

EUROPEAN PARLIAMENT

# Working Documents

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DOCUMENT 1-916/81

REPORT

drawn up on behalf of the Committee on the  
Environment, Public Health and Consumer Protection

on the proposal from the Commission of the European  
Communities to the Council (Doc. 1-488/80) for a second  
Council directive on the protection of workers  
from the risks related to exposure to agents at  
work: asbestos

Rapporteur: Mrs C. SCRIVENER



By letter of 10 October 1980 the President of the Council of the European Communities requested the European Parliament to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a second directive on the protection of workers from the risks related to exposure to agents at work: asbestos.

The President of the European Parliament referred this proposal to the Committee on the Environment, Public Health and Consumer Protection on 14 October 1980.

On 27 November 1980 the Committee on the Environment, Public Health and Consumer Protection appointed Mrs Scrivener rapporteur.

It considered this proposal at its meeting of 19 March, 10 October, 27 October and 3 December 1981; at the last of these meetings the committee adopted the motion for a resolution and the explanatory statement by 17 votes to 5 with 1 abstention.

Present: Mr Johnson, acting chairman; Mr Collins, chairman; Mr Alber, vice-chairman; Mrs Weber, vice-chairman; Mrs Scrivener, rapporteur; Mr Bombard, Mr Combe, Mr Del Duca (deputizing for Mrs Lentz-Cornette), Mrs Ewing (deputizing for Mr Remilly), Mr Forth (deputizing for Sir Peter Vanneck), Mr Ghergo, Miss Hooper, Mrs Krouwel-Vlam, Mr Mertens, Mr Muntingh, Mr Provan (deputizing for Mr Sherlock), Mrs Pruvot, Mr Rogers (deputizing for Mr Lyng), Mrs Schleicher, Mrs Seibel-Emmerling, Mrs Spaak, Mrs Squaricalupi and Mr Verroken.

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Proposal for a second directive on the protection of workers from the risks related to exposure to agents at work: Asbestos (Doc. 1-488/80)

AMENDMENT N° 1Article 2

Unchanged

Asbestos fibres shall be those fibrous silicates listed in the first paragraph of Article 2 which are longer than 5 micrometres and have a diameter of less than 3 micrometres and a length/breadth ratio greater than 3.

(new)

AMENDMENT N° 2Article 3

This directive shall apply to all workers exposed to asbestos at work, i.e. in the manufacture, processing and use of products and the disposal of products and waste.

AMENDMENT N° 3Article 4

2. The spraying of and all methods of cutting asbestos shall be prohibited.

AMENDMENT N° 4Article 4

3. The use of crocidolite shall be authorized only in compliance with point 5.1 in the Annex to Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (asbestos).

(remainder unchanged)

Article 2

For the purpose of this Directive, asbestos means any of the following fibrous silicates:

Actinolite, CAS number 13768-00-8,  
Amosite, CAS number 12172-73-5,  
Anthophyllite, CAS number 17068-78-9,  
Chrysotile, CAS number 12001-29-5,  
Crocidolite, CAS number 12001-28-4,  
Tremolite, CAS number 14567-73-8,

or any mixture containing any one or more of the foregoing.

Article 3

This directive shall apply to workers exposed to asbestos at work, including those exposed where asbestos is extracted, manipulated, treated, transformed, loaded, unloaded, applied, removed or demolished, and exposed to any other process which involves the manufacture of articles comprised wholly or partly of asbestos.

Article 4

2. The spraying of asbestos shall be prohibited.

Article 4

3. Whenever possible the use of crocidolite shall be avoided and all measures shall be taken to reduce the amounts of crocidolite used at work to a minimum.

AMENDMENTS

TEXT PROPOSED BY THE COMMISSION OF  
THE EUROPEAN COMMUNITIES

AMENDMENT N° 5

Article 5

The mining, processing, storage and disposal of asbestos (three words deleted) shall be the subject of a notification system run by the relevant authority of the Member State. Workers and their representatives in undertakings or establishments shall have access to the notification concerning their own undertaking or establishment.

AMENDMENT N° 6

Article 6

The entry of respirable asbestos fibres into the air at work shall be reduced to the minimum that is reasonably practicable. The measures to be taken shall include the following:  
(remainder unchanged)

AMENDMENT N° 7

Article 7

The areas in which the activities and level of exposure referred to in Article 3 take place shall be:

(remainder unchanged)

AMENDMENT N° 8

Article 8

12. The Commission shall, by 1985, define the measurement techniques which will enable comparable results to be obtained in all the Member States.

(new)

AMENDMENT N° 9

Article 9

1. Delete

Article 5

The manufacturing, processing, storage and disposal of asbestos, other than crocidolite, shall be the subject of a notification system run by the relevant authority of the Member State. Workers and their representatives in undertakings or establishments shall have access to the notification concerning their own undertaking or establishment.

Article 6

The entry of asbestos into the air at work shall be reduced to the minimum that is reasonably practicable. The measures to be taken shall include the following:

Article 7

The areas in which the activities referred to in Article 3 take place shall be:

Article 8

1. The concentration of crocidolite fibres in the air at work shall not exceed the limit value of  $20 \times 10^4$  fibres per cubic metre of air (equivalent to 0.20 fibres per cubic centimetre) measured or calculated in relation to a reference period of eight hours.

AMENDMENT N° 10Article 9

2. The concentration of asbestos fibres (three words deleted) in the air at work shall not exceed the limit value of  $10 \times 10^5$  fibres per cubic metre of air (equivalent to 1.0 fibre per cubic centimetre) measured or calculated in relation to a reference period of eight hours.

AMENDMENT N° 11Article 10

Where a total sampling period of four hours or less is used to measure asbestos in the air at work, the limit values laid down in Article 9 shall apply on the same basis, i.e. for a period of four hours or less;

AMENDMENT N° 12Article 10

Delete (a)

AMENDMENT N° 13Article 10

- (b)  $50 \times 10^4$  fibres per cubic metre of air (equivalent to 0.50 fibres per cubic centimetre)  
(delete remainder)

AMENDMENT N° 14Article 13

Protective equipment, approved by the responsible authorities shall be placed in a defined location, checked and cleaned after each use, and a record kept of any defects which occur in particular during exposure and the action taken to repair or replace defective equipment before further use.

AMENDMENT N° 15Article 15

1. No worker shall be exposed for the first time or continue to be exposed to inhaling asbestos at work if, following a medical check, it is considered that this could lead to a deterioration in his health. This medical check shall:

Article 9

2. The concentration of asbestos fibres other than crocidolite in the air at work shall not exceed the limit value of  $10 \times 10^5$  fibres per cubic metre of air (equivalent to 1.0 fibre per cubic centimetre) measured or calculated in relation to a reference period of eight hours.

Article 10

Where a total sampling period of four hours or less is used to measure asbestos in the air at work, compliance with the limit values laid down in Article 9 can be considered as being assured if the results of analysis are below:

Article 10

- (a)  $10 \times 10^4$  fibres per cubic metre of air (equivalent to 0.10 fibres per cubic centimetre) for crocidolite,

Article 10

- (b)  $50 \times 10^4$  fibres per cubic metre of air (equivalent to 0.50 fibres per cubic centimetre) for asbestos fibres other than crocidolite.

Article 13

Protective equipment shall be placed in a defined location, checked and cleaned after each use, and a record kept of any defects which occur in particular during exposure and the action taken to repair or replace defective equipment before further use.

Article 15

1. No worker shall be exposed for the first time or continue to be exposed to a risk of ill health from inhaling asbestos at work if it is considered that following an assessment of his health such a risk is contra-indicated. This assessment shall:

AMENDMENTS

TEXT PROPOSED BY THE COMMISSION OF  
THE EUROPEAN COMMUNITIES

(a) unchanged

(a) be repeated at least once a year during the duration of exposure, and once every three years following the end of exposure;

(b) unchanged

(b) include a clinical examination of the chest, respiratory function tests (including vital capacity) and a standard format radiograph of the chest.

AMENDMENT N° 16

Article 15

(c) list other possible toxic substances with which he has come into contact. (new)

AMENDMENT N° 17

Article 16

3. Working or protective clothing shall remain at work, it may however be transferred elsewhere in closed impermeable containers marked as containing asbestos to be laundered in special facilities within the factory.

Article 16

3. Working or protective clothing shall remain at work, it may however be transferred elsewhere in closed impermeable containers marked as containing asbestos to be laundered in special facilities.

AMENDMENT N° 18

Article 17

1. Workers shall be adequately instructed for the work they are to carry out and about the risks involved. Such instructions shall include:

(a) unchanged

(b) unchanged

Article 17

1. Workers shall be adequately instructed for the work they are to carry out. Such instruction shall include:

(a) technical, health and safety information,

(b) the precautions to be taken, including the wearing and use of protective equipment and clothing.

AMENDMENT N° 19

Article 17

The information shall be updated on the basis of scientific findings. (new)

AMENDMENT N° 20

Article 17

2. So that workers are aware that they are exposed to asbestos, they shall be so informed by their employers and all materials containing asbestos as a raw material and all individual products of asbestos shall be clearly marked 'Contains asbestos'.

Article 17

2. So that workers are aware that they are exposed to asbestos, they shall be so informed by their employers and all containers of asbestos as a raw material and all products of asbestos shall be clearly marked 'Contains asbestos'.



AMENDMENT N° 21Article 18

Delete 1.

AMENDMENT N° 22Article 18

- 1.a. Forms of lung cancer caused by asbestos shall be regarded unconditionally as occupational diseases. (new)

Article 18

1. The relevant authority of the Member State shall collect the statistics of all workers' sickness absences attributed to asbestos, which last longer than three days.

ANNEXAMENDMENT N° 23

2. Succinct description by the applicant or notifier of:  
(a) types and amounts of asbestos used in the production process or present in the factory in other forms;

2. Succinct description by the applicant or notifier of:  
(a) types and amounts of asbestos used;

AMENDMENT N° 24

3. Other substances used which are toxic or otherwise a danger to health.

3. Other dangerous substances used.

The Committee on the Environment, Public Health and Consumer Protection hereby submits to the European Parliament the following motion for a resolution together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a second directive on the protection of workers from the risks related to exposure to agents at work: asbestos

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council<sup>1</sup>,
  - having been consulted by the Council (Doc. 1-488/80),
  - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection (Doc.1-916/81 ),
1. Welcomes the proposal for a directive, which seeks to improve measures for protection against risks arising from the use of asbestos products;
  2. Considers that the hazards to which workers are exposed during the processing of products containing asbestos have already diminished substantially as a result of preventive measures and changes in working methods;
  3. Confirms, nevertheless, that the use of asbestos should be reduced wherever possible;
  4. Emphasizes, therefore, most strongly the need for research to identify substitute products and promote their use;
  5. Urges that a committee of inquiry be set up to study the most suitable techniques for eliminating the dangers from asbestos dust in cases where buildings, ships and large structures are being demolished given that this problem will become acute within a decade;
  6. Takes the view that this proposal for a directive should be coordinated with that amending for the fifth time the directive concerning public exposure to dangerous substances (asbestos)<sup>2</sup>

<sup>1</sup> OJ N° C 262, 9.10.1981, p. 7

<sup>2</sup> Doc. 1-47/80

7. Requests the Commission to define in detail, as soon as possible, the measurement techniques which will enable comparable results to be obtained in all the Member States;
8. Urges the Commission to ensure that the information supplied to workers pursuant to Article 17(2) includes a reference to the greater risks generally run by smokers;
9. Calls for more detailed and extensive research on synergistic phenomena, dealing not just with smoke but also with other toxic substances with which the worker comes into contact, including those which cause the most common forms of atmospheric pollution in industrial areas, such as sulphur dioxide;
10. Urges the Commission to set up a European cancer register of all instances of cancer attributable to hazardous materials;
11. Calls on the Foundation for the Improvement of Living and Working Conditions to study methods of mounting an information campaign to inform workers and the general public of the dangers arising from the processing and use of asbestos;
12. Requests the Commission to incorporate the following amendments in its proposal, pursuant to Article 149, second paragraph, of the EEC Treaty.

EXPLANATORY STATEMENTI. INTRODUCTION

1. The danger to public health from the use of asbestos was raised in written and oral questions at the European Parliament as long ago as 1973.

2. In December 1977, Parliament adopted a resolution<sup>1</sup> on the health hazards of asbestos. At that time the Committee on the Environment made the following proposals:

- (a) the use of crocidolite should be banned in all the Member States;
- (b) where safe substitutes already exist, the use of asbestos should be forbidden;
- (c) the spraying of asbestos should be banned;
- (d) asbestos should be included in Annex I to Council Directive of 27 June 1967 on the classification, packaging and labelling of dangerous substances<sup>2</sup> and should also be included in the Annex to the Council Directive of 27 July 1976 relating to restrictions on the marketing and use of certain dangerous substances and preparations;
- (e) permissible limit values should also be fixed as soon as possible as a temporary measure. Research should be continued and stepped up to ensure that the limit values specified provide the maximum margin of safety;
- (f) measures must be taken to provide for regular medical screening of all asbestos workers and to establish medical case histories;
- (g) a Community-wide information campaign should be launched to inform the public of the advantages and disadvantages connected with the use of asbestos;
- (h) the use of asbestos should be gradually phased out as safe substitutes become available.

3. In May 1978, the Committee on the Environment held a public meeting with a view to drafting an own-initiative report on environmental carcinogens. One of the subjects discussed was the possible carcinogenic action of asbestos dust. This own-initiative report (Doc. 99/79) was presented in plenary sitting in May 1979.

<sup>1</sup> OJ No. C 6, 9.1.1978, p. 138

<sup>2</sup> OJ No. L 196, 16.8.1967, page 1

4. At the public hearing it was recognized that it is difficult to prove that a particular substance is alone responsible for cancer or to specify the extent to which it influences and induces a cancerous condition, since this often results from the combined effect of a number of different factors. However, the carcinogenic effect of asbestos was recognized and was said to be increased by the use of tobacco.

5. By way of further information it should be noted that the Commission and the Economic and Social Committee have published studies on the risks to health and the environment from the use of asbestos<sup>1</sup>.

## II. CONTENT OF THE PROPOSAL

6. Referring to the Directive on exposure to vinyl chloride monomer, adopted by the Council on 29 June 1978<sup>2</sup>, and the proposal for a directive on exposure to lead, still before the Council, the Commission has submitted a separate directive dealing specifically with exposure to the different types of asbestos, namely actinolite, amosite, anthophyllite, chrysotile, crocidolite and tremolite.

7. This proposal for a directive seeks to eliminate the considerable disparities between national provisions in the protection of workers against occupational health hazards from asbestos - such as asbestosis, mesotheliomas, laryngeal carcinomas, bronchial and gastro-intestinal carcinomas - by improving working methods and conditions, scientific knowledge and human attitudes.

8. The proposal accordingly contains a definition of asbestos (Article 2), the field of application (Article 3), the gradual banning of the most harmful forms of asbestos (Article 4), the notification scheme (Article 5), specific provisions and technical measures (Articles 6 to 13), preventive and control measures and measures for the medical screening of workers (Articles 14 to 18) and the date of entry into force (Article 20).

## III. PRELIMINARY REMARKS

9. The directive is based on the outline directive on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work<sup>3</sup>.

<sup>1</sup> See EUR (5653), and ENV/37, 9.1.1979

<sup>2</sup> OJ No. L 197, 22.7.1978, p. 12

<sup>3</sup> OJ No. L 327, 3.12.1980

10. As is mentioned in the preamble to the proposal, the Commission has consulted the Advisory Committee on Safety, Hygiene and Health Protection at Work and the Mines Safety and Health Commission.

11. Obviously the health protection of workers necessitates increasingly complex production methods. When technology is required to provide maximum safety, aiming at a 'zero risk', this calls for a number of control and screening measures and success will depend largely on technological innovation.

#### IV. THE PROPOSED AMENDMENTS

12. There would seem to be a need for coordination between the directive on public exposure to dangerous substances<sup>1</sup> (particularly in the case of asbestos risks), and the directive on the protection of workers<sup>2</sup>.

13. These two directives do not take the same line, particularly on the use of crocidolite: the first introduces the principle of a ban except in the case of certain manufactured goods (notably pipes and seals), while the second recommends a scheme for notification and temporary authorization of use. We therefore propose amending the first paragraph of Article 4(3) of the directive under consideration so as to bring the two texts into line.

14. Notwithstanding the adoption of this amendment, when considering the proposal for a regulation amending for the fifth time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States on the marketing and use of certain dangerous substances and preparations (Doc. 1-47/80), the committee favoured a total ban on the use of crocidolite. The amendments to Articles 5, 9 and 10 were also adopted in this spirit. All this however conflicts with the second paragraph of Article 4(3).

15. Moreover, some members of the committee believe, in spite of recent research findings, that there is still no clear scientific evidence that crocidolite is more harmful than white asbestos.

Nevertheless, the committee takes the view that as asbestos is an extremely dangerous product, it would be wise to 'play safe' to ensure the best possible protection of workers' health.

<sup>1</sup> OJ No. C 78, 28.3.1980

<sup>2</sup> OJ No. C 324, 28.12.1979

16. As far as the insertion of paragraph 12 in Article 8 is concerned the committee believes there is a need to help companies carry out research into asbestos risks, possible substitute products and the improvement of laboratory measuring equipment; for in this area, one of the main problems is the standardization of sampling and measuring techniques in each Member State so that controls are identical throughout the Community. For this reason the Commission should define the measuring techniques necessary for comparable results to be obtained in all the Member States, without which Community legislation would be pointless.

17. The remaining amendments consist largely of new elements or insertions to clarify the text.

#### CONCLUSION

18. Provided certain amendments are made, the committee endorses this proposal for a directive specifically designed to prevent potential hazards by improving the protective measures against the risks involved in the use of asbestos products.

