Protection of workers from the risks related to exposure to carcinogens or mutagens at work: limit values and skin notations

2017/0004(COD) - 16/01/2019 - Final act

PURPOSE: to improve the protection of workers from the risks associated with exposure to carcinogens or mutagens at work.

LEGISLATIVE ACT: Directive (EU) 2019/130 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: the Directive amends Directive 2004/37/EC by introducing exposure limit values for 8 additional carcinogens or mutagens in order to better protect workers at EU level. It is a question of:

- emissions from diesel engines,
- mineral oils that have previously been used in internal combustion engines,
- trichloroethylene,
- 4,4-methylenedianiline,
- epichlorohydrin,
- ethylene dibromide,
- ethylene dichloride and
- mixtures of polycyclic aromatic hydrocarbons, in particular those containing benzo[a]pyrene.

The revision is based on the opinions of the Scientific Committee on Occupational Exposure Limits to Chemical Agents (SCOEL) and the Advisory Committee on Safety and Health at Work (ACSH).

Limit values

- Exhaust gases from diesel engines: the Directive sets an occupational exposure limit value in Annex III of 50µg/m³ (0.05mg/m³) calculated on the basis of elemental carbon. The limit value will apply from 21 February 2023. For underground mining and tunnel excavation, the limit value shall apply from 21 February 2026.
- Mineral oils: the Directive establishes a ‘Skin’ notion for oils that have previously been used in internal combustion engines to lubricate and cool moving parts of the engine, indicating the possibility of significant absorption of the substance through the skin. Dermal exposure may be limited by the implementation of good practices, including the use of personal protective equipment, such as gloves.
- Trichloroethylene: workers' exposure to this substance should be limited to 54.7 mg/m3 over a long period of time and 164.1 mg/m3 over a short period of time. A ‘Skin’ notion indicating the possibility of significant dermal absorption of the substance is established.
- Epichlorohydrin: exposure should be limited to 1.9 mg/m3. A ‘Skin’ notion indicating the possibility of significant dermal absorption is established.

- Ethylene dichloride: the Directive establishes an exposure limit value of 8.2 mg/m3 and a ‘Skin’ notion.
- Polycyclic aromatic hydrocarbons mixtures, in particular those containing benzo[a]pyrene, are carcinogenic within the meaning of Directive 2004/37/EC. Exposure to such mixtures may occur during work involving burning processes, such as from combustion engine exhaust, and high temperature combustion processes, among others.

Agreements between social partners

The Directive provides that any agreements between the social partners concluded in the field covered by the Directive must be listed on the website of the European Agency for Safety and Health at Work (EU-OSHA). Their list should be regularly updated.

Revision

No later than in the first quarter of 2019, the Commission, taking into account the latest developments in scientific knowledge, shall assess the option of amending the scope of Directive 2004/37/EC to include reprotoxic substances. On that basis, the Commission should present a legislative proposal, if appropriate, after consulting management and labour.

The Directive also emphasises the importance of protecting workers who are exposed to carcinogens or mutagens resulting from:

- the preparation, management or disposal of hazardous drugs, including cytostatic or cytotoxic drugs, and
- work involving exposure to carcinogens or mutagens through the cleaning, transport, laundering and disposal of hazardous drugs or equipment contaminated with hazardous drugs, as well as through personal care of patients whose treatment includes the use of hazardous drugs.

ENTRY INTO FORCE: 20.2.2019.

TRANSPOSITION: no later than 20.2.2021.