Asbestos

Trade union action at EU level

15th Seminar on workers' protection and chemicals
Lisbon, 27-28 June
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European Federation of Building and Woodworkers



Content

- 1. EFBWW asbestos campaign
- 2. EU legislation
- 3. Resolutions and opinions
- 4. Project: Trade Union Guide on Using Asbestos Registries (2018)
- 5. Revision of EU legal provisions?

EFBWW Asbestos Campaign

"Europe 2023 - Asbestos Free"

- 1. Registration, notification and medical surveillance
- 2. Safer working conditions
- 3. Training of workers
- 4. Recognition of asbestos related diseases
- Recognition procedures and compensation of asbestos-related diseases

EU legislation

•	Regulation (EC)1907/2006	REACH	2007
•	Directive 2009/148/EC	Protection of workers from asbestos	2009
•	Commission publication	Practical guidelines info + training	2012
•	Directive (EU)2018/844	Amending EPBD directive	2018

Resolutions and opinions

- ► EP resolution Abolishing all existing asbestos 2013
 - Article 1: "Calls on the EU to develop ... a model for asbestos screening and registration ..."
- ► EESC/CCMI opinion Freeing the EU from asbestos 2015
- ► EESC opinion Asbestos in energy renovation 2019

Resolutions and opinions

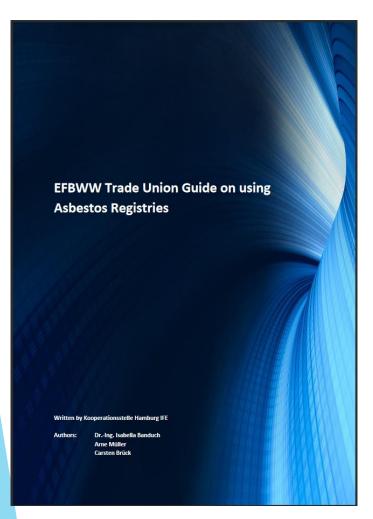
EFBWW Guide, 2018:

"...the resolutions and opinions did <u>not</u> yet <u>trigger</u> any further <u>initiatives or legislative measures</u> and that at the moment, asbestos and the prevention of asbestos related risks are not in the focus of the EU OSH policy makers"

European Commission, April 2019:

 Legal framework on asbestos "is robust and addresses the most important specific risks" (COM answer to Written Question by an MEP)

Trade Union Guide on Using Asbestos Registries



- European project 2018
- Asbestos registration and identification models
- How to access and use relevant information and expert services in all EU states (excl. Czech Republic)
- Project financed by EU Commission
- Available at: efbww.org --- EU projects

Methodology

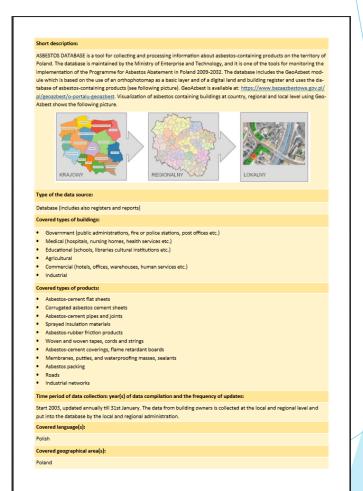
- Literature review
- Survey to national experts
- Regional seminars
 - Feedback from national experts, experts from social partner associations, and other stakeholders

Content

- Asbestos registration models
 - National data source / alternative means
- Legal obligations
 - EU and national
- Removal strategies
- Safety and health at the workplace

Registries - Country fact sheets (1)





Registries - Country fact sheets (2)



Overview of alternative means for detection of asbestos

This chapter presents fact sheets with alternative means if there is no data source. Each fact sheet contains the following data:

- Where can information be found when working with asbestos
- · What are alternative steps if there is no official data source (register, inventory, etc.)
- $\bullet \,$ What are assessment methods used when asbestos is present in building
- What are key steps to safely remove asbestos-containing products
- Institutions able to perform audits and laboratory analysis and examples of relevant services
- Quality requirements for construction companies to work with asbestos
- Who is obligated to pay for services
- · Possibility to get (state) financial support

Practical information when working with asbestos:

Information available at: www.act.gov.pt (1)

http://www.act.gov.pt/(pt-PT)/CentroInformacao/DossiersTematicos/Paginas/default.aspx (2)

What are alternative steps if there is no official data source:

- 1. Assign responsible person
- 2. Get information about asbestos inventory from the owner, considering. Year of construction / renovation, Designed pieces; Instruction manual for installations; Safety Data Sheets for materials used; Other Manufacturer information; Descriptive report of the projects of construction; Technical compilation of buildings, fisis assessment reports; Initial inspection reports from asbestos detection; External appearance indicates asbestos/visual inspection; Experience with asbestos products
- 3. Visit the building
- 4. Presumptive evaluation
- . Final evaluation considering material analysis
- Risk assess
- 7. Registers

Assessment methods used when asbestos is present in building:

- When MCA are present, a risk assessment is done (type of asbestos, conservation state, number of workers exposed, time and duration of that exposure, probability of contact):
- In this case, the determination of asbestos in the air shall be performed, on a regular basis, taking samples for fibre counting method. The TLV considered is 0.1f/cm3.
- The necessary actions resulting from risk assessment are implemented: confining, sealing, encapsulating or removing;

EFBWW Trade Union Guide on using Asbestos Registries - Fact sheets PORTUGAL

Key steps to safely remove asbestos-containing products:

- 1. Sending notification to the Authority for working conditions
- Developing an asbestos management plan by the employer, including: Signalling the MCA, Training the employees, Environmental monitoring, The exposed workers should obtain appropriate information.
- The necessary actions resulting from risk assessment are implemented: confining, sealing, encapsulating or removing, by specialized companies (in case of removal or demolition a working plan must be submitted and authorized by ACT)
- 4. Health surveillance of workers:

Institutions able to perform audits/ laboratory analysis:

- Accredited laboratories.
- Labour inspection and OSH promotion department of ACT

The IPAC - Portuguese Accreditation Institute is the entity that accredits laboratories in Portugal. On its electronic page there is a list of accredited laboratories for asbestos analysis in materials and in the air. Currently, there are 9 accredited laboratories for asbestos determination.

Quality requirements for construction companies to work with asbestos:

- Construction companies carrying out work involving the demolition or removal of asbestos or materials containing asbestos, must notify (article 3 of Decree Law 266/2007) and submit a work plan to be approved by Authority for Working Conditions.
- Law 3/2014 of January 28th companies must have OSH organized services (external, internal or common). In the case of
 external services, the service provider must be authorized by ACT and DGS (General Directorate of Health) for high risk
 activities involving exposure to carcinogens, mutagens or substances toxic to reproduction (article 79, line I)

Possibility to get (state) financial support:

Resolution of the Council of Ministers no 97/2017 approved by the Council of Ministers on April 27, states that asbestos removal from public buildings is eligible for financial support.

As the European Investment Bank and the Development Bank of the Council of Europe are eligible for investment, the National Reform Program foresees a level of funding for these institutions, which may amount to up to 75% of the total cost, with the remaining funding guaranteed by European funds and state budget fund.

Specific obligations for asbestos removal

No practices have been identified which deviate from the legally defined obligations in accordance to Directive 2009/148 EC. The expert survey conducted for this guide shows that there is a wide range of national practices. While in some countries the construction owner or the employer (or both) decide on the approach, in other Member States there are legal rules that estable.

lish a hierarchy or prioritisation of removal over encapsulation. For example, in Germany, a building assessment is the basis for taking further steps, the Linder are in charge of the legal rules. This chapter presents fact sheets with specific obligations for asbestos removal regarding owners, employers and workers.

- These fact sheets include the following information:

 Sources for information about rights and obligations when working with asbestos.
- Who is obliged to identify asbestos in building,
- · Who determines priorities for renovation, removal and covering (encapsulation),
- Is mapping of asbestos-containing buildings for construction workers available,
- Is there a time limit for removal
- Is there possibility to perform delayed removal (e.g. encapsulation or covering or protection),
- What are deadlines for construction companies for notification of work with asbestos to the relevant authority,
- Is there any duty to perform quality controls after asbestos removal,
- Is there obligation or choice to train construction workers dealing with asbestos,
- Is there any duty to get a certification for construction companies working with asbestos,
- What are quality requirements for construction companies to work with asbestos,
- Who is responsible for proper asbestos-containing waste disposal after asbestos removal.

Further results

- Registries often not accessible for companies and workers
 - ► E.g. Cyprus: Department of Public Works records governmental buildings containing asbestos
 - Data not publicly accessible for construction workers
- Updates:
 - Some daily, some irregularly, some not at all
- Incompleteness:
 - ▶ E.g. Italy: national database, but no homogenous criteria for data collection in regions
- No registries:
 - But asbestos surveys prior to refurbishment or demolition

Proposal: EU minimum standards for registries

- 1. Information about the type of building (private, public, business)
- Particular location of harmful substances and work (inside/outside; floors, walls, ceilings, roofs ...)
- 3. Year of construction (before national asbestos ban?)
- 4. Type + amounts of material (e.g. asbestos cement, insulation, putty)
- 5. Kind of works (repairs, removal, etc.), method (drilling, cutting etc.), duration (e.g. 2h)
- 6. Timeline for removal and management plan until asbestos is removed
- Accessibility for companies and workers (e.g. in a centralized database or a building specific 'log book' such as a building renovation passport

Registries and recognition of ARD

Digital Portmap Bremen

- From 1950's: Bremen port main trade-location for asbestos
- Project by local health insurance 'AOK' 2006 to 2014

Research:

- ▶ 45 different places (museums, archives, clubs, companies, agencies, press archives, institutes)
- Use of "log files of barns", interviews with former employees

Aim:

- Recognition of asbestos related occupational diseases
- Prove occupation-related exposure to asbestos to statutory accident insurance

Revision of EU legal provisions?

Directive 2009/148/EC

- Binding minimum standards for national asbestos registries
 - All buildings
 - Specialised companies
 - Workers (regular or occasional work with asbestos)
- Lower Binding Occupational Exposure Limit Values (BOELV)
 - ▶ ICOH recommendation: max. 1000 fibres/m³ (now: 100.000 f/m³)
- Annex to directive with standards for two types of training:
 - Occasional contact
 - Specialised

Revision of EU legal provisions?

Further provisions:

- Occupational diseases
 - Complete the EU list of occupational diseases with all forms of ARD (e.g. ovarian cancer)
 - COM recommendation --- EU directive?
 - Recognition (procedures), compensation, assistance?
 - Application of duty of documentation
- Standards for waste disposal
 - Collection, containers, transport, approved landfills

- Building renovation passports (EPBD directive)
 - Include asbestos