

SHORT OVERVIEW ON EU LEGISLATION REGARDING ASBESTOS



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LEGAL FRAMEWORK - Protection of workers exposed to asbestos (1983., 1991.)

- *Council Directive 83/477/EEC of 19 September 1983 on the protection of workers from the risks related to exposure to asbestos at work (second individual Directive within the meaning of Article 8 of Directive 80 /1107/EEC)*
- *Council Directive of 25 June 1991 amending Directive 83/477/EEC on the protection of workers from the risk related to exposure to asbestos at work (second individual Directive within the meaning of Article 8 of Directive 80 /1107/EEC)*

"Asbestos" is taken to mean six fibrous silicates (actinolite, asbestos grunerite, anthophyllite, chrysotile, crocidolite, and tremolite). The limit values pertaining to in-air concentrations are:

- *for chrysotile: 0.60 fibres per cm³ calculated or measured for an eight-hour reference period;*
- *for all other forms of asbestos: 0.30 fibres per cm³ calculated or measured for an eight-hour reference period.*

Any activity likely to entail risk of exposure to dust arising from asbestos or materials containing asbestos must be assessed in such a way as to determine the degree and nature of the workers' exposure.

These activities are to be notified by the employer to the responsible authority of the Member State.

LEGAL FRAMEWORK - Protection of workers exposed to asbestos as chemical (1998.)

- *COUNCIL DIRECTIVE 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)*

Adapts the provisions of the Directives to Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers in the workplace. This Directive now applies to the exposure of workers to chemical agents

LEGAL FRAMEWORK - Protection of workers exposed to asbestos (2003.)

- *DIRECTIVE 2003/18/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 March 2003 amending Council Directive 83/477/EEC on the protection of workers from the risks related to exposure to asbestos at work*

Reduces the limit value for occupational exposure of workers to asbestos. It repeals the two limit values established by Directive 83/477, setting a single maximum limit value for airborne concentration of asbestos of 0.1 fibres per cm³ as an eight-hour time-weighted average (TWA);

Abolishes the derogations applicable to the sea and air transport sectors;

Prohibits activities exposing workers to asbestos fibres, with the exception of the treatment and disposal of products resulting from demolition and asbestos removal;

Updates the practical recommendations on the clinical surveillance of exposed workers in the light of the latest medical expertise, with a view to the early detection of pathologies linked to asbestos.

LEGAL FRAMEWORK - Protection of workers exposed to asbestos (2004., 2007.)

- *Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Sixth individual Directive within the meaning of Article 16(1) of Council Directive 89/391/EEC) [OJ L 158 of 30.04.2004; corrigendum OJ L 229 of 29.06.2004].*
- This Directive applies to asbestos. It includes provisions which are more favorable to health and safety in the workplace than those set out in Directive 83/477/EEC.
- *Directive 2007/30/EC of the European Parliament and of the Council of 20 June 2007 amending Council Directive 89/391/EEC, its individual Directives and Council Directives 83/477/EEC, 91/383/EEC, 92/29/EEC and 94/33/EC with a view to simplifying and rationalising the reports on practical implementation*
- Member States must present a report every five years on the application of the Directive. The first report must cover the period from 2007 to 2012.

LEGAL FRAMEWORK - Protection of workers exposed to asbestos 2009.

- *Directive 2009/148/EC of the European parliament and of the council of the Europe of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work*

The Directive replaces Directives 83/477/EEC, as amended by the Directives listed in its Annex II. The term asbestos applies to the following substances: asbestos actinolite, asbestos grunerite, asbestos anthophyllite, chrysotile, crocidolite, and asbestos tremolite.

This directive has as its aim the protection of workers against the risks to their health, including the prevention of such risks, arising or likely to arise from exposure to asbestos at work.

It lays down the limit values for this exposure, as well as specific requirements, the most important of which are listed below:

- a) Prohibition of the application of asbestos by means of spraying process and the working procedures that involve using low-density (less than 1 g/cm³) insulating or soundproofing materials which contain asbestos.
- b) Prohibition of activities which expose workers to asbestos fibres during the extraction of asbestos or the manufacture and processing of asbestos products, or the manufacture and processing of product containing intentionally added asbestos (with the exception of products resulting from demolition and asbestos removal).
- c) Employers shall insure that no worker is espoused to an airborne concentration of asbestos in excess of 0.1 fibres per 1 cm³ as an 8-hour time weighted average.
- e) Depending on the results of the initial risk assessment, and in order to ensure compliance with the limit value listed above, measurement of asbestos fibres in the air at the working place shall be carried out regularly.
- f) Fibre counting shall be carried out wherever possible by phase contrast microscope (PCM) in accordance with method recommended in 1997 by the World Health Organization (WHO) or any other method giving equivalent results.

LEGAL FRAMEWORK – Environment (1987.)

- *Council Directive of 19 March 1987 on the prevention and reduction of environmental pollution by asbestos (87/217/EEC)*

The objective of this directive is to lay down measures and to supplement provisions already in force with a view to prevention and reducing pollution by asbestos in the interests of the protection of human health and the environment.

For the purpose of the Directive, Member States of the European Union shall take the necessary measures to ensure:

- a) Asbestos emission limit value of 0.1 mg/Nm³ in discharge air.*
- b) The limit value of 30 grams of total suspended matter per m³ aqueous effluent discharged shall apply.*
- c) Measurements are taken on regular intervals of emissions in the air and discharges of aqueous effluent from facilities.*
- d) In the course of the transport and deposition of wastes containing asbestos fibres or dust, no such fibres or dust are released in the air and no liquids, which may contain asbestos fibres, are spilled.*
- e) Where waste containing asbestos fibres or dust is landfilled at sites licensed for this purpose such waste is treated, packaged or covered with account being taken to local condition, in a way that prevents the release of asbestos particles into the environment.*

LEGAL FRAMEWORK – Regulations concerning waste

- ***DIRECTIVE 2008/98/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 19 November 2008 on waste and repealing certain Directives***

The Directive lays down the general waste management principles and obligations:

- it requires that waste is managed without endangering human health and harming the environment, and in particular without risk to water, air, soil, plants or animals, without causing a nuisance through noise or odours, and without adversely affecting the countryside or places of special interest
- it follows the repealed WFD by requiring that establishment or undertaking carrying out waste management operations to have a permit or to be registered
- it also requires that the MSs are adopting waste management plans and waste prevention programmes by involving the public in the decision-making process in accordance with Directive 2003/35/EC providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC respectively Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment
- the MSs are required also to make all establishments or undertakings which carry out waste treatment operations, establishments or undertakings which collect or transport waste on a professional basis, brokers and dealers, and establishments or undertakings which produce hazardous waste subject to periodic inspections, etc.

This directive implements the Sixth Environmental Action Programme, it keeps and further develops the “old” WFD by setting the basic concepts and definitions related to waste management, such as the new waste hierarchy (prevention → preparing for re-use → recycling → other recovery (energy recovery) → disposal), clarifying the definitions of waste, recycling, recovery.

The waste hierarchy introduced by Directive 2008/98/EC is not to be seen absolutely. For specific waste streams e.g. POPs wastes, mercury containing wastes and asbestos wastes save disposal (destruction of the hazardous component of the waste or if this is not feasible the save and permanent exclusion from the biosphere) and not re-use/recovery is the first priority.

LEGAL FRAMEWORK – Regulations concerning waste (landfills, waste classification, shipments)

- *Council Decision of 19 December 2002 establishing criteria and procedures for the acceptance of waste at landfills pursuant to Article 16 of and Annex II to Directive 1999/31/EC (2003/33/EC)*

Construction materials containing asbestos and other suitable asbestos waste maybe landfilled at landfills for non-hazardous waste without testing.

For landfills receiving construction materials containing asbestos and other suitable asbestos waste the following requirements must be fulfilled:

- *the waste contains no other hazardous substances than bound asbestos, including fibres bound by a binding agent or packed in plastic,*
- *the landfill accepts only construction material containing asbestos and other suitable asbestos waste. These wastes may also be landfilled in a separate cell of a landfill for non-hazardous waste, if the cell is sufficiently self-contained,*
- *in order to avoid dispersion of fibres, the zone of deposit is covered daily and before each compacting operation with appropriate material and, if the waste is not packed, it is regularly sprinkled,*
- *a final top cover is put on the landfill/cell in order to avoid the dispersion of fibres,*
- *no works are carried out on the landfill/cell that could lead to a release of fibres (e.g. drilling of holes),*
- *after closure a plan is kept of the location of the landfill/cell indicating that asbestos wastes have been deposited,*
- *appropriate measures are taken to limit the possible uses of the land after closure of the landfill in order to avoid human contact with the waste.*

For landfills receiving only construction material containing asbestos, the requirements of the Landfill Directive can be reduced, if the above requirements are fulfilled.

- *European Community (EC) Directive 1999/31/EC on the landfill of waste*
- *The Integrated Pollution Prevention and Control Directive (2008/1/EC) lists non-inert “landfill” as an activity to be regulated under its system of “integrated permits”*

- *Commission Decision of 16 January 2001 amending Decision 2000/532/EC as regards the list of wastes (2001/118/EC)*

Construction materials containing asbestos were classified as hazardous waste

Asbestos waste is any waste which contains more than 0.1% w/w asbestos.

- *Regulation (EC) No 1013/2006 Of The European Parliament and of the Council of 14 June 2006 on shipments of waste*

Classification – asbestos *waste*

- UN – RTDG: **2212, 2590 – Class 9** - ADR
- **H 7** ‘Carcinogenic’: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence (Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives).
- List of Waste: main waste streams
 1. **17 06 01 – insulating material**
 2. **17 06 05 – construction material**
 3. **16 12 12 – discarded equipment, e.g. Electrical heater**
 4. **16 01 11 – asbestos containing brake pads**

LEGAL FRAMEWORK - Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal

- ANNEX I, CATEGORIES OF WASTES TO BE CONTROLLED

- Wastes having as constituents:

Y36 Asbestos (dust and fibres)

- ANNEX III

- LIST OF HAZARDOUS CHARACTERISTICS

H11 Toxic (Delayed or chronic)

Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity.

- ANNEX VIII LIST A

Wastes contained in this Annex are characterized as hazardous

A2050 Waste asbestos (dusts and fibres)

LEGAL FRAMEWORK - dangerous substances 1999.

- *COMMISSION DIRECTIVE 1999/77/EC of 26 July 1999 adapting to technical progress for the sixth time Annex I to Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (asbestos)*

The European Union's directive 1999/77/EC in force from 2005 bans the placing on the market and the use of products containing asbestos.

The Directive obliges Member States to bring into force the mentioned above requirement not later than 1st of January 2005 and to inform the Commission about the way it is transposed (laws, regulations, etc.).

Member States shall communicate to the commissions main provisions of their legislation concerning the full implementation of this Directive.

From entry into force of this Directive to 1st January 2005, Member States may not allow the introduction of new applications for chrysotile asbestos on their territories.

LEGAL FRAMEWORK - dangerous substances (2006., 2008.)

- *REGULATION (EC) No 1907/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC*

The use of asbestos in new products was banned by Annex XVII of the REACH Regulation (EC) No. 1097/2006), which prohibits the marketing and use of products containing asbestos in the EU

- *Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC and amending Regulation (EC) No 1907/2006*

Classification - *Chemicals*

Index No	International Chemical Identification	CAS No	Classification	Labelling
650-013-00-6	asbestos	12001-28-4 132207-32-0 12172-73-5 77536-66-4 77536-68-6 77536-67-5 12001-29-5	Carc. Cat. 1 R45 T; R48/23	T :45 – 48/23 S: 53-45



International Ban Asbestos Secretariat (IBAS)

- **The Brussels Conference *Europe's Asbestos Catastrophe: Supporting Victims, Preventing Future Tragedy*, Sep 2012.**
- **The final activity of the two-day mobilization on Europe's asbestos catastrophe was a hearing on "Asbestos related occupational health threats and prospects for abolishing all existing asbestos" at the European Parliament.**

<http://www.ibasecretariat.org/>

International Ban Asbestos Secretariat (IBAS) - The European Parliament, a resolution on asbestos

- ***The European Parliament, a resolution on asbestos related occupational health threats and prospects for abolishing all existing asbestos 012/2065(INI) – 14.03.2013 .***

The European Parliament adopted by 558 votes 51, with 5 abstentions, a resolution on asbestos related occupational health threats and prospects for abolishing all existing asbestos.

According to WHO estimates, the number of cases of asbestos-related diseases in the EU is 20 000-30 000 per year and has not yet reached its peak. Increased cancer risks have been observed in populations exposed to very low levels of asbestos fibres, including chrysotile fibres. Hence the reason why initiatives are necessary to effectively combat the risk of exposure to asbestos.

Parliament notes that despite the ban on the use of asbestos, it is still found in many ships, trains, machinery, bunkers, tunnels, galleries, pipes in public and private water distribution networks and especially in buildings, including many public and private buildings.

Parliament recommends the EU to develop models for monitoring existing asbestos in private and public buildings including residential and non-residential housing as well as in the air in the workplace, built-up areas and landfills, and fibres present in drinking water supplied through asbestos cement pipes.

Resolution on asbestos

- **Members urge the EU to conduct an impact assessment and cost benefit analysis of the possibility of establishing action plans for the safe removal of asbestos from public buildings and buildings providing services which require regular public access by 2028, and to provide information and guidelines to encourage private house owners to effectively audit and risk-assess their premises for asbestos-containing materials (ACMs), following the example of Poland.**
- **The Commission is urged to:**
 - (i) integrate the asbestos issue into other policies, such as EU policy on energy efficiency and on waste;**
 - (ii) recommend the Member States develop public asbestos registers which would serve to provide relevant information on asbestos risks to workers and employers prior to renovation work being undertaken and complement existing health and safety protections required under EU law;**
 - (iii) ensure the effective and unhindered implementation of European asbestos legislation and to step up official inspections;**
 - (iv) provide the necessary support to ensure protection for the entire EU workforce, given that SMEs are particularly exposed as regards to the implementation of health and safety legislation;**
 - (v) promote the establishment throughout the EU of centres for the treatment and inertisation of waste containing asbestos, combined with phasing out all delivery of such waste to landfills. The EU is urged to make differentiation between friable and non-friable asbestos compulsory.**

Resolution on asbestos

- Parliament calls on the Commission, in cooperation with the Member States, to propose a specific directive with minimum requirements for the vocational training of construction and maintenance workers, including managers and construction professionals working incidentally with asbestos, as well as of employees at landfills for the disposal of waste containing asbestos and at centres specialising in the treatment, safe removal and disposal of asbestos waste, and also to work with and support the social partners and other stakeholders to improve implementation of Article 14(2) of Directive 2009/148/EC through raising awareness of the need for appropriate training and to develop information and materials to provide this; such training must be provided at regular intervals and at no cost to workers.
- Parliament calls for the establishment of *national actions plans* for the removal of asbestos

Resolution on asbestos

- **For the Parliament, regardless of the source of exposure or the employment status of the person exposed, all EU asbestos victims and their relatives deserve the right to receive swift and appropriate medical treatment and adequate financial support from their national health schemes. More generally, it calls for the concept of health and safety of employees to be taken into account by national law and to constitute a performance obligation for employers with reference to Framework Directive 89/931/EC.**
- **The resolution calls on the EU to make the listing of chrysotile in Annex III of the Rotterdam Convention a top priority.**
- **It is also necessary to:**
 - (i) address the unacceptable dumping of asbestos on developing countries at forums where trade agreements are being discussed, in particular at the WTO;**
 - (ii) promote worldwide high levels of health and safety at the workplace;**
 - (iii) support the export of non-asbestos technologies to developing countries;**
 - (iv) ensure that vessels carrying asbestos as cargo in transit can neither dock nor use port facilities or temporary storage within the EU.**
- **Lastly, Parliament condemns European financial investment in global asbestos industries.**

ICOH Statement on global asbestos ban

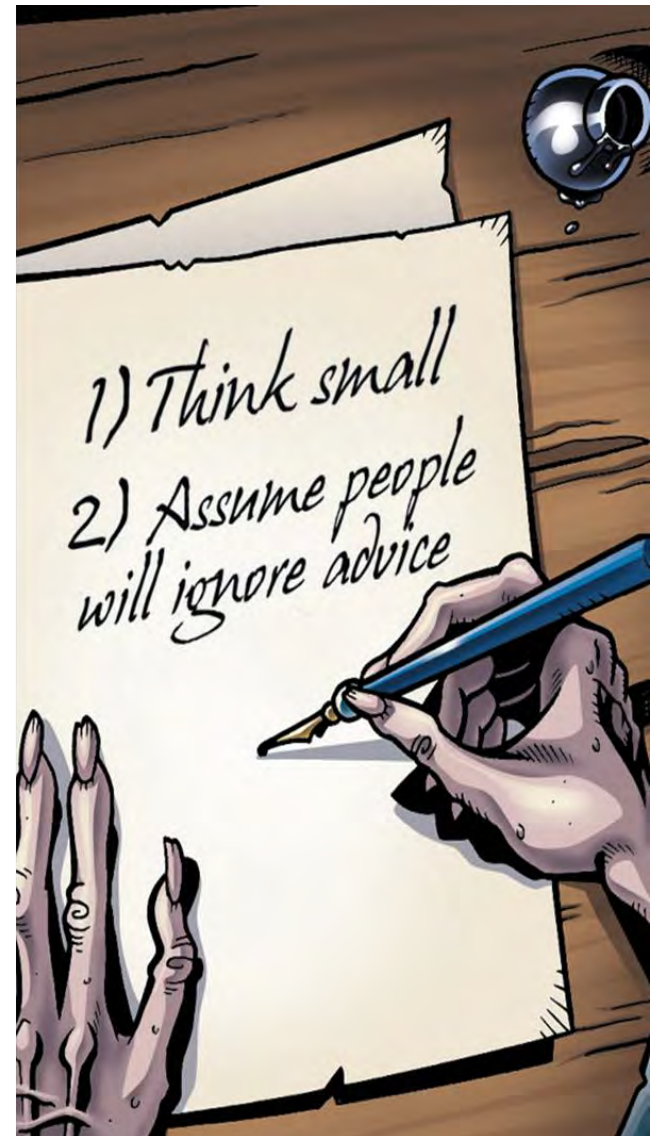
ICOH Statement: Global Asbestos Ban and the Elimination of Asbestos-Related Diseases

(October 2013)

The International Commission on Occupational Health (ICOH) calls for a global ban on the mining, sale and use of all forms of asbestos and for the elimination of asbestos-related diseases. To accomplish the elimination of asbestos-related diseases, we urge each and every individual country to implement a total ban on production and use of asbestos. We also urge complementary efforts aimed at primary, secondary and tertiary prevention of asbestos-related diseases through country-specific “National Programmes for Elimination of Asbestos-Related Diseases” in line with ILO and WHO guidelines.

Plan





Plan – waste management



The End...



THANK YOU!!!



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