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

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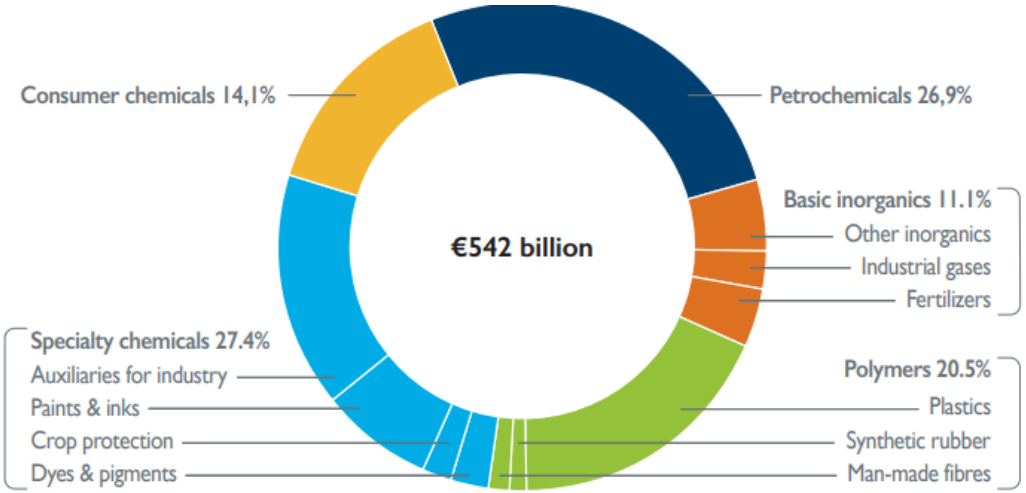
The good side of chemicals for workers

- 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:



Source: Cefic, 2018

- Chemicals contribute to the EU economic prosperity in terms of trade and jobs

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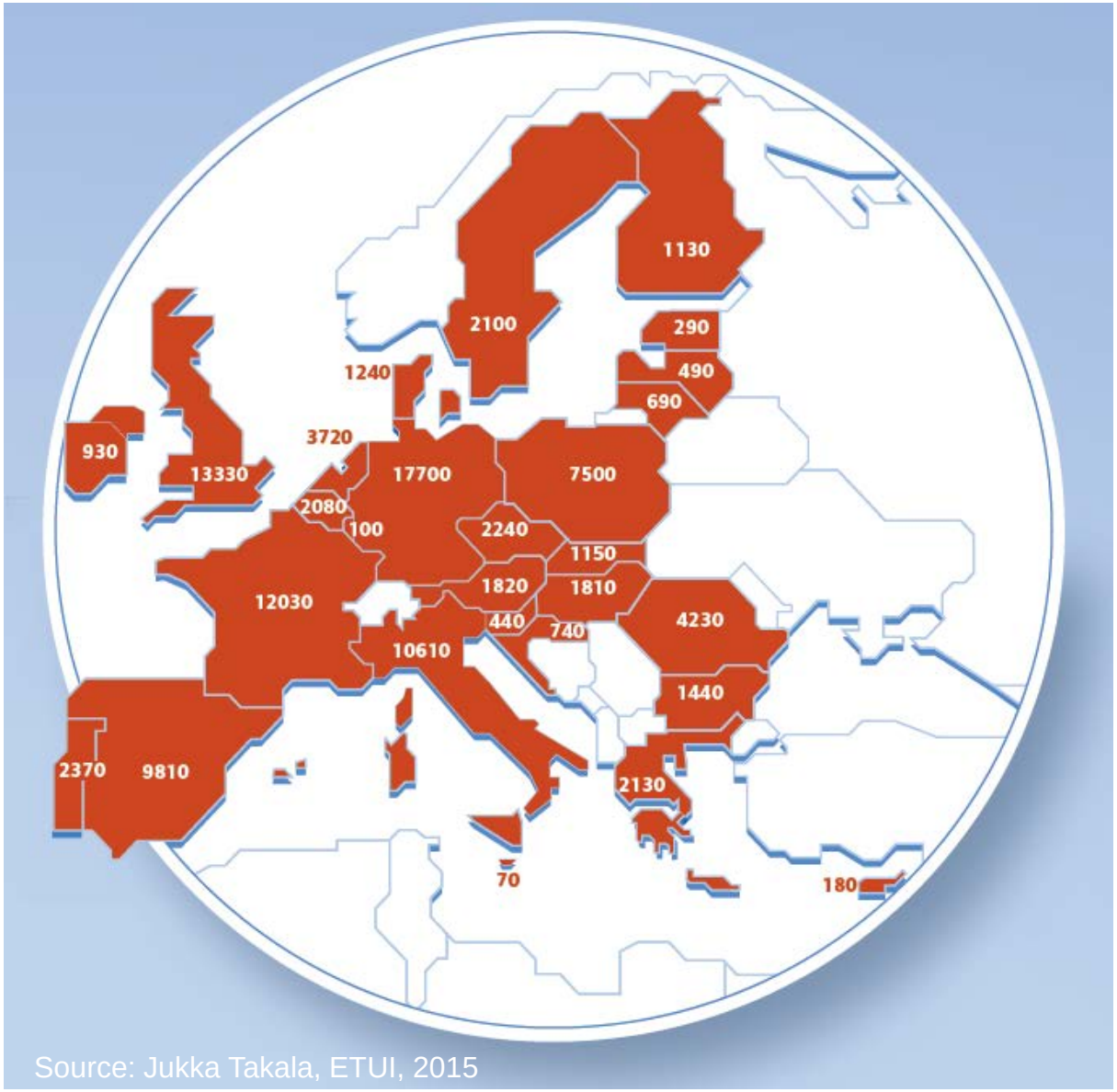
The bad side of chemicals for workers

Carcinogens are the biggest killer at work in the EU-28



Source: Jukka Takala, ETUI, 2015

102 500 deaths/year due to work-related cancers

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Negative impact on workers, employers and social-security

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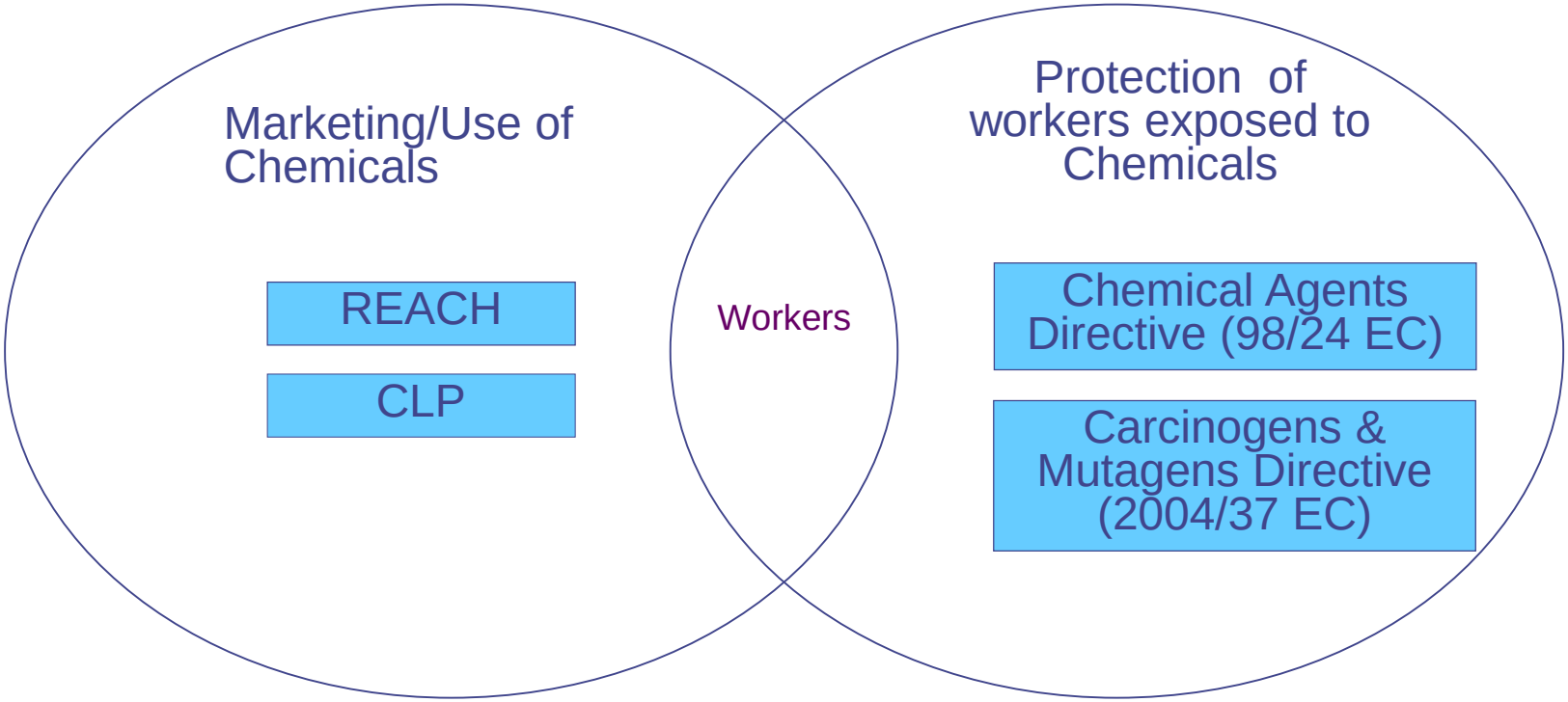
Interface between REACH/CLP & OSH legislation



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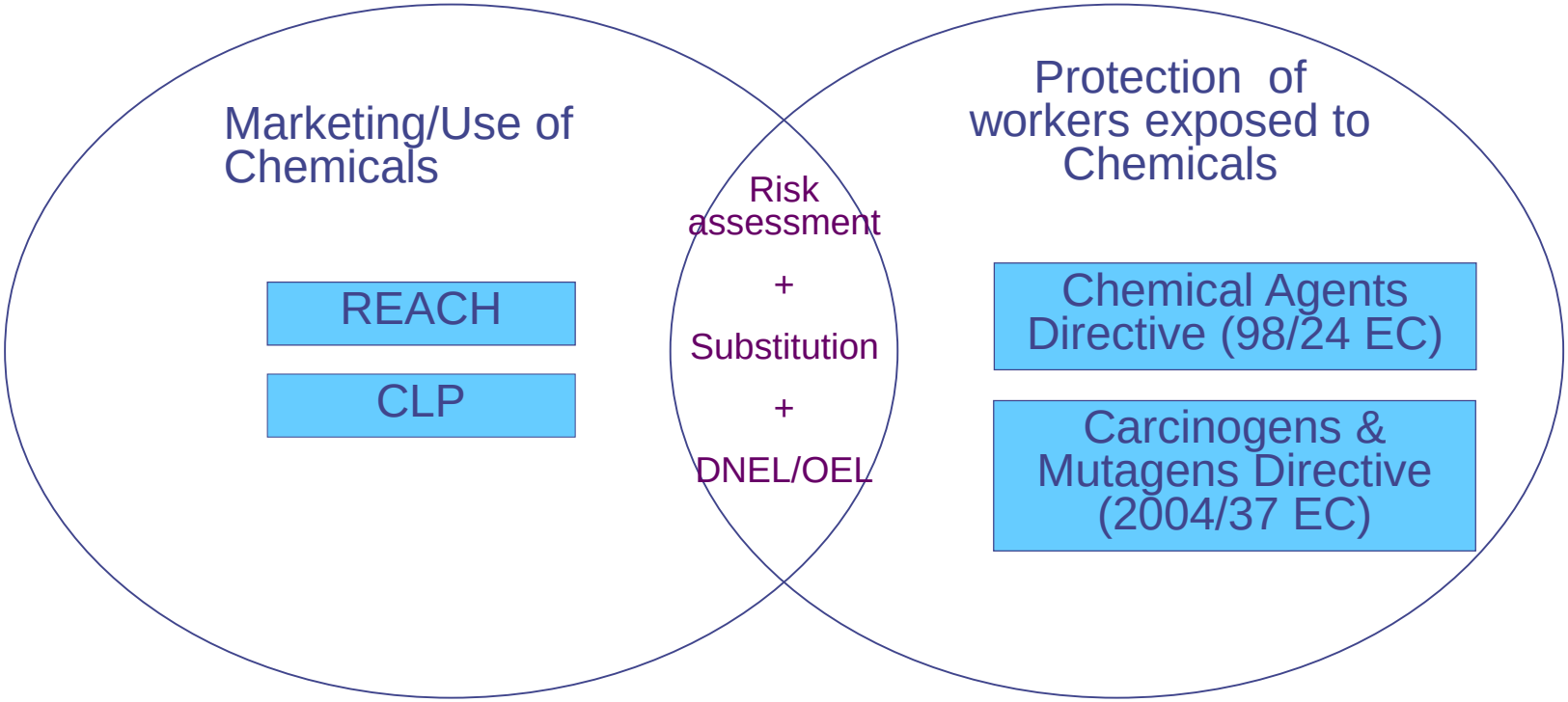
Interface between REACH & OSH legislation



REACH, Art 4 (2) : This Regulation shall apply without prejudice to Dir 89/391, Dir 98/24, Dir 2004/37, [….]

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REACH applies without prejudice to OSH legislation

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

Added value of CLP Regulation for OSH ?

Harmonised Classification and Labelling for carcinogens:

Category of carcinogen	Number of substances
1A	336
1B	695
2	219
Total	1245

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):

http://echa.europa.eu/web/guest/information-on-chemicals/cl-inventory-database

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Added value of REACH for OSH ?

- 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)

Successful synergies between REACH & OSH

The example of Chromium VI

plating

welding

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

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Unwanted interactions between REACH & OSH legislation (1)

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)

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Unwanted interactions between REACH & OSH legislation (2)

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

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Longer term perspectives

- 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

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Thank you for your attention !

More info available in ETUI publications:

1) Eliminating occupational cancer in Europe and globally

http://www.etui.org/en/Publications2/Working-Papers/Eliminating-occupational-cancer-in-Europe-and-globally

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

https://www.etui.org/Publications2/Books/Cancer-and-work-understanding-occupational-cancers-and-taking-action-to-eliminate-them

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

http://www.etui.org/fr/Publications2/Rapports/Carcinogens-that-should-be-subject-to-binding-limits-on-workers-exposure

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