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Opinion

Protection of workers' health from risks arising from exposure to chemicals at the workplace: EU Occupational Exposure Limit Values under OSH and limit values under other EU legislation

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This Opinion presents the view of the ACSH regarding limit values for chemicals at EU level. The aim of this opinion is to ensure coherency across policy fields which are relevant to workers protection. It was prepared by the ACSH Working Party on Chemicals during its meeting of 2-3 October 2013. The views expressed in this Opinion are shared by the three interest groups.

EU legislation under the Chemical Agents Directive (98/24/EC) and the Carcinogens and Mutagens Directive (2004/37/EC) defines occupational exposure limit values (OELs) for chemicals. Such limit values are set via a well-established process involving Scientific Committee on Occupational Exposure Limits (SCOEL), governmental, employers and workers representatives. In order to respect the consistency and coherence of EU legislation and taking note of REACH Article 2.4 (a) which stipulates that REACH is without prejudice to EU workplace legislation, the ACSH is of the opinion that it is unacceptable for limit values, that are relevant to occupational exposure, to be set in the context of other EU legislation.

EU Occupational Safety and Health (OSH) legislation foresees the involvement of expert scientific evaluation, following a defined methodology and including external consultation via national contact points and the social partners in line with article 152 of the Treaty on the Functioning of the EU.

The resultant SCOEL Recommendations are discussed in the tri-partite ACSH which adopts Opinions on proposals for OELs. This procedure is scientifically based and follows an open and inclusive consultation and discussion with all relevant stakeholders. Thereafter, the Commission initiates the relevant legislative procedure.

Formal procedures under other legislative systems such as REACH should not seek to set official EU limit values for worker protection purposes *which could present incoherence with limit values developed under OSH*. However, it would be appropriate for such legislative systems to make *reference* to EU OSH existing limit values, and procedures for developing limit values for additional substances, for their policy development and implementation purposes.