

Disclaimer: The English language text below is provided by the Translation and Terminology Centre for information only; it confers no rights and imposes no obligations separate from those conferred or imposed by the legislation formally adopted and published. Only the latter is authentic. The original Latvian text uses masculine pronouns in the singular. The Translation and Terminology Centre uses the principle of gender-neutral language in its English translations. In addition, gender-specific Latvian nouns have been translated as gender-neutral terms, e.g. chairperson.

Republic of Latvia

Cabinet

Regulation No. 539

Adopted 27 December 2001

Regulations regarding Requirements for Labour Protection When in Contact with Carcinogenic Substances at Workplaces

Issued pursuant to Section 25, Clause 16 of the Labour Protection Law

I. General Provisions

1. These Regulations prescribe the requirements for labour protection that shall be observed when coming into contact with carcinogenic substances in workplaces in order to protect employees against the risk posed to their safety and health if employees are or are likely to be exposed to carcinogenic substances (hereinafter – carcinogens) – carcinogenic or mutagenic substances or products, which are classified as 1st and 2nd category carcinogenic or mutagenic substances in conformity with regulatory enactments regarding restrictions and prohibitions on the use of and trade in dangerous chemical substances and dangerous chemical products.
2. Processes (work) where contact with carcinogens is likely are specified in Annex 1 of these Regulations. Substances, products or processes (work), which do not cause a malignant tumour themselves but may promote its emergence by the effect of other factors, shall be also regarded as carcinogens.
3. An employee shall be deemed to be exposed to carcinogens if he or she performs work connected with the production, utilisation, storage, transport, processing, collection or disposal of carcinogens or work in the process of which a carcinogen is created.
4. An employer shall be liable for the fulfilment of and compliance with these Regulations.
5. Observance of these Regulations shall be controlled by the State Labour Inspection, and specific control functions shall be performed by the State Sanitary Inspection, the State Environment Inspection and the Ministry of Defence in accordance with the relevant by-law.

II. Obligations of Employers

6. In order to prevent the effect of carcinogens upon the safety and health of employees, an employer shall take the following measures:
 - 6.1. prevent the usage of carcinogens, replace them where possible with other substances, products and processes (work), which are not dangerous or are less dangerous to the safety and health of employees;
 - 6.2. maximally automate and seal the technological processes and equipment, as well as provide automated remote operation and control; and

6.3. limit the number of employees who come into contact with carcinogens in workplaces.

7. If it is not possible to ensure complete compliance with the requirements referred to in Sub-paragraphs 6.1, 6.2 and 6.3 of these Regulations, an employer shall:

7.1. reduce where possible the possibilities of employees coming into contact with carcinogens by improving work processes and methods, as well as reducing the effect of carcinogens to a minimum;

7.2. ensure that the contact level does not exceed the occupational exposure limit value (OEV) specified in Annex 2 of these Regulations (occupational exposure limit value (OEV) – such concentration of chemicals or chemical products in the air of the work environment as does not cause a disease or deterioration of health throughout the lifetime of an employee, which can be determined by modern examination methods) – if the condition is observed that an employee is not exposed to chemicals or chemical products longer than eight hours in a working day or not longer than 40 hours in a week; and

7.3. provide employees with collective protective equipment in conformity to the specific nature of the technology and work or, if such is not possible – with appropriate personal protective equipment taking into account the working conditions.

8. In order to prevent or reduce to a minimum the release of dangerous substances in the working environment, an employer shall organise the production process and its control, observing the following conditions:

8.1. limiting the amount of carcinogens in the workplace by collecting the carcinogens directly at their release sources, also using local suction devices for contaminated air;

8.2. ensuring the necessary ventilation of premises by ventilation systems;

8.3. using appropriate periodic or continuous control methods for the determination of the concentration of carcinogens in the working environment in order to determine leakages in sufficient time; and

8.4. determining appropriate working procedures and methods which shall be utilised when working with carcinogens.

9. In order to reduce contamination of the working environment by carcinogens, an employer shall organise the following preventive hygiene measures:

9.1. cleaning of all production and sanitary premises, and cleaning of floors, walls and other surfaces, taking into account the nature of the work to be performed; and

9.2. cleaning of dust from work equipment.

10. An employer shall ensure that unauthorised persons are not present in areas where there is or may be contact with carcinogens.

11. In order to provide the timely and safe collection, storage, processing and disposal of production waste containing carcinogens in accordance with the procedures set out in regulatory enactments, an employer shall utilise closed, clearly marked containers or other packaging on which the contents thereof is indicated.

12. An employer shall ensure, in conformity to the requirements specified in regulatory enactments, the labelling of tanks, pipelines, containers and other types of packaging; the placement of safety signs at workplaces and conformity of labels to the contents of the tanks,

pipelines, containers and other types of packaging and shall correctly and safely store, transport and move the carcinogens or perform other operations with them.

13. In accordance with the procedures specified in regulatory enactments, an employer shall place warning and safety signs, in addition to a sign “Nesmēķēt” [No smoking] in workplaces where contact with carcinogens is likely.

14. An employer shall compile a list of those employees who have contact with carcinogens and document (in writing or electronically) information on the actual exposure level to carcinogens (type of contact, concentration of carcinogens in the working environment, duration of contact) and the occupational exposure limit value (OEV) to carcinogens.

15. An employer shall develop an action plan for an emergency situation in which an unforeseeable increase of the carcinogen occupational exposure limit value (OEV) is likely.

16. An employer shall provide employees and their representatives with an opportunity to obtain general information on carcinogens in the undertaking.

17. An employer shall develop an evacuation plan for employees and other persons and shall determine the action of employees in cases where there is an unforeseeable high contamination by carcinogens and in other emergency situations.

18. An employer shall provide the person responsible for the supervision of the health of employees with the list referred to in Paragraph 14 of these Regulations.

III. Determination and Assessment of Risk Caused by Carcinogens

19. A risk caused by carcinogens is a set of factors (characteristics of carcinogen, its concentration in the working environment, type and duration of contact), which determines the possibility of falling ill through a malignant tumour or succumbing to health problems. Determination and assessment of risk is an integral part of the internal supervision of the work environment and an employer shall perform the referred to activities in accordance with the procedures set out in regulatory enactments.

20. In addition to the prescribed requirements in the regulatory enactments on the internal supervision procedures of the working environment an employer shall include the following in the risk assessment documentation:

20.1. a description of the characteristics of carcinogens used in work processes (safety data);

20.2. a description of the type and conditions of contact of employees with carcinogens by indicating all types of carcinogen exposure, for example, absorption into the skin, through the skin;

20.3. the results of measurements of carcinogen concentration in the working environment and their conformity to the specified occupational exposure limit values (OEV). If the occupational exposure limit values (OEV) have been exceeded, a plan of measures for their reduction shall be specified; and

20.4. an assessment of the degree of risk .

21. The risk assessment shall be updated not less frequently than once a year, as well as upon the occurrence of any changes (for example, changes in technology, working conditions, work

equipment, protective equipment), which may affect the exposure of employees to the impact of carcinogens.

22. An employer shall ensure that the supervision and control authorities and the person responsible for the health supervision of employees have access to the information on risk assessment in the undertaking, and shall upon request provide information on:

22.1. actions or production processes that are related to carcinogens including a justification for their utilisation;

22.2. the characteristics of carcinogens and their concentration in the working environment, as well as on the amount of carcinogens utilised or produced;

22.3. the number of employees exposed to contact with carcinogens, and the duration and regularity of the contact;

22.4. the safety and health protection preventive measures taken in an undertaking for employees;

22.5. the collective and personal protective equipment utilised in an undertaking; and

22.6. the replacement of carcinogens in production processes.

IV. Measures in Situations of Foreseeable Occupational Exposure and Emergency Situations

23. If the presence of employees in the increased risk area is likely and the preventive measures have not provided the result necessary, an employer shall determine, after consultations with employees or their representatives, the measures that shall be taken in order to prevent or reduce to a minimum the actual level of exposure to carcinogens and to ensure the protection of those employees who stay in the increased risk area by providing them with protective clothing, respiratory protective equipment and other personal protective equipment that conform to the specific nature of the work, which equipment shall be utilised in the increased risk area.

24. An employer shall ensure the implementation of all measures required in order to enclose and mark the increased risk areas and prevent the entry of unauthorised persons into these areas.

25. If an emergency situation occurs through an unpredicted increase of carcinogen concentration and the exceeding of the occupational exposure limit value (OEV) or if the possibility of such increased risk has been determined, an employer shall without delay inform employees thereof.

26. In an emergency situation only specially trained employees involved in repairs and the elimination or limitation of the consequences of the emergency situation who are performing emergency repairs or other emergency works related to the emergency situation may be present in the increased risk area. Employees may not be constantly present in the increased risk area. Working time in such an area shall be determined in conformity with the protective capacities of personal protective equipment.

27. Employees may perform emergency repairs or other emergency works, which are related to an emergency situation only when using work equipment, protective clothing and other personal protective equipment conforming to the specific nature of the situation.

V. Hygiene Requirements and Requirements to be Complied with When Using Personal Protective Equipment

28. If there is a risk of contact with carcinogens for employees, an employer shall ensure:
- 28.1. that employees do not drink, eat and smoke in the risk area;
 - 28.2. that there are appropriate washing and toilet facilities for employees;
 - 28.3. that the employees are provided with protective clothing and other necessary personal protective equipment;
 - 28.4. that the work protective clothing is stored separately from the personal clothing of employees by providing the storage places with effective ventilation and washing of the work protective clothing in equipment appropriate for this purpose separately from other clothing; and
 - 28.5. the storage of personal protective equipment in a place especially intended for this purpose, its routine inspection and cleaning, and the timely repair of damaged and worn devices or their replacement by new devices.
29. Employees are prohibited from carrying the protective clothing, which has been used in work with carcinogens, outside the territory of the undertaking.
30. Expenditures related to the use of personal protective equipment while working with carcinogens (including repairs, inspections and cleaning of protective clothing) shall be covered by the employer.

VI. Training and Informing of Employees

31. An employer shall ensure the training of employees appropriate to the specific nature of work (including practical training) and provide them with the necessary information on the relevant work protection measures if the employees come into contact with carcinogens in the process of work, as well as on actions and measures in case of accident or another emergency situation.
32. Training shall be repeatedly organised not less frequently than once a year, and upon the occurrence of any changes that might affect the exposure of employees to the impact of carcinogens (for example changes in technology, working conditions, work equipment, and protective equipment).
33. Employers shall inform the employees and their representatives regarding:
- 33.1. the potential risk (also the risk caused by smoking) to health;
 - 33.2. measures for the prevention or reduction of risk;
 - 33.3. hygiene requirements;
 - 33.4. actions in case of an accident, prevention thereof and in other emergency situations, as well as providing information on the actions of employees who are involved in rescue operations;
 - 33.5. labelling of tanks, pipelines, containers and other packaging containing carcinogens;
 - 33.6. security signs at workplaces and the marking and demarcation of increased risk areas;
 - 33.7. measures to be implemented to protect employees from the exposure to the impact of carcinogens;
 - 33.8. the concentration of carcinogens at work environment, its measuring procedures and results;

- 33.9. collective protective equipment;
 - 33.10. protective clothing, protective footwear, respiratory protective equipment, their filters and other equipment to be used at the workplace, ensuring their efficiency during use, the necessity of their use and instructions for use;
 - 33.11. procedures for notifying a potential increase in the concentration of carcinogens, potential causes of a dangerous situation and measures for its prevention, as well as regarding other actions in an emergency situation;
 - 33.12. posting of employees to provide first aid and to perform fire fighting and evacuation work; and
 - 33.13. planning and organising training.
34. An employer shall consult with employees and their representatives regarding the matters referred to in Paragraph 33 of these Regulations.

VII. Duties and Rights of Employees

35. Employees and their representatives have a duty to comply with the instructions of the employer, the requirements specified in Paragraph 33 of these Regulations, as well as the knowledge acquired during the training on how to use the work equipment and collective and personal protective equipment correctly.
36. An employee has the right to receive the information referred to in Paragraph 22 of these Regulations, which relates directly to him or her.
37. In order to ascertain the veracity of examination results, employees have the right to request a repeat health examination if a disease has been diagnosed during the health examination or there are suspicions regarding the disease the cause of which is contact with carcinogens.
38. Employees and their representatives have a duty to notify the employer regarding the conditions of work with carcinogens, which may cause an increase of the risk or cause harm to the safety and health of an employed person.
39. Employees and their representatives have the right to submit suggestions on the improvement of work safety and health protection in work with carcinogens to an employer and to request that the employer take risk reducing measures.
40. An employed person has the right to become acquainted with data on the effects of carcinogens personally or through the mediation of a health care practitioner, as well as with data from the occupational exposure records and health examinations, which data directly relates directly to him or her.

VIII. Health Supervision

41. Each employed person who is or is likely to be in contact with carcinogens shall undergo an initial health examination, as well as periodical health examinations.
42. Health examinations shall be performed in accordance with the procedures specified in regulatory enactments on mandatory health examinations and training in the provision of first aid.

43. An employer shall ensure the individual recording of the health examination results of each employed person. Examination results shall be taken into account in developing the work protection measures at the specific workplace.

44. An employer shall provide, in addition to periodical health examinations, the health examination of employees at the relevant workplace upon the request of a doctor certified in occupational diseases or a person responsible for the health of employees, if:

44.1. the diagnosed disease or changes in the state of health of any of employees may be related to the impact of carcinogens; or

44.2. it is determined that the particular working environment may promote the illnesses of employees or changes in their state of health.

45. If it is determined in the health examination that a disease or health deterioration has arisen through contact with carcinogens in the workplace or if the occupational exposure limit value (OEV) has been exceeded, a doctor certified in occupational diseases shall inform the employees and the employer on the results of the health examination, provide instructions on the necessary medical treatment measures, additional examination of the employees and recommend appropriate preventive measures.

46. An employer shall provide information and recommendations to each employee on any health examination that may also be performed after the employee's contact with carcinogens has been terminated.

47. An employer shall keep the lists referred to in Paragraph 14 of these Regulations and the data on health examinations that have been performed after the end of the contact of employees with carcinogens for 40 years, and thereafter deposit them in archives in accordance with the procedures specified by law. If an undertaking is liquidated, the list of employees working with carcinogens and data of the health examinations shall be kept in accordance with the requirements specified in the regulatory enactments on the keeping of archive documents.

48. These Regulations come into force on 1 January 2002.

Prime Minister

A. Bērziņš

Minister for Welfare

A. Požarnovs

Processes (work) in which the Contact with Carcinogens is Likely

1. Manufacture of auramine.
2. Work related to the effects of polycyclic aromatic hydrocarbons present in coal soot, tar and pitch on employees.
3. Work during which employees come into contact with dust, vapour or aerosols that are created by roasting and electrically refining the ores of copper and nickel.
4. Strong acid processes in the manufacture of isopropyl alcohol.
5. Work related to the effects of hardwood dust to employees.

Minister for Welfare

A. Požarnovs

Occupational Exposure Limit Values (OEV)

No.	Name of substance	EINECS ⁽¹⁾	CAS ⁽²⁾	Limit Value (8-hours of exposure)		Notes
				mg/m ³ ⁽³⁾	ppm ⁽⁴⁾	
1.	Benzole	200-753-7	71-43-2	3,25	1	If the relevant limit value of substance exists, there is a possibility of penetration of the substance through the skin
2.	Vinyl chloride monomer	200-831	75-01-4	7,77	3	-
3.	Hardwood dust	-	-	5,0 ⁽³⁾	-	-

⁽¹⁾ EINECS – European Inventory of Existing Chemical Substances

⁽²⁾ CAS – Chemical Abstract Service Number.

⁽³⁾ mg/m³ – milligrams per cubic metre of air at temperature of 20 °C and 101.3 kPa (if the pressure is 760 mm of mercury).

⁽⁴⁾ ppm – millionth part of substance per unit of volume or volume of substance in millilitres contained in one cubic metre of air (in room air volume ml/m³) (parts per million).

⁽⁵⁾ Inhalable fraction: if hardwood dust has been mixed with the dust of other type of wood, the limit value shall be applied to all the dust of wood in the mixture.

Minister for Welfare

A. Požarnovs