

COMMISSION OF THE EUROPEAN COMMUNITIES

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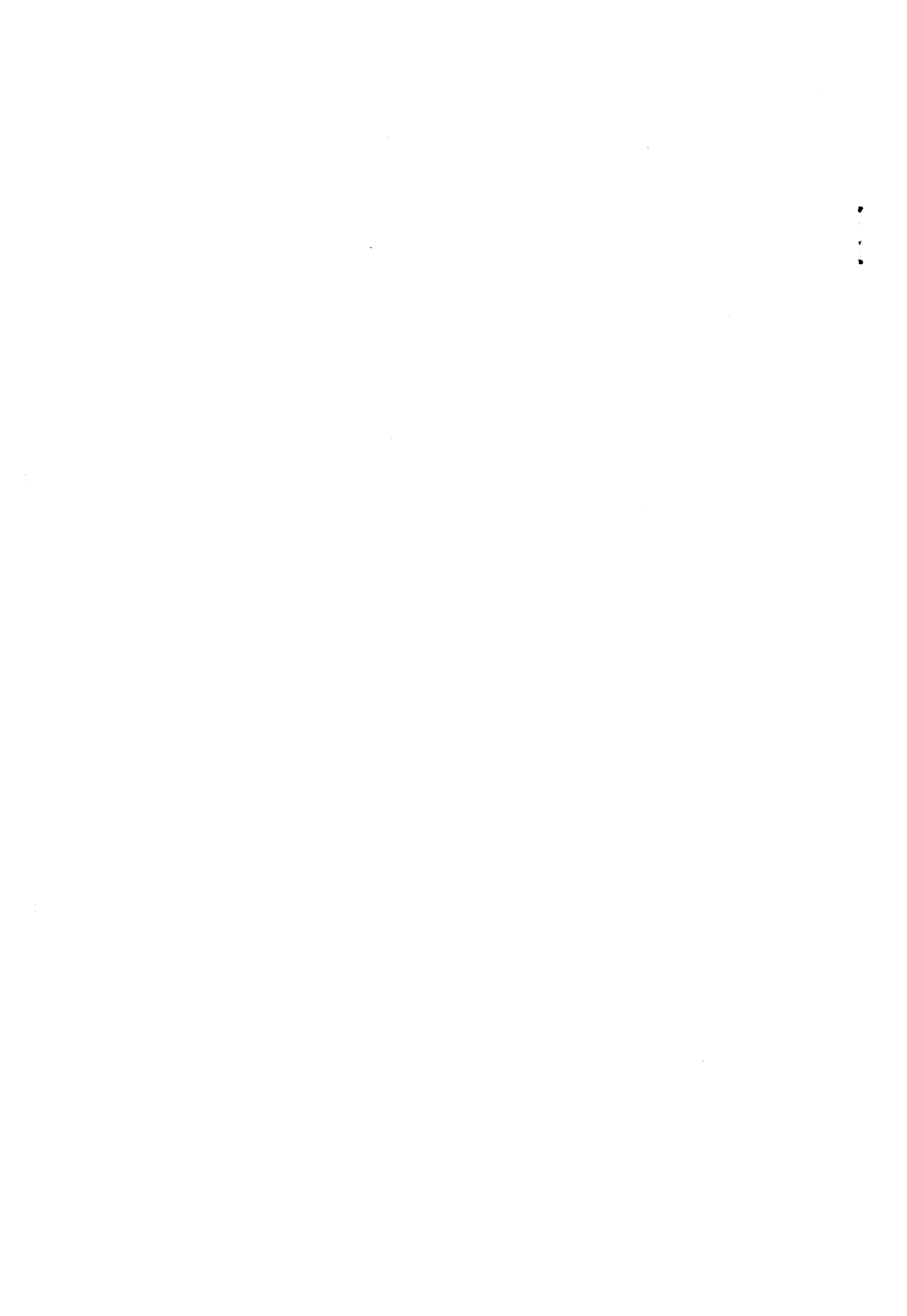
Brussels, 9 September 1982

Amendment to the Proposal for a COUNCIL DIRECTIVE

amending for the fifth time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (asbestos)

(submitted to the Council by the Commission pursuant to the second paragraph of Article 149 of the EEC Treaty)

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AMENDMENT TO THE PROPOSAL FOR A COUNCIL DIRECTIVE
amending for the fifth time Directive 76/769/EEC on the
approximation of the laws, regulations and administrative
provisions of the Member States relating to restrictions
on the marketing and use of certain dangerous substances
and preparations (asbestos)

Pursuant to the second paragraph of Article 149 of the EEC Treaty, the
recital and article 1 of the Commission's initial proposal are amended
as follows :

To be added at the end of the fourth recital : "such as crocidolite";

To be inserted after the fourth recital :

"Whereas, however there is at present no justification for a total ban
on crocidolite (blue asbestos); and whereas it would be unreasonable to
suggest that all products containing it should be withdrawn from the market
and scrapped, in view of the fact that the handling of these products for
the purpose of withdrawing or destroying them would be a source of danger
to health because fibres would be release in the process;

Whereas certain products containing crocidolite such as seals, used par-
ticularly in the chemical industry, and asbestos-cement drain- and water
pipes cannot as yet be replaced by substitutes with at least equivalent
properties;

To be inserted after the fifth recital :

Whereas it is necessary to establish suitable measuring and monitoring
methods to detect rapidly any harmful release of fibres, and to adopt
such methods according the procedure laid down in Article 21 of Directive
67/548/EEC on dangerous substances;

Whereas it is necessary to provide for special labelling indicating the
risks involved in using products containing asbestos fibres";

Article 1

Original text

5. Asbestos fibres

5.1. Crocidolite

CAS N° 12001-28-4

(blue asbestos)

The placing on the market and the use of these fibres or of products containing them is prohibited.

However, their placing on the market and use for the following purposes shall be authorized :

- a) the manufacture of asbestos cement pipes;
- b) the manufacture of acid-resisting seals, gaskets and gland packings, provided that the harmful release of fibres is prevented.

Amended text

5. Asbestos fibres

5.1. Crocidolite

CAS N° 12001-28-4

(blue asbestos)

The placing on the market and the use of these fibres or of products containing them is prohibited.

However, products containing these fibres which on the date of expiry of the period laid down in Article 3 (1), had already been used can continue to be used.

Besides, the following products are excluded from this prohibition

- a) asbestos cement pipes of a diameter of not less than 800 mm
- b) acid- and high temperature-resisting seals, gaskets, gland packings and flexible compensators up to five years following notification of the Directive and on condition that the harmful release of fibres is prevented. A harmful release of fibres occurs where, in the course of the normal use of these fibres or of products containing them, the release of respirable fibres is in excess of 0,2 fibre/ml, to be measured in accordance with testing methods adopted in compliance with the procedure laid down in Article 21 of Directive 67/548/EEC.

5.2. Other asbestos fibres:

Chrysotile, CAS N° 12001-29-5
(white asbestos),
Amosite, CAS N° 12172-73-5,
Anthophyllite, CAS N° 17068-78-9,
Actinolite, CAS N° 13768-00-8,
Tremolite, CAS N° 14567-73-8

The placing on the market and the use of these fibres or of products containing them is authorized. However, their placing on the market and use for the following purposes shall be prohibited:

- a) thermal and acoustic insulation;
- b) the fileteing of air;
- c) roadway surfacing

unless the harmful release of fibres is prevented.

5.2. Other asbestos fibres

Chrysotile, CAS N° 12001-29-5
(white asbestos)
(Grunerite) Amosite, CAS N°
12172-73-5
Anthophyllite, CAS N° 77536-67-5
Actinolite, CAS N° 77536-66-4
Tremolite, CAS N° 77536-68-6

5.2.1. The placing on the market and use of these fibres or of products containing them are prohibited for the following:

- a) thermal and acoustic insulation products and fireproof materials, other than individual fireproof garments and industrial materials for special types of protection
- b) filters for liquids and medicinal products other than those used for pyrogenic separation
- c) gas filters
- d) paints and varnishes
- e) domestic appliances
- f) mortars, roughcast and fillers
- g) plastic underlays and linings for floor or wall coverings
- h) roadway surfacing

unless the harmful release of fibres is prevented. A harmful release of fibres occurs where, in the course of the normal use of these fibres or of products containing them, the release of respirable asbestos fibres is in excess of 1 fibre/ml, to be measured in accordance with testing methods adopted in compliance with the procedure laid down in Article 21 of Directive 67/548/EEC.

5.2.2. The placing on the market and use of these fibres or of products containing them is prohibited for the following purposes :

- a) toys
- b) materials applied by spraying and flocking
- c) fillers and powders for use by the consumer

5.3. All asbestos fibres
The placing on the market and the use of asbestoscontaining products is prohibited when these are used solely for decorative purposes.

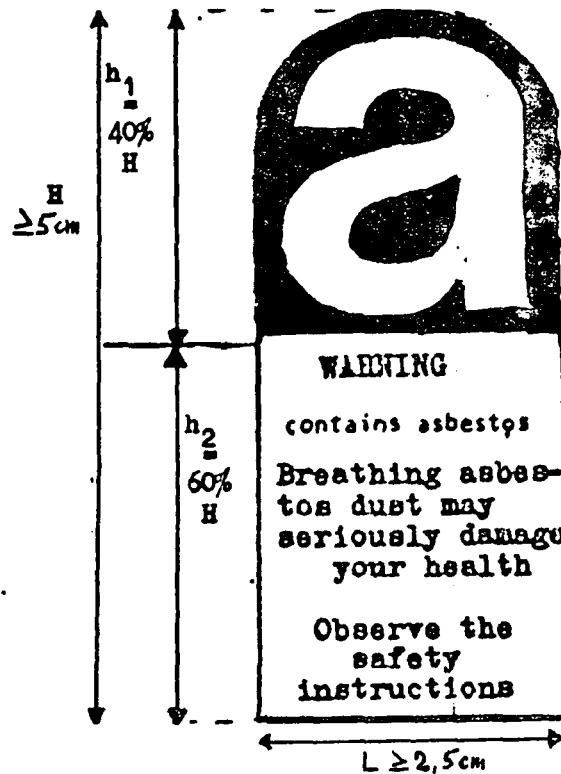
5.3. All asbestos fibres
Without prejudice to the aforementioned prohibitions the placing on the market and use of products containing these fibres shall be authorized only if labelled in accordance with the following provisions.

Special provisions on the labelling

1. All products containing asbestos shall bear a label conforming to the specimen below.

- The label shall be at least 5 cm high (H) and 2.5 cm wide (W) the top part of which ($h_1 = 40\% H$) shall include the letter "a" in white, on a black background, and

the bottom part ($h_2 = 60\% H$) shall include the standard wording in white and/or black on a red background and shall be clearly legible.



If the product contains crocidolite, the words "contains asbestos" used in the standard wording shall be replaced by "contains crocidolite/blue asbestos".

The label shall not be required if the above particulars are clearly featured on the container or on the product itself.

2. The label thus defined shall be affixed in accordance with the following rules :

(a) According to the product containing asbestos, at least once per linear metre or square metre and, in any case, once per item for sale.

(b) Where products have components which contain asbestos, it is sufficient for those components only to bear the label.

(c) The entire surface of the reverse side of the label shall adhere to the package.

If the label cannot be marked on or securely affixed to the surface of the product or component, it shall be attached to it or affixed to the packaging.

(d) Any product or component falling under this directive and which may be processed or further worked should bear the following safety warnings:

Damp before cutting or drilling.

Work in a well-ventilated place, if possible out of doors.

Use manual tools if possible.

If power tools are necessary, they should be equipped with appropriate dust extraction.

3. Member States may make the placing on the market in their territories subject to the use of the national or official language or languages on the labelling.