

Protection of workers from asbestos

2022/0298(COD) - 29/09/2022 - Legislative proposal

PURPOSE: to amend the Directive on asbestos at work, in particular as regards updating the limit value for asbestos in order to protect workers against risks to their health and safety which may result from exposure to asbestos at work.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: asbestos is an **extremely hazardous carcinogen**, which continues to impact on various economic sectors, such as construction and renovation, mining, waste management and fire-fighting, where workers face a high risk of exposure.

Occupational cancer is the leading cause of work-related death in the EU. It is mainly caused by exposure to carcinogens such as asbestos. Up to **78% of cancers** recognised as work-related in the Member States are asbestos-related. It is estimated that between 4.1 and 7.3 million workers are currently exposed to asbestos.

The Asbestos at Work [Directive 2009/148/EC](#) protects workers against risks to their health arising or likely to arise from exposure to asbestos at work. Under the Asbestos at Work Directive, for all activities in which workers are or may be exposed to dust from asbestos or materials containing asbestos, exposure must be reduced to a minimum and in any case below the fixed binding occupational-exposure limit (OEL) of 0.1 fibres/cm³ as an 8-hour time-weighted average (TWA).

The **limit value for asbestos** set out in Directive 2009/148/EC should be **revised** in the light of the Commission's evaluations and recent scientific evidence and technical data. Its revision is also an effective way to ensure that preventive and protective measures are updated accordingly in all Member States.

This proposal delivers on the commitment made in Europe's Beating Cancer Plan, the European Pillar of Social Rights Action Plan and the EU strategic framework on health and safety at work for 2021-2027 to further reduce workers' exposure to asbestos, which is a highly dangerous carcinogenic substance.

Protecting workers from asbestos exposure is also a priority for the European Parliament. In its [resolution](#) of October 2021, the European Parliament outlined a comprehensive approach to tackling the legacy of asbestos-related problems.

CONTENT: the proposal provides for the **amendment of the Asbestos at Work Directive**, including the updating of the limit value for asbestos and other minor aspects related to the lowering of the current OEL.

Under the proposed Directive, employers should ensure that **no worker is exposed to a higher airborne concentration of asbestos than 0.01 fibres/cm³ as an 8-hour TWA**.

As it is possible to measure an OEL equal to 0.01 f/cm³ with phase-contrast microscope (PCM), no transition period is needed for the implementation of the revised OEL.

Fibre counting will be carried out by phase-contrast microscope (PCM) in accordance with the method recommended in 1997 by the World Health Organization (WHO) or, wherever possible, any other method giving equivalent or better results, such as a method based on electron microscopy.

The proposal also clarifies the obligation of employers to reduce the exposure of workers to dust from asbestos or materials containing asbestos at the place of work to a minimum, with the precision that in any case it must be as low a level as is technically possible below the limit set by the proposal.

Lastly, the obligation of employers to take all necessary steps to identify presumed asbestos containing materials before beginning demolition or maintenance work by obtaining information from the owners of the premises, is extended to cover other relevant sources of information, such as **relevant registers**.

According to the Commission, this initiative should prevent cases of work-related cases of cancer, while mitigating certain effects, such as suffering of workers and their families, reduced quality of life or undermined well-being. It is estimated that **663 cases of cancer** (lung cancer, mesothelioma, laryngeal cancer and ovarian cancer) could be prevented. The estimated monetised health benefit of the initiative is between EUR 166 and 323 million.

The revision of the ELV set in the Asbestos at Work Directive will result in a greater harmonisation of limit values across the EU, which should ensure a more level playing field for businesses.