

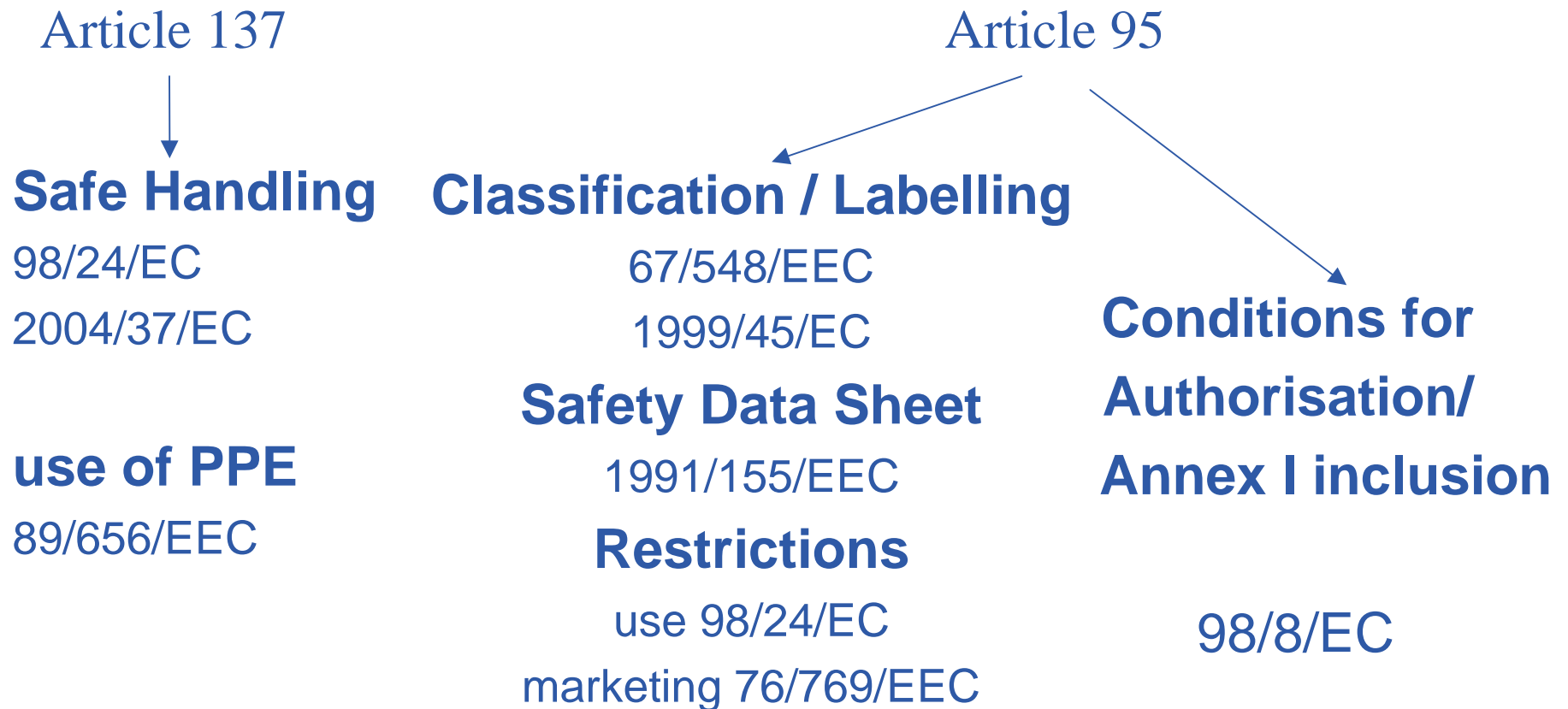


Bundesanstalt für Arbeitsschutz und Arbeitsmedizin

Dr. Eva Lechtenberg-Auffarth

**The Biocide Directive as a new chance for
the Protection of Workers**

Regulatory Framework for Worker Protection



Workplace Legislation

Directives under Article 137 EU-Treaty :

Are transferred into national legislation by Memberstates

Are minimum standards:

- national legislation may be more stringent
- standards are not harmonised in EU

Adress employers - efficacy depends on:

- employers´resources, qualification and compliance
- additional and expert support for employers (SME)
- national enforcement and control

Internal Market

Directives under Article 95 EU - Treaty :

Are transferred into national law in a harmonised way

Address those who put chemical products on the market

Harmonise conditions for all competitors, but also to a certain extent for all users of chemical products

Restrictions under 98/24 or 76/769 rarely applied for worker protection

- anticipated decisions for substitution made by experts
- save employers' assessment-work
- no „wrong“ decision by SME
- harmonised conditions on the market for all competitors
- high level of protection in all MS
- control „at the source“ - enforcement is relatively easy
- stimulate innovation

Chemical Agents Directive Dir. 98/24

Tools of the most important workplace legislation

EU and Memberstate activity:

- occupational and biological limit values

Employers' responsibility

for all activities involving hazardous chemical agents:

- design and organisation of work
- suitable equipment and maintenance procedures
- reduce number of workers exposed
- reduce duration and intensity of exposure
- use appropriate hygiene measures
- use suitable working procedures for all activities

basic
standard
for
good
practice

Tools of workplace legislation 98/24/EC:

Employers' responsibility for activities involving a risk

1. **S**ubstitution of use of hazardous chemical or process, if is not possible:
 2. **T**echnical controls: work process, engineering, equipment
 3. **O**rganisational measures adequate ventilation and
 4. **P**ersonal protective equipment
- Health surveillance
 - Measurement of OELs (or other means of evaluation)
 - Action plans for emergencies including safety drills
 - Information and training of workers

STOP

Employers and Memberstates vitalise the framework of workplace legislation :

There is no European standard how to apply the tools of Directive 98/24 for **specific activities.**

The practical non - binding guidance as provided for in Art.12 (2) of Directive 98/24 is still a basic guidance

Employers and Memberstates vitalise the framework of workplace legislation :

Standard wording in Risk Management of Existing Substances:
Employers should take note of any **specific guidance** developed **at national level**

based on the practical non-binding guidance as provided in Art.12 (2) of Directive 98/24/EC

Employers who are offered specific national guidance are well off

So are Risk Managers and Producers under REACH!

What is the advantage of **specific** guidance ?

Detailed guidance (**Code of Practice**) on **T**echnics (process, engineering, equipment), **O**rganisation, **P**PE

- Reduces variation of work processes
- Makes exposure more predictable
- Is a more reliable basis for assessment
- Allows easy monitoring

- For Risk Assessors
- For Risk Managers
- And for Employers

Biocides Directive could take advantage of Codes of Practice

The Biocide Directive relies on :
expert judgement before marketing :

- **Conditions** for inclusion of substances into Annex I
- **Authorisation (with for conditions)** for products
- **Additional labelling products (Art. 20)**
 - directions / instructions for use
 - safe disposal
 - Intended use (product type), categories of users
 - **Details on precautionary measures** esp. PSA

On the level of Biocides Directive „Conditions“ are not not very detailed

For inclusion of substances into Annex 1 :

- Exposure limits
- Product type, manner and area of use, category of users
- **Specific conditions from assessment**

For authorisation of products

- Use of PSA (annex VI 72)
- Additional labelling – **including specific precautions**
- Requirements „from other Community regulation“

Conditions should be harmonised (whereas-clause 29)

RR- Measures Inventory from TGD Existing Substances Options for Biocides?

Measures concerning safe handling and use (examples):

- Derived from workplace regulation
 - OEL
- Good Practice
 - safe systems of work , e.g.
 - specified standards* for extraction ventilation or physical containment
 - good manufacturing practice e.g. under ISO-standards *
 - expertise of operators *
 - licensing of contractors or operators *

* some implementend
for some activities
in some Memberstates

RR- Measures Inventory from TGD Existing Substances

Options for Biocides?

Measures concerning marketing (examples):

- Product design
 - dustiness, aerosol, foam, gel
 - Integrated application systems
- Concentration in formulations
- Packaging,
 - size, shape, strength and type of containers (non spill, e.g.
- Distribution
 - expertise of distributors
 - licensing of distributors

Special feature of Biocides Directive

Risk Reduction measures

that are under other legislation for other chemicals
employers` or MS responsibility

may/must become condition for authorisation

Conditions are binding in the EU

(notwithstanding more strict requirements for handling in some MS
–but why should they be necessary?)

Special feature of Biocides Directive

Measures for handling and use may be part of conditions

For example:

- specified equipment / application techniques
- use of specified working techniques
- use of PPE
- frequency and contents of training

Specified bundles of measures:

- tailored for a specified use/activity
- evaluated for efficacy
- agreed upon by stakeholders
- **facilitate authorisations and mutual recognition**
- **enable to allow for substances that otherwise ought to be restricted**

**Codes of
(Good) Practice**

An example from Existing Substances Management Codes are helpful



- MMA floor- coatings are often indispensable
- OEL can't easily be met by technical measures
- Alternatives bear comparable or higher risk.
- **Use restrictions are (presently) disproportionate**
- **Other measures are necessary for risk reduction**

Details of Specific Guidance



- **Compliance with OEL is possible with:**
- Fresh air supply from a tube with holes extended on one side of the room
- Ventilators on the other side
- Laminar flow 0,2 m/s
- Duration of task < 30 min

Details of Specific Guidance (not exhaustive)

Additional conditions :

- work upright – do not kneel
- Work from „suction end“ to „fresh air supply
- mix resin in separate room, apply LEV there
- put lids on containers
- Use air stream helmets if work takes longer than 30 min.
- No measurement required

German Specific Guidance for floor coating

- **Committee of Federal States Enforcement Agencies, Oct. 1999**
Indoor- Coating of industrials foors and other large areas
with MMA-resins
Exposure data and very detailed information „how to do“
- **GISBAU information system on chemicals in the construction industry**
run by statutory insurances
Concrete user instructions and product information
Detailed specifications on precautionary measures
- **Industry sector association „Deutsche Bauchemie“, June 2004**
„Methacrylic Resins in Construction and Environment“
Reference to the above cited sources

Codes of Practice for Biocides in Germany

Excerpt, Technical Rules for Hazardous Substances only

- Fumigation 512
- Fumigation with ethylene oxide and formaldehyde in installations for sterilisation and disinfection
- Antifouling 516
- Room disinfection with formaldehyde 522
- Pest control with T+ , T and Xn substances and preparations 523
- Tar and other products from pyrolysis of organic materials 551
- Use restrictions for cooling lubricants that can produce nitrosamines under use-conditions 611
- Substitute substances and use restrictions for wood preservatives containing Cr (VI) 618

This is only an excerpt from German experience .

Lets compile and exchange European Experience !

Thanks for your attention

lechtenberg.eva@baua.bund.de