



Asbestos screening, registering and monitoring.

IOSH response to the European Commission proposal for a legislative initiative on the screening, registration and monitoring of asbestos in buildings.



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On behalf of the Institution of Occupational Safety and Health (IOSH), the Chartered body for occupational safety and health professionals, with around 48,000 members in more than 130 countries. As a Chartered body, we have charitable and international NGO status. We are also listed on the EU Transparency Register (No. 913858710558-02). IOSH is active in advocating and influencing on occupational health and safety matters, and we do this through different way. Examples of recent contributions to consultations includes the European Commission's consultation on the recent EU OSH Framework Strategy 2021-2027 consultation¹, and to the European Parliament public hearing of the Committee on Employment and Social Affairs on "The Future Strategic Framework on Health and Safety at work, asbestos included"². Prior to this we were pleased to provide more detailed feedback to the roadmap³ led by DG EMPL – B3 on the same subject, focusing on areas that would reduce the human toll from occupational cancer.

Since its implementation in November 2014, IOSH's No Time to Lose (NTTL) campaign⁴ aims to explain the causes of occupational cancer, raises awareness of occupational cancer, and helps businesses take action by providing free practical resources. In 2018 we launched the 'Asbestos' phase of the campaign that included a step-by-step guide to help duty holders manage asbestos safely.

IOSH is also part of the International Commission for Occupational Health (ICOH), that has called⁵ for joint international actions for extension and implementation of the global asbestos ban in all countries and protection of workers being currently exposed. We also commission research⁶ on the prevention and management of different types of occupational cancer.

From an EU policy standpoint, IOSH has long-advocated for more effective policies, practices and awareness among policymakers, businesses and workers on the risks of exposure to carcinogenic substances and the urgent need for a prevention-first approach, as recently seen on IOSH's contributions to the European Commission Europe's Beating Cancer Plan⁷ and Health and safety at work: protecting workers from asbestos exposure⁸ consultations.

¹ Institution of Occupational Safety and Health. IOSH response to the EU OSH Strategic Framework. Leicester, February 2021. <https://iosh.com/about-iosh/our-influence/consultations/response-to-european-commission-health-and-safety-at-work/>

² European Parliament. The Future Strategic Framework on Health and Safety at work, asbestos included. Brussels, March, 2021. <https://www.europarl.europa.eu/committees/en/the-future-strategic-framework-on-health/product-details/20210310CHE08464>

³ Institution of Occupational Safety and Health. IOSH response to the European Commission consultation on the Roadmap. Leicester, November 2020. <https://iosh.com/about-iosh/our-influence/consultations/eu-strategic-framework-health-safety-at-work-2021-2027/>

⁴ See at <https://www.notimetolose.org.uk/free-resources/asbestos-pack-taster/>

⁵ International Commission on Occupational Health. ICOH Statement on Global Asbestos Ban and the Elimination of Asbestos-related Diseases. Consulted February, 2022. <http://www.icohweb.org/site/asbestos-ban.asp>

⁶ See <https://www.notimetolose.org.uk/about-the-campaign/new-iosh-research/>
<https://iosh.com/media/1519/nanotechnology-in-construction-and-demolition-full-report.pdf>

⁷ See <https://iosh.com/media/9109/iosh-response-to-ec-cancer-plan-consultation-may20.pdf>

⁸ See <https://iosh.com/media/10561/iosh-response-to-eu-commission-call-for-evidence-asbestos-final.pdf>

Background

On our previous response to the European Commission consultation⁹, IOSH expressed the need for a stronger emphasis on asbestos prevention. We put an urgent call for action, considering that a significant amount of the 27 EU countries, have not improved efforts towards the prevention and management of the asbestos-containing materials that are still present in many infrastructures. We also called for the adoption of stringent measures in the form of a lower limit of 1,000 fibres per m³ (0.001 fibres per cm³) considering that asbestos contributes greatly to work-related cancers in Europe, with 78% of occupational cancers¹⁰ recognised in EU countries being related to asbestos.

Asbestos in buildings - removal/encapsulation of asbestos in buildings

Asbestos-containing materials (ACMs) can be found in many places, within many different materials and in different building types. Asbestos is present in thousands of buildings in the EU region like offices, schools, commercial buildings, industrial facilities, libraries, leisure centres, homes and hospitals to name a few. As referred on previous consultations the risk is greatest for those assets built between 1940 and 1980 and refurbished in the 20th century, as the use of asbestos was still widespread during this period of time and until it was banned through legislative means. As a result, millions of tonnes of asbestos are still contained in homes and buildings across Europe, with a significant number of workers¹¹ exposed. The vast majority of impacted workers are known to be employed in construction and renovation (tradespeople employed in domestic properties in particular), mining, quarrying but those working with waste, firefighters and other emergency-services workers are also at significant risk.

The effective management and control of asbestos-related risks in buildings, requires due diligence to identify presumed ACMs in all accessible areas of the building and associated plant and equipment, to risk assess, manage, control and communicate the risks and mitigations as required. Information, instruction, training and awareness is key for workers, and this level of training should be relevant to their role and tasks e.g., it should ensure workers are aware and educated on what asbestos is, what to do if they find it, and how to work safely and protect themselves and others from exposure whilst undertaking their role. Training is particularly important for those workers who will be undertaking removal duties.

IOSH supports evidenced risk-based approaches to risk mitigation and the use of the hierarchy of control. To this point, we note the report recommends to prioritise the removal of ACMs rather than the use of alternative techniques as 'this would only postpone the safe removal of asbestos'. The removal of asbestos will bring forth risks in relation to the removal itself, and the subsequent handling, transportation and disposal. Mitigation to prevent exposure during these operational activities must be robust, as must the training for those workers. Likewise, where ACM's that cannot be technically removed then it should be identified, registered, regularly monitored as well having arrangements in place to inform those who could come into contact with it.

To what extent do you consider asbestos being a risk?

As rightly stated in the Trillet-Lenoir rapporteur draft report¹² for the EU Parliament, asbestos continuous to be a highly dangerous carcinogenic agent, still affecting different economic sectors, such as building

⁹ European Commission. Health & safety at work – protecting workers from asbestos exposure.

https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12756-Health-safety-at-work-protecting-workers-from-asbestos-exposure/F2941977_en

¹⁰ See European Occupational Diseases Statistics <https://ec.europa.eu/eurostat/web/experimental-statistics/european-occupational-diseases-statistics>

¹¹ According to the European Commission it is estimated that 4.1 to 7.3 million workers are currently exposed to asbestos, with 97% working in construction and 2% in waste management. https://ec.europa.eu/commission/presscorner/detail/en/ip_22_5679

¹² Committee on Employment and Social Affairs. Draft report on the proposal for a directive of the European Parliament and of the Council amending Directive 2009/148/EC on the protection of workers from the risks related to exposure to asbestos at work. https://www.europarl.europa.eu/doceo/document/EMPL-PR-738719_EN.pdf

and renovation, mining and quarrying, waste management and firefighting, where workers are at high risk of being exposed. In addition, special attention needs to be paid to migrant workers operating in these industries as they normally lack the necessary health risk information.

It is considered the major cause of work-related cancer, with as much as 78% of occupational cancers recognised in the Member States as being related to asbestos. With the deterioration and the need for renovation of building assets, and the requirements for green growth in the built environment, exposure levels can be expected to rise. As these buildings – both commercial and domestic - are maintained, renovated (including the ‘renovation wave’), or demolished, the health and safety of workers and of others who can be put at risk through the nature of the work, is pivotal. Consequences of indirect exposure¹³ must also be considered, such as household asbestos exposure for family members of occupationally exposed people. In many of the 27 EU states, the development of these infrastructures and works is being triggered by frameworks such as the European Green Pact (that aims to renovate 35 million inefficient buildings by 2030), the Circular Economy Action Plan, the green and sustainable buildings associated to the UN Sustainable Development Goals or similar national plans on renewed climate resilience and the transition to net-zero goals. The occupational health and safety of workers, and the protection of workers from the risks related to exposure of asbestos at work, must be part of these strategies and action plans if implementation is to be effective.

Do you believe that the EU should provide guidance/a legal framework for the screening, registration, removal and encapsulation of asbestos in buildings?

IOSH welcomes positive steps from the Commission on the revision of guidelines for waste management, but this needs to be extended to compulsory asbestos-related training and certification of construction workers, and others who can come into contact with asbestos, with specific requirements for workers in specialised asbestos removal companies, and for the competent authorities. The revision of the Asbestos at Work Directive must ensure the creation of up-to-date, accurate, clear and consistent information available to employers and all other actors, about potential health risks of ACMs, their roles and responsibilities and how to minimise exposure to these risks.

We also appreciate the recommendations for the implementation of an awareness-raising campaign on the safe removal of asbestos aimed at companies, workers, owners and public administrations. To be effective the campaign will require longevity (to prevent complacency) and must be outcome measured. These campaigns also need to cover information about available compensation mechanisms for those affected, as well as the possibility of early detection of the disease.

Effective implementation of the proposed changes will require robust sector specific guidance. The Commission could seek joint asbestos-related training collaborations with bodies such as The Advisory Committee for Safety and Health at Work, the European Agency for Safety and Health at Work, or the European Chemicals Agency, the International Agency for Research on Cancer or the World Health Organization Europe, as best positioned to develop sector-specific guidance for both employees and employers of companies focusing on the screening, removal and encapsulation of asbestos (e.g. updated EU Construction and Demolition Waste Protocol and Guidelines). Establishing collaboration with these bodies can help training and awareness to reach those who are maintaining, renovating or demolishing buildings in the field, and therefore coming into contact with the health hazard.

IOSH would like to express particular concern for micro and small and medium sized enterprises (SMEs) that lack from technical, administrative, resource and financial support and will require tailored guidance, which is imperative considering the active role they will play as part of the Renovation Wave Strategy works. Mitigation measures need to be implemented to avoid an economic burden to due asbestos-related training costs.

Screening and registration of asbestos

¹³ Alpert N, van Gerwen M, Taioli E. Epidemiology of mesothelioma in the 21(st) century in Europe and the United States, 40 years after restricted/banned asbestos use. *Transl Lung Cancer Res.* 2020;9(Suppl 1):S28-s38

The Commission's plans for a legislative proposal on the screening and registration of asbestos in buildings and the incentives for Member States to set up national strategies for asbestos removal in 2023 is a step in the right direction. IOSH is cautious about the setup of a centralised and/or digital registration system under the responsibility of Member States. Recent national experiences can support this statement. In Spain, recent legislation obliged local governments to do a census of asbestos in buildings by April 2023, but the law is open to interpretation on whether private buildings should be included as part of this exercise. Similarly in the UK, an all-party parliamentary select committee recommended a 40-year timetable to remove asbestos in buildings and to create a central register of asbestos, but the government to-date has not agreed to the implementation but do review the relevant legislation as part of the post implementation review process.

The announced legislative initiative on mandatory screening and registration of asbestos in buildings is welcomed, together with the revision of the EU Construction and Demolition Waste Management Protocol and the Guidelines for the waste audits before demolition and renovation works of buildings but should also be extended to other types of infrastructures. We promote a mandatory framework that facilitates the screening, registering and removal of asbestos before any renovation works can start. This needs to be accompanied by funding and capacity building efforts to address the financial and administrative burden that this measure can have at the workplace level and in particular for SMEs, as a failure to implement this correctly can lead to negative health and safety impacts. The collated data must also be made accessible for companies and workers who perform the work on the field.

Are you satisfied with the legal framework in your country regarding asbestos screening, registering, removal and treatment (for example encapsulation, disposal of waste)? On which points do you believe that the framework in your country needs to be reinforced, or elaborated?

In the UK the approach to asbestos management is a risk-based one, in consistency within UK health and safety legislation. A key characteristic of the OSH system is seen on the ability for regulators and enforcement agencies to investigate, prosecute and penalise serious breaches of asbestos related laws, including unsafe removal practices, unlicensed work, illegal waste disposal and importation, which will require investment and resourcing.

Could you specify other major factors limiting the interventions for treating asbestos in buildings?

In view of the current Commission viewpoint of not considering a legislative framework for national asbestos removal plans, a barrier can arise affecting the capacity for employers (including micro-SMEs) to take all necessary steps to identify presumed asbestos-containing materials and to the management of ACMs within the building. Without the foundations of an up-to-date Directive that amends the 2009/148/EC on the protection of workers from the risks related to exposure to asbestos at work, EU National regulatory asbestos strategies¹⁴ continue to be fragmented, ranging from nascent responses from countries such as The Netherlands and Italy, or through more structured responses, such as the case of Poland, where 17.3 percent of inventoried asbestos material has been removed as part of an asbestos removal programme that started back in 2003. In Italy as in other regions of the EU, their national removal programme faces territorial barriers (due to a decentralised system), issues due to the complex Italian legislative framework, lack of economic resources and more practical issues such as where to dispose the asbestos after a removal procedure.

Is there any other type of information that you believe should be registered?

The benefits of more stringent requirements for transparency and disclosure when screening and registering the presence of ACMs in buildings when economic transactions are made (e.g., before sale

¹⁴ EU Observer EU lawmakers under pressure to act on 90,000 asbestos deaths <https://euobserver.com/health-and-society/156465>

or rent) and/or at other pivotal moments in the life-cycle of a building are worth exploring. A legislative proposal on mandatory screening and registration of asbestos in buildings through asbestos disclosure practices connected with sales, rentals and other economic transactions is seen as a positive step. The introduction of legal disclosure of ACMs to inform construction parties and end users of asbestos and asbestos-containing materials can ensure a more preventative approach, as seen in countries such as France, where an asbestos assessment is required¹⁵. IOSH believes this requirement can be appropriate and will contribute towards a heightened level of transparency and disclosure.

Provide any further text information that you believe could be useful 300 character(s) maximum

At IOSH we recognise that collective effort is required across policy makers, governments, regulators, employers and worker representatives to provide a strong system of compliance. We would welcome the adoption of stringent measures on inventory and management of asbestos as a means to reaching the highest possible level for an efficient protection of all workers from exposure. For example, we would like to see progress in considering tailored strategies and policies for work-related cancer affecting blue-collar workers in low-profile occupational sectors to help raise public perceptions of the problem as well as the development of comprehensive national databases on exposure to asbestos.

For further information, please contact:

Ruth Wilkinson ruth.wilkinson@iosh.com

Head of Policy

Dr Ivan Williams Jimenez: ivan.williams@iosh.com

Policy Development Manager

Institution of Occupational Safety and Health

The Grange, Highfield Drive, Wigston, Leicestershire

United Kingdom LE18 1NN Tel: +44 (0)116 257 3100

Email: consultations@iosh.com or publicaffairs@iosh.com

¹⁵ European Federation of Building and Woodworkers. EFBWW Trade Union Guide on using Asbestos Registries. <https://www.efbww.eu/stream/800cf66a-2c31-4931-aae7-a796ec1bcc22>