



Department
for Work &
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Sir William Cash
Chairman
European Scrutiny Committee
House of Commons
London
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05 September 2018

Dear Sir William

7733/18: Proposal to amend Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Phases 3)

I am writing to update you on the latest developments on the above proposals and in response to your report of 15 May.

The Phase 3 proposal to amend the Carcinogens and Mutagens Directive (CMD) was published on 5 April 2018 and contained binding occupational exposure limit values (OELVs) for five substances:

- Cadmium and its inorganic compounds
- Beryllium and its inorganic compounds
- Arsenic acid, its salts, and inorganic arsenic compounds
- Formaldehyde
- 4,4'- Methylene-bis (2-chloroaniline) (MOCA).

The explanatory memorandum and impact assessment checklist produced included information from the European Commission's impact assessment which was published at the same time as the proposals.

However, following publication of the Commission's proposal, engagement with stakeholders identified concerns that industry would have difficulty meeting the OELVs proposed for formaldehyde, beryllium and cadmium. These concerns have been passed on to the Commission, Member States and the European Parliament.

UK Officials are engaging with industry and working with the Commission and counterparts in other Member States to determine the extent of the impacts and gauge the level of support in Council for any changes to the proposed OELVs and/or the time scales for their introduction. Negotiations on the proposal will continue in the autumn.

With the end of the mandates for the current Commission and European Parliament on the horizon, we expect the Austrian and Romanian Presidencies of the Council to come under pressure to conclude trilogues by the Spring.

I shall update you on further developments as matters progress.

I am copying this letter to Lord Boswell, Chairman of the House of Lords European Union Committee; to the Clerks of both Committees; Les Saunders, Department for Exiting the European Union Scrutiny Coordinator; and Kevin Dench, Department for Work & Pensions Scrutiny Coordinator.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Sarah Newton', with a long horizontal flourish extending to the right.

Sarah Newton MP
Minister for Disabled People, Health & Work