

# Identifying critical issues for future development on enforcement

Karen Clayton  
SLIC WG CHEMEX

---

Chemicals at the workplace:  
REACH and OSH in practice”  
Workshop, Helsinki

3 October 2012

## WORKSTREAM 5

- Guidance for National Labour Inspectorates on Enforcement of REACH in relation to Occupational Health and Safety matters

# WORKSTREAM IN PRACTICE

- Identify key issues for NLI on practical enforcement of REACH alongside OSH Directives at downstream users
  - CLP and REACH taken forward together
- Develop case studies and guidance documents on key issues for NLI - Documents developed and proposed by CHEMEX WG for approval by SLIC and shared with ECHA

# Enforcement of REACH in the workplace

- Goal
  - The downstream user works with dangerous substances in a safe way.
- REACH may deliver important information, for example through SDS and ES
- This goal has to be ‘translated’ in specific core provisions on which the Labour Inspectorate focuses its attention
- NB: Lots of substances are not covered by REACH

# Key issues to be considered on practical enforcement

- REACH and CLP to be considered together as part of the work
- 5 OSH Directives affected by REACH/CLP
  - Chemical Agents (98/24/EC)
  - Carcinogens and Mutagens (2004/37/EC)
  - Safety and/or health signs (92/58/EEC)
  - Pregnant workers and workers who have recently given birth or are breastfeeding (92/85/EEC)
  - Protection of young people at work (4/33/EC)

# Priority REACH Regulations and CAD

REACH	Topic	CAD
35	Downstream user supplies employees and representatives Information and training	8
37(5)	Downstream user determines and implements measures to control the risks identified in the Safety Data Sheets (SDS)	6
56	Use of substances requiring authorisation	-
67(1)	Substance whose use is restricted	-

# Where does REACH aid CAD compliance?

- REACH will fulfil CAD requirements in the following areas:
- Risk assessment
- Assessment of Exposure
- OEL
- Hierarchy of control
- Information and training

# REACH Safety Data Sheets

- All sections are equal, but some sections are more equal than others!
- Different types of DUs need different information
- For the workplace the following sections of the SDS are relevant:
  - 1,2 Identification
  - 4,5,6 Emergency Measures
  - 7,8 Use and protection
  - 10 Reactivity



# Enforcement at Downstream Users using SDS

- Is the information in the SDS used?
- For industry generic principles can be derived
- Is it possible to focus on specific issues?
- The more information available on the use within a company or sector – the more the inspection can be targeted
- NB: Lots of preparatory work by Labour Inspector prior to inspection!

# Case studies and guidance

- What guidance is available within NLIs now (actual)?
- What would help NLIs?
- Do we draft exemplars to fill gaps?
- What elements of REACH do we need to cover – all downstream user elements of REACH or specific and targeted elements?
- Sources of existing information – NLIs, MS CAs, ECHA, OSHA, .....???

# OUTCOMES

- Provide guidance to fill identified gaps
- Clarify some existing guidance where necessary
- Provide some exemplars or case studies
- Promote consistency of approach by NLIs
- Improved OSH performance achieved at downstream users
- Better workplace conditions for workers



# QUESTIONS

