

THIRD MEETING OF THE SRM TRIPARTITE WORKING GROUP

(25-29 SEPTEMBER 2017)

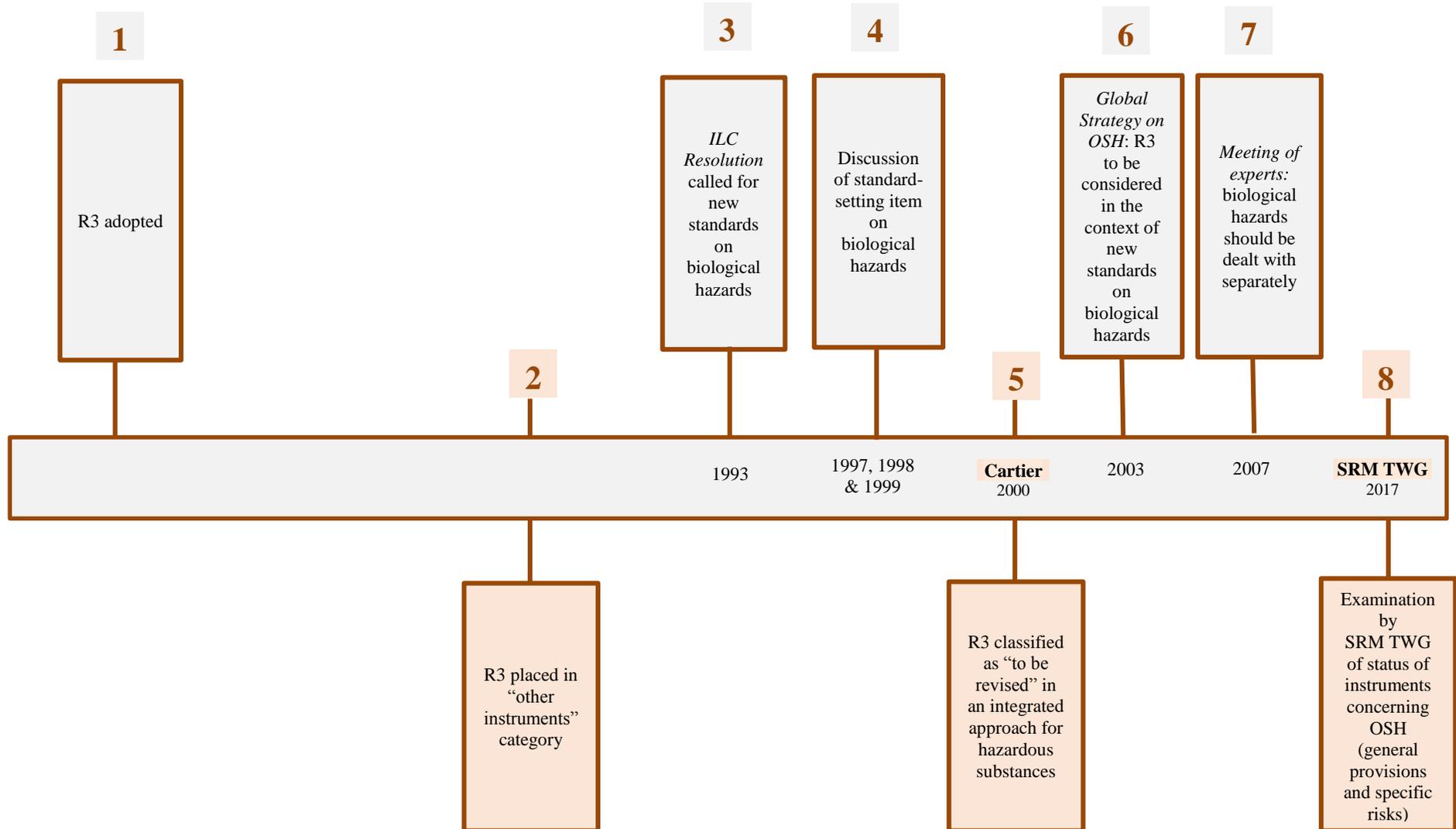
EXAMINATION OF INSTRUMENTS CONCERNING OCCUPATIONAL SAFETY AND HEALTH (GENERAL PROVISIONS AND SPECIFIC RISKS)

Technical Note 3: Instrument concerning anthrax

- The sub-topic of *anthrax* falls within the category of instruments dealing with 'specific risks' (hazardous substances), which includes one instrument: the **Anthrax Prevention Recommendation, 1919 (No. 3)**
- *Current status of instrument:* to be revised (upon recommendation of Cartier Working Party)
- *Possible action to be considered:* classification as *instrument requiring further action*; possible gap in coverage in relation to general regulation of biological substances; consideration within any revision process on OSH

18 August 2017

ILO regulation of anthrax: Chronology of developments



ILO regulatory approach to the safe handling of anthrax

The **Anthrax Prevention Recommendation, 1919 (No. 3)** deals with the protection of workers from a biological substance – anthrax – and belongs to the group of instruments concerned with hazardous substances within the sub-topic of specific risks.

At the time that the instrument was adopted, the accepted regulatory approach was for a very concise and single issue instrument focusing on the role of governments in relation to OSH. The regulatory approach has since evolved. The more modern approach involves an increased focus on the management of OSH at the enterprise level to complement the role of governments and, in response to the development of new biological substances, proposals for an integrated approach concerning biological hazards in general.

Chronology: Recommendation No. 3 at a glance

1. 1919: ILC adopted Recommendation No. 3

Recommendation No. 3 dates from the first session of the ILC. It is an autonomous Recommendation dealing with a single hazardous substance. The Recommendation contains only one provision which invites member States to make arrangements for the disinfection of wool infected with anthrax spores (either in the country exporting such wool or if that is not practicable at the port of entry in the country importing such wool).

See: [Anthrax Prevention Recommendation, 1919 \(No.3\)](#)

2. 1987: Governing Body considered that Recommendation No. 3 should be placed in the category of “other instruments”

The Governing Body, upon recommendation of the Ventejol Working Party, decided that Recommendation No. 3 should be classified as one of the instruments falling within the category of “other instruments”, i.e. instruments neither to be promoted, nor to be revised.¹

See: [GB.194/12/5](#), Appendix I, p. 69 (*Office background paper, November 1974*); [GB.235/WP/ILS/1](#), para. 11 and Appendix II (*Report of the Ventejol Working Party*); and [GB.236/3/2](#), para. 13 (*Annual report of the Governing Body to the Conference, 1986-87*)

3. 1993: ILC Resolution concerning exposure to and safety in the use of biological agents at work

During the discussions leading to the Prevention of Major Industrial Accidents Convention, 1993 (No. 174), there was no agreement on whether the instrument should cover biological

¹ The Ventejol Working Parties classified instruments in four categories: (1) existing instruments, the ratification and application of which should be promoted on a priority basis; (2) existing instruments, the revision of which should be appropriate; (3) other existing instruments; and (4) subjects for which the formulation of new instruments should be considered.

hazards. The ILC therefore adopted a Resolution inviting the Governing Body to request the Director-General to consider the need for new international instruments on biological hazards to minimize the risks to workers, the public and the environment.

See: ILO: [Record of Proceedings, ILC, 80th Session, Geneva, 1993](#), pp. 1-7.
[Resolution concerning exposure to and safety in the use of biological agents at work](#)

4. 1997-1999: Proposals for a standard-setting item concerning biological hazards

Since the adoption of the 1993 resolution, the Governing Body has considered three proposals for a standard-setting item on biological hazards in the context of the setting of the agenda of the Conference. In November 1999, the Governing Body deferred the selection of an item concerning “possible instruments on the prevention of biological hazards at work” until after the adoption of a code of practice on this subject. Such a relevant code of practice has yet to be adopted.

See: [GB.270/2](#), paras. 243-254 (*Proposals for the agenda of the 88th Session (2000) of the ILC*); [GB.273/2](#), paras. 167-176 (*Portfolio of proposals for the agenda of the ILC as of its 89th Session (2001)*); [GB. 276/2](#), paras. 151-161 (*Proposals for the agenda of the 90th Session (2002) of the ILC*)

5. 2000: Governing Body classified Recommendation No. 3 as “to be revised”

In March 2000, upon the recommendation of the Cartier Working Party, the Governing Body decided that Recommendation No. 3 should be revised. The Cartier Working Party considered that while the problem of disinfecting wool infected with anthrax spores no longer had the same significance as it had in 1919, preventive measures continued to be necessary and the revision of Recommendation No. 3 could be useful with the aim of having an updated instrument on the subject of anthrax. Recommendation No. 3 should be reviewed in the context of other instruments dealing with a single hazardous substance.²

See: [GB.277/LILS/WP/PRS/4, p. 5](#) (*Office background paper*)

6. 2003: Global Strategy on OSH: Recommendation No. 3 included within proposed standards on biological hazards

At its 91st Session, the ILC considered the implementation of an integrated approach to ILO standards-related activities in the area of OSH. The resulting Global Strategy on OSH included priorities for revising existing, and developing new, instruments.

In particular, the development of new instruments in the area of biological hazards was prioritized, with a revision of Recommendation No. 3 included in this context. This differed from the Cartier Working Party recommendations, in which Recommendation No. 3 would be

² That is, including also single-substance instruments concerning chemicals such as the White Lead (Painting) Convention, 1921 (No. 13), and the Benzene Convention, 1971 (No. 136). See [ILO: Proposals for the agenda of the 90th Session \(2002\) of the International Labour Conference, Governing Body, 276th Session, Geneva, Nov. 1999, GB.276/2](#), paras. 243-258.

considered together with all other instruments dealing with a single hazardous substance, including chemicals.

See: [2003 Global strategy on Occupational Safety and Health; Report VI, ILC, 91st Session, 2003, Geneva](#), paras. 171 and 172

7. 2007: Meeting of Experts considered that biological substances should be considered separately from other hazardous substances

The 2007 Meeting of Experts to examine tools with a view to developing a policy framework for hazardous substances³ recalled that Recommendation No. 3 was among the instruments to be revised⁴ and made no recommendations in relation to this Recommendation. Biological hazards were not addressed, as the complexity of the subject in terms of the diversity of hazards, types of exposure and assessment and prevention methodologies meant that they should be dealt with separately.

See: [MEPHS/2007/11 Background information](#), para. 7
[MEPHS/2007/11, Final report](#), para. 9 and 10

Instruments in 2017: developments since the instruments were adopted

A Policy context

Anthrax is a potentially fatal infection caused by the bacterium *Bacillus anthracis*. Historically, inhalational anthrax was called “woolsorters' disease” because it was an occupational hazard for people who sorted wool.⁵

Anthrax infections occur naturally in wild and unvaccinated domestic animals in many countries.⁶ Workers can contract anthrax if they are exposed to infected animals or their products (such as meat, animal hides, bones and other material including wool).⁷ There are between 2,000 to 20,000 human anthrax cases occurring annually worldwide.⁸ The most

³ [ILO: Final report, Meeting of experts to examine instruments, knowledge, advocacy, technical cooperation and international collaboration as tools with a view to developing a policy framework for hazardous substances, Geneva, Dec. 2007, MEPFHS/2007/11](#), paras. 9 and 10; [ILO: Background information for developing an ILO policy framework for hazardous substances, Meeting of Experts to Examine Instruments, Knowledge, Advocacy, Technical Cooperation and International Collaboration as Tools with a view to Developing a Policy Framework for Hazardous Substances, Geneva, 2007, MEPFHS/2007](#), para. 7.

⁴ The Meeting of Experts referred to the White Lead (Painting) Convention, 1921 (No. 13), the Benzene Convention, 1971 (No. 136), and Recommendation (No. 144), the Lead Poisoning (Women and Children) Recommendation, 1919 (No. 4), and the White Phosphorous Recommendation, 1919 (No. 6).

⁵ [United States National Library of Medicine National Institutes of Health](#), Introduction, website last retrieved on 19 June 2017.

⁶ Centers for Disease Control and Prevention, United States Department of Health and Human Services, website last viewed on 19 June 2017.

⁷ See Food and Agriculture Organization of the United Nations, [empress watch](#), Volume 37, September 2016, p.1.

⁸ Ibid.

common type affects the skin and accounts for more than 95 percent of all cases.⁹ Other types are inhalation or pulmonary anthrax (which has a very high fatality rate), and ingestion or intestinal anthrax.¹⁰ Person-to-person spread is rare.¹¹ There have also been cases of contamination through anthrax attacks or rescue activities.¹² In 2016, newly reported outbreaks of anthrax from various countries in different regions of the world raised concerns that anthrax might be re-emerging in those areas, potentially linked to changing climatic conditions which may favour the occurrence of the disease.¹³ Agricultural workers and their families appear to be particularly at risk, but also workers such as mail handlers (if spores are sent through the mail to attack), emergency response workers including law enforcement personnel, public health and healthcare workers, decontamination workers, and critical infrastructure workers.¹⁴

Assessing and controlling anthrax risks including vaccination of livestock and proper disposal of livestock carcasses, good hygiene practice, proper welfare facilities, use of suitable personal protective equipment, information, instruction and training on anthrax, first-aid requirements, health surveillance and immunization where appropriate as a protection measure are the most efficient ways of preventing and controlling anthrax infection at the workplace.¹⁵ In addition, public awareness, targeted educational programmes and collaboration between the veterinary and public health sectors are promoted to facilitate more effective prevention and rapid response to the disease in humans.¹⁶

B International labour standards context

Recommendation No. 3 and the HIV and AIDS Recommendation, 2010 (No. 200) are the only ILO instruments that deal with specific biological agents. Certain other ILO instruments make reference to the protection against biological hazards or agents,¹⁷ while the Safety and Health in Agriculture Convention, 2001 (No. 184), the Safety and Health in Agriculture Recommendation, 2001 (No. 192) and the Maritime Labour Convention (2006) include specific measures relating to prevention of occupational accidents and diseases in the agricultural and maritime sectors, including in relation to biological risks.¹⁸

⁹ [United States National Library of Medicine National Institutes of Health](#), Anthrax: an update, 4.1 Cutaneous anthrax, website last retrieved on 19 June 2017.

¹⁰ Ibid.

¹¹ [Guidelines on anthrax in humans and animals](#), Fourth edition, World Health Organization, p. 42

¹² Ibid, p. 43.

¹³ See Food and Agriculture Organization of the United Nations, [empress watch](#), Volume 37, September 2016.

¹⁴ [Centers for Disease Control and Prevention, United States Department of Health and Human Services](#), website last viewed on 19 June 2017.

¹⁵ See Food and Agriculture Organization of the United Nations, [empress watch](#), Volume 37, September 2016, p.3.

¹⁶ *ibid*

¹⁷ Occupational Safety and Health Convention, 1981 (No. 155), Safety and Health in Construction Convention, 1988 (No. 167), List of Occupational Diseases Recommendation, 2002 (No. 194), the annex of which contains a list of biological agents (including anthrax).

¹⁸ Article 14 of Convention No. 184 provides that national laws and regulations shall ensure that risks such as those of infection, allergy or poisoning are prevented or kept to a minimum when biological agents are handled, and activities involving animals, livestock and stabling areas, comply with national or other recognized health and safety standards. Paragraph 8 of Recommendation No. 192 provides specific guidance on measures for the

Key considerations in determining the status of Recommendation No. 3

In examining Recommendation No. 3 for the purposes of determining its status, the following considerations are particularly relevant:

- Recommendation No. 3 regulates the use of a single hazardous substance. Member States have questioned the effectiveness of such a regulatory approach.¹⁹
- Recommendation No. 3, together with Recommendation No. 200, are the only ILO standard regulating a hazardous *biological agent*.
- Recommendation No. 3 only relates to the risk of contracting anthrax from the handling of imported wool, and not in other contexts.
- The Cartier Working Party classified Recommendation No. 3 as “to be revised.” In the intervening years, no standard-related activities have been undertaken concerning either anthrax or biological hazards more generally.
- Several options have been proposed in relation to the revision of Recommendation No. 3:
 - (i) In 2000, the Cartier Working Party considered that Recommendation No. 3 should be reviewed in the larger context of instruments dealing with a single hazardous substance.
 - (ii) The 2003 Global Strategy on OSH took a different approach, considering that Recommendation No. 3 should be examined in the context of the examination of the proposals for standards in the area of biological hazards.
 - (iii) The 2007 meeting of experts on hazardous substances considered that the complexity of the subject of biological hazards meant that they should be dealt with separately from other hazardous substances. Therefore, no specific recommendations were made in relation to Recommendation No. 3.

Possible action to be considered in relation to Recommendation No. 3

The Recommendation does not appear to have lost its purpose as workers in certain professions still face the risk of an anthrax infection during their work. However, it is of limited scope and does not fully cover all workers potentially exposed to anthrax. This approach may not be fully

handling of biological agents giving rise to risks of infection, allergy or poisoning. In relation to the MLC, 2006, Guideline B4.3.1 provides that the assessment of risks and reduction of exposure should take account of the physical occupational health effects, including manual handling of loads, noise and vibration, the chemical and biological occupational health effects, the mental occupational health effects, the physical and mental health effects of fatigue, and occupational accidents. The necessary measures should take due account of the preventive principle according to which, among other things, combating risk at the source, adapting work to the individual, especially as regards the design of workplaces, and replacing the dangerous by the non-dangerous or the less dangerous, have precedence over personal protective equipment for seafarers.

¹⁹ See [ILO: ILO standards-related activities in the area of occupational safety and health: An in-depth study for discussion with a view to the elaboration of a plan of action for such activities, Report VI, ILC, 91st Session, Geneva, 2003](#), para. 165.

coherent with scientific developments and changes in the world of work, nor consistent with the modern regulatory approach to OSH.

Taking into account the continuing need for regulation concerning anthrax, in the context of the proposed regulation of other biological substances, the SRM TWG may wish to consider whether Recommendation No. 3 is in need of revision and whether there is a gap in coverage in relation to other biological substances. If it concludes, following its examination, that Recommendation No. 3 is in need of revision, the SRM TWG may wish to consider:

1. Determining that, as Recommendation No. 3 requires revision, it should be classified as an *instrument requiring further action* within its current legal status as an active instrument, accordingly necessitating practical and time-bound follow-up action.
2. Proposing practical and time-bound follow-up action through a revision process on OSH that particularly takes into account the discussions of the SRM TWG in this regard, notably in relation to any possible gap in coverage identified.
3. Deciding that it will monitor the Organization's implementation of the proposed follow-up and, at an appropriate time, reconsider changing the legal status of the instrument to recognise developments.
4. Making any resulting recommendations to the Governing Body.