

Asbestos Ban : towards a European consensus (III)

Asbestos-free Europe next stop ?

October saw DGIII (Internal Market) bringing forward the Commission's draft Directive to stop asbestos being marketed and used in Europe. The proposed new legislation will adapt to technical progress Directive 76/769/EEC restricting the Marketing and Use of Certain Dangerous Substances and Preparations.

It is already illegal to place on the market and use all types of asbestos fibres other than chrysotile, including 14 categories of chrysotile-containing products, in Europe. But the Commission could not outlaw the last fibre applications (exceptions and transitional arrangements aside) before considering a final social-economic impact study of a total ban, and a risk assessment, comparing the risks to human health arising from exposure to chrysotile and its three main substitutes¹ on the basis of available data.

At the fourth meeting of the DG III working group, the Scientific Committee on Toxicity, Ecotoxicity and the Environment (CSTEE) presented the background and the main conclusions of its "Opinion on Chrysotile asbestos and candidate substitutes" published on 15 September 1998:

" both for the induction of lung and pleural cancer and lung fibrosis and for other effects, it is unlikely that either cellulose, PVA or p-aramid fibres pose an equal or greater risk than chrysotile asbestos. With regard to carcinogenesis and induction of lung fibrosis, the CSTEE has reached a consensus that the risk is likely to be lower."

and

" The CSTEE recommends these conclusions not to be interpreted in the sense that environmental control of the workplaces where the substitute fibres are produced or used can be relaxed. ... the CSTEE strongly recommends expansion of research in the areas of toxicology and epidemiology of the substitute fibres as well as in the technology of development of new, thicker (less respirable) fibres."

The ERM² presented its draft final report on the social, economic, and especially employment, implications of a ban for the asbestos cement industry (which accounts for 85% of asbestos used in Europe). What this report adds to its predecessor, given last March, is an evaluation of the social-economic impacts of

¹ Cellulose fibres, polyvinyl alcohol fibres (PVA), and p-aramid fibres

² Environment Resource Management

an asbestos ban in two European Member Countries, one implemented recently (France), the other in 1980 (Denmark).

Briefly, the report's key findings are:

- An immediate ban (over 6 months-2 years) would severely impact the remaining asbestos-producing industries and areas concerned, while phasing it in over more than 5 years would have a more limited impact.
- depending on the transitional period chosen, direct job losses in asbestos cement companies would affect approximately 90% (6 months) and between 75% and 63% (5 years)³ of employees, plus further losses of indirect and induced jobs between about 49% (6 months) and 36% (5 years);
- approximately 52% of the jobs lost would be offset by new direct jobs created in substitute manufacture, but not necessarily in those areas which had suffered job losses;
- experience in other EU Member States where asbestos is already banned suggests that a five year transitional period is enough to turn over existing facilities to asbestos-free production, apart from the pressure pipe sector, where conversion is not at the moment a viable option;
- the backlash of a ban could be further offset by extra government measures like retraining of workers or financial and other support for research into substitutes, etc.

The findings of both reports, and the fact, that 12 of the 15 Member States support a Europe-wide ban on chrysotile asbestos with some exceptions and transitional arrangements, have moved the Commission to bring forward a draft proposal for a directive adapting to technical progress Council Directive 76/769/EEC restricting the marketing and use of certain substances and preparations.

While there was some support for a Council Directive, most Member States favoured a Commission Directive as being the quicker solution.

A majority of Member States also supported the Commission's draft proposal, subject to some changes in the wording and a few legal reservations. To speed matters up, the Commission called another meeting of the working group before Christmas to discuss the amended version.

Key points of the proposal for a Commission Directive*

- the marketing and use of chrysotile asbestos will be banned from 2005;
- two exceptions: diaphragms (used for electrolytic chlorine – can still be manufactured up to 2010) and other asbestos-containing products placed on

³ Depending on the method used for the estimation

the market before 2005;

- existing chrysotile-containing products (like asbestos cement-containing products already in use, older and second-hand vehicles, acetylene gas cylinders) can be used up to the end of their life cycle. But Member States are free to ban the use of such products on health protection grounds;
- Member States can choose their own timetable for bringing in the ban on the use of chrysotile asbestos by 2005;
- Member States may not allow new uses of chrysotile asbestos on their territory between the time the Directive comes into force and 2005;

The proposal for a directive is accompanied by a draft **joint declaration of the Commission and Member States**, which provides that:

- the Commission will carry out detailed investigations between now and 2003 on any new scientific information on the health risks of chrysotile asbestos and its substitutes, and bring forward relevant amendments to the directive;
- the derogation period for diaphragm manufacture can be extended beyond 2010;
- the directive does not aim to make general removal of all types of asbestos compulsory.

* Based on the Commission draft of 3 December 1998.

In line with the Social Affairs Council's resolution of last April, DGV (Employment and Social Affairs) is canvassing opinion on the revision of the existing legislation to protect the health and safety of workers exposed to asbestos, especially in the maintenance and building sectors. This includes a discussion on cutting existing exposure limits and setting Europe-wide standards for firms engaged in asbestos stripping, and demolition and maintenance of asbestos-containing buildings etc.

The European Trade Union Confederation welcomed the Council initiative. It passed a resolution of its own on a Europe-wide ban on asbestos last October.

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