Protection of workers from the risks related to exposure to carcinogens or mutagens at work

2020/0262(COD) - 22/09/2020 - Legislative proposal

PURPOSE: to better protect the health and safety of workers by reducing their exposure to three carcinogenic substances or groups of substances in the workplace.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: Directive 2004/37/EC of the European Parliament and of the Council aims to protect workers from risks to their health and safety arising from exposure to carcinogens or mutagens at work. Cancer is the leading cause of work-related mortality in the EU: 52% of annual occupational deaths are currently attributed to work-related cancers.

In order to further contribute to a better protection of workers, the Commission pursues its process of updating the Carcinogens and Mutagens Directive to keep abreast with the new scientific and technical developments and take into account of its stakeholders' views.

The Commission has already proposed three directives amending Directive 2004/37/EC. These three Directives were adopted by the European Parliament and the Council in December 2017, January 2019 and June 2019. The three revisions, which addressed 26 substances, included the revision of two existing occupational exposure limit values (OELs), the introduction of 22 new OELs and the establishment of a skin observation for two substances (without setting OELs).

Both workers' and employers' organisations encouraged the Commission to continue the preparatory work for the establishment of OELs for those priority carcinogens: (i) acrylonitrile; (ii) nickel compounds; (iii) benzene, to which more than one million workers are exposed.

The fourth amendment to the proposed Directive is in the context of the COVID 19 pandemic, which has highlighted the importance of health and safety aspects in the workplace, particularly for those on the front line in response to the crisis.

IMPACT ASSESSMENT: an analysis of the economic, social and environmental impacts of the different strategic options considered for each chemical agent has been carried out. The measures resulting from the opinions of the Advisory Committee on Safety and Health at Work (ACSH) were selected and used to draw up the proposal. The costs and benefits were calculated over a period of 60 years.

The Commission considers that the greatest quantifiable benefits should concern nickel compounds and benzene. The chosen option would indeed produce the following results:

- ***acrylonitrile***: up to 12 cases of brain cancer and 408 cases of nasal irritation prevented, saving between EUR 440 000 and EUR 5 800 000 in health costs;

- ***nickel compounds***: 133 cases of lung cancer, 702 cases of pulmonary morbidity and 80 miscarriages avoided, saving between EUR 72 million and EUR 92 million in healthcare costs;

- ***benzene***: 182 cases of leukaemia and 189 cases of leukocytopenia prevented, a monetised health benefit of between EUR 121 and EUR 198 million.

CONTENT: the Commission proposes to amend the Directive of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work. It plans to introduce a limit value for acrylonitrile and nickel compounds, and to revise downwards the existing limit for benzene.

Acrylonitrile

The proposal provides for a limit value of 1 milligram per cubic metre (mg/m3) and a short-term limit value of 4 mg/m3, with a transitional period of four years before these values become binding.

Nickel compounds

Limit values of 0.01 mg/m3 for the respirable fraction and 0.05 mg/m3 for the inhalable fraction are foreseen. During a transitional period until 18 January 2025, a limit value of 0.1 mg/m3 for the inhalable fraction should apply.

Benzene

The proposal provides for a limit value of 0.66 mg/m3 , to be applied within four years. A transitional value of 1.65 mg/m3 shall apply between two and four years after the entry into force of the Directive.

In addition to these OELs, it is also proposed to add to Annex III a Skin notation (indicating that significant penetration is possible by the dermal route) for acrylonitrile as well as a notation for dermal and respiratory sensitisation for nickel compounds. The existing skin notation for benzene has also been kept.

Lastly, the Commission will present before the end of 2020, a European plan to reduce the suffering caused by the disease and support Member States to improve cancer control and care in order to ensure more fair access to treatment across the EU.