

Fact Sheet Respirable Crystalline Silica, 22.04.2016

- Industry recognises the benefits of a European Binding Occupational Exposure Limit for process-generated Respirable Crystalline Silica (RCS) dust. The level of 0.1 mg/m³ (8hr TWA) is agreed.
- Although inclusion of an OEL in the CMD will bear a cost that is much larger than inclusion in the CAD -- which would be a preferred route -- Industry understands the use of the CMD as a vehicle to implement an OEL.
- However, some aspects of the current text of the CMD are out dated, notably to address threshold carcinogens. We expect that the conclusions of the OSH REFIT will trigger an evolution of the Directive.
- Acknowledging that a revision of CMD will take some time, we understand the need for authorities to amend the annexes of the CMD with no undue delay.
- The following provisions of the Directive are particularly disproportionate for RCS: (i) substitution, (ii) closed systems and (iii) lowering the exposure as low as technically feasible (i.e. Articles 4, 5.2, 5.3).

Three aspects deserve special attention:

1. Crystalline silica is **present everywhere**, it makes 12% of the earth crust, it is present in various amounts in all materials extracted from the ground and in a multitude of goods.

→ The Commission proposal should clarify (e.g. in a recital) that the intention of the amended CMD is not to substitute crystalline silica. A precedent exists with hardwood dust.

2. Respirable Crystalline silica dust is an agent for which a scientific **threshold** has been established that provides a safety net for workers.

→ The obligations to work in closed systems or to reduce the exposure as low as technically feasible are disproportionate, not justified, and irrelevant when a BLV is set in Annex III. This should be clearly stated in the Amendment.

3. The occupational risk related to Respirable Crystalline Silica dust is already specifically addressed by an **effective multi-sectoral Social Dialogue Agreement which benefits should be safeguarded**.

The NEPSI Social Dialogue Agreement was established 10 years ago to protect workers' health by managing the occupational risk of exposure to RCS. The Commission has assessed that the Agreement and its implementation mechanisms are suitable to achieve its objectives, including better protection of workers.

NEPSI employers discuss a joint memorandum to enhance the Agreement with a limit value of 0,1 mg/m³.

→ it should be clearly stated in the Directive that those good practices shall be deemed as implementation of Articles 4(1), 5(2) and 5(3) in order to guarantee the co-existence of the legislation and the SDA.

- **In conclusion, Industry asks the Commission to acknowledge the issues addressed above and to sort them by providing suitable solutions, acknowledging NEPSI benefits, and in particular not imposing substitution of crystalline silica in the sectors which have signed and implement the NEPSI Agreement.**