

# REACH – The Occupational Health Interface



**EUROPEAN COMMISSION**

**Directorate General Employment, Social Affairs and Equal Opportunities**

**Social Dialogue, Social Rights, Working Conditions, Adaptation to  
change**

**Health, Safety and Hygiene at Work**

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2<sup>nd</sup> European Conference and Workshop on REACH – Registration and Beyond  
Brussels, 30 September – 1 October 2009

# Directorate General for Employment: Our policies at a glance: what we do



## Social Affairs

Social inclusion  
Streamlining social policies  
Social and demographic analysis

## Equal Opportunities

Equality between men and women  
(Legal) action against discrimination  
Integration of people with disabilities

## Employment

Labour law  
Rights at work  
Social Dialogue  
Working conditions  
**Health and safety at work**  
Free movement of workers  
European Employment Strategy

# Instruments at a glance: How we do it



## Policy Coordination with Member States

Social protection  
& Social inclusion  
Employment (Lisbon Agenda)

## Legislation

**Occupational Health and Safety**  
Equality  
Labour law

## Funding

PROGRESS  
European Social Fund  
European Globalisation  
adjustment Fund

## Legal basis for EU OSH Legislation and REACH



### **OSH legal basis: Social Policy** - Treaty on European Union Article 137

Legal basis for developing and implementing **minimum requirements directives**, having regard to the conditions and technical rules in each of the Member States. Improvement in particular of the working environment to protect workers' health and safety;

The OSH Directives have been transposed by Member States into national legislation in accordance with national custom and practice.

Member States can introduce more protective requirements.

To date approximately thirty occupational safety and health directives have been adopted.

### **REACH legal basis: Internal Market** - Treaty on European Union Article 95.

REACH is a single, broad ranging, EU Regulation that acts directly in all MSs.

Harmonisation of legal requirements to ensure the establishment and functioning of the internal market whilst ensuring a high level of protection of human health and environment.

## REACH and OSH – the legal interface



- REACH applies without prejudice to existing Community workplace and environmental protection legislation (REACH Article 4(a)).
- **Key OSH directives with requirements that may interface with REACH:**



Framework Directive 89/391/EEC – lays down OSH management principles.  
Chemical Agents Directive 98/24/EC.  
Carcinogens and Mutagens Directive 2004/37/EC.  
PPE Directive 89/656/EEC.  
Safety Signs Directive 92/58/EEC.  
Pregnant Workers Directive 92/85/EEC.  
Young People at Work Directive 94/33/EEC.

## Managing the Impact



- OSH is aimed primarily at employers and covers all occupational risks, including chemical risks.
- Main requirements are based on concept of risk identification and assessment, prevention, protection, information, consultation and balanced participation of workers and their representatives – aim to eliminate and/or manage residual risk.
- Includes some key elements not found in REACH – health surveillance, worker consultation and training.
- REACH is aimed primarily at chemical manufactures and importers. With many downstream users having specific responsibilities.
- REACH introduces a responsibility for registrants to develop risk management measures where necessary, employers' duties under OSH remain. **Employers will still have to assess risks and decide how to control them in their own workplaces.**
- It is highly desirable and necessary to seek coherence and, where possible synergy, between the two legal frameworks – OSH and REACH.

## OSH & REACH benefits for employers and workers



### Summary of worker protection requirements of REACH :

- Provision of **information** on the intrinsic properties of many chemicals, in particular on the potential to adversely affect human health.
- Identification of **safe levels of exposure** – DNELs.
- Determination of **likely levels of exposure** for identified uses.
- Determination of **risk characterisation** for identified uses.
- Identification of effective and proportionate **risk management measures** – exposure scenario.
- **Communication** of information through the supply chain – Safety Data Sheets with Exposure Scenario.
- Restriction and authorisation procedures for the most hazardous chemicals.

### Outcome of OSH and REACH requirements

The information generated and communicated by REACH should facilitate improvements in the quality of workplace risk assessment and management of identified risks = fewer cases of occupational ill-health.



## Practical Aspects Then, now and the future.



- Significant improvements already achieved across the Member States in controlling workplace chemical risks. Many categories of persons are involved including employers, employees, OSH professionals, plant and machinery designers etc.
- A common understanding and language to communicate information on workplace chemical risks exists. It is important not to lose sight of this during the adoption and implementation of REACH.
- DG EMPL actively manages or participates in various REACH groups and networks with direct OSH relevance:
  - ACSH Working Party on Chemicals – tripartite group comprising representatives from MSs, employers, workers organisations.
  - SLIC - CHEMEX
  - RIP 3.2 Chemical Safety Assessments and Reports.
  - RIP 3.5 Downstream User Requirements.
  - Arona Network for industry stakeholders on exposure scenarios and exposure assessment.
  - Exposure assessment tools - Advanced Reach Tool.
  - REACH Baseline Study by Eurostat – tool to monitor implementation.
  - Commission Services internal networks and ECHA.
  - Seminars etc. including previous BOHS workshop December 2005.

**Advisory Committee on  
Safety and Health at the Workplace  
- Working Party on Chemicals**  
**REACH and OSH in the workplace: Guide for employers  
on controlling risks from chemicals**



- ACSH is tri-partite with members from all Member States together with national Employers and Employees organisations (27 MSs = 81 members).
- Developing guidance that will set out how employers can meet their obligations under both OSH legislation and REACH - a step by step approach to compliance.
- Contains sections on:
  - Introduction – background and terminology;
  - How REACH deals with information;
  - A short comparison of REACH and OSH scope, risk assessment, exposure benchmarks, information and training;
  - How the REACH and OSH requirements fit together;
  - Step by step approach for employers – seven key steps to follow;
  - Summary of key points.
  - Annexes Other aspects of REACH that may affect employers – non-supported uses, authorisations.  
Exposure benchmarks – OELs and DNELs.

## ACSH Guidance – A summary of the key points



- The arrival of REACH should improve worker health and safety by providing better information, by establishing new channels of communication between employers and suppliers and by removing more hazardous chemicals from the market.
- Although REACH is a new system, and a new way of thinking, the requirements of OSH as implemented into national legislation continue as before.
- The arrival of REACH does not mean that employers' obligations will be duplicated. Where employers (REACH DUs) are already meeting the requirements of OSH they should, in many cases, have little more to do than reviewing their risk management in the light of new information received as a consequence of the coming into force of REACH and implementing the changes where necessary.

## Using the ACSH Guidance

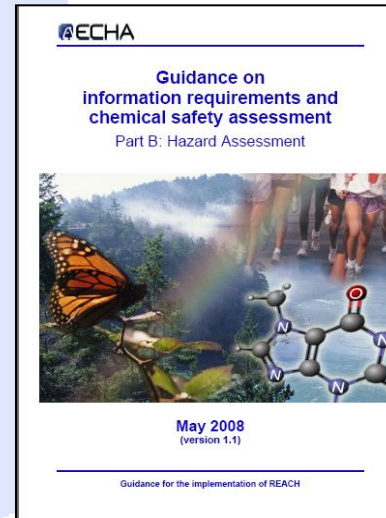


- The guidance, whilst aiming to assist employers, will be addressed to the Member States competent authorities with responsibility for OSH.
- Why address it to the MSs if the aim is to assist employers?
- MSs can adapt the guide to meet national circumstances – remember that the OSH legislation is based on the principle of minimum requirements and, therefore, may not be the same in all MSs. Also, different authorities may have REACH enforcement responsibilities. In some cases it may be the National Labour Inspectorate for worker protection aspects of REACH – but this may not be the case in all MSs.
- The draft guide will next be discussed in the next meeting of the Working Party on Chemicals in October 2009 – final version and adoption by ACSH Plenary will follow.

# OELS under OSH and DNELs under REACH DG EMPL and ECHA Guidance



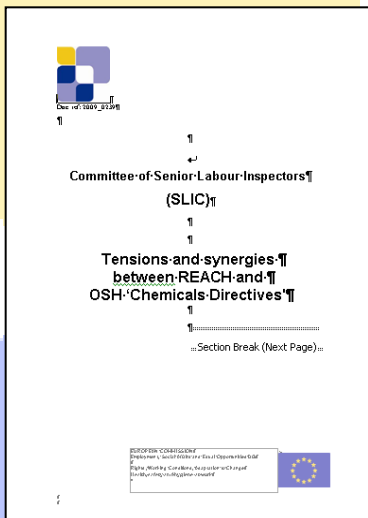
- Benchmarks such as OELs and DNELs will co-exist and in some circumstances may apply simultaneously to some work activities. The key point is that users apply the control measures, risk management measures or conditions of use, that control exposure within the relevant benchmark.



**REACH Guidance on information requirements and chemical safety assessment:** IOELVs (health-based OELs), where they have been set by the European Commission, can be used as the exposure benchmark for inhalation exposure instead of DNELs in the REACH process.



## Co-operation between National Labour Inspectorates Senior Labour Inspectors Committee - CHEMEX



The establishment of networks to exchange information on problems encountered in the control and monitoring of the application of the Community legislation on worker protection and internal market. **CHEMEX** working group on OSH & REACH interface, includes members from ECHA and CLEEN to ensure effective interaction and collaborative working.

- **Adopted a paper on tensions and synergies between REACH/OSH directives on chemicals (SLIC Plenary May 2009)** – addresses labour inspector specific issues:
  - Comparison between selected Directives and REACH
  - Tensions and synergies between REACH and OSH “chemicals directives”
  - Reference topics for the training of labour inspectors
  - Comparison of the criteria for determining exposure limits –OELs & DNELs
- **CHEMEX Information Exchange System** under development.
- **ECHA Forum for Exchange of Information on Enforcement** – SLIC attendance at Forum - CHEMEX member's identified the following points:
  - National Labour Inspectorates have strong and mature links with stakeholders;
  - Synergies within SLIC programmes e.g. inspector exchanges, joint-initiatives and campaigns at European level.



## Links between the Advisory Committee on Safety and Health at Work and the European Chemicals Agency



– REACH contains specific provisions on cooperation and coordination with other Community bodies – to ensure mutual support and to avoid duplication of work.

- REACH Article 110(4): The Executive Director (ECHA), having consulted the Committee on Risk Assessment, the Committee on Socio-economic Analysis and the Advisory Committee on Safety and Health at Work shall establish rules of procedure concerning worker protection issues. These rules of procedure shall be adopted by the Management Board, in agreement with the Commission.
- Cooperation and coordination with other scientific committees of the European bodies is regarded as essential for ECHA to be successful in its tasks and mission. Such cooperation is particularly important for the scientific and technical work of the Committees of ECHA which issue opinions or seek agreement on various issues related to chemicals.
- The Head of the Committees Unit in the European Chemicals Agency attended April 2009 meeting of WP Chemicals at which initial discussions on areas of common interest were identified and discussed. Formal rules of procedure to ensure effective cooperation will be developed and adopted.

**DG EMPL - Other issues of current interest  
in the field of chemicals that may have an impact  
on the OSH/REACH interface**



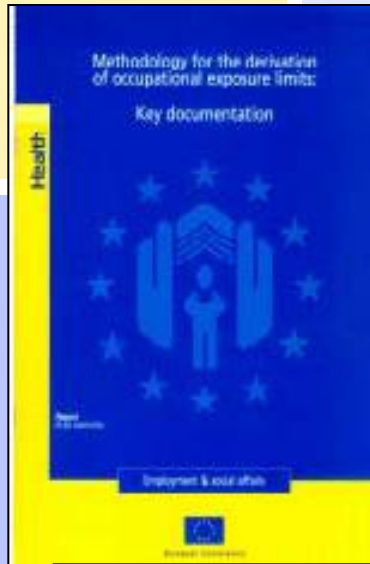
- Directives
  - Proposal for a 3<sup>rd</sup> List of Indicative Occupational Exposure Limit Values
- Studies
  - Practical implementation of the Chemical Agents Directive 98/24/EC
  - Substitution of hazardous by less hazardous chemicals
  - Carcinogens – pre-Impact Assessment study to support a possible legislative initiative.
  - Chemicals toxic for reproduction – pre-Impact Assessment study to support a possible legislative initiative.
- Social Partner Consultations
  - Exposure to environmental tobacco smoke at the workplace
  - GHS/CLP and worker protection
- Fifth mandate for the Scientific Committee for Occupational Exposure Limits values (2010-2012)

## Conclusions on OSH & REACH interface



- OSH is well established and based on principles of minimum requirements legislation that is transposed by each of the MSs into national legislation in accordance with national custom and practice ([Article 137 of Treaty on European Union](#)).
- REACH is a Regulation and is directly applicable in the MSs ([Article 95 of Treaty on European Union](#)).
- REACH is relatively new and contains requirements that will progressively come into force over the next few years.
- Need to comply with the requirements of both sets of legislation - OSH and REACH.
- The core aims of both sets of legislation are generally mutually supportive – the common element being the protection of workers health (REACH also addresses non-worker human health and environmental protection).
- Many key issues of common interest have been identified and addressed through the legal text or via guidance.
- Need to identify arising issues and use the mechanisms currently in place, or being developed, to discuss and agree proportionate and sensible solutions.

# REACH & OSH Interface



**Thank you**  
**Alick Morris**  
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