



First stage consultation of social partners
on the protection of workers from the risks related
to exposure to CMR substances

***Position adopted by the ETUC Steering Committee in their
meeting held in Brussels on 09 June 2004***

ETUC is pleased to respond to the consultation and is of the opinion that the European Union must take urgent legislative initiatives in this area which are binding on the Member States in order to reduce the harmful impact of exposure to carcinogenic, mutagenic and toxic to reproduction (CMR) substances on the health and safety of workers.

These initiatives should result from an affirmative response to the four specific questions listed below.

- **Question 1:** Should Directive 90/394/EEC be expanded to include substances which are toxic to reproduction?

ETUC is of the opinion that workers of both sexes must be protected from the risks related to exposure to substances that are toxic to reproduction. In this spirit, substances classified in this category must also be covered by the provisions of Directive 90/394.

Expanding the Carcinogens Directive to include substances that are toxic to reproduction could significantly improve the prevention of this type of risk for workers of both sexes in general and for pregnant workers in particular. It should be recalled that one of the faults in the legislation on the protection of pregnant workers (Directive 92/85/EEC) is that health and safety measures only have to be implemented once the worker reports to her employer that she is pregnant (often around the 10th week of pregnancy). However, there are major risks of birth defects caused by exposure to a substance toxic to development during the first few weeks of pregnancy.

- **Question 2:** Should OELVs¹ be defined for substances which are not yet listed in the directive?

ETUC is of the opinion that to ensure equivalent protection for all workers of both sexes in the European Union, then the adoption of OELVs for other carcinogenic substances must certainly be encouraged, but only as an adjunct to the principles defined in Directive 90/394/EEC, namely the principle of substitution and the hierarchy of protective and preventive measures accompanying the implementation of the ALARA² principle. Within this framework, binding limit values adopted by the Council are required.

- **Question 3:** Should the OELVs set for the three carcinogenic substances listed in the directive be reviewed?

ETUC is of the opinion that the OELVs set for the three carcinogenic substances currently listed in the directive – and for all other limit values – must be reviewed regularly to take account of the latest technical and health-related data.

- **Question 4:** Should measures be taken to enable the adoption of indicative limit values for carcinogenic, mutagenic or toxic to reproduction substances in order to facilitate the process of adopting these values and to make it easy to adapt to scientific progress?

ETUC is of the opinion that given the high number of carcinogenic substances already classified at European level (see annex I to Directive 67/548), it is advisable to accelerate the procedure for adopting limit values. To this end, the proposal to adopt indicative limit values or other solutions as a procedure for the mutual recognition of the most restrictive national limit values can be envisaged. The ways and means of adopting these values and their level of significance should be examined soon in connection with the Luxembourg tripartite advisory committee.

ETUC is aware that passive smoking is classified with carcinogenic substances for humans by the IARC³ and that it therefore

¹ OELV: occupational exposure limit value

² ALARA: as low as reasonably achievable

³ IARC: International Agency for Research on Cancer (part of WHO)

constitutes a risk to the health of workers and the general population. ETUC is of the opinion that the current legal framework (framework directive and specific directives) already sets out a number of obligations for employers (air quality, risk assessment, collective preventive measures at the source) in order to protect workers from exposure to ambient tobacco smoke. However, ETUC notes that these measures are not sufficient to ensure a suitable level of protection for highly exposed workers (such as workers in hotels, restaurants and cafes) and it is of the opinion that these problems could be addressed via the sectoral and intersectoral social dialogue, or via broader public health measures.

Ultimately, given the very long latent period between exposure and the appearance of diseases, ETUC is of the opinion that Directive 90/394 – and Article 14 in particular – must also be reviewed to ensure that workers (including pensioners) are entitled to medical checks during the period after exposure to CMR substances.
