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

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The Committee on Employment and Social Affairs adopted the report by Laura AGEA (EFDD, IT) 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.

As a reminder, the proposal aims to improve the protection of workers from the risks related to exposure to carcinogens or mutagens at work. It adds five new substances to Annex III of Directive 2004/37/EC extending the list of binding European limit values, namely: cadmium and beryllium, and their respective inorganic compounds, arsenic acid, formaldehyde and 4,4'-methylene bis (2-chloroaniline) (MOCA).

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal as follows.

Medical surveillance: the amending Directive shall require Member States to take measures to ensure appropriate health surveillance of workers for whom the results of the risk assessment reveal a risk to their safety or health. Members pointed out that such health monitoring may include biological monitoring for exposure to various substances, where appropriate.

Limit values: binding occupational exposure limit values need to be evidence-based, proportionate and measurable and shall be established on the basis of available information, including up-to-date scientific and technical data. Where a limit-value has been established for a carcinogen or mutagen, workers' exposure shall be reduced as far as technically possible below that limit value.

The limit values should be revised regularly in accordance with the precautionary principle and the principle of the protection of workers, and in light of sound available scientific and technical data concerning carcinogens and mutagens.

Review: by the fourth quarter of 2019, the Commission shall, on the basis of scientific data and appropriate consultation, assess the possibility to amending the scope of this Directive to include a list of hazardous drugs, including cytotoxic drugs, which are carcinogenic or mutagenic, or to propose a more appropriate legal instrument in order to ensure occupational safety of workers handling such drugs

On that basis, the Commission shall present, if appropriate, and after consulting management and labour, a legislative proposal.

Formaldehyde: Members recalled that in some Member States, Formaldehyde is routinely used for the purposes of embalming deceased persons as part of their cultural or religious practices. The funeral sector is likely to find a limit value of 0,3ppm to be difficult to comply with without significant short-term effects on capacity. A transitional period of three years should therefore be introduced for the sector during which the limit-value of 0,5ppm should apply.

Cadmium: in Member States which implement biological monitoring, the biological limit value should be 2?g Cd/g creatinine and the 8-hour TWA limit value should be 0,004 mg/m3 (respirable fraction). The introduction of that limit-value does not require a transitional period. The Commission should draw up guidelines for the practical implementation of such biological monitoring.

More flexible rules for small businesses: Members want to make it easier for SMEs and micro-enterprises to comply with limit values while maintaining the same level of protection for all workers. In this context, specific measures such as incentives and digital tools would help SMEs and micro-enterprises to better comply with the obligations set out in Directive 2004/37/EC and to move towards the elimination of carcinogenic or mutagenic risks.