

# Protection of workers: Limit values for lead and diisocyanates

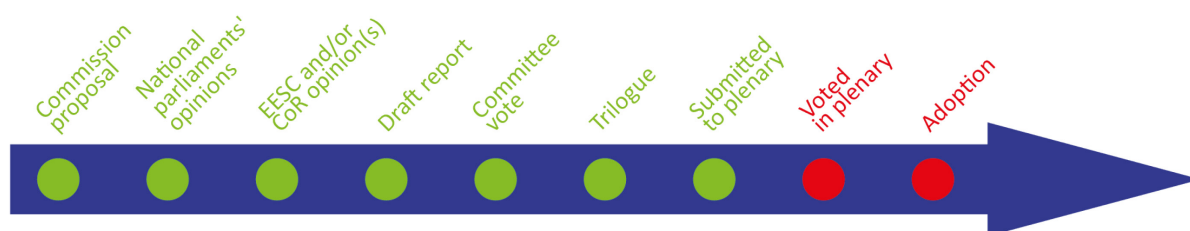
## OVERVIEW

As part of its fight against harmful substances, on 13 February 2023 the Commission tabled a proposal for a directive aimed at protecting workers' health by lowering occupational exposure to lead and diisocyanates. The proposed directive would set, for the first time, occupational limit values for diisocyanates, while revising the limit values for lead for the first time in more than 40 years. It would also include a review mechanism to guarantee regular revisions from now on to make sure that those limit values will be regularly updated, taking into account the latest scientific data.

In Parliament, the Committee on Employment and Social Affairs (EMPL), which is responsible for the file, adopted its report on 7 September 2023. The mandate to enter into interinstitutional negotiations was endorsed by the plenary the following week. On 14 November 2023, Parliament and the Council reached a provisional agreement. In the Council, Coreper approved the agreement on 6 December 2023. In Parliament, EMPL approved the agreement on 11 January 2024. The vote in plenary on Parliament's first-reading position is expected to take place in February.

**Proposal for a directive of the European Parliament and of the Council amending Council Directive 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council as regards the limit values for lead and its inorganic compounds and diisocyanates**

<i>Committee responsible:</i>	Employment and Social Affairs (EMPL)	COM(2023) 71 13.2.2023
<i>Rapporteur:</i>	Nikolaj Villumsen (The Left, Denmark)	<a href="#">2023/0033(COD)</a>
<i>Shadow rapporteurs:</i>	Cindy Franssen (EPP, Belgium) Ilan De Basso (S&D, Sweden) Catherine Amalric (Renew, France) Sara Matthieu (Greens/EFA, Belgium) Elżbieta Rafalska (ECR, Poland)	Ordinary legislative procedure (COD) (Parliament and Council on equal footing – formerly 'co-decision')
<i>Next steps expected:</i>	Final first-reading vote in plenary	



## Introduction

In recent years, the European Union's occupational safety and health ([OSH](#)) policy framework and rules have contributed to considerably improving working conditions, particularly concerning workers' protection from exposure to carcinogens and other hazardous chemicals. The protection of workers' health and safety is enshrined in the Treaties and the [Charter of Fundamental Rights](#), and is a key element of an EU economy that works for people. The right to a high level of protection of health and safety at work is reflected in principle 10 of the [European Pillar of Social Rights](#), and is fundamental for reaching the United Nations' [sustainable development goals](#).

[Lead](#) and its inorganic compounds are occupational reprotoxic substances that can affect the sexual functioning and fertility of men and women and the development of the foetus. Exposure to lead may also damage the nervous system, the kidneys, the heart and the blood of people exposed to it. Exposure occurs in the mining and primary processing of lead, and its subsequent use in products such as batteries. In addition, workers can be exposed to lead due to its historical application in renovations, waste collection, recycling and environmental remediation.

[Diisocyanates](#) are key respiratory asthmagens and can also cause dermal disease (allergic reactions). Occupational exposure to diisocyanates accounts for 9 % to 15 % of all [asthma](#) cases in adults of working age. Diisocyanates are used in the manufacture of polyurethane and of plastics, coatings, varnishes, paints and adhesives. These products are widely used in construction, vehicle repairs, general repairs, and in the manufacturing of textiles, furniture, motor vehicles and other means of transport, domestic appliances, machinery and computers.

According to [estimates](#), in the EU approximately 50 000 to 150 000 workers are exposed to lead, 4.2 million workers are exposed to diisocyanates, and more than 2.4 million companies are concerned, the vast majority of them being micro-enterprises or SMEs.

The EU's binding occupational exposure limit (OEL) for lead has not been updated for over 40 years. There are currently no limit values for diisocyanates at EU level.

On 13 February 2023, the European Commission put forward a [proposal](#) for a directive aimed at revising the existing limit values for lead and introducing, for the first time, limit values for diisocyanates, helping to achieve a high level of protection of workers' health and safety.

## Parliament's starting position

The European Parliament has frequently emphasised the need for optimal protection of workers' health and safety. In its [resolution](#) of 10 March 2022 on a new EU strategic framework on health and safety at work post-2020, Parliament called for revised exposure limit values for lead and its compounds while ensuring equal protection for all workers regardless of gender.

## Preparation of the proposal

The Commission announced in the 2021 [European Pillar of Social Rights Action Plan](#) its intention to ensure a healthy, safe and well adapted work environment. This was confirmed with the adoption of the [OSH Strategic Framework for 2021-2027](#), where the Commission announced a proposal for limit values for lead and diisocyanates. The proposal for a directive revising the limit values for lead and its inorganic compounds and diisocyanates is also a follow-up to the fourth revision of the [Carcinogens and Mutagens Directive](#) in March 2022; this revision extended the scope of the directive to include reprotoxic substances, which affect reproductive functions.

The proposal is supported by an [impact assessment](#) (IA) (see [executive summary](#)). The IA report was subject to a consultation process in 2020 and 2021, including a two-stage consultation of and with social partners, a tripartite consultation (through the Advisory Committee on Safety and Health at Work, composed of representatives of national governments and workers' and employers' organisations), and consultation of business and workers' representatives of the specific industrial sectors concerned. No public consultation took place due to the technical complexity of the issue.

In addition, a [call for evidence](#) was published on 21 February 2022, with a deadline of 21 March 2022, for stakeholders to provide feedback (38 replies).

## The changes the proposal would bring

The Commission [proposes](#) to amend Council [Directive 98/24/EC](#) on the protection of the health and safety of workers from the risks related to chemical agents at work and [Directive 2004/37/EC](#) on the protection of workers from the risks related to exposure to carcinogens or mutagens at work.

The Commission proposes to lower the exposure limit for **lead**, based on the latest scientific evidence, from 0.15 milligrams per cubic metre (0.15mg/m<sup>3</sup>) to 0.03mg/m<sup>3</sup> for the OEL, and from 70 micrograms per 100 millilitres of blood (70µg/100ml) to 15µg/100ml for the biological limit value (BLV). The BLV and the OEL are complementary. The Commission also proposes to introduce exposure limit values to protect workers from exposure to **diisocyanates** at work. These limit values refer to the nitrogen, carbon and oxygen group of diisocyanates, which is responsible for their ill effects on health. The Commission proposes an overall OEL of 6µg NCO/m<sup>3</sup> (the maximum concentration in the air a worker breathes during an eight-hour working day) and a short-term exposure limit (STEL) of 12µg/m<sup>3</sup> for a 15-minute period.

## Advisory committees

The European Economic and Social Committee adopted its [opinion](#) on 22 March 2023 (with 197 votes for, 0 against and 3 abstentions), which endorses the content of the proposal. The European Committee of the Regions has not adopted an opinion.

## National parliaments

The [deadline](#) for the submission of reasoned opinions on the grounds of subsidiarity was 27 April 2023. No reasoned opinion was issued.

## Stakeholder views<sup>1</sup>

The [deadline](#) for stakeholders' feedback on the Commission proposal was 26 April 2023, by which date 14 contributions had been received. In May 2023, experts and stakeholders in the field of occupational safety and health attended the [Occupational Safety and Health Summit](#) in Stockholm, co-organised by the European Commission and the Swedish Presidency of the Council of the EU. They took stock of the implementation of the EU Strategic Framework on Health and Safety at Work 2021-2027, notably the Commission's proposals to improve the protection of workers from asbestos and from health risks linked to exposure to lead and diisocyanates. On 6 September 2023, the [European Trade Union Confederation](#) underlined in a press release the need for further research on the impact of lead exposure on fertility and reproductive health.

## Legislative process

In Parliament, the file was referred to the Committee on Employment and Social Affairs (EMPL), which appointed Nikolaj Villumsen (The Left, Denmark) as rapporteur.

The Council of the EU adopted its [mandate](#) on 12 June 2023. The Council's position maintains the exposure limits set out in the Commission's proposal, while also introducing a transitional period to ensure that Member States have sufficient time to effectively implement risk management measures and adapt their production processes to comply with the new BLV for lead.

The EMPL committee adopted its legislative [report](#) on [7 September 2023](#) by 37 votes for, 4 against and 3 abstentions. The report supports the Commission's proposal, but also calls on the Commission to introduce a review mechanism guaranteeing regular revisions in the future, to ensure that the limit values are regularly updated; to come up with new rules on the limit values for substances such as lithium, cobalt and benzene; to better protect female workers, particularly female workers of

childbearing age; and to introduce medical surveillance for all workers exposed to lead and its inorganic compounds.

The mandate to enter into interinstitutional negotiations was endorsed in plenary on 13 September 2023. On 14 November 2023, Parliament and the Council reached a [provisional agreement](#). As far as lead is concerned, they agreed to limit OEL to 0.03 mg/m<sup>3</sup> and the BLV to 15 µg/100 ml. In order to ensure that Member States have sufficient time to update production processes and to implement prevention and protection measures, the text envisages a transition period of three years for the new BLV value, on top of the two-year transposition period, during which the BLV will be set at 30 µg/100 ml. Parliament and the Council agreed on the proposal to set overall OEL for diisocyanates at 6 µg NCO/m<sup>3</sup> for a period of eight hours and at 12 µg NCO/m<sup>3</sup> for the short-term exposure limit. They reached a balanced agreement on specific provisions to protect the health of workers who already have high levels of lead in their blood as a result of historic exposure and to better protect women of childbearing age. According to the text, the Commission will be asked to initiate the procedure to consider the inclusion of endocrine disruptors in the directive. Both Parliament and the Council now have to formally adopt the provisional agreement. Once adopted, Member States will have two years to transpose the directive into national law.

The provisional agreement was approved by [Coreper](#), for the Council, on 6 December 2023 and by the [EMPL Committee](#) on 11 January 2024 (38 votes for and one abstention). It now needs to be formally adopted by both Parliament and the Council.

## EUROPEAN PARLIAMENT SUPPORTING ANALYSIS

Amand-Eeckhout L., [Limits on exposure to carcinogens and mutagens at work: Fourth proposal](#), EPRS, European Parliament, October 2023.

## OTHER SOURCES

European Parliament, [Limit values for lead and its inorganic compounds and diisocyanates](#), Legislative Observatory (OEIL).

European Agency for Safety and Health at Work, [Occupational safety and health in Europe: state and trends 2023](#), 2023.

## ENDNOTE

- <sup>1</sup> This section aims to provide a flavour of the debate and is not intended to be an exhaustive account of all different views on the proposal. Additional information can be found in related publications listed under 'European Parliament supporting analysis'.

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