

9/12/2016

**FIEC and EBC proposed amendments
on the proposal for amendment of Directive 2004/37/EC
on the protection of workers from the risks
related to exposure to carcinogens or mutagens at work
[COM(2016) 248]**

In line with our joint position paper, dated 8/9/2016, on the proposed amendment of the “Carcinogens” Directive, and after having taken into consideration the draft report of the Rapporteur MEP Mrs. Ulvskog, FIEC and EBC hereby underline the following demands :

1. Including “Respirable Crystalline Silica” dust generated by a work process (hereafter : RCS) in the scope of the “Carcinogens” Directive would introduce requirements on construction companies which are disproportionate in respect to the objectives to be achieved, in particular for medium and small-sized enterprises. The Chemical Agents directive (98/24/EC) would be a more appropriate framework providing an adequate level of protection to workers, whilst at the same time avoiding disproportionate burdens for employers.
2. In any circumstance the Occupational Exposure Limit value (OEL) for RCS should not be below 0,1 mg/m³, as proposed by the European Commission. The proposal is based amongst others on the opinion of the Advisory Committee for Safety and Health at Work. It reflects socio-economic feasibility factors, while maintaining the aim of ensuring the protection of workers health. There are also technical difficulties in making reliable measurements of RCS at very low OELs. Furthermore, setting an OEL at 0,05 mg/m³ would, in many workplaces situations, require workers to be constantly wearing respiratory protective equipment, which is not a realistic option in the construction industry.
3. Only hardwood dust and not wood dusts in general, as proposed by the Rapporteur, should be covered by the “Carcinogens” Directive.

On these 3 concerns we jointly submit to the concerned MEPs the proposals for amendments hereafter.

1. Respirable Crystalline Silica should be covered by the “Chemical Agents” Directive and not the “Carcinogens”

Recital 5

<i>Proposal of the EC</i>	<i>Amendment proposed by FIEC</i>
<p>There is sufficient evidence of the carcinogenicity of respirable crystalline silica dust. On the basis of available information, including scientific and technical data, a limit value for respirable crystalline silica dust should be established. Respirable crystalline silica dust generated by a work process is not subject to classification in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council.⁵⁰ It is therefore appropriate to include work involving exposure to respirable crystalline silica dust generated by a work process in Annex I to Directive 2004/37/EC and to establish a limit value for respirable crystalline silica dust ('respirable fraction').</p>	<p>Delete</p>

Art. 1

<i>Proposal of the EC</i>	<i>Amendment proposed by FIEC</i>
<p>Directive 2004/37/EC is amended as follows: 1. In Annex I the following point is added: '6. <i>Work involving exposure to respirable crystalline silica dust generated by a work process</i>'.</p>	<p>Delete</p>

ANNEX

"Annex III: Limit values and other directly related provisions (Article 16)

A. LIMIT VALUES FOR OCCUPATIONAL EXPOSURE

CAS No ⁽¹⁾	EC No ⁽²⁾	NAME OF AGENT	LIMIT VALUES ⁽³⁾			Notation ⁽⁴⁾
			mg/m ³ ⁽⁵⁾	ppm ⁽⁶⁾	f/ml ⁽⁷⁾	
		Respirable Crystalline Silica Dust	0,1⁽⁹⁾			

Justification :

Including "Respirable Crystalline Silica" dust generated by a work process in the scope of the "Carcinogens" Directive would introduce requirements on construction companies which are disproportionate in respect to the objectives to be achieved, in particular for medium and small-sized enterprises. The Chemical Agents directive (98/24/EC) would be a more appropriate framework providing an adequate level of protection to workers, whilst at the same time avoiding disproportionate burdens for employers.

2. Only hardwood should be covered by the "Carcinogens" Directive

Amendment 17

Draft Report of MEP Ulvskog	Amendment proposed by FIEC
Wood dusts	Hardwood dusts

Justification :

The proposal of the European Commission was balanced both as regards compliance costs and protection of workers.

3. A possible limit value for Respirable Crystalline Silica should not be below 0,1 mg/m³

Amendment 23

Draft Report of MEP Ulvskog	Amendment proposed by FIEC
0,05 ⁽¹⁾	0,1 ⁽¹⁾

⁽¹⁾ Respirable fraction



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Justification :

The proposal of the European Commission as regards a limit value for Respirable Crystalline Silica Dust (RCS) is based amongst others on the opinion of the Advisory Committee for Safety and Health at Work. It reflects socio-economic feasibility factors, while maintaining the aim of ensuring the protection of workers health. There are also technical difficulties in making reliable measurements of RCS at very low OELs. Furthermore, setting an OEL at 0,05 mg/m³ would, in many workplaces situations, require workers to be constantly wearing respiratory protective equipment, which is not a realistic option in the construction industry.

In practice, guaranteeing compliance with a binding Occupational Exposure Limit (OEL) means ensuring that actual exposures are an order of magnitude below that limit. For respirable crystalline silica, a level of 0.05 mg/m³ would mean that it would be close to the natural environmental level, because crystalline silica is one of the most abundant components of the Earth's crust (more than 12% in terms of weight).

EBC - European Builders Confederation

Established in 1990, the European Builders Confederation - EBC - is a European professional organisation representing national associations of micro, small and medium-sized enterprises working in the construction sector. EBC is a member of UEAPME (the European association of micro-enterprises and SMEs), on behalf of which it chairs the UEAPME Construction Forum.

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FIEC - European Construction Industry Federation

Established in 1905, represents via its 29 National Member Federations in 26 countries (23 EU & EFTA and Turkey) construction enterprises of all sizes, i.e. small and medium-sized enterprises as well as "global players", carrying out all forms of building and civil engineering activities. FIEC is the Social Partner representing employers in the European Social Dialogue of the construction industry.

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