UNICE

THE VOICE OF BUSINESS IN EUROPE

Ref: 7.3.4.2001/PPnoisefin_en 19 April 2001

AMENDED PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND THE COUNCIL ON MINIMUM HEALTH AND SAFETY REQUIREMENTS REGARDING THE EXPOSURE OF WORKERS TO THE RISKS ARISING FROM PHYSICAL AGENTS (NOISE)

UNICE POSITION

I. General comments

1. While UNICE attaches high importance to the protection of workers from risks arising from exposure to noise, it is very concerned about the amended proposal for a Directive of the European Parliament and the Council on minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise) currently under discussion in the Council working group.

2. UNICE does not contest the need to base existing provisions on noise on Article 137 of the Treaty (instead of on former Article 100) and to read them in conjunction with framework Directive 89/391/EEC with a view to harmonising and simplifying EU legislation on occupational safety and health.

3. However, the introduction of more stringent rules needs to be supported by sound scientific evidence and take into account technical and economic feasibility. UNICE expresses its astonishment that
   - up to now, the European Commission has not provided the overdue report assessing the effects of implementation of Directive 86/188/EEC as referred to in Article 10 of Directive 86/188/EEC[1];
   - up to now, the European Institutions have not provided any evidence of progress in scientific knowledge and technology that could support a need to revise existing provisions on noise.

4. UNICE sees no justification for more stringent rules in this particular area and believes that current provisions provide an adequate framework for the protection of workers against risks from exposure to noise[2]. There is no scientific consensus to suggest that current exposure action and limit values are inadequate.

5. UNICE also recalls that it needs to be considered that loss of hearing has multiple causes, the working environment being only one[3].

[1] UNICE recalls in this context that it regards the elements for an assessment presented in COM (92) 560 final as insufficient.

[2] It should be noted that statistics, for example, for Germany, France and Belgium show an important downward trend in figures concerning reported cases of noise-induced hearing loss associated with exposure to noise at the workplace.

[3] A recent study conducted by the University College of Dublin that analyses hearing thresholds in the Irish labour workforce comes to the following conclusion: " …causation with respect to hearing thresholds cannot be attributed to the chosen factors (with the exception of age). If we cannot ascribe causation, the corollary is that noise history is insufficient evidence for the diagnosis of noise-induced hearing loss. An alternative possible explanation of our observations may be that the population contains a proportion of individuals who are congenitally predisposed to hearing loss, so that individuals exposed to noise might

6. The lowering of exposure values by 5 dB(A) would impose enormous costs and burdens on industry and especially SMEs, contradicting the provisions of Article 137(2) of the Treaty and weakening EU industry's competitiveness considerably. UNICE stresses therefore that the cost-benefit relationship of such a measure needs to be carefully considered.

7. Moreover, UNICE highlights that the practicability and technical feasibility of the proposed measures needs to be taken into account and recalls that the lowering of exposure levels further is technically difficult and in some cases impossible.

II. Specific comments

With regard to the proposed introduction of exposure action values at LEX, 8h = 80 dB(A)

1. From a scientific/ medical point of view, the measurement and assessment of noise-induced hearing loss (NIHL) that could possibly arise from long term exposure levels between 80 dB(A) and 85 dB(A) remains very difficult. The negative effects that an exposure sound level between 80 dB(A) and 85 dB(A) at work could have on the hearing capacity are, in general, regarded as minor. Available data indicate that the slight hearing loss which could be possibly induced by *long-term* exposure at levels between 80 and 85 dB(A) cannot be measured by current routine monitoring techniques, even in the most noise sensitive part of the population[4].

2. For this reason, UNICE urges the Council working group to consider the cost-benefit ratio of introducing an exposure action value at 80 dB(A) and the need for *regular* surveillance of the hearing function at this level. The introduction of an exposure action value at this level would be extremely burdensome and costly for industry and difficult for medical surveillance services to handle, with limited occupational health value.

3. Surveillance of the hearing function can be regarded as useful when an exposure sound level of 85 dB(A) is reached or exceeded. Therefore UNICE recalls again that existing provisions of Directive 86/188/EEC with regard to surveillance of hearing are adequate and sufficient.

With regard to the proposed introduction of exposure limit values at LEX, 8h = 85 dB(A)

1. UNICE is not in favour of the introduction of an exposure limit value at 85 dB(A) for the reasons that have been mentioned in section I.

2. Moreover, UNICE stresses that ambient noise levels cannot systematically be reduced to 85 dB(A) for all industries or activities and recalls that the lowering of exposure levels at source also needs to be seen in the light of practicability and technical feasibility.
   Introduction of an exposure limit value at 85 dB(A) which does not take personal hearing protection into account is in a large number of cases technically difficult and in others unrealistic and unworkable. It also needs to be considered that even measures to reduce ambient levels below 90 dB(A) remain technically difficult in

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respond entirely differently in terms of hearing thresholds subsequent to such exposure." Please refer to Kinsella et al. (1995), Analysis of Hearing Thresholds in the Irish Labour Force, Oak Tree Press, Dublin, p.39.

[4] Please refer to Robinson (1994), Flottorp (1995) and INCE (1997).

some cases, and unachievable in others (e.g. printing press). Please refer to the attached table, which provides figures for typical ambient noise levels for some common work activities (annex II).

3. In the context of exposure to noise at the workplace, exposure limit values cannot be regarded as exposure limits linked to the presence of an agent in the work environment, but need to be fixed as a limit with regard to human exposure to the agent.

4. In any event, UNICE draws attention to the fact that any reduction of exposure values would have to be accompanied by the provision of reasonably long transition periods, especially for those industrial sectors that would be strongly affected by such measures (e.g. metal and steel industry, in particular foundries, automotive industry, printing industry, manufacturers of packaging glass, timber yards/joineries).

5. Moreover, Member States should have the possibility to allow derogations for certain sectors that would face major technical difficulties to comply with more stringent rules.

6. UNICE is also very concerned about liability issues and unjustified compensation claims that could arise from the introduction of lower exposure values. This topic would need to be adequately addressed.

With regard to the possible interaction between exposure to noise and ototoxic chemicals

With regard to the possible interaction between exposure to noise and ototoxic chemicals UNICE would like to stress that the ototoxicity of certain chemicals is a scientific issue under discussion. Current scientific knowledge does not enable researchers to assess the neurotoxical effects of chemicals with certainty. It is therefore even more difficult to assess any possible interaction between exposure to noise and ototoxic chemicals. For this reason, this issue should not be addressed at this stage in a EU Directive.

III. Conclusions

1. UNICE criticises, firstly, the failure to precede the introduction of the proposal with an evaluation of the implementation of existing provisions, and secondly, the insufficient scientific basis underlying the proposal for a new directive. It calls for a thorough assessment of the effects of implementation of Directive 86/188/EEC.

2. UNICE sees no justification for the introduction of more stringent rules in this particular area at this stage.

3. Should the European Institutions nevertheless proceed with the proposal, UNICE urges the Council working group to take full account of employers' comments and concerns.

Annex I

Additional specific comments with regard to the text[5] of the amended proposal for a Directive of the European Parliament and the Council on minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise)

Article 1
The meaning of "risk of accidents" in the context of protection against exposure to noise should be clarified.

Article 4(5)
This paragraph is unacceptable because it implies a further implicit decrease of exposure levels. In addition, these provisions would, in practice, create uncertainty.

Articles 4 (6)(c) and 5 (6)
The terminology ("particularly sensitive risk groups") should be reviewed.

Article 4(6)(d)
As mentioned above, due to lack in scientific knowledge, this issue should not be addressed at this stage in a EU Directive.

Article 4 (7)
As in the proposal for an amended Directive concerning vibrations, it should be added that the risk assessment may include a justification by the employer that the nature and extent of the risks related to noise make a further detailed risk assessment unnecessary.

Article 5 (2)
The element of practicability, as addressed in Article 5 (1) of Directive 86/188/EEC, needs to be taken into account.

Article 5 (4)
It should be noted that the reduction of sound exposure can be achieved only by technical measures that need to be developed, by the replacement of equipment or by individual protection, where it is not reasonably practical to reduce daily personal noise exposure below the limit value by technical measures or organisation of work. This paragraph therefore needs to be revised.

Article 9 (2)
The term "regular surveillance" is unclear. As stated above, existing provisions of Directive 86/188/EEC with regard to surveillance of hearing are adequate and sufficient and mandatory audiometry below 85 dB (A) would have little occupational health value.

Transition periods/ derogations
As mentioned above, transition periods and derogations need to be considered should more stringent exposure values be introduced.

[5] UNICE bases its comments on the revised text of 18 January 2001, Council reference 5474/01.

Annex II

Typical ambient noise levels for some common work activities	
Activity	**dB(A)**
Grinding on a pedestal grinder	90-95
Hammering steel	95-100
Guillotining	95-100
Multi-spindle automatic turning	95-105
Circular sawing of metal	95-105
Pressing – blanking (steel)	95-110
Pressing – punch pressing (steel)	110-120
Riveting	100-110

Source: Noise in Engineering: HSE Information Sheet No 26 (UK)