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AK Position Paper

# Proposal for a directive amending the Carcinogens and Mutagens Directive

## About us

**The Austrian Federal Chamber of Labour is by law representing the interests of about 3.4 million employees and consumers in Austria. It acts for the interests of its members in fields of social-, educational-, economical-, and consumer issues both on the national and on the EU-level in Brussels. Furthermore the Austrian Federal Chamber of Labour is a part of the Austrian social partnership. The Austrian Federal Chamber of Labour is registered at the EU Transparency Register under the number 23869471911-54.**

**The AK EUROPA office in Brussels was established in 1991 to bring forward the interests of all its members directly vis-à-vis the European Institutions.**

### **Organisation and Tasks of the Austrian Federal Chamber of Labour**

The Austrian Federal Chamber of Labour is the umbrella organisation of the nine regional Chambers of Labour in Austria, which have together the statutory mandate to represent the interests of their members.

The Chambers of Labour provide their members a broad range of services, including for instance advice on matters of labour law, consumer rights, social insurance and educational matters.

Rudi Kaske  
President

More than three quarters of the 2 million member-consultations carried out each year concern labour-, social insurance- and insolvency law. Furthermore the Austrian Federal Chamber of Labour makes use of its vested right to state its opinion in the legislation process of the European Union and in Austria in order to shape the interests of the employees and consumers towards the legislator.

All Austrian employees are subject to compulsory membership. The member fee is determined by law and is amounting to 0.5% of the members' gross wages or salaries (up to the social security payroll tax cap maximum). 560.000 - amongst others unemployed, persons on maternity (paternity) leave, community and military service - of the 3.4 million members are exempt from subscription payment, but are entitled to all services provided by the Austrian Federal Chambers of Labour.

Werner Muhm  
Director

## The AK's position in detail

The Austrian Federal Chamber of Labour (BAK) welcomes the fact that the Commission, after many years of inactivity with respect to establishing limit values for carcinogenic substances, is moving to improve the protection of workers against carcinogens and mutagens at the workplace.

The specification of limit values at the workplace for 13 substances is an important first step. The list of substances should, however, be extended without delay. The Commission has proposed to specify limit values for a further 12 substances by the end of 2016. There is no apparent justification for limiting the number of carcinogens to 25.

The Austrian Federal Chamber of Labour supports the efforts of the European Trade Union Confederation to promote the specification of limit values for carcinogenic and mutagenic substances using a list of priority substances. In addition, we consider the inclusion of reprotoxic substances in the Carcinogens and Mutagens Directive essential, owing to the severe and irreversible damage that they can cause. Such reprotoxic substances have long been included in Austrian law.

A reliable exposure limit value cannot be determined for most carcinogenic and mutagenic substances (CM substances). It is not currently possible to specify a health-based workplace limit value for such substances, i.e. a limit value that, according to the lat-

est toxicological knowledge, subject to compliance, ensures workers will not suffer any health damage, even if they are exposed to the substance at the given concentration throughout their working life. The use of such CM substances without a limit value therefore means that the affected workers have a high residual risk of developing cancer.

Instead of taking the technical feasibility of exposure as the yardstick for the specification of limit values (technical reference concentration values) as was typically the case earlier, the specification of risk-based limit values is the accepted approach today. That involves two steps:

- (i) regardless of the substances in question, political consensus should be reached as to what maximum level of cancer risk due to working is deemed acceptable;
- (ii) the relationship between exposure and risk should be determined for each CM substance; that relationship describes what (additional) risk of developing cancer is associated with what levels of exposure (through inhalation).

A limit value can then be established on the basis of those two factors – the politically determined risk level and the substance-specific relationship between exposure and risk. That ensures that the specified cancer risk is not exceeded when working with such CM

substances, and that workers – regardless of the CM substance they are working with – benefit from the same level of minimum protection.

Specification of the risk level as described above is a process that necessitates difficult decisions. The Netherlands and Germany have defined such a risk level. The upper limit for the additional cancer risk as a result of working with CM substances has been specified there as a risk of 1 in 2500. In practice, however, the risk should always be lower than that to the greatest extent possible. In the opinion of the Austrian Federal Chamber of Labour, that risk value is the absolute ceiling for any specification of limit values at EU level. The proposed directive contains exposure limit values that represent an unacceptable risk of workers developing cancer.

Detailed remarks concerning the limit values for exposure at the workplace listed in Annex III of the draft directive:

Chromium(VI) compounds: the proposed limit value of 0.025 mg/m<sup>3</sup> corresponds to a cancer risk over a working lifetime of 10%, which is absolutely unacceptable. Based on the relationship between exposure and risk established by the Committee for Risk Assessment (RAC) of the ECHA, the limit value must not exceed 0.001 mg/m<sup>3</sup>.

Hardwood dust: a limit value of 1 mg/m<sup>3</sup> instead of 3 mg/m<sup>3</sup> is imperative. In addition, the proposed limit value should apply to wood dust in general, rather than being limited to hardwood dust.

Refractory ceramic fibers: instead of a limit value of 0.3 f/ml, we propose the value of 0.1 f/ml (as in Germany). The latter corresponds to an additional cancer risk of 4 in 1,000 workers.

Respirable crystalline silica (including quartz): in line with the recommendation of the Scientific Committee on Occupational Exposure Limits (SCOEL), we propose a limit value not exceeding 0.05 mg/m<sup>3</sup>, instead of 0.1 mg/m<sup>3</sup>.

Acrylamide: the proposed limit value of 0.1 mg/m<sup>3</sup> should be replaced by a value of 0.06 IF (inhalable fraction) in the case of solid acrylamide and 0.03 IF in the case of the other forms, as is the case in the Austrian regulation on limit values.

2-Nitropropane: to reduce the additional working life risk to a maximum of 1 in 250, a limit value not exceeding 1.8 mg/m<sup>3</sup> – as in Germany – is essential.

1,3-Butadiene: the proposed 2.2 mg/m<sup>3</sup> or 1 ppm corresponds to an additional working life risk of 1 in 570. Instead a limit value of 0.5 ppm is called for.

Should you have any further questions  
please do not hesitate to contact

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