

Brussels, 20 April 2018

Position paper on the proposed Occupational Exposure Level for Beryllium

On 5 April 2018, the European Commission published its proposal for binding occupational exposure limit values (OEL) for 5 substances including Beryllium and inorganic beryllium compounds as well as an accompanying executive summary and staff working review reportedly of the Socio-Economic Impact Assessment (SEIA).

The EC's proposal for Beryllium should be rejected as it is flawed for the following reasons:

- **Unreliable data:** As recognized by the EC, the SEIA was conducted on the basis of scarce and/or unreliable data;
- **Overestimation of workers and companies:** An estimated 54000 workers in 5800 companies were likely to be exposed to Beryllium in the workplace. This number is vastly overestimated based on the experience and knowledge of the beryllium industry;
- **Overestimation of past and future CBD cases:** Based on questionable information and calculations, an estimated 3807 CBD cases have occurred in the EC during the past 40 years. This number is vastly overestimated compared to the data collected from Member States Authorities by the beryllium industry which found that there have been approximately 20 cases of CBD in the last 10 years. Similarly, the number of future cases of CBD likely to occur in the absence of any further action was vastly overestimated as well.
- **Closures of SMEs:** Contrary to statements made by the EC, the costs associated with compliance to the proposed final binding OEL for beryllium, which is one-tenth of the current median value in the EU, will cause the closure of SME companies and the loss of jobs in the EU;
- **Inconsistency with other regions:** The proposed OEL is not aligned with the OELs applied by other major industrial countries, such as the U.S. and Japan, and will affect the EU industry's competitiveness.
- **Beryllium is a Critical Raw Material (CRM) to the EU:** Beryllium and its alloys are essential and non-substitutable in a wide range of strategic sectors, such as aerospace, energy, automotive, medical, electronics, and defense. The use of beryllium owing to its superior properties is driving growth. An overly restrictive OEL would be contrary to this CRM status, granted by the EC for economic importance and supply risk reasons.
- **Industry Initiatives to Promote Safe Handling of Beryllium;** The beryllium industry has already implemented a Product Stewardship Program to assist companies processing beryllium and beryllium-containing materials to reduce workplace exposures and minimize potential risks to workers. The **Be Responsible** program (www.berylliumsafety.eu) promotes best practices and employs an exposure level of **600 ng/m³** inhalable 8h TWA which has been determined to reduce the incidence of CBD.

Conclusion:

The OEL of **600 ng/m³** inhalable 8h TWA proposed for the transitional period should be adopted as the final OEL, **as it is protective of workers, economically and technically feasible.**