

A large, 3D, light-colored 'STEEL' sign is mounted on a textured, greyish wall. The letters are thick and blocky, casting shadows on the wall. The word 'STEEL' is written in all caps. A semi-transparent horizontal band is overlaid across the middle of the image, containing the word 'SUMMARY' in green, uppercase letters.

SUMMARY

Summary

On 19 October 2004, the Deputy Minister for Social Affairs and Employment requested an advisory report from the Committee for Working Conditions of the Social and Economic Council (hereafter, the SER Committee) on a modified system for Occupational Exposure Limits (OELs)¹ – the maximum permissible concentration of a given gas, vapour, fibre or dust in the air in the workplace.

The main reason for the request was the low productivity level of the present OEL system and the relatively long time required to establish an OEL. Other reasons were the lack of clear priorities, the lack of international collaboration, the pursuit of further European collaboration and the development of legislation at national and international level.

The modified system proposed by the Deputy Minister is based on ‘private limits’, i.e., limits that are set by an individual company in order to prevent damage to the health of workers as a result of exposure to particular substances.

Private limits are supplemented by the government with:

- Public (statutory) limits for substances for which the EU requires a limit;
- National public limits for substances for which it is not expected that the EU will require a limit. To this group belong substances described by the Deputy Minister as being ‘without owners’ and substances with a high chance of causing damage to health (high-risk substances), including those for which the government deems it necessary to establish a public limit.

In response to the proposals of the Deputy Minister, the SER Committee has sketched out the contours of a European OEL system in its advisory report. This system would have to be operated in all EU member states in the same way and be supplemented with individual national systems. The ultimate goal would be to establish a single European system with a European health-based foundation for the limits and a European feasibility test. According to the SER Committee, the Dutch government and its social partners should take the initiative in actively supporting the development of a European system.

At least in part to anticipate any feasibility problems that may arise, the SER Committee also advocates keeping the feasibility test within the public system. In addition, the concept of an OEL should be understood as being a health-based limit together with a plan of action to establish the limit. It is also important that there should be validated methods of measurement in order to be able to assess exposure levels and to relate these

1 In a number of countries, including the Netherlands, instead of OEL, the term MAC is used.

assessments to particular limits. If a limit turns out not to be achievable, a company must establish a plan of action to show how it is going to conform to the limit in due course. Besides placing great emphasis on health-based limits as a tool for controlling exposure to substances in the workplace, the SER Committee also recognises the importance of developing good practice, i.e., finding practical solutions and measures to conform with the legal requirements. The SER Committee sees the development of this tool, in particular for small and medium-sized companies, as being primarily the responsibility of trade associations.

The SER Committee describes how it thinks the Dutch national OEL system should be formulated. The system proposed could also serve as a model for the European system. Health-based limits form the foundation of the proposed system, along with a plan of action to achieve the limits in practice, with the involvement of employees. Agreements on this point can also be made at sector level.

The SER Committee supports the idea of a dual OEL system with both public and private limits. In doing so, they support the implicitly intended more active attitude of employers and employees at both company and sector level.

The private system covers company OELs, i.e., health-based OELs established and enforced by individual companies. A company OEL may be established on the basis of a public OEL, a producer's OEL or, in the absence of either of these, on the basis of a nationally established advisory OEL or an independent decision. In addition, the private system is concerned with developing good practice, whereby the OEL is taken as a norm.

The SER Committee is also of the view that guidelines should be drawn up so that companies, in particular small and medium-sized companies, will be able to meet their legal obligations. A guideline may be used, for example, to make a responsible choice of an advisory OEL to serve as a company OEL or in situations when no advisory OEL is available.

Public OELs are health-based OELs set by the government. A feasibility test for these OELs indicates in advance any feasibility problems that may arise and encourages drawing up a phased plan to comply with the OELs and developing good practices.

The SER Committee calls for maintaining the present procedure for genotoxic, carcinogenic substances and for mutagenic substances for which no safe health-based OEL can be established. The present procedure for these substances is that a limit is established on the basis of risk data and a system of risk limits. On the basis of the results of the feasibility tests on these substances, an OEL (and an action plan) has to be established.

The SER Committee calls for a step-by-step implementation of the new system. Every new development should be tested in practice to see if it is practicable before a further step in the process towards realising the new system can be made. To this end, the SER Committee recommends developing different guidelines and various other actions. In addition, the SER Committee advocates that, in situations where a limit is not achievable, the degree of compliance with the legal limit be assessed on a numerical scale and a phased plan be drawn up to be included in the plan of action.