



Conference on Occupational Limit Values
for Hazardous Substances
Dortmund, 7-8 May 2007
German Presidency of the European Council



Derivation of OELs at Community level
Future Perspectives

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Health, Safety and Hygiene at work

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Legal Aspects

Framework Dir. 89/391/EEC and the daughter Dir. 98/24/EC on chemical agents and 2004/37/EC on carcinogens and mutagens provide the legal basis for Community OELs.


EU OSH legislation is based on hazard identification, risk assessment, risk prevention and management of residual risk, following a clear hierarchy of RRM. OELs play a key role as a tool in the chemical risk management process.

The existing EU system for the derivation of OELs is well established legally, scientifically, technically and administratively.


REACH Regulation whilst it is without prejudice to OSH Directives, we believe there is a ground to work together to reinforce the synergy of the common characteristics of OELs and DNELs.

Key characteristic : EU-wide acceptance and implementation

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OELs CHARACTERISTICS

Scientific Aspects


- Definition: Indicative OELs (IOELs) are numerical values which provide the threshold level of exposure to a given substance below which no detrimental effects to workers health are expected (see graphic).
- IOELs are health-based values derived from an independent evaluation of the available and published scientific data and the availability of the measurement techniques. They do not take account of socio-economic considerations.
The evaluations of these data are performed, at EU level, by SCOEL set up by Commission Decision of 10 April 2006 amending Decision 95/320/EC, according to an established, approved and published methodology.
- It includes public consultation through a network of contact points in the MSs and in the Social Partners organizations.
- The outcome of the evaluations is a science based recommendation.

Key characteristics : - Sound scientific evidence
- Independent expert evaluation of data
- transparency


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Acceptability of risk



A. Forbidden zone (Risk is unacceptable)

↑

BOEL

↓

B. Grey zone (Risk exists and should be eliminated or reduced to a minimum)

↑

Health effects and risks are proportional to the occupational exposure

↓

IOELV


C. Safe zone (Risk does not exist-No health effects occur)

1a. What is the maximum acceptable risk by the society?
1b. At which level it should be placed?
2. Feasibility factors.
3. Socio-economic considerations.


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Administrative and technical aspects

- DG EMPL.F.4 Unit on Health, Safety and Hygiene at Work.
- Tripartite Working Party on Chemicals at the workplace (where MSs and SPs are represented).
- Tripartite Advisory Committee on Safety and Health at Work Formal Commission.
- Inter-service consultation to ensure that Commission interests are safeguarded.
- Adoption of the OELs either at the Commission level for indicative OELs or at Council and Parliament level for binding OELs.
- Transposition by MSs and subsequent implementation.

Key characteristics : representativeness and transparency

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Implementation aspects

- EU IOELs apply across all employment sectors in all MSs on an equal footing.
- EU IOELs apply independently of the production or importation volumes (tonnages) of hazardous chemicals.
- EU OELs have “direct application” as a reference tool for the systematic monitoring of exposure (CAD art.3).
Employers in fulfilling this legal requirement are allowed to demonstrate also by other means that chemical risks are eliminated or reduced to a minimum in order to achieve adequate workers protection.
- EU IOELs provide a certain amount of flexibility to the MSs when introducing national OELs.

Key characteristic : direct applicability

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Role of OELs as a tool for chemical risk management

- EU IOELs are tools to help employers to further protect the health of employees who may be exposed to hazardous chemicals at the workplace.
- EU IOELs are only one of the chemical risk management tools and, therefore, they can not be seen as the only reference point for the adequate control of risks.
However, they have an important role to play in the overall approach to chemical risk management.
- EU IOELs require that existing RMMs are used properly to bring exposure to or below the concentration levels set by them.

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Future perspectives for EU OELs

- The existing OSH legislation requires chemical risks to be eliminated or reduced to a minimum.
- IOELs is just one measure to ensure that employers comply with this approach.
- DNELs will be developed as a means for identifying appropriate risk management measures (RMMs) to be used to control chemical risks.
- These two approaches can certainly work in a complementary way rather than in contradiction. They must contribute to the fulfilment of the common objective to ensure that workers are properly protected.
- There is a need to clearly define the **similarities** and the **divergences** of the two LVs and how to apply the two concepts in practice.

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Future perspectives for EU OELs

We need to build on the similarities in order to fulfil common objectives and to control effectively workers exposure to chemical risks.
It is important to identify the areas where there will be a synergy between these two types of values.
E.g. Scientifically sound data for the production of DNELs will be very helpful to the OELs derivation at EU level and could possibly speed up the process.


Four scenarios could be identified :

IOELs could be equivalent, lower or higher compared to the respective DNELs referring to in the same endpoint, or there is no IOEL for a specific substance.

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Future perspectives for EU OELs

For any given scenario, the key issue is the selection of the appropriate RMMs that can be applied in practice in the workplace to reduce or eliminate the risk to a minimum.


In practice there are two possibilities :

- Where the RMMs proposed are the same, the IOELs and DNELs concept complement each other.
- Where the proposed RMMs based on DNELs and communicated in the ESs are not the same with RMMs taken by the employer following its Risk Assessment under CAD Directive, employers have to carry out a more in depth critical analysis according to the existing EU OSH requirements to ensure effective protection of the workers health.
This analysis will contribute to the definition of the most appropriate RMMs to eliminate or reduce the risk.

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Conclusions

- EU OELs system shall continue to be operational. This is legally recognised in the REACH Regulation but also in various circumstances by MSs and SPs.
- The contribution of the idea under REACH based on DNELs exposure assessment and risk characterisation with the resultant guidance for RMMs included in the ESs is welcomed.
- In the light of the practical experience gained from operating those two concepts in parallel, we will be in a position to make evidence based decisions on any need to recalibrate our strategies on chemical risk management.

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Thank you very much

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