

Integration of DNEL into national regulations for occupational safety and health

Ad Vijlbrief, Dutch Ministry of Social Affairs and Employment

Summary

Can the DNEL be used for fulfilling legal obligations?

In The Netherlands we have set administrative limit values. They are legally binding. Most of them, approximately 80 percent, are set because of European obligations under the Chemical Agents Directive.

There are a lot more chemicals on the workplace. For these chemicals the employer has the obligation to set limit values by himself. He uses these limit values for his company specific occupational risk assessment.

In our legal system both types of limit values (the administrative, legally binding ones, and the ones that are set by the employer) are on a safe level. Both are health based. The DNEL also is health based. So the employer may use the DNEL when it is health based on a safe level.

How does the employer know that the DNEL he finds in the literature fulfils the legal criteria? Will there be a quality assurance system?

We feel that REACH should cope with that. There are no pre established administrative quality criteria for the private limit values. But please see our approach further on.

How can the DNEL be used?

The reason for setting a limit value is the occupational risk assessment. The Chemical Agents Directive obliges the employer to eliminate the risks from exposure to chemicals. In order to carry out this obligation, he has to know the hazardous properties of the chemical. He has to set an occupational limit value as a threshold for safe use.

The employer will use the administrative limit value when there is one, otherwise he will use information from other sources. The DNEL is such information that has the same dimension as the administrative limit value.

The limit value used by the employer must fit his specific circumstances. Some examples:

- his limit value may possibly be higher than the legally binding limit value, if his exposure time is short;
- his limit value must be lower than the DNEL, if the DNEL is derived for short time exposure and his exposure is more frequent or several times during the day.

Tool kit.

Let us go back to the employer with the obligation to set a private limit value.

This seems to be complicated. Therefore we are developing in The Netherlands a tool kit for this. The tool kit is paid by the Dutch government, and developed by the social partners together. The social partners are responsible for the tool kit, its use, the maintenance.

This tool kit is a computerized guidance instrument. It produces company specific limit values. It will use all possible sources to derive such a limit value. The DNEL is one of the sources.

The tool kit must of course produce reliable limit values. Therefore, quality assurance is needed inside the tool kit.

The tool kit is still in the developing phase, and is foreseen to be finished at the end of this year.

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Statement by the Dutch representative

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Ministry of Social Affairs and Employment

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Administrative limit values:
legally binding

Private limit values (different sources):
part of the company specific risk
assessment

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Both limit values must be set on health based safe level:

- legal definitions of limit value
- and DNEL are in compliance

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Employer is responsible for the limit values used in occupational risk assessment:

- no pre established administrative quality criteria for the private limit values

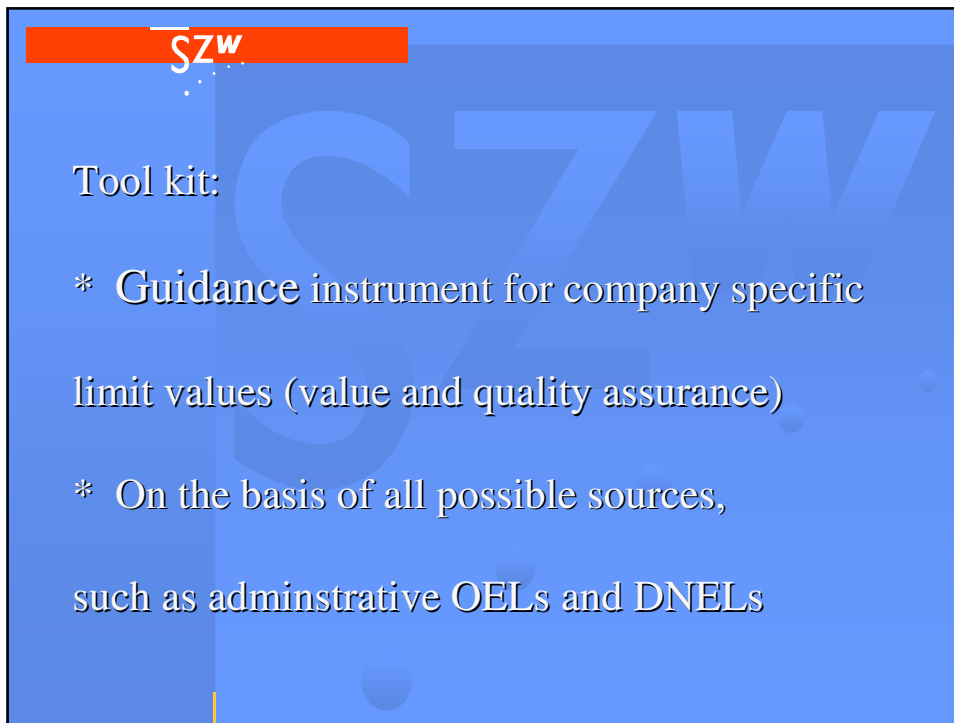
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Company specific risk assessment
uses (among others)
administrative OEL and DNEL
according to the circumstances:

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for example

- * Duration of exposure
- * Route of exposure
- * Toxicological effect of concern



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Tool kit:

- * Guidance instrument for company specific limit values (value and quality assurance)
- * On the basis of all possible sources, such as administrative OELs and DNELs



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