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Occupational health and safety requirements for the use of hazardous chemicals and materials containing hazardous chemicals, and the occupational exposure limit values for chemical agents¹

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Amended by the following acts

Passed	Published	Entry into force
04.05.2006	RT I 2006, 20, 158	15.05.2006
22.07.2010	RT I 2010, 52, 335	01.08.2010
19.03.2015	RT I, 26.03.2015, 5	01.06.2015
29.11.2018	RT I, 05.12.2018, 1	01.01.2019
10.10.2019	RT I, 17.10.2019, 1	17.01.2020

This Regulation is enacted on the basis of Sections 7(3) and 13¹(9) of the Occupational Health and Safety Act.
[RT I, 05.12.2018, 1 – entry into force 01.01.2019]

§ 1. Scope

(1) This Regulation lays down requirements for the use of hazardous chemicals and materials containing hazardous chemicals, and the occupational exposure limit values for chemical agents, with the aim of protecting the health of workers exposed to those substances.
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(2) This Regulation shall apply to work in which the following are used:

1) chemicals that are hazardous according to any of the criteria for the physical or health hazard categories set out in Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1);

[RT I, 26.03.2015, 5 – entry into force 01.06.2015]

2) chemicals that are not hazardous according to the criteria referred to in indent 1 but that, owing to their physical, chemical or toxic properties and the manner in which they are used or are present at the workplace, may put the health and safety of workers at risk, including chemical agents for which exposure limit values have been established pursuant to the Annex to this Regulation.

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(3) This Regulation shall apply to work with plant protection products and equipment, having regard to the requirements laid down in the Plant Protection Act.

[RT I 2006, 20, 158 – entry into force 15.05.2006]

(4) This Regulation shall not apply to the transport of hazardous chemicals and materials containing hazardous chemicals or to work with radioactive substances.

§ 2. Assessment of risks in the working environment

(1) When assessing risk at the workplace, the employer is required to:

- 1) describe the working conditions at the workplace, taking account of all risk factors relating to potentially hazardous chemicals and materials containing hazardous chemicals;
- 2) measure the concentration of chemical substances in the air of the working environment and compare them to the limit values;
- 3) assess the size, nature and duration of the possible health risk;
- 4) determine the safety measures and the rules for their implementation;
- 5) present the results of the risk assessment in writing.

(2) It is not permitted to launch a new technological process involving the use of hazardous chemicals and materials containing hazardous chemicals until a new risk assessment has been carried out and appropriate safeguards have been taken.

(3) When sourcing hazardous chemicals and materials containing hazardous chemicals, employers must obtain from the supplier all the relevant information about the hazardous chemical, including safety data sheets in Estonian in accordance with Article 31 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1) ('the REACH Regulation'), in order to ensure that all possible safety measures are taken in due time.
[RT I, 26.03.2015, 5 – entry into force 01.06.2015]

(4) The concentration of hazardous chemicals in the air of the working environment shall be measured at the request of the employer by a measurement laboratory that is accredited by the Estonian Accreditation Centre or that holds confirmation of its professional competence.

(5) One copy of the measurement results shall be kept at the measurement laboratory, and the other shall be kept by the employer for 40 years. If the employer ceases operations, the measurement results shall be given to the Labour Inspectorate.

[RT I, 05.12.2018, 1 – entry into force 01.01.2019]

§ 3. Measures to reduce risk in the working environment deriving from hazardous chemicals and materials containing hazardous chemicals

(1) Reduction of risk by optimising the work process:

- 1) replacing technologies based on hazardous chemicals with safer technologies;
- 2) replacing hazardous chemicals with safer chemicals;
- 3) reducing the number of workers exposed to hazardous chemicals;
- 4) reducing the time spent working with hazardous chemicals;
- 5) reducing the quantities of hazardous chemicals at the workplace.

(2) Reduction of risk by better organisation of work in the workplace:

- 1) using correct practices;
- 2) using equipment and technologies that guarantee the safety of workers;
- 3) using appropriate work equipment and materials;
- 4) regular technical inspections and maintenance of equipment.

(3) Measures necessary to prevent risk arising from the physical and chemical properties of chemicals which are not directly linked to a technological process:

- 1) in accordance with the technological possibilities available, the use of inflammable and degrading chemicals at the workplace should be avoided or the quantities stored at the workplace should be reduced;
- 2) avoid the presence of ignition sources;
- 3) prevent detrimental health effects in the event of fire, explosion or other physical phenomena caused by a chemical.

§ 4. Use of personal and collective protective equipment

If the concentration of hazardous chemicals in the air of the working environment exceeds the limit value and it cannot be reduced, the following measures shall be taken:

- 1) use collective protective equipment in the area affected by the hazardous chemicals;
- 2) provide workers with appropriate personal protective equipment if the effect of the hazardous chemical cannot be reduced using collective protective equipment.

§ 5. Assessing the results of measures taken

After measures have been taken to reduce risk and changes have been made to the technologies used in the work processes, the concentration of hazardous chemicals in the air of the working environment should be remeasured.

§ 6. Labelling work equipment

Devices, vessels and other work equipment used when handling hazardous chemicals must be labelled or be clearly identifiable.

§ 7. Action by the employer to prevent the consequences of an accident

(1) The employer is required to put in place an action plan for the evacuation of persons from an area of potential danger, for carrying out fire-fighting and rescue work and for providing first aid, and to install a system of safety signs at the workplace to inform workers of any increase in the concentration of hazardous substances in the workplace.

(2) In workplaces where hazardous chemicals are used, a communication system shall be installed through which it is possible to transmit requests for emergency assistance to the Emergency Response Centre. In the event of an accident, the Emergency Response Centre shall be informed of the time and place at which the accident occurred and of the nature of the accident and exposure.

[RT I 2010, 52, 335 – entry into force 01.08.2010]

§ 8. Action by the employer in the event of an accident

(1) If there is a risk of an accident, the employer is required at the earliest opportunity to inform all workers who may be at risk of the danger and of the measures to be taken.

(2) When remedying the effects of an accident, the employer must take special measures:

- 1) only workers carrying out repairs or other essential work may enter the affected area;
- 2) workers in the affected area shall be provided with appropriate personal protective equipment.

§ 9. Information and training for workers

(1) The employer must ensure that workers are aware of the following factors concerning the hazardous chemicals and materials containing hazardous chemicals used at work:

- 1) their possible health effects;
- 2) the appropriate personal protective equipment to be used to reduce their effects;
- 3) the results of the risk assessment;
- 4) all the safety information provided by the supplier about the hazardous chemical on the safety data sheet in accordance with Article 31 of the REACH Regulation;
[RT I, 26.03.2015, 5 – entry into force 01.06.2015]
- 5) the results of the measurement of concentrations in the air in the working environment, and the limit values;
- 6) the legal acts regulating work with those chemicals and materials.

(2) The employer must provide workers with training on the use of practices that ensure safety.

§ 10. Restrictions on the use of hazardous chemicals

(1) It is prohibited to use the following hazardous chemicals in work processes:

Name of chemical	Number in the European Inventory of Existing Commercial Chemical Substances (EINECS No)	Chemical Abstracts Service Registry Number (CAS No)	Maximum permitted concentration in preparations, % by volume
2-naphthylamine and its salts	202-080-4	91-59-8	0,1
4-aminodiphenyl and its salts	202-177-1	92-67-1	0,1
Benzidine and its salts	202-199-1	92-87-5	0,1
4-nitrodiphenyl	202-204-7	92-93-3	0,1

(2) By derogation, the chemicals referred to in subsection 1 may be used:

- 1) in scientific research work;
- 2) when they are released from by-products and waste;
- 3) in intermediates of their synthesis.

(3) In the event that the chemicals referred to in subsection 1 are used, workers must be completely protected against exposure to them. In order to use the chemicals and materials containing them, there must be a separate room from which they may be brought out in accordance with the rules set out by the employer.

§ 11. Health surveillance of workers, and application of the results thereof

(1) On the basis of the results of the assessment of risks in the working environment, the employer shall ensure that workers whose health may be affected by a hazardous chemical or a material containing a hazardous chemical undergo health surveillance in accordance with the procedure set out in the Occupational Health and Safety Act. Where necessary, biological monitoring shall be arranged, and this must include measuring the concentration of a chemical or its metabolite in the worker's blood or urine.

[RT I, 05.12.2018, 1 – entry into force 01.01.2019]

(2) If the worker is diagnosed during health surveillance with a disease or if a health disorder caused by the work is identified, the employer shall arrange for health surveillance of all other workers working in similar conditions.

(3) The occupational doctor must be aware of the results of the assessment of risk in the working environment and the results of the measurement of the concentration of hazardous substances in the air in the working environment.

(4) [Repealed – RT I, 17.10.2019, 1 – entry into force 17.01.2020]

(5) [Repealed – RT I, 17.10.2019, 1 – entry into force 17.01.2020]

(6) [Repealed – RT I, 05.12.2018, 1 – entry into force 01.01.2019]

(7) [Repealed – RT I, 05.12.2018, 1 – entry into force 01.01.2019]

(8) [Repealed – RT I, 05.12.2018, 1 – entry into force 01.01.2019]

(9) If during health surveillance a worker is found to have incurred damage to his or her health as a consequence of exposure to a hazardous chemical, the employer must review the working environment risk analysis and the measures taken to reduce risk. Where necessary, the employer shall update the risk analysis and put additional measures in place, including, where possible and if the worker agrees, assigning the worker to other work or to another workplace where there is no risk of continued damage to health as a consequence of exposure to a hazardous chemical, having regard to the recommendations of the occupational doctor.

[RT I, 05.12.2018, 1 – entry into force 01.01.2019]

§ 11¹. Implementing provisions relating to transposition of the amendments to Directive 2004/37/EC on exposure to carcinogens or mutagens at work

(1) The limit value for the substance 'carbon monoxide (630-08-0), in underground mining', as referred to in the Annex to this Regulation, shall remain valid until 21 August 2020.

(2) The limit values and notations for the substances 'trichloroethylene (79-01-6)' notation A, '4,4'-methylenedianiline (101-77-9)', 'ethylene dibromide (106-93-4)', 'polycyclic aromatic hydrocarbons mixtures, particularly those containing benzo[a]pyrene' and 'mineral oils that have been used before in internal combustion engines to lubricate and cool the moving parts within the engine', as referred to in the Annex to this Regulation, shall enter into force on 21 February 2021.

(3) The limit value and notation for the substance 'diesel engine exhaust emissions (measured as elemental carbon)', as referred to in the Annex to this Regulation, except in underground mining and tunnel construction, shall enter into force on 21 February 2023. The limit value and notation for 'diesel engine exhaust emissions (measured as elemental carbon)' in underground mining and tunnel construction shall enter into force on 21 February 2026.

(4) The limit values for the substance 'nitrogen monoxide (10102-43-9), in underground mining' and 'nitrogen dioxide (10102-44-0), in underground mining', as referred to in the Annex to this Regulation, shall remain valid until 21 August 2023.

(5) The limit value of 0.005 mg/m³ for the substance 'chromium (VI) compounds (calculated as chromium)', as referred to in the Annex to this Regulation, shall enter into force on 17 January 2025.

[RT I, 17.10.2019, 1 – entry into force 17.01.2020]

§ 12. Entry into force of this Regulation

This Regulation shall enter into force on 1 October 2001.

¹Commission Directive 91/322/EEC on establishing indicative limit values by implementing Council Directive 80/1107/EEC on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work (OJ L 177, 5.7.1991, p. 22); Council Directive 98/24/EC on the protection of the health and safety of workers from the risks related to chemical agents at work (OJ L 131, 5.5.1998, p. 11), as amended by Directive 2014/27/EU of the European Parliament and of the Council (OJ L 65, 5.3.2014, p. 1);

Commission Directive 2000/39/EC establishing a first list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC on the protection of the health and safety of workers from the risks related to chemical agents at work (OJ L 142, 16.6.2000, p. 47);

Directive 2004/37/EC of the European Parliament and of the Council on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Sixth individual Directive within the meaning of Article 16(1) of Council Directive 89/391/EEC) (OJ L 158, 30.4.2004, p. 50), as amended by Directive 2014/27/EU (OJ L 65, 5.3.2014, p. 1), Directive (EU) 2017/2398 (OJ L 345, 27.12.2017, p. 87) and Directive (EU) 2019/130 (OJ L 30, 31.1.2019, p. 112);

Commission Directive 2006/15/EC establishing a second list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Directives 91/322/EEC and 2000/39/EC (OJ L 38, 9.2.2006, p. 36);

Commission Directive 2009/161/EU establishing a third list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Commission Directive 2000/39/EC (OJ L 338, 19.12.2009, p. 87);

Commission Directive (EU) 2017/164 establishing a fourth list of indicative occupational exposure limit values pursuant to Council Directive 98/24/EC, and amending Commission Directives 91/322/EEC, 2000/39/EC and 2009/161/EU (OJ L 27, 1.2.2017, p. 115).

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[Annex Occupational exposure limit values for chemical agents](#)

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