EU-Israel Workshop on Issues Associated with Silica and Artificial Stone

View from DG EMPL

Current and recent activities on Silica

Karola Grodzki
DG EMPL Unit B3
Health, Safety and Hygiene at Work
Content of the Presentation

Silica and workers' protection

• The wider context
• Work so far performed
• Legal possibilities explored
• Problems encountered
• Outlook
Wider context

• What are the OHS problems related to Silica?
• How are workers currently protected against the adverse health effects related to Silica?
• What legal & other possibilities do we have to further protect workers?
• What are the legal requirements COM has to follow?
OSH problems related to Silica (1)

- Well known since many years
- In particular silicosis & lung cancer
- Resulting burden for workers and society alike
  - Occupational cancer and deaths caused by occupational exposure
  - Associated / resulting costs for workers, industry, insurance companies, society
OSH problems related to Silica (2)

- However
  - Differences in classification (e.g. EU vs IARC) and resulting legal consequences – scope of the CMD
  - Controversial (scientific) debate, e.g. can lung cancer be prevented if silicosis is prevented?
  - What are the best (legal) instruments to be used?
    - voluntary vs binding
    - CAD vs CMD
How are workers currently protected? (1)

- **Chemical Agents Directive (98/24/EC)**
  - Provisions apply to all hazardous chemicals
  - Hierarchy of preventive and protective measures


  - More stringent provisions than those foreseen under CAD (e.g. substitution)

How are workers currently protected? (2)

- **REACH Regulation**
  - **Restriction**
  - **Authorisation**

- **NEPSi**

  Agreement on Workers' Health Protection Through the Good Handling and Use of Crystalline Silica and Products Containing it

Legal & other possibilities to further protect workers

• Legal
  • Introducing an indicative / binding OEL under CAD
  • Amendment of Annex I of CMD
  • Introducing a binding OEL under CMD in Annex III

• NEPSi
  • Include the construction sector in the agreement
Legal requirements for COM to follow

• *Impact Assessment including*
  • Competitiveness proving
  • SME test
• *Consultation of other Services concerned*
• *Consultation of Council and Parliament (in case of CMD amendment)*
Work so far performed

• Consultation of SP as requested by TFEU (Article 154)
• Consultation of WPC / ACSH (foreseen in CAD / CMD)
• Studies
• Consultation of SCOEL
• Consultation of industry sectors concerned
SCOEL involvement in setting Occupational Exposure Limits

1. **START**
   - DG EMPL establishes a list of priority substances and submits it to SCOEL

2. SCOEL evaluates each substance using the latest available scientific data and current best practices

3. SCOEL prepares a draft recommendation and submits it to DG EMPL

4. DG EMPL initiates a 6-month consultation period with the national contact points

5. DG EMPL consults other relevant Directorate-Generals and then initiates the formal legislative procedure

6. DG EMPL consults the Advisory Committee on Safety and Health at Work

7. SCOEL considers comments and new data, amends if necessary, and adopts a recommendation

8. DG EMPL accepts SCOEL’s final recommendation and publishes it

**Occupational Exposure Limits: Protecting Workers Health**

If necessary further consultation
Legal possibilities explored

• *Introducing an indicative / binding OEL under CAD*

• *Amendment of Annex I of CMD*
  • What is legally speaking covered by the term "respirable crystalline silica"
  • Problems of so-called process generated substances

• *Introducing a binding OEL in Annex III of CMD*
  • Obligation to substitute – consequences for industry
The legislative procedure for developing EU OELs

- If Proposed OELs are based **ONLY** on Scientific Considerations then.....
- The Adaptation to Technical Progress Procedure route
  Article 17 of Dir. 89/391/EEC
- Indicative Occupational Exposure Limit Values
- Incorporation of values into proposals for Commission Directives in accordance with the chemical agents directive
- Incorporation of values into proposals for Council and Parliament Directives in accordance with the chemical agents directive or the carcinogens and mutagens directive
- The Council and European Parliament route
  Article 15 of Directive 89/391/EC
  Article 3(4) of Directive 98/24/EC
- Binding OEL values / Biological Limit Values
- Occupational Exposure Limits: Protecting Workers Health
- Adoption of Directive
Problems encountered

- *IA related*
  - Outdated data
  - Missing exposure data
  - Missing economic data

- *Others*
  - REFIT communication
  - New Commission
Outlook

- *Silica can only be part of a package*
- *Targeted study to fill most of the data gaps*
- *Alignment with outcome of ex-post evaluation of all OSH Directives*
- *Consultation of other Services*
- *Submission of IAR*
- *Approval by College*
- *Consultation of Parliament and Council*
Thank you for your time and attention