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REPORT

of the Committee on Social Affairs, Employment and the Working Environment

on the Commission proposal for a Council directive on the operational protection of outside workers exposed to ionizing radiation during their activities in installations in which such radiation is used
(COM(89) 0376 final - C3-0081/90)

Rapporteur : Mr Stephen HUGHES


PE 141.438/fin.

A Series: Reports - B Series: Motions for Resolutions, Oral Questions - C Series: Documents received from other Institutions (e.g. Consultations)

 = Consultation procedure requiring a single reading

 = Cooperation procedure (second reading) which requires the votes of a majority of the current Members of Parliament for rejection or amendment

 = Cooperation procedure (first reading)

 = Parliamentary assent which requires the votes of a majority of the current Members of Parliament

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By letter of 12 March 1990, the President of the Council of the European Communities requested the European Parliament to deliver an opinion, pursuant to Articles 31 and 32 of the EAEK Treaty, on the proposal from the Commission of the European Communities to the Council for a Council Directive on the operational protection of outside workers exposed to ionizing radiation during their activities in installations in which such radiation is used.

On 2 April 1990, the President of the European Parliament referred this proposal to the Committee on Social Affairs, Employment and the Working Environment.

At its meeting of 15 May 1990, the Committee on Social Affairs, Employment and the Working Environment appointed Mr Stephen Hughes rapporteur.

The committee considered the Commission proposal and the draft report at its meeting of 17 September 1990.

At the meeting of 18 September 1990, the committee adopted the Commission proposal, as amended, and draft legislative resolution unanimously.

The following took part in the vote:

Mr Van Velzen (Chairman), Mr Hughes (Rapporteur), Mr Deprez, Mrs van Dijk, Mr McMahon, Mr Megahy, Mr Menrad, Mrs Nielsen, Mrs Onur (for Mr Peter), Mr Pronk, Mrs Sandbaek, Mr Torres Cuoto and Mr Wilson.

The report was tabled on 20 September 1990

The deadline for tabling amendments to this report will appear on the draft agenda for the part-session at which it is to be considered.

A.

Proposal for a Council Directive on the operational protection of outside workers exposed to ionizing radiation during their activities in installations in which such radiation is used

Text proposed by the Commission of the European Communities

Amendments tabled by the Committee on Social Affairs, Employment and the Working Environment

Preamble unchanged

Recitals 1 and 2 unchanged

Amendment no 1

New recital 2a

Whereas there is growing evidence to suggest that the exposure limits laid down in Directives 80/836/EURATOM and 84/467/EURATOM, and applying to this proposal, need to be reduced;

Amendment no 2

New recital 2b

Whereas such reductions are expected to be proposed by the International Commission on Radiological Protection and will be incorporated into these directives;

Recital 3 unchanged

Amendment no 3

New recital 3a

Whereas in accordance with the principles of directive 80/836/EURATOM it should be the duty of employers and operators to ensure that exposed workers are giving optimized protection and that dosage is kept as low as reasonably achievable;

Recitals 4-20 unchanged

Amendment no 4

Text proposed by the Commission
of the European Communities

Article 1

1. The purpose of this Directive is to increase the operational protection of category A outside workers performing activities in the controlled areas of installations in which ionizing radiation is used against the dangers of such radiation.

Article 2, 1st indent unchanged

Article 2, 2nd indent

- the term "outside worker" shall apply to any person, including students and apprentices, who performs a service in an installation in which ionizing radiation is used and is either self-employed or employed by an undertaking other than that responsible for the installation;

Article 2, 3rd and 4th indents unchanged

Article 3 unchanged

Amendments tabled by the Committee
on Social Affairs, Employment and
the Working Environment

Amendment no 4

Article 1

1. The purpose of this Directive is to optimize the operational protection of category A outside workers performing activities in the controlled areas of installations in which ionizing radiation is used against the dangers of such radiation.

Amendment no 5

Article 2, 2nd indent

- the term "outside worker" shall apply to any person including students, apprentices and trainees, who performs a service in an installation in which ionizing radiation is used and is either self-employed or employed by an undertaking other than that responsible for the installation;

Text proposed by the Commission
of the European Communities

Amendments tabled by the Committee
on Social Affairs, Employment and
the Working Environment

Amendment no 6

New Article 3a

When an outside undertaking is engaged to provide services in an installation in which ionizing radiation is used the employer (or self-employed person) in such an undertaking will be required to draw up a plan of work designed to optimize the protection of workers from risks of exposure to ionizing radiation and to keep exposure as low as reasonably achievable. Where despite these precautions workers reach the dose limits laid down in Articles 8 and 9 of directive 80/836/EURATOM, as amended, they will be entitled to redeployment to work not involving exposure to ionizing radiation, without loss of income or position.

Article 4 unchanged

Article 5, paragraph 1 unchanged

Text proposed by the Commission
of the European Communities

Article 5.2

2. The operator of an installation in which ionizing radiation is used and category A outside workers are performing activities shall be responsible for the operational aspects of their radiation protection which relate directly to the nature of the installation and the activities, including operational dosimetric monitoring of the latter.

Amendments tabled by the Committee
on Social Affairs, Employment and
the Working Environment

Amendment no 7

Article 5.2

2. The operator of an installation in which ionizing radiation is used and category A outside workers are performing activities shall be responsible for the operational aspects of their radiation protection which relate directly to the nature of the installation, and the activities, including operational dosimetric monitoring of the latter. The operator will at all times ensure that category A outside workers are given optimized protection and that their exposure to radiation is minimised - rather than working up to an allowable exposure limit (such as the dose limits laid down by an employer); exposure will be kept as low as reasonably achievable;

Article 5.3(a) unchanged

Amendment no 8

Article 5.3(b)

b) ensuring that he is classified as medically fit for the work to be assigned to him and that the dose limits laid down by his employer for that work are not exceeded, account being taken of all possible forms of exposure;

Article 5.3(b)

b) ensuring that he is classified as medically fit for work to be assigned to him and that his exposure to ionizing radiation is kept as low as reasonably achievable, account being taken of all possible forms of exposure;

Article 5.3(c) and 5.3(d) unchanged

Articles 6, 7 and 8 unchanged

Annex points 1-8 unchanged

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Text proposed by the Commission
of the European Communities

Amendments tabled by the Committee
on Social Affairs, Employment and
the Working Environment

Amendment no 9

Add to Annex point 8

Note: It is expected that the
operator will ensure that exposure
is kept as low as reasonably
achievable. This recommended dose
limit should not therefore be taken
as a licence to allow exposure to
that level.

DRAFT LEGISLATIVE RESOLUTION

embodying the opinion of the European Parliament on the Commission proposal for a Council Directive on the operational protection of outside workers exposed to ionizing radiation during their activities in installations in which such radiation is used.

The European Parliament

- having regard to the proposal from the Commission to the Council (COM(89) 376 final),
 - having been consulted by the Council pursuant to Article 31 and 32 of the EAEC Treaty (Doc C3-81/90)
 - having regard to the report by the Committee on Social Affairs, Employment and the Working Environment (Doc A3-219/90)
1. Approves the Commission's proposal subject to Parliament's amendments and in accordance with the vote thereon;
 2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 3. Asks to be consulted again should the Council intend to make substantial modifications to the Commission's proposal;
 4. Instructs its President to forward this opinion to the Council and Commission.

B.

EXPLANATORY STATEMENT

1. Introduction

In its resolution of 6 July 1988, on the findings of the Committee of Inquiry into the handling and transport of nuclear material, the European Parliament highlighted the fact that temporary workers were exposed to the highest radiation dose rates and called upon the Commission to take action in this area. The Basic Safety Standards Directive (80/836/EURATOM), as amended by 84/467/EURATOM) in fact makes no differentiation between types of workers when laying down standards of safety and protection, including the principles of operational protection and dose limitation. The Commission has, however, acknowledged on a number of occasions that in day to day practice the optimum protection of temporary workers has proved difficult because of problems associated with the operational dosimetric monitoring of such workers. The Commission has, therefore, brought forward this proposal to cover workers and self-employed persons employed in outside undertakings engaged to provide services in an installation in which ionizing radiation is used. It sets out the obligations of the installation operator and the employer in the outside undertaking, the methods to be adopted to protect workers and to record the doses of radiation they receive on each site visit, and specifies the type of information to be exchanged between employers and site operators and to be reported to the national authorities responsible.

This Directive is also covered by Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work. Extensive provisions are therefore included to cover training and additional training for workers as well as the provision of information on the risks faced by outside workers working in an installation involving exposure to ionizing radiation.

2. Exposure limits

The exposure limits laid down in Directive 80/836/EURATOM as amended by Directive 84/467/EURATOM are in need of downward adjustment.

The whole body exposure limit laid down in Article 8 of Directive 80/836/EURATOM is, for example, 50 mSv per year. The work conducted by Professor Martin Gardner and others concerning the relationship between the incidence of leukaemia and lymphoma among young people near Sellafield Nuclear Plant in West Cumbria and the exposure of their fathers to ionizing radiation has, however, suggested that far lower levels of exposure can create problems (reference: Gardner, Martin J, Michael P, Snee, Andrew J, Hall, Caroline A, Powell, Susan Downes and John D, Terrell):

"Results of case control study of leukaemia and lymphoma among young people near Sellafield Nuclear Plant in West Cumbria" (British Medical Journal, Volume 300, 17 February 1990). That study found that the raised incidence of leukaemia, particularly, and non Hodgkins lymphoma among children near Sellafield was associated with paternal employment and recorded external dose of whole body penetrating radiation during work at the plant before conception. The study concluded that "there are important potential

implications for radiobiology and for protection of radiation workers and their children."

The Gardner study showed that the highest relative risks - in the order of six-fold - were for fathers with total radiation doses of 100 mSv or greater before the date of their child's conception or doses of 10 mSv or greater during the six months before conception. The results suggested highest risks in those with the highest accumulated ionizing radiation doses before conception, either over their total duration of exposure or during the preceding six months.

The annual dose limit of 50 mSv for radiation workers laid down in Directive 80/836/EURATOM was recommended in 1965 by the International Commission on Radiological Protection. In 1987, however, the National Radiological Protection Board in the UK recommended a reduction to 15 mSv per year. The rapporteur has been advised by the European Commission that it is expected that the International Commission on Radiological Protection will recommend a reduction in annual whole body dose limits within the next two years. It is recommended that these reduced exposure limits be incorporated into Directives in this field as quickly as possible.

These considerations are of particular concern for the types of outside workers covered in this proposal. Such workers can often move between several plants, often across national boundaries, in the course of a year and can quickly build up a considerable dosage.

Workers at the Sellafield plant in West Cumbria are seeking agreement with management that workers not be exposed to more than 5 mSv over any six month period. They have also reached agreement with management that if any workers wish to be moved from active areas they are to be removed without loss of earnings.

3. Minimising exposure

There is a basic problem in the approach of the Commission's proposal. Rather than starting from the standpoint that workers should be guaranteed optimized protection and that exposure to radiation should be kept as low as reasonably achievable, it seeks to record bench-marks for workers' exposure for each period spent in work involving exposure to ionizing radiation. At point 8 in the Annex, for example, employers are invited to recommend effective dose limits for work to be undertaken during a particular time period. This approach, it could be argued, legitimizes exposure up to that given level rather than encouraging minimization of exposure. This runs counter to the philosophy clearly put forward in the Basic Safeguards Directive (80/836/EURATOM) that protection should be optimized and exposure minimized. A number of amendments have, therefore, been proposed to reassert that basic philosophy.

4. Employment protection

One further basic difficulty is that workers who exceed a given dose of radiation during a particular time period could be penalized in that they might, in consequence, be laid off by their employers. This could, for example, introduce an incentive to deliberately under report exposure. In an attempt to address this point, an amendment has been incorporated which seeks to ensure that workers who do reach a particular dosage during a given time period will be redeployed on work not involving exposure to ionizing radiation without loss of earnings. It is the view of the rapporteur that employers might pay more attention to devising and implementing a plan of work designed to minimize exposure of workers would need to be guaranteed security in the event of exceeding the limits laid down in the Directive.