

COMMENT ON**Consultation on the draft opinion of the
Committee of Socio-economic Analysis (SEAC)**

WVMetalle would like to comment on the SEAC opinion on an Annex XV dossier proposing restrictions on Soluble Cobalt Salts. In essence, WVMetalle agrees with SEAC that the restriction initially proposed by the Dossier Submitter is not the most appropriate EU-wide measure to guarantee adequate control. This is by far more targeted achieved by implementing a Binding Occupational Limit Value (BOELV) under the umbrella of the Carcinogens and Mutagens Directive (CMD).

Wirtschaftsvereinigung Metalle (WVMetalle), the German Non-Ferrous Metals Association, represents the German Non-Ferrous (NF) metals industry towards politics and economy in order to maintain and establish measures at a very high level. Today, WVMetalle has about 670 member companies, including producers and processors of most base and special metals and compounds including cobalt containing alloys and cobalt compounds. WVMetalle is member of the German Industry Association (BDI) and of the European Non-Ferrous Metals Association (Eurometaux).

General Comments

- WVMetalle supports the activities to update the directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work and play an active role in this context by Dr. Wieske being a member of the DG Employment Working Party Chemicals (WPC) advising the tripartite Advisory Committee on Health & Safety at Work (ACSH). It is worth to mention that the WPC already early 2019 strongly recommended to mandate RAC evaluating Cobalt and its inorganic compounds towards a BOELV amending the CMD. The tripartite WPC is – to my knowledge - still convinced that a BOELV would be the most targeted and effective risk management option to protect workers exposed to Cobalt and Cobalt compounds.
- WVMetalle agrees with SEAC considering that the restriction initially proposed by the Dossier Submitter is not the most appropriate EU-wide measure. SEAC already recognized that an EU-wide regulatory action like an BOELV introduces equal standards of health protection throughout the Union and also throughout different sectors dealing with the same substances whilst at the same time facilitates the free movement of workers and goods. SEAC stressed as well that a BOELV within the OSH regulatory framework

is an effective risk management option for the five cobalt salts under consideration as well as for other cobalt compounds, which are not covered by the proposed restriction.

- According to preliminary feedback from affected WVMetalle member companies the costs of compliance for the proposed REACH Restriction on the five cobalt salts are higher than those reported, especially when considering option RO1b.
- It is to be noted here that the German exposure risk relationship for cobalt and its compounds is currently under review. Background for this review is the intention (a) to consider to a larger degree the RAC philosophy as recently established and used for the respective assessments for nickel, benzene and acrylonitrile and (b) to integrate recent human data and experimental animal data with respect to ERR quantification. We suggest considering the outcome of this discussion within your process as the discussion is already well advanced within German AGS subcommittee III (hazard assessment).

Specific Information Requests raised within the consultation:

- The following aspects are from our perspective further arguments underlining that the current restriction proposal by dossier submitter ECHA compared to establishing an EU-wide occupational exposure limit is neither convincing nor feasible and should be abandoned:
1. *Q: Some of the available information on impacts of different restriction options (e.g. in terms of current compliance with assessed exposure levels) is conflicting. Please provide any additional information regarding the impact (both in terms of human health benefits and sector-specific costs) of restriction options 1a and 1b (as amended by RAC).*

WVMetalle comment:

- German technical Rule “TRGS 561: Activities involving carcinogenic metals and their compounds” (<https://www.baua.de/EN/Service/Legislative-texts-and-technical-rules/Rules/TRGS/TRGS-561.html>) applies to activities involving the exposure to carcinogenic metals and their inorganic compounds of category 1A or 1B. It therefore also refers to the German exposure risk relationship for to cobalt metal and inorganic cobalt compounds and contains as a basis for the risk management an overview of the exposure situation at certain workplaces including hard metal production and galvanizing. It is important to note that the main objective of this TRGS is to achieve an exposure level below the tolerable concentration, i.e. now 5 µg Cobalt /m³ for the respirable fraction.
2. *Q: The analysis of the derogation for animal feed sector in the Background document is based on limited information. Please provide information on the possible economic impacts of not derogating the animals feed sector, specifically for restriction options RO1a and RO1b (as amended by RAC). Please note that any information or claim needs to be substantiated by supporting evidence.*

WVMetalle comment:

- As already stated within the General Comment section an EU-wide binding OEL for cobalt and compounds would be the more appropriate RMO. All workers exposed to cobalt and compounds in the workplace would be covered. This would include the animal feed sector where a relevant use of Cobalt compounds is to be recognized. A specific part of this area is addressed e.g. in German technical rule TRGS 529 on uses within Biogas-Plants

<https://www.baua.de/DE/Angebote/Rechtstexte-und-Technische-Regeln/Regelwerk/TRGS/TRGS-529.html>) which shows that specific occupational measures must be implemented to achieve safe conditions for the use of these carcinogenic substances as essential trace elements.

- 3. The Dossier Submitter proposes a 24-month transitional period before the restriction would become effective. Some information on the feasibility and its practicality was received in the first external consultation. However, the comments focused on the original restriction proposal RO1d by the Dossier Submitter, which has been amended by RAC. Please provide information on the practicality and impacts of the proposed transitional period for restriction options 1a and 1b (as amended by RAC).*

WVMetalle comment:

- As already said, a BOELV as requested by the WPC would cover cobalt as well as all cobalt compounds within the scope of the CMD 2004/37/EC. Anyway, also a BOELV must be checked with respect to the technical and socioeconomic feasibility. Depending on the proposed value a transition period of 5 years may be appropriate in some cases.

Berlin, 25th May 2020

Contact:

Dr. Martin Wieske
Head Occupational Health and Safety
Fon: 030 / 72 62 07 – 106
Mail: wieske@wvmetalle.de

Wirtschaftsvereinigung Metalle, Wallstraße 58/59, 10179 Berlin