**CEOE proposed amendments**

**on the I Draft Report of the Committee no Employment and Social Affairs of the European Parliament 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) 248 – C8 – 0181/2016 – 2016/0130(COD)] – Rapporteur Marita Ulvskog**

…

**AMENDMENT (AMENDMENT 23 *DRAFT REPORT OF MEP ULVSKOG)***

**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 CEOE*** |
| *0,05* (1) | ***0,1***(1) |

(1) Respirable fraction

*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 tri partite Advisory Committee for Safety and Health at Work, as specifically referred to in the Treaty on the functioning of the European Union, Articles 154 – 155. It reflects socio-economic and technical feasibility factors, while maintaining the aim of ensuring the protection of worker’s health, being the SCOEL report one of the contributions already taken into account in the tri partite proposal.*

*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 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).*

*None of the existing national Occupational Exposure Limit values at 0.05 mg/m³ are Binding Occupational Exposure Limits.*

*There are also technical difficulties in making reliable measurements of RCS at very low OELs as such 0,05 mg/m3. Moreover, the absence of a harmonised test method is a proof of this difficulty and is another relevant issue not to be neglected.*

*The implementation of the good practices with the involvement of the workers coupled with effective compliance with OEL at 0.1 mg/m³ provide a high level of workers protection.*

*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 for most of the industries.*

*It is also worth noting that the EC proposal COM (2016) 248 final, takes into consideration the impact on EU competitiveness or international trade that would imply a value which is not similar to those in other countries.*