

4<sup>th</sup> IOELV Directive Consultation  
Health and Chemicals Unit  
5.S3 Redgrave Court  
Merton Road  
Bootle  
Merseyside  
L20 7HS



By email: [IOELVconsultation2017@hse.gov.uk](mailto:IOELVconsultation2017@hse.gov.uk)

30 January 2018

Dear Sirs

### **Consultation on implementing new and revised Workplace Exposure Limits**

The Association of Personal Injury Lawyers (APIL) is a not-for-profit organisation with a 25-year history of working to help injured people gain access to justice they need and deserve. We have over 3,400 members committed to supporting the association's aims, all of which sign up to APIL's code of conduct and consumer charter. Membership comprises mostly solicitors, along with barristers, legal executives and academics.

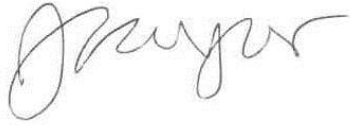
We welcome the opportunity to respond to the HSE's consultation on implementing the new and revised Workplace Exposure Limits. We respond in our capacity as an organisation which promotes safety, and our comments reflect this perspective. We welcome that the HSE plans to implement the new workplace exposure limits as found in Directive 2017/164/EU, and recommend that they do so without delay. Every person should have the right to go to work safe in the knowledge that they will return home unharmed, and reduced Workplace Exposure Limits will help to ensure this.

On page 8 of the consultation, we note that the existing workplace exposure limit for methylene chloride and dichloromethane is to be increased by  $3 \text{ mg.m}^{-3}$ . From a safety perspective, it does not seem correct to increase the exposure limit. There should not be any reduction in the level of protection afforded to workers and employees as a result of implementation of the directive.

In relation to the proposal to extend the transitional period for tunnelling and underground mining industries to 21<sup>st</sup> August 2023, we suggest that if the industries are able to comply with the directive any sooner than this date, they should do so. As 21<sup>st</sup> August 2023 is after the UK is scheduled to leave the European Union (the current "exit date" being 29 March 2019), there should also be a commitment from the UK Government to bring the exposure limits for carbon monoxide, nitrogen monoxide and nitrogen dioxide in these sectors in line with the directive, regardless of the outcome of the Brexit negotiations. Not only will this ensure safer levels of exposure to dangerous chemicals for workers, it will provide certainty to duty holders in those industries.

We hope that our comments prove useful to you. If you have any queries about our response, please contact Alice Taylor, Legal Policy Officer, at [alice.taylor@apil.org.uk](mailto:alice.taylor@apil.org.uk), in the first instance.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Alice Taylor', written in a cursive style.

Alice Taylor

Legal Policy Officer