How the workers protection legislation interacts with REACH

2nd Workshop on Managing chemical related risks: REACH and sector specific legislation

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Background

When REACH was proposed, and then adopted, OSH legislation was already in place, for years.

It was a voluntary choice to have them both, and if possible complementing and contributing to each other.

... which also means that REACH is not meant to duplicate what falls under the remits of OSH.
How to optimise the "cohabitation"?

Cooperation requires:

– Common understanding
– Communication
– Mechanisms/procedures
Example #1: **REACH DNELs vs. OSH OELs**

Potential conflict when:

- a DNEL as derived by a REACH Registrant is different from an existing (i/b)OEL

- a DNEL as selected by RAC in the frame of the REACH Restriction or Authorisation procedures is different from an existing (i/b)OEL, and vice versa (SCOEL)
Example #1: REACH DNELs vs. OSH OELs

Are they really different in nature and purpose?

- both iOELs and DNELs are health-based
- both are meant to be used by employers as the basis for defining site-specific Risk Management Measures
Example #1: **REACH DNELs vs. OSH OELs**

Differences lie in the way they are *derived* and *implemented*:

- DNELs for Registration purposes are individually derived and regularly updated by Industry
- while OELs are set by "public authorities", in batches, and implemented at national level
Example #2:

REACH Authorisation/Restriction vs. OSH provisions

Potential conflicts between:

- authorisation for a continued use under REACH vs. "hierarchy of measures" principle under OSH
- specific conditions of use under REACH vs. OSH specific legislation (e.g. PPE)
How to optimise the "cohabitation"?

**Existing tools**

- **REACH Article 95**: to avoid conflicts of opinions between ECHA Committees and other EU bodies

- Networks and tools, at national and EU levels – e.g.: RiME meeting and the RMOA as part of the SVHC 2020 Roadmap
Reaching **common understanding**

*What are the reasons for a difference? Should/can it be avoided?*

**Our proposal:** EU bodies, and in particular ECHA and SCOEL, should work closely, in order to:

– better understand each other's approach

– clarify whether the differences between exposure limit values are due to scientific and/or methodological divergences only

– align methodologies for deriving exposure limit values, to the extent possible
Ensuring proper communication

On what substances other bodies are working? What is the most updated data?

Our proposal: EU bodies, and in particular ECHA and SCOEL, should work closely, in order to:
– make the best use of available information (e.g. REACH Registration data)
– share information of their respective priorities and workplans
Developing efficient procedures/mechanisms

*How to prevent, or deal with a specific case of potential conflict?*

**Our proposals:**

– ensure timely exchange of information between services before a formal process starts (e.g. REACH autorisation or restriction)

– further develop our thinking about standard scenarios of when and how to use/combine different instruments
In practice

- Rules of procedures of ECHA with other EU bodies in the area of Workers Protection, including the nomination of an "ECHA coordinator for worker protection issues" – DONE

- Active participation of SCOEL in ECHA's public consultations, and vice versa (RAC)

- Regular presence in meetings of SCOEL / RAC

- Exchange of information on possible future proposals at early stage
Some further thoughts

• Member States should ensure best use of EU iOELs, and of their complementary with REACH tools

• Need for proper communication towards various stakeholders on:
  – the meaning and purpose of REACH DNELs vs. OSH OELs
  – the contribution of REACH Regulatory Risk Management Measures (Authorisation / Restriction) to OSH general principles
Thank you for your attention!

For further questions and comments, please contact:

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