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## **FIEC and EBC joint position paper on the Compromise Amendment N on the proposal for revision of the Carcinogens Directive (2004/37/EC) [COM(2016)248]**

As a complement to our main message, namely that for “Respirable Crystalline Silica” 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, FIEC and EBC would hereby like to jointly underline their opposition as regards the proposed Compromise Amendment N on a Binding Occupational Exposure limit (BOEL) for respirable crystalline silica :

- 1. In order to be effectively implemented a limit exposure level must be proportionate to the concerned occupational risk and be technically measurable. As regards “Respirable crystalline silica” it should therefore not go below the level of 0.1 mg/m<sup>3</sup>.**
- 2. The BOEL of 0.1 mg/m<sup>3</sup> proposed by the European Commission was agreed in the tri partite Advisory Committee for Safety and Health, whose role is specifically referred to in the Treaty on the Functioning of the European Union (TFEU), Articles 154-155. 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 Scientific Committee for Occupational Exposure Limits (SCOEL), as well as the socio-economic and technical feasibility aspects included in a thorough impact assessment study done by the European Commission.**
- 3. 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/m<sup>3</sup> would therefore mean that it would be close to background natural levels. In other words, with current measurement techniques and work processes, guaranteeing a binding limit value of 0.05 mg/m<sup>3</sup> during a full working day and in all circumstances is impracticable in the construction industry.**
- 4. Any adaptation of BOELs must only be done in the light of new scientific and technical elements and a new assessment by the Advisory Committee.**

### **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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