first served basis.

**ACA Website.** JR confirmed that the ACA website has been updated to include BCGA and revised numbers.

**2020 meeting dates**

Friday 2nd October 2020 at 10:30, GoToMeeting Peter to set up as GtM closer to the meeting.

Friday 4th December 2020 – venue/type tbc

There being no further business the Chairman closed the meeting at 12:40 thanking everyone for their participation.