

Decrees, orders, circulars

GENERAL TEXTS

MINISTRY OF LABOUR, HEALTH AND SOLIDARITY

Decree No. 2024-307 of April 4, 2024 setting binding occupational exposure limit values for certain chemical agents and supplementing the traceability of workers' exposure to carcinogenic, mutagenic or toxic chemical agents for reproduction

NOR: TSST2333684D

Target audiences: workers exposed or likely to be exposed to carcinogenic chemical agents, mutagenic or toxic for reproduction and their employers.

Subject: setting new binding occupational exposure limit values (OELVs) (benzene, acrylonitrile and nickel compounds) and procedures relating to the traceability of workers' exposure to chemical agents that are carcinogenic, mutagenic or toxic for reproduction.

Entry into force: the provisions of the decree enter into force on April 5, 2024. Employers have three months from this date to establish the updated list of workers likely to be exposed to carcinogenic, mutagenic or toxic chemical agents for reproduction provided for in Article 2 of the text.

Notice: the decree transposes substances covered by Directive (EU) 2022/431 of the European Parliament and of the Council of 9 March 2022 amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work, and specifies the procedures for the traceability of workers' exposure to chemical agents that are carcinogenic, mutagenic or toxic for reproduction.

References: the decree, as well as the provisions of the labor code that it modifies, can be consulted, in their wording resulting from this modification, on the Légifrance website (<https://www.legifrance.gouv.fr>).

The Prime Minister,

On the report of the Minister of Labor, Health and Solidarity,

Having regard to Directive (EU) 2022/431 of the European Parliament and of the Council of 9 March 2022 amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work;

Having regard to the Civil Code, in particular Article 1

thereof ; Having regard to the Labour Code, in particular Articles L. 4111-6 and L.

4412-1 thereof; Having regard to the Rural and

Maritime Fishing Code; Having regard to Decree No. 88-448 of 26 April 1988, as amended, relating to the protection of workers exposed to gases intended for fumigation operations;

Having regard to the opinion of the Working Conditions Advisory Council dated January 24, 2024;

The Council of State (social section) heard;

Given the urgency,

Decrees:

Art. 1. – In the first and second paragraphs of Article R. 4412-52 of the Labor Code, the words: “carcinogenic and mutagenic agents” are replaced by the words: “carcinogenic, mutagenic or toxic agents for reproduction”.

Art. 2. – Section 2 of Chapter II of Title I of Book IV of Part IV of the same Code is supplemented by a subsection 7 worded as follows:

“Subsection 7

“Traceability of worker exposure ” Art.

R. 4412-93-1. – The employer shall establish, taking into account the risk assessment transcribed in the single document provided for in Article R. 4121-1, an updated list of workers likely to be exposed to carcinogenic, mutagenic or toxic chemical agents for reproduction. This list indicates, for each

worker, the substances to which he is likely to be exposed and, where known, information on the nature, duration and degree of his exposure.

" *Art. R. 4412-93-2.* – The employer shall make available to workers the information on the list provided for in Article R. 4412-93-1 which concerns them personally. He shall also make the information on this list presented anonymously available to workers and members of the staff delegation of the social and economic committee.


" *Art. R. 4412-93-3.* – The employer shall communicate the list referred to in Article R. 4412-93-1, as well as its updates, to the occupational health and prevention services referred to in Article L. 4622-1 of this Code and to the occupational health services in agriculture referred to in Article L. 717-2 of the Rural and Maritime Fishing Code. The information they contain is included in the occupational health medical file provided for in Article L. 4624-8. This list is kept by these services for a period of at least forty years.

" *Art. R. 4412-93-4.* – When a temporary worker is made available, the user company shall communicate to the temporary employment agency the information on the list provided for in Article R. 4412-93-1, as well as, where applicable, their updates, concerning this worker. The temporary employment agency shall communicate this information to its occupational health and prevention department or its agricultural occupational health department, with a view to completing the occupational health medical file provided for in Article L. 4624-8."

Art. 3. – In Article R. 4412-149 of the same code, the table is replaced by the following table:

Denomination	CE Number	NumCase	Professional limit			Professional limit			Observations	Transitional measures
			mg/	ppm	points	mg/	ppm	points		
Ethylene	205-500-4	141-78-6	734	200	-	1488	400	-	-	
Isopropylene styrene	204-662-3	123-92-2	270	50	-	540	100	-	-	
Benzyl xyethyl	203-933-3	112-07-2	66.5	10	-	333	50	-	89in	-
Ethylene xyethyl	203-839-2	111-16-9	11		-	-	-	-	89in	-
Acetate methoxyethyl	203-772-9	110-48-6		1	-	-	-	-	89in	-
Acetate methoxyethyl	203-603-9	108-66-6	275	50	-	550	100	-	89in	-
Acetate methoxyethyl	210-946-8	626-38-0	270	50	-	540	100	-	-	-
Benzyl	211-047-3	628-63-7	270	50	-	540	100	-	-	-
Methyl	203-546-4	108-06-4	17.6		-	35.2	10	-	-	-
Acetone	200-662-2	67-64-1	1210	500	-	2420	1000	-	-	-
Acetonitrile	200-835-2	75-05-8	70	40	-	-	-	-	89in	-
Hydrochloric dick	231-596-7	7647-01-0	-	-	-	7.6		-	-	-
Glycidic ethylene bisphenol	200-821-6	74-90-8	1	0.9	-		4.5	-	89in	-
Acrylamide	201-173-7	79-06-1	0.1	-	-	-	-	-	89in	-
Ethylene	205-438-8	140-98-5	21		-	42	10	-	-	-
Acrylate methyl	202-500-6	96-33-3	18		-	36	10	-	-	-

Acrylonitrile	203-466-5	107-13-1	1	0.45	-	-	1.8	-	CONTAMINANTS ANALYSES	CONTAMINANTS ANALYSES
Aminocetane	205-483-3	141-43-5	2.5	1	-	7.6	-	-	CONTAMINANTS ANALYSES	CONTAMINANTS ANALYSES
Aminopropylamine	231-655-3	7864-41-7	-	10	-	14	20	-	CONTAMINANTS ANALYSES	CONTAMINANTS ANALYSES
Sodium	247-562-1	20828-22-8	0.1	-	-	0.3	-	-	CONTAMINANTS ANALYSES	CONTAMINANTS ANALYSES
Benzene	200-753-7	71-43-2	0.66	0.2	-	-	-	-	CONTAMINANTS ANALYSES	CONTAMINANTS ANALYSES
Benzyl alcohol	-	-	0.002	-	-	-	-	-	CONTAMINANTS ANALYSES	CONTAMINANTS ANALYSES
Benzyl alcohol (available)	201-245-8	8000-7	-	-	-	-	-	-	CONTAMINANTS ANALYSES	CONTAMINANTS ANALYSES
Benzyl alcohol (available)	-	-	1	-	-	-	-	-	CONTAMINANTS ANALYSES	CONTAMINANTS ANALYSES
Bromine	231-778-1	7726-95-6	0.7	0.1	-	-	-	-	CONTAMINANTS ANALYSES	CONTAMINANTS ANALYSES
Bromoethane	209-800-6	593-60-2	4.4	1	-	-	-	-	CONTAMINANTS ANALYSES	CONTAMINANTS ANALYSES
Bromide methyl	200-813-2	74-83-9	20	-	-	-	-	-	CONTAMINANTS ANALYSES	CONTAMINANTS ANALYSES
Buadene	203-460-8	106-99-0	2.2	1	-	-	-	-	CONTAMINANTS ANALYSES	CONTAMINANTS ANALYSES
Butanone	201-159-0	78-93-3	600	200	-	900	300	-	CONTAMINANTS ANALYSES	CONTAMINANTS ANALYSES
Butoxyethanol	203-805-0	111-76-2	49	10	-	246	50	-	CONTAMINANTS ANALYSES	CONTAMINANTS ANALYSES

Gentianide-bone	211-125-3	630-08-0	23			20	-		117	100	-	(N)ise	-
Morpholine	203-815-1	110-91-8	36			10	-		72	20	-	-	-
Bitropapane	201-209-1	79-46-9	18				-		-	-	-	-	-
Etethyl	200-467-2	60-29-7	308			100	-		616	200	-	-	-
Etarglene	200-949-9	75-21-8	1.8			1	-		-	-	-	Spin	-
Benzy methyl	216-653-1	1634-04-4	183.5			50	-		367	100	-	-	-
Bentachloride phosphorus	233-060-3	10026-13-8	1			-	-		-	-	-	-	-
Pentane	203-892-4	109-66-0	3000			1000	-		-	-	-	-	-
Phenol	203-632-7	108-95-2	7.8				-		15.6		-	Spin	-
Phosgene	200-870-3	75-44-5	0.08			0.02	-		0.4	0.1	-	-	-
Phosphine	232-260-8	7803-51-2	0.14			0.1	-		-	-	-	-	-
Methalic techpounds			0.1			-	-		-	-	-	Unaltered (Napi)	-
toluidine	202-429-0	95-53-4	0.5			0.1	-		-	-	-	Spin	-
Glycataline 													
Glycataline (disubstituted)	-	-	0.1			-	-		-	-	-	-	-
Glycataline (disubstituted)	-	-	0.05			-	-		-	-	-	-	-
Glycataline (disubstituted)	-	-	0.05			-	-		-	-	-	-	-
Styrene	202-851-5	100-42-5	100			23.3	-		200	46.6	-	Spin (N)ise	-
Sulfop	222-995-2	3689-24-5	0.1			-	-		-	-	-	Spin	-

1. **Scoring:**
 2. **Unmarked:**
 3. **Marked:**
 4. **Scoring:**
 5. **Unmarked:**
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Art. 4. – Article 2 of the aforementioned decree of 26 April 1988 is repealed.

Art. 5. – The provisions of this decree come into force on April 5, 2024. Employers have a period of three months from this date to establish the list provided for in Article 2.

Art. 6. – The Minister of Labor, Health and Solidarity is responsible for the implementation of this decree, which will be published in the *Official Journal* of the French Republic and will come into force immediately.

Done on April 4, 2024.

GABRIEL ATTAL

By the Prime Minister:

*The Minister of Labor,
Health and Solidarity,*
CATHERINE VAUTRIN