

REACH and the role of trade unions

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After nearly 10 years of intense debate at EU level, the reform of the EU legislation on chemicals was finally adopted by the European Parliament and Council in December 2006. This new regulation called REACH sets up a comprehensive system for the Registration, Evaluation, Authorisation of Chemicals. Under REACH, companies manufacturing or importing chemical substances in quantities of one tonne or more per year will be required to register them to show that they can be used safely. In addition, producers of substances of very high concern (like carcinogens or toxins that accumulate in the environment) will need to obtain authorisation before using or placing them on the market. A new European Agency based in Helsinki will be set up to manage the REACH regulation which will enter into force in the 27 EU countries in June 2007.

ETUC welcomes the adoption of REACH and its fundamental principle of shifting the burden of proof onto industry. The REACH reform enables Europe to adopt a more socially responsible approach to managing chemical risks. It sets Europe firmly on the road to sustainable development with an economy that takes greater account of the health and environmental impacts of the chemicals industry. The text as finally approved meets some of ETUC's key demands, like measures to ensure the quality of the data provided by producers and measures in favour of SMEs (e.g., the One substance, One Registration, OSOR, principle which aims to share data and registration costs, or the setting-up of REACH national help desks).

On the other hand, ETUC regrets that the final text falls short in its ability to significantly improve the protection of workers' health. Some of the important improvements demanded by the ETUC in its Common Declaration and also supported by the Parliament up to the final weeks of the co-decision procedure, have been lost in response to pressure from the chemical industry.

- **Authorisation and Substitution principle:** Despite companies being encouraged to phase out hazardous chemicals, they will be able to go on using certain extremely dangerous substances even if safer alternatives are available, which is at odds with the substitution principle laid down in existing worker protection legislation.
- **Chemical Safety Report:** crucial information to ensure workers' safety will only be available for one-third of the 30 000 substances covered by REACH. The 20 000 substances produced in low volume (below 10 tonnes per year) will not need a Chemical Safety Report, which is the tool to improve workers' safety.

- **Duty of Care:** this general principle intended to cover all chemicals on the market (including the under-1 tpa chemicals that fall outside the REACH system) has been reduced to an expression of intent (a recital).

Nevertheless, ETUC has been present throughout the REACH debate and has proven to be an important and compelling player in the political discussions. The ETUC common position adopted by its March and December 2004 Executive Committees has been widely circulated to policy makers and continuously promoted by trade union representatives across Europe.

ETUC has organised two successful conferences on REACH involving EU institutions and the major stakeholders (March 2005 and September 2006). In addition to the numerous publications to explain both the REACH system and the issues in the reform (leaflet in 12 EU languages, newsletters, etc.), ETUC and its Research Institute have also released an important impact assessment study on the benefits of REACH for workers' health, showing that REACH would help avoid 50 000 cases of occupational respiratory diseases and 40 000 cases of occupational skin diseases from exposure to dangerous chemicals in Europe each year. This study was praised and used by the Commission, Parliament and Council.

ETUC has also been actively involved with other stakeholders in the Commission Working Group on the Further Impact Assessment on REACH to investigate the microeconomic aspects of the reform, and since 2004, in the Commission Working Group on the preparation for REACH. Today, ETUC is still involved in different REACH Implementation Projects. ETUC will continue working at European and national levels through its members to see that the reform is properly implemented and keep talking to the European authorities and employers about ways of improving it.

The REACH reform was the focus of the highest-pressure lobbying campaign ever mounted by industry towards the European institutions. The ETUC's balanced position proved resistant to the usual blackmail that progress in health, safety and environmental protection equals job losses.

In releasing its impact assessment study on benefits, ETUC showed that industry will avoid production losses if REACH reduces chemically-induced occupational diseases, and that replacing hazardous chemicals will boost innovation and employment in the chemical sector (good quality jobs).

Through its ongoing involvement in the REACH debate, the trade union movement has reminded policy makers and employers that the future of European industry cannot be driven just by chasing competitiveness, and

that economic growth must not be achieved at the cost of public, occupational and environmental health. This message is crucial for trade unions' credibility with European citizens and the future of trade unionism. ■

The Health and Safety Department publications on REACH

The impact of REACH on occupational health with a focus on skin and respiratory diseases

Simon Pickvance et al., University of Sheffield



ETUC/ETUI-REHS co-publication, 2005
76 p., 21 x 29.5 cm, ISBN : 2-87452-008-x

"90 000 occupational disease cases will be avoided in Europe, saving 3.5 billion euros over 10 years for the EU-25." These are the mind-boggling figures to come out of this ETUC/ETUI-REHS report. The study on how REACH will benefit workers' health was done by researchers from the University of Sheffield, looking chiefly at respiratory and skin diseases. Adopting an ambitious REACH should help bring down the numbers of these diseases that have been steadily rising for half a century. Everyone will win out – social security systems, through reduced costs; workers, through a better quality of life; and not least employers, who will avoid productivity losses from sickness-related absences.

REACHing the workplace

How workers stand to benefit from the new European policy on chemical agents

Tony Musu



ETUI-REHS, 2004, 36 p., 17 x 24 cm, ISBN: 2-930003-44-8
This brochure is also available in French and many other languages.

The Health and Safety Department has decided to focus in this brochure on the health and safety benefits inherent in the REACH legislative reform for the millions of European workers who are exposed to chemicals in the workplace on a daily basis. In order to better understand in what way the REACH reform represents a real opportunity to reduce the number of occupational diseases related to exposure to dangerous substances, this publication begins by examining the reasons why a reform is needed; it then describes the content of the REACH reform and the changes it will make to the existing legislation. It concludes by explaining the state of play in the legislative process underway at the European Parliament and the Council, which should result in the adoption of the REACH Regulation.

REACHing the workplace. Trade unions call for a more ambitious European policy on chemicals

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Report on the ETUC conference on REACH held in March 2005.

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