

Asbestos directive, and good and best practices

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 has significantly raised the requirements concerning working conditions of persons exposed to contact with asbestos.

Article 5 forbids to continue any production of goods and materials containing asbestos – designed both for a domestic market, and for export. Another essential issue, whose regulation in legal provisions was long awaited, is the reduction of the highest permissible concentration of respirable dust to 0.1 fibre/cm³, as well as extending the coverage of this binding norm to workers who were not been subject to it, namely the ones employed in shipyards and aviation industry. Although the new directive has lowered the permissible concentrations of asbestos significantly, it does not create any obstacles to a further reduction of fibres' concentration in the working environment. Such an approach results from the fact that so far no level of asbestos concentration above zero can guarantee effective protection from this carcinogenic agent. Therefore, during any work with asbestos one should strive for lowering its concentration as much as possible.

Directive 2003/18/EC concerns the protection of workers performing work which consists in the removal or repair of asbestos products, whereas directive 83/477/EEC referred to the protection of workers employed in the manufacture of asbestos products.

Owing to a specific nature of asbestos removal and asbestos products repair, resulting from their diversity, an essential problem related to occupational safety and health are proper qualifications of workers executing these tasks. Labour inspectors' visits show that the largest number of irregularities are identified in cases when casual individuals without any relevant training are engaged in these types of work. Articles 12a and 12b specify employers' duties with regard to training and workers' qualifications. Therefore, one should hope that the directive's implementation will significantly contribute to the improvement of OSH during work creating exposure to asbestos.

One of the shortcomings of both the new one, and the previous directive (89/477/EEC) is the fact that they do not regulate work of self-employed individuals. Stricter requirements in this respect were introduced in the ILO Convention No. 162, with regard to safety while using asbestos – adopted in 1989 – whose article 17 stipulates that work connected with asbestos removal should only be performed by licensed employers.

Unfortunately, ILO Convention No. 162 has only been ratified by 7 out of 15 EU Member States: Belgium, Finland, Spain, the Netherlands, Germany, Portugal and Sweden, whereas from the new Member States – by Slovenia solely.

One should pay separate attention to the issue of notifications concerning work connected with asbestos exposure and registration of workers exposed to it. Article 16 of the Directive states that employers have to enter the names of all workers performing work specified in Article 3.1 into the register, detailing the type and duration of the registered activity and the degree of exposure of individual workers. Inspection activities conducted by the labour inspectorate so far indicate a great many irregularities in the way how these registers are maintained. It seems to be a good solution to keep a central state register, which would be connected with the system of notifications of asbestos-related work. Additionally, it would make it easier to conduct medical examinations of workers after their exposure to asbestos ends.

Yet, the most important problem are not deficiencies of the directive itself – they can be eliminated by way of national implementing provisions. What creates a real problem is rather the conformity of the way how the work is performed with the so-called good or best practices.

In general one can state that the discussed directive is one of the measures within the context of the “New Community Strategy on Occupational Safety and Health in 2002 - 2006”. One of its components and, at the same time, an important signal aimed at banning asbestos production and use, was the European Asbestos Conference, organised jointly by the International Association of Labour Inspection (IALI) and the Senior Labour Inspectors Committee. The event was held in Dresden in 2003.

The Dresden Declaration formulated at the end of the conference called upon EU Member States to undertake actions in order to develop uniform guidelines concerning good and best

practices of asbestos removal and to initiate a European campaign supporting the implementation of Directive 2003/18/EC.

At the plenary meeting in Rome (November 2003) and the one in Dublin (May 2004), SLIC members agreed on the rules of running an inspection campaign in 2006 and on the need to specify guidelines in order to draft a manual on good practices in asbestos removal. The latter was supposed to be accomplished in cooperation with the European Commission's Advisory Committee for Safety, Hygiene and Health Protection. Following that agreement, a special SLIC Working Group was established whose task was to develop the terms of reference related to a tender for drafting the manual. In line with the plans resulting from the European Asbestos Conference documents, the manual should discuss the following issues:

- examples of buildings, industrial installations and materials where asbestos may be present,
- risk of exposure to asbestos during demolition, maintenance, renovation work, and disposal of asbestos waste,
- risk assessment,
- safety measures applied during the removal of asbestos waste,
- measures securing protection from exposure to asbestos,
- classification of risk depending on the circumstances of exposure.

On the basis of information sent by national labour inspectorates to the Dresden Conference organisers, one can conclude that labour inspectors who monitor the removal, demolition or repair of products containing asbestos, have identified a number of problems as essential.

These are:

- identification of asbestos,
- application of appropriate working methods,
- suitable separation (enclosing) of the work zone,
- use of appropriate protective equipment,
- training,
- waste disposal.

The said issues became the basis for the Working Group developing terms of the tender for drafting a manual on good and best practices in asbestos removal. The tender has been awarded to the team headed by dr. Alan Jones of the Occupational Medicine Institute in

Edinburgh. The authors assured the Working Group's members during its last meeting that the manual will be targeted at four groups of readers and assist each of them in the accomplishment of tasks connected with asbestos, in particular through:

- clear description of good and best practices which is supposed to facilitate work connected with asbestos;
- examples of good and best practices in monitoring and interpreting measurements' results, which is to help specialists in OSH carry out appropriate monitoring of workstations;
- comprehensive information on the harmfulness of asbestos which will allow employees and their representatives to specify the level of exposure to asbestos;
- review of the requirements of national legal provisions, as well as a description of internationally recognised good and best work practices, which will be of help to labour inspectorates during inspection visits.

The authors have promised that the manual will be arranged in such a way so as to serve both in the information and the training activity during the European asbestos campaign this year.

The directive should be transposed into the Member States' national legal systems by 15 April 2006.

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