

TUTB Chemical Network: hard time getting unions' voice heard in European and international debates

The TUTB Chemical Network met in Brussels on 15 and 16 December 1999, when experts from ETUC member organisation discussed a range of European issues relating to chemicals. But the trade union experts' brief extends to a range of areas spilling over from a purely European framework, like protecting workers against asbestos, drawing up exposure limit values, the classification of substances and simplification of legislation.

Asbestos

After the Commission's decision to ban nearly all remaining uses of asbestos by adopting Commission Directive 1999/77/EC¹ on 26 July 1999, the Directorate General for Employment and Social Affairs began to re-examine the directive governing the handling of asbestos in the workplace² in order to:

- focus on the groups of workers now considered to be most at risk, like those involved in removal of asbestos and repair and maintenance workers in asbestos-containing buildings;
- ensure adequate risk assessment provisions reflecting the different risks;
- take into consideration different information and training needs of workers depending on the type of exposure involved;
- emphasise the prevention or minimisation of exposure;
- revise the concentration levels, exposure limits, and measurement methods;
- review the assessment of asbestos fibres in air (new WHO method for counting fibres).

Without involving the social partners, the Employment and Social Affairs DG has begun consulting the Member States on a draft proposal which contains some crucial points (in particular the OELs and limitation of protective measures where the total time of exposure of workers is no more than two hours).

It was agreed at the December meeting to collect from network members any training material which might prove useful for the aspects already included in the draft proposal.

Saman Zia-Zarifi from the University of Rotterdam presented his report, commissioned by TUTB, on the background to the WTO asbestos dispute, the real underlying reasons, the possible scenarios and implications of a verdict in favour of Canada for health and

safety at work legislation at European level and world-wide (see this issue's editorial and the article *The real issues in the WTO asbestos dispute*, pp. 1, 2 and 3).

The trade union experts also discussed the asbestos-related work of the Bilbao Agency's "Thematic Network Group - Good Practice", and a project on "Asbestos Literature for Union Members", presented by the editor of the *British Asbestos Newsletter* Laurie Kazan-Allen.

Guidelines for the application of the Chemical Agents Directive

Chemical Agents Directive 98/24/EC of April 1998 requires the Commission to develop guidelines for the application of various of its provisions:

- standardised methods for the measurement and evaluation of workplace air in relation to occupational exposure limit values (Article 3.10 of the Directive);
- guidelines for the determination and assessment of risks and for their review and, if necessary, adjustment (Article 4.6);
- practical guidelines for preventive measures to control risks (Article 5.2);
- practical guidelines for protection and prevention measures to control risk (Article 6.2);
- practical guidelines for biological monitoring and medical surveillance, including recommendations of biological indicators and biological monitoring strategies for lead and its ionic compounds (Annex II.1.3).

The Article 3.10 and Annex II 1.3 matters will be dealt with in the Luxembourg Advisory Committee's Ad Hoc Group (AHG) on Limit Values. The other three guidelines will be covered by a single document to be developed and discussed in the new AHG on Guidelines for the Chemical Agents Directive.

¹ See *TUTB Newsletter*, No. 11-12, June 1999.

² Council Directive 83/477/EEC of 19 September 1983, amended on 25 June 1991 by Directive 91/382/EEC.

The thing is that none of these guidelines have yet been worked out. But Member States have to comply with the Directive not later than 5 May 2001 by taking account of the guidelines in drawing up their national policies. Also, the employers have already announced that without the guidelines, no application and compliance will be possible. Not much time is now left to draft these guidelines, especially as the meetings of the Advisory Committee's AHG planned for 1999 had to be cancelled due to financial restrictions within the Commission.

The guidelines on exposure control and risk assessment of chemicals (the *COSHH Essentials*) developed in the UK by the Health and Safety Executive (HSE) in co-operation with the TUC, were presented by Alastair Hay from the University of Leeds (see *Controlling exposure to chemicals: a simple guide on how to do it*, p. 32). The Network members discussed the possibility of speeding up the process at European level by taking these guidelines as a basis for drawing up the European guidelines.

Occupational exposure limits

Another key agenda item in the context of the Chemical Agents Directive was the ongoing process of establishing OELs at European level and the recent developments in the Luxembourg Advisory Committee's Ad Hoc Group on Limit Values.

Two TUTB working groups were set up: one dealing with trade union strategy toward occupational exposure limit values for genotoxic carcinogens; the other on setting exposure limit values. The first working group was a response to Dutch union demands to put their risk-based approach on a European level agenda. The Dutch model was presented at the TUTB's December 1997 conference³. The

reason for the second working group (not yet decided) is the need to respond to the employers' criticisms of the key SCOEL⁴ document published in June 1998 setting out its rationales on OEL setting. Connected with this discussion is the Commission's proposal to eventually set a binding limit value for NO₂ due to the employers' refusal to accept a health-based value proposed by SCOEL.

The TUTB expert network also discussed isocyanates, with a presentation of the Swedish unions' campaign to improve the existing measurement standards and laws at national and European level⁵.

Also on the agenda were other key issues relating to chemical substances, including:

- international harmonisation of classification and labelling of dangerous substances and preparations;
- future Commission policy on dangerous substances (classification, marketing restrictions, risk assessment, risk management);
- future initiatives like the SLIM simplification exercise on Directive 67/548/EEC in 1999.

Trade unions should - indeed must - not only be seen but heard in all these debates. ■

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³ See: The setting of risk-based threshold limit values for carcinogens in the Netherlands, *TUTB Newsletter*, No. 8, March 1998, p. 31.

⁴ Scientific Committee on Occupational Exposure Limits.

⁵ See: Isocyanates: new measurement techniques reveal a significant under-estimation of risks, *TUTB Newsletter*, No. 9, June 1998.