

European Communities

EUROPEAN PARLIAMENT

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DOCUMENT 122/77

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 chlorid monomer

Rapporteur: Mrs V. SQUARCIALUPI

(*) This report replaces the report (doc. 55/77) referred back to committee on 22 April 1977

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.

On 13 December 1976, 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 10 March 1977.

On 30 March 1977, the committee unanimously adopted the motion for a resolution and the explanatory statement (Doc. 55/77).

At the request of the rapporteur, however, the European Parliament decided on 22 April 1977 to refer the motion for a resolution back to the Committee on the Environment, Public Health and Consumer Protection.

The committee considered the new draft report at its meeting of 17 May 1977 and unanimously adopted it.

Present: Mr Schwabe, acting chairman; Mrs Squarcialupi, rapporteur; Mr Albers, Mr Baas, Mr Dalyell (deputizing for Lady Fisher of Rednal), Mr Edwards, Mr Evans, Mr Mitchell (deputizing for Mr Guerlin), Mr W. Müller, Mr Noè, Mr Pintat (deputizing for Mr Bourdellès), Mr Schyns, Mr Vernaschi and Mr Veronesi.

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

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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. 122/77),
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, 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, except for the adjustment period provided for, between existing and new VCM/PVC production units;
6. Believes that the area of application of this directive should be extended to workers in the PVC processing sector;
7. 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; requests the Commission, however, to deal in a separate directive with the emission and immission problems which arise in this connection;
8. 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;
9. Asks the Commission therefore to make the following amendments to its proposal, pursuant to Article 149, second paragraph, of the EEC Treaty.

DRAFT PROPOSAL FOR A 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

Preamble and recitals
unchanged

Article 1

1.1. The object of this Directive is the protection of workers employed in works in which

- vinyl chloride monomer, hereinafter referred to as VCM, is produced, reclaimed, stored, discharged into containers, transported or used in some other way,
- vinyl chloride monomer is converted into unformed vinyl chloride polymers, hereinafter referred to as PVC, who are exposed to the effects of VCM in their working area.

1.2. This protection shall be ensured by the establishment of:

- limit values for the atmospheric concentration of VCM in the working area;
- measuring and monitoring techniques necessary for this purpose, as well as other preventive measures;
- guidelines for medical surveillance.

Article 1

1.1. The object of this Directive is the protection of workers employed in works in which

- vinyl chloride monomer, hereinafter referred to as VCM, is produced, reclaimed, stored, discharged into containers, transported or used in some other way,
- vinyl chloride monomer is converted into unformed vinyl chloride polymers, hereinafter referred to as PVC and into finished products, who are exposed to the effects of VCM is their working area.

1.2. unchanged

Article 2 unchanged

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

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.
- 3.2. 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.
- 3.3. 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.
- 3.4. 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.

Article 3

- 3.1. unchanged
- 3.2. For new VCM/PVC works, a maximum atmospheric concentration of 1 ppm, which may not be exceeded, shall be laid down as the technical long-term limit value for VCM.
- 3.3. Existing VCM/PVC works shall be allowed an adjustment period of up to one year.
- 3.4. The necessary technical measures with respect to the limiting technical values given under 3.2. shall not in any case result in VCM pollution of the environment outside the works. The emission and immission problems arising in connection with the implementation of this directive are to be dealt with in a separate directive.

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.

Article 6

unchanged

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| 6.1. The threshold concentration at which the alarm is triggered shall depend on the measuring system and on operating conditions. | 6.1. unchanged |
| 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. | 6.2. unchanged |
| 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. | 6.3. The alarm threshold shall not, however, be greater than <u>10 ppm.</u> <u>As soon as</u> this value is exceeded, technical and personal protective measures shall be taken without delay. |

Articles 7 and 8 unchanged

Article 9

9.1. A register shall be kept of workers employed on operations described in Article 1.1., with particulars of the type and duration of work, and the resulting exposure. A copy of this register shall be given to the industrial medical officer responsible for surveillance, unless the register is kept by the officer himself.

Article 9

9.1. A register shall be kept of workers employed on operations described in Article 1.1., with particulars of the type and duration of work, and the resulting exposure. A copy of this register shall be given to the industrial medical officer responsible for surveillance, and to the public authority responsible for health protection at work, unless the register is kept by them.

9.2. The register referred to in sub-paragraph one shall be open to inspection by workers and their representatives.

Article 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. unchanged

11.3. unchanged

Article 12 unchanged

Article 13

13.1. Member States shall bring into force the laws, regulations and administrative provisions needed in order to comply with this Directive within 18 months of its notification and shall forthwith inform the Commission thereof.

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

Article 13

13.1. Member States shall bring into force the laws, regulations and administrative provisions needed in order to comply with this Directive within 8 months of its notification and shall forthwith inform the Commission thereof.

13.2. unchanged

Article 14 unchanged

ANNEX I to be amended in accordance with 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 should be amended as indicated below.

II. PROPOSED AMENDMENTS2. Article 1

Your committee aims, with the proposed amendment, to extend the scope of this directive to cover those consumer goods industries - mainly consisting of small undertakings - which use PVC in which, by and large, a substantial number of workers also need to be protected against excessive exposure to the effects of MVC.

3. Article 3

The comparative table drawn up and supplied by the Commission in its answer to the above-mentioned 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 a fairly short adjustment period of up to 1 year.

As regards paragraph 4, the committee fully agrees with the Commission that the emission and concentration of MVC in the atmosphere outside the works should be dealt with in a separate directive, being a specifically environmental matter.

4. 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. The long-term limit value of 40 ppm given in paragraph 3 implicitly takes account of accidental increases in concentrations in existing works. This alarm threshold has therefore been set too high and should, for the reasons mentioned above, be drastically reduced to 10 ppm, irrespective of whether it applies to existing or new works.

5. Article 9

From the point of view of an effective health protection policy, it is recommended that the registers which are kept should be available for consultation by the authorities responsible for the protection of the health of workers.

6. 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. Your committee originally took the view that in principle the planned Scientific Committee for Assessing the Effects of Chemical Products on Man and the Environment could be assigned the task of advising on the two-yearly review of this directive in the light of developments in technology and occupational medicine. However, in view of the facts and the serious consequences that may ensue when workers are exposed to vinyl chloride gas, the committee can approve the proposal to set up a new advisory committee. Nevertheless, it reserves the right to be regularly informed of progress and, if necessary, to take initiatives in this field.

7. Article 13

In view of the adjustment period of up to one year allowed for existing works, your committee considers that the laws, regulations and administrative provisions of national law needed in order to comply with this directive can easily be brought into force in eight months rather than eighteen.

III. CONCLUSIONS

8. Subject to the above amendments, this directive fills a serious gap in the measures to provide health protection at work, since its aim is to harmonize living 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

Luxembourg
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