

# Revision of the Carcinogens Directive, background information & state of play

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**etui.**

# Carcinogens Directive (2004/37/EC)

- Adopted in 1990 (6<sup>th</sup> daughter directive of Dir 89/391/EC)
- Hierarchy of obligations to employers in order to protect workers from risks related to exposure to carcinogens and mutagens (category 1 & 2)
- Elimination/Substitution > Closed System > Reduce exposure as low as technically possible
- Binding occupational exposure limits for 3 carcinogens (vinyl chloride monomer, benzene, hardwood dust)
- Over 80 000 death/year due to work-related cancers in the European Union (ETUI-REHS, 2007)

# Revision of the Carcinogens Directive

**April 2004:** 1<sup>st</sup> phase consultation of the social partners

**Oct. 2006:** Workshop organised by DG Empl & ACHS

**March 2007:** 2<sup>nd</sup> phase consultation of the social partners

## ETUC position:

- Extend the scope of 2004/37/EC to include Reprotoxic substances cat 1 & 2
- Update the 3 existing Binding OELs listed in 2004/37/EC
- Set OEL for additional substances (eg crystalline silica, dust from soft wood)
- Revise the procedure for setting OELs in 2004/37/EC

## ETUC main criteria for a revised procedure

- Limit values for carcinogens should be binding
- Their specific nature should be recognised, they are:
  - different from OELs for non carcinogens
  - supplementary tool to achieve minimization of exposure when avoiding exposure cannot be achieved
- Change the name: *reference values for carcinogens*
- These values should be risk-based
- Exposure levels should always be communicated with associated risk levels
- These values should be below technical-based value
- Primary tool is substitution at all levels

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**Feb 2007:** The Commission presented its new strategy on health and safety at work for the period 2007-2012.

ETUC views: “it is the poorest strategy in terms of concrete initiatives proposed since the first Community action programme adopted in 1978”

**Jan 2008:** European Parliament report on the strategy:

- EP awaits the outcome of the 2nd phase of consultation
- EP preferred option is to amend that directive to:
  - include substances toxic for reproduction
  - propose a revision of the BOELVs for carcinogens and mutagens listed in the directive
  - to establish new BOELVs for some CMRs not yet included in the directive;

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**May 2008:** COM U-turn on substances toxic for reproduction:  
They will NOT be included in the scope of the revised directive:

- The Carcinogens Directive already covers mutagens and most reprotoxins are also mutagens
- There is no point in adopting new rules on health and safety at the workplace until the results of REACH are in

**July 2008:** ETUC writes to Commissioner Vladimir Spidla to officially protest:

- Two thirds of the 173 substances classified as reprotoxins in the Community law are NOT classified as either carcinogenic or mutagenic (*i.e lead, phtalates, n-hexane, ...*)
- REACH sets identical provisions for Carcinogens, Mutagens and Reprotoxins (cat 1 & 2 are SVHC) Coherency between REACH and OSH legislation is needed to ensure a more effective approach in the organization of prevention.

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**July 2008:** COM published a call for tender (VT/ 2008/063) for a health, socio-economic and environmental impact study in connection with possible amendments to Directive 2004/37/EC with only seven policy options to be studied:

1. A system for setting OELs based on objective risks criteria
2. Requirements for prevention and reduction of exposure
3. Additional substances in the annexe 1 (process generated substances)
4. Revising the OEL for hardwood dust
5. Revising the OEL for vinyl chloride monomer
6. Additional substances in annex 3 (binding OELs)
7. Health, social economic and environmental impacts of the above options

# Revision of the Carcinogens Directive

- The scenario of bringing reprotoxins into the Directive not included in the call for tender VT/2008/063
- EU elections in June 2009 with new Parliament. New Commission expected early 2010.
- Even if the new Commissioner wants reprotoxins back into the Directive, his decision will be blocked by an incomplete impact assessment study

**End 2008:** ETUC' s demand to Commissioner Spidla not tie his successor's hands: the scenario of including reproductive risks should be considered in the impact assessment study

**Jan 2009:** Spidla's cabinet announced that a complementary impact study will be performed about the possible inclusion of reprotoxins in the directive

## What's next ?

**Sept 2009:** The Institute of Occupational Medicine (IOM) in Edinburgh commissioned by the EU to undertake the impact study VT/2008/063.

The results expected **in December 2010**

**Jan 2010:** DG EMPL is still preparing the new call for tender for reprotoxics.

**Fev 2010:** Appointment of László ANDOR (HU), new Commissioner for Social Affairs