



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 18.03.1998
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Proposal for a

COUNCIL DIRECTIVE

**amending for the second time Directive 90/394/EEC
on the protection of workers from the
risks related to exposure to carcinogens at work**

(presented by the Commission)

**Proposal for a Council Directive
amending for the second time Directive 90/394/EEC
on the protection of workers from the
risks related to exposure to carcinogens at work
(98/.....)**

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. Introduction

a) Reason for Community action

When adopting its common position 3/97/EC¹ with a view to adopting the Council Directive amending for the first time Directive 90/394/EEC² on the protection of workers from the risks related to exposure to carcinogens at work (which was adopted as Council Directive 97/42/EC³ on 27 June 1997), the Council invited the Commission to submit a proposal to further amend the existing Directive 90/394/EEC.

This was in order to:

- provide appropriate standards against the risk from mutagenic substances not already covered by that Directive, but which were likely to show carcinogenic effects,
- bring forward measures addressing the question of carcinogenicity of wood dusts with a view to their inclusion in that Directive and to clarify how the provisions of Directive 90/394/EEC could be applied to wood dusts,
- consolidate in that Directive the existing Directives on carcinogens at the workplace, in particular vinyl chloride monomer and asbestos.

¹ OJ No C 6, 9.1.1997, p. 1

² OJ No L 196, 26.7.1990, p. 1

³ OJ No L 179, 8.7.1997, p. 4

The purpose of this proposal for the second amendment to Directive 90/394/EEC is to reply to this request from the Council.

b) Subsidiarity

The proposal does not breach the principle of subsidiarity, because it is only by Community action that a minimum level of protection for workers from the risks related to exposure to carcinogens can be assured in all member States. This action will also avoid any distortion in the area of competitiveness by preventing the unequal application of minimum standards for worker protection in one or other Member States.

Moreover this proposal will encourage more flexibility in cross border employment because workers can be reassured that they will find at least the minimum level of protection of their health and safety in all Member States. Employers will also be reassured that the costs of production will not be unduly distorted as a result of differences in the levels of protection of health and safety at work.

2. Mutagens

Most mutagens, because of the nature of their interaction with DNA can be expected to be carcinogenic. This strong presumption of carcinogenicity has led the Scientific Committee for Occupational Exposure Limits to Chemical Agents established by Commission Decision 95/320/EC⁽⁴⁾ to advise that for risk management purposes at workplace it is appropriate to treat germ cell mutagens and genotoxic carcinogens in a similar manner, because of the seriousness of their effects, the uncertainty about their dose-response characteristics and the inability to reliably identify a dose threshold for their actions.

- In scientific terms a mutagenic substance is defined as one that can alter the information content of DNA in exposed organisms.

A mutation is a change in the information content of DNA in a cell. When the mutation is in a germ cell then there is a risk that the mutation can be transmitted to future generations. If the mutation affects a somatic cell, then there is a risk that the individual may develop cancer.

⁴

OJ No L 188, 9.8.1995, p. 14

- At Community level mutagens are classified according to the Council Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances⁵ into three categories. Only categories 1 and 2 are relevant for the present amendment; these are labelled with the risk phrase R46-May cause heritable genetic damage.

Category 1

Substances known to be mutagenic to man.

There is sufficient evidence to establish a causal association between human exposure to substance and heritable damage.

Category 2

Substances which should be regarded as if they are mutagenic to man.

There is sufficient evidence to provide a strong presumption that human exposure to the substance may result in the development of a heritable genetic damage, generally on the basis of:

- appropriate animal studies,
- other relevant information.

- Most chemical germ cell mutagens act via the alkylation of DNA in germ cells. The difference in comparison to the DNA-damaging action of genotoxic carcinogens is mainly the different target cell/tissue. For chemical germ cell mutagens following this mechanism there is no commonly accepted safe threshold and furthermore, for substances which cause heritable genetic damage there is no commonly agreed model for a quantitative risk assessment.
- For all these reasons there is a general consensus that as a precaution this type of mutagen should be treated as carcinogens for the purpose of the Directive.

Therefore Article 1.1 as well as Annex I of Directive 90/394/EEC should be amended accordingly.

⁵

OJ No L 196, 16.8.1967, p. 1

3. Wood dusts

Following the request from the Council, the Commission requested the Scientific Committee on Occupational Exposure Limits to advise whether all wood dusts, or dusts of specific types of wood, should be considered as carcinogenic to human. The committee was also asked to advice on an a proposal for occupational exposure limits for wood dusts, taking into account all possible health effects.

The committee unanimously agreed that there is conclusive evidence that dusts of oak and beech are carcinogenic to humans, particularly with respect to nasal adenocarcinomas. The evidence for other types of wood is less compelling.

The committee has not yet been able to provide a detailed risk assessment which could allow the Commission to propose a scientifically based figure which would reflect the lowest acceptable risk.

The committee based its opinion on the following elements:

- The IARC Monograph on wood dust (Vol. 62. 1995) concluded that occupational exposure to wood dust is causally related to adenocarcinoma of the nasal cavities and paranasal sinuses. The excess appears to be attributable to wood dust *per se*, rather than to other exposure in the workplace. The adenocarcinoma increased risk is clearly associated with the exposure to hardwood dust but occupational exposure to a single type of wood is rare, with most occupations involving exposure to many species. No sufficient studies exist to evaluate cancer risks attributable to exposure to softwood alone.
- More recent publications confirming this primary hypothesis.
- The definition of woods as hard and soft is not universally agreed. According to IARC (1995), there are about 12000 species of wood, of which the majority are deciduous or hardwood, and only about 800 are coniferous or softwood.
- There are no recognised biological or physical differences between hardwood dusts and softwood dusts. Dust size is determined by the moisture content of the wood and the process in which the dust is generated, not by the species of wood.

- It was noted that in many types of working environment, possible contamination of softwood dust by hardwood dust cannot be excluded. Also, exposure occurs not just to dusts from mixtures of woods, but also to many chemical agents, such as additives, adhesives, stains, etc. Wood dust could be a carrier for these other agents. The nature of the concomitant exposures varies but the wood dust is a common link in the positive epidemiological studies. Experiments in progress at the German Institute for Cancer Research might help to clarify this issue.
- Extracts of hardwood dust, but not softwood dust, are reported to be genotoxic, but the committee recognised the limitations of results of studies involving fractionation and extraction of complex materials.

The Committee therefore concludes that the carcinogenicity of dusts of beech and oak has been confirmed. That the dusts of other hardwoods likewise have a carcinogenic potential in humans is probable but not conclusively proven. There is evidence, although limited, that softwood dusts may also be carcinogenic to humans.

For all these reasons the Commission concludes that the provisions of Directive 90/394/EEC as modified ought to apply to dusts of beech and oak, and may in the future also apply to other types of wood when further scientific evaluation of new data has taken place.

For clarity, therefore Annex I of Directive 90/394/EEC shall be amended with an item covering occupational exposure to dusts of beech and oak.

The Commission recognizes that it cannot on the basis of current scientific advice set a scientifically based occupational exposure limit which could provide a validated level of protection. Nevertheless it believes that modern technological practices should be applied. On the basis of current advice from Member States experts levels have been fixed nationally which vary between 2 and 10 mg/m³, depending on the nature of the national corresponding controls.

The Commission believes that 5 mg/m³ is an appropriate indication of minimum standards for good technological practice level but this figure should be reviewed within five years in order to align it with the most recent scientific data on health and safety of workers.

4. **Consolidation into Directive 90/394/EEC of existing Council Directives on protection of workers against specific carcinogens**

The adoption by the Council of Directive 90/394/EEC on the protection of workers from the risks related to carcinogens at work was a major step forward in the improvement of protection of the health and safety of workers against carcinogenic agents. However it has become clear that the legislation should be further simplified. The question was raised as to the opportunity of including the provisions of Council Directives on vinyl chloride monomer⁶ and on asbestos⁷ into Directive 90/394/EEC.

Taking into account the general principles of protection provided for in this Directive, and following an in-depth analysis of the Directive 78/610/EEC, it has been concluded that the important provision of Directive 78/610/EEC, with the exception of the limit value, are already subsumed in Directive 90/394/EEC. Therefore the Commission proposes that limit values shall be added to the Annex III of Directive 90/394/EEC and that Directive 78/610/EEC shall be repealed.

Nevertheless, it was considered appropriate, due to the long period passed from the adoption of Directive 78/610/EEC, to propose revised lower limit values based on best technological practice reported from recent available literature and the legal situation in Member States. However a review of these values is proposed within five years on the basis of available scientific data relating to the safety and health of workers to determine whether further reduction are required.

As far as the Directive on asbestos is concerned the situation is somewhat different owing to the specificity of this agent and prohibitions and specific detailed provisions contained in Directive 83/477/EEC which has been considered to be supplemented by Directive 90/394/EEC.

Furthermore the Commission has recently adopted a Communication on the provisions of Directive 83/477/EEC⁸ and reactions are awaited from Council and European Parliament in order to evaluate either which existing measures shall be amended or which are new provisions to be included.

For the above reasons, it has been considered more appropriate to delay decision relating to the inclusion of the provisions related to occupational exposure to asbestos in the framework of this Directive.

⁶ OJ No L 197, 22.7.1978, p. 12

⁷ OJ No L 206, 29.7.1991, p. 16

⁸ COM(96) 426 final, 5.9.1996

**Proposal for a Council Directive
amending for the second time Directive 90/394/EEC
on the protection of workers from the
risks related to exposure to carcinogens at work
(98/.....)**

(Text with EEA relevance)

(Submitted by the Commission on

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 118a thereof,

Having regard to Council Directive 90/394/EEC of 28 June 1990 on the protection of workers from the risks related to exposure to carcinogens at work⁽⁹⁾, as amended for the first time by Directive 97/42/EC⁽¹⁰⁾,

Having regard to the proposal from the Commission⁽¹¹⁾, drawn up following consultation with the Advisory Committee on Safety, Hygiene and Health Protection at Work,

Having regard to the opinion of the Economic and Social Committee⁽¹²⁾,

Acting in accordance with the procedure referred to in Article 189c of the Treaty⁽¹³⁾,

Whereas Article 118a of the Treaty provides that the Council shall adopt, by means of directives, minimum requirements for encouraging improvements, especially in the working environment, to ensure a better level of protection of the safety and health of workers;

⁹ OJ L 196, 26.7.1990, p. 1
¹⁰ OJ L 179, 8.7.1997, p. 4
¹¹
¹²
¹³

Whereas, under the terms of that Article, such directives are to avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings,

Whereas germ cell mutagens are substances which can cause a permanent change in the amount or structure of the genetic material of a germ cell, which may in turn lead to a change in the phenotypic characteristics of that cell, and which may be transmitted to future generations of offspring.

Whereas because of their interaction with DNA germ cell mutagens are likely to have carcinogenic effects;

Whereas vinyl chloride monomer is classified as a category 1 carcinogen under Council Directive 67/548/EEC;

Whereas, for the sake of consistency and clarity, the essential provisions of Council Directive 78/610/EEC on the approximation of the laws, regulations and administrative provisions of the Member States on the protection of health and safety of workers exposed to vinyl chloride monomer should be included in this Directive, without reducing the level of protection of the health and safety of workers;

Whereas Council Directive 78/610/EEC can be repealed after the entry into force of this Directive;

Whereas the carcinogenicity of oak and beech dusts has been confirmed in epidemiological studies on workers exposed; whereas, a large number of workers are exposed to a potential health risk;

Whereas Article 16 of Directive 90/394/EEC makes provision for the establishment of exposure limit values in respect of all carcinogens for which this is possible, on the basis of the available information, including scientific and technical data;

Whereas it is appropriate to fix such limit values for wood dust; whereas the current limit values for vinyl chloride monomer should be reduced to reflect best minimum standards for technological practices which reflect feasibility factors while maintain the aim of ensuring the health of workers at work;

Whereas the respect of the minimum requirements on the protection of health and safety of workers from the specific risks related to carcinogens aims not only to ensure the protection of the health and safety of each individual worker but also to provide a level of minimum protection of all workers in the Community;

Whereas a consistent level of protection from the risks related to carcinogens has to be established for the Community as a whole and whereas that level of protection has to be set by a framework of general principles to enable Member States to apply the minimum requirements consistently;

Whereas this amendment constitutes a practical aspect of the realisation of the social dimension of the internal market;

Whereas, pursuant to Decision 74/325/EEC⁽¹⁴⁾, the Advisory Committee on Safety, Hygiene and Health Protection at Work is to be consulted by the Commission with a view to drawing up proposals in this field,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 90/394/EEC, as amended for the first time by Directive 97/42/EC, is hereby amended as follows:

1. Article 1.4 shall be replaced by the following:

“As regards asbestos, which is dealt with by a specific Directive, the provisions of this Directive shall apply when they are more favourable to safety and health at work”.

2. Items 5 to 7 shall be added to Annex I

“5. Work involving exposure to wood dusts from the following species: beech and oak.

6. A substance which meets the criteria for classification as a category 1 or 2 mutagen set out in Annex VI to Directive 67/548/EEC;

7. A preparation composed of one or more substances referred to in point (6) where the concentration of one or more of the individual substances meets the requirements for concentration limits for the classification of a preparation as a category 1 or 2 mutagen set out either:

¹⁴ OJ No L 185, 9.7.1974, p. 15. Decision as last amended as a result of the 1994 Act of Accession

- in Annex I to Directive 67/548/EEC, or
- in Annex I to Directive 88/379/EEC where the substance or substances do not appear in Annex I to Directive 67/548/EEC or appear in it without concentration limits;"

3. In part A of Annex III the following agent shall be added:

Name of agent	EINECS ⁽¹⁾	CAS ⁽²⁾	Limit values		Notation	Derogations
			mg/m ³ ⁽³⁾	ppm ⁽⁴⁾		
Vinyl chloride monomer	200-831	75-01-4	7.77 ⁽⁵⁾	3 ⁽⁵⁾	--	--
			3.88 ⁽⁶⁾	1.5 ⁽⁶⁾		
Wood (oak and beech) dust			5.0 ⁽⁷⁾			

- (1) EINECS: European Inventory of Existing Chemical Substances
- (2) CAS: Chemical Abstract Service Number
- (3) mg/m³ = milligrams per cubic metre of air at 20°C and 101,3 KPa (760 mm mercury pressure)
- (4) ppm = parts per million by volume in air (ml/m³).
- (5) Measured or calculated in relation to a reference period of eight hours.
- (6) Overriding annual exposure limit measured or calculated as average value for one year.
- (7) Wood dust as total dust; it refers to that portion of dust that can possibly be inhaled. It is collected by a sampling device operating at an air intake velocity of 1.25 m/s \pm 10%

Article 2

Directive 78/610/EEC on the approximation of the laws, regulations and administrative provisions on the protection of health of workers exposed to vinyl chloride monomer shall be repealed with effect from

Article 3

On the basis of the latest available scientific data, the Commission may within five years of the date of this Directive present a proposal to the Council for the adoption of revised limit values for vinyl chloride monomer and wood (oak and beech) dust in accordance with Article 118A of the Treaty.

Article 4

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than They shall forthwith inform the Commission thereof.

When Member States adopt these provisions, they shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field covered by this Directive .

Article 5

This Directive is addressed to the Member States.

Done at

For the Council
The President

IMPACT ASSESSMENT FORM

THE IMPACT OF THE PROPOSAL ON BUSINESS with special reference to small and medium sized enterprises (SMEs)

Title of proposal : Proposal for a Council Directive amending for the second time Directive 90/394/EEC on the protection of workers from the risks related to exposure to carcinogens at work

Document reference number : 98002

The proposal

1. *Taking account of the principle of subsidiarity, why is Community legislation necessary in this area and what are its main aims ?*

A Council Directive on carcinogens has existed since 1990 (90/394/EEC)

During discussion at the Council on the first amendment of Directive 90/394/EEC, the Commission was called upon to submit a proposal to further amend that Directive in order

- to consolidate in that Directive the existing Directives on specific carcinogens (i.e. vinyl chloride monomer and asbestos).
- to deal with specific matters such as mutagens and wood dusts,

It is to cater with these requests that the Commission is now submitting this text to the Council.

It is also envisaged that the texts of the Directive and its amendments will be issued in due course in codified form to assist employers (SMEs) in identifying the requirements in a clear simple way to avoid cumulation of costs.

For reasons outlined in the explanatory memorandum no change will be made at the moment to the asbestos Directive.

The principle of subsidiarity is complied with as indicated in the introduction to the explanatory memorandum: it is only by Community action that a minimum standard level of protection of workers from the risks related to exposure to carcinogens can be assured in all Member States.

The impact on business

2. *who will be affected by the proposal ?*

- which sectors of business

The term "mutagen" means a substances which is able to produce an effect on cell which is called "mutation". Up to now most of the mutagens are chemical agents. It is impossible define up which industries may be concerned by this amendment to Directive 90/394/EEC, but they are concentrated on producers and users of chemicals.

As far as wood dust (limited to oak and beech) is concerned, workers in a wide variety of industries may be exposed. The main woodworking processes can be found in the sawmill, furniture and construction industries.

The existing Directive on vinyl chloride monomer concerns about 15 major chemical plants in the UE.

- size of business

For mutagens and vinyl chloride monomer see above.

Concerning wood dust, information from industry indicates the existence in the EU of about 42.000 firms, to which has to be added an unknown number of SMEs employing less than 20 workers. It was roughly considered that about 2 million of workers are employed in this sector. Because this proposal for amendment of Directive makes reference only to two kind of woods (oak and beech), it may be appropriate to consider 1/3 of the above figures.

- particular geographical areas

No specific geographical distribution does exist for mutagens and vinyl chloride monomer.

Countries other than the Scandinavian countries are mainly concerned by the kinds of wood considered.

3. *What will business have to do to comply with the proposal ?*

Almost 100 % of substances which have been tested as mutagens have also been shown to be carcinogens; up to now all but one of the substances classified as mutagen in Annex I of Directive 67/548/EEC, are also classified as category 2 carcinogens.

For these reason users of mutagens already treat them as carcinogens by applying the general provision in Directive 89/391/EEC and on chemicals in Directive 80/1107/EEC in a excessively strict way.

Therefore the regularisation of this situation by modifying the scope of carcinogen Directive will not add supplementary costs to the user industry.

The inclusion of mutagens in Directive 90/394/EEC would mean in practice cost saving to chemical producers industries because for evaluation purposes mutagenesis tests for substances are far less expensive then carcinogenesis tests. This view is widely supported by representatives of employers in the context for the Advisory Committee for Safety, Hygiene and Health Protection at work.

Wood dust is not classified as carcinogen in accordance with Directives 67/548/EEC and 88/379/EEC. However Annex I of Directive 90/394/EEC contains a list of substances, preparation and processes which, although not classified according to the above Directives on classification, meet the criteria for carcinogen. Wood dust falls into this category.

In practice Member States already apply the preventative measures of Directive 90/394/EEC to some kinds of wood dusts (from oak and beech namely) which are already considered by relevant Agencies (like the International Agency for Research on Cancer – IARC) and by some Member States as carcinogenic to humans, because of sufficient evidence of carcinogenicity.

The inclusion of work exposing to involving wood (oak and beech) dusts in Annex I of the Directive 90/394/EEC and the fixing of a limit value in Annex III is therefore appropriate.

Some indication from the wood industries estimates costs for enterprises of complying with a limit values of 5 mg/m^3 as of the order of an average of 7000 ECU, for each workplace, varying from 3600 to 9000 according to the measures needed. There are no reliable estimates of actual costs to industry of application of other provisions in the Directive, such as demarcation of risk areas, safe storage and collection, etc. These must not be underestimated, but should not pose excessive costs if considered in pragmatic light.

Comparison with existing national legislation demonstrates that the Commission proposal is a minimum which is less stringent then legislation in several Member States. The aim of the current text is to set a minimum to be respected by all Member States, although it may be supposed that as further scientific data reinforce the conclusion on carcinogenicity of other wood dusts, progressively, taking due account of the nature of the industry, further restrictions will need to be introduced in subsequent amendments which could be more expensive.

The protection of workers against cancer must be considered as a target to be achieved. However the nature of the woodworking industry as a "craft" industry must not be underestimated when introducing relevant legislative provisions. Clear definition of the processes to be covered now and later must be adequately provided for in the text to avoid unnecessary bureaucracy and costs.

Concerning vinyl chloride monomer, the reduction of the limit values and the simplification of their expression have been made merely to cater for existing current technological practices and situation in the Member States, and will have insignificant consequences to industry. The revocation of the Directive will simplify application of provisions, which have been up to now included in several Directives.

4. *What economic effects is the proposal likely to have ?*

- employment

The advantages of improved working conditions will result in a lowering of the number of cases of cancer, as has also been stressed (and evaluated) by the committee of scientific experts.

These benefits will be felt not only by individual workers as members of society but also by the companies themselves, for which the cost advantages will be expressed as:

- fewer absences through illness
- lower retraining costs, and,
- fewer cases of persons having to be pensioned off because of invalidity.

Thus the employability of the workforce and its flexibility of operation will be enhanced.

- investment

Two types of additional expenditure will have to be incurred, the first concerning the measuring of the limit value for exposure and, the second, arising from modifications on the older plant and equipment to the systems for preventing the release of substances into the ambient air.

The costs as regards the first provision may obviously be comparatively low as there is no absolute need for companies to have their own measuring instruments. The second aspect will undoubtedly weigh more heavily, particularly in the older installations, although the actual scale of intervention can be limited in this case, too, to those work stations where the worker actually carries out his tasks.

As far as vinyl chloride is concerned industry already is in compliance with the new provisions and will benefit from the simplification of the text.

Nevertheless, as these arrangements are designed to protect the worker against the risks of the onset of cancer, the benefits should not be under estimated.

- competitive position of business

Industry has requested the inclusion of mutagens in the text to avoid distortion to competition between manufacturers and to reduce (indirectly) the costs of testing for the evidence of carcinogenicity.

The case of wood dust is more complicated.

As comparable rules exist in many countries the modern wood industry is in a position to comply.

Smaller, or older types of manufacturers may have to introduce new extraction equipment or other forms of protection.

Some consultation have pointed out the possibilities of competition between hard woods (other than oak and beech) or between hard or soft woods. There is undoubtedly scope for temporary differences but the proposal is designed to align the differences on the basis of new scientific data within 5 years. The disadvantages for individual firm in the intervening period have to be balanced against the advantages to society as a whole where costs of ill health will be reduced and productivity enhanced.

5. *Does the proposal contain measures to take account of the specific situation of small and medium sized firms (reduced or different requirements etc) ?*

The proposal does not contain any specific requirements for SMEs in order to avoid discrimination on health and safety matters among workers.

Consultation

6. *List of the organisations which have been consulted about the proposal and outline of their main views.*

As described in the text, the Commission consulted the Scientific Committee for Occupational Exposure Limits concerning scientific aspects of its proposal and the text is in conformity with the advice of the Committee.

Consultations with governments, workers and employers have taken place bilaterally and officially within the framework of the tripartite Advisory Committee for Safety, Hygiene and Health Protection at work.

The Advisory Committee unanimously accepted the approach taken by the Commission with respect to mutagens, vinyl chloride monomer and asbestos.

A majority also accepted the approach on wood dust. Workers agreed with the limitation to oak and beech dust, but would have preferred to include other types of wood in the Directive.

Employers did not contest the carcinogenicity of wood dusts (oak and beech) but were concerned that some of the consequences of treating these dusts as a carcinogen and thus subject to the Directive 90/394/EEC would be unpractical if rigidly enforced.

The Commission considers that in any event the employer is already responsible under the "Framework" Directive 89/391/EEC to adequately protect workers and in this sense the inclusion in Directive 90/394/EEC helps to identify the kind of provisions which integrate the general obligations (e.g. risk assessment, replacement of the dangerous substance by the less dangerous, etc). Many Member States already apply specific provisions on wood dust as or more rigorous than the Commission text.

Employers were also concerned that training efforts could be prejudiced. The Commission believes that protection of young people against carcinogenic agents which may affect workers' health in late life should take precedence.

Concerns were also expressed by employers that the application of Directive 90/394/EEC to wood dust from oak and beech would lead to the disappearance of oak and beech products. The Commission stressed that oak and beech, as such, are not the cause of nasal cancer; it is the dust which is implicated and thus avoiding exposure to the dust will protect workers.

Furthermore, the scientific advice is such that it is possible that in the future, if new data become available, a general solution for all woods will be required.

It has also been put to the Commission that its proposal to fix a technical guidance limit value will make easier the practical application of the above mentioned provisions by employers, in anticipation of the five years scientific review.

Government representatives in the Committee and in specialised expert groups convened to address practical and technical issues raised in particular by employers, could accept the Commission proposal, but some Member States would have preferred further restrictions on other hard woods, and in some cases, soft woods.

Member States experts believed that the practical issues raised by employers could be addressed without changing the principles enshrined in the Directive.

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