

Terms of Reference for the Office for Product Safety and Standards (OPSS) Scientific Advisory Group on Chemical Safety of Non-Food and Non-Medicinal Consumer Products (SAG-CS)

Summary Version

Background

The Office for Product Safety and Standards (OPSS) was created in January 2018 to deliver consumer protection and to support business confidence, productivity, and growth. OPSS is the national regulator for all non-food and non-medicinal consumer products, except for vehicles. We regulate a wide range of products including cosmetics and toys, with a focus on their safety and integrity.

OPSS is committed to ensuring high levels of consumer protection and product safety in the UK. The mission of OPSS is to protect people and places, enable businesses to thrive and empower consumers to make good choices.

The OPSS Advisory Requirement

As part of the OPSS commitment to ensuring high levels of consumer protection and to support business confidence, we must utilise independent expert advice to inform the safety assessment of consumer products such as cosmetics, toys and textiles. In response to new post-transition requirements, the OPSS Scientific Advisory Group on Chemical Safety of Non-Food and Non-Medicinal Consumer Products (SAG-CS) was established in March 2021 for a fixed period of 9 months, which has since been extended to January 2023. The Secretariat for the SAG-CS is provided by OPSS which forms part of the Department for Business, Energy and Industrial Strategy (BEIS).

Over the coming months, a review of this advisory requirement will be undertaken by the OPSS Scientific Secretariat with oversight from the Department for Business, Energy and Industrial Strategy Chief Scientific Adviser (BEIS CSA), to clarify the key functions of the group and establish the most appropriate long-term governance structure.

Purpose of the SAG-CS

The mission of the SAG-CS is to provide OPSS with scientific advice and risk assessment in the areas of public health and consumer safety. The SAG-CS's remit shall relate notably to chemical and biological risks of non-food and non-medicinal consumer products such as:

- Cosmetic products and their ingredients, including nanomaterials, hair dyes, preservatives, UV filters, colorants, and fragrance ingredients.
- Other non-food and non-medicinal consumer products such as toys and textiles.

Full Version

BACKGROUND

1. The Office for Product Safety and Standards (OPSS) was created in January 2018 to deliver consumer protection and to support business confidence, productivity, and growth. OPSS is the national regulator for all non-food and non-medicinal consumer products, except for vehicles. We regulate a wide range of products including cosmetics and toys, with a focus on their safety and integrity.
2. OPSS is committed to ensuring high levels of consumer protection and product safety in the UK. The mission of OPSS is to protect people and places, enable businesses to thrive and empower consumers to make good choices.

NEW ADVISORY REQUIREMENT

3. As part of the OPSS commitment to ensuring high levels of consumer protection and to support business confidence, we must utilise independent expert advice to inform the safety assessment of consumer products such as cosmetics, toys and textiles. In response to new post-transition requirements, the OPSS Scientific Advisory Group on Chemical Safety of Non-Food and Non-Medicinal Consumer Products (SAG-CS) was established in March 2021 for a fixed period of 9 months which has since been extended to January 2023. The Secretariat for the SAG-CS is provided by OPSS which forms part of the Department for Business, Energy and Industrial Strategy (BEIS).
4. Over the coming months, a review of this advisory requirement will be undertaken by the OPSS Scientific Secretariat with oversight from the Department for Business, Energy and Industrial Strategy Chief Scientific Adviser (BEIS CSA), to clarify the key functions of the group and establish the most appropriate long-term governance structure.

PURPOSE

5. The mission of the SAG-CS is to provide OPSS with scientific advice and risk assessment in the areas of public health and consumer safety. The SAG-CS's remit shall relate notably to chemical and biological risks of non-food and non-medicinal consumer products such as:
 - Cosmetic products and their ingredients, including nanomaterials, hair dyes, preservatives, UV filters, colorants, and fragrance ingredients.
 - Other non-food and non-medicinal consumer products such as toys and textiles.

The provision of scientific advice may take the following form:

6. The SAG-CS shall provide OPSS with scientific opinion on risk assessment for the cases raised via the SAG-CS secretariat. Casework will include the assessment of safety dossiers submitted to support the approval of cosmetic ingredients, such as preservatives, uv filters, colorants, nanomaterials etc., as well as the safety of chemicals in other non-food consumer products such as toys and textiles.

7. The SAG-CS shall provide OPSS, on request, with scientific advice on questions of relevance to public health, consumer safety, non-food and non-medicinal consumer products within OPSS regulatory remit.
8. OPSS may invite the SAG-CS to identify research needs to address critical information gaps, to assess proposed future research and to assess research results in relation to the subject areas covered by their fields of competence.
9. The SAG-CS may be asked to review and update technical guidance in line with continued best practice and technological advancements.
10. OPSS may also request the SAG-CS to provide rapid risk advice on the state of scientific knowledge concerning specific risk in the case of urgent risks.
11. OPSS may invite the SAG-CS members to be part of thematic networks or events with other Government bodies or scientific organisations/committees/groups (such as The Committee on Toxicity and The Committee on Mutagenicity) in order to monitor and contribute to the development of scientific knowledge in the fields of public health and consumer product safety.
12. The SAG-CS shall draw the attention of OPSS to any specific or emerging problems that fall within their field of competence, which they consider may pose an actual or potential risk to consumer safety or public health.
13. The SAG-CS, following consultation with the Secretariat shall adopt their methodology for performing and providing risk assessment and ensure this is kept under review to reflect all relevant scientific factors. They shall ensure, with support from the Secretariat, that the methodology used and the data requested for submission reflects current risk assessment practice.

MEETINGS

14. The SAG-CS is expected to meet five times a year (additional meetings may be arranged based on ad-hoc requirements). The OPSS Secretariat will circulate agendas and the relevant papers two weeks in advance of each meeting. A summary note will also be provided within a month after the meeting has taken place.

MEMBERSHIP

15. Membership of this group will be based on expertise identified via the OPSS Register of Specialists. The Secretariat will initially identify members for the panel with a senior BEIS Official approving the final selection. Any additional member identification will be carried out by the Secretariat working in close collaboration with the SAG-CS Chair. SAG-CS members must follow the Seven Principles of Public Life that apply to anyone who works as a public officeholder¹.

¹ <https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

THE ROLE OF THE CHAIR

16. A SAG-CS chair will be nominated from the SAG-CS members and agreed by both the members and SAG-CS secretariat.

The role of the SAG-CS chair will be to:

17. Provide effective leadership on issues within the SAG-CS's Terms of Reference.
18. Work with the SAG-CS secretariat to ensure that the minutes of meetings and reports to OPSS accurately record the decisions made, and where appropriate the views of individual members.
19. Ensure that the members of the SAG-CS are heard and that no view is ignored or overlooked.
20. Ensure that contrary scientific views are given a fair hearing.
21. Ensure that any significant diversity of opinion among the members of the group is accurately reflected in any report or communications with OPSS, BEIS or other government organisations.
22. Advise on matters relating to OPSS, BEIS or other Governmental Scientific issues as required by those organisations on an ad-hoc basis or in emergencies.
23. Engaging with wider networks of relevant experts including with the Chairs of other Scientific Advisory Groups or Committees relevant to OPSS and BEIS's work.

DRAWING CONCLUSIONS AND DISSENTING VIEWS

24. The SAG-CS will be open-minded, acknowledging where conflicting views exist and considering whether alternative interpretations could apply to the same evidence. SAG-CS reports, decisions and meeting minutes will always include an explanation of where differences of opinion have arisen during discussions, highlighting where there are unresolved issues, and why conclusions have been reached. If it is not possible to reach a consensus, a section will be included in any opinions to reflect minority opinions, which will set out the differences in interpretation and conclusions and the reasons for these. It is the responsibility of the Chair and the Advisory Group members to ensure that unanimity should not be sought at the risk of failing to recognise different views on a subject.

CONFIDENTIALITY

25. Information discussed or disclosed in a meeting will not be transferred to any third party or used in any way by a forum member to gain a commercial advantage. Members should not share information unless it is already in the public domain or they are prepared for it to go into the public domain. Information that members wish to share with the forum but wish to keep confidential to the forum must be made clear on the documents, on the agenda or in the meeting as appropriate.

CONFLICTS OF INTEREST

26. SAG-CS members must familiarise themselves with and follow the guidance set out in the SAG-CS Conflicts of Interest document (provided separately at part of the Register of Specialists Information pack), which is based upon the BEIS Conflict of Interest Policy. Members must ensure their Conflicts of Interest declaration is kept up to date and notify the SAG-CS Secretariat of any changes. Should a conflict of interest arise (actual, potential or perceived), the affected member is duty bound to notify this to the chairman and secretariat at the first opportunity and this should be noted as part of the minutes/notes of the meeting and acted upon as appropriate.

ADMINISTRATION

27. The Secretariat for the SAG-CS shall be provided by OPSS which forms part of the Department for Business, Energy and Industrial Strategy (BEIS). The Secretariat is responsible for maintaining and growing expert membership, organising the meetings, setting the agenda, taking notes and tracking actions, communication of activities and following up on any emerging issues.

GOVERNMENT ACCESS OF SCIENTIFIC ADVICE

28. On the access of scientific advice in the form of the SAG-CS, OPSS will follow government guidelines on this and promote the need for scientific advice to be independent, objective and transparent². On issues relating to divergent opinions and coordination and collaboration with other domestic or international bodies these will be managed by the SAG-CS secretariat. The members of the Scientific SAG-CSs and external experts shall commit themselves to act independently, in the public interest and to contribute actively to the work of the SAG-CS. For this purpose, they shall sign a declaration of commitment. The activities of the SAG-CS shall be carried out transparently. The secretariat and BEIS shall publish relevant findings and opinions by the end of the tenure of the SAG-CS.

ADVISORY GROUP FEES AND EXPENSES

29. Attendance of SAG-CS meetings and payment of attendance of fees will be managed by the SAG-CS secretariat. For queries about attendance fees and other expenses please contact the secretariat.

COMPLAINTS PROCEDURE

30. For complaints about the SAG-CS or OPSS, please initially tell SAG-CS secretariat and Chair. We will try to resolve any problem quickly and explain what we have done and why.
31. If you are still dissatisfied and would like to take your complaint further, you should contact the Office for Product Safety and Standards directly at the below address who will independently handle complaints received:

² <https://www.gov.uk/government/publications/scientific-advice-to-government-principles/principles-of-scientific-advice-to-government>

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