

The Chartered Institute of Environmental Health and Artificial Ultraviolet Tanning Facilities

Briefing note for the Department of Health

February 2007 (Updated August 2007)

The Chartered Institute of Environmental Health (CIEH) has been actively involved in raising awareness of the health issues associated with the use of sunbeds since 1996 when we worked in partnership with the Health Education Authority to publish "Skin Cancer Prevention: Policy Guidelines for Local Authorities". At this time our primary focus was the development of policies within local authorities. An important aspect of these policies was the removal of ultraviolet (UV) tanning equipment from all local authority owned premises.

Our knowledge of sunbed issues in the local authority regulated sector has since been developed by a series of surveys where we asked about:

- Numbers of local authority owned premises providing UV tanning equipment;
- Reasons for keeping such equipment in light of current evidence of the associated health risks;
- Numbers of commercially operated UV tanning facilities;
- Numbers of these known to be unstaffed;
- Issues surrounding the inspection of commercially operated equipment;
- Complaints from the public.

Findings from the 2004 survey can be found on the CIEH website at

http://www.cieh.org/library/Knowledge/Public_health/Skin_cancer/Sunbed_survey_2004.pdf

The key areas for future action identified from this survey were:

- Continued campaigning to encourage more local authorities to remove sunbeds from their premises;
- The need to ensure good standards in the rapidly expanding numbers of private sector UV tanning establishments and the difficulties this imposes on local authority inspection regimes;
- To encourage a review of existing guidance on the operation and use of UV tanning facilities to identify good practice;
- To encourage commercial operators to join a recognised trade association;
- The need for guidance and information to encourage local interventions that raise awareness of the issues involved in skin cancer prevention.

To assist environmental health practitioners (EHPs) in addressing these issues in May 2005 the CIEH released the Saving Our Skins Toolkit (see CIEH website - http://www.cieh.org/library/Knowledge/Public_health/Skin_cancer/Saving%20our%20Skins%20Toolkit.pdf). The toolkit provides an evidence base to support action, signposts where information and promotional materials can be obtained, provides information and advice on running successful campaigns and includes a comprehensive listing of local interventions across a range of community settings.

Following discussions with Cancer Research UK, a follow up survey of local authorities was undertaken in May 2006. The aim of this survey was to review the current situation for feedback to the Cancer Research UK Sunbed Summit in September 2006. We were particularly interested to see how local authorities were addressing the in-house provision of UV tanning equipment in light of the current evidence about skin cancer risk, and to see if regulatory interventions in this area were increasing.

The key findings from the survey were:

- The number of local authorities providing UV tanning equipment in local authority owned facilities continues to decrease (74% in 1999, 59% in 2004 to 52% in 2006);
- The majority of local authorities do not have accurate knowledge of the number of private sector UV tanning facilities in their area;
- 75% of local authorities were concerned about standards of private sector UV tanning facilities. The most frequent complaints made to environmental health departments related to burns due to: inappropriate skin type; over exposure; high powered unit; unsupervised use etc. Other complaints included concern about usage by under 16's, lack of suitable eye protection/ eye damage, poor cleanliness, poor maintenance, allergic reactions, and marketing offers of unlimited use;
- 89% of local authorities agreed that updated guidance on the operation of UV tanning facilities is required;
- 91% of local authorities would support action to ban all unmanned/ coin operated facilities;
- 92% of local authorities would support action to ban the use of all UV tanning facilities for under 16 year olds.

The survey indicates that whilst local authorities do not know the exact numbers of private sector premises in their area, they believe that this is a rapidly expanding industry. An increase in the numbers of unstaffed/ coin operated equipment is of particular concern. UV tanning equipment is present in a wide range of premises, many of which are not dedicated tanning salons or beauty parlours. This is particularly true of the coin operated equipment which has even been found in a carpet shop. One respondent commented:

“Inspection rates are based on risk assessment, but coin operated facilities are often placed in very unusual places and they are not necessarily inspected regularly”.

Exact numbers of premises are only known where authorities have undertaken specific interventions such as mapping exercises. Only 12% of local authorities responding to the questionnaire had undertaken interventions to locate private sector establishments. However, officers themselves are clearly concerned about the growing number of private sector UV tanning facilities and the standards found within them. One of the main barriers to action is that this is not a Health and Safety Executive (HSE) priority area and therefore unless skin cancer is seen as a local priority, resources are not allocated to allow comprehensive mapping of establishments.

The issue that arises again and again throughout the CIEH surveys is that where problems are found there are insufficient tools available to deal with them. The devices per se are covered by the European product safety standard for sunbeds EN60335-2-27:2003¹. But, the only legal powers available to the majority of local authorities who are responsible for regulation of the industry, are the general powers under Section 3 of the Health and Safety at Work etc Act 1974 and The Management of Health and Safety at Work Regulations 1999 (as amended). Duty holders are required to assess the health and safety risks caused by

their work activities which will include the risks to employees and customers from exposure to UVR and put in place measures to control these risks so far as is reasonably practicable.

The most successful way to regulate the private sector UV tanning industry would appear to be licensing. Our surveys indicate that we need a consistent framework for local authority inspections and assessments of risk. Licensing could provide such a framework and licensing conditions could:

- Prohibit use of sunbeds by children;
- End the use of coin-operated machines;
- Ensure all staff are properly trained and have a full understanding of the risks involved;
- Ensure adequate information provision, record keeping, etc.

Licensing is currently only available to a small number of local authorities. London boroughs are able to license UV tanning facilities as 'special treatments' under the London Local Authorities Act 1991. Other local authorities (that we are aware of) license under their own local acts e.g. Birmingham City Council Act 1990, Nottinghamshire County Council Act 1985 and the Essex Act 1987.

Quotes from the 2006 survey in support of licensing:

"Many tanning booths/sunbeds seem to be in locations where you would never expect to find them. A licensing requirement might help us actually find them"

"The industry needs specific regulation, the HSW Act is not enough. Premises should be subject to strict licensing conditions with controls such as client register cards etc made compulsory. Licensing could also impose a minimum age limit. In London as premises are issued a license under the London LA Act 1991, there is a combined H&S and licensing inspection to ensure compliance with licensing conditions, council regulations and health and safety legislation".

One individual commented that the London Local Authorities Act is not ideal, and that they would much prefer national licensing powers with clear effective guidance. A national licensing regime would ensure consistency in the enforcement approach across the country.

The sun tanning industry has not shown sufficient capacity for self-regulation. The professional body for the tanning industry in the UK is The Sunbed Association (TSA) which does have a strict code of practice that uses elements of the HSE guidelines and European standards. This prohibits under 16's from using solarium and provides guidance on the use of sunbeds. However, only a minority of UV tanning operators are members and although the TSA employ independent inspectors to enforce compliance, members must be notified in advance of inspections. There is also concern over the TSA's recommended number of 60 sunbed sessions a year (for Skin Type 2), this is considerably higher than the 20 sessions per year recommended in the HSE guidance². This issue was raised at Cancer Research UK's first Sunbed Symposium in March 2004, the TSA representatives at the summit agreed to take this issue back to the full Council for consideration but the proposal for reducing the recommended number of sessions per year was subsequently turned down.

A lack of suitable, up to date guidance is seen as a particular problem. The vast majority of respondents to the 2006 survey (89%) agreed that updated guidance was needed, particularly that aimed at enforcers. The main guideline for the industry is IND(G) 209 - Controlling Health Risks from the use of UV Tanning Equipment, published by the HSE in

1995 (republished in 2003, but not updated). The guidance is in two parts. The first contains general information for people who have responsibility for the day-to-day operations where UV tanning facilities are available and the second contains specific advice for customers. The information for customers includes the recommended annual number of sun tanning sessions or 'safe dose', and whilst based on the current expert medical opinion (as at 1995), there have been considerable advances in the sun tanning industry since then. Power levels of the various sun tanning equipment now vary significantly and there is a higher intensity of UV radiation output from modern equipment. Furthermore, there has been accumulating epidemiological and biological evidence to support the belief that UV radiation may contribute to the increase of skin cancer. Based on this evidence, the view of the medical profession (British Photodermatology Group³, British Medical Association⁴, World Health Organisation (WHO)⁵), the Advisory Group on Non-Ionising Radiation (AGNIR)⁶ and the International Commission on Non-Ionizing Radiation Protection (ICNIRP)⁷, is that sunbed use for cosmetic tanning should be strongly discouraged. The CIEH believes that the existing guidelines from the HSE need updating in light of these new developments, with particular consideration given to the recommended number of sunbed sessions per year which should take account of the intensity of exposure from different models of sunbed.

The CIEH have lobbied the HSE to update the guidance, and have asked why work undertaken on a draft Local Authority Circular on Solaria/ UV tanning has not been finalised and published. Initially the HSE view was that they did not see UV tanning as a health and safety issue but rather as a public health issue. However subsequently there are ongoing discussions with the Department of Health about the need to update guidance.

Potential Solutions

1. Ban use for under 16s as with tobacco, gambling etc – the increased risks of developing melanoma as a result of childhood exposure to UV radiation is now well established. WHO has advocated that legislation should be introduced to prevent under 18's from accessing tanning facilities and quotes a study carried out in Norway and Sweden that found a significant increase in the risk of malignant melanoma amongst women who regularly used sunbeds⁸.
2. Ban coin operated machinery – without responsible well trained staff, there is a greater risk to health.
3. In our opinion the most successful way to regulate the private sector UV tanning industry would be through the introduction of a national licensing scheme.
4. To ensure a consistent approach the proposed Code of Practice for Artificial Tanning produced by the European Society of Skin Cancer Prevention (*Euroskin*) would form a good basis for action - <http://www.euroskin.eu/238d7297f20aa420b/index.html>.

The European proposal would ensure that:

- The unsupervised use of artificial tanning equipment by members of the public in commercial premises is very strongly discouraged and would be in non-compliance with the Code of Practice; *
- The use of artificial tanning equipment by children or young persons would be in non-compliance with the Code of Practice. It should be the responsibility of the management of the premises to require appropriate proof of age.

* 'unsupervised' means the use of artificial tanning equipment by the general public in premises where no appropriately trained members of staff are present. It includes the use of coin-operated tanning equipment.

5. In the meantime there is an urgent need for updated guidance which reflects the current evidence base and position statements of the major public health bodies. The CIEH believe that the HSE should prioritise this work.
6. Introduction of a nationally recognised qualification for staff working in the UV tanning industry – the need for improved training and the possibility of introducing a qualification such as a national vocational qualification (NVQ) for all sunbed operators was raised many times by respondents to the CIEH surveys.

¹ EN60335-2-27:2003. Specification for safety of household and similar electrical appliances. Particular requirements for appliances for skin exposure to ultraviolet and infrared radiation - http://standards.mackido.com/en/en-standards24_view_7082.html

² Health and Safety Executive. 1995. IND(G) 209 - Controlling Health Risks from the use of UV Tanning Equipment - <http://www.hse.gov.uk/pubns/indg209.pdf>

³ British Photodermatology Group Consensus View on Sunbeds for Cosmetic Tanning - <http://www.bad.org.uk/public/skin/sunbeds/>

⁴ BMA policy on the use of sunbeds April 2003 - <http://www.bma.org.uk/ap.nsf/Content/sunbma?OpenDocument&Highlight=2,sunbed>

⁵ World Health Organisation (2003). Artificial Tanning Sunbeds. Risks and Guidance. - <http://www.who.int/uv/publications/sunbedpubl/en/>

⁶ AGNIR (2002). Health Effects from Ultraviolet Radiation. Report of an Advisory Group on Non-Ionising Radiation. Doc NRPB, 13, no. 1. - http://www.hpa.org.uk/radiation/publications/documents_of_nrp/pdfs/doc_13_1.pdf

⁷ ICNIRP (2003). Health issues of ultraviolet tanning appliances used for tanning purposes. Health Phys, 84, 119-127

⁸ World Health Organization. (2005). WHO recommends no person under 18 should use a sunbed - www.who.int/mediacentre/news/notes/2005/np07/en/index.html