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Setting occupational exposure limit values at EU level
UNICE position paper

1. The setting of IOEL (Indicative Occupational Exposure Limit Values) and BOEL (Binding Occupational Exposure Limit Values) in the framework of the Chemical Agents Directive (98/24) is an important and continuing activity for the protection of workers at work. However it must be emphasised that the OEL activity is only one element amongst many in the protection against possible harmful effects caused by chemical agents.

2. The OEL work in the EU should be targeted towards the creation of a harmonised OEL system that produces OELs that are realistic and accepted.

3. A fundamental basis for the OEL work is an assessment of all available valid scientific evidence establishing a relationship between exposure and health effects. The scientific committee (SCOEL) has a key role to play in this exercise.

4. UNICE fully supports the objective of establishing OELs that will not lead to adverse effects on the health of exposed persons and/or their progeny at any time, as put forward by the SCOEL. Employers accept that this goal extends to sensitive sub-populations when they constitute a significant proportion of the potential workforce. However, these limits would in some cases have to be fixed at such a low level as to be technically and economically unattainable, and therefore other means of protection have to be taken into consideration.

5. UNICE wishes to stress that the essential task of the SCOEL consists of elaborating the above-mentioned dose-response relationship, as stated in the Chemical Agents Directive. Such relationships are of fundamental importance in setting IOEL as well as BOEL, where feasibility factors are taken into account while maintaining the aim of ensuring the health of workers at work.

6. SCOEL summary documents presenting their key scientific evaluations and the OEL recommendations should highlight possible problems regarding groups at risk. A special note or introductory remark should draw the attention of the Member States to the fact that additional protective measures for these risk groups may be needed.

7. Evaluations of the SCOEL should only be based on science and a transparent use of uncertainty factors. SCOEL's present use of preferred values (use of decimals of the integers 1, 2 or 5) should, therefore, be discontinued. Preferred values do not have a scientific basis, and if the approach is applied for example to ppm values, the corresponding mg/m3 values will not be preferred values (and vice-versa).

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8. As the political sphere (Advisory Committee, TPC Committee etc.) is always involved one way or the other in the procedure leading to European OELs, decisions regarding the use of such preferred values belongs to this sphere and not to the scientific part of the process.

9. If the SCOEL wishes to continue to convey an additional factor (beyond the uncertainty factors) indicating uncertainty in their recommendations, the recommendations could be presented as bands or ranges, for example, 10 - 20 ppm, 20 - 50 ppm, etc.

10. According to the OEL-setting procedure, draft SCOEL evaluations are published with at least a 6-month consultation period before a final evaluation document (the SUM document) is agreed upon. UNICE recommends that consultation with the Advisory Committee (the AHG on OELs) is included in this as far as the scientific elements are concerned.

11. The consultation of the Advisory Committee based on the final evaluation by the Commission should then be restricted to a feasibility evaluation of the Commission recommendation. The feasibility evaluation should also include an evaluation of possible methods to cope with the suggested OEL when serious practical problems are expected.

12. If the above-mentioned feasibility evaluation manifests serious problems regarding compliance with recommended OELs, IOELs should not be fixed according to the TPC procedure for the chemical agent in question. Instead, BOELs should be adopted at the EU level.

13. Finally, UNICE believes it is essential that suitable analytical methods should be available for all substances appearing in limit value directives.

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