

## Publication of first list of indicative occupational exposure limit values under Chemical Agents Directive

On 16 June 2000, a Commission Directive with the first list of indicative occupational exposure limit values (IOELVs) under Council Directive 98/24/EC was published in the Official Journal. The list contains 63 substances, and Member States are obliged to introduce an occupational exposure limit (OEL) for these substances in accordance with national legislation and practice that takes the IOELV into account. The Directive is due to be implemented by 31 December 2001.

When the Chemical Agents Directive was adopted in 1998, the aim was not only to harmonise the legal basis of all Directives dealing with health and safety protection of workers at work in general<sup>1</sup>, but also to revise and include in one single Directive at least three different Directives established so far in the field of workers' protection against chemical agents at work<sup>2</sup>.

Beside these general objectives, Council Directive 98/24/EC also established two types of occupational exposure limits at the European level : binding occupational exposure limit values and binding biological limit values on the one hand, and indicative occupational exposure limit values (IOELVs) on the other.

It will be recalled<sup>3</sup> that the first type of limit values have to be established at the national level in such a way that they do not exceed the EU values. Besides health effects, these binding OELs also take feasibility factors such as economic and technical considerations into account. IOELVs, on the other hand, are, at least in theory, based purely on health criteria, and Member States are only obliged to establish a value at the national level if an IOELV has been established at the EU level. This means that, in certain circumstances, higher OELs can also be established at the national level.

After the adoption of Directive 98/24/EC, the Commission was confronted with a complicated situation with regard to indicative limit values already adopted under the previous Directive<sup>4</sup>, because the new Directive repealed the former Directive but left in force the two Directives establishing indicative limit values. For the two lists could not simply be included within the framework of the new Directive because the procedure prescribed for establishing them had not been followed, at least in the case of the first list<sup>5</sup>. This is reflected in the list of IOELVs adopted last June, which contains all of the 22 substances of Directive 96/94/EC (the former 2nd list) and 41 substances for which in the transitional period THE SCOEL (Scientific Committee for Occupational Exposure Limits) had made recommendations and the Advisory Committee on Safety, Hygiene

and Health at Work had delivered its opinion. In the case of the substances of the former 1st list (those of Directive 91/322/EC), the Commission has asked THE SCOEL to check whether any new scientific data is available and whether a short-term OEL or an STEL or a skin notation should be added.

The Member States have to draw up their national lists of OELs by 31 December 2001, the date on which Directive 96/94/EC will be repealed. ■

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<sup>1</sup> Its predecessor - Directive 80/1107/EEC was based on the former Article 100 of the Treaty whereas Directive 98/24/EC - as a single Directive of Framework Directive 89/391/EEC - is based on the former Article 118A.

<sup>2</sup> Council Directive 80/1107/EEC of 27 November 1980 on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work;

Council Directive 82/605/EEC of 28 July 1982 on the protection of workers from the risks related to exposure to metallic lead and its ionic compounds at work; Council Directive 88/364/EEC of 9 June 1988 on the protection of workers by the banning of certain specific agents and/or certain work activities.

<sup>3</sup> See our previous articles : Chemical Agents Directive adopted, *TUTB Newsletter* n° 9, June 1998, p. 26; The ongoing debate on the Chemical Agents Directive, *TUTB Newsletter* n° 6, June 1997, p. 21; Proposal for Chemical Agents Directive back on track, *TUTB Newsletter* n° 5, February 1997, pp. 17-18.

<sup>4</sup> Commission Directive 91/322/EEC of 29 May 1991 and Commission Directive 96/94/EC of 18 December 1996 - comprising the 1st and 2nd list of indicative limit values on the basis of Directive 80/1107/EEC.

<sup>5</sup> The first list does not include possible Short Term Exposure Limit Values (STELs) either or skin notations.

Commission Directive 2000/39/EC of 8 June 2000 of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC on the protection of the health and safety of workers against the risks related to chemical agents at work, *OJL* 142, 16 June 2000, p. 47.

The complete list of IOELVs can be found on our website : <http://www.etuc.org/tutb/uk/news&events1.html>