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

2020/0262(COD) - 17/02/2022 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 686 votes to 4, with 4 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.

Parliament adopted its position at first reading under the ordinary legislative procedure by amending the Commission proposal as follows:

Subject

The purpose of the proposed directive is to protect workers against risks to their health and safety arising from or likely to arise from exposure to carcinogens, mutagens or reprotoxic substances at work, including the prevention of such risks.

Scope – identification and appreciation of risks

This Directive should apply to activities in which workers are or are likely to be exposed to carcinogens, mutagens or reprotoxic substances as a result of their work.

In case of any activity likely to involve a risk of exposure to carcinogens, mutagens or reprotoxic substances, the **nature, degree and duration of workers' exposure** should be determined in order to make it possible to assess any risk to the workers' health or safety and to lay down the measures to be taken.

The assessment should be renewed regularly and in any event when any change occurs in the conditions which may affect workers' exposure to carcinogens, mutagens or reprotoxic substances/

When the risk assessment is carried out, employers should give particular attention to any effects concerning the health or safety of **workers at particular risk** and shall, *inter alia*, take account of the desirability of not employing such workers in areas where they may come into contact with carcinogens, mutagens or reprotoxic substances.

Reduction and replacement

The employer should reduce the use of a carcinogen, mutagen or reprotoxic substance at the place of work, in particular by replacing it, in so far as is technically possible, by a **substance, mixture or process which, under its conditions of use, is not dangerous or is less dangerous to workers' health or safety**, as the case may be.

If this replacement is not possible, the employer should ensure that the carcinogen, mutagen or reprotoxic substance is, in so far as is technically possible, manufactured and used in a closed system.

Avoid or reduce exposition

Where a closed system is not technically possible, the employer should ensure that the level of exposure of workers to the carcinogen, mutagen or non-threshold reprotoxic substance is **reduced to as low a level**

as is technically possible. Where it is not technically possible to use or manufacture a threshold reprotoxic substance in a closed system, the employer should ensure that the risk related to the exposure of workers to that threshold reprotoxic substance is **reduced to a minimum**.

Exposure should not exceed the limit value of a carcinogen, mutagen or a reprotoxic substance as set out in Annex III of the Directive.

Biological limit values and other health surveillance information are set out in Annex IIIa.

Wherever a carcinogen, mutagen or reprotoxic substance is used, the employer should apply all the following measures:

- design of work processes and engineering control measures so as to avoid or minimise the release of carcinogens, mutagens or reprotoxic substances into the place of work;

- evacuation of carcinogens, mutagens or reprotoxic substances at source, local extraction system or general ventilation, all such methods to be appropriate and compatible with the need to protect public health and the environment;

- use of existing appropriate procedures for the measurement of carcinogens, mutagens or reprotoxic substances, in particular for the early detection of abnormal exposures resulting from an unforeseeable event or an accident;

- demarcation of risk areas and use of adequate warning and safety signs including 'no smoking' signs in areas where workers are exposed or likely to be exposed to carcinogens, mutagens or reprotoxic substances;

- ensure that workers do not eat, drink or smoke in working areas where there is a risk of contamination by carcinogens, mutagens or reprotoxic substances.

Information and training of workers

The training which the employer is required to provide under Article of Directive 2004/37/EC should be **adapted to take account of a new or changed risk**, in particular where workers are exposed to new carcinogens, mutagens or reprotoxic substances, or to a number of different carcinogens, mutagens or reprotoxic substances, including in **dangerous medicinal products**, or where there is a change in the circumstances of the work.

Employers should be required to inform workers about installations and their containers containing carcinogens, mutagens or reprotoxic substances, to ensure that all containers, packaging and installations are labelled clearly and legibly and to display clearly visible warning and hazard signs.

Where a biological limit value has been set in Annex IIIa (e.g. for lead and its ionic compounds), medical surveillance should be compulsory for work with the carcinogen, mutagen or reprotoxic substance in question.

Medical surveillance

If a worker suffers from an abnormality which may be the result of exposure, or if a biological limit value has been exceeded, the doctor or authority responsible for the health surveillance of workers may require that other workers who have suffered similar exposure undergo health surveillance. Where medical

surveillance is carried out, an **individual medical record** should be kept for at least 40 years after the end of exposure to carcinogens and mutagens and for at least five years after the end of exposure to reprotoxic substances.

Benzene

As a **transitional measure** for benzene, the limit value of 1 ppm (3.25 mg/m³) should continue to apply until two years after the date of entry into force of the amending directive and a transitional limit value of 0.5 ppm (1.65 mg/m³) should apply from two years after the date of entry into force of the amending directive until four years after the date of entry into force of the amending directive.

Evaluation

The limit value for **respirable crystalline silica dust** should be reviewed in the light of the evaluation made by the Commission and recent scientific and technical data. By 31 December 2022 at the latest, the Commission should (i) present an action plan to achieve new or revised occupational exposure limit values **for at least 25 substances**, groups of substances or process-generated substances; (ii) develop Union guidelines for the preparation, administration and disposal of hazardous medicinal products in the workplace.