



Risk Assessment in REACH and in Worker Protection Legislation

Christine Northage HSE, UK





Legislation



REACH

- EU Regulation
- no transposition into national law required

Worker Protection Legislation

- Chemical Agents Directive (98/24/EC)
- Carcinogens Directive (2004/37/EC)
- need to be transposed into national law (in UK - COSHH)
- contains minimum requirements (MSs able to have more stringent requirements)

Legislation



 "REACH shall apply without prejudice to Community workplace and environment legislation"





REACH

- to ensure a high level of protection of human health and the environment as well as free movement of substances, while enhancing competitiveness and innovation
- M/I to identify appropriate
 RMMs to ensure a high level of protection

Worker Protection Legislation

 to enable the employer to make a valid decision about the measures necessary to prevent or adequately control exposure of employees to all substances hazardous to health



REACH

 main obligations on M/I, some on DUs

CAD/Carc Directive

all obligations on individual employer



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- covers manufacture of a substance and all identified uses across the EU >10 tonnes/year

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- covers all work activities with hazardous substances at that site, including process derived fume



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Example 1 - Chrome Plating









REACH

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- covers manufacture of a substance and all identified uses across the EU >10 tonnes/year
- substance driven
- RMMs more likely to be broadly based

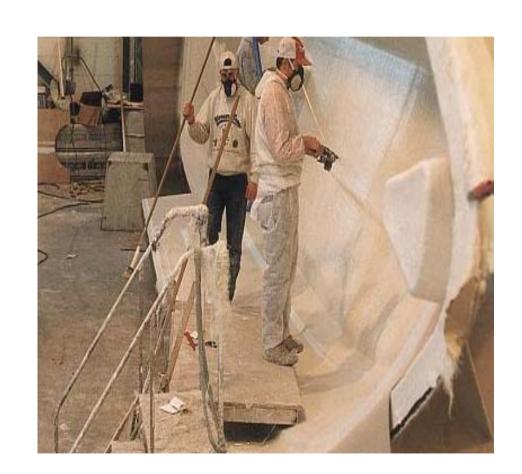
CAD/Carc Directive

- all obligations on individual employer
- covers all work activities with all hazardous substances at that site, including process derived fume
- tends to be process driven
- RMMs more likely to be site specific

Example 2 - Styrene control measures in boat building



- Ventilation general and localised
- Methods of working (e.g work towards the "scouring" fan)
- Systems of work (e.g set up 'push' and 'pull' for each type of mould)
- RPE, in addition, for more confined working



Reality of H&S in small/micro businesses



- owner/manager often does everything
- small firms have difficulty applying risk assessment principles to chemicals
- don't usually follow assessment > control > review route
- follow "control culture" of the industry/sector
- OELs play very little part in risk assessment or risk management decisions in SMEs
- rely on suppliers and competitors for H&S information
- they believe H&S is "common sense"
- verbal (visual?) culture
- want to be told what to do
- need graphic, simple communication tools
- SMEs want practical help





improved information on hazard

- many substances are data poor
- this can lead to inadequate risk assessments
- OELs exist only for few substances but under REACH DNELs achievable for a majority of substances registered

M/Is responsible for

- carrying out risk assessment throughout the supply chain
- determining what is good control practice
- communicating risk management information to users via SDS

Benefits of REACH for Worker Protection



- improved information flow through the supply chain
- DNELS can provide orientation in terms of risk management for DUs if no OEL available
- greater emphasis on substitution
- recognition of paucity of available exposure data/information for workers
 - need for the development of an advanced model for regulatory occupational exposure assessment

Potential Interaction Challenges



- conflicting messages
- comprehension issues
- liability issues
- RMMs
 - where the employer has achieved adequate control under CAD/Carc Directive but has not followed the RMMs as proposed in the SDS
- DNELs/OELs
 - OELs fixed in worker protection legislation
 - role of DNEL in worker protection legislation needs to be defined

Conclusions



- risk assessment is required in both sets of legislation
- its purpose in both is to ensure that human health is not affected by chemicals
- the risk assessments are not the same but should be complementary
- there are a number of potential benefits for worker protection risk assessment as a consequence of the introduction of REACH
- HOWEVER there are a number of interaction challenges which need to be resolved to avoid confusion, particularly amongst DUs/SMEs