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Dr. Yvonne Waterman LL.M. MFAAM presents for UKATA:

The new EU Asbestos at Work Directive

UKATA

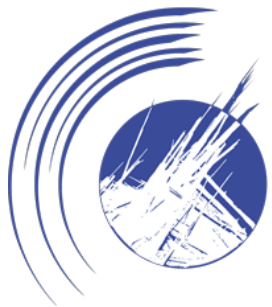


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Wearing two hats...

Waterman Legal Consultancy

All things asbestos, anywhere,
based in the Netherlands.



Waterman
Legal
Consultancy

European Asbestos Forum

an independent foundation, which aims
to:

- bring asbestos professionals together, from all sectors and from across all borders;
- to globally share and learn the state of the art knowledge on asbestos;
- and, ultimately, to prevent new asbestos exposures and thereby new victims.



'The Global Asbestos Disaster' (2018)






International Journal of
*Environmental Research
and Public Health*



Article

Global Asbestos Disaster

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Abstract: *Introduction:* Asbestos has been used for thousands of years but only at a large industrial scale for about 100–150 years. The first identified disease was asbestosis, a type of incurable pneumoconiosis caused by asbestos dust and fibres. The latest estimate of global number of asbestosis deaths from the Global Burden of Disease estimate 2016 is 3495. Asbestos-caused cancer was identified in the late 1930's but despite today's overwhelming evidence of the strong carcinogenicity of all asbestos types, including chrysotile, it is still widely used globally. Various estimates have been made over time including those of World Health Organization and International Labour Organization:



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A growing list of diseases: inhalation *and* ingestion

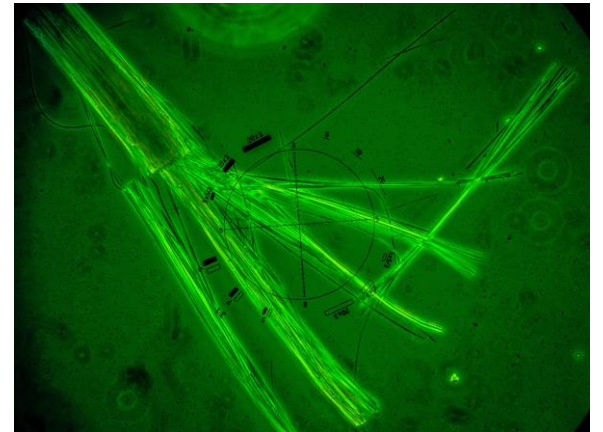
Certain causal relationship

- Asbestosis
- Mesothelioma
- **Asbestos related lung cancer ←**
- Laryngeal cancer
- Ovarian cancer
- Colorectal cancer (very likely)
- Stomach cancer (very likely)

Likely causal relationship

- Retroperitoneal fibrosis
- Ventilatory impairment
- Bile duct (gall bladder) cancer
- Bladder cancer
- ...?

There is a strong synergy between asbestos and tobacco –
WARN YOUR EMPLOYEES!





European Chemicals Agency, Feb. 2021



ECHA Scientific report
for evaluation of limit values for asbestos at the workplace

Prepared by the European Chemicals Agency

1 February 2021

Building on the last sentence of ‘The Global Asbestos Disaster’:

Work related asbestos exposure should not exceed 1,000 fibres/m³.

This will cause a considerable drive for improvement and innovation towards greater safety in the workplace, including renovation and demolition.



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Most occupational cancers are caused by asbestos

Some facts, derived from the EU, ILO, EU-OSHA and WHO websites:

- **78% of occupational asbestos cancers in the EU are caused by asbestos**
- 300,000 individuals in the EU are expected to die from mesothelioma alone by 2030
- 88% of occupational lung cancers are asbestos-related
- Up to 7,3 million workers are exposed to asbestos; but *also* housewives and school children
- Each asbestos victim costs society 4 million euro's (EU Commission)
- Over 220 'old' million buildings in the EU need renovation or demolition.
- Exposures will go UP by a LOT.

Also relevant:

Not an old man's disease anymore





Updating the Asbestos at Work Directive (2009/148/EC)

Fighting the legacy of asbestos:

Ongoing exposure in older buildings (approx. < 2005) during maintenance, demolition or renovation.

The logical outcome of many existing EU programmes and initiatives, such as the **Green Deal**:

- EU chemicals strategy for sustainability (2020)
- **Renovation Wave for Europe** (2020)
- Europe's beating cancer plan (2021), reiteration of intent to update the AWD.
- **EU strategic framework on health and safety at work 2021-2027** (June 2021): update protective limits on asbestos and lead.
- European Commission's 2022 work programme announced an upcoming proposal to improvement on workers' protection against occupational asbestos exposure.



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EU Parliament and Commission: working hard on policies

Addressing work-related exposure to asbestos:

- A priority of the **EU OSH strategic framework 2021-2027**
- a cancer prevention pillar of **Europe's Beating Cancer Plan**
- a key initiative under the **Commission Work Programme 2022**

The European Economic and Social Committee's opinion: "Working with Asbestos in Energy Renovation" – 2019.



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EU Commission fighting cancer

2021: The European Commission presented Europe's Beating Cancer Plan.





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EU Renovation Wave/Green Deal (2020)

The Renovation Wave (of the European Green Deal) aims to double annual energy renovations by 2030, especially in the public sector.

“[W]ith a particular attention to protecting workers renovating old buildings from exposure to asbestos, **also through appropriate training.**”

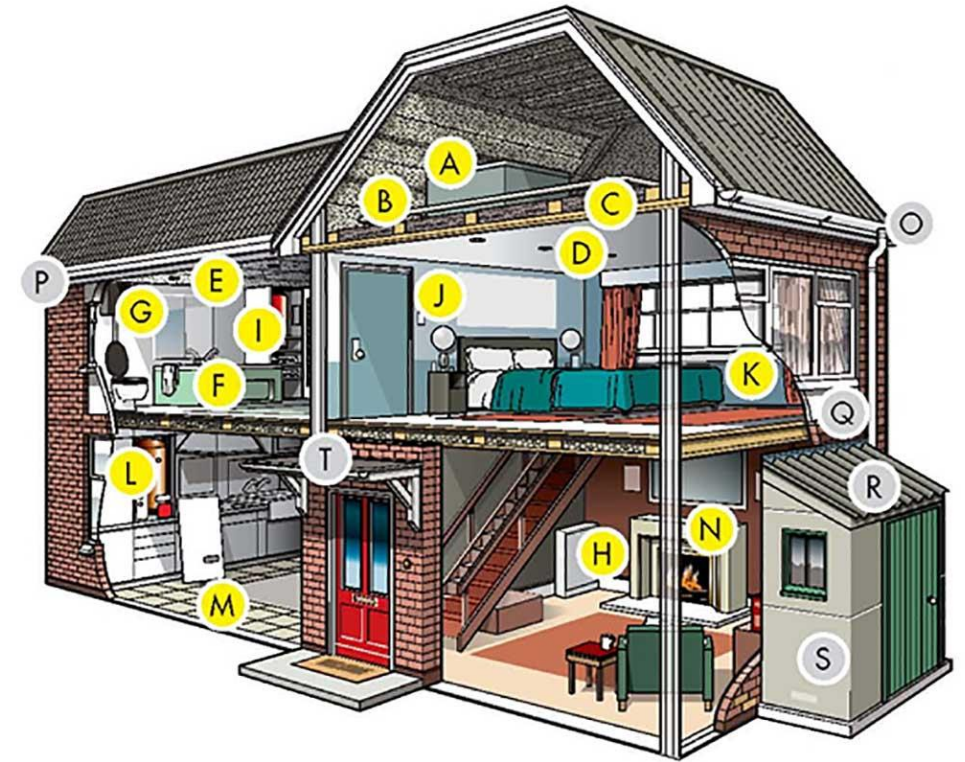
One drawback: much disturbance of asbestos...





Climate goals: causing a new wave of asbestos exposures!

- Nearly all buildings built before their national asbestos ban contain asbestos. EU ban: 2005.
- The EU climate goals drive to the acceleration of energy renovations of buildings and improvement of living conditions: this means more renovation and demolition and therefore *more exposure*.
- Workers in the construction, demolition and asbestos removal sectors are most at risk of asbestos exposure. **YOUR COLLEAGUES!**





EU Commission proposed stricter OEL

It was : 100,000 f/m³ (0.1 f/cm³)

AW Directive : 10,000 f/m³ (0.01 f/cm³)

Science : 1,000 f/m³ (0.001 f/cm³)

Netherlands : 2,000 f/m³ (0.002 f/cm³)

Revision of Directive 2009/148/EC on the protection of workers from risks related to the exposure of asbestos at work.

See
[https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2022\)730352](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2022)730352)





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Revising the Asbestos at Work Directive (2009/148/EC)

If you would like to read more on this, see

[https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/730352/EPRS_BRI\(2022\)730352_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/730352/EPRS_BRI(2022)730352_EN.pdf)

Directive amending Directive 2009/148/EC on the protection of workers from the risks related to exposure to asbestos at work (AWD)

Or simply scan the QR-code!





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The AWD summarised I

- Higher protection levels in the workplace
- Modern electron microscopes (SEM)
- Asbestos removal before demolition
- High level training & certification of surveyors and asbestos removal workers
- Emphasis on safe removal, rather than encapsulation or retaining in place.
- Top goal: an asbestos-free EU



Dragoș Pîslaru MEP



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The AWD summarised II

Emphasising the necessity of high quality asbestos surveys:

“Without knowledge of the asbestos presence, the necessary measures cannot be implemented.”

Surveying is essential; and therefor also the training to do proper, qualified surveying.



Dragoș Pîslaru MEP



Some practical issues for adoption

- Is there enough awareness?
- Do politicians understand the need for better protection for the population?
- Do building owners understand their interests here?
- Do contractors understand the measures they need to take; and that these are crucial and *not* the annoying last item on the list of expenses?
- Are there enough training providers, asbestos surveyors etc.?
- Are there sufficient SEMS and trained laboratory staff?
- Should it all go to landfill or are there better options?
- NB: we all have the same goal!





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system

Art. 4(3) ADW: The notification

Article 4(3) – **Notification system**

the notification shall include at least a brief description of:

- (a) the location of the worksite **and, where relevant, the specific areas where the work is to be carried out;**
- (b) the type and quantity of asbestos used or handled;
- (c) the activities and processes involved, **including with regard to the protection and decontamination of workers, waste disposal and, where relevant, air exchange when working under confinement;**
- (d) the number of workers involved, **a list of the workers likely to be assigned to the site concerned, the workers' individual training certificates and the date of the latest assessment of the workers' health pursuant to Article 18**
- (e) **the starting date and duration of the work;**
- (f) measures taken, **including an overview of the equipment used,** to limit the exposure of workers to asbestos.



Art. 8 (1), (2), (3) ADW: Limit values

Until (one day before 6 years after entry into force), employers shall ensure that no worker is exposed to an airborne concentration of asbestos in excess of **0,01 fibres per cm³** as an 8-hour time-weighted average (TWA).

From (6 years after the date of entry into force), employers shall ensure that no worker is exposed to an airborne concentration of asbestos in excess of:

(a) 0,01 fibres per cm³ but counting also fibres with a breadth of less than 0,2 micrometres;

And/or

(b) 0,002 fibres per cm³ as an 8-hour TWA (counting also bigger fibers of length of more than 5 micrometres, breadth of less than 3 micrometres and a length/breadth ratio greater than 3:1).

If the Dutch have been doing this for years already, so can you!

Under debate: what IS asbestos??



Art. 10 and 11 ADW

- Article 10(1) **stop work immediately** if there is reason to believe non-identified asbestos has been disturbed.
- Article 10(3) - wearing of individual **respiratory** protective equipment
- Article 11(1) – **Surveying *before* demolition**

- And much more...



The bottom line...

- *Much* more awareness of asbestos in the workplace is required, but also in homes, schools and many other places;
- Going to work should never be a grave decision;
- Warn your employees not to smoke when working with asbestos;
- Insuring against liabilities could be a sensible precaution, but increasingly difficult to do.



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Coming up...

Save the dates for the 7th global European Asbestos Forum conference!

'Asbestos: the Legacy'

12 & 13 December 2024, Brussels



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Some impressions of EAF 2023...

- 150 representatives from 26 countries and 6 continents
- Website and conference brochure by Nathan Shaw
- Afternoon sessions led by Adam Harding
- UKATA Stand with Craig Evans and Sasha Brailsford



Thank you for your wonderful support, UKATA!!



Thank you for your kind attention

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