



ZDB BAUSTEIN

Protection of workers against risks from asbestos in the workplace

The application of the EU Asbestos Directive should consider a proven exposure-risk concept

On 28 September 2022, the EU Commission presented a [proposal to revise Directive 2009/148/EC on the protection of workers from the risks related to exposure to asbestos at work \(EU Asbestos Directive\)](#). The EU Commission wants to lower the exposure limit value from 0.1 fibres/cm³ to 0.01 fibres/cm³ (calculated as an 8-hour time-weighted average). This value now corresponds to the value currently in force in Germany and France. Germany didn't transpose Directive 2009/148/EC, because Germany already had stricter values at that time.

This means that the exposure risk concept laid down in the Technical Rules TRGS 519 "Asbestos: demolition, conversion or maintenance work" and TRGS 910 "Hazard concept for measures to be taken during activities involving carcinogenic hazardous substances" are still applicable.

Together with the proposal for the directive, the EU Commission presented a [European Strategy for the Removal of All Asbestos \(ES-RAA\)](#) in 2022 or 2023. This strategy aims to eliminate all installed asbestos and should therefore set the framework for national asbestos removal strategies. The aforementioned tightening of the Asbestos at Work Directive and the proposal to update the Energy Performance of Buildings Directive (EPBD) are also embedded in the framework of this strategy.

In order to achieve an asbestos-free Europe, the EU Commission intends to take the following measures relevant to the construction industry:

- Update of guidelines for the implementation of the asbestos directive;
- Awareness-raising campaign for the safe removal of asbestos;
- Legislative proposal on mandatory screening and registration of asbestos in buildings (including minimum data collection and dissemination requirements) and call on Member States to develop national strategies for asbestos removal (2023);
- Proposal for an EU model for digital building logbooks (2023);
- Study on paths, policy options and possible awareness campaigns to improve indoor air quality (2023);
- Revision of the EU Protocol for the Management of Construction and Demolition Waste and the Guidelines for Waste Testing prior to Demolition and Renovation Works, with a special focus on renovation works and asbestos (2023);
- Study to identify asbestos waste management practices and new treatment technologies to assess whether changes to EU waste legislation are justified (by end of 2022).

Furthermore, the list of occupational diseases will be extended.

[Hier eingeben][Hier eingeben]

Due to its excellent physical properties, asbestos was widely used in building products, especially in the 1970s and 1980s. Due to its carcinogenic effects, the marketing and use of asbestos (product and additive) have been banned throughout Europe since 2005, and in Germany since 1993. However, asbestos products that were once widely used are still present in existing buildings. Appropriate occupational safety measures are therefore required for the renovation, modernisation or demolition of buildings containing asbestos products.

Germany and the EU: Safety and health protection for workers according to the state of the art

Health and safety of workers at the workplace is of fundamental importance for companies in the construction sector. It is the obligation of the employer to exclude hazards to health and safety of workers during activities involving hazardous substances. However, if this is not possible in practice, as in many cases of work in buildings containing asbestos (construction of which began before 31 December 1993), he must reduce hazards to a minimum. For many carcinogenic substances - including asbestos - it is generally not possible to specify maximum limits in the sense of workplace limit values below which health impairment is ruled out.

Within the framework of the National Asbestos Dialogue in Germany, in which all relevant stakeholders were involved, from the point of view of construction practice a good and implementable consensus has been reached. The result will be laid down in the amendment of the German Hazardous Substances Regulation ([Gefahrstoffverordnung – GefStoffV](#)). The aim was to protect people and the environment from asbestos-related damages.

In Germany, an exposure-risk concept is used to assess exposure to carcinogenic substances. It describes the relationship between the [mass concentration](#) of the pollutant and the statistical probability of the occurrence of a disease. The [Committee on Hazardous Substances \(AGS\)](#), as an advisory body to the Ministry of Labour, determines the exposure-risk relationships for carcinogenic substances. They are published in the Technical Rules for Hazardous Substances [TRGS 910](#).

The TRGS 910 reflects the state of the art, occupational medicine and occupational hygiene as well as other established occupational scientific findings for activities involving hazardous substances.

[TRGS 519](#) was developed specifically for work with asbestos during demolition, renovation or maintenance. It requires:

- Acceptable concentration (up to 10 000 fibres/m³, low risk area).
- Tolerance concentration (>10 000 to 100 000 fibres/m³, medium-risk area)
- more than 100 000 fibres/m³, high risk area.

Thus, rules for dealing with asbestos have been created that can be implemented in building practice and are accepted and used by construction companies.

It is the responsibility of the regulators to ensure that regulations remain proportionate to the potential hazard. Scientifically determined values for the lowest asbestos concentration, which are out of proportion to the health risk, make the execution of many construction activities impossible for construction companies. Experience shows that this often leads to a shift of the activities to the shadow economy. This serves neither health protection nor the environment.

The EU Commission has taken this responsibility.

The proposed reduction of the exposure value to 0.01 fibres/cm³ is justified in view of the long-term benefits of reducing the health risks of asbestos exposure to workers and saving human lives, and does not impose a disproportionate burden on micro, small and medium-sized enterprises in the affected economic sectors.

By recognising the current reference method for measuring exposure, i.e. by means of phase-contrast microscopy (PCM) or equivalent methods, there is also no need for a transitional period for affected enterprises. Nevertheless, the Commission proposal already includes a more modern and sensitive methodology based on electron microscopic measurement, if feasible.

Lower exposure limits to asbestos not reasonable in construction practice

In the discussions of updating of the EU Asbestos Directive, EU Parliament ([Villumsen Report of October 2021](#)) and particularly [trade unions](#) supported lowering the occupational exposure limit in line with the latest available knowledge from scientific medical research and reducing the limit values to a binding limit value of 1 000 fibres/m³. In relation to the exposure risk concept considered in TRGS 519, this would have meant a reduction of the proven acceptance concentration by a factor of 10. Furthermore, there are currently no measurement methods available to reliably detect such low fibre concentrations. Necessary occupational health and safety measures would be unreasonably high and less onerous professional working methods (construction techniques) would thus no longer be available. This would have led to further disproportionate burden for construction services, in particular provided by small and medium-sized enterprises (SMEs).

If the [EU Chemicals Strategy for Sustainability](#), which calls for a toxic-free environment is fully implemented and foresees the alignment of the protection of industrial workers with consumers, this would mean a strict ban on all professional work with asbestos, with the exception of industrial activities. Maintenance work would be prohibited in this case; a further consequence would be the cessation of practically all construction activities which is mainly executed by SMEs (especially demolition, renovation and repair) on building sites. This is diametrically opposed to the ambitions of the [European renovation wave](#).

In relation to the exposure risk concept considered in TRGS 519, a further reduction of the acceptance concentration by a factor of 10

would mean that compliance with 4:100 000 as an acceptance risk is difficult. No measurement methods exist to reliably detect such concentrations.

ZDB therefore did not support a reduction of the concentration in principle and demanded, with reference to the exposure risks concept according to TRGS 519 „Asbestos“ to maintain the current limits of 10 000 fibres/m³ (acceptance exposition) and 100 000 fibres/m³ (tolerance exposition).

In this respect, ZDB welcomes the EU Commission proposal of 28 September 2022, which only reduces the exposure value to 0.01 fibres/cm³, i.e. 10 000 fibres/m³ (see Article 8 of the Commission proposal). This proposal must be upheld in the following negotiations between the European legislators (Parliament, Council of EU Member States - Commission).

Awareness about cumulative effects

In the case of simultaneous exposure to several substances, workers' representatives and scientists sometimes call for integration or consideration of cumulative effects.

A sound measurement and assessment of different substances and the resulting cumulative effects is not possible due to the complexity of the interrelationships and possible mutual influences.

ZDB does not support the consideration of cumulative effects in the case of simultaneous exposure to several substances because of their complexity. Awareness raising and training of workers in this respect is sufficient.

In view of the renovation wave, a re-launch of awareness-raising campaigns for employers and workers on the prevention of risks arising from workers' exposure to asbestos is something which currently achieves the best results.

This is also the view of the EU Commission. Legislative measures must be followed by effective implementation at the workplace. In this respect, companies could make use of the wide range of tools, information and best practices provided by EU-OSHA.

Use education, awareness raising and training in dealing with asbestos as best practices

Guidance and training for those who are, are likely to be, or are at risk of being exposed to dust from asbestos or materials containing asbestos is most relevant.

The [EU Commission's impact assessment](#) for the Asbestos Directive correctly recognises that the main risk from asbestos is in the HANDLING of asbestos, i.e. when asbestos fibres are spread during construction work on site, such as renovation or demolition.

Notably small and medium-sized builders have to deal at daily work with asbestos. It might be contained in plasters, fillers and tile adhesives in existing dwellings. It is not realistic to think that highly specialised enterprises will first screen and clean up all private and small houses - neither in terms of the number of available specialised companies, nor in terms of the willingness of the homeowners to hire

specialised companies for the elaborated protective measures or specific waste management.

Hence, non-legislative options like Guides or examples of good practice which could be revised in cooperation with EU-OSHA and/or the Advisory Committee on Safety and Health at Work (ACSH) and its relevant working group, should be further elaborated and disseminated. The EU Commission therefore intends to develop guidelines in cooperation with the ACSH, the Advisory Committee on Safety and Health at Work, to support the application of the Asbest Directive once the proposed amendment is adopted by the European legislators.

Blueprints already exist. Best practises in Germany should be considered:

- Guideline for asbestos surveys in preparation for work in and on older buildings -> <https://www.baua.de/DE/Angebote/Publikationen/Kooperation/Asbesterkundung.html>
- A sectorial solution „Asbestos in Existing Buildings“, which was developed as an action guide for the handling of plasters, fillers and tile adhesives containing asbestos: [Branchenlösung Asbest beim Bauen im Bestand.pdf \(bgbau.de\)](#)
- E-Learning-possibilities: [BG BAU Lernportal: ILIAS](#)
- Dissemination of information about low-exposure processes: [Emissionsarme Verfahren nach TRGS 519 für Tätigkeiten an asbesthaltigen Materialien | BG BAU - Berufsgenossenschaft der Bauwirtschaft](#)
- Hazard-related concepts with exposure-risk assessments (Expositions-Risikobewertung - ERB) are elaborated in TRGS 519 and 910.

Screening and buildings record only in case of need and probable cause

The [EU Parliament](#) requested a mandatory screening of buildings for asbestos and other hazardous materials prior to renovation works. This, the EU Commission did not take into account in its [proposal for amending Directive 2010/31/EC \(EPBD\)](#), but proposes voluntary renovation passports for a clear roadmap for staged renovation. Nevertheless, the establishment of asbestos registers is being discussed or demanded at national level.

The mapping of all existing buildings in an asbestos register within the framework of a building screening has considerable personnel and organisational consequences as well as costs. The bureaucratic effort involved cannot be justified.

ZDB does not support the idea of a general and obligatory asbestos register for buildings. ZDB only suggests mapping in case of sufficient probability only. If asbestos is found, the building or part of the building is recorded in an asbestos register.

Building Renovation Passport concepts will generate further red tape for SMEs. Although, it may be in the interest of the builder to have the necessary information available and to pass it on, it should not be a task imposed on a construction enterprise.

Asbestos removal is not a matter of EPBD

According to the [proposal for amending Directive 2010/31/EC](#), the concept of ‘deep renovation’ offers an opportunity to apply minimum energy performance requirements in place (to ensure minimum renovation depth), **and** also to address other aspects such as the removal of asbestos and other hazardous substances.

The consideration of asbestos or hazardous substance removal in the EPBD means a duplication of rules that must be avoided at all costs.

Provisions in the Asbestos Directive are sufficient. The EPBD should not be overloaded with topics that are clearly and unambiguously regulated elsewhere.

ZDB is of the opinion that the EPBD must not become a ‘catch-all’ instrument for all kind of measures. The recast EPBD should remain a lean and targeted Directive and mainly, if not exclusively, set rules on energy efficiency and the energy performance of buildings.

EU zero-asbestos strategy is not necessary

A strategy aimed at removing **all** asbestos is also not necessary from the point of view of building practice, since the harmfulness also depends on the way the asbestos or asbestos-containing products are installed in buildings. Especially for private building owners, it would also mean a disproportionately high financial burden and would lead to further challenges in the construction sector.