

Joint declaration on reprotoxic substances at the workplace

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Content

- ❑ Background info on reprotoxic substances at work
- ❑ COM impact study on possible extension of CMD scope to reprotoxics
- ❑ The joint declaration ETUC /industriAll / ECEG/ Cefic
- ❑ Next steps ?

Background info on reprotoxic substances

- ❑ **Reprotoxic substances** are chemical substances which, if they are inhaled or ingested or if they penetrate the skin can adversely affect the ability of men and women to reproduce (**threat to fertility**) and alter child development during gestation and after birth (**threat to development**)
- ❑ **Adverse effects:** fertility problems, miscarriages, stillbirths, congenital defects, alterations in mental and physical development, etc..
- ❑ **Examples:** lead and lead compounds, phthalates, glycol ethers, Bisphenol A, aprotic solvents (NMP, DMAC, DMF)
- ❑ Over **2 million workers exposed** in the EU-28 : agriculture, healthcare services, cleaning, maintenance, petrochemicals, ...

EU OSH legislation & reprotoxic (R) substances?

- ❑ **Chemical Agents Directive- CAD (98/24/EC):** applies to all hazardous chemicals present at the workplace (including R substances)
- ❑ **Carcinogens & Mutagens Directive - CMD (2004/37/EEC):** applies solely to substances meeting the criteria for classification as Carcinogen (C) or Mutagens (M) category 1A (known) or 1 B (presumed)
- ❑ Under Article 18a of Dir(EU) 2017/2398 (CMD 1 revision): "*No later than Q1-2019, the **COM shall [...]** assess the option of amending the scope of this Directive to include reprotoxic substances.*"
- ❑ COM has commissioned an impact study to evaluate different options

The 5 options considered in COM impact study

Option 1: No change to EU OSH legislation (CAD and CMD) = **baseline**

Option 2: R1A and 1B chemicals included in the scope of CMD with **full application of the requirements in the CMD**

Option 3: R1A and 1B included in the scope of the CMD **but with derogations** from the substitution, closed systems, minimisation and record keeping requirements, unless an EU scientific committee confirms that a substance has no threshold.

Option 4: **Merging** the CMD and CAD into a single directive, applying CMD-equivalent requirements to R 1A/1B substances

Option 5: **Merging** the CMD and CAD into a single directive, applying CMD-equivalent requirements to R 1A/1B **substances and updating/modernising OSH-related terminology**

The joint declaration ETUC / industriAll / ECEG / Cefic

- ❑ signed on 16 October 2018

Common agreement from both sides of industry for:

- ❑ **inclusion** of Reprotoxics in the CMD scope = CMRD instead of CMD
- ❑ **same rules** for **Carcinogens, Mutagens & Reprotoxics** cat 1A/B
(Elimination/substitution > Closed system > Exposure minimisation)
- ❑ **distinction** between threshold & non-threshold substances
- ❑ **derogation** to the exposure minimisation **only for threshold substances** when :
 - a Binding OEL is available at EU level
 - the BOEL is complied with (= exposure measurements)

Concrete result of the joint declaration = new option 3 bis

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Option 2: R1A and 1B chemicals included in the scope of CMD with **full application of the requirements in the CMD**

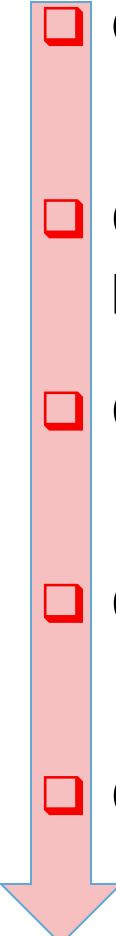
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Option 3bis: ETUC/indutriAll/ECEG/Cefic joint declaration

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Next steps to have the joint demands integrated in the CMD?

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- Opinion of the tripartite Advisory Cttee on Health & Safety
 - COM consultation of the social partners on the CMD revision (2 phases)
 - COM impact study on the proposed changes (~ the current study ?)
 - COM legislative proposal
 - Co-decision procedure (European Parliament + Council) = CMD4/5 ?

Further info on the joint declaration:



<https://www.etuc.org/en/pressrelease/chemical-industry-and-workers-call-european-commission-update-eu-rules-reprotoxic>