

Revision of the Carcinogens & Mutagens Directive – state of play

Tony Musu & Laurent Vogel

Sectoral Social Dialogue Cttee of the EU Chemical Industry

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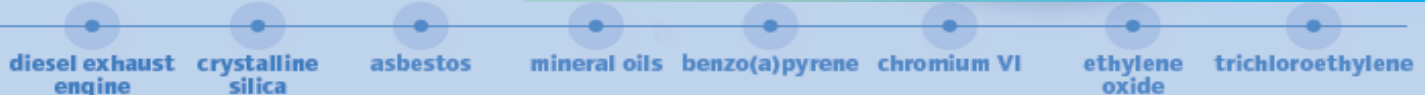
Stop cancer at work

53% of all work-related deaths are caused by occupational cancer.



THESE DEATHS ARE PREVENTABLE

Some of the main carcinogens causing work cancers



50 carcinogens account for more than **80%** of all exposure at work.

5 The current number of binding occupational exposure limit values (OELs) adopted at EU level.



OELs are minimum levels of protection against hazardous substances in the workplace.

There are large differences in the level of protection of workers across the EU. Every country has its own number of OELs, and often different levels for the same substance.

Binding OELs are one of the essential tools for minimizing the exposure levels.

The ETUC calls on the EU to urgently update the Carcinogens and mutagens directive and adopt binding OELs for at least 50 priority carcinogens

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Revision of the Carcinogens & Mutagens Directive

- ❑ Since the adoption of the CMD in 1990 only 14 (3 +11) carcinogens with Binding Occupational Exposure Limits (BOELs)

Directive (EU) 2017/2398

2017/0004 COD

1st batch
(11 BOELs)

2nd batch
(5 BOELs)

3rd batch
?

4th batch
?

2016

2017

2018

?

- ❑ Commissioner Thyssen commitment: 50 carcinogens in total with BOELs in CMD Annex III by 2020

First batch of 11 (+2) carcinogens proposed by
the EU Commission in May 2016:
State of play ?

COM proposal of 13 May 2016 (2016/0130 COD)

Chemical agents	Proposed OELs	Relevant sectors	Types of cancer caused/other illnesses	No. of exposed workers
1,2- Epoxypropane	2.4 mg/m ³	Chemical manufacture; synthetic lubricants, oil field drilling chemicals; polyurethane systems.	Lymphopoietic cancer, haematopoietic cancer, increased leukaemia risk	485-1,500
1,3-Butadiene	2.2 mg/m ³	Manufacture of refined petroleum products, manufacture of rubber products	Lymphohaema-topoietic cancer	27,600
2-Nitropropane	18 mg/m ³	Manufacture of basic chemicals, manufacture of aircraft and spacecraft (downstream use)	Liver tumours	51,400
Acrylamide	0.1 mg/m ³	Manufacture of chemicals and chemical products, education, research and development, other business activities, health and social work, public administration and defence.	Pancreatic cancer	54,100
Bromoethylene	4.4 mg/m ³	Chemicals and allied production; rubber and plastic production; leather and leather production; fabricated metal production for wholesale trade	Liver cancer	n/a
Chromium (VI) compounds	0.025 mg/m ³	Production and use of chromium-containing pigments, paints and metal (conversion) coatings. In terms of downstream use, chromate compounds, including barium chromate, zinc chromate, and calcium chromate, may be used as basic primers and top coats in the aerospace sector.	Lung cancer and sinonasal cancer	916,000
Ethylene Oxide	1,8 mg/m ³	Extraction of crude petroleum and natural gas; service activities incidental to oil and gas extraction; Manufacture of food products, textiles, chemicals, chemical products, medical, precision and optical instruments, watches, clocks; Hospital and Industrial sterilization; R&D; Public Administration and Defence; Education; Health and Social Work	Leukaemia	15,600
Hydrazine	0.013 mg/m ³	Chemical blowing agents; agricultural pesticides; water treatment	Lung and colorectal cancer	2,124,000
o-Toluidine	0.5 mg/m ³	Manufacture of chemicals, chemical products and man-made fibres; Manufacture of rubber products; Research and development; Public administration and defence; education; health and social work.	Bladder cancer	5,500
Respirable Crystalline Silica (RCS)	0.1 mg/m ³	Mining, glass manufacturing, construction and electricity, gas, steam and hot water supply industries.	Lung cancer, silicosis	5,300,000
Refractory Ceramic Fibres (RCF)	0.3 f/ml	Manufacturing (fibre production, finishing, installation, removal, assembly operations, mixing/forming)	Adverse respiratory effects, skin and eye irritation; possibly lung cancers	10,000
Vinyl Chloride Monomer (VCM)	2.6 mg/m ³	Manufacture of chemicals and chemical products (VCM and PVC production)	Angiosarcoma, hepatocellular carcinomas	15,000
Hardwood dusts	3 mg/m ³	Wood working industry, furniture manufacture sectors and construction.	Sinonasal and nasopharyngeal cancers	3, 333,000

Directive adopted on 25 October 2017 (Dir 2017/2398)

Main improvements imposed by EP to the Council:

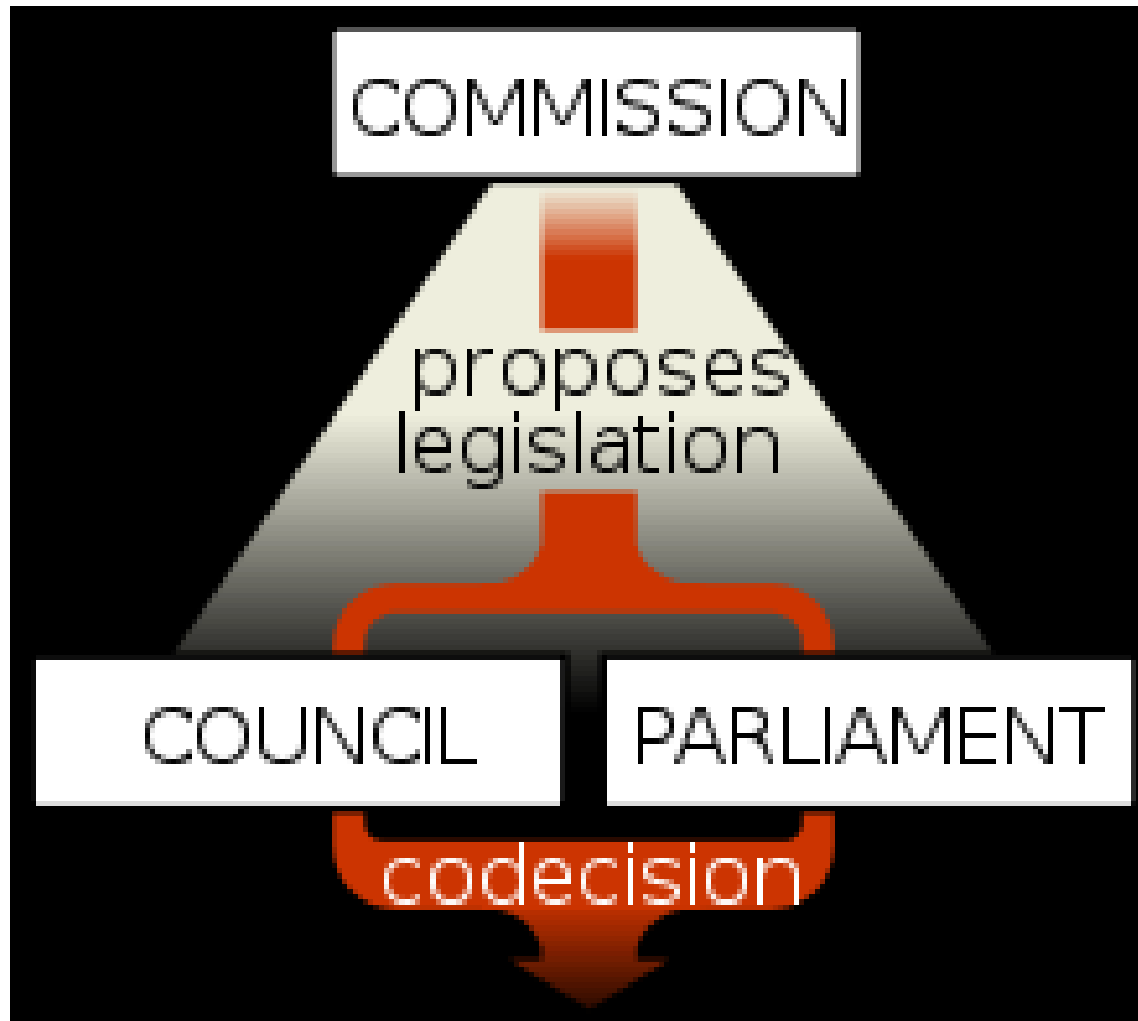
- ❑ The OEL for **Chromium VI** will be 0,005 mg/m³, after a transitional period of 5 years during which the OEL will be 0,01mg/m³ (with the exception of welding processes and similar processes which generate fumes, where the OEL will be 0,025 mg/m³)
- ❑ **Hardwood dust at 2 mg/m³** after a transition of 5 years instead of 3 mg/m³ proposed by COM
- ❑ **Health surveillance for workers post retirement** in order to save many lives
- ❑ Extension of CMD scope to **reprotox substances** to be considered by COM Q1 2019 at the latest (legally binding)
- ❑ Stricter BOEL than at 0,1 mg/m³ for **Respirable crystalline Silica** to be considered by COM when drafting next 5 year CMD report (vague wording)

Second batch of 5 (+2) carcinogens proposed
by the EU Commission in Jan 2017:
State of play ?

COM proposal of 10 Jan 2017 (2017/0004 COD)

Chemical agents	Proposed OELs	Relevant sectors	Types of cancer caused/other illnesses	No. of exposed workers
4,4'-methylenedianiline (MDA)	0,08 mg/m ³ (+ skin notation in Annex III)	Production of polyurethane foams	Liver and thyroid cancer in animal studies. Also: suspected of causing genetic defects, causes damages to organs,...	390,000 – 3,900,000
Trichloroethylene (TCE)	54,7 mg/m ³ (+ skin notation in Annex III)	Degreasing and cleaning of metal parts Used in adhesives, Used as a solvent and for synthesis in the chemical industry.	Liver cancer, Kidney cancer. Also: suspected of causing genetic defects, causes serious eye irritation, causes skin irritation, ...	74,000
Epichlorohydrin (1-Chloro-2,3-epoxypropane)	1,9 mg/m ³ (+ skin notation in Annex III)	Chemical industry (production of resins) Paper production	Lung cancer. Also: toxic if inhaled, toxic in contact with skin, toxic if swallowed...	40,000
Ethylene dibromide (EDB) (Dibromoethane)	0.8 mg/m ³ (+ skin notation in Annex III)	Chemical industry Preparation of dyes and pharmaceuticals	Caused tumours in animal studies. Also: toxic if swallowed, toxic in contact with skin, toxic if inhaled	7,600
Ethylene dichloride (EDC) (1,2-Dichloroethane)	8,2 mg/m ³ (+ skin notation in Annex III)	Production of plastic and vinyl products Also used as a solvent and added to leaded gasoline to remove lead.	Caused tumours in animal studies. Also: harmful if swallowed, causes serious eye irritation, causes skin irritation...	< 3,000
Complex PAH mixtures with benzo[a]pyrene as an indicator	None (skin notation in Annex III only)	Coal liquefaction, coal gasification, coke production and coke ovens, coal-tar distillation. Roofing and paving (involving coal-tar pitch) Wood impregnation and preservation. Aluminium production Carbon-electrode manufacture. Chimney sweeping	Tumours in animal studies Also: may cause an allergic skin reaction, genetic defects, damage fertility & the unborn child.	7,000,000
Used engine oils	None (entry in Annex I + skin notation in Annex III)	Used in automobile and motorcycle engines, diesel rail engines, marine engines, aeroengines, and in portable machinery including chain saws and lawn mowers	Skin cancer	1,000,000

Co-legislators have the possibility to amend COM proposal



EU Parliament: rapporteur and shadow rapporteurs (2nd batch)



Marita ULVSKOG
SE, S&D



Karima DELLI
FR, Greens



Claude ROLIN
BE, PPE



Patrick LE HYARIC
FR, GUE-NGL



Joëlle MELIN
FR, ENF



Enrique C. CHAMBON
ES, ALDE

ETUC's view on COM proposal of 10 Jan 2017 (2nd batch)

The positive aspect:

- New carcinogens proposed in Annex III and/or Annex I

The negative aspects:

- Only 5 additional BOELs proposed in Annex III
 - BOEL for Trichloroethylene & EDC not protective enough
- No BOEL proposed for priority carcinogens:
 - Diesel engine exhaust emission
 - Complex PAH mixtures with benzo[a]pyrene as an indicator
 - Formaldehyde
 - 4,4'-Methylene-bis-(2-chloroaniline) (MOCA)
- Rubber process dust and fumes not in Annex I

ETUC proposed draft amendments (2nd batch)

Chemical Agents	Proposed by COM	ETUC Proposed BOEL (8hr – TWA)	Nb of exposed workers
Complex PAH mixture	NO BOEL	70 ng/m ³ (3 years 700 ng/m ³) benzo[a] pyrene as indicator	7,000,000
Diesel engine exhaust emissions	NO BOEL	0,05 mg/m ³ (measured on Elemental Carbon) Already in DE	3,600,000
Formaldehyde	NO BOEL	0,369 mg/m ³ = 0.3 ppm (common position between <u>industry</u> and workers)	1,800,000
Trichloroethylene (TCE)	55 mg/m ³ =10 ppm	3,3 mg/m ³ (DE, AT) (0.6 ppm)	74,000
Ethylene dichloride (EDC)	8,2 mg/m ³	4 mg/m ³ (BG,DK,EE,FI,SE) All applications in REACH below 2mg/m ³	< 3,000

State of play Council & European Parliament

February 2017 :

Council : 1st discussion

March 2017:

Council : 2nd discussion (Trichloroethylene + Diesel)

EP: rapporteur and shadows have been appointed

November 2017 : EP (Rolin)' draft Report with focus on Diesel Exhaust Engine Emissions (Annex I + Annex III)

27-28 March 2018: vote in EP EMPL Cttee

Q2 2018 : trilogue meetings (EP-Council-COM)

Consultation of the Social Partners on possible future reviews of the Carcinogens and Mutagens Directive

First phase consultation of Social Partners

- ❑ Why a new consultation on the CMD from the COM (Article 154 TFEU)?
 - ✓ CMD revision is a priority for COM (see Communication "Safer and healthier work for All – Modernisation of EU OSH – adopted 10 Jan 2017)
 - ✓ The European Pillar of Social rights adopted on 26 April 2017 also announces that the COM -in consultation with the social partners - will continue to propose new BOELs in the CMD

- ❑ Questions to be answered by Social Partners:
 - ✓ New carcinogens to be included in Annex III (batch 3 & batch 4)?
 - ✓ New process generated substances to be included in Annex I ?
 - ✓ Other issues ?
 - ✓ Initiating a Social dialogue under Article 155 TFEU ?

- ❑ Deadline for response: 30 September 2017

Main elements of ETUC response

- ❑ The consultation must not in any way be used to delay the adoption of 3rd & 4th batches of BOELs nor the COM obligation to consider inclusion of reprotoxics by Q1 2019
- ❑ BOELs setting criteria are needed at EU level to ensure equivalent protection levels for all workers
- ❑ Diesel engine exhaust emissions should be prioritised for inclusion in the CMD (BOEL + inclusion in Annex I) and BOEL for Crystalline silica should be lowered to 0,05 mg/m³
- ❑ Other priority carcinogens and priority process generated substances to be added in batch 4 are listed in the ETUC priority list (objective is 50 BOELs by 2020)
- ❑ No need to initiate a Social Dialogue under Article 155 TFEU because role of EP and Council is essential in BOEL setting
- ❑ Other issues: asbestos, solar radiations, biological agents, radiation protection rules, night work.

Integrating the gender dimension

- ❑ Men and women are not necessarily exposed to same carcinogens and not necessarily with the same health impact (breast cancer !)
- ❑ We should integrate the gender dimension in all our activities about work and cancer
- ❑ Cytostatic substances are a good exemple:
 - ❑ Healthcare staff is exposed (with a strong majority of women)
 - ❑ Prevention is often neglected
 - ❑ In the CMD: a strong case for annex I + an additional argument for including reprotoxic substances
 - ❑ Possibility also to include that issue in the social dialogue of the hospital sector
- ❑ See ETUC response on: <http://www.etui.org/Topics/Health-Safety-working-conditions/News-list/Trade-unions-and-employers-associations-consulted-by-the-Commission-on-the-Carcinogens-and-Mutagens-at-Work-Directive>

Second stage consultation of Social Partners: state of play

- ❑ The documents from the Commission seem to have been written already BEFORE receiving the responses !
- ❑ Deadline: December 22
- ❑ Nothing is really new in the documents
 - ✓ List of substances for batches 3 and 4
 - ✓ Vague commitment on silica (« as soon as new evidence becomes available » !!!)
 - ✓ Reprotoxic substances (probably a complex scenario – see the call for tenders on the impact assessment study)

Third batch : State of play ?

Third batch: state of play ?

- ❑ COM proposal announced by end 2018
- ❑ 5 carcinogens expected:
 - ✓ Formaldehyde
 - ✓ Beryllium and inorganic compounds
 - ✓ Cadmium and inorganic compounds
 - ✓ Arsenic acid and its salts
 - ✓ 4,4'-Methylene-bis(2-chloroaniline) (MOCA)
- ❑ ACHS opinions adopted by the 3 Interest Groups :
 - ✓ **Formaldehyde**
Recommended BOEL: 0,369 mg/m³
 - ✓ **Beryllium and inorganic compounds**
Recommended BOEL: 200 ng/m³ (5 y transition 600 ng/m³)
 - ✓ **Cadmium and inorganic compounds**
Recommended BOEL:
Option 1: 1 µg/m³ (7 y transition 4 µg/m³)
Option 2 : combine BOEL (4µg/m³) & Biomonitoring (2µg Cd/g creatinine)
 - ✓ **Arsenic acid and its salts**
Recommended BOEL: 10 µg/m³ (transitional period for some sectors)
 - ✓ **MOCA**
Recommended BOEL: 10 µg/m³ + skin notation

Fourth batch : State of play ?

Fourth batch: state of play ?

- ❑ COM proposal by end 2020?
 - ✓ Juncker Commission will end in 2019
 - ✓ Priorities of next Commission might change

- ❑ Expected carcinogens (based on scientific recommendation from RAC):
 - ✓ Nickel compounds
 - ✓ Acrylonitrile
 - ✓ Benzene (update of existing BOEL)
 - ✓ Diesel engine exhaust emissions ?

- ❑ Other carcinogens might be added in accordance with outcome of the ongoing Social Partners consultation on the CMD

- ❑ ACHS opinions not yet adopted

Further reading

❑ Infographic stop cancer at work

<https://www.etui.org/Topics/Health-Safety/Occupational-cancers/Infographic-Stop-cancer-at-work>

❑ Eliminating occupational cancer in Europe and globally

<http://www.etui.org/en/Publications2/Working-Papers/Eliminating-occupational-cancer-in-Europe-and-globally>

❑ Cancer risks in the workplace, better regulation, stronger protection

<http://www.etui.org/fr/Publications2/Working-Papers/Cancer-risks-in-the-workplace-better-regulation-stronger-protection>

❑ Carcinogens that should be subject to binding limits on workers exposure

<http://www.etui.org/fr/Publications2/Rapports/Carcinogens-that-should-be-subject-to-binding-limits-on-workers-exposure>