

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

2017/0004(COD) - 10/01/2017 - Legislative proposal

PURPOSE: to make technical amendments to [Directive 2004/37/EC](#) on the protection of workers from the risks related to exposure to carcinogens or mutagens at work.

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: according to latest statistics, cancer is the first cause of work-related deaths in the EU (annually, 53 % of occupational deaths are attributed to cancer, notably caused by exposure to carcinogenic substances at work). It is estimated that every hour in EU, between 7-12 people die of cancer because of past exposure to carcinogenic substances at work. The Commission took a first step to address these issues by adopting on 13 May 2016 a [legislative proposal to amend Directive 2004/37/EC](#) on the protection of workers from the risks related to exposure to carcinogens or mutagens at work with a view to revise or to introduce exposure limit values for 13 chemical agents.

It is now proposed to establish new limit values and/or skin notations for 7 more carcinogens.

This is estimated to result in increased protection for at least 4 million workers and improved clarity for employers and enforcers. Together it is estimated that both proposals would prevent over 100 000 deaths caused by work-related cancer.

IMPACT ASSESSMENT: this proposal is supported by an impact assessment which compared the social, economic and environmental impacts of a number of different options envisaged for each chemical agent analysed. The preferred option was the one which took account of the following criteria:

- the scientific information (in particular the Scientific Committee on Occupational Exposure Limits recommendations (SCOEL)),
- effectiveness, efficiency and coherence.

Cost and benefits were calculated over a 60-year period, in line with the future cancer burden estimated over the same period, to take proper account of the cancer latency period.

CONTENT: the proposed Directive sets a number of general minimum requirements to eliminate or reduce exposure for all carcinogens and mutagens falling under its scope.

Minimum requirements of exposure limits: in line with the proposal, employers must identify and assess risks to workers associated with exposure to specific carcinogens (and mutagens) at the workplace, and must prevent exposure where risks occur. Substitution with a non or less-hazardous process or chemical agent is required where this is technically possible. Where substitution is not technically possible chemical carcinogens must, as far as it is technically possible, be manufactured and used in a closed system to prevent exposure.

Where this is not technically possible, worker exposure must be reduced to as low a level as is technically possible (this is the minimisation obligation under the Directive).

Exposure limits: in addition to these general minimum requirements, the Directive clearly indicates that the setting of occupational exposure limit values for the inhalation route of exposure for particular carcinogens and mutagens is an integral part of the mechanism for protecting workers. Those values still need to be set for the chemical agents for which no such values exist and be revised whenever this becomes possible in the light of more recent scientific data.

Occupational exposure limit values set out in Annex III of the Directive should, when appropriate, be revised to take into account new scientific data.

On this basis, it is proposed to take two specific measures:

- include in Annex I to the Directive work involving exposure to oils that have been used before in internal combustion engines to lubricate and cool the moving parts within the engine and establish a corresponding skin notation in Part B of Annex III to the Directive (used engine oils);
- establish in Annex III limit values supplemented by skin notations for further 5 additional carcinogens, as well as skin notations independently of limit values for 2 carcinogens, including for mineral oils as used engine oils (polycyclic aromatic hydrocarbons mixtures which contain benzo[a]pyrene).