



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

View from DG EMPL Current and recent activities on Silica

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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**
- *Carcinogens and Mutagens Directive (2004/37/EC)*
 - **More stringent provisions than those foreseen under CAD (e.g. substitution)**

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:01998L0024-20140325&qid=1422281455077&from=EN>

<http://eur-lex.europa.eu/legal-content/FR/TXT/PDF/?uri=CELEX:02004L0037-20140325&qid=1422281394644&from=EN>

How are workers currently protected? (2)

- *REACH Regulation*

- **Restriction**
- **Authorisation**

<http://eur-lex.europa.eu/legal-content/EN/AUTO/?uri=CELEX:02006R1907-20140822&qid=1422281538194>

- *NEPSi*

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

<http://www.nepsi.eu/home/welcome-to-the-nepsi-website.aspx>

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*

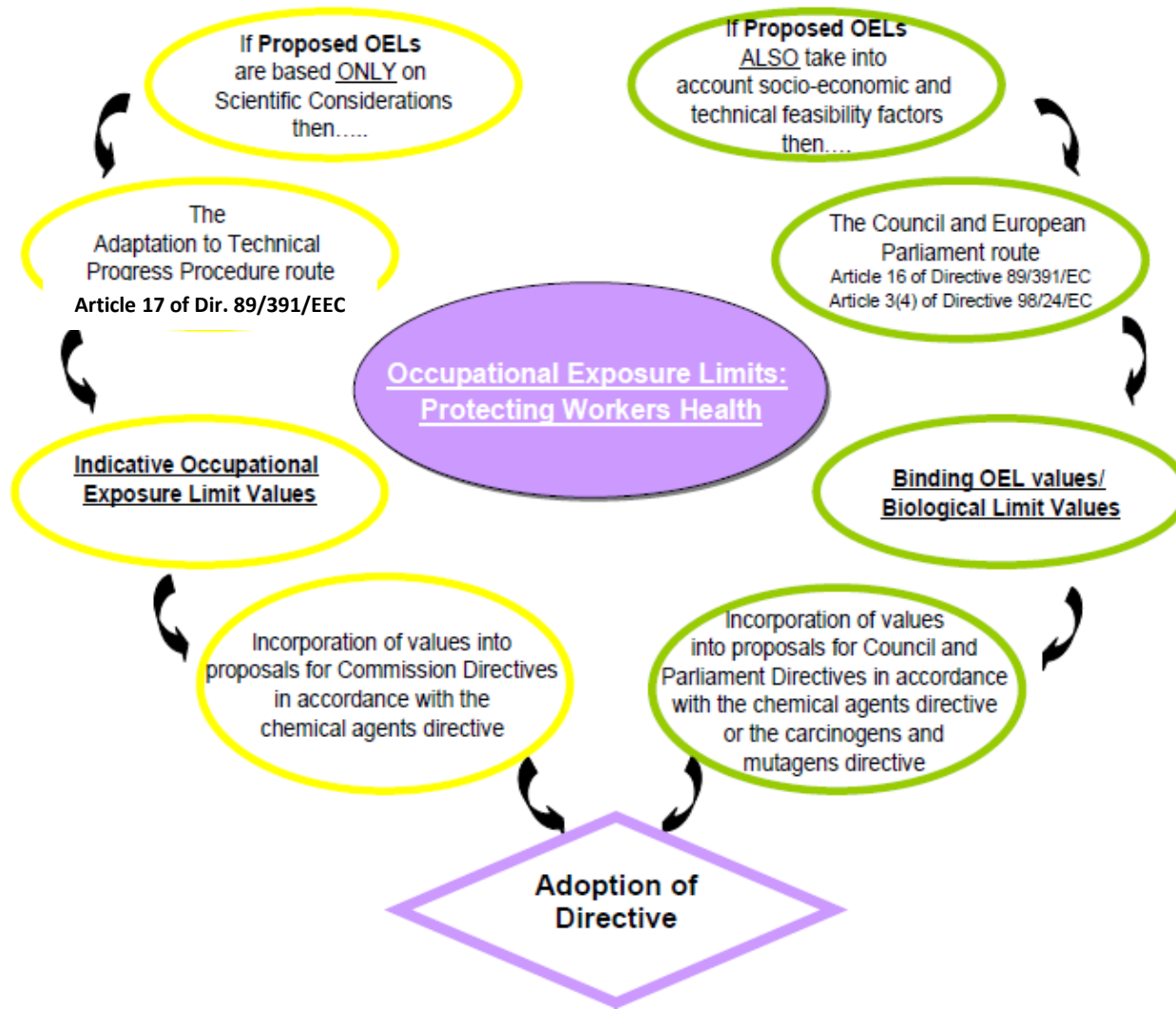
SCOEL involvement in setting Occupational Exposure Limits



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



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*



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Thank you for your time and attention