Occupational health and safety requirements for the handling of carcinogenic and mutagenic chemicals

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RT I 2005, 69, 539
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This Regulation is enacted on the basis of Section 7(3) of the Occupational Health and Safety Act.

Chapter 1
GENERAL PROVISIONS

§ 1. Scope and application
[RT I, 26.03.2015, 5 - entry into force 01.06.2015]

(1) This Regulation sets out the occupational health and safety requirements when working with carcinogenic and mutagenic chemicals ('carcinogens' and 'mutagens').

(2) This Regulation shall apply when the substance that is being handled or a substance in the mixture that is being handled is classified as a category 1A or 1B carcinogen or mutagen under Regulation (EC) No 1272/2008 of the European Parliament and of the Council on the classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/458/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1), or if the substance or mixture is referred to in Section 2 of this Regulation or is released during the processes listed in Section 2.

(3) This Regulation shall apply to work performed by radiation workers, subject to the specific provisions of the Radiation Act.

(4) This Regulation shall apply to asbestos-related work, but shall not prevent the application of stricter or more specific provisions set out in Government of the Republic Regulation No 224 of 11 October 2007 on the occupational health and safety requirements for asbestos-related work.
[RT I, 26.03.2015, 5 — entry into force 1 June 2015]

§ 2. Processes giving rise to a carcinogenic hazard

The following are processes giving rise to a carcinogenic hazard:
1) production of auramine (CAS 492-80-8);
2) processes in which the worker may be exposed to polycyclic aromatic hydrocarbons present in coal soot, coal tar or coal pitch;
3) brazing, soldering, welding or other heat treatment of materials containing copper and nickel, during which dusts, fumes and sprays of those metals are produced;
4) strong acid processes in the manufacture of isopropyl alcohol;
5) processes in which the worker may be exposed to hardwood dusts, e.g. from the processing of beech or oak;
6) other processes involving a risk of exposure to carcinogens or mutagens.
EMPLOYERS’ OBLIGATIONS

§ 3. Assessment of risks in the working environment

(1) For all processes involving a risk of workers being exposed to carcinogens or mutagens, the employer — when assessing the risks in the working environment — must determine the nature, extent and duration of the exposure and consequently assess the risk to workers’ health and safety and take the necessary preventive action.

(2) When assessing the risks, account shall be taken of all routes of exposure to carcinogens and mutagens, including absorption into the skin or through the skin into the body.

(3) The employer must pay particular attention to how risk-sensitive workers, such as pregnant women, women who are breastfeeding and workers who are minors, are involved in processes, and must take account of the restrictions imposed by legislation to ensure their safety.

(4) At the request of the labour inspector, the employer is required to present the results of the assessment of risks in the working environment.

§ 4. Reducing the health risk

(1) If the results of the assessment of risks in the working environment show that carcinogens or mutagens may endanger workers’ health, their exposure to those substances must be prevented as far as possible, by restricting the use of those substances and replacing them with safer chemicals or using safer technologies.

(2) The employer shall ensure that areas involving a health risk are accessible only by workers who, by reason of their work or duties, are required to enter them.

(3) Where it is not technically possible to replace the carcinogens or mutagens with safer chemicals or to use safer technologies, the employer shall ensure that, in so far as it is technically possible, they are handled in a closed system.

(4) Where it is not technically possible to use a closed system referred to in subsection 3, the employer shall ensure that the level of exposure of workers to carcinogens and mutagens is reduced to as low a level as possible and that the limit value of the chemical agent concerned is not exceeded in the working environment.

(5) Wherever carcinogens or mutagens are used, the employer must apply the following measures:
   1) limitation of the quantity of a carcinogen or mutagen stored or handled in the working environment to the minimum required;
   2) reducing the number of workers exposed to carcinogens or mutagens to the minimum possible;
   3) design of work processes so as to avoid the release of carcinogens or mutagens into the working environment or, where unavoidable, reduce it to a minimum, in conjunction with the application of control measures;
   4) evacuation of carcinogens or mutagens at source, by means of local extraction, general ventilation or other appropriate methods;
   5) use of monitoring methods for the timely detection of the release of carcinogens or mutagens;
   6) application of safe working practices and methods, including the use of collective or personal protective equipment;
   7) application of appropriate hygiene measures, including regular cleaning of floors, walls and other surfaces;
   8) timely and precise information for workers;
   9) demarcation of risk areas and use of adequate safety signs, including ‘No smoking’ signs, in areas where workers are exposed or likely to be exposed to carcinogens or mutagens;
   10) drawing up plans to deal with possible emergencies which may expose workers to large quantities of carcinogens or mutagens;
   11) storage of the chemicals being handled in hermetically sealed and clearly and visibly labelled vessels;
   12) collection of hazardous waste in hermetically sealed and clearly labelled containers;
   13) application of safe means of storage, transport and disposal.

§ 5. Foreseeable exposure

(1) For certain activities such as maintenance of equipment, in respect of which it is foreseeable that there is the potential for a significant increase in workers’ exposure to carcinogens or mutagens, and where the standard technical measures to protect the workers are insufficient, the employer shall determine, after consultation with the workers or their representatives, the specific measures necessary to ensure the health and safety of those workers.

(2) In the case referred to in subsection 1, the workers shall be provided with protective clothing and individual respiratory protective equipment which they must wear as long as the exposure to carcinogens or mutagens persists; that exposure must be kept to the strict minimum amount of time necessary for each worker.
(3) In the case referred to in subsection 1, the area in which the work is carried out must be clearly demarcated and access by unauthorised persons must be prevented.

§ 6. Risk of unforeseen exposure

(1) The employer must inform the workers and the working-environment representative as quickly as possible of any risk of an accident that has arisen or of any accident that has occurred which is likely to result in the exposure of workers to carcinogens or mutagens, and of the causes thereof, the possible consequences and the safeguards that are to be taken.

(2) The employer must display written instructions on how to react in the event of an accident and how to prevent any consequences.

(3) Only specially trained workers who are essential to the carrying out of repairs or other necessary work may enter the affected area, and they shall be provided with the necessary protective clothing and respiratory protective equipment. The time spent in the affected area must be kept to a strict minimum.

§ 7. Occupational hygiene

In order to prevent the possible exposure of workers to carcinogens or mutagens, the employer must take the following occupational hygiene measures:
1) ban eating, drinking and smoking in areas where there is a risk of contamination by carcinogens or mutagens;
2) provide workers with appropriate working clothes and, where necessary, with protective clothing and respiratory protective equipment;
3) ensure that there are separate storage places for working clothes and for street clothes;
4) provide workers with washing facilities equipped with showers and, where necessary, install eyewash stations;
5) ensure that all personal protective equipment that is used is cleaned, checked and stored in a predetermined place at the end of each working day;
6) ensure that working clothes and protective clothing are cleaned and washed or, if they have become unusable, treated in accordance with the requirements laid down in the Waste Act.

§ 8. Providing information about the handling of carcinogens or mutagens

(1) The employer is required to inform the local Labour Inspectorate at least 30 days before commencing work with carcinogens or mutagens for the first time, by providing the following information in writing or electronically:
1) the employer’s name and address;
2) a list of the carcinogens or mutagens to be used, together with information identifying them in accordance with the Chemicals Act;
3) a list of processes or technologies for which carcinogens or mutagens are used, and the reasons for their use;
4) the quantities of substances or mixtures manufactured or used which contain carcinogens or mutagens; [RT I, 26.03.2015, 5 — entry into force 1 June 2015]
5) the number of workers exposed to carcinogens or mutagens, the nature of the exposure and the duration of the exposure during the working day or working week;
6) information on the safety measures to be used, including the personal protective equipment.

(2) Where the employer has ascertained while assessing the risks in the working environment that there is a risk of exposure to carcinogens or mutagens, the employer is required to inform the local Labour Inspectorate by providing in writing or electronically not only the information referred to in subsection 1 but also information on cases of the replacement of a carcinogen or mutagen by another carcinogen or mutagen.

§ 9. Training of workers

(1) The employer must ensure that workers exposed to carcinogens or mutagens receive appropriate training, including in particular the following:
1) knowledge of the health hazards of carcinogens and mutagens, including the additional health risks when smoking;
2) safety measures to be taken to prevent exposure to carcinogens and mutagens;
3) knowledge of the safety signs to be used;
4) the occupational hygiene requirements in the undertaking;
5) the purpose of and rules for using personal protective equipment, including protective clothing;
6) guidelines to follow in the event of a dangerous situation arising.

(2) The training shall be repeated if a process is changed significantly in terms of the carcinogens or mutagens, equipment or technology used.
§ 10. Special cases of informing workers

(1) The employer shall inform the workers of any equipment or containers used in the undertaking and containing carcinogens or mutagens and ensure that all equipment, containers and packaging containing those substances are clearly and legibly labelled and display clearly visible warning signs.

(2) The employer shall draw up and approve written guidelines for the handling of carcinogens and mutagens and ensure that the guidelines are available to the workers and, where necessary, displayed in a visible place.

§ 11. Keeping records of persons working in an environment affected by carcinogens or mutagens

(1) The employer must keep a list of workers at risk of exposure to carcinogens or mutagens as a result of their work.

(2) The list must include the following information about each worker:
   1) first name and surname;
   2) a description of duties;
   3) the name of the carcinogen or mutagen to which the worker has been exposed;
   4) the duration of the exposure to the carcinogen or mutagen.

(3) The information concerning each worker entered in the list must be kept up-to-date and then kept for at least 40 years following the worker’s final exposure to the carcinogen or mutagen.

(4) Each worker is entitled to access the information about him or her which is entered in the list.

(5) Workers and working-environment representatives shall have the opportunity to access non-personal statistical data concerning the list.

(6) Occupational doctors, working-environment specialists and labour inspectors are entitled to access the list of workers.

§ 12. Health surveillance of workers

(1) The employer shall ensure that all workers at risk of exposure to carcinogens or mutagens undergo health surveillance in accordance with the rules enacted on the basis of Section 13(1)(7) of the Occupational Health and Safety Act.

(2) If during health surveillance a worker is found to be suffering from a health disorder resulting from exposure to a carcinogen or mutagen, other workers working in similar conditions must also undergo health surveillance. In that event, a further assessment of the risks in the working environment shall also be carried out.

(3) The worker must undergo health surveillance at intervals determined by an occupational doctor also when exposure to the carcinogen or mutagen has ended.

(4) Workers are entitled to be informed of the results of the health surveillance which concern them.

(5) The employer is entitled to obtain an overview of the results of the health surveillance of workers.

Chapter 3
IMPLEMENTING PROVISION

§ 13. Repeal of Regulation

[Omitted from this text.]

[RT I, 26.03.2015, 5 - entry into force 01.06.2015]