

DECISION no. 1,093 of August 16, 2006 (*republished*)

on the establishment of the minimum safety and health requirements for the protection of workers against the risks related to exposure to carcinogenic or mutagenic agents at the workplace

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Official Gazette of Romania, Part I, no. 757 of September 6, 2006 and was subsequently amended and supplemented by:

- [Government Decision no. 1/2012](#) for the modification and completion of [Government Decision no. 1.218/2006](#) regarding the establishment of the minimum safety and health requirements at work to ensure the protection of workers against the risks related to the presence of chemical agents, as well as for the amendment of [Government Decision no. 1.093/2006](#) regarding the establishment of the minimum security and health requirements for the protection of workers against the risks related to exposure to carcinogenic or mutagenic agents at the workplace and [Government Decision no. 355/2007](#) regarding the supervision of workers' health, published in the Official Gazette of Romania, Part I, no. 44 of January 19, 2012;

- [Government Decision no. 359/2015](#) for the amendment and completion of some normative acts in the field of safety and health at work, published in the Official Gazette of Romania, Part I, no. 374 of May 28, 2015;

- [Government Decision no. 157/2020](#) for amending [the Decision Government no. 1.218/2006](#) regarding the establishment of minimum safety and health requirements at work to ensure the protection of workers against the risks related to the presence of chemical agents, as well as for the modification and completion of [Government Decision no. 1,093/2006](#) regarding the establishment of the minimum security and health requirements for the protection of workers against risks related to exposure to carcinogenic or mutagenic agents at the workplace, published in the Official Gazette of Romania, Part I, no. 178 of March 4, 2020.

[HEAD. and](#)

General provisions

SECTION 1

The regulatory object

[ART. 1](#)

(1) The provisions of this decision have the object of regulation the protection of workers against risks to their health and safety, including the prevention of such risks, arising or likely to arise through exposure to carcinogenic or mutagenic agents at work.

(2) The provisions of this decision constitute minimum requirements in this field.

(3) The limit values established by this decision represent the maximum allowed values up to which workers can be exposed at work.

[ART. 2](#)

This ruling does not apply to workers exposed only to ionizing radiation regulated by the National Commission for the Control of Nuclear Activities.

[ART. 3](#)

[Occupational health and safety law no. 319/2006](#), with subsequent amendments and additions, applies in its entirety to the entire field provided for in art. 1 paragraph (1), being completed with the provisions of this decision.

[ART. 4](#)

Regarding asbestos, which is the subject of [Government Decision no. 1.875/2005](#) on the protection of the health and safety of workers against the risks due to exposure to asbestos, with subsequent amendments and additions, the provisions of this decision are applied when they are more favorable to health and safety at work.

SECTION 2

Definitions. Scope - determination and evaluation

RISK

[ART. 5](#)

For the application of this decision, the above terms and expressions below have the following meanings:

1. carcinogenic agent:

a) a substance or mixture that meets the criteria for classification as a carcinogen in categories 1A or 1B provided in Annex I to [Regulation \(EC\) no. 1,272/2008](#) of the European Parliament and of the Council of December 16, 2008 on the classification, labeling and packaging of substances and mixtures, amending and repealing [Directives 67/548/EEC](#) and [1999/45/EC](#), as well as amending [the Regulation \(CE\) no. 1.907/2006](#), published in the Official Journal of the European Union, series L, no. 353 of December 31, 2008,

as amended by its amendments, hereinafter referred to as [Regulation no. 1,272/2008](#);

b) a substance, a mixture or a process mentioned in annex no. 1, as well as a substance or a mixture that is released through a process mentioned in the respective annex;

2. mutagenic agent - a substance or mixture that meets the criteria for classification as a germ cell mutagenic agent, categories 1A or 1B, provided for in Annex I to [Regulation no. 1,272/2008](#);

3. limit value - unless otherwise stipulated, the time-weighted average limit of the concentration of the carcinogenic or mutagenic agent in the air in the worker's breathing zone, over a reference period specified in this decision;

4. substance - term defined according to the provisions of art. 2 point 7 from [Regulation no. 1,272/2008](#);

5. mixture - term defined according to the provisions of art. 2 point 8 of [Regulation no. 1,272/2008](#);

6. breathing area of the worker - the hemispherical area, located at the level of the worker's face, with a radius of 0.3 m, measured from the middle of an imaginary line joining the ears.

[ART. 6](#)

(1) The provisions of this decision apply to any activity in which workers are or may be exposed, as a result of their work, to carcinogenic or mutagenic agents.

(2) In the case of any activity likely to present for workers a risk of exposure to carcinogenic or mutagenic agents, the employer is obliged to determine the nature, degree and duration of exposure of workers, to make it possible to assess any risk to their health and safety, as well as to determine the measures to be taken.

(3) The employer is obliged to periodically renew the risk assessment and mandatorily upon any change in working conditions that may influence the exposure of workers to carcinogenic or mutagenic agents.

(4) The employer is obliged to provide the inspectorate territorial labor and/or county public health directorate or Bucharest municipality, at their request, the elements that served in the assessment provided for in paragraph (2).

[ART. 7](#)

All avenues of risk must be taken into account when assessing risk entry into the body of the carcinogenic or mutagenic agent, such as transcutaneous and/or percutaneous absorption.

[ART. 8](#)

In the situation where the evaluation provided for in art. 6 para. (2), employers must pay particular attention to all possible effects on the safety and health of workers with special sensitivity and must take into account, among others,

the fact that it is preferable not to employ/assign such workers in areas where they may come into contact with carcinogenic or mutagenic agents.

HEAD. yI

Obligations of employers

SECTION 1

Reduction of the use and replacement of carcinogenic or mutagenic agents in the workplace

ART. 9

The employer must reduce the use of a carcinogen or mutagen at the workplace, if it is technically possible, in particular by replacing it with a substance, mixture or process, which, under the conditions of use, is not dangerous or is less dangerous for the health or safety of workers, after

case.

ART. 10

At the request of the territorial labor inspectorate and/or the county public health department or the municipality of Bucharest, the employer communicates to them the result of his actions.

SECTION 2

Prevention and reduction of exposure to carcinogenic or mutagenic agents at work

ART. 11

The exposure must not be carried out in the situation where exceeding the limit value of the carcinogenic or mutagenic agent provided for by this decision or by [Regulation \(EC\) no. 1.272/2008](#), as the case may be.

ART. 12

(1) Exposure of workers must be avoided if the results of the evaluation provided for in art. 6 highlights a risk to the health or safety of workers.

(2) If replacement is not technically possible carcinogenic or mutagenic agent through a substance, mixture or process, which, under the conditions of use, is not dangerous or is less dangerous to health and safety, the employer must take measures so that the carcinogenic or mutagenic agent is, as far as possible from a technical point of view, produced or used in a closed system.

(3) If the application of a closed system is not possible, the employer must ensure conditions for the exposure of workers to be reduced to the lowest technically possible level.

(4) In all cases where a carcinogenic agent is used or mutagen, the employer is obliged to take the following measures:

- a) limiting the quantities of the carcinogenic or mutagenic agent at the workplace;
- b) limiting the number of workers exposed or likely to be exposed, at the lowest possible level;

c) designing a work process and technical control measures to avoid or minimize the release of carcinogenic or mutagenic agents at the workplace;

d) evacuation of carcinogenic or mutagenic agents at the source, through adequate, local (exhaustion) or general ventilation, and compatible with the need to protect human health and the environment;

e) the use of existing appropriate measurement methods for carcinogenic or mutagenic agents, in particular for the early detection of abnormal exposures resulting from an unforeseen event or an accident;

f) application of appropriate work procedures and methods;

g) ensuring collective protection measures and/or, in case whose exposure cannot be avoided by other means, of individual protection measures;

h) application of hygiene measures, especially cleaning with regularity of floors, walls and other surfaces;

i) informing workers;

j) the delimitation of risk areas and the use of appropriate security indicators, including the "Smoking prohibited" indicator, in areas where workers are or may be exposed to carcinogenic or mutagenic agents;

k) the development of action plans for emergency situations where abnormally high exposures could occur;

l) ensuring some means that allow the safe storage, handling and transport of carcinogenic or mutagenic agents, in particular by using airtight and clearly and visibly labeled containers;

m) providing means to allow collection, storage and the safe disposal of waste by workers, including the use of airtight and clearly and visibly labeled containers.

SECTION 3

Informing the competent authorities

ART. 13

If the results of the evaluation provided for in art. 6 highlights the existence of a risk for the health and safety of workers, the employer must provide the territorial labor inspectorate and/or the county public health directorate or the Bucharest municipality, at their request, appropriate information.

ART. 14

The information provided for in art. 13 refers to:

a) the activities carried out and/or the industrial processes used, including the reasons for using carcinogenic or mutagenic agents;

b) the manufactured or used quantities of substances or mixtures which contain carcinogenic or mutagenic agents;

c) the number of exposed workers;

d) preventive measures taken;

e) the type of protective equipment used;

f) nature and degree of exposure;

g) cases of substitution of carcinogenic or mutagenic agents.

SECTION 4

Unpredictable exposure and predictable exposure. Access to risk areas

ART. 15

(1) In case of unforeseeable events or accidents that could lead to an abnormal exposure of workers, the employer must inform them.

(2) Until the situation is normalized and the causes of abnormal exposure are eliminated, the employer must take the following measures:

a) order that only the workers who are indispensable for the execution of repairs or other works work in the affected area

necessary;

b) to equip the workers involved with individual equipment of protection, including respiratory protection equipment; exposure must not be permanent and must be limited to what is strictly necessary for each worker;

c) not to allow unprotected workers to work in the affected area.

(3) The workers involved must wear the individual equipment of protection and work with which they were endowed.

ART. 16

(1) For certain activities, such as maintenance, for which the possibility of a significant increase in exposure is foreseeable and for which all possibilities to take other technical preventive measures to limit this exposure of workers have already been exhausted, the employer must establish, after consulting the workers and/or their representatives in the enterprise or unit, without affecting the employer's responsibility, the necessary measures to reduce the duration of workers' exposure to the minimum possible and to ensure their protection during these activities.

(2) For the application of the provisions of para. (1) the employer must provide the workers involved with personal protective equipment, including equipment for respiratory protection.

Involved workers must wear personal protective equipment for the duration of the abnormal exposure.

(3) For the activities provided for in para. (1) the exposure of workers must not be permanent and must be strictly limited to the minimum necessary for each worker.

ART. 17

The employer must take the appropriate necessary measures for the clear delimitation and signaling of the areas where the activities provided for in art. 16 para. (1) or to prevent by other means the access of unauthorized persons to such areas.

ART. 18

The employer must take the necessary measures so that access to areas where activities are carried out for which the results of the assessment provided for in art. 6 highlights a risk to the safety or health of workers to be allowed only to workers who, by the nature of their work or function, need to be present inside the area.

SECTION 5

Hygiene and personal protection measures

ART. 19

The employer is obliged as, for any activity in which it exists risk of contamination with carcinogenic or mutagenic agents, to take appropriate measures to ensure that:

- a) workers do not eat, drink or smoke in work areas where there is a risk of contamination with carcinogenic or mutagenic agents;
- b) workers are equipped with individual protective equipment suitable or other suitable special equipment;
- c) specially arranged places are provided for the separate storage of individual protective equipment or special equipment, on the one hand, from street clothing, on the other;
- d) workers have sanitary facilities and showers available, sufficient and adequate;
- e) personal protective equipment is properly stored in well-established places and is checked and cleaned if possible before and mandatory after each use;
- f) the individual protective equipment with deficiencies is repaired or replaced before next use.

ART. 20

Workers do not have to bear the cost of the measures provided for in art. 19.

SECTION 6

Information, training, consultation and participation of workers

ART. 21

(1) The employer must take appropriate measures so that workers and/or workers' representatives in the enterprise or unit receive sufficient and appropriate training, based on all available knowledge, especially in the form of information and instructions, regarding:

- a) potential health risks, including risks additional effects caused by tobacco consumption;
- b) measures to be taken to prevent exposure;
- c) hygiene requirements;
- d) wearing and using individual protective equipment;
- e) the measures to be taken by the workers, in particular intervention personnel, in the event of incidents and to prevent incidents.

(2) The training provided for in para. (1) must be:

- a) adapted to the evolution of risks and the appearance of new risks;

b) repeated periodically, if necessary.

ART. 22

The employer must inform the workers about the installations and their auxiliary containers that contain carcinogenic or mutagenic agents, see that all these containers, packages and installations are clearly and legibly labeled and display the warning signs as visibly as possible.

ART. 23

(1) In order to inform the workers, the employer must take appropriate measures to:

a) workers and/or their representatives in the enterprise or unit to be able to control whether the provisions of this decision are applied or to be involved in their application;

b) workers and/or their representatives in the enterprise or unit to be informed as quickly as possible about an abnormal exposure, including the exposures provided for in art. 16, on their causes and on the measures taken or to be taken to remedy the situation;

c) to keep an updated nominal list of workers involved in the activities for which the evaluation results provided for in art. 6 highlights a risk to their health or safety, specifying the exposure to which they were subjected, if this information is available;

d) the occupational medicine doctor and/or the general medicine/family medicine doctor, according to the law, the territorial labor inspectorate and/or the county or Bucharest municipality public health department, as well as any other person responsible for safety and health at work to have access to the list provided for in letter c);

e) each worker to have access to the information contained in list that concern him personally;

f) workers and/or their representatives in the enterprise or unit to have access to collective information that does not contain nominations of persons.

(2) In the situation provided for in para. (1) lit. a) workers and/or their representatives in the unit must be able to control or be able to get involved in the application of the provisions of this decision, especially regarding:

a) the consequences for the safety and health of the workers involved the choice, wearing and use of clothing or individual protective equipment, without affecting the employer's responsibility for establishing the effectiveness of the clothing or protective equipment;

b) the measures established by the employer and referred to in art. 16 para. (1), without affecting the employer's responsibility to establish such measures.

ART. 24

The employer must ensure the consultation and participation of workers and/or their representatives in the process of establishing measures regarding the protection of workers against the risks related to their exposure to the action of carcinogenic or mutagenic agents during the activity carried out at the workplace, in accordance with the provisions of [section 6 - oh head III of Law no. 319/2006](#), with subsequent amendments and additions.

HEAD. III

Provisions related to health surveillance a
workers

SECTION 1

Medical supervision

ART. 25

(1) Measures for medical surveillance of workers for that the result of the assessment provided for in art. 6 highlight risks for their health or security are established in accordance with the regulations of the Ministry of Health.

(2) Measures for the medical supervision of workers, established in accordance with the provisions of para. (1), it is ensured by the employer so that every worker who carries out activities with a risk for his safety and/or health at the workplace is subject to medical supervision, both:

a) before its exposure to the action of carcinogenic and/or mutagenic agents,

as well as:

b) at regular time intervals, after its exposure to the action of carcinogenic and/or mutagenic agents.

(3) All such measures of medical supervision of workers are designed so that it is possible to directly apply the specific measures of individual hygiene and occupational medicine.

(4) If a worker is found to have clinical manifestations likely to be the result of exposure to carcinogenic or mutagenic agents, the occupational medicine physician may request that other workers who have suffered a similar exposure be subject to medical supervision.

(5) In the situation provided for in para. (4) the employer must carry out a new evaluation of the risk of exposure, in accordance with the provisions of art. 6.

(6) The occupational medicine doctor or the competent authority with the supervision of the health status of workers may indicate that the supervision of the health status must continue after the cessation of exposure, for a duration that they consider necessary to protect the health of the worker in question.

ART. 26

(1) For each worker for whom medical supervision is provided, the occupational medicine doctor must draw up an individual medical file.

(2) The occupational medicine doctor responsible for medical supervision will propose individual protection measures or preventive measures to be taken for each worker.

(3) For the workers provided for in art. 25 para. (6), medical supervision after the cessation of professional exposure is ensured in accordance with the provisions of [Law no. 213/2019](#) for the improvement of the organizational and functional framework for the early detection of occupational cancer and pneumoconiosis.

ART. 27

Workers must receive information and recommendations regarding the medical surveillance they can benefit from after exposure has ceased.

ART. 28

Workers must have access to medical surveillance results that concern them personally.

ART. 29

(1) The concerned workers or the employer can/can request the re-examination of the results of the medical surveillance.

(2) The cost of the re-examination of the results provided for in para. (1) is borne by the applicant.

ART. 30

Recommendations for medical surveillance of workers are provided in annex no. 2 of this decision, as well as in the regulations of the Ministry of Health.

SECTION 2

Retention of medical records

ART. 31

All cancer cases identified as a result of exposure to work with a carcinogenic or mutagenic agent must be reported to the territorial directorate of public health.

ART. 32

(1) The list provided for in art. 23 para. (1) lit. c) and the medical file provided for in art. 26 para. (1) must be kept for at least 40 years after the end of exposure.

(2) If the enterprise ceases its activity, the employer must hand over to the county public health departments and of the municipality of Bucharest, the documents provided for in para. (1).

HEAD. N

Final provisions

ART. 33

The limit values provided for in art. 1 paragraph (3) and in art. 11, the other directly related provisions, as well as the period specified in art. 5 point 3 are provided in [annexes no. 1 and 4, as the case may be, from Government Decision no. 1.218/2006](#) regarding the establishment of minimum safety and health requirements at work to ensure protection

workers against risks related to the presence of chemical agents, with subsequent amendments and additions.

[ART. 34](#)

Appendices no. 1 and 2 are an integral part of this decision.

[ART. 35](#)

The uses that the various institutions involved give to the information provided for in art. 31 are available to the European Commission.

[ART. 36](#)

The studies carried out in the field, with the involvement of information provided for in art. 31, as well as the uses provided for in art. 35 will be sent to the Ministry of Labor and Social Protection, to be made available to the European Commission, upon its request.

[ART. 37](#)

The Ministry of Labor and Social Protection brings to the attention of the European Commission the text of the provisions of domestic law adopted in the field regulated by this decision.

[ART. 38](#)

This decision enters into force on October 1, 2006.

This decision transposes the following directives:

a) [Directive 2004/37/EC](#) on the protection of workers against risks related to exposure to carcinogenic or mutagenic agents at work (sixth specific directive within the meaning of art. 16 paragraph 1 of [Directive 89/391/EEC](#)), published in the Official Journal of the European Communities (JOCE) no. L 158 of April 30, 2004;

b) [Directive 2014/27/EU](#) of the European Parliament and of the Council of February 26, 2014 amending [Directives 92/58/CEE, 92/85/CEE, 94/33/CE, 98/24/EC](#) of the Council and [Directive 2004/37/EC](#) of the European Parliament and of the Council in order to paragraph to [Regulation \(EC\) no. 1.272/2008](#) regarding the classification, labeling and packaging of substances and mixtures, published in the Official Journal of the European Union, series L, no. 65 of March 5, 2014, except for art. 2 of the directive;

c) [Directive \(EU\) 2017/2.398](#) of the European Parliament and of the Council of 12 December 2017 amending [Directive 2004/37/EC](#) on the protection of workers against risks related to exposure to carcinogenic or mutagenic agents at work, published in the Official Journal of the European Union (OJEU), Series L, no. 345 of December 27, 2017;

d) [Directive \(EU\) 2019/130](#) of the European Parliament and of the Council of January 16, 2019 amending [Directive 2004/37/EC](#) on the protection of workers against risks related to exposure to carcinogenic or mutagenic agents at work, published in the Official Journal of the European Union (JOUE), series L, no. 30 of January 31, 2019;

e) [Directive \(EU\) 2019/983](#) of the European Parliament and a Council of June 5, 2019 amending [Directive 2004/37/EC](#)

on the protection of workers against risks related to exposure to carcinogenic or mutagenic agents at work, published in the Official Journal of the European Union (OJEU), series L, no. 164 of June 20, 2019.

Appendix

TYPES OF AGENTS

with carcinogenic or mutagenic action

A. List of substances, mixtures and processes that can lead to cancer

[provided in art. 5 point 1 lit. b) from the decision]

1. The manufacture of auramine

2. Work involving exposure to polycyclic aromatic hydrocarbons present in soot, coal tar or coal tar

3. Work involving exposure to dust, fumes or aerosols

results in the roasting and electrorefining of nickel mattes

4. The concentrated acid manufacturing process of alcohol

isopropyl

5. Works involving exposure to hardwood dust. A list of hardwood types is contained in volume 62 of the monographs on the assessment of carcinogenic risks to humans, entitled "Wood Dust and Formaldehyde", published by the International Center for Research on Cancer, Lyon, 1995

6. Activities involving exposure to respirable dust of crystalline silica generated in a work process

7. Activities involving skin exposure to mineral oils

which were previously used in internal combustion engines to lubricate and cool moving parts in the engine

8. Activities involving exposure to diesel engine exhaust emissions

B. Other types of carcinogenic action

Physical agents:

a) excess solar radiation;

b) ionizing radiation

Appendix

PRACTICAL RECOMMENDATIONS

regarding the medical supervision of workers

1. The occupational medicine doctor responsible for medical supervision

of workers exposed to carcinogenic or mutagenic agents must be well aware of the conditions or circumstances of each worker's exposure.

2. The medical supervision of workers must be ensured in accordance with the principles and practices of occupational medicine; this must include at least the following measures:

- a) recording the medical and professional history of each worker;
- b) medical history;
- c) if necessary, biological surveillance, as well as detection early and reversible effects.

Other exams can be decided for each worker who takes it subject to medical supervision, taking into account the latest advances in occupational medicine.
