

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

2018/0081(COD) - 05/04/2018 - Legislative proposal

PURPOSE: to improve the protection of workers against 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: the [European Pillar on Social Rights](#) - jointly proclaimed by the European Parliament, the Council and the Commission on 17 November 2017 at the Social Summit in Gothenburg - identifies workers' right to healthy, safe and well adapted work environment, which includes protection from carcinogens, as one of the main principles.

Cancer is the main work-related health problem in the EU-28, causing almost as much damage to workers' lives and health as the two following combined (musculoskeletal disorders and circulatory diseases).

The European Commission took steps to address these issues by adopting two legislative proposals updating the [Directive 2004/37/EC](#) on the protection of workers from the risks related to exposure to carcinogens or mutagens at work. These two proposals addressed 20 carcinogens. The first of these proposals was adopted by the co-legislators on 12 December 2017 as Directive (EU) 2017/2398 and the [second](#) is currently subject to discussion within the Council and the Parliament.

The objective of this third proposal is to improve the level of health protection of workers by establishing limit values for five additional carcinogens, with comments in Annex III to Directive 2004/37/EC. The proposal is in line with the [Commission's Communication](#) safer and healthier work for all.

IMPACT ASSESSMENT: the measures resulting from the opinions of the Advisory Committee on Safety and Health at Work (ACSH) have been selected as the preferred measures for all chemical agents covered by the proposal, including the transitional periods for three substances: cadmium (7 years), beryllium (5 years) and arsenic acid (2 years).

As regards the impact on workers, the retained policy option for the five substances under consideration should result in benefits in terms of avoided work-related ill-health and cancer cases and related monetised health benefits.

According to estimates, the adoption of the proposal would imply that in the longer term over 1 000 000 EU workers would benefit from improved prevention and protection in relation to occupational exposure to carcinogens and mutagens substances, that can be at the origin of different types of cancers, e.g., lung, bladder, kidney, nasopharyngeal and others, and it would prevent 22 000 cases of ill-health

CONTENT: the European Commission proposes to add five new substances to Annex III of Directive 2004/37/EC extending the list of binding EU limit values, namely:

- cadmium and its inorganic compounds under the scope of the Directive;
- beryllium and inorganic beryllium compounds under the scope of the Directive;
- arsenic acid and its salts, as well as inorganic arsenic compounds under the scope of the Directive;
- formaldehyde (5) 4,4'-Methylene-bis(2-chloroaniline) ("MOCA").

Limit values address the inhalation route of exposure, describing a maximum airborne concentration level for a given chemical agent above which workers should not be exposed, on average, during a defined time period.

These measures are supplemented by a skin notation for MOCA, a notation for skin sensitisation for formaldehyde, and a notation for skin and respiratory sensitisation for beryllium and its inorganic compounds.