

REACH and Worker Protection Legislation



Risk Assessment in REACH and in Worker Protection Legislation

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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”

Purpose of the Risk Assessments

- **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

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Example 1 - Chrome Plating



Risk Assessment

- **REACH**
 - main obligations on M/I, some on DUs
 - 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

Benefits of REACH for Worker Protection

- 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