

## Part of the List of MAK and BAT values | as at 26.01.2023

### Constitution and Procedures of the Permanent Senate Commission for the Investigation of Health Hazards of Chemical Compounds in the Work Area

#### **I. The activity of the Permanent Senate Commission for the Investigation of Health Hazards of Chemical Compounds in the Work Area is based on the following regulations of the statutes of the Deutsche Forschungsgemeinschaft.**

##### § 1

- (1) The DFG promotes research of the highest quality. The focus is on funding projects developed by the academic community itself in the area of knowledge-driven research. It funds research projects, creates competitive opportunities and conducts procedures for the review, evaluation, selection and decision of research proposals. The DFG helps shape the overall conditions and standards of academic research. It maintains dialogue with society, politics and business and supports the transfer of knowledge. It advises state institutions and institutions working in the public interest on issues relating to academic research and research policy.
- (2) The DFG acts in a research-driven manner in all its procedures. Excellent research requires a broad spectrum of ideas and pluralistic debate; for this reason, the DFG takes particular care to promote international cooperation, early career researchers, gender equality and diversity in science and the humanities.

##### § 11 - Senate

- (1) The Senate is the central scientific body of the DFG. It deliberates and resolves, within the principles adopted by the General Assembly, on all major matters of the DFG, unless they are reserved for the Joint Committee.
- (2) The Senate determines which review boards are to be formed and how they are to be structured. In doing so it ensures that the review boards in all their forms and disciplines cover the full range of fields in science and the humanities and take due account of their disciplinary research interests and interdisciplinary relationships.
- (3) The Senate consists of 39 members.
- (4) 36 members are elected by the General Assembly based on a rolling system. Researchers who work at institutions of higher education or other research institutions are eligible for election. The General Assembly may also elect other persons, in consideration of certain expertise relevant to the DFG. Voting is based on the person; elected members of the Senate do not act as representatives of institutions. Adequate representation of the entire spectrum of research disciplines must be sought in the composition of the elected members. The Senate may invite guests to its meetings on a permanent or occasional basis.
- (5) The ex officio members of the Senate are the respective President of the German Rectors' Conference, the Union of the German Academies of Sciences and Humanities and the Max Planck Society. 2 Members of the Senate by virtue of their office may be represented at meetings by other authorised representatives of their respective institutions to be appointed in advance.
- (6) The term of office of the elected members of the Senate is three years. It begins on the first day of the calendar year following the election. Re-election for a second term is possible. If an elected member of the Senate retires during their term of office, the Senate may co-opt a substitute member from previous lists of nominees for the remainder of the term of office of the retiring member. For the elections, the Executive Committee, acting on proposals received from the members of the DFG and with the involvement of the Senate, prepares slates of nominations, which as a rule comprise three names for each vacant seat. Details are governed by rules of procedure to be determined by the General Assembly.

- (7) Meetings of the Senate are convened by the President. He or she must convene the Senate at the request of at least one-third of its members.
- (8) Within its mandate, the Senate may establish committees and commissions whose members need not be members of the Senate.

**II. The following principles apply for the Constitution and Procedure of the Permanent Senate Commission for the Investigation of Health Hazards of Chemical Compounds in the Work Area:**

1. The Senate has assigned to the Deutsche Forschungsgemeinschaft's Commission for the Investigation of Health Hazards of Chemical Compounds in the Work Area the responsibility of investigating the scientific foundations for the protection of workers' health from the effects of toxic chemicals at the workplace. The most important practical results of the Commission's work are scientific recommendations for the establishment of MAK and BAT values, for the classification of carcinogenic substances and for the evaluation of embryotoxic and/or foetotoxic effects and of germ cell mutagens as well as the investigation and evaluation of analytical methods for controlling exposure and for examining observance of threshold values for health protection at the workplace. In addition, the Commission investigates further current problems of hazards to health caused by occupational exposures and proposes possible appropriate solutions.

A two-step procedure appears to be the best solution for the realization of health protection measures at the workplace which are in line with the current state of the science: The results of the Commission's work already mentioned above are annually reviewed and published by the Deutsche Forschungsgemeinschaft. At the same time they are handed to the Bundesminister für Arbeit und Soziales who examines the recommendations, also taking nonscientific viewpoints into account, and who then makes them legally binding in an appropriate form – altered or unaltered – as a basis for health protection.

2. The Commission works in scientific freedom and independence. It is not subject to instructions regarding selection or priority setting for the examination of substances and other matters to be investigated. It is the Commission's duty, however, to take up suggestions, in so far as they are of scientific significance, from industrial users and as far as possible to treat with precedence suggestions from the Bundesminister für Arbeit und Soziales who is responsible for health protection at the workplace.
3. The complete transparency of the Commission's work programme is guaranteed by means of the advance announcement of planned changes and additions on the homepage of the Commission at the DFG. A most comprehensive information basis for the Commission's recommendations is ensured by the request to supply the Commission with information and commentaries and the associated possibility of involving appropriate scientific experts in the decision-making process. The derivation of MAK and BAT values and the classification of carcinogenic substances or substances suspected of having carcinogenic potential and the evaluation of embryotoxic and/or foetotoxic effects and germ cell mutagens are published in the form of detailed scientific documentations ("Begründungen").
4. The sole object of the Commission's work is to protect, as far as possible and necessary, and in line with the most up to date scientific information, the health of workers and of their offspring. The Commission regards health as the highest value which it does not weigh up against other factors. Therefore, only scientific arguments regarding health at the workplace are considered in discussions and decision-making. Other aspects such as sociopolitical, economic, technological and other nonsubstance- related considerations are excluded.
5. For the reasons stated in 4., requests for participation of experts, other than those concerned with health aspects of protection at work, in the Commission's discussions cannot be complied with.
6. At the same time the Commission does not undervalue the necessity for political decisions in the process of realizing protection at work. It does, however, reject mixing political with scientific judgements in its own work.
7. By publishing its recommendations, the Commission contributes to fulfilling the constitutional obligation of the Deutsche Forschungsgemeinschaft to provide advice on scientific matters to

parliaments and public authorities. Should the Bundesministerium für Arbeit und Soziales (see 1. above) deviate in any particular case from the recommendations, the Commission considers it essential that it makes the reasons known.

8. The presidency and governing body of the Deutsche Forschungsgemeinschaft can check observance of the rules of procedure, but ensure unchanged and immediate publication of the Commission's results, in so far as there are no imperative opposing reasons.

**III. Newly appointed Members and Permanent Guest Contributors of the Permanent Senate Commission for the Investigation of Health Hazards of Chemical Compounds in the Work Area receive written notice from the President of the Deutsche Forschungsgemeinschaft in which the following fundamentals of the Commission's work are laid down:**

In order to fulfil the statutory functions of the Deutsche Forschungsgemeinschaft as advisers to the legislative and executive organs, the Senate has set up Commissions for various fields of knowledge, for example, for protection at work, protection of health and protection of the environment. The Commission in which you have been appointed is one of these.

The Commissions have the responsibility of ascertaining the current state of scientific data available in the respective field and of formulating it in such a way that the government authorities to be advised are in a position to reach competent decisions on their own responsibility. To this end it is desirable that in the individual Commissions the scientific position is elaborated so that it can be upheld by all members. Such a consensus is then represented in public as the standpoint of the Deutsche Forschungsgemeinschaft.

In view of this responsibility of the Commission, scientists are appointed members *ad personam* in their capacity as authoritative experts and not as representatives of the institutions or companies in which they work. As well as these members there are also permanent guest contributors working in the Commissions. Scientists and other experts from public authorities are appointed permanent guest contributors with advisory function and may take on research assignments as well as official responsibilities. As they belong to institutes potentially affected by the Commission's advice they have no voting rights. In this way a possible conflict of interests should be avoided from the outset.

The Senate appoints the Commissions for periods of office lasting 6 years each. Members and permanent guest contributors are also appointed for six years and can be reappointed once. A further extension of a personal mandate is only possible in justified exceptional cases. The strict division aimed at between recognition of a scientific standpoint and its "application" in the broadest sense, be it from the political, legal, economic or other social point of view, presupposes that extra-scientific problems of the government bodies the Commission is required to advise do not find admittance into the vote of the Commission. Political consequences of scientific facts, problems of realization, decisions about the reasonableness of particular risks, economic aspects, etc, do not belong within the responsibility of the Deutsche Forschungsgemeinschaft nor its Commissions.

For the procedure of the Commissions, discussions as well as data and facts referred to in the discussions are dealt with in strict confidentiality up until their publication by the Deutsche Forschungsgemeinschaft as a Report from the Commission concerned. Nobody, through appointment in a Commission, may gain a competitive advantage by exploiting advance information.

#### **IV. Procedure of the Commission for prospective new entries and changes to MAK values and Assessment Values in Biological Material**

1. Prospective changes and new entries are announced one year in advance in the List of MAK and BAT Values, usually on 1st July. In addition, the new entries are published on the homepage of the Commission at the DFG

- [www.dfg.de/download/pdf/dfg\\_im\\_profil/gremien/senat/arbeitsstoffe/ankuendigungsliste.pdf](http://www.dfg.de/download/pdf/dfg_im_profil/gremien/senat/arbeitsstoffe/ankuendigungsliste.pdf).

If necessary, in addition to the regular updates each year in July, further announcements of prospective changes and new entries can be made there at any time. In the case of changes, the type of prospective change is reported and the reason for it. On announcement of the changes the Commission requests that relevant information and comments be received.

2. Completed substance evaluations in the Sections MAK Values and Assessment Values in Biological Material are listed in detail in the "Changes and New entries" of the List of MAK and BAT Values (Appendix page I) and published on the homepage of the Commission at the DFG (List of changes and new entries in German;

- [www.dfg.de/download/pdf/dfg\\_im\\_profil/gremien/senat/arbeitsstoffe/aenderungen\\_neuaufnahmen.pdf](http://www.dfg.de/download/pdf/dfg_im_profil/gremien/senat/arbeitsstoffe/aenderungen_neuaufnahmen.pdf)

The Commission has approved these suggestions, but presents them for discussion for the period of six months. Until this date new data or scientific comments can be sent to the secretarial office of the Commission; these will be examined by the Commission and as far as is necessary taken into account for the final recommendation.