Perspectives and Challenges of the Woodworking Industries in Europe


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Porto, 7 December 2017
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Why is there a need to act?

- Cancer is the first cause of work-related deaths in the EU
- 52% of occupational deaths are attributed to cancer, compared to 24% for circulatory diseases
- 106 307 deaths are attributed to occupational cancer in the EU every year
- Strong support from all stakeholders to establish occupational exposure limit values

**Cancers:** 52%

**Circulatory diseases:** 24%

**Respiratory diseases:** 6%

**Communicable diseases:** 2.5%

**Mental disorders:** 5.7%

**Other:** 4.2%
Commitment of the Commission

Jean-Claude Juncker's State of the Union Address 2016:

The modernisation of existing occupational health and safety legislation to better protect the safety and health of workers, through better implementation, an updated legislative framework and enhanced protection from the risks related to carcinogens and mutagens" is part of the 10 priorities for the forthcoming year.
"Safer and Healthier Work for All" - Communication
Modernisation of the EU OSH Legislation and Policy

OSH challenges, three priority areas:

- Stepping up the fight against occupational cancer and exposure to chemicals
- Helping businesses, in particular microenterprises and SMEs, to comply with OSH rules
- Cooperating with Member States and Social Partners to remove or update outdated rules and to refocus efforts on ensuring better and broader protection, compliance and enforcement on the ground
Legal basis and types of Occupational Exposure Limits at EU level

Chemical Agents Directive 98/24/EC
Article 3: The Commission shall evaluate the relationship between the health effects of hazardous chemical agents and the level of occupational exposure by means of an independent scientific assessment of the latest available scientific data.

Carcinogens and Mutagens Directive 2004/37/EC
Article 16....set out limit values on the basis of the available information, including scientific and technical data.

Types of OEL
Indicative; Binding; Biological
Setting of OELs for carcinogens at EU level follows the ordinary legislative procedure:

1. **Selection of chemicals for SCOEL Evaluation**
   - DG EMPL establishes lists of priorities for scientific evaluation based on inputs from various sources and application of priority criteria.

2. **SCOEL Recommendation**
   - DG EMPL issues mandates to SCOEL, who will deliver as a rule the exposure-risk-relationships (ERR) for non-threshold carcinogens, or a practical threshold when possible. SCOEL Recs are subject to external consultation before adoption.

3. **WPC - ACSH**
   - The Working Party on Chemicals (WPC) discusses the SCOEL Recommendation and various feasibility issues and comes up with a consensus based suggestion for the OEL value. This is integrated in a draft opinion for adoption by the Plenary of ACSH.

4. **Impact Assessment (IA)**
   - DG EMPL drafts IA containing policy options and associated impacts. IA is discussed within and Interservice Steering Group and submitted to the Regulatory Scrutiny Board (RSB). A positive reply is required.

5. **Draft legislative proposal**
   - DG EMPL prepares the draft legislative proposal and submits it to inter-service consultation and a final draft legislative proposal is prepared.

6. **College of Commissioners**
   - The College of Commissioners adopts the proposal and sends it to Council and Parliament for negotiation and subsequent adoption.

   - MSs will transpose text into national legislation by the date set in the Directive.

*2 stages of social partners' consultation have to be carried out in accordance with article 154 of TFEU*
SCOEL involvement in setting Occupational Exposure Limit Values

**START**

- DG EMPL establishes a list of priority substances and submits it to SCOEL
- DG EMPL consults other relevant Directorate-Generals and then initiates the formal legislative procedure
- DG EMPL consults the Advisory Committee on Safety and Health at Work
- DG EMPL accepts SCOEL's final recommendation and publishes it

**Occupational Exposure Limits: Protecting Workers Health**

- SCOEL evaluates each substance using the latest available scientific data and current best practices
- SCOEL prepares a draft recommendation and submits it to DG EMPL
- SCOEL considers comments and new data, amends if necessary, and adopts a recommendation
- DG EMPL initiates a 6-month consultation period with the national contact points
- If necessary, further consultation

**Attributes:**
- SCOEL
- DG EMPL
- Occupational Exposure Limits
- Protecting Workers Health
The legislative procedure for developing EU OELs
Consultations and involvement:

- **Social Partner Consultation (2 stages)**
  - Consultation of workers' and employers' organisations
  - Currently ongoing for 3rd and 4th wave

- *Tri-partite* Advisory Committee on Safety and Health (ACSH) and its Working Party on Chemicals – WPC
  - Employers, workers and government
  - Discusses the scientific evaluation, takes feasibility into account
  - Prepares a draft opinion for the ACSH for adoption
Impact Assessment

- Based on results of an external study evaluating the impact (social, economic, environmental) of different options
  - Data sources explored: available databases on exposure to chemicals, labour market data, scientific literature review, data about the OELs currently in place collected from the Member States, interviews with industry representatives
- Takes the SCOEL recommendation / RAC opinion into account
- Takes the opinion of the ACSH into account
Commission proposals – wave 1

Limit values to be established for:
- Chromium (VI) compounds
- Refractory ceramic fibres
- Respirable crystalline silica dust
- Ethylene oxide
- 1,2-Epoxypropane
- Acrylamide
- 2-Nitropropane
- o-Toluidine
- 1,3-Butadiene
- Hydrazine
- Bromoethylene

Revised values for:
- Hardwood dust
- Vinyl chloride monomer

Final step: Vote in Council on 6 December, then publication in OJ.
Commission proposal – wave 2

Limit values proposed for 7 additional chemicals:

- Trichloroethylene (TCE)
- 4,4'-Methylenedianiline (MDA)
- Epichlorohydrin ((1-Chloro-2,3-epoxypropane)
- Ethylene dibromide (EDB)
- Ethylene dichloride (EDC)
- Complex PAH mixtures with benzo[a]pyrene as indicator
- Mineral oils as used engine oils
State of play 2\textsuperscript{nd} wave

15 June 2017: Council general approach
8 November 2017: EP draft report
March 2018: start of Trilogues

Expected agreement between Council and EP in 2018
Commission proposal - wave 3

Considered for setting limit values for:
- Cadmium and its inorganic compounds
- Beryllium and its inorganic compounds
- Arsenic acid and its salts
- Formaldehyde
- 4,4'-Methylene-bis(2-chloroaniline) (MOCA)

Currently foreseen to be adopted 1st quarter 2018
Future steps

Implement the Communication 'Safer and Healthier Work for All'

- Continued work on subsequent amendments of the CMD
- Study on possibility to include reprotoxic substances in CMD
- Further lists of indicative limit values in the CAD
- Database on occupational exposure for some hazardous chemicals
- Healthy Workplaces Campaign on dangerous substances
- Help businesses to comply with occupational safety and health rules: Develop practical guides for employers/inspectors
- Common Understanding between OSH legislation and other EU legislation on chemicals, in particular REACH
Thank you for your attention