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The long and winding road to an asbestos free workplace

European Institute for
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Preface and introduction

A group of health and safety experts was invited in the summer of 2012 by the S&D group of the European Parliament to map and document the asbestos policy of the recent past (national, European, global) and to collect empirical evidence for an adequate comprehensive EP approach. The resulting desktop research and project work coordinated by the European Institute for Construction Labour Research (CLR) led to a variety of topical findings. The research team consisted of a group of EU experts, and because of the relationship with internal market and WTO rules, the cooperation was sought with some global experts. During the research the idea came up to continue with this team for the production of the present book that summarises the most important findings. CLR has taken the initiative to publish the results in the series CLR-Studies. The contributions can be divided in three files that tackle the main items relevant for the political approach and the decision-making process.

In this preface we would like to give a brief overview of the contributions. In the historical section information is collected on the national and European background (origins and legislative background, position of stakeholders, actual state of the art) and the controversies that have for a long time dominated the debate (evidence of diseases due to asbestos exposure, incubation period, consequences for workers and the work environment). This section also deals with early attempts to ban asbestos and the difficulty to enforce national solutions in a European context. The relationship with the principle of the free movements of products as sketched out in the global context section documents the difficulties and tensions between different forms of economic freedom and fundamental social rights of workers. Included are considerations with regard to consumers' health and the recognition of asbestos related occupational diseases. Finally, the role of the European Union in the pursuit of a worldwide ban on asbestos (via diplomacy, international agencies and other forums) will be highlighted. The future challenges section deals with the need to

initiate a decent mapping system or a EU wide survey of (former and recent) production sites and mining facilities, of urban regions, public offices (including schools) and large infrastructure projects that qualify in the high risk category of contamination (because of age, location, involved contractor or suppliers). In this section the complicated issue of removal is picked up (regulation, necessary qualification of workers and registration/licencing of companies) as well as the continuing problems with the export and import of asbestos containing materials and products.

The book provides information and research results related to the development and evolution of the asbestos-debate that still have an impact on current discussions at EU level. The main arguments for the European Parliament have always been serious worries for workers protection at the work place. But beyond that, even after the ban has become effective, the topic will remain virulent for the next decades (diseases, asbestos in buildings and infrastructure, missing action plans on national levels) for the public health in general and for workers that will have to deal with safe removal and disposal. In several chapters of this book it will be stressed that the peak of the asbestos use in Europe was between the early 1970s and the mid-1980s. Prestigious health institutions expect, therefore, with an incubation time varying from 10 to 40 years that asbestos related diseases will increase till the 2020s. However, these predictions and prognosis do not (and cannot) fully take into account the occupational risks that are related to the unknown exposure, not to speak about the exposure that is related to ignorant, uninformed and thus unsafe maintenance, removal or storage. Disregard is a bad advisor.

The problems related to asbestos removal are manifold. Compliance with relevant regulation and legislation is not controlled in a sufficient manner, companies do not respect the current removal and safety rules and local communities lack expertise and have serious shortcomings in the execution of prevention, surveillance and enforcement tasks.¹ Often surveillance and enforcement tasks and competences are too fragmented, with too many authorities involved. Waste management is in its infancy and training facilities are inadequate or lacking. Beyond this the global outlook has improved, with Canada no longer in the camp of the strong promoters of the 'safe handling'. But the perspectives for a global ban did not automatically enhance inasmuch as several international political aspects – international trade and global export and shipping², increased use as building material in many (third-world) countries, the international asbestos lobby handed over to Russia and some former USSR states – still block adequate action.

¹ During inspection campaigns in the Netherlands 54% of the visited sites were in offence – 2012 Labour Inspectorate Report (period 2008-2010) – cited by NRC Next 26 July 2012.

² The official position of the European Commission is for instance that the EU ban on asbestos fibres does not apply to goods that are under customs supervision, provided that they do not undergo any treatment or processing, and are in temporary storage, in a free zone or warehouse with a view to be re-exported or in transit. Shipments of asbestos in vessels moored in European harbours on their way to ports outside the EU are not considered to be imported into the EU and thus not subject to the ban (EU Commissioner De Gucht in an answer to a question of MEP Hughes in September 2012).

Although there are several topical incidents related to asbestos that could be used as an argument for this publication – an outburst of public anger after the ‘discovery’ of asbestos polluted social housing, the spectacular Turin trial against some old captains of industry that are (finally) sentenced for knowingly exposing their workforce for decades to the killing fibre or the alarming reports of an annual death rate among teachers that are working in asbestos containing public schools in the UK – the driving thoughts behind this publication are of a more pragmatic nature. It is our aim to document with a wide range of contributions written by outstanding experts that asbestos is still with us and that there is no reason to lean back. Because this is exactly what has happened in the last decade. The ban that came into effect in 2005 is not the end of a hazardous story; it is one of the many necessary steps to protect workers and citizens in general against the fatal consequences of the out of proportional use of a mineral fibre that started as the eternal, global insulation champion and (very soon) became one of the most toxic substances used by human hands. The ban needs to be complemented with pro-active inspection, identification and mapping of contamination. Training and qualification are decisive steps for a controlled and responsible phasing out of asbestos containing products. In some countries victims still have to follow complicated and dismissive procedures on their way to find justice. And, last but not least, asbestos is still carried around the globe. We are pleased with the report that has been concluded by the European Parliament with the ambition to initiate a coherent long-term campaign to abolish all existing asbestos related occupational and health threats and prospects.

This book is also to commemorate the late Bernd Eisenbach who was an extremely committed activist in the trade union's health and safety campaigns, in particular on the hazards of asbestos. Bernd was involved in the brainstorming on a possible book project dedicated to the fight against asbestos and suddenly passed away before we actually started. Finally, we would like to thank the contributing authors for their advice and assistance in the whole process.

Stephen Hughes/Jan Cremers

The long and winding road to an asbestos free workplace

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The aim is to document, with a wide range of contributions written by outstanding experts, that asbestos is still with us and that there is no reason to lean back. Because this is exactly what has happened in the last decade.

The EU-wide ban is not the end of a hazardous story; it is one of the necessary steps to protect workers and citizens against the fatal consequences of the use of a mineral fibre that started as the eternal, global insulation champion.

The ban needs to be complemented with pro-active inspection, identification and mapping of contamination. Training and qualification are decisive steps for a controlled and responsible phasing out of asbestos containing products. In some countries victims still have to follow complicated and dismissive procedures on their way to find justice. And, last but not least, asbestos is still carried around the globe.