Protection of workers from exposure to carcinogens or mutagens at work: exposure limit values

2016/0130(COD) - 25/10/2017 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 540 votes to 6 with 119 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work.

To recall, the proposed directive aims to improve workplace conditions and protect workers against risks to their health and safety from exposure to carcinogens or mutagens at the workplace. It introduces 11 carcinogenic substances to the current list of dangerous substances and revises the limit values for two substances that are already listed.

Information for the competent authority: Directive 2004/37/EC provides that where the results of the risk assessment reveal a risk to workers' health or safety, employers shall, when requested, make available to the competent authority appropriate information on:

- the activities and/or industrial processes carried out, including the reasons for which carcinogens or mutagens are used;
- the quantities of substances or preparations manufactured or used which contain carcinogens or mutagens;
- the number of workers exposed;
- the preventive measures taken;
- the type of protective equipment used;
- the nature and degree of exposure.

The amended text provides that **Member States shall take into account the above information in their reports submitted to the Commission** under Council Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work.

Health surveillance: Member States shall **establish arrangements for carrying out relevant health surveillance of workers** for whom the results of the risk assessment reveal a risk to health or safety. The doctor or authority responsible for the health surveillance of workers may indicate that health surveillance **must continue after the end of exposure** for as long as they consider it to be necessary to safeguard the health of the worker concerned.

Furthermore, all cases of cancer identified in accordance with national law or practice as resulting from occupational exposure to a carcinogen or mutagen shall be **notified** to the competent authority.

The amended text stresses that appropriate and consistent **data collection** by Member States from employers is necessary to ensure the safety and proper care of workers.

Limit values for occupational exposure: Parliament revised the limit values for the following substances:

- **hardwood dusts**: there will be an exposure limit value of 3 mg/m3 for 5 years after the entry into force of the directive and thereafter a **limit of 2 mg/m3**;

- **Chromium VI:** there will be an exposure limit value of 0.010 mg/m3 for a period of 5 years after the date of transposition of the directive; after that period a **limit of 0.005 mg/m3** will apply.

Evaluation: the Commission shall, as part of the next evaluation of the implementation of the Directive, also evaluate the need to **modify the limit value for respirable crystalline silica dust** (set at 0.1mg/m3 in the amended text). The Commission shall propose, where appropriate, necessary amendments and modifications related to that substance.

Parliament also required that by **the first quarter of 2019, the Commission should assess the option of amending the scope of the Directive to include reprotoxic substances**. On that basis, the Commission shall present, if appropriate, and after consulting management and labour, a legislative proposal.

The text goes on to recall that in its opinion on **refractory ceramic fibres**, the Advisory Committee on Safety and Health at Work (ACSH) agreed that a binding occupational exposure limit value is necessary for this substance. The Commission should therefore encourage the ACSH to submit an up-to-date opinion on refractory ceramic fibres with a view to reaching a common position on the limit value for that substance.