

CEEP response to the first consultation of the social partners on the protection of workers from the risks related to exposure to electromagnetic fields at work

Supporting comments

CEEP represents public employers and providers of services of general interest. Potential exposure to Electro Magnetic Fields (EMF) of workers in our sectors is generally limited to a number of diagnostic settings within the health service environment and a number of limited working environments in the energy and telecommunications sectors. Although the impact of the Directive within our membership is therefore limited to certain sectors and specific activities, it is important to underline that the protection of the health and safety of our workforce on the whole is a key priority for public service employers. Similarly, the protection of customers from the effects of EMF in the provision of our services is also a primary concern.

CEEP fully supports a risk-assessment based approach which underpins the EU and domestic framework for health and safety at work. Any proposal for regulation of work related risks imposing additional cost or operational burdens on employers should clearly be able to demonstrate that health improvements effected outweigh such costs.

An EU wide approach to addressing such risks is justified when dealing with risks which impact on a large number of workers across employment sectors. Where only a certain number of limited sectors are concerned, these are best dealt with through industry standard good practice and sector agreements.

In relation to our response to the questions posed it is important to note that there is a lack of evidence showing any long-term adverse health effects and very rare short-term effects associated with the use of EMFs.

Specific responses

Do you consider the current Directive 2004/40/EC sufficient for the health and safety protection of workers exposed to electromagnetic fields during their work?

CEEP has concerns that the Directive 2004/40/EC is unworkable in its current form. Bearing in mind the absence of any evidence of long-term effects from the exposure to EMFs, the current exposure limit values (ELVs) place a disproportionate burden on duty holders and would prevent some important social (e.g. MRI scanning) and economic (e.g. certain types of resistance welding) activities being performed.

Any revised proposal for regulation of EMF risks should ensure worker protection while also clearly demonstrating a favourable balance of costs against health benefits. It should also minimise the burdens to sectors where the risks from EMFs are negligible.

It is particularly important to note that implementation of the Directive in its current form could restrict the safe use, for example, of Magnetic Resonance Imaging (MRI) technology in a diagnostic

setting and put health care workers at greater risk, as it may require them to rely on alternative imaging techniques (in most cases this would mean ionising radiation), which unlike EMFs do have proven serious long-term negative health effects.

CEEP therefore does not believe that Directive 2004/40/EC is appropriate to safeguard workers from EMF risks.

Alternatives to this directive could include

- A redrafted directive based upon the sound principles of risk assessment excluding restrictive compliance with ELVs. Those industries whose activities pose risks of EMF exposure understand those risks and are well able to evaluate them and put in place control regimes which reduce risk to an acceptable level.
- As stated above EMF risks are associated with a relatively small number of activities and sectors then sectoral agreements may also be an appropriate mechanism to develop and disseminate good practice in risk control instead of being subject to a Directive.

Do you think that a Community initiative is the best way to ensure a high standard of protection of workers exposed to electromagnetic fields?

In general community wide initiatives are an appropriate mechanism for setting high health and safety standards. In respect of EMFs, CEEP's view would depend on what was proposed. As stated above, a directive based upon risk assessment would be appropriate as this would ensure that those who create the risks assess and control them to an acceptable level.

Do you think that certain categories of workers should be excluded from the scope of any future Community initiative because of reported implementation problems (e.g. medicinal procedures involving MRI) with some provisions (exposure limit values) of Directive 2004/40/EC?

If not, do you think that there should be some flexibility for workers exposed under special circumstances in their sector (e.g. MRI personnel during certain MRI procedures when normal protection measures cannot provide adequate protection by

- a) Introducing higher/other exposure limit values?**
- b) Introducing different methods for evaluating exposure?**
- c) Introducing the possibility of occasional or conditional derogations?**

It is CEEP's belief that certain types of workers should not be exempt from the scope of any future community initiative. The application of a risk based approach would ensure that all those workers who need protection are indeed protected. Where the assessment indicates that the risk is being properly managed as far as is reasonably practicable then no action would be required by the employer.

We therefore support an approach based on risk assessment but without strict, enforceable ELVs. ELVs developed by the International Committee on Non-Ionising Radiation Protection (ICNIRP) could be used as trigger or indicator levels below which exposure should normally be maintained, however excursions above these levels should not automatically be a breach of legislation by should be considered as part of the overall risk assessment.

This would allow a flexible approach to exposure and as most health effects from exposure to EMFs are short term and reversible there would be no lasting damage from excursions of this nature. Essentially this would be supporting the position of temporary or conditional derogations.

As stated above, the alternative approach would be to substitute the Directive with industry standards and good practice guidance for the sectors in which exposure to EMFs is an issue.

Would you find non-binding measures such as the production of good practices guides, launching of regular information campaigns, setting up of appropriate training programmes, and drawing up of voluntary agreements between the social partners at EU or sectoral level useful, and for what purpose?

As stated above, other non-binding, non-legislative approaches to EMF risk control may be appropriate. CEEP has come to this view because exposure to significant EMF risks is restricted to a relatively small number of activities in a few sectors. EMF risks are not common in workplaces. Those employers that generate the risks are familiar with them and the appropriate control measures to put in place. They are therefore best placed to develop industry best practice guides and negotiate sectoral agreements which will mean that those workers most at risk will be effectively protected without the need to go through a protracted legislative process.

SMEs who do not have the resources to employ in house expertise may find industry best practice guidance extremely useful in developing their own safe working practices, policy and procedures. In deed this may prove far more effective in improving health and safety performance within SMEs than a directive.

Should a possible future EU Community initiative cover the long-term effects of workers' occupational exposure the electromagnetic fields?

The most common occupational effects associated with EMF exposure are short term, and reversible. Evidence of long term effects for most people has been taken into account in the development of the International Committee on Non-Ionising Radiation Protection (ICNIRP) standards. Therefore, this issue has already been explored and addressed.

Further, if any new directive was based upon the principle of risk assessment then evidence of long term health effects from exposure the EMF would be taken into account as part of that robust process.
