



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR ENVIRONMENT, Directorate B - Circular Economy & Green Growth

DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMEs, Directorate D: Consumer, Environmental and Health Technologies

DIRECTORATE-GENERAL FOR EMPLOYMENT, SOCIAL AFFAIRS AND INCLUSION, Directorate B - Employment

The Directors

Brussels, 08/03/2017

GL/ps ARES env.b.2(2017)1407647

NOTE TO THE ATTENTION OF MR GEERT DANCET, EXECUTIVE DIRECTOR, EUROPEAN CHEMICALS AGENCY (ECHA)

Subject: Request to evaluate, in accordance with Directive 98/24/EC on the protection of the health and safety of workers from the risks related to chemical agents at work (CAD) and/or Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (CMD) the following chemical compounds: 4,4'-methylenabis[2-chloroaniline] (MOCA), arsenic acid and its inorganic salts, nickel and its compounds, acrylonitrile and benzene

During the last months the Commission services had some exchanges on the REACH and OSH interface, in particular on the work conducted by two scientific committees, the Scientific Committee on Occupational Exposure Limits (SCOEL) and the ECHA Risk Assessment Committee (RAC), both responsible for recommending exposure limit values, i.e. Occupational Exposure Limits (OEL) and Derived No Effect Levels (DNEL), under two respective legislative instruments, Occupational Safety and Health (OSH) legislation and REACH.

The outcome of the work of the joint task force RAC and SCOEL on 1-methyl-2-pyrrolidone (NMP) has highlighted significant divergences in the working practices and, sometimes diverging, recommendations of the two Committees. Given the common function of such limit values in protecting workers, it is not considered practical or efficient to request both Committees to continue to work on the same chemical substances.

In this regard, the Commission, in view of the preparation of the third and fourth proposal for an amendment of Directive 2004/37/EC, and in line with the 2017 Commission Communication 'Safer and Healthier Work for All' - Modernisation of the

EU Occupational Safety and Health Legislation and Policy¹, has decided to ask the advice of RAC to assess the scientific relevance of occupational exposure limits for some carcinogenic chemical substances.

This advice shall include a recommendation to be given to the Advisory Committee on Safety and Health at Work (ACSH) in line with the OSH legislative procedures and with the format used by SCOEL in drafting its opinion. We also attach for your information the methodology used by SCOEL to prepare its opinions.

Therefore, the Commission would like to ask you to request RAC to provide the evaluations on two substances:

- 4,4'-methylenebis[2-chloroaniline] (MOCA) and
- arsenic acid and its inorganic salts.

This request is to support the Commission, by providing scientific advice, to take action on the Proposal to amend Directive 2004/37/EC (3rd wave of amendment).

We would like to receive the two opinions by 29 May 2017, in order to launch the consultation of the Advisory Committee on Safety and Health at Work and to facilitate proposing these two substances in the 3rd amendment to the Directive 2004/37/EC.

In view of the preparation of the 4th amendment to the Directive 2004/37/EC scheduled in 2019, the Commission would like to ask you to request RAC to review, evaluate the information already available and assess the most recent scientific information on:

- nickel and its compounds
- acrylonitrile
- benzene

in order to provide their dose-response relationships by 26 March 2018.

These requests are made in accordance with Article 77 (3) (c) of REACH.

We would be grateful for your agreement to this request and would ask you to take the necessary steps.

<i>e-signed</i>	<i>e-signed</i>	<i>e-signed</i>
Kestutis Sadauskas	Carlo Pettinelli	Stefan Olsson
DG Environment	DG Internal Market, Industry, Entrepreneurship and SMEs	DG Employment

¹ COM(2017) 12 final

Enclosures:

- SCOEL template

- SCOEL opinion on MOCA

- SCOEL methodology

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