# LEGAL ALERT - MODIFICATION OF THE REGULATION ON THE USE AND EXPOSURE OF WORKERS TO CARCINOGENS IN INDUSTRY.

On July 2nd, 2024, Royal Decree 612/2024 was approved, amending Royal Decree 665/1997 of May 12, 1997, on the protection of workers against risks related to exposure to carcinogenic agents at work.

The aforementioned Royal Decree 665/1997, a basic regulation on occupational risk prevention, addresses the measures for the protection of workers against risks related to exposure to carcinogenic and mutagenic agents in the workplace which are commonly present in industry such as asbestos, lead, or silica. Establishing specific obligations for employers to act on the risks related to hazardous agents, ensuring risk assessment and the implementation of appropriate preventive measures with the aim of guaranteeing occupational health and safety.

This regulation applies to all activities in which workers are exposed or may be exposed to carcinogenic and mutagenic agents during work, both in normal conditions and in emergency situations.

It is worth noting how it regulates the obligations of the employer depending on the specific risks, including risk assessment, the adoption of preventive measures and the guarantee of adequate health surveillance of exposed workers, establishing measures to prevent exposure to asbestos fibers, among others, including risk assessment, technical measures and safe transport of asbestos waste and setting exposure limit values to ensure a safe working environment, in terms of occupational health.

## NEWS

The purpose of this new amendment is to adapt its content to Directive (EU) 2022/431 of the European Parliament and of the Council of 9 March 2022 on protection against reprotoxic agents, agents that may have adverse effects on sexual function and fertility in adult men and women, as well as on the development of offspring.

The main modifications are as follows:

1. The definitions of "reprotoxic agent without threshold", "reprotoxic agent with threshold" and of "biological limit value" are incorporated.
2. The duty of vigilance is established when it is detected that a biological limit value has been exceeded. The physician or the labor authority may require that other similarly exposed workers be monitored.
3. It incorporates the duty to inform the labor authority about cases of adverse effects on the sexual function and fertility of adult workers or toxicity for the development of offspring resulting from exposure to a carcinogenic, mutagenic or reprotoxic agent.
4. Training and information on the measures to be adopted in application of this royal decree is reinforced.
5. New provision requiring periodic training in health contexts for all workers exposed to carcinogens, mutagens or reprotoxic agents. Workers must be informed before they are assigned the task that involves risk of exposure.
6. The following rows of the table in Annex III: "Occupational exposure limit values and other directly related provisions" are incorporated.
   i. Benzene - new limit value
   ii. Acrylonitrile

iii. Nickel compounds (as nickel)

iv. Inorganic lead and its compounds

v. N, N-dimethylacetamide

vi. Nitrobenzene

vii. N, N-Dimethylformamide

viii. 2-Methoxyethanol

ix. 2-Methoxyethyl acetane

x. 2-Ethoxyethanol

xi. 2-Ethoxyethyl acetate

xii. 1-methyl-2-pyrrolidone

xiii. Mercury and divalent inorganic mercury compounds, including mercuric oxide and mercuric chloride (as mercury)

xiv. Bisphenol A; 4,4'-isopropylidenediphenol

xv. Carbon monoxide

7. The new Annex III bis: "Biological limit values and health surveillance measures", on lead and its ionic derivatives is introduced. Establishing biological limit value and control by measuring the level of lead in blood (PbB), as well as limits to activate medical surveillance.

## CONCLUSIONS

The new modification of RD 665/1997 seeks to increase the protection of workers against reprotoxic agents, in addition to that already included against carcinogens and mutagens. To this end, limit values are added for substances such as acrylonitrile (present in the textile industry), nickel compounds (in the metal industry, manufacture

of nickel-cadmium batteries, ceramic and glass industry as a pigment) and the existing limit value for benzene (present in the production of plastics, synthetic rubber, dyes, resins, raw materials for detergents, pesticides, among others) is updated. Finally, it is worth noting the incorporation of lead as one of the main reprotoxic agents, since it has abundant industrial use. Therefore, the modification may have a significant practical implication, since it will affect a multitude of industries in the different phases of production.