

EU Chemicals Strategy for Sustainability

REACH and Occupational Safety and Health - Perspectives for the planned REACH Revision

REACH-OSH Forum
Cross-Industry Initiative
1 April 2022

[REDACTED], EC DG ENV
[REDACTED] EC DG GROW
[REDACTED], DG EMPL

#ChemicalsStrategy
#EUGreenDeal



European
Commission

Interface REACH and OSH

Binding measures for risks under REACH and OSH

- REACH **authorisation**: binding risk management measures as authorisation conditions
- REACH **restrictions**: binding conditions for the use of substances
- OSH **Occupational Exposure Limits, Biological Limit Values** and notations
- OSH **Specific Directives** (e.g. asbestos)

Choice between measures under OSH and REACH

- **No fixed rules** in the choice between REACH and OSH
 - ⇒ In the **past**, REACH measures were focused rather on placing on the market of substances (in particular restrictions; Directive 76/769/EC)
 - ⇒ With **authorisation** worker protection measures came more and more in the focus of REACH
 - ⇒ **REACH restrictions** can be proposed by single Member States and can be adopted via **comitology**
 - ⇒ Some of the latest restrictions cover traditional **worker protection** subjects (e.g. harmonised limit values for **aprotic solvents**; training obligations for **diisocyanates**)
 - ⇒ **OELs** for cases where authorisation and restrictions proved to be problematic (e.g. **cobalt**)
- **Problem:** incoherent solutions, overlaps, inefficiency
- Attempt to achieve a better planning through risk management options analysis (**RMOA**)

RMOA

- **Case-by-case analysis** on an informal basis
 - When are regulatory measures for certain substances **necessary**?
 - If yes, what is the most **appropriate legal framework**?
 - Done by Member States, ECHA, industry, Commission, discussion at RIME+ platform (informal)
- Possible **results** (i.a.):
 - Verification of hazard properties through **harmonised classification and labelling** (CLH)
 - Identification as **substance of very high concern** (SVHC)
 - REACH **restriction**
 - Legislative measures under **OSH or other legislation**

“One Substance, One Assessment” in the Chemicals Strategy

- **RMOA** stays **voluntary** instrument
- Reinforcement of the **PACT** (public activities coordination tool) instrument
 - Transparent publication of regulatory planning beyond REACH
- **Expert group** for the implementation of the “Once substance, one assessment” concept
 - Improvement of co-ordination of regulatory measures in different areas
- Better exchange and use of **data** between different regulatory areas
- Transfer of **competences** between scientific committees/Agencies and creation of a separate legal basis for **ECHA**

OELs, DNELs and DMELs

- ⇒ De facto, DNELs and OELs are **all limit values for occupational safety and health**, with BOELs taking into account practical feasibility.
- ⇒ **Diverging limit values** often lead to confusion concerning the applicable risk management measures.
- ⇒ In case **toxicological reference values** will be introduced in CLP, this may help to objectivise and strengthen risk management of hazardous substances. Nevertheless, this may also aggravate potential inconsistencies with OELs. Where OELs are higher, workers' protection measures will have to be strengthened due to the new harmonised DNEL/DMEL limit values.
- ⇒ **There may be a need to clarify** the applicable limit values, as well as practical solutions/derogations, in particular for processes for which respecting DNELs/DMELs will be very difficult in practice.

Reform of Authorisation and Restrictions

- ⇒ *The authorisation process is **too burdensome**, slow and controversial*
- ⇒ *Applies only to manufacturing in the EU – **non-level-playing field with imports***
- ⇒ *Once an authorisation is given, there is **not enough incentive for substitution***

Baseline

Option 1

Keep authorisation
with clarifications
and simplifications

Option 2

Merge
authorisation and
restrictions

Option 3

Remove the
authorisation title
from REACH



Clarification of the REACH-OSH Interface

⇒ At this point in time only **options** for the impact assessment, **no decisions** as yet

- Further discussions planned for the expert groups for **REACH and OSH legislation**
- Possible modifications include:
 - Integrated approach for problematic areas in worker protection and **co-ordinated packages of measures**
 - Question: should REACH go further and open for the possibility to set **occupational exposure limits for specific uses?**
 - Remove worker protection measures from REACH and **increase use of OSH legislation**

REACH Revision – State of Play

- **Inception impact assessment** published: <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12959-Revision-of-EU-legislation-on-registration-evaluation-authorisation-and-restriction-of-chemicals>
⇒ *Commenting period closed on 1 June 2021: 325 contributions received*
- **11 ongoing studies**
- **Several workshops**, including 9 and 12 November 2021 workshops on reform of authorisation and restrictions; 3 March 2022 workshop on essential uses; 21 March 2022 workshop on generic approach to risk management
- **Joint Caracal/ACSH-WPC** meeting 5 April 2022
- **Open public consultation** 20 January – 15 April 2022
- **Impact assessment** to be finalised in September 2022
- **Revision proposal** by end 2022

Collaboration between different policy areas

Close cooperation & collaboration of DG EMPL and REACH DGs (GROW/ENV)

Early involvement of **OSH stakeholders** when discuss matters related to health and safety at work, for example:

- Presentation/exchanges on REACH and CLP revisions at the tripartite Working Party Chemicals of the Advisory Committee on Safety and Health at Work (ACSH); ACSH bureau, ACSH interest groups; Chemical Safety and Health Issues Working Party (CHEMEX) of the Senior Labour Inspectors Committee (SLIC)
- Public consultations
- Participation at relevant workshops

Thank you

EU Chemicals Strategy for Sustainability

© European Union 2021



Unless otherwise noted the reuse of this presentation is authorised under the [CC BY 4.0](https://creativecommons.org/licenses/by/4.0/) license. For any use or reproduction of elements that are not owned by the EU, permission may need to be sought directly from the respective right holders