

**ETUC response to the second stage consultation of the
social partners at Community level on the protection of workers
from the risks related to exposure to asbestos at work**

Introduction

On 12 February 2001, ETUC was informed about the launch of the second stage consultation and received a consultation document adopted by the Commission in accordance with Article 138(2) of the EC-Treaty.

Under point 6 of the consultation document, the Commission asked the Social Partners:

- to send it an opinion or, where appropriate, a recommendation on the objectives and content of the planned proposal pursuant to Article 138(3) of the Treaty establishing the European Community;
- to inform it of their positions on other measures which might be envisaged, such as (1) steps to prevent the resale or re-use of materials containing asbestos or (2) information campaigns on the inherent risks of using asbestos;
- to inform it whether they wish to launch the negotiation procedure on the basis of the proposals described in this document pursuant to Articles 138(4) and 139 of the Treaty and, if so, to specify whether they wish to adopt a global approach or focus on particular features.

ETUC answers

What is the ETUC's opinion/recommendation on the objectives and content of the planned proposal pursuant to Article 138(3) of the Treaty establishing the European Community?

Even if the marketing and use of all asbestos fibre application will be banned in principle from 2005 onwards, the burden of the past will put workers' health at risk for decades to come. In addition to the deaths from asbestos due to non-existing or insufficient prevention and protection measures in the past, the ETUC believes that the "next generation" of asbestos deaths is likely to be in occupations not normally associated with asbestos. Workers most at risk are in sectors concerned with repair, maintenance and renovation. Therefore, strengthening protections in these areas is vital.

On the condition that the ETUC's demands on the legal aspects made during the first stage of this consultation procedure are taken into account, the ETUC agrees with the Commission's proposal to amend Directive 83/477/EEC.

An amended Directive 83/477/EEC must ensure the following:

- It must be brought in line with the principle laid down in the framework Directive 89/391/EEC with respect to employers' responsibilities and duties;
- All workers must be protected, irrespective of the sector they are working in and the type of the work they are performing;
- Nevertheless, it must focus on those workers now most at risk (repair, electrical and plumbing work, maintenance, refurbishment, demolition and removal work);

- The amended Directive should foresee a notification scheme for activities in which workers are, or may be, exposed in the course of their work to dust arising from asbestos or asbestos-containing materials;
- It must ensure that risk assessment provisions and the prevention measures to be taken reflect the different risks arising from work where exposure to asbestos is either an intrinsic or an incidental feature;
- The Directive should bring a reduction of the existing exposure limit values for all asbestos fibres at least to the lowest level already achieved in the Member States, that is 0.1 fibre/cm³ (TWA).
- The amended directive must make reference to minimum requirements for companies involved in asbestos maintenance, demolition and removal work; these minimum requirements should be made public as guidelines or standards drawn up by the Commission (see additional demands of ETUC below);
- The amended directive should oblige companies involved in repair, maintenance and removal of asbestos-containing material to draw up a plan of work before the works starts, prescribing measures necessary to ensure the safety and health of workers;
- The Directive should make reference to the latest technology available in terms of PPE, asbestos maintenance / removal / demolition techniques and technologies as well as measurement techniques of asbestos fibres;
- The method so far foreseen in the Directive for assessing asbestos fibres in air must be reviewed in the light of scientific progress;
- The amended Directive should foresee training of all workers in order make sure that they are able to recognise asbestos and foresee training for those workers who are, or are liable to be, exposed to asbestos-containing products before they are exposed;
- This training should cover all possible aspects concerning asbestos, such as the effects on health, occupational diseases, health surveillance provisions, recognition of asbestos-containing products or materials, instruction on all legal provisions, adequate PPE and its laundering, waste disposal, emergency procedures etc.;
- A regular and adequate training at company level should also be foreseen for those involved in asbestos-related risk assessment and risk management.

What is the ETUC's position on other measures which might be envisaged, such as (1) steps to prevent the resale or re-use of materials containing asbestos or (2) information campaigns on the inherent risks of using asbestos?

The ETUC supports every additional measure to eliminate risks related to asbestos which might not be able to be covered within the framework of an amended Directive 83/477/EEC.

Besides the ideas outlined above, the ETUC strongly recommends the following:

- Member States should be obliged to draw up the necessary legislation which would require all employers and owners of buildings being worked on or in to compile, maintain and make publicly available a register of where asbestos exists;
- The Commission should draw up guidelines of minimum quality criteria requirements for companies involved in asbestos maintenance, demolition and removal work in terms of staff, equipment, education, training etc; Member States should be obliged to draw up national legislation in line with these guidelines in order to ensures that only companies fulfilling the minimum requirements would receive a respective licence;

- An European-wide voluntary scheme similar to the eco-management system for companies involved in asbestos removal and demolishing work should be established; the same should be done for companies handling asbestos-containing waste.
- Next to provisions for an intensive and compulsory training of workers involved in asbestos maintenance, demolition and removal work in an amended Directive as such, the Commission should draw up guidelines on how to provide an adequate training and in particular on how to identify potential asbestos sources for those jobs where workers might be exposed to asbestos incidentally;
- The information campaign as envisaged above by the Commission on the inherent risks of using asbestos should be accompanied by information campaigns or similar tools on safe workplace procedures like best available technologies, personal protective equipment, their use and maintenance etc.
- Information on safer alternatives and the possible risks associated with their use must be made publicly available by the Commission; further research activities in this area should be promoted by the Commission;
- A publicly available register on asbestos-related occupational diseases such as exists in some Member States for the national level should be established Europe-wide; this register should also contain exposure data.
- The Commission should publish regularly up-dated lists with the state-of-the-art concerning asbestos removal / demolishing / maintenance technology and measurement techniques;

The ETUC supports the proposal to take legislative initiatives at the European level in order to prevent the resale or re-use of materials containing asbestos. This requires a prohibition on the recycling of asbestos-containing products and asbestos-containing waste.

Does the ETUC wish to launch the negotiation procedure on the basis of the proposals described in the Commission's document 1775/1 pursuant to Articles 138(4) and 139 of the Treaty? If so, ETUC should specify whether it wishes to adopt a global approach or focus on particular features.

The ETUC does not want to initiate a negotiating procedure.