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

2016/0130(COD) - 12/12/2017 - Final act

PURPOSE: to better protect workers from exposure to carcinogens or mutagens in their workplace.

LEGISLATIVE ACT: Directive (EU) 2017/2398 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.

CONTENT: this Directive amending Directive 2004/37/EC improves workplace conditions and protects 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.

- crystalline silica dust alveolar,
- 1,2-epoxypropane,
- 1,3-butadiene,
- 2-nitropropane,
- acrylamide,
- certain chromium (VI) compounds,
- ethylene oxide,
- o-toluidine,
- refractory ceramic fibres,
- bromoethylene
- and hydrazine.

Health surveillance: the Member States shall establish, in accordance with national law or practice, arrangements for carrying out relevant health surveillance of workers for whom the results of the 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.

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.

Revision of the exposure limit values: the amending Directive revises the limit values for the following substances:

- **hardwood dust**: the limit value for exposure is set at 3 mg/m3 until 17 January 2023 and at 2 mg /m3 thereafter. The distinction between hardwood and softwood dust should be further assessed as regards the limit value set out in that Annex, as recommended by Scientific Committee on Occupational Exposure Limits (SCOEL) and the International Agency for Research on Cancer;
- **Chromium (VI) compounds which are carcinogens**: the Directive provides an initial exposure limit value of 0.010 mg/m3 until 17 January 2025, after which this value will be lowered to 0.005

mg/m3. A derogation is provided for welding and plasma cutting processes or similar processes that generate fumes: the exposure limit value is fixed at 0.025 mg/m3 until 17 January 2025 and will then be 0.005 mg/m3.

Reprotoxic substances: the Commission shall **assess** the possibility of including reprotoxic substances in the list of dangerous substances by the **first quarter of 2019**. On this basis, it shall submit, if necessary, a legislative proposal, after consulting the social partners.

Lastly, as part of the next evaluation of the implementation of the Directive, the Commission will have to **evaluate** the need to modify the limit value for **respirable crystalline silica dust** (set at 0.1 mg / m³ in the amending Directive). The Commission shall propose, if necessary, the necessary modifications relating to this substance.

ENTRY INTO FORCE: 16.1.2017.

TRANSPOSITON: by 17.1.2020.