

Protection of workers from asbestos

2022/0298(COD) - 03/10/2023 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 614 votes to 2, with 4 abstentions, a legislative resolution 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.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission proposal as follows:

Notification of activities

The directive will apply to activities in which workers are exposed or likely to be exposed during their work to dust from asbestos or materials containing asbestos. These activities will be subject to a **notification system managed by the responsible authority in the Member State**.

The notification should include at least a brief description of:

- the location of the worksite and, where relevant, the specific areas where the work is to be carried out;
- the type and quantity of asbestos used or handled;
- 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;
- 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;
- the starting date and duration of the work;
- measures taken, including an overview of the equipment used, to limit the exposure of workers to asbestos.

Occupational exposure limit (OEL)

The occupational exposure limit (OEL) will be reduced from **0.1 to 0.01 asbestos fibres per cubic centimetre (cm³)**, measured in relation to an 8-hour time-weighted average (TWA), without a transition period.

After a maximum transition period of six years, Member States should switch to more modern and sensitive technology that can detect fibres, namely **electron microscopy**. They will then have the option to either decrease the level to **0.002** fibres of asbestos per cm³ excluding thin fibres, or to **0.01** fibres of asbestos per cm³ including thin fibres.

Protection of workers

Where the relevant limit value is exceeded, or if there is reason to believe that materials containing asbestos which are not identified prior to the work have been disturbed so as to generate dust, **work should stop immediately**. Work should not be continued in the affected area until adequate measures

have been taken for the protection of the workers concerned. The reasons for the limit value being exceeded should be identified and appropriate measures to remedy the situation should be taken as soon as possible.

During periods of work which require the use of such equipment, provision should be made for regular breaks appropriate to the physical and climatological conditions and, where relevant, in consultation with the workers and/or their representatives within the undertaking or establishment, in accordance with national law and practice.

For certain activities, such as demolition, asbestos removal, repair and maintenance work, where it is foreseeable that the relevant limit value will be exceeded, the employer should define the measures intended to ensure the protection of workers during these activities, including the following:

- workers must be issued with suitable **personal protective equipment** to be worn, which should be appropriately handled and, as regards respiratory equipment in particular, individually adjusted, including through fitting checks;
- the **spread of dust** arising from asbestos or materials containing asbestos outside the premises or site of action will be prevented, and for work performed under confinement, the enclosure will be airtight and under mechanical extraction ventilation;
- when the asbestos demolition or removal work has been completed, the **absence of risks of exposure** to asbestos at the place of work will be verified in accordance with national law and practice before other activities resume.

Training

Workers who are exposed, or are likely to be exposed, to dust from asbestos or materials containing asbestos will be required to undergo compulsory training meeting **minimum requirements** defined in a new annex. Each worker who has satisfactorily completed the training will receive a training certificate. The content of the training must be easily understood by the workers and must enable them to acquire the necessary knowledge and skills in the field of prevention and safety.

Register

Member States should keep a register of all cases of medically diagnosed asbestos-related occupational diseases. An indicative list of diseases that can be caused by exposure to asbestos is set out in Annex I. These include: asbestosis, mesothelioma, lung carcinoma, gastro-intestinal carcinoma, carcinoma of the larynx, carcinoma of the ovary, non-malignant pleural diseases.