

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

UNICE POSITION PAPER

GENERAL COMMENTS

1. UNICE has noted the amended proposal for a Directive on the minimum health and safety requirements regarding the exposure of workers to the risks arising from electromagnetic fields and waves (EMF)¹. The proposal for a Directive aims at establishing exposure action and limit values and includes provisions on risk assessment and health surveillance.
2. European employers attach great importance to the protection of workers' safety and health.
3. UNICE recognises that a precautionary approach has been taken using the framework of the originally proposed physical agents directive and the internationally recognised ICNIRP guidelines, and that it is hoped this will stimulate research into identifying risks and solutions concerning the exposure of workers to EMF. However, the present state of knowledge in this area makes much of the proposed legislative framework irrelevant and will only serve to confuse and burden employers and enforcers. A better approach would be to develop European-level guidance that may assist 'learning by doing'². Appropriate legislation on EMF can only be developed when the state of knowledge is sufficiently mature.

SPECIFIC COMMENTS

4. There are, therefore, many problems arising in relation to the current legislative proposal and the implementation of proposed provisions at the workplace level, which cannot be overlooked:
 - Measurement of EMF is highly complex and difficult. Moreover, it is not possible to measure the proposed limit values directly.
 - Measuring instruments are currently not easily available.

¹ Proposal for a Directive presented by the Danish Presidency on 11 December 2002, Council reference: 15400/1/02, REV 1.

² The World Health Organisation (WHO) recently published guidance on considerations for public policy making in the EMF area. Referring to high-frequency fields it is stated: "...the balance of evidence to date suggests that exposure to low level RF (radio frequency) fields does not cause adverse health effects" (p.6). WHO also states: "If regulatory authorities react to public pressure by introducing precautionary limits in addition to the already existing science based limits, they should be aware that this undermines the credibility of the science...".

Source: "Establishing a dialogue on risks from Electromagnetic fields", WHO, 2002

- There is no standard monitoring methodology agreed at EU level.
- There is currently no personal protective equipment available to provide protection in line with the hierarchy of appropriate actions.
- The risks are scientifically assessed as low. More precisely, the findings of epidemiological studies available to date have not been conclusive in establishing a relationship between the EMF phenomena and adverse effects on health.
- There is no agreed methodology for health surveillance.

A challenge to the competitiveness of European business

5. The overall impact of the proposed Directive will be to impose costly requirements on the majority of European business. This must be weighted against the potential health and safety benefits that can be expected. At the current state of knowledge, however, there are no known health benefits. UNICE therefore insists on the need to carry out a comprehensive regulatory impact assessment in line with the newly adopted EU procedures, in order to assist legislators in understanding the real impact of this proposal. The cursory “fiche d’impact” produced for the 1992 proposal was insubstantial and is now outdated.
6. The proposed measures are intended to create a minimum basis of protection for all workers within the EU and avoid possible distortions of competition within the EU. However, businesses across the EU will be placed at a competitive disadvantage. The proposals will add to the cost-base of EU products and services, making them less competitive in global markets. This effect will be more acutely felt because the costs associated with this proposal will not be offset by related benefits.

On the proposed action and limit values

7. UNICE supports the reference to the internationally acknowledged limit values based on the guidance produced by ICNIRP. However it is important that, if they are to be used in a European legislative proposal on EMF, they must be applied in a sufficiently flexible manner to take account of the incomplete state of current knowledge in this area and in a way that can reflect the varying patterns of exposure to EMF in many diverse work environments. Their direct application as rigid action and limit values is inappropriate.
8. The measurement of EMF is highly complex and difficult and will most likely have to involve employers engaging specialists and consultants, so imposing a substantial consequential cost burden on companies. But whereas the suggested action values in the current legislative proposals are not easily measurable, the suggested limit values cannot be measured directly at all. In addition, because action and limit values are not applied on the basis of time-weighted averages they are not adapted to reflect exposure patterns at the workplace. Consequently, the suggested action and limit values risk not being directly enforceable as they stand.
9. In this context, it must be noted moreover that the exposure of workers to EMF below the ICNIRP ‘*basic restrictions*’ (used to define the limit values in this legislative proposal) is not known to have any detrimental effect to health. However, the legislative proposal requires that a number of costly technical and organisational actions are taken by employers once the action values are exceeded, which is unjustified in the light of current scientific knowledge.
10. Therefore, guidance should be provided on where EMF are likely to be encountered in different work environments, estimates of likely exposure in different work environments, methods of assessing, measuring and monitoring in typical workplaces and reasonable ways of providing protective measures. Costly technical and organisational measures

should only be required in situations where there is a real risk that exceeding the limit values will create a measurable risk to health.

Health surveillance

11. Finally, it must be noted that the proposed requirements for health surveillance are ill-considered. There is no form of health surveillance that can identify acute exposure to EMF. The presence of such a requirement indicates that the principle of the ICNIRP basic restrictions upon which this proposal is ostensibly based (i.e. being the theoretical point at which biological change could occur) is not properly understood. If there is insufficient energy to effect change at a cellular level then, even if appropriate medical techniques existed, by definition they would not be able to detect any change at the values dealt with in the proposal. The Directive should only refer to the *potential* risks to the health and safety of workers due to the effects in the human body of the circulation of induced currents and heating by energy absorption as well as shocks and burns. It could be made clear that the Directive *addresses all scientifically established health effects* from exposure to time-varying electric, magnetic, and electromagnetic fields. It is important to note that there is no evidence of long-term effects resulting from exposure to electromagnetic fields, which consequently cannot be addressed.

CONCLUSION

12. UNICE invites the EU institutions to consider the option of developing guidance first before committing to legislation that is fundamentally flawed and inappropriate. In any case, the above suggestions should be taken into account to achieve the appropriate objectives in developing the legislation.

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