

Occupational safety and health: risks related to chemical agents (14th particular Directive, Directive 89/391/EEC)

1993/0459(SYN) - 07/10/1997 - Council position

Given the deep differences which have divided the delegations on this proposal for a directive on the risks of exposure to chemical agents in the workplace since 1994, the Council has proposed a compromise text incorporating far-reaching amendments to the Commission's amended proposal. This revised text contains four basic changes: - it clarifies the scope of the directive by inserting a definition of "hazardous chemical agents"; - it establishes a clear distinction between factors to be taken into consideration during risk assessment, the documents concerning the results of risk assessment and the various preventive and protective measures to be taken in order to minimize the risk; - it deletes provisions which duplicate provisions in the framework directive (89/391/EEC); - it deletes a number of details in the Annex considered pointless and/or too inflexible. The compromise text accepts that there are two types of occupational limit values: indicative values and binding values. National limit values, which transpose the Commission's indicative limit values, may vary in relation to significant differences in national systems. Binding values apply in all cases. Provision is made for employers to take preventive and protective measures in order to limit exposure in excess of the indicative limit values in the Member States. Employers therefore carry out a risk assessment which takes equal account of the need to protect public health and the environment. In addition to the principle that employers must carry out risk assessment, the common position defines the type of assessment to be performed in relation to hazardous chemical agents in the workplace. Finally, the common position lays down more detailed health surveillance measures for workers where exposure to hazardous chemicals cannot be avoided. However, the Council has deleted a number of technical requirements from the amended proposal. These requirements relate to measurement methods and special protective measures in the form of practical (non-binding) guidelines. These guidelines will be drafted by the Commission and may be updated in the light of technical progress. They include: - harmonized methods for measuring and assessing concentrations in the air in the workplace in relation to exposure limit values; - risk determination and assessment for hazardous chemical agents; - protective and preventive measures intended to confine risks to workers in the workplace where the assessment confirms the presence of chemical agents. The common position also incorporates a number of amendments by the European Parliament on limit values for occupational exposure, risk assessment, risk prevention, protective measures (especially in the event of accident) and information for and consultation with workers.