

ETUI views on nanotechnologies

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NanoDiode workshop

20 November 2014

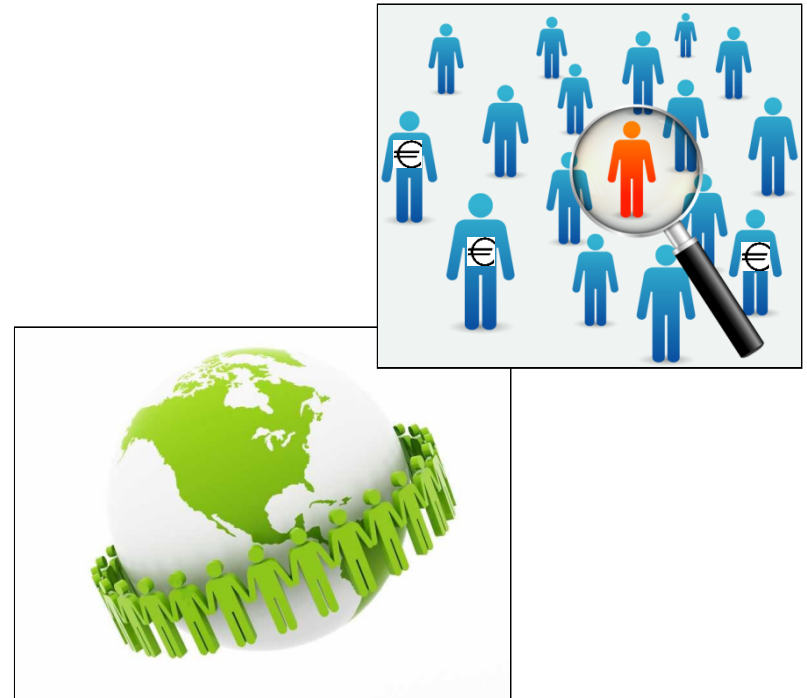
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www.nanodiode.eu

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- Civil society organisations represent specific groups within society (local community groups, environmental organisations, consumer groups, labour/trade unions, philanthropic foundations, etc.) – but also business groups
- ETUI often collaborates with environmental organisations and consumer groups (at EU level) – ANEC, BEUC, EEB, Friends of the Earth Europe, Greenpeace, HEAL, WWF
- ETUI focuses on workers, their working conditions and ensuring adequate health and safety protection at the workplace
- Trade unions also address environmental issues as part of worker interests (e.g. the Just Transition on energy system transformation and green jobs)




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- the independent research and training centre of the European Trade Union Confederation (ETUC) - European umbrella organisation of trade unions
- Research department:
 - Europeanisation of industrial relations
 - Economic, employment and social policies
 - **Working conditions, health and safety**
- Education department (training and learning)
- Health and safety: technical assistance to achieve high level of occupational health and safety protection for workers throughout Europe
- <http://www.etui.org/>





European Trade Union Confederation (ETUC)
Confédération européenne des syndicats (CES)

ETUC 2nd resolution on nanotechnologies and nanomaterials

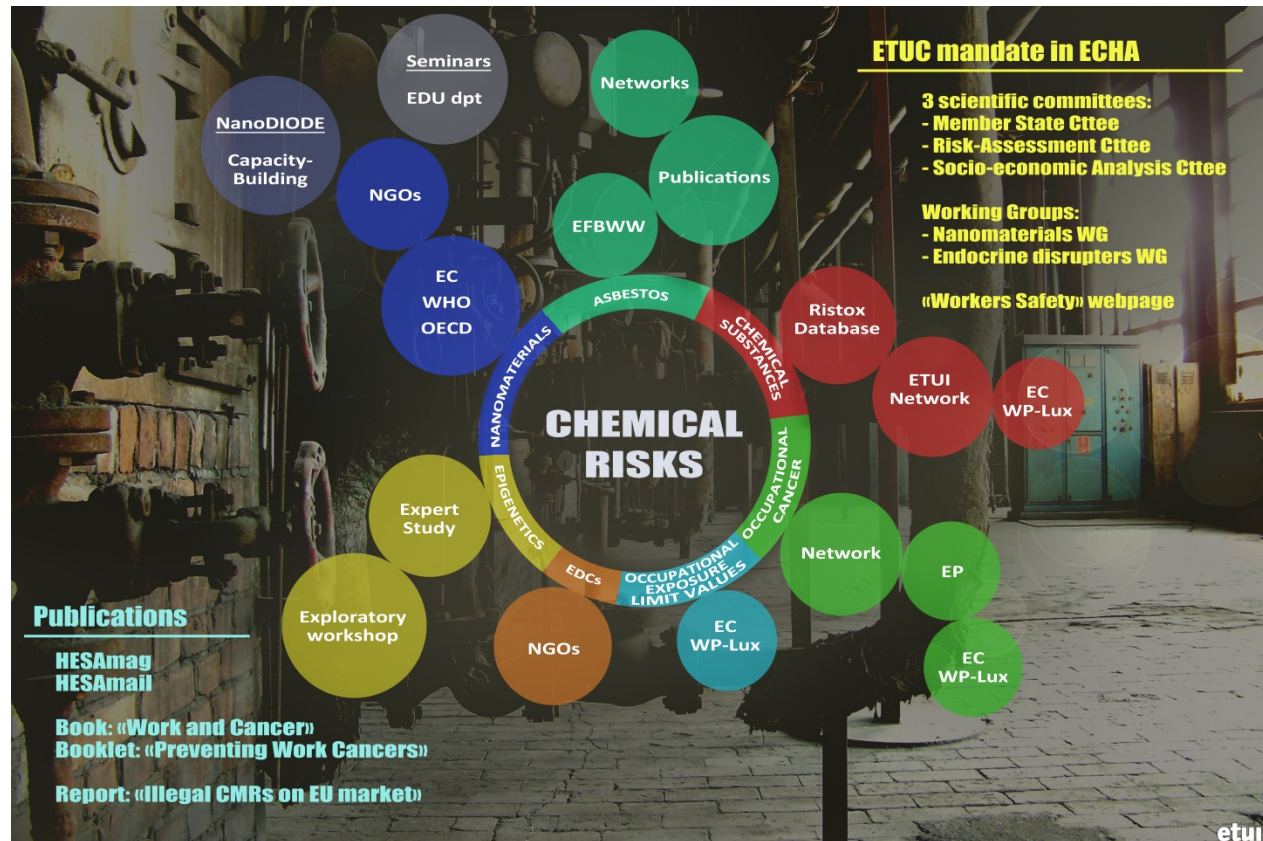
Adopted at the Executive Committee on 1-2 December 2010



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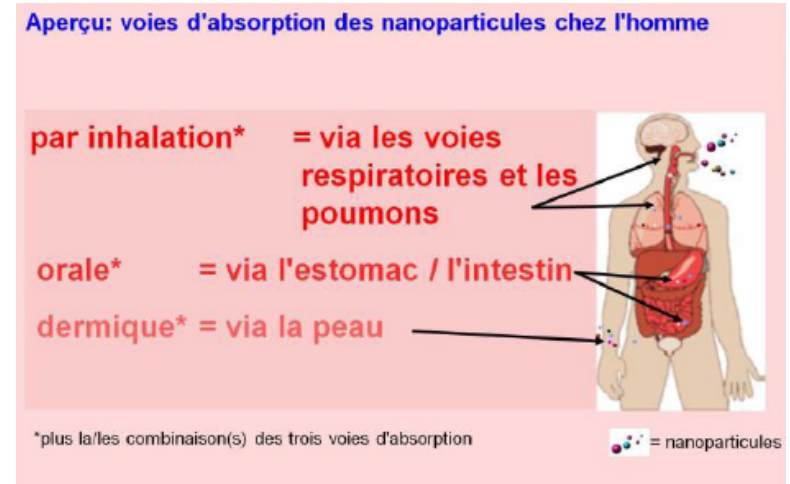
- ETUI nano work is delivered by the Health and Safety unit within broader work relating to chemicals. The H&S unit also works on other issues such as stress, harassment and violence; occupational cancers; musculoskeletal disorders; and safety representatives
- ETUI participates in European Commission, World Health Organisation and OECD work on nano



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- Nanotechnology applications are potentially very wide and therefore can be integrated into a vast array of products
- Health, environmental and ethical issues raised by nanotechnologies and their spread
- ETUI aims to make workers' voices be heard at a time when these technologies are developing beyond regulatory oversight capacities
- Difficulties/delay in evaluation of risks from nanomaterials – hazard, exposure
- Worker protection through prevention of risks at the workplace – occupational health and safety regulation
 - Prevention of occupational risks
 - Provision of information and training
 - Provision of necessary organisation and means
- Specifying nano where needed in the regulatory framework (REACH, Chemical Agents Directive)



Reference: http://swissnanocube.ch/uploads/tx_rfnanoteachbox/Modul_Travailler_en_securite.pdf



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- “General obligations on employers”
 - **Avoiding risks**
 - **Evaluating risks which cannot be avoided**
 - **Combating risks at source**
 - **Adapting work** to the individual (design of workplace, work equipment, working and production methods, etc.)
 - Adapting to technical progress
 - **Replacing the dangerous with the non-dangerous or less dangerous**
 - Coherent overall **prevention policy** (technology, organisation of work, working conditions...)
 - Prioritising collective protective measures over individual protective measures
 - Giving **appropriate instructions to workers**



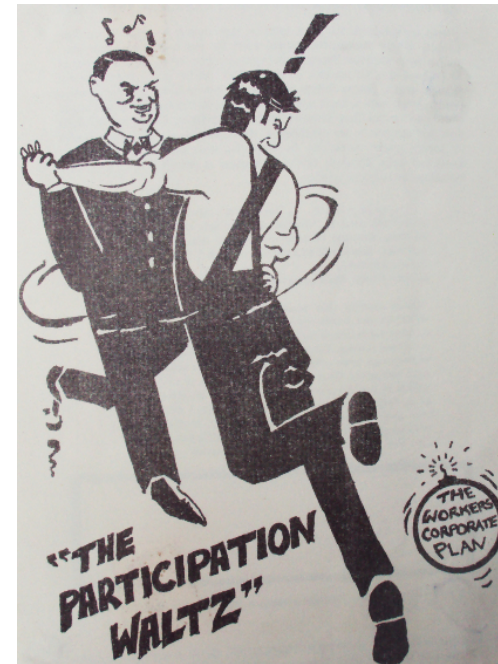
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- “Worker information”

Employer shall take appropriate measures so that **workers and/or their representatives** in the undertaking and/or establishment **receive ... all the necessary information concerning safety and health risks and protective and preventive measures and activities ...** in general and each type of workstation and/or job

- “Consultation and participation of workers”

- Employers shall **consult workers and/or their representatives and allow them to take part in discussions on all questions relating to safety and health at work...**
- **Workers or workers’ representatives** with specific responsibility for the safety and health of workers **shall take part in a balanced way ... or shall be consulted in advance and in good time by the employer with regard to ... any measure which may substantially affect safety and health ...**



Reference: <http://www.unfinishedhistories.com/history/companies/broadside-mobile-workers-theatre/>



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- Development of capacity-building tools to raise worker awareness relating to governance of nano at the workplace
 - Focus on workers' representatives and their involvement in organising a safe workplace
 - Community of Practice helping to guide the development of the capacity-building tools: ecotoxicologists, scientists, social scientists, trade unionists, communications specialists
 - Working theme of capacity-building tools: Is there nano in my workplace?
 - So, this means information is not automatically provided by employers "in advance", "in good time", workers are not always consulted before nano introduced, and even that employers don't know that nano is in the ingredients/components being used
- ... TRANSPARENCY



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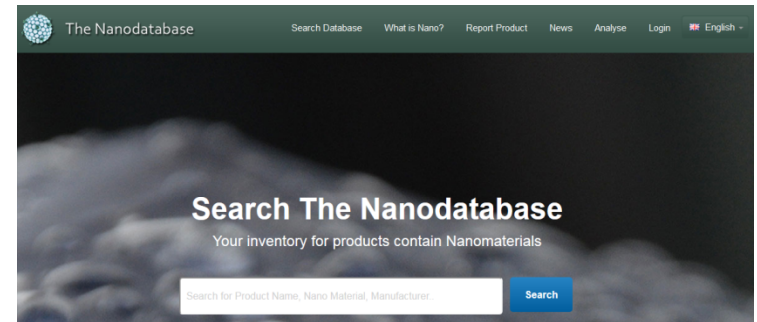
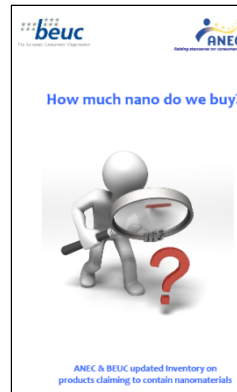
Relative unknowns about nanotech applications, difficulty in identifying hazard and exposure levels, slow pace of regulatory modifications to adapt to nano (data provision)



Introduction of nano into products placed on the market



Demands for EU-level public mandatory information tool by environmental and consumer organisations, by European Parliament and many/all Member States



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Nano inventory (2/3)

REACH registration database at the end of June 2011

- Out of the ca. 4,700 substance registrations a list of 78 registered substances included information on nanomaterials
- Out of the 78 substance registrations
 - 3 had explicitly selected "nanomaterial" as the form of the substance
 - 2 included possibly relevant information but had not selected "nanomaterial" as the form of the substance
 - 6 included "nano" in the description of the registered substance but in these the registrant referred to the substance as being nano-structured rather than a nanomaterial
 - 8 specifically excluded nanoforms from the scope
 - for the vast majority of substances (59 of the 78 substances listed), "nano" was found solely in the context of read-across from studies performed on nanoforms of the registered substance and it cannot be definitely concluded whether or not the registered substance include nanoforms



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Announcement of appeal¹

Case A-011-2014

Appellants Tioxide Europe Limited, United Kingdom
Cinkarna Metallurgical and Chemical Industry Celje d.d., Slovenia
Cristal Pigment UK Limited, United Kingdom
Du Pont Coordination Center, Belgium
Evonik Industries AG, Germany
Kronos International Inc., Germany
Precheza a.s., Czech Republic
Sachtleben Chemie GmbH, Germany
Tronox Pigments (Holland) B.V., The Netherlands

Appeal received on 16 September 2014

Subject matter A decision taken by the European Chemicals Agency (the 'Agency') in accordance with the procedure set out in Articles 50 and 51 of the REACH Regulation

Keywords Dossier evaluation – Compliance check – Request for further information – Substance identity - Nanoforms



In the Contested Decision the Agency found that the registration did not comply with the requirements of Article 10(a)(ii) as well as Annex VI, section 2 of the REACH Regulation and, as a result, requested Tioxide Europe Limited to submit the following information:

- Name or other identifier of the Substance (Annex VI, 2.1);
- Composition of the Substance (Annex VI, 2.3.), and;
- Description of the analytical methods used (Annex VI, 2.3.7).



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- Information provided as per the *spirit* of regulation (not the legal text) = “no data, no market”, “prevention of risk”, “worker participation”, etc.
- Work proactively with regulator/s (EU, national)
- Maintaining silence does not mean you avoid public distrust = provide information proactively, answer questions put to you, engage with the public, seek structured advice, etc.
- Develop your story so that it can be easily understood by all = why nano?
- How do we break down the barriers created by a highly competitive system? Innovation equals competitiveness
- How do we address “grand societal challenges” while avoiding “low hanging fruit”? (renewable energies versus anti-bacterial teddy bears)



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- **Where to find ETUI information:**

- ETUI Health and Safety Unit information
<http://www.etui.org/Topics/Health-Safety>
- ETUI HesaMag
<http://www.etui.org/Topics/Health-Safety/HesaMag>
- ETUI Policy Brief: Nano governance
<http://www.etui.org/Publications2/Policy-Briefs/European-Social-Policy/Nano-governance-how-should-the-EU-implement-nanomaterial-traceability>



- <http://www.etui.org/Topics/Health-Safety/HesaMag/Chemical-hazards-state-of-play-6-years-into-REACH>

- **Other useful trade union information:**

- ETUC 2nd resolution on nanotechnologies and nanomaterials (2010)
http://www.etuc.org/sites/www.etuc.org/files/13-GB_final_nanotechnologies_and_nanomaterial_2.pdf
- ETUC resolution on nanotechnologies and nanomaterials (2008)
http://www.etuc.org/sites/www.etuc.org/files/ETUC_resolution_on_nano_-_EN_-_25_June_08_2.pdf

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