

POSITION PAPER – 12/05/2023

 [www.ceemet.org](http://www.ceemet.org)

 [@ceemet](https://twitter.com/ceemet)

EU Transparency Register  
[61370904700-45](https://ec.europa.eu/transparency/regexp1/index.cfm?do=entity.entityDetail&entityId=61370904700-45)

# Tech and Industry employer's views on the Commission's proposals on Lead and Diisocyanates

## Introduction

MET companies have already made strides to ensure that workers are protected, having gone beyond what has been proposed at a national level, including on lead.

However, in this context, industry needs an evolution, not a revolution. When lowering limit values, we should be lowering them step by step, giving companies time to understand and adjust. In the MET industries, burdensome occupational exposure limit values (OELs) have a more acute effect. This is due to the fact that companies, including SMEs, are more likely to work with open systems, which makes it more difficult to comply with the proposed limit values. OELs need to be set in a way which reduces worker exposure, whilst still allowing SMEs to comply, and be adopted with the support of the corresponding scientific reports.

The possibility to measure the exposure to a substance is extremely important for MET companies. We must ensure that when an OEL is put in place by the EU, we also see equivalent measurement methods EU wide for that OEL. If this is not the case, the method used to measure these limit values can often distort the level playing field.

## Lead and its inorganic compounds

### Proposed limit values

First of all, it is important to recall that the Advisory Committee on Safety and Health (ACSH) was not unanimous in its view on the proposed new OEL and biological limit value (BLV) for lead and its inorganic compounds. Ceemet supports the view put forward by the employer party in the ACSH, 0.05 mg/m<sup>3</sup>. This is half the current limit value in some countries, e.g. Sweden. Unfortunately, the Commission's proposal of 0.03 mg/m<sup>3</sup> goes beyond that.

There is broad consensus that blood level concentrations are the best method to assess exposure to lead, and that there is a questionable relationship between an employee's blood lead and workplace air concentrations. Therefore, MET employers are of the opinion that the OEL proposed by the Commission will involve excessive costs for our industries without achieving a marked increase in worker protection. This factor seems not to have been accounted for in the Commission's impact assessment.

The proposal of a considerably lower BLV, without any transition period, fails to recognise the current industrial reality that many companies operate in Member States which permit much higher limit values and would need to take the necessary steps to comply. The Commission's proposal for a new BLV (150 ug/l) is approximately half of the current BLV in some countries e.g. Sweden. It is also a significant reduction of the current European BLV (700 ug/l). Our view is that when the limit values, OEL and BLV, are reduced to a much lower level, an extended implementation time is required. However, this has not been proposed by the Commission.

It must also be ensured that certain applications with lead are still possible and, in this context, a stricter OEL also needs to be assessed in relation to the ongoing process on including lead in Annex XIV REACH (Authorisation list). It should also be noted that for certain occupational groups and activities, the substitution of lead is simply not feasible. Other materials may simply not guarantee the same functions and properties as lead.

## Lack of a transition period

A reduction to the proposed limit values is not feasible without a transitional period. A reduction without taking into account transitional periods has the possibility to lead to a situation where companies simply cannot comply with the regulations. This can also have consequences for employment.

This is due to the fact that without a longer implementation time and a gradual reduction of the limit values, companies are not given reasonable conditions or possibilities to change their operations. The changes involve, for example, remodelling of existing or investment in new premises and ventilation systems and the development of new manufacturing processes and alloys. To meet the new requirements, large investments and time are required. Investments that for many companies, for example smelters, involve multi-million Euro sums.

With a gradual reduction of the limit values, OEL and BLV, the possibility for companies to reach the very low limit values increases. Limit values that cannot be complied with serve no purpose. The consequence of a limit value that cannot be complied with might be that companies are either forced to relocate their business or purchase their products outside the EU in countries that might have a poorer protection against occupational exposures. Risks in work environment are thereby exported.

It is important to understand that a low limit value is not the only solution to protect workers from exposure. It is at least as important that there is knowledge of and good routines on how the work should be done to minimize exposure and the contamination in the work premises.

## Hygiene as a key factor in companies

Ceemet would like to highlight that companies already do a lot to achieve and, in some cases, go beyond the limit values. In some countries, e.g. Belgium, the limits that are currently used as a guide value in the sector have been at a much lower level for years. The sector has long ceased to take Belgian legal values into account and has started to introduce reductions on its own initiative. Taking into account the uncertainties when estimating the air lead levels needed to achieve target blood lead limits, MET employers are of the opinion that any future OEL should be established to reflect good hygiene practice and technical feasibility.

Moreover, BLVs are seen as the best way to ensure worker health, however these limit values need to have transitional measures due to the accumulation of lead in the body. Therefore the hygiene measures taken are of such importance that they must be supported by the right behaviour. Hygiene can be more important than the amount of lead present in the air. The proposed reductions require adjustments in terms of behaviour (hygiene) and investments. In addition, it should be noted that workers who are exposed to lead for many years accumulate this product in their bodies.

However, workers who are taken out of this exposure environment can still show elevated values years later. Therefore, time is also necessary to be able to see the effects in the blood of the employees who have been exposed at work. This is another reason why a transitional period is necessary.

## Diisocyanates

Ceemet can support the Commission's proposal on diisocyanates as this is in line with the opinion of the ACSH. Nonetheless, we would like to point out that a REACH restriction has already been issued for diisocyanates. This includes, but is not limited to, training requirements for all companies, which must be renewed every five years.

A large number of workplaces, e.g. in the stone and ceramics industry, are largely outdoors, which is why setting a workplace limit value for these areas is not expedient. Here, the newly introduced training obligation would be completely sufficient to deal with possible risks and dangers. Since strict risk management measures are already in place as a result of the REACH restrictions, we firmly reject any additional measures and regulations such as measurement, reporting and recording obligations.

An accompaniment to limit values for diisocyanates is the requirement of other measures to reduce exposure including statutory training and medical checks. These are in place in some countries for many years. These and other measures together with limit values ensure safe handling and low exposure.

\*\*\*

### About Ceemet

- Ceemet represents the metal, engineering and technology-based industry employers in Europe.
- Member organisations represent 200,000 companies in Europe, providing over 17 million direct and 35 million indirect jobs.
- Ceemet is a recognised European social partner at the industrial sector level, promoting global competitiveness for European industry through consultation and social dialogue.