

Brussels, Sofia
May 18th, 2018

EUROMETAUX and BAMI, the Bulgarian Association of the Metallurgical Industry, call your attention to the upcoming Council discussion in Brussels to set an Occupational Exposure Limit for cadmium.

The Commission Proposal to set an exposure limit for cadmium and its carcinogenic compounds at the workplace (amending the “CMD” directive 2004/37/EC) has several important shortcomings

1. This Proposal is neither effective nor proportionate

It is not effective because it does not set a biomonitoring limit value for cadmium (BLV) in urine. Monitoring cadmium in urine is the only approach to monitor the total cadmium exposure, which stems from inhalation and ingestion. Elevated cadmium exposure and resulting body load may lead to kidney dysfunction. At the current low level of workplace Cd air, **ingestion is a major source of exposure to cadmium which cannot be controlled by setting a lower air value,**

It is not proportionate because, in absence of biomonitoring, the very elevated costs to comply - where compliance is feasible - with the air value proposed by the Commission **bring only marginal health benefits to workers and encourage an inefficient use of industry’s health and safety budget,** which would be much better allocated to monitor and reduce ingestion along with inhalation.

2. A policy option agreed by the social partners in ACSH has not been evaluated in the Impact Assessment, and neither has the existing industry self-regulation

The Social Partners have agreed within ACSH on two equally protective regulatory options, one based on the SCOEL Opinion of 2017 with an inhalable OEL, and another based on the SCOEL Recommendation of 2010, with a combination of a biomonitoring limit value and a respirable OEL. The second regulatory option has surprisingly not been investigated by the Commission in its impact assessment!

Likewise, the impact of the existing self-regulation already put in place by the cadmium producing, using and recycling industry to limit worker exposure, and the proposals to further strengthen some aspects of this self-regulation, have not been investigated as alternative regulatory options (2003 II A requirements) in the Commission Impact Assessment.

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3. Significant impacts, highlighted by the consultant working for the Commission, have been omitted in the Commission Impact Assessment:

Strong warnings about the lack of feasibility of the proposed OEL for many industrial sites in Europe and Bulgaria, the likely closure of a significant number of industrial operators unable to meet the proposed value, and the high likelihood of relocation of these operations to other economic areas where OEL are less strict have been highlighted in the Consultant's report.

These negative impacts have been omitted in the Commission Impact Assessment.

For these reasons, EUROMETAUX and BAMI are kindly asking the Bulgarian authorities in their capacity as presiding the Council of the EU, not to put cadmium OEL for discussion while the business is taking the responsibility in short time to present its views on the issue.

In the next few weeks, our members producing, using and recycling cadmium will start an active dialogue with EU Member States providing evidence on workers health protection and with a view to propose a solution which ensures a high level of worker protection whilst allowing for a sustainable industry production and growth inside the European Union.

Thank you for your time and attention in considering this issue. We are at your disposal should you wish to receive further explanation on this matter.

Yours faithfully,

Guy Thiran
Director General
European Association of Non-ferrous industry

Anton Petrov
Chairman of the Board
Bulgarian Association of the Metallurgical Industry