What can REACH do to support OSH in protecting workers' health?

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Overview

- Good and bad side of chemicals for workers
- Interface between REACH and OSH legislations
- Added value of REACH/CLP for OSH
- Successful synergies between REACH & OSH
- Unwanted interactions between REACH & OSH
- Longer term perspectives
The good side of chemicals for workers

- 1.2 million workers in the EU chemical industry
- 3.6 million jobs in downstream sectors (building, textile, automotive, electronic, etc...)
- Turnover of the EU chemical industry:

![](image)

Source: Cefic, 2018

- Chemicals contribute to the EU economic prosperity in terms of trade and jobs
Carcinogens are the biggest killer at work in the EU-28

102,500 deaths/year due to work-related cancers

Source: Jukka Takala, ETUI, 2015
Annual Societal Costs of work-related cancers in the EU-28

€ 270- 610 billion

(1.8 - 4.1 % EU GDP)

Source: ETUI, 2017
Interface between REACH/CLP & OSH legislation

Marketing/Use of Chemicals
- REACH
- CLP

Protection of workers exposed to Chemicals
- Chemical Agents Directive (98/24 EC)
Interface between REACH & OSH legislation

REACH, Art 4 (2) : This Regulation shall apply without prejudice to Dir 89/391, Dir 98/24, Dir 2004/37, [....]
In practice, it means that employers still have to comply with their obligations under worker protection legislation (Chemical Agents Directive & Carcinogens Directive):

- Risk assessment at the workplace (can be combined with REACH Chemical Safety Assessment)
- Compliance with existing EU or national binding OELs (regardless of DNELs)
- Obligation to use a safer alternative to a carcinogen or a mutagen when technically available (regardless of eventual authorisations granted under REACH)
- Obligation to provide information and training to workers
Harmonised Classification and Labelling for carcinogens:

<table>
<thead>
<tr>
<th>Category of carcinogen</th>
<th>Number of substances</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>336</td>
</tr>
<tr>
<td>1B</td>
<td>695</td>
</tr>
<tr>
<td>2</td>
<td>219</td>
</tr>
<tr>
<td>Total</td>
<td>1245</td>
</tr>
</tbody>
</table>

C&L Notifications:
- covering ~145 000 individual substances
- of which ~ 3 300 self-classified as Carc. cat 1A or 1B or 2
- C&L inventory database available on ECHA website (including substances in Annex VI of CLP with harmonized classification):
The data generated by REACH foster a better knowledge of the properties of chemicals, their effects on human health and ways of reducing risk during their use.

REACH improves the transmission of such data along the entire supply chain, thanks to better quality labelling and Safety Data Sheets.

Authorisation procedures in REACH are promoting the substitution of the most harmful substances by safer alternatives & innovation.

More BOELs under OSH legislation are essential to minimize workers exposure to carcinogens & reduce future work-related cancers.

REACH & OSH legislation are complementary, compliance under REACH brings benefits under OSH (and vice versa).
The example of Chromium VI

- REACH authorisations only cover certain uses
- Process generated substances are out of authorisation's scope
- Binding OEL for CrVI in CMD cover all uses
- REACH authorisation + Binding OEL complement each other

Successful synergies between REACH & OSH
Ongoing debate about the interpretation of REACH Art 58(2):

*Should the uses of a carcinogen be exempted from the authorisation requirement under REACH when there is an EU OEL under the Chemical Agents or the Carcinogens & Mutagens Directives?*

ETUI opinion:

- ✓ OELs useful tool to reduce exposure but not as effective as substitution
- ✓ Neither the existing indicative nor binding OELs are appropriate reasons to request authorisation exemptions under REACH Art 58(2):
  - ✓ MS can deviate from EU IOELs and implement higher values
  - ✓ BOELs do **not** guarantee adequate control (under CMD exposure minimisation is mandatory below BOEL)
When REACH is trying to replace OSH:

- NMP & DMF restrictions & mandatory DNEL for workers
- Diisocyanates restriction & mandatory workplace training for industrial and professional users
- 5 Cobalt compounds restriction & reference exposure value
Synergies between REACH and OSH need to be worked on and developed further

We need a public policy against work-related cancers

- Promoting substitution (public support & speed up SVHCs inclusion in REACH Candidate list & Authorisation list)
- Collecting systematic data on exposure (Hazchem@work, HBM4EU)
- Collecting reliable data on cancer and occupations (NOCCA)
- Enforcement

We need a consistent regulatory framework for Substances toxic for reproduction & Endocrine Disruptor Chemicals (CMD → CMRD)

We need to pay more attention to gender (i.e. cytostatic drugs & nurses)

We need more training of workers & employers for effective use of data generated by REACH/CLP and OELs established under OSH

Industry needs to be convinced that the only way forward is safer chemicals and products containing them
Thank you for your attention!

More info available in ETUI publications:

1) Eliminating occupational cancer in Europe and globally

2) Cancer and Work: understanding occupational cancers and taking action to eliminate them

3) Carcinogens that should be subject to binding limits on workers exposure