

Brussels, 28 August 2015

**Position Paper of the European Commission's Better Regulation Proposal**

The Beryllium Science and Technology Association (BeST) is a nonprofit organization which represents the suppliers of Beryllium in the EU market, as well as traders and industries who rely on the unique properties of beryllium to design for miniaturization, energy conservation, greater reliability and longer product life. BeST aims to promote sound policies, regulations, science and actions related to the use of beryllium and to serve as an expert resource for the international community on the benefits and criticality of beryllium applications.

BeST supports the undertaking of the European Commission to develop and institute a better regulatory approach and applauds the Commission for taking this initiative. In its May 2015 communication on the "Better Regulation for Better Results – An EU Agenda", the European Commission states that "Legislation should do what it is intended to do, it should be easy to implement, provide certainty and predictability and it should avoid any unnecessary burden." Additionally, "The Commission wants stakeholders to be able to provide feedback – not just at "checkpoints" as a particular policy is developed – but on any aspect of EU policy and legislation, at any time" and states that openness and transparency can ensure that "policies are based on the best available evidence."

The Commission also identifies specific action areas related to Chemicals legislation (REACH) and EU Occupational Health and Safety Legislation (OSH) which are highly relevant to the case of beryllium. The Commission states, "... small companies find it difficult and costly to comply with the associated administrative requirements" and "action to improve coherence and consistency between Occupational Health and Safety legislation (OSH) and chemicals regulation (REACH) will be considered."

BeST is particularly concerned over the ongoing regulatory activities related to Beryllium under REACH and Occupational Health and Safety and desires that the principles embodied in the Commission's Better Regulation for Better Results initiative be immediately embraced by the Commission and those regulatory bodies under the auspices of the Commission. It is therefore prudent that the recommendation for listing beryllium as an SVHC and/or requiring Authorisation or Restriction under REACH has to be taken off the table in light of the intended direction of the Commission.

BeST has articulated and will continue to articulate that an OEL of  $0.2 \mu\text{g}/\text{m}^3$ , using the total particulate sampling method, is the best avenue for managing risks associated with workplace exposures to beryllium. This limit was proposed by the US Occupational Safety and Health Administration (OSHA) on 7<sup>th</sup> August 2015, after labour unions and industry worked together on developing a model beryllium standard. BeST believes that such a limit in the EU can improve the coherence and consistency between Occupational Health and Safety legislation (OSH) and chemicals regulation (REACH) but more importantly protect workers, provide certainty to the marketplace, and not be burdensome to SMEs and those that rely on the unique set of properties that only beryllium can provide.

BeST supports the European Commission in its commitment to take political responsibility for applying better regulation principles in its work and stands ready to support the Commission in any manner deemed to be appropriate.

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