



**Chemicals at the workplace: REACH and  
OSH in practice  
HELSINKI  
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**ECHA  
*and***

**DG Employment, Social Affairs and Inclusion**

**Remarks on usefulness and compatibility of  
CSRs/SDSs for workers protection requirements;  
How can the system be improved?**

**Docteur P. Lévy  
Medical Advisor of UIC  
Member of: ACSS, WPC, Board of OSHA**



# AGENDA

- Usefulness of CSRs/SDSs for workers protection requirements
- Compatibility of CSRs/SDSs
- How can the system be improved?



## Usefulness of CSRs/SDSs

### ➤ Registration of substances provides

- Additional data on hazard:
  - **Basis for classification** and consequently for **ranking substances** in the context of workplace risk assessment
  - Improvement of the **quality of information on intrinsic properties** for “EH&S people” including industrial hygienists and occupational physicians
  - Better identification of SVHC
- Overview on life cycle identified uses covered by CSR/ES
- Reassessment of RMM/OC at supplier level aiming at improving control of occupational risk

### ➤ Formidable effort to comply with REACH requirements and more and more ES coming in the supply chain (2013 registration deadline will generate another wave of information/ES to ensure safe use of chemicals)

## Usefulness of CSRs/SDSs

➤ In total:

- **Short term impact:**
  - **Increase of the quality and the number of data contributing to improve robustness of the conclusion of risk assessment**
  - **Improvement of the quality of available information for OSH people and the quality of information provided to workers**
- **Long term effect:**
  - **Decrease of occupational diseases due to a better management of chemical risk at workplace**



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- Usefulness of CSRs/SDSs for workers protection requirements
- **Compatibility of CSRs/SDSs**
- How can the system be improved?



# Compatibility

- **REACH applies without prejudice of OSH regulation...** very difficult to understand and implement in practice...
- **Supplier's recommendations** (as mentioned in SDS) established according to **REACH guidances and tools** are sometimes different from the recipient's own experience and practices in terms of risk management and control
- **Level of responsibility**
  - REACH at legal entity level (both supplier and DU: company, product-stewardship) and site implementation
  - OSH at plant/facility level (Employer, EH&S)
- **Level of implementation/understanding**
  - REACH: new, efforts/pre-requisites still being understood
  - OSH: already implemented for a long time (dir 1998/24), EHS usual practices



# Compatibility

- **Two risk assessment processes** with limited synergies: tools, deliverables and terms not aligned
  - DNEL/OEL
  - RA tools: Tiers 1-2, qualitative, semi-quantitative and quantitative assessment
  - RA report (OSH) versus CSR/ES
  
- **Level of detail of the risk assessment process significantly different** between OSH and REACH
  - REACH: generic approach mainly based on models for exposure estimation
  - OSH: risk assessment more task specific performed by semi-quantitative assessment of exposure and/or quantitative measurements – application of the principle of hierarchy for RMM
  
- **Scope of the Risk Assessment**
  - REACH: substance as such manufactured/imported/used including impurities
  - OSH: all chemical agent present at workplace intentionally or unintentionally emitted

# Compatibility

## ➤ Consequences:

- **Consistency between SDS of the same substance:** CSR/ES may vary according to registrant (joint/individual dossiers)
- **Variety of practices significantly complicates the work of downstream users** when receiving ES
- Perception of **two separate regulations** with very few areas of synergy
- **Difficulties to translate REACH in terms of immediate added value to worker protection while mobilisation of chemical industry to generate data, prepare registration dossiers and establish extended SDS is really important.**





# AGENDA

- Usefulness of CSRs/SDSs for workers protection requirements
- Compatibility of CSRs/SDSs
- **How can the system be improved?**



## How can the system be improved?

### ➤ Different areas of improvement:

- Regulatory/legal
- Chemical Safety Assessment process
- Limit values
- Facilitation of SDS understanding especially for SMEs



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## Regulatory/legal potential improvement

- The fact **REACH “shall apply without prejudice” of OSH regulation** (art 1,4 a) **should be better assessed and explained at EU level** taking into account the sensitive interfaces between EU regulation (REACH) and EU OSH directives transposed at national level
  - No ambiguity, no misinterpretation should remain for Employers on this matter
  - No double regulation: addressing same risk with two different approaches
  - **Efficiency and practicality of RMM/OC to control risk at work** should be the first target **regardless of the precedence of the regulation**
  - Finally **Employers** are fully responsible for Health and Safety at work and after having assessed the situation on the floor **are in the best position to determine the most appropriate RMM** taking into account supplier’s recommendations
  - **Implementation of the most conservative RMM is not always the best way to proceed.** Situation should be assessed on case by case.

## Regulatory/legal potential improvement

- Interfaces between the CM and CAD Directives and REACH authorisation sub-process should be better managed
  - **Distinction between threshold and non threshold carcinogens**
  - **Substitution process:** R&D activities and substitution plan in the framework of authorisation and substitution requirement in the context of the CM directive should be better aligned
  - On going discussions on the **revision of the CM Directive** may be enlarged to these areas
- **Better explanation of the 12 and 6 months deadline** after having received an extended SDS (including ES + registration number)

## How can the system be improved?

### ➤ Different areas of improvement:

- Regulatory/legal
- **Chemical Safety Assessment process**
- Limit values
- Facilitation of SDS understanding/use especially for SMEs



## Chemical Safety Assessment process

- For example: Employers (Downstream Users) should use RA tool as mentioned in the SDS to perform scaling.
- In the same time, **they continue to use OSH RA tools** which are quite different to assess risk at work
- **Better alignment between RA tool(s) to be used in the framework of REACH and those recommended in the framework of OSH regulation** highly expected

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- **Limit values**
- Facilitation of SDS understanding especially for SMEs







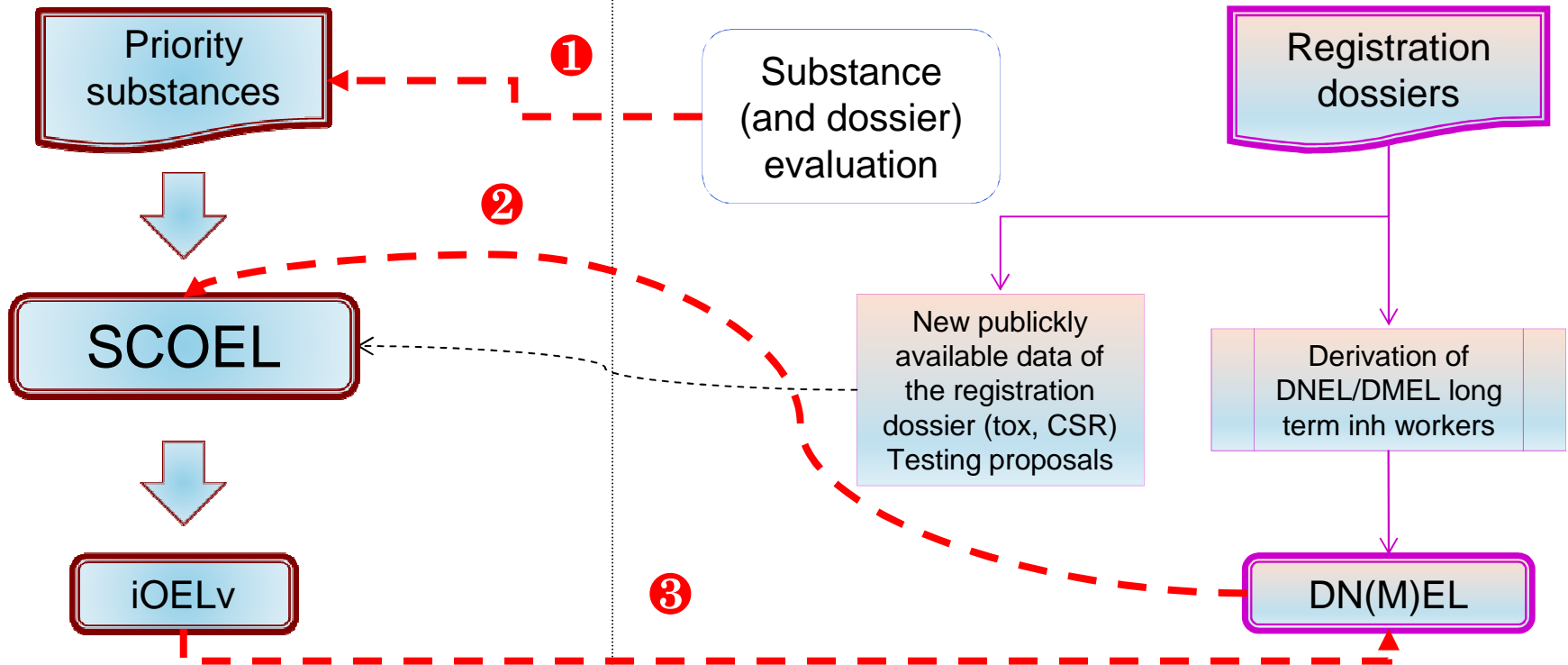
# Improvement of the process of establishing OEL

DG EMP  
+ MSs

MSs +  
ECHA

REACH  
Registrants

Same set of tox data



iOELv replaces DNEL when adopted

Two “limit value” making processes cannot work separately: a better alignment is highly expected by Employers

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- Chemical Safety Assessment process
- Limit values
- **Facilitation of SDS understanding especially for SMEs**





## Facilitation of SDS understanding especially for SMEs

- DU/Employers have been receiving extended SDS from their suppliers. The format of ES contained in SDS annexes is not specified in the legal text so that, in practice, **a variety of ES formats have been used.**
- Such a variety of practices significantly complicates the work of DU/Employers **who need to check whether their uses and conditions of use are adequately covered by the ES.**
- **Various options** can be proposed to facilitate identification, understanding and implementation of ES...

# Facilitation of SDS understanding especially for SMEs

## ➤ Description of use

- **Better communication on uses before and after registration** between suppliers and their customers (EH&S people maybe more involved)
- **Use Descriptor System** should be the common language preferably based on use descriptors mappings prepared by sector associations
  - Employers/Employees to be more informed on the UDS

## ➤ Improvement of readability of ES:

- **Presentation of ES should follow a logic flow** (table of content as supported by CEFIC)
- **DU/Employers should be able to easily identify their own use(s)** (and those of their customers)
- **Scaling should be as simple as possible and directly connected to RA tools used at workplace:** Employers need flexibility
- Increase the use of and develop more **standard phrases in ES**
- **ES Format and content appropriate for each level of the supply chain:** adaptation of the level of detail taking into account the level of understanding of customers
- **For mixture:** give priority to integration of relevant information in the body of the SDS particularly for end-use mixtures
- **Further simplification?** Only after feedback assessment

## Conclusions

- **REACH is a phase-in regulation**, its real efficiency cannot be fully judged before the end of substance's registration and integration of data for mixtures
- **Better alignment between OSH regulation and REACH** will facilitate implementation of both regulations and simplify understanding both for Employers and Employees.
- **Employers are willing to reduce risks of overlapping** between product safety regulation (REACH...) and OSH regulation
- **Practical guidance should now take more into account interfaces between REACH and OSH**
- **Clarification of the responsibility of Employers when received SDS/ES in terms of RMM/OC implementation required**
- **Stronger cooperation between the ACSS and ECHA...**