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REPORT

drawn up on behalf of the Committee on the
Environment, Public Health and Consumer Protection

on the proposal from the Commission of the
European Communities to the Council (Doc. 459/76)
for a directive on the approximation of the
Member States' laws, regulations and administrative
provisions on the protection of the health of
workers occupationally exposed to vinyl chloride
monomer

Rapporteur : Mrs V. SQUARCIALUPI

By letter of 1 December 1976, the Council of the European Communities asked the European Parliament to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a directive on the approximation of the Member States' laws, regulations and administrative provisions on the protection of the health of workers occupationally exposed to vinyl chloride monomer.

The President of the European Parliament referred this proposal to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible, and to the Committee on Social Affairs, Employment and Education for its opinion.

At its meeting of 19 and 20 January 1977, the Committee on the Environment, Public Health and Consumer Protection appointed Mrs Squarcialupi rapporteur.

It considered the proposal at its meetings of 17 February and 30 March 1977.

On 30 March 1977, the committee unanimously adopted the motion for a resolution and the explanatory statement.

Present: Mr Ajello, chairman; Mr Jahn, vice-chairman; Lord Bethell, vice-chairman; Mrs Squarcialupi, rapporteur; Mrs Cassanmagnago Cerretti, Mr Didier, Mr Edwards, Mr Evans, Mr Plebe, Mr Prescott, Lord St. Oswald, Mr Spicer, Mr Spillecke and Mr Veronesi.

The opinion of the Committee on Social Affairs, Employment and Education is attached.

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A

The Committee on the Environment, Public Health and Consumer Protection hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

on the proposal from the Commission of the European Communities to the Council for a directive on the approximation of Member States' laws, regulations and administrative provisions on the protection of the health of workers occupationally exposed to vinyl chloride monomer

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council¹,
 - having been consulted by the Council pursuant to Article 100 of the EEC Treaty (Doc. 459/76),
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection and the opinion of the Committee on Social Affairs, Employment and Education (Doc. 55/77),
1. Welcomes the submission of this proposal for a directive, the object of which is to introduce preventive measures to protect the health of the workers concerned at their place of work;
 2. Points out that, as regards the determination of effective danger thresholds, the results of the investigations into exposure - in terms of time and space - to concentrations of vinyl chloride monomer are still open to varying interpretations;
 3. Therefore asks the Commission, having regard to the divergency in expert opinion, to adopt the most stringent measures for the protection of the health of the large numbers of workers in this sector;
 4. Urges the Commission to work out a Community reference method in order to check the VCM measuring systems so that the workers concerned are not exposed to VCM concentrations reaching the scientifically acknowledged danger thresholds;

¹ OJ No C 291 of 10.12.1976, p. 5

5. Takes the view that, for the purpose of determining the maximum concentration to be laid down as the 'technical long-term limit value', no distinction should be made between existing and new VCM/PVC production units once the proposed adjustment period has expired;
6. Shares the Commission's view that the maintenance of the established limit value should on no account result in VCM pollution of the environment outside the works;
7. Believes it essential that the present directive be continually revised in the light of developments in technology and occupational medicine and that Parliament always be consulted on such revisions;
8. Asks the Commission therefore to make the following amendments to its proposal, pursuant to Article 149, second paragraph, of the EEC Treaty.

COUNCIL DIRECTIVE ON THE
APPROXIMATION OF MEMBER STATES' LAWS,
REGULATIONS AND ADMINISTRATIVE PROVISIONS ON
THE PROTECTION OF THE HEALTH OF WORKERS
OCCUPATIONALLY EXPOSED TO VINYL CHLORIDE
MONOMER

Preambles, recitals and
Articles 1 and 2 unchanged

Article 3

Article 3

- | | |
|---|---|
| 3.1. The fundamental aim of technical monitoring shall be to reduce to below measurable levels the atmospheric concentrations of VCM to which workers are exposed. All working areas in works referred to in Article 1.1. shall therefore be monitored for the presence of VCM. | 3.1. unchanged. |
| 3.2. For new VCM/PVC works, a maximum atmospheric concentration of 5 ppm, which may not be exceeded, shall be laid down as the technical long-term limit value for VCM. | 3.2. For new VCM/PVC works, a maximum atmospheric concentration of <u>1 ppm</u> , which may not be exceeded, shall be laid down as the technical long-term limit value for VCM. |
| 3.3. For existing VCM/PVC works, a maximum atmospheric concentration of 10 ppm, which may not be exceeded, shall be laid down as the technical long-term limit value for VCM. | 3.3. <u>Existing VCM/PVC works shall be allowed an adjustment period of up to one year.</u> |
| 3.4. The necessary technical measures with respect to the limiting technical values given under 3.2. and 3.3. shall not in any case result in VCM pollution of the environment outside the works. | 3.4. unchanged. |

¹ For complete text see OJ No. C 291 of 10.12.1976, p. 5

Articles 4 and 5 unchanged

Article 6

A monitoring system which gives continuous mean values for at least one hour shall be provided to detect abnormal increases in concentration levels caused by technical failures in working areas in works producing VCM/PVC.

- 6.1. The threshold concentration at which the alarm is triggered shall depend on the measuring system and on operating conditions
- 6.2. An increase in VCM concentration shall be regarded as abnormal when it exceeds approximately five times the mean weekly value. In such an event, technical measures to discover the causes shall be taken without delay.
- 6.3. The alarm threshold shall not, however, be greater than 40 ppm. If this value is exceeded, technical and personal protective measures shall be taken without delay.

Article 6

unchanged

- 6.1. unchanged.
- 6.2. unchanged.
- 6.3. If the scientifically acknowledged alarm threshold is exceeded, technical and personal protective measures shall be taken without delay.

Articles 7 to 10 unchanged

Article 11

- 11.1. This Directive shall be reviewed at least every two years in the light of developments in technology and occupational medicine.
- 11.2. A Committee consisting of representatives of the Member States, with a representative of the Commission as Chairman, shall be set up for this purpose.
- 11.3. The Committee shall draw up its own Rules of Procedure.

Article 11

- 11.1. This directive shall be reviewed at least every two years in the light of developments in technology and occupational medicine. Parliament shall be consulted on such revisions.
- 11.2. deleted
- 11.3. deleted

Article 12

Article 12

- 12.1. Where the procedure laid down in the preceding Article is to be followed, the Chairman shall refer the matter to the Committee, either on his own initiative or at the request of a representative of a Member State.
- 12.2. The representative of the Commission shall submit to the Committee a draft of the measures to be adopted. The Committee shall deliver its Opinion on such measures within a time limit set by the Chairman according to the urgency of the matter. Forty-one votes shall be required to constitute a majority, the votes of the Member States being weighted in accordance with Article 148(2) of the Treaty. The Chairman shall not vote.
- 12.3. The Commission shall adopt the measures where they are in accordance with the Opinion of the Committee.
- 12.4. Where they are not in accordance with the Opinion of the Committee, or if no Opinion is delivered, the Commission shall forthwith propose to the Council the measures to be adopted. The Council shall act by a qualified majority.
- 12.5. If the Council has not acted within three months of the date of the submission of the proposal, the Commission shall adopt the proposed measures.

12.1. deleted

12.2. deleted

12.3. deleted

12.4. deleted

12.5. deleted

Article 13 (unchanged) becomes Article 12

Article 14 (unchanged) becomes Article 13

ANNEX I to be amended in accordance with new Article 3.2

ANNEX II unchanged

EXPLANATORY STATEMENTI. Introduction

1. The Committee on the Environment, Public Health and Consumer Protection welcomes the proposed directive, particularly since it corresponds to the wishes expressed by the European Parliament in written questions No. 178/75 and No. 681/75 on the protection of workers against the dangers of vinyl chloride¹. It considers, however, that the Community measures proposed as regards technical prevention and industrial hygiene for the purpose of health protection at the place of work shall be amended as indicated below.

II. Proposed amendments2. Article 3

The comparative table drawn up and supplied by the Commission in its answer to written question No. 178/75 shows that in the United States and Sweden the maximum permissible concentrations for vinyl chloride were recently substantially reduced to 1 ppm.

In view of the fact that measuring systems still differ, the Commission must be encouraged in its efforts to harmonize working conditions on the basis of a maximum concentration laid down as the technical long-term limit value for VCM (see Annex I to the proposal).

Since the health of a large number of workers is involved here, your committee feels that the most stringent measures should be adopted and that the 5 ppm concentration proposed in paragraph 2 should be reduced to 1 ppm.

¹ OJ No. C 192/75 and No. C 82/76

On no account can your committee accept that workers in existing VCM/PVC works should be given less protection against the recognized health risks than employees in new works.

However, since existing works will inevitably experience certain difficulties in adjusting to the maximum concentration levels mentioned above, your committee feels that they should be allowed an adjustment period of up to one year.

3. Article 6

This article defines what can be considered as an abnormal increase in concentration and the alarm threshold for occupational exposure to vinyl chloride monomer. In view of the amendment proposed to Article 3, the 40 ppm given as the long-term limit value to be applied in the event of accidental increases in concentrations in existing works is too high. Reference is therefore made only to a scientifically acknowledged alarm threshold irrespective of whether existing or new works are involved.

4. Articles 11 and 12

Besides regular consultation of the European Parliament, your committee has repeatedly urged the Commission to show more restraint as regards the setting up of advisory committees. It sees no real justification for setting up a committee whose sole task would consist in advising on the two-yearly review of the directive. In your committee's view, this task could easily be carried out by the Scientific Committee for Assessing the Effects of Chemical Products on Man and the Environment which has to be set up.

III. Conclusions

Subject to the above amendments, this directive fills a serious gap in the measures to improve health protection at work, since its aim is to harmonize the differing conditions in the various Member States on the basis of satisfactory rules.

OPINION OF THE COMMITTEE ON SOCIAL AFFAIRS,
EMPLOYMENT AND EDUCATION

Letter from Mr GLINNE, draftsman of the opinion, to the chairman of the Committee on the Environment, Public Health and Consumer Protection

Luxembourg, 31 January 1977

Dear Mr Chairman,

At its meeting of 17 and 18 February 1977 the Committee on Social Affairs, Employment and Education noted the proposal in question but did not discuss it in detail.

It ascertained that the proposal is a very useful one and hopes that the draft directive will be implemented at an early date.

It regrets, however, that the subject of the proposal is dealt with only very indirectly, on the basis of Article 100 of the Treaty, i.e. in the form of a directive aimed at harmonizing national legislation.

(Sgd) E. GLINNE