



**Position on DRAFT REPORT of the European Parliament Committee on Employment and Social Affairs on the proposal for a directive of the European Parliament and of the Council amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work
(COM(2016)0248 – C8-0181/2016 – 2016/0130(COD))**

In this contribution, the signatories wish to communicate their opinion that:

- The original Binding Occupational Exposure Limit (BOEL) in the European Commission proposal of 0.1 mg/m³ for respirable crystalline silica should be kept.
- The Binding Occupational Exposure Limit (BOEL) of 0.05 mg/m³ proposed in the Draft Report does not respect the conclusions of the tri partite Advisory Committee for Safety and Health, as specifically referred to in the Treaty on the Functioning of the European Union, Articles 154-155.
- The evaluations of the Scientific Committee for Occupational Exposure Limits (SCOEL) are only one of the contributions to the tri partite discussions and cannot be used in isolation.
- The conclusions of the tri partite Advisory Committee for Safety and Health are based on a comprehensive approach, taking into account the scientific evaluation of SCOEL, as well as socio-economic and technical feasibility aspects.
- In practice, guaranteeing compliance with a Binding Occupational Exposure Limit (BOEL) 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 levels present in the natural environment. It could require workers to be constantly wearing respiratory protective equipment. Furthermore, at this very low level, today's measurement techniques make it difficult to achieve reliable measurements.
- A lower Binding Occupational Exposure Limit would impact a large number of European materials and manufacturing industries (e.g. quarries and mines, ceramics and bricks, concrete, foundries) and lead to the closure of a number of factories, especially among SMEs.
- None of the existing national Occupational Exposure Limit values lower than 0.1 mg/m³ are Binding Occupational Exposure Limits.

- The benefits of any European Binding Occupational Exposure Limit for respirable crystalline silica will only be obtained if the limit value is scrupulously implemented. The protection of workers' occupational health is the main priority of the signatories of the *Agreement on Workers Health Protection through the Good Handling and Use of Crystalline Silica and Products containing it* (in short NEPSI Agreement). The NEPSI Agreement requires having a continuous improvement of the workers' Health protection.
- Implementation of Good Practices - such as those of the NEPSI Agreement¹ - with the involvement of workers coupled with effective compliance with an Occupational Exposure Limit value at 0.1 mg/m³, provide a high level of workers' protection and is a big step forward.

Signed on behalf of:

BIBM – The International Bureau for Precast Concrete

CAEF – European Foundry Association

CEEMET - European employers' organisation of the metal, engineering and technology-based industries

CEMBUREAU – The European Cement Association

Cerame-Unie - The European Ceramic Industry Association

EMO – European Mortar Organization

EURIMA - -The European Insulation Manufacturers Association

EUROMINES – The European Association of Mining Industries

EUROROC - European Federation of Natural Stone Industries

EXCA – The European Expanded Clay Association

ECSPA – European Calcium Silicate Producers Association (voluntary)

FEVE – The European Container Glass Federation

GlassFibreEurope – The European Glass Fibre Producers Association

GLASS FOR EUROPE – The trade association for Europe's manufacturers of building, automotive and transport glass

IMA-Europe – The European Industrial Minerals Association

UEPG – European Aggregates Association

¹ See Recital 6 of the Commission Proposal COM(2016)0248