

Occupational Health and Safety Requirements for Handling of Carcinogenic and Mutagenic Chemicals¹

Regulation no. 308 of 15 December 2005 of the Government of the Republic

This Regulation is established on the basis of subsection 7 (3) of the Occupational Health and Safety Act.

Chapter 1

GENERAL PROVISIONS

§ 1. Scope of application

(1) The occupational health and safety requirements for working with carcinogenic and mutagenic chemicals (hereinafter carcinogens and mutagens) shall be provided in this Regulation.

(2) The Regulation shall be applied if the substance being handled or the preparation on the basis of the substance containing it can be classified as a carcinogen or mutagen of categories 1 or 2 pursuant to the procedure established by subsection 4¹ (4) of the Chemicals Act or if the substance or preparation is specified in § 2 or is released during the working processes listed in § 2.

(3) The Regulation shall be applied, taking into account the differences concerning the work of exposed workers arising from the Radiation Act.

§ 2. Working processes causing carcinogen danger

The working processes that cause carcinogen danger are:

- 1) production of auramine (CAS 492-80-8);
- 2) processes where workers may be exposed to polycyclic aromatic hydrocarbons contained in coal soot, coal tar or coal pitch;
- 3) soldering, welding or other thermal processing of a material containing copper or nickel during which the dust, smoke or aerosol of these metals is created;
- 4) strongly acidic processes of producing isopropyl alcohol;
- 5) processes where workers may be exposed to dust created by processing valuable broadleaved timber such as beech or oak;
- 6) other processes involving a hazard of being exposed to carcinogens or mutagens.

Chapter 2

OBLIGATIONS OF THE EMPLOYER

§ 3. Risk assessment of working environment

(1) For all working processes where there is a danger of exposure of workers to carcinogens or mutagens, the employer shall determine the type, extent and duration of exposure and accordingly assess the risk to the health and safety of workers and take necessary precautionary measures.

(2) All means of exposure to carcinogens or mutagens shall be taken into account when assessing the risk, including cutaneous absorption or percutaneous absorption into the body.

(3) The employer shall pay special attention to participation of risk sensitive workers, such as pregnant and breastfeeding women and minors, in the working process and take into account the restrictions provided by legislation in order to ensure their safety.

(4) The employer shall be obliged to present to results of the risk assessment of the working environment upon the request of a labour inspector.

§ 4. Reduction of health hazards

(1) If the results of the risk assessment of the working environment show that carcinogens or mutagens may endanger the health of workers, the exposure of workers to these substances shall be avoided if necessary by restricting the use of these substances, replacing them with chemicals that are safer for workers or by using a safer technology.

(2) The employer shall ensure that areas related to health hazards can only be accessed by the workers whose work or work duties so require.

(3) If it is not technically possible to replace carcinogens or mutagens with safer chemicals or use a safer technology, the employer shall ensure the handling thereof in a closed system within the limits of technical possibilities.

(4) If using of a closed system specified in subsection 3 is not technically possible, the employer shall ensure that the exposure of workers to carcinogens and mutagens is minimised and the hazard caused by the respective chemical does not exceed the specified maximum level of the working environment.

(5) The employer shall implement the following measures when carcinogens or mutagens are used:

1) limiting of the amount of carcinogens or mutagens being stored or handled in the working environment to the minimum required amount;

2) limiting the number of workers exposed to carcinogens or mutagens to as few as possible;

3) planning the working process such that release of carcinogens or mutagens into the working environment would be avoided or taken to the minimum level along with implementing verification measures if avoidance is not possible;

4) removal of carcinogens and mutagens from the possible release locations by a local extraction system, a general ventilation system or other relevant measures;

5) using of observation methods for timely discovery of the release of carcinogens or mutagens;

6) implementation of safe work practices and methods, including use of collective or personal protective equipment;

7) implementation of relevant hygiene measures, including regular cleaning of floors, walls and other surfaces;

8) timely and accurate notification of workers;

9) indicating of danger zones and using of required safety signs such as "Smoking prohibited" in areas where workers are exposed or may be exposed to carcinogens or mutagens;

10) composing of an activity plan for a possible accident if the exposure of workers to a large quantity of carcinogens or mutagens is possible;

11) storing of the chemicals being handled in sealed and clearly indicated containers;

12) collection of hazardous processing waste into sealed and clearly indicated containers;

13) implementing of safe methods for loading, transport and rendering harmless.

§ 5. Controlled exposure

(1) If a substantially larger exposure of workers to carcinogens or mutagens can be foreseen in the case of some working process, for example maintenance of devices, and if the regular technical measures for protecting workers are not sufficient, the employer shall determine special measures necessary to ensure the health and safety of the workers after having consulted with the workers or their representatives.

(1) In the case specified in subsection 1, the workers shall be provided with protective clothing and individual protective equipment for the respiratory tract that they shall wear for the duration of exposure to carcinogens or mutagens, whereas the exposure shall be limited to the shortest duration necessary for every worker.

(3) The area where work is performed shall be clearly indicated and access of unauthorised persons shall be avoided in the case specified in subsection 1.

§ 6. Danger of extraordinary exposure

(1) The employer shall notify the workers and the working environment representative as fast as possible of a risk of accident or an accident that has taken place that will probably be accompanied by exposure of workers to carcinogens or mutagens, the reasons for, possible consequences and the protection measures being implemented thereof.

(2) The employer shall put on display written instructions on how to act in case of an accident and what to do in order to avoid the consequences of an accident.

(3) Only workers who have received special training and who are immediately needed to perform repairs or other necessary work shall enter the contaminated area, whereas they shall be provided with the necessary protective clothing and protective equipment for the respiratory tract. Staying in the contaminated area shall be limited to the shortest duration necessary.

§ 7. Occupational hygiene

The employer shall take the following occupational hygiene measures in order to avoid exposure of workers to carcinogens or mutagens:

- 1) prohibiting eating, drinking and smoking in areas where there is a danger of contamination with carcinogens or mutagens;
- 2) provide workers with relevant working clothing and protective clothing and protective equipment for the respiratory tract if necessary;
- 3) ensure separate storage locations for working and street clothing;
- 4) provide washing facilities with showers for workers and install eyewashes if necessary;
- 5) ensure that all personal protective equipment being used shall be cleaned, inspected and stored at a pre-determined location;
- 6) ensure the regular cleaning and washing of working and protective clothing and handling thereof in case of becoming unserviceable pursuant to the Waste Act.

§ 8. Notifying of handling of carcinogens or mutagens

(1) The employer shall notify the regional office of the Labour Inspectorate at least 30 days before first commencing work with carcinogens or mutagens, presenting the following data in writing or electronically:

- 1) name and address of the employer;
- 2) list of the carcinogens or mutagens being used along with the data identifying them pursuant to the Chemicals Act;
- 3) list of working processes or technologies for which carcinogens or mutagens are used and the reasons for use thereof;
- 4) amounts of substances or preparations that are being produced or used that contain carcinogens or mutagens;
- 5) the number of workers exposed to carcinogens or mutagens, the type of exposure and duration during the working day or working week;
- 6) data about the safety precautions being used, including the personal protective equipment being used.

(2) If the employer has determined a hazard of exposure to carcinogens or mutagens during the risk assessment of the working environment, it shall inform the regional office of the Labour Inspectorate of it by presenting, either in writing or electronically, data about the replacing the carcinogens or mutagens being used with other carcinogens or mutagens in addition to the data specified in subsection one.

§ 9. Training of workers

(1) The employer shall provide relevant training for workers exposed to carcinogens or mutagens that shall above all include the following:

- 1) knowledge of the effects of carcinogens and mutagens that pose a health hazard, including the increase of damage to health when smoking;

- 2) the safety precautions being implemented in order to avoid exposure to carcinogens and mutagens;
- 3) knowledge of the safety signs being used;
- 4) the occupational hygiene requirements established in the company;
- 5) purpose and procedure for using personal protective equipment, including protective clothing;
- 6) instructions for action in case a dangerous situation arises.

(2) The training shall be repeated if substantial changes are made in the working process that is related to the carcinogens or mutagens, devices or technology being used.

§ 10. Special occasions for notifying of workers

(1) The employer shall notify the workers of the devices and containers being used in the company that contain carcinogens or mutagens and shall ensure that all the devices, containers and packaging containing these substances are clearly indicated and wearing danger warning signs that can be seen well.

(2) The employer shall compose and approve written instructions for handling of carcinogens and mutagens and ensure that these are accessible for the workers and put in display in a visible location if necessary.

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

(1) The employer shall keep a list of workers who are endangered by carcinogens or mutagens due to work.

(2) The following data about the worker shall be presented in the list:

- 1) the given name and surname of the worker;
- 2) description of the work duties;
- 3) name of the carcinogen or mutagen that the worker has been exposed to;
- 4) duration of exposure to the carcinogen or mutagen.

(3) The employer shall keep the data about the worker entered into the list updated and maintain it for at least 40 years after the last exposure of the worker to carcinogens or mutagens.

(4) Workers shall have the right to access the data that has been entered into the list about them.

(5) Workers and the working environment representative shall have the possibility to examine anonymous statistical data related to the list.

(6) Occupational health doctors, working environment specialists and labour inspectors shall have the right to examine the list of workers.

§ 12. Medical examination of workers

(1) The employer shall ensure that all workers endangered by carcinogens or mutagens have passed a medical examination pursuant to the procedure established by clause 13 (1) 7) of the Occupational Health and Safety Act.

(2) If a health disorder related to exposure to carcinogens or mutagens is discovered during the medical examination of a worker, other workers working in similar conditions shall pass the medical examination as well. An additional risk assessment of the working environment shall also be performed in such a case.

(3) Workers shall pass medical examinations after the periods of time determined by the occupational health doctor even after end of exposure to carcinogens or mutagens.

(4) Workers have the right to access the results of their medical examinations.

(5) Employers have the right to get an overview of the results of the medical examinations of workers.

Chapter 3

IMPLEMENTING PROVISIONS

§ 13. Repeal of Regulation

Regulation no. 51 "Requirements for Using Carcinogenic and Mutagenic Substances at Workplaces" (RT I 2000, 12, 84) of 15 February 2000 of the Government of the Republic is repealed.

¹ Directive 2004/37/EC of the European Parliament and of the Council on the protection of workers from the risks related to carcinogens or mutagens at work (OJEC L 158, 30.04.2004, pages 50-76).