

ROYAL COMMISSION ON ENVIRONMENTAL POLLUTION

Minutes of a meeting held on the 3rd to 4th January 2008 at the Farmers' Club, London

Chair

Sir John Lawton

Members

Professor Nick Cumpsty
Professor Mike Depledge
Professor Paul Ekins
Dr Ian Graham-Bryce
Professor Jeffrey Jowell
Professor Peter Liss

Professor Susan Owens
Professor Judith Petts
Professor Steve Rayner
Mr John Speirs
Professor Janet Sprent
Professor Lynda Warren

Visitors

Professor Bob Lee, BRASS, and Dr Elen Stokes, Manchester University Law School, Thursday

Professor Andy Stirling, Science and Technology Policy Research Unit (SPRU), University of Sussex, Friday

Dr Barry Park, Oxonica and Nanotechnology Industries Association (NIA), Friday

Secretariat

Tom Eddy
Jon Freeman
Noel Nelson
Guy Mawhinney
Kay Sadanand
Fernley Symons

A list of all ACTIONS agreed at this meeting is at **Annex 1**.

GENERAL BUSINESS

Item 1: Preliminary business: apologies for absence

1. Apologies were received from *Professor Holgate* for the whole meeting. *The Secretary* informed Members that copies of the finalised code of practice for scientific committees had been tabled.

Item 2: RCP(08)101 Biomass and biofuels

2. *Professor Sprent* informed Members that she and the Secretary would be attending the EEAC workshop on January 29th. *The Secretary* asked Members for any amendments to the draft letter to the Secretary of State for Environment, Food and Rural Affairs. Action point:

- **To give any amendments to the letter to the Secretary of State to the Secretariat (Members)**

Item 3: RCP(07)11th Draft minutes of the December meeting

3. Members asked the Secretariat to produce a transcript of the discussion with Angela McNab. They pointed out that discussions needed to be captured very soon after they had taken place, and transcripts should be passed back to the person in question. They agreed to consider the distinction between discussions and formal evidence. Action point:

- **To consider the distinction between discussions and formal evidence sessions (Members)**

NOVEL MATERIALS STUDY

Item 4: RCP(08) 401 Report of RCEP subgroup meeting to discuss the BRASS report on the Framework of Current Regulation affecting the Development and Marketing of Nanomaterials

4. Members agreed that a questionnaire for producers, manufacturers and suppliers could be a powerful instrument as part of a future regulatory framework, and that they should pursue this idea during the oral evidence session with BRASS. *The Chair* asked *Professor Warren* to capture the areas that the questionnaire should cover as the basis for a paper for the February meeting. It was agreed that it would be useful to revisit the section of the Chemicals Report dealing with harm. *Professor Jowell* felt that we could set a test of ‘reasonable suspicion’ as a general standard, and *the Chair* asked him to provide a paragraph on this principle. In summary, *the Chair* said that Members needed to decide on the feasibility of a questionnaire, consider *Professor Petts’* matrix of uncertainty and risk, address the question of plausibility and reflect the fact that the UK imports rather than manufactures. Action points:

- **To revisit the section dealing with harm in the Chemicals Report (Secretariat)**
- **To capture the areas that the questionnaire should cover as the basis for a paper for the February meeting (Professor Warren)**
- **To provide a paragraph on a reasonable suspicion test (Professor Jowell)**

Item 5: RCP(08) 405 Preparation for Professor Bob Lee, Dr Lori Frater, BRASS, and Dr Elen Stokes, Manchester University Law School

5. *The Chair* informed Members that Dr Frater was absent due to illness.

Item 6: Oral Evidence Session 1 - Professor Bob Lee, Dr Lori Frater, BRASS, and Dr Elen Stokes, Manchester University Law School

6. A verbatim transcript was made of this evidence session, which will be made available. Professor Lee explained the methodology of the BRASS Report, in working through and typifying the regulation, and then providing a life-cycle diagram and gap analysis. He stressed the importance of international collaboration and the vital role that WTO, ISO and OECD would have to play in developing regulation. He maintained that an approach similar to REACH would be workable given some simple adaptations, although he recognised that there were issues around tonnage rules to trigger action in REACH. On the subject of the ‘producer pays’ principle, Dr Stokes felt that a single over-arching framework would be misleading, as not all products were harmful. In discussion following the session, Members felt that BRASS had confirmed that an approach setting standards to achieve was better than one based on detailed rules on how to meet those standards. Members noted several key phrases which might be useful for the report, namely: scientific insufficiency, precaution having technology-freezing potential, first generation threats and subsequent generation threats. Action point:

- **To capture key phrases from the evidence session for the Novel Materials Report (Secretariat)**

ADAPTATION STUDY

Item 7: RCP(08) 201 Report of LGA Conference

7. *Jon Freeman* told Members that the main business of the Local Government Association conference was the launch of the LGA Climate Change Commission. He explained that broad high-level principles were contained in the Nottingham Declaration, and while there was a lot of enthusiasm at local level, it was not immediately clear how well councils were performing. *Professor Rayner* suggested contacting Richenda O’Connell at Acclimatise about the private sector, as UKCIP dealt with local government. It was also agreed that the Secretariat should contact the Stockholm Institute. Action point:

- **To contact Richenda O’Connell at Acclimatise and the Stockholm Institute about climate adaptation (Secretariat)**

Item 8: RCP(08) 202 Outline project plan for adaptation study

8. *Jon Freeman* asked for Members’ views on possible briefing meetings and seminars. They suggested a brainstorming event to provide a possible agenda and structure for a later seminar, to which those Members leaving in August should be able to contribute. *The Chair* favoured holding this session early on in the study. He felt that some Members could visit the Meteorological Office once the Commission had framed its thinking. There would also need to be a seminar with external stakeholders, which should have a workshop format. *The Chair* said he would work out the timing and location of these meetings with the Secretariat, and that the schedule for the Adaptation Study needed to be planned along with the other studies. Action point:

- **To work out timing and location of future meetings (Chair/ Secretariat)**

NOVEL MATERIALS

Item 9: RCP(08) 402 Size versus properties

9. *Jon Freeman* told Members that this paper offered an explanation as to why there was limited information on novel compared to nanomaterials, as other new materials were often not regarded as novel because they were seen as an evolutionary step. Members pointed out the differences between new materials, new uses and new exposures to the environment. *The Chair* thought this paper could be used in an early chapter to help organise the Commission's thinking.

Item 10: RCP(08) 404 Setting Environmental Standards

10. *The Secretary* reminded Members that they had asked to see Chapter 4: Risk and Uncertainty from the Commission's 21st Report. *The Chair* suggested that issues of measuring and defining environmental harm and damage should be worked into the Novel Materials Report, as well as some text on the precautionary principle and public participation . Action point:

- **To work parts of Chapter 4 of the Environmental Standards Report into the Novel Materials Report (Secretariat)**

Item 11: RCP(08) 409 Guidelines for Environmental Risk Assessment and Management

11. *The Secretary* explained that these Defra guidelines were still in use for assessing sites and chemicals. *The Chair* added that the document contained some useful concepts that the Commission could use in framing its assessment of the situation in respect of novel materials and in particular nanomaterials.

Item 12: RCP(08) 408 Draft Report Structure

12. *The Secretary* raised the question of whether governance should be put with regulation in a single chapter. *The Chair* suggested a structure of reflecting the current situation first, before dealing with the challenges and how we should proceed, then going on to the principles of governance and regulation. *The Secretary* felt that wider societal impacts could be dealt with in Chapter 2 under benefits. Members thought that intelligence gathering to enhance scenario-building would be a more relevant approach than the sort of public engagement advocated by the Commission in its Standards Reports, adding that at some point Members needed to discuss the structure of the conclusions section. Members agreed the composition of working groups for Chapters 1 to 5 as follows - *the Chair, the Secretary and Professor Rayner* for Chapter 1; *Professors Cumpsty, Sprent, Owens and Liss, Dr Graham-Bryce, Mr Speirs and Jo Bray* for Chapter 2; *Professors Holgate, Liss, Depledge and Sprent and Noel Nelson* for Chapter 3; *the Chair, Jo Bray, Kay Sadanand and Professors Warren, Jowell, Ekins, Owens, Rayner and Petts* for Chapters 4 and 5. It was agreed that Chapter 6 should be done at the end and involve all Members, and that some separate meetings may also be needed. *The Chair* added that an extra half-day meeting would still be necessary on governance issues.

Item 13: RCP(08) 410 Revised scope for chapter on Environment and Health

13. *Professor Depledge* told Members he had identified someone to carry out a review of evidence of harm from nanotechnology and novel materials. *Professor Holgate* had told the Secretariat that he was providing a review of human health.

Item 14: RCP(08) 403 Revised scope for chapter on Regulation

14. Members were content that this chapter was on the right lines, although the running order would need to be looked at. They added that many of the issues had been covered in the discussion about governance.

SHORT STUDY ON LIGHT

Item 15: RCP(08) 407 Announcement and call for information

15. *The Chair* reminded Members that they would need to consider budget and scheduling issues for all three work streams, while *the Secretary* told them that there would be a paper for the February meeting, as well as responses to the public Call for Information which closes on 18th January. Members agreed a small working group to take the study forward, comprising of *the Chair* and *Professor Rayner* for the whole report, *Professor Holgate* for human health issues, *Professor Ekins* for energy and *Professors Depledge* and *Sprent* for the natural world. *Professor Cumpsty* asked the Secretariat to contact Harry Verhaar from Philips who had attended the EEAC meeting in Evora, while *Professor Ekins* asked them to obtain and circulate a paper by Professor Peter Pearson from Imperial College entitled ‘Seven Centuries of Energy Services’. Members asked the Secretariat to find out which local authorities have reduced street lighting, adding that CABE Space, some police authorities and the LGA might have information. Action points:

- **To contact Harry Verhaar from Philips who had attended the EEAC meeting in Evora (Secretariat)**
- **To obtain and circulate a paper by Professor Peter Pearson from Imperial College entitled ‘Seven Centuries of Energy Services’ (Secretariat)**
- **To find out which local authorities have reduced street lighting (Secretariat)**

NOVEL MATERIALS

Item 16: RCP(08) 407 Preparation for Professor Andy Stirling, SPRU

16. Members discussed evidence sessions in general at this point in the meeting and requested that, in addition to hearing from outside persons, they should build into meetings more opportunities for internal discussion. They also asked the Secretariat to invite Joan Ruddock, Minister of State at Defra, and Baroness O’Neill as future dinner guests. *Professor Petts* suggested the Secretariat should pick up on the Defra report on ‘Engineered Nanoparticles in the Environment’. Action points:

- **To invite Joan Ruddock MP and Baroness O’Neill to dinner with the Commission (Secretariat)**
- **To obtain the report on ‘Engineered Nanoparticles in the Environment’ from Defra (Secretariat)**

Item 17: Oral Evidence Session 2 - Professor Andy Stirling, SPRU

17. A verbatim transcript was made of this evidence session, which will be made available. Professor Stirling spoke to Members about risk management and managing emerging technologies, stressing the importance of broadening and opening up the appraisal process. He saw this as five-fold and should include – being more explicit about the role of power in appraisal; focussing on ambiguity, uncertainty and ignorance; acknowledging the dynamic nature, the indirect nature and the contingent nature of any effects; being more opened-minded in social engagement; and being aware of how one’s own position reflected one’s views. He felt that an innovation strategy forum would provide a focus for the disparate activities he had described. He said that innovation was not about going in a pre-ordained direction, and that regulation should be steer rather than a barrier. He felt that new materials sat within innovation as a whole, and that a new materials body could look at the generic issue of innovation. Members asked Professor Stirling to provide them with further details on his five points. In discussion following the session, Members felt that the issues of complexity, practicality and ubiquity may be problems for a forum on new materials. They also asked the Secretariat to follow up on a reference by Professor Stirling to the Dutch authorities using a technique called ‘Constructive Technology Assessment’, which may be related to real-time technology assessment. Action point:

- **To follow up Professor Stirling’s reference to ‘Constructive Technology Assessment’ (Secretariat)**

Item 18: RCP(08)406 Preparation for Dr Steffi Friedrichs (NIA) and Del Stark (ENTA)

18. *The Chair* explained that as both Dr Friedrichs and Mr Stark were unwell, Dr Barry Park from Oxonica would be giving evidence.

Item 19: Oral Evidence Session 3 - Dr Barry Park (NIA)

19. A verbatim transcript was made of this evidence session, which will be made available. Dr Park explained that as well as being Chief Operating Officer for Oxonica, he was also a board member of the NIA. He gave evidence on the scale and number of products that could exist, whether there was the right amount of regulation and whether it was stifling to innovation, and whether another paradigm to REACH was necessary. On the concept of extended producer responsibility and information about products, he did not think the public was generally aware of what the term ‘nano’ meant and there was a danger of giving rise to unnecessary public concern. On the question of research, he explained that advice and testing was outsourced to industry and academic institutions. He agreed to notify the Commission when the results of tests on cerium oxide were published later in January. In discussion following the session, Members felt they needed further analysis of REACH to assess its ability to address the issues we have identified, as well as a discussion of labelling and agglomeration. *The Chair* said that a literature review of the evidence of harm was being prepared by Professor Tamara Galloway. Action point:

- **To provide Members with further analysis of REACH (Secretariat)**
- **To provide a summary of the science of novel materials (Secretariat)**

ANNEX 1

List of Actions agreed at the Commission's meeting on 3rd – 4th January 2008

Action Number	Action	By Whom
1	To give any amendments to the letter to the Secretary of State to the Secretariat (paragraph 2)	Members
2	To consider the distinction between discussions and formal evidence sessions (paragraph 3)	Members
3	To check the definition of harm in the relevant section of the Chemicals Report (paragraph 4)	Secretariat
4	To capture the areas that the questionnaire should cover as the basis for a paper for the February meeting (paragraph 4)	Professor Warren
5	To provide a paragraph on a reasonable suspicion test (paragraph 4)	Professor Jowell
6	To capture key phases from the BRASS evidence session for the Novel Materials Report (paragraph 6)	Secretariat
7	To contact Richenda O'Connell at Acclimatise and the Stockholm Institute about climate adaptation (paragraph 7)	Secretariat
8	To work out timing and location of future meetings (paragraph 8)	Chair/ Secretariat
9	To work parts of Chapter 4 of the Environmental Standards Report into the Novel Materials Report (paragraph 10)	Secretariat
10	To contact Harry Verhaar from Phillips who had attended the EEAC meeting in Evora (paragraph 15)	Secretariat
11	To obtain and circulate a paper by Professor Peter Pearson from Imperial College entitled 'Seven Centuries of Energy Services' (paragraph 15)	Secretariat
12	To find out which local authorities have reduced street lighting	Secretariat
13	To invite Joan Ruddock MP and Baroness O'Neill to dinner with the Commission (paragraph 16)	Secretariat
14	To obtain the report on 'Engineered Nanoparticles in the Environment' from Defra (paragraph 16)	Secretariat
15	To follow up Professor Stirling's reference to 'Constructive Technology Assessment' (paragraph 17)	Secretariat
16	To provide Members with further analysis of REACH (paragraph 19)	Secretariat
17	To provide a summary of the science of novel materials (paragraph 19)	Secretariat