Labour inspectors have a REACH mountain to climb: “You can't pretend to know it all”

Giulio Andrea Tozzi is a qualified chemist who has worked since 1981 in Genoa’s local health agency HSW Department, which carries out workplace inspections. He regularly gives trade unionists training in the prevention of occupational hazards and REACH. For three years in the 1990s he was a research officer with the Trade Union Technical Bureau, since subsumed into the ETUI. All this puts him in a particularly good position to assess how the EU Regulation has impacted on workplaces.

Interview by
Denis Grégoire
ETUI (July 2013, Brussels)

How can H&S inspectors enforce REACH when budgets are cut?

Image © ImageGlobe
"It can be much more appealing to hire a REACH expert in the hope of finding a ready market for his output than to bother cleaning up a workshop."

The third is ongoing and focused on imports of chemicals from non-EU countries. We are working closely with customs to deliver on this one.

In practical terms, how do labour inspectors carry out their inspections in companies?

G.A.T. — Policing compliance with the law on chemicals is a hugely complex task. It is a fact that understanding the law, keeping up with often rapid changes in it, and grasping the technical reality that lies behind the formal aspects of trade in chemicals can be difficult. Mutual assistance between colleagues in different regions helps; we get strong support from the Ministry of Health; and there is an information portal for REACH enforcement so we can connect to ECHA and Member States’ authorities and inspectors. But new and unexpected things do crop up. You can’t pretend to know it all.

What are the main chemical hazards issues you discover in inspections?

G.A.T. — The big number of deficient safety data sheets, beyond any doubt. That isn’t a problem specific to Italy, it’s one for all European countries. One big hope for the REACH regulation is that it will help improve SDS, but it will take time.

As to inspection, there’s a big difference between REACH and chemical hazards inspections, although the outcomes of one will directly or indirectly influence the other. REACH inspections have a commercial aspect in addition to the social and environmental ones, and that’s obviously what business owners are focused on: they’ve understood that it was in their interest to get on board with REACH to stay in the market. Unfortunately, some just tick the paper compliance boxes. It may be somewhat harsh, but it’s fair to say that some business owners are more concerned to stay in the market than to protect workers. It can be much more appealing to hire a REACH expert in the hope of finding a ready market for his output than to bother cleaning up a dust-filled workshop or informing workers about the risks.

But doing business and risk prevention are aims that can hang together. The information feedback from professional users to downstream users and on to manufacturers can only help result in improved products that are safer for their users and meet market requirements. REACH is a means of achieving that because it provides for the exchange of information all along the supply chain.

How does a workplace inspection run in practice?

G.A.T. — We follow a nationally defined methodology: we start by choosing a sample of firms based on national and EU criteria that take into account the type of inspection, industry, etc. We send out a general questionnaire to the sample, then select individual firms on the basis of two main criteria: risk and company size. If the choice is between a small firm with few risks and a big one with high ones, we will obviously pick the latter. We also take action if specific alerts occur.

We may then contact the selected company to set an inspection date so they can prepare the paperwork they need to show us. Most of the inspection is a paper audit: we go through the documents that were submitted to ECHA and the firm’s product information documents with its REACH compliance officer. The outcomes of all this are collected by the regions, reported to the Health Ministry and sent by it to the ECHA Forum for Exchange of Information on Enforcement.

We also carry out random spot checks in collaboration with the laboratories of the Italian network of regional environment agencies (ARPA) on the “restrictions” aspect of REACH. We might, for example, look at compliance with the provisions on hexavalent chromium in cement. Cement when mixed with water cannot contain more than 2 ppm hexavalent chromium. Above that, it can cause skin diseases, so manufacturing, labelling and packaging all have to be properly designed and controlled. We use a harmonised methodology established by CEN, the European Committee for Standardization, to measure the chromium content in cement samples.