

## Introduction

Cobalt salts are important raw materials in the manufacture of cobalt-containing catalysts which are employed in a vast range of industrial applications including fine chemicals, refinery operations, edible oils, pharmaceuticals and polymers. Catalysts increase the rate of chemical reactions which are vital to the chemical industry.

Cobalt-containing catalysts are crucial for innovation to make products greener and more sustainable. They have direct industrial benefits allowing reactions at lower temperature, lower pressure and reducing by-product formation. In addition, the potential of cobalt-containing catalysts as green-deal enablers allows the removal of impurities from fuel, while enhancing the efficiency of catalytic processes by reducing the energy-intensive processes and the carbon footprint.

Catalysts Europe agrees with the RAC in considering it necessary to derive a binding occupational exposure limit value (BOELV) for cobalt and its inorganic compounds according to directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (CMD).

However, with the objective to avoid duplicating the regulatory burden for regulators, enforcement authorities and industry, and in the interest of efficiency we support the implementation of a BOEL for cobalt and cobalt compounds according to Directive 2004/37/EC (CMD) as the only appropriate Risk Management Option.

- ★ A BOEL would be applicable to cobalt and cobalt compounds protecting all workers potentially exposed to them including those working in the waste management sector. The proposed restriction offers protection limited to the workers exposed to the 5 cobalt salts, which only represents 42% of the cobalt used in the EU. Other cobalt compounds with a similar hazard potential are not covered by it. With a more comprehensive measure like the BOEL, the workers exposed to other cobalt compounds would be equally protected.
- ★ At present a high number of Member States have already implemented national OELs for cobalt and cobalt compounds that vary notably from one Member State to another. Setting an EU-wide BOEL would ensure all workers exposed to cobalt compounds with a similar hazard potential are equally protected across the European Union. Moreover, it would also contribute to level the playing field for the European industry by harmonizing the legislation setting common minimum standards of mandatory compliance for all industry operators, while leaving the Member States the freedom to set more stringent measures if deemed necessary. In other words, the BOEL meets its final goal of ensuring worker's safety by offering the same level of protection to the European workers regardless of the Member State where they live.
- ★ The driver for the restriction is to enhance protection of workers. The Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (CMD) is precisely intended to that objective. It is a well-known concept by both industry and enforcement authorities.



- ★ An additional complication would be to limit the monitoring only to the exposure to the 5 cobalt salts in workplaces where exposure to other cobalt compounds is happening at the same time.
- ★ A duplication of regulatory measures (REACH Restriction and a BOEL under the Directive 2004/37/EC (CMD)) to tackle the same issue would constitute an overlap that would unnecessarily increase the regulatory burden posing additional challenges to employers and enforcement authorities.

Different legislations operating at the same time and potentially overlapping would affect its proper enforcement. A BOEL covering cobalt compounds with a similar hazard potential would solve the previously mentioned added complexity.

- ★ The proposed restriction by RAC shows important similarities with a BOEL. The BOEL is precisely conceived to address the risks posed by the exposure to hazardous substances in the workplace offering the flexibility to identify the adequate Operational Conditions and Risk Management Measures, like the proposed restriction. The use in the restriction of the 8h Time Weighted Average (TWA) concept represents another resemblance to the BOEL.
- ★ One of the main reasons why the Dossier Submitter justifies the deselection of a BOEL and the preference of a REACH restriction to regulate the exposure to the 5 cobalt salts refers to the length of time required for the development and implementation of a BOEL.

However, there seems to be a general recognition of the fact that the time required for the development and implementation of an EU-wide OEL would not constitute a valid justification alone. In addition, in the interest of consistency, where previous measures under Directive 2004/37/EC exist, it appears logical to conduct a revision of those measures under the same legislation first.

- ★ Catalysts Europe understands that a fast-track implementation of a BOEL for cobalt and cobalt compounds is plausible given the enormous amount of data and information already submitted by the stakeholders<sup>1</sup> and having been object to assessment in the context of the current restriction.

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*While contributing to this consultation we are very aware we are experiencing unprecedented times, with events none of us have lived through before. Cefic endeavours to maintain a high standard in our responses to public consultations. While we are confident that this contribution adequately reflects our views at the current time, we recognise that public and private sector responses to the crisis and its aftermath, both in the EU and globally, have the potential to significantly affect industry's operating conditions. When investing in the future, industry, governments and institutions will also have to continue to ensure investments align with the policy targets of a climate-neutral Europe. We look to the European Commission to undertake the appropriate assessments and to include these wider considerations in the future framework that will be developed, with the objective of ensuring the EU's post-crisis attractiveness as a place for investing in the industrial transformation required to achieve EU Green Deal objectives.*

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<sup>1</sup> For further reference please refer to the extensive documentation in the submission of CoRC-CI to which Catalysts Europe members contributed as well.