The EU Occupational Safety and Health Framework for Carcinogens

Fighting cancer at the workplace – A+A Congress 2017, Düsseldorf

Christian Heidorn
Health and Safety Unit
European Commission
DG Employment, Social Affairs and Inclusion
Content of the presentation

- General background information: Why is there a need to act?
- The OSH Framework Directive, the "chemical daughters" and the Asbestos Directive
- The process to establish limit values under the CMD
- The content of the current proposals
- Future steps
Why is there a need to act?

- Cancer is the first cause of work-related deaths in the EU.
- 52% of occupational deaths are attributed to cancer, compared to 24% for circulatory diseases.
- 106,307 deaths are attributed to occupational cancer in the EU every year.
- Strong support from all stakeholders to establish occupational exposure limit values.

Cancers: 52%

Circulatory diseases: 24%

Respiratory diseases: 6.0%

Mental disorders: 5.7%

Communicable diseases: 2.5%

Other: 4.2%
Why is there a need to act?

- Cancer is the first cause of work-related deaths in the EU
- 52% of occupational deaths are attributed to cancer, compared to 24% for circulatory diseases
- 106,307 deaths are attributed to occupational cancer in the EU every year
- Strong support from all stakeholders to establish occupational exposure limit values
Why is there a need to act?

Jean-Claude Juncker's State of the Union Address 2016:

The modernisation of existing occupational health and safety legislation to better protect the safety and health of workers, through better implementation, an updated legislative framework and enhanced protection from the risks related to carcinogens and mutagens" is part of the 10 priorities for the forthcoming year
"Safer and Healthier Work for All" – Modernisation of the EU OSH Legislation and Policy

OSH challenges, three priority areas:

- Stepping up the fight against occupational cancer and exposure to chemicals
- Helping businesses, in particular microenterprises and SMEs, to comply with OSH rules
- Cooperating with Member States and Social Partners to remove or update outdated rules and to refocus efforts on ensuring better and broader protection, compliance and enforcement on the ground
“Safer and Healthier Work for All” – Modernisation of the EU OSH Legislation and Policy

OSH challenges: three priority areas:
- Stepping up the fight against occupational cancer and exposure to chemicals
- Helping businesses, in particular microenterprises and SMEs, to comply with OSH rules
- Cooperating with Member States and Social Partners to remove or update outdated rules and to refocus efforts on ensuring better and broader protection, compliance and enforcement on the ground
The **OSH Framework Directive** and its "chemical daughters"


Sets out the **minimum requirements**, Member States are allowed to establish higher levels of protection

Introduces measures to encourage improvements

- General principles:
  - Risk assessment
  - Elimination of risk and accident factors
  - Prevention of occupational risks
  - Protection of safety and health
  - Informing, consultation and participation of workers and their representatives
  - Training of workers and their representatives
The OSH Framework Directive and its "chemical daughters"

**Directive 98/24/EC**
Risks related to chemical agents at Work
"Chemical Agents Directive" - CAD

**Directive 2004/37/EC**
Carcinogens or mutagens at work
"Carcinogens and Mutagens Directive" - CMD

**CMD - hierarchy of protection:**
1. Replacement of carcinogens or mutagens at the workplace
2. Where not technically possible: Closed systems
3. Exposure as low as possible
Asbestos Directive

Directive 98/24/EC
Risks related to chemical agents at Work
"Chemical Agents Directive" - CAD

Directive 2004/37/EC
Carcinogens or mutagens at work
"Carcinogens and Mutagens Directive" - CMD

Directive 2009/148/EC
Exposure to asbestos at work
"Asbestos Directive"
The process to establish limit values under the CMD (1)

**Social Partners Consultation**
- **Selection of priority chemicals**
  - Commission establishes a list of priority chemicals based on inputs from various sources and application of priority criteria
- **Scientific evaluation**
  - Commission issues mandates to SCOEL or RAC to evaluate the priority chemicals. Scientific evaluations are subject to public consultation before adoption

**External study** – facts and figures
- The Commission launches an external study to support the WPC in developing their opinion and to provide input for the Impact Assessment
The process to establish limit values under the CMD (2)

**Impact Assessment**
The Commission (DG EMPL*) drafts an IA, containing policy options and associated impacts. The IA is discussed within an Inter-service Steering Group and submitted to the **Regulatory Scrutiny Board**. A positive decision is required.

**Working Party Chemicals (WPC): Draft opinion**
The WPC discusses the scientific evaluation, taking into account feasibility and prepares draft opinion, presented to the **Advisory Committee on Safety and Health at Work (ACSH)** for adoption.

*) DG Employment, Social Affairs and Inclusion – Health and Safety Unit
The process to establish limit values under the CMD (3)

**Draft legislative proposal**
The Commission (DG EMPL) drafts the legislative proposal for an amendment of the CMD (OELs in Annex III).

After an “Inter-service Consultation” within the Commission, DG EMPL prepares the final draft version of the legislative proposal for adoption by the College of Commissioners.

**Ordinary legislative procedure:**
Council and European Parliament

Reports by EP Committees

=> possible amendments

1\textsuperscript{st} and 2\textsuperscript{nd} readings

... if needed: consilisation and 3\textsuperscript{rd} reading
The process to establish limit values under the CMD (4)

**Member States:**

The adopted Directive is published in the Official Journal of the European Union. Member States then transpose the text into their national legislation.

- Implementation
- Enforcement
- Reporting on implementation
Consultations and involvement:

- **Social Partners** (2 stage consultation)
  - Employers and workers (associations and trade unions)

- **'Tri-partite'** Advisory Committee on Safety and Health (ACSH) and its Working Party on Chemicals – WPC
  - Employers, workers and government bodies
  - WPC discusses the scientific evaluation, takes feasibility into account and
  - provides a draft opinion for the ACSH for adoption
Impact assessment

- Based on results of an external study and a survey conducted within the ACSH

- Data sources explored: available databases on exposure to chemicals, labour market data, scientific literature review, data about the OELs currently in place collected from the Member States, interviews with industry representatives

- The IA assesses the benefits and costs of the different policy options against the baseline scenario. It takes into account the clinical features as regards the health effects following exposure to agents under the proposal (duration and intensity of exposure, maximum latency period for the health effects to appear)
The content of the current proposals

Wave I: Limit values to be established for:
- Chromium (VI) compounds
- Refractory ceramic fibres
- Respirable crystalline silica dust
- Ethylene oxide
- 1,2-Epoxypropane
- Acrylamide
- 2-Nitropropane
- o-Toluidine
- 1,3-Butadiene
- Hydrazine
- Bromoethylene

... and revised for:
- Hardwood dusts and
- Vinyl chloride monomer

Expected to be adopted by the Council and European Parliament: ... by end 2017
The content of the current proposals

Wave II:

Limit values proposed for:

- Trichloroethylene (TCE)
- 4,4'-Methylenedianiline (MDA)
- Epichlorohydrin ((1-Chloro-2,3-epoxypropane)
- Ethylene dibromide (EDB)
- Ethylene dichloride (EDC)
- Complex PAH mixtures with benzo[a]pyrene as indicator
- Mineral oils as used engine oils

Expected to be adopted in 2018
The content of the current proposals

Wave III:

Considered for setting limit values for:

• Cadmium and its inorganic compounds
• Beryllium and its inorganic compounds
• Arsenic acid and its salts
• Formaldehyde
• 4,4'-Methylene-bis(2-chloroaniline) (MOCA)

... and in subsequent amendments

• Nickel compounds
• Acrylonitrile
• Benzene (to be revised)
• ...
• ...

In Social Partner's consultation
Future steps

Implement the Communication 'Safer and Healthier Work for All'

- Continued work on subsequent amendments of the CMD
- Study on possibility to include reprotoxic substances in CMD
- Further lists of indicative limit values in the CAD
- Database on occupational exposure for some hazardous chemicals
- Healthy Workplaces Campaign on dangerous substances
- Help businesses to comply with occupational safety and health rules: Develop practical guides for employers/inspectors
- Common Understanding between OSH legislation and other EU legislation on chemicals, in particular REACH
Thank you for your attention

Christian Heidorn
European Commission
DG Employment, Social Affairs and Inclusion
Health and Safety
Christian.Heidorn@ec.europa.eu
Vielen Dank für Ihre Aufmerksamkeit

Christian Heidorn
Europäische Kommission
GD Beschäftigung, Soziales und Integration
Gesundheit und Sicherheit

Christian.Heidorn@ec.europa.eu