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Health, Safety and Hygiene at Work

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Advisory Committee on Safety and Health at Work

(Working Party on Chemicals to the Advisory Committee on Safety and Health at Work)

OPINION

**Guidance on the protection of the health and safety of workers from the
potential risks related to nanomaterials at work**

Adopted on 27.11.2014

The Advisory Committee on Safety and Health at Work,

Having regard to:

- Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, OJ L 183, 29.06.1989, p.1–8;
- Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC), OJ L 131, 05.05.1998, p. 11–23
- Its mandate to set up a working party on Chemicals, adopted on 28/11/2013 (Doc. 02039/13), in particular point 6 of its specific tasks.

ADOPTS this opinion

The Advisory Committee endorses the following documents:

1. **Guidance for employers:** health and safety practitioners and workers:
Guidance on controlling the protection of the health and safety of workers from the potential risks related to nanomaterials at work
2. **Guidance for workers:** *Working safely with manufactured nanomaterials*

Need for the guidance

In 2010 the Working Party on Chemicals identified the need to ensure that the health and safety of workers exposed to nanomaterials are adequately protected. The Working Party concluded that the preparation of guidance would contribute to the effective implementation of the existing EU OSH legislation.

The attached draft guidance were commissioned by DG EMPL in 2011, and their development was monitored by the Working Party on Chemicals to meet this objective.

The purpose of these guidance is:

- (i) To assist employers in fulfilling their regulatory obligations in particular under the Chemical Agents Directive (CAD) for tasks involving manufactured nanomaterials especially in the case of limited knowledge on various aspects of nanomaterials; and
- (ii) To help workers to understand the nature of manufactured nanomaterials, concern about exposure to them, and the necessary actions to enable safe working with them.

Nanomaterials and nanotechnology is a fast developing and highly complex field. These guidance documents should be seen as a first step, at EU level, in providing information to help employers and workers. However, in light of the anticipated developments, and the potential effects of some of them on workers' health and safety, this may require future re-consideration of this issue in accordance with the mandate of the Working Party on Chemicals.

Mandate for this work

The mandate 2010 – 2011 for the Working Party included the specific objective “*to consider the risks from exposure to nanomaterials at the workplace and the need for concise guidance on prevention and protection measures. If appropriate, to prepare guidance together with a draft opinion for the Advisory Committee*”. The mandate for the following period 2012 – 2013 and the subsequent extension for 2014-2016, included the slightly modified objective “*To consider the risks from exposure to nanomaterials at the workplace. To contribute to the DG EMPL study on nanomaterials and subsequent follow-up actions. To consider the guidelines prepared by the contractor with the aim to ensure their suitability for the workplace. To prepare an Opinion for the ACSH*”.

Key aspects of the guidance

For employers and health and safety practitioners:

- Identification of tasks involving manufactured nanomaterials.
- Recommendations on pursuing the risk assessment for such tasks.

- Recommendations for the derivation of risk management measures for such tasks based on a control banding approach.

For workers:

- Basic information on manufactured nanomaterials and on concerns about them.
- Information on how to identify manufactured nanomaterials in the workplace.
- Recommendations on actions to enable safe working with manufactured nanomaterials.

Applying the guidance

In a number of Member States, guidance on the application of the national implementation of the CAD with regard to tasks involving manufactured nanomaterials is already available. Therefore, it is the intention that the employers' guide will lend support to employers in complying with regulatory occupational health and safety requirements in particular in those Member States in which no such national guidance is available as yet. Member States' national authorities and social partners are invited to adapt the guidance to the particular national conditions and requirements in their own Member State. Such adaptation is important because employers have to comply with the national legislation that implements the CAD.

Further work

The Working Party on Chemicals will continue to monitor developments in accordance with its mandate.

Statement by the Workers group

The Workers group wants to stress that the guidance should not preclude the outcome of the study on Nanomaterials in the Workplace commissioned by DG EMPL with a view to assessing the need for modifications to existing EU OSH legislation. In particular, should DG EMPL choose a scenario based on non-legislative initiatives including the provision of practical guidelines for the safe handling of nanomaterials in the workplace, this opinion should not be interpreted in such a way that the Workers group holds the attached guidance fit for that purpose.