



Republic of Moldova

GOVERNMENT

DECISION No. 640
of 11-09-2024

**for the approval of the Regulation
on the protection of the health and safety of workers
against the risks related to the presence of
chemical agents at the workplace**

Published: 27-09-2024 in Official Gazette No. 411-413 art. 779

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Pursuant to art. 6 of the Occupational Health and Safety Law no. 186/2008 (Official Gazette of the Republic of Moldova, 2008, no. 143-144, art. 587), with subsequent amendments, and of art. 6 para. (2) from Law no. 10/2009 regarding state supervision of public health (Monitorul Oficial al Republicii Moldova, 2009, no. 67, art. 183), with subsequent amendments, the Government DECIDES:

1. The Regulation on the protection of the health and safety of workers against the risks related to the presence of chemical agents at the workplace is approved (attached).
2. The provisions of the Regulation on the protection of the health and safety of workers against the risks related to the presence of chemical agents at work apply to natural and legal persons, regardless of the type of ownership and the legal form of organization.
3. Control over the execution of this decision is the responsibility of the Ministry of Health and the Ministry of Labor and Social Protection.
4. On the date of entry into force of this decision, Government Decision no. 324/2013 regarding the approval of the Sanitary Regulation regarding health and safety requirements to ensure the protection of workers against the risks related to the presence of chemical agents at the workplace is repealed (Official Gazette of Republic of Moldova, 2013, no. 125-129, art. 404).
5. This decision enters into force on January 1, 2026.

PRIME MINISTER Dorin RECEAN

Marks:

**Health Minister Ala Nemerenco
Minister of Labour
and social protection Alexei Buzu**

No. 640. Chisinau, September 11, 2024.

Approved
by Government Decision no. 640/2024

REGULATIONS
on the protection of workers' health and safety
against the risks related to the presence of agents
chemicals in the workplace

These Regulations:

- transposes Commission Directive 91/322/EEC of 29 May 1991 on the establishment of indicative limit values through the application of Council Directive 80/1107/EEC on the protection of workers against risks related to exposure to chemical, physical and biological agents at work, published in the Official Journal of the European Union L 177 of 5 July 1991, as last amended by Directive (EU) 2017/164 of the Commission of 31 January 2017 establishing a fourth list of indicative occupational exposure limit values pursuant to Council Directive 98/24/EC and amending Directives 91/322/EEC, 2000/39/EC and 2009/161/EU of the Commission;

- transposes Commission Directive 2000/39/EC of June 8, 2000 establishing the first list of indicative occupational exposure limit values in application of Council Directive 98/24/EC on the protection of the health and safety of workers against the risks related to the presence of agents chemicals at work, published in the Official Journal of the European Union L 142 of 16 June 2000, as last amended by the Directive Commission (EU) 2019/1831 of 24 October 2019 establishing a fifth list of indicative occupational exposure limit values under Council Directive 98/24/EC and amending Commission Directive 2000/39/EC;

- transposes Commission Directive 2006/15/EC of February 7, 2006 establishing a second list of indicative occupational exposure limit values in application of Council Directive 98/24/EC and amending Directives 91/322/EEC and 2000 /39/CE, published in the Official Journal of the European Union L 38 of February 9, 2006;

- transposes Commission Directive 2009/161/EU of 17 December 2009 establishing a third list of indicative occupational exposure limit values in application of Council Directive 98/24/EC and amending Directive 2000/39/EC of Commission, published in the Official Journal of the European Union L 338 of 19 December 2009, as last amended by Directive (EU) 2017/164 of the Commission of January 31, 2017 establishing a fourth list of indicative occupational exposure limit values pursuant to Council Directive 98/24/EC and amending Directives 91/322/EEC, 2000/ 39/EC and 2009/161/EU of the Commission;

- transposes Commission Directive (EU) 2017/164 of 31 January 2017 establishing a fourth list of indicative occupational exposure limit values pursuant to Council Directive 98/24/EC and amending Directives 91/322/EEC , 2000/39/EC and 2009/161/EU of the Commission, published in the Official Journal of the European Union L 27 of February 1, 2017;

- transposes Commission Directive (EU) 2019/1831 of 24 October 2019 establishing a fifth list of indicative occupational exposure limit values pursuant to Council Directive 98/24/EC and amending Directive 2000/39/EC of Commission, published in the Official Journal of the European Union L 279 of 31 October 2019, as last amended by Corrigendum to Commission Directive (EU) 2019/1831 of 24 October 2019 establishing a fifth list of indicative occupational exposure limit values in accordance with Council Directive 98/24/EC and amending Directive 2000/39/ EC of the Commission;

- partially transposes art. 2 and 10, and transposes art. 1, 4, 5, 6, 7, 8, 9 and 11, Annex I and Annex III of Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers against the risks related to the presence of chemical agents in the workplace work (fourteenth special directive within the meaning of Article 16(1) of Directive 89/391/EEC), published in the Official Journal of the European Union L 131 of 5 May 1998, as last amended by Directive (EU) 2024/869 of the European Parliament and of the Council of 13 March 2024 amending Directive 2004/37/EC of the European Parliament and of the Council and Directive 98 /24/EC of the Council regarding limit values for lead and its inorganic compounds, as well as for diisocyanates;

- transposes Annex III of Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers against the risks related to exposure to carcinogens, mutagens or substances toxic to reproduction at work (Sixth individual directive in the sense of Article 16(1) of Council Directive 89/391/EEC), published in the Official Journal of the European Union L 158 of April 30 2004, as last amended by Directive (EU) 2024/869 of the European Parliament and of the Council of 13 March 2024 amending Directive 2004/37/EC of the European Parliament and of the Council and Directive 98/24/EC of the Council regarding limit values for lead and its inorganic compounds, as well as for diisocyanates.

I. GENERAL PROVISIONS

1. The Regulation on the protection of the health and safety of workers against the risks related to the presence of chemical agents at the workplace (hereinafter - *Regulation*) establishes the minimum requirements for the protection of workers against the risks to their safety and health that arise or may arise from the effects of the chemical agents present at work or as a result of any professional activity involving chemical agents.

2. This Regulation applies if dangerous chemical agents are present or may be present at the workplace, in compliance with the requirements regarding chemical agents to which measures to ensure radiological safety and radioprotection are applied.

3. In the case of the presence of carcinogens or mutagens or toxic substances for reproduction specified in annex no. 1, the provisions of this Regulation shall be applied in compliance with the requirements set out in the Sanitary Regulation on the protection of the health

of workers against risks related to exposure to carcinogens or mutagens at the site of work, approved by Government Decision no. 775/2017.

4. The provisions of the Safety and Health at Work Law no. 186/2008 apply to the entire field referred to in this Regulation, respecting the restrictive provisions.

5. With regard to the transport of dangerous chemical agents, the provisions of this Regulation are applied in compliance with the specific and restrictive measures in the field of the transport of dangerous chemical agents, established including in the Regulation on the internal transport of dangerous goods, approved by Government Decision no. 143/2016, and in the Regulation of road transport of dangerous goods, approved by Government Decision no. 589/2017.

6. For the purposes of this Regulation, the terms and definitions defined in the Labor Code of the Republic of Moldova no. 154/2003, Law on safety and health at work no. 186/2008, Law no. 10/2009 on state supervision of public health, as well as the following notions:

6.1. *chemical agent* – any chemical element or compound, pure or mixed, as found in nature or as produced, used or released, including as waste, by any professional activity, whether produced intentionally or no, whether placed on the market or not;

6.2. *hazardous chemical agent*:

6.2.1. any chemical agent that meets the criteria for classification as dangerous in any of the physical and/or health hazard classes, in accordance with the Regulation on the classification, labeling and packaging of substances and mixtures, approved by the Government;

6.2.2. any chemical agent which, although it does not meet the criteria for classification as dangerous in accordance with subsection 6.2.1, may present a risk to the health and safety of workers, because of its physico-chemical, chemical or toxicological properties and the way in which it is used or is present at the workplace, including any chemical agent to which an occupational exposure limit value has been assigned;

6.3. *activity involving chemical agents* – any activity in which chemical agents are used or intended to be used in any process, including production, handling, storage, transport or disposal as waste and treatment, or resulting from such activity;

6.4. *occupational exposure limit value* – unless otherwise specified, the time-weighted average limit of the concentration of a chemical agent in the air, in the space where a worker breathes, for a specified reference period;

6.5. *limit biological value* – the concentration limit in the reference biological environment of the respective agent, its metabolite or an effect indicator;

6.6. *hazard* – the intrinsic property of a chemical agent to have a harmful effect;

6.7. *risk* – the likelihood that the potential for harmful effect will be realized under the conditions of use and/or exposure.

7. This Regulation establishes occupational exposure limit values, the observance of which is mandatory, while maintaining the concentration at the lowest possible level, according to annex no. 1.

II. EMPLOYER'S RESPONSIBILITIES

Section 1

Determining and evaluating the risk involved of dangerous chemical agents

8. The employer establishes the presence of hazardous chemical agents in the workplace in accordance with the Occupational Health and Safety Law no. 186/2008.

9. If the presence of dangerous chemical agents is found at the workplace, the employer will assess the occupational risk, taking into account:

9.1. their dangerous properties;

9.2. the safety and health information provided by the supplier, including the corresponding safety data sheet, in accordance with Law no. 277/2018 on chemical substances;

9.3. level, type and duration of exposure;

9.4. the circumstances in which, at the workplace, these agents are involved, including their quantity;

9.5. occupational exposure limit values or biological limit values;

9.6. the effect of the preventive measures taken or to be taken;

9.7. conclusions arising from health surveillance, when available.

10. The employer, for the assessment of occupational risk, obtains the necessary additional information from the supplier of dangerous chemical agents or from other accessible sources. Where applicable, this information shall contain the specific risk assessment for users, established on the basis of the provisions of the applicable national legislation on chemical agents.

11. The employer must be in possession of an occupational risk assessment, in accordance with the Occupational Health and Safety Law no. 186/2008, and to identify the measures that will be taken under the general principles for the prevention of risks associated with dangerous chemical agents and the specific protection and prevention measures.

12. The occupational risk assessment is accompanied by the minutes of the investigation of the working environment, approved by the Ministry of Health, and may include a justification by the employer regarding the fact that the nature and extent of the risks involved by chemical agents do not require another detailed assessment.

13. The occupational risk assessment is updated if changes have occurred due to which the assessment is outdated or if the results of health surveillance make this necessary.

14. Activities within the enterprise or institution, such as maintenance, for which there is a possibility of significant exposure or which may produce harmful effects on safety and health for other reasons, even after all technical measures have been taken, will be included in the assessment professional risk.

15. In the case of activities involving exposure to several dangerous chemical agents, the occupational risk must be assessed based on the risk presented by all these chemical agents in combination, according to annex no. 1.

16. In the case of a new activity, which involves dangerous chemical agents, the work process will begin only after an assessment of the occupational risk associated with that activity has been carried out and after the application of the necessary preventive measures.

17. The Ministry of Health develops practical guidelines regarding the determination and assessment of risk, as well as for their review and correction, if necessary.

Section 2

General principles for risk prevention associated with hazardous chemical agents

18. In order to fulfill its obligation to ensure the health and safety of workers exposed to dangerous chemical agents, the employer undertakes the preventive measures established in the Occupational Health and Safety Law no. 186/2008 and supplements the measures established in this Regulation.

19. The employer is obliged to take measures to eliminate or minimize the risks to the health and safety of workers in the work processes in which dangerous chemical agents are involved, in particular by:

19.1. design and organization of work systems at the workplace;

19.2. the provision of appropriate equipment for working with chemical agents and maintenance procedures, which ensure the health and safety of workers in the work process;

19.3. minimizing the number of workers exposed or likely to be exposed;

19.4. minimizing the duration and intensity of exposure;

19.5. appropriate hygiene measures;

19.6. reducing the concentration of chemical agents present at the workplace to the minimum level required for the type of activity in question;

19.7. appropriate working methods, including measures for the safe handling, storage and transport in the workplace of hazardous chemical agents and waste containing such agents.

20. The Ministry of Health develops practical guidelines regarding preventive measures and the application of protection and prevention measures in order to reduce the risk.

21. If the results of the occupational risk assessment indicate the presence of a risk for the health and safety of workers, the specific measures for protection, prevention and health surveillance provided for in this Regulation shall be applied.

22. If the results of the risk assessment show that, in relation to the concentration of the hazardous chemical agent present at the workplace, there is only a low risk to the health and safety of workers, and the measures taken in accordance with points 18 and 19 are sufficient to reduce that risk, then the specific health protection, prevention and surveillance measures provided for in this Regulation do not apply.

Section 3

Specific measures of protection, prevention and health surveillance

23. The employer ensures the elimination or minimization of the occupational risk caused by the presence of a dangerous chemical agent at the workplace.

24. In order to apply point 23, recourse is made to eliminating the risk by substitution, whereby the employer avoids the use of a dangerous chemical agent, replacing it with an agent or a chemical process which, under the conditions of use, is not dangerous or is less dangerous to the

health and safety of workers.

25. When the type of activity does not allow the elimination of the risk by substitution, taking into account the activity and the assessment of the professional risk, the employer ensures the reduction of the risk to the minimum by applying the following protection and prevention measures, listed in order of priority:

25.1. the design of appropriate work processes and engineering controls and the use of suitable equipment and materials, so as to avoid or minimize the emission of hazardous chemical agents that may present a risk to the health and safety of workers at the workplace;

25.2. the application of collective protection measures at the source of the risk, such as adequate ventilation and suitable organizational measures;

25.3. the application of individual protection measures, including the provision of personal protective equipment, if exposure cannot be prevented by other means.

26. Simultaneously with the elimination or minimization of the occupational risk, the health status of workers exposed to dangerous chemical agents at work shall be monitored.

27. The employer shall carry out measurements of chemical agents that present a risk to the health of the worker at the workplace regularly and when there are changes in conditions that may affect the exposure of workers to chemical agents, unless the employer clearly demonstrates by other means of assessment that, by eliminating or minimizing the occupational risk, appropriate prevention and protection measures have been taken.

28. When fulfilling the obligations set out in points 8-16, the employer takes into account the results of the procedures set out in point 27.

29. In the situation where an established occupational exposure limit value has been exceeded, the employer takes measures immediately, taking into account the nature of that limit, to remedy the situation by applying preventive and protective measures.

30. Based on the assessment and the general principles for the prevention of risks provided for in points 8-22, the employer takes technical and organizational measures appropriate to the nature of the operation, including the storage, handling and separation of incompatible chemical agents, ensuring the protection of workers against the risks arising from the physical properties-chemical agents.

31. The provisions of point 30 apply in order of priority, for:

31.1. preventing the presence in the workplace of dangerous concentrations of flammable substances or dangerous amounts of unstable chemical substances, if the nature of the work allows this;

31.2. avoiding the presence of ignition sources that can generate fires and explosions or unfavorable conditions that can cause unstable chemical substances or mixtures of substances to generate harmful physical effects;

31.3. reducing the negative effects on the health and safety of workers in the event of fire or explosion due to the ignition of flammable substances or harmful physical effects arising from the presence of unstable chemicals or mixtures of substances.

32. Work equipment and protective systems provided by the employer for the protection of workers must comply with the provisions of the applicable legislation regarding design, production and delivery, in order to ensure health and safety.

33. The technical and/or organizational measures undertaken by the employer must correspond to the classification of the categories of protective equipment, in accordance with the Technical Regulation regarding equipment and protective systems intended for use in potentially explosive environments, approved by Government Decision no. 1407/2016

34. The employer takes measures to ensure adequate control of installations, equipment and machines or to make available the equipment to eliminate explosions or to reduce the pressure that could generate an explosion.

Section 4

Measures applicable in the event of accidents, incidents or emergencies

35. In order to protect the health and safety of workers against accidents, incidents and emergencies related to the presence of dangerous chemical agents at the workplace, in compliance with the provisions of the Occupational Safety and Health Law no. 186/2008, the employer establishes measures or action plans that can be applied when such an event occurs, so as to act correctly. These measures or action plans include appropriate protective exercises, which will be carried out at regular intervals, as well as the provision of adequate first aid.

36. If one of the events provided for in point 35 occurs, the employer immediately takes measures to reduce the effects of the event and inform the affected workers.

37. The employer must:

37.1. to apply the necessary measures to remedy the situation as quickly as possible;

37.2. allow to work in the affected area only those workers who are indispensable for carrying out repairs and other necessary operations and are authorized to work in that area.

38. Workers authorized to work in the affected area are provided with appropriate protective clothing, personal protective equipment, special security equipment and facilities that they will use as long as the situation persists. This situation cannot be permanent.

39. Unprotected persons are not allowed to stay in the affected area.

40. The employer takes the necessary measures to ensure the functionality of the warning system and other communication systems necessary to signal the existence of an increased risk to health and safety, to enable an appropriate reaction and to take immediate remedial action, as well as operations of assistance, evacuation and rescue, if necessary, in compliance with the provisions of the Law on safety and health at work no. 186/2008.

41. In the event of an emergency involving dangerous chemical agents, the employer ensures the availability of information on the applicable measures.

42. Competent internal and external services have access to information on the measures applicable in case of accident and emergency involving dangerous chemical agents.

43. Information on emergency measures involving hazardous chemical agents includes:

43.1. advance notification of occupational hazards, hazard identification measures, precautions and relevant procedures so that emergency services can prepare their own actions and precautions;

43.2. all available information regarding the specific dangers that occur or may occur when an accident or an emergency situation occurs.

Section 5

Information and training of workers

44. By complying with the provisions of the Occupational Health and Safety Law no. 186/2008, the employer ensures that workers or their representatives are provided with:

44.1. the data obtained on the basis of the determination and assessment of occupational risk and additional information whenever major changes at the workplace cause a change in these data;

44.2. the information about the hazardous chemical agents present at the workplace, such as the name of these agents, the safety and health risks, the occupational exposure limit values and the legal provisions;

44.3. training on the necessary precautions and actions that need to be taken to protect themselves and other workers at the workplace;

44.4. access to any safety data sheet provided by the supplier in accordance with Law no. 277/2018 on chemical substances.

45. The employer ensures that the information transmitted to the workers or their representatives is:

45.1. provided in accordance with the result of the occupational risk assessment. The mode of information may vary from individual training to training, accompanied by written information, depending on the nature and degree of risk indicated by the occupational risk assessment;

45.2. updated so as to take into account the change in working conditions.

46. If the containers and pipes for dangerous chemical agents used in the workplace are not marked in accordance with the legislation on the labeling of chemical agents and safety signage at the workplace, the employer takes measures so that the contents of the containers and pipes, as well as the nature of this content can be clearly identified, in compliance with the conditions or provisions that are established by regulation approved by the Government.

47. In accordance with the provisions of Law no. 277/2018 on chemical substances, the manufacturer or supplier is obliged to have information about the dangerous chemical agents with which he operates and, upon request, to provide this information to the employer.

III. SPECIAL PROVISIONS

48. It is prohibited to produce, manufacture or use at work the chemical agents listed in Annex 2. The prohibition does not apply if the chemical agent is present in another chemical agent or as an element of waste, provided that its concentration is lower than the specified limit.

49. Derogations from the requirements of point 48 are allowed in the following situations:

49.1. for scientific research and testing, including analysis;

49.2. for activities aimed at eliminating chemical agents that are present as by-products or waste;

49.3. for the production of the chemical agents provided for in annex no. 2 for use as intermediate materials and products.

50. The exposure of workers to the chemical agents provided for in annex no. 2 must be prevented, in particular by measures that provide that the production and the fastest use of these chemical agents as intermediate products takes place in a single closed system, from which the agents those chemicals may only be removed to the extent necessary for process monitoring or system maintenance.

51. The authorization of dangerous chemical products for activities involving the chemical agents provided for in annex no. 2 is carried out in accordance with Law no. 277/2018 on chemical substances.

52. In addition to the documentation presented for the authorization of dangerous chemical products, the employer presents to the authority designated by Law no. 277/2008 on chemicals, including the following data:

52.1. the reason for which the derogation is requested;

52.2. the amount of chemical agent that will be used annually;

52.3. the activities and/or reactions or processes involved;

52.4. the number of workers who may be involved;

52.5. the precautions provided to protect the safety and health of the workers involved;

52.6. technical and organizational measures taken to prevent worker exposure.

53. The Ministry of Health, if necessary, initiates the modification of occupational exposure limit values (annex no. 1) and the list of prohibitions (annex no. 2), to include other chemical agents or other professional activities.

54. The health surveillance of workers for whom the results of the occupational risk assessment indicate a risk is carried out in accordance with the Health Regulations regarding the surveillance of workers' health, approved by Government Decision no. 1079/2023.

55. The workers are made aware of the provisions of point 54, before assigning them the task that involves the risk of exposure to the indicated dangerous chemical agent.

56. Registers on occupational exposure and work fitness of workers contain data on the person's exposure to the hazardous chemical agent and his work fitness.

57. The registers regarding the professional exposure and work aptitude of the workers shall be kept at the enterprise or institution, in an appropriate form, which allows their subsequent consultation, respecting the requirement of confidentiality.

58. Copies of the registers regarding the professional exposure and work aptitude of the workers shall be provided, upon request, to the State Labor Inspectorate and the National Agency for Public Health.

59. If an enterprise or an institution ceases its activity, the respective registers are sent to the territorial archive.

60. The consultation and participation of workers and their representatives in the discussions related to the problems in the scope of application of this Regulation is carried out in accordance with the provisions of the Law on safety and health at work no. 186/2008.

annex no. 1

annex no. 2