



# Protecting workers from exposure to asbestos

Statement by the German Social Insurance dated 29.04.2022

German Federal Pension Insurance (DRV Bund), German Social Accident Insurance (DGUV), the National Association of Statutory Health Insurance Funds (GKV-Spitzenverband), the statutory health and long-term care insurance fund associations at federal level and the Social Insurance for Agriculture, Forestry and Horticulture have all joined together to form the "German Social Insurance - Working Group Europe" with a view to their common European policy interests.

The association represents the interests of its members vis-à-vis the bodies of the European Union (EU) and other European institutions and advises the relevant players in the context of current legislative projects and initiatives.

Being part of the statutory insurance system in Germany, the health and long-term care insurance, pension insurance and accident insurance systems provide effective protection against the consequences of major life risks.

## I. Preliminary remark

The umbrella organisations of the German social insurance share the EC's view that full consideration must be given to occupational safety and health in achieving the objectives of the European Green Deal. In view of the energetic renovation of buildings and the expected "renovation wave", German Social Insurance welcomes the EC's initiative regarding its specific objectives for adapting Directive 2009/148/EU on the protection of workers from the risks related to exposure to asbestos at work (the Asbestos Directive) up to the current state of scientific knowledge and improving how workers are protected against exposure to asbestos. Therefore, the option mentioned in their call for evidence of leaving the current regulations unchanged cannot be supported.

## II. In detail

Whereas a revision of the Asbestos Directive is also welcomed in principle with regard to the currently applicable EU workplace exposure limit value, German Social



Insurance takes a critical view of the reference made in the call for evidence that instead of a revision based on scientific findings, scenarios with relatively lower workplace exposure limit values should also be considered. In particular, the EU workplace exposure limit of 1,000 fibres/m<sup>3</sup> called for by the European Parliament in its resolution about protecting workers from asbestos, released on October 20, 2021, raises concerns. Furthermore, in order to meet the objective of improving the effectiveness of the Directive, the revision should not be limited just to the workplace exposure limit value.

## 1 Occupational exposure limit

In German Social Insurance's opinion, when a workplace exposure limit is set for asbestos that is intended to reduce exposure and provide better protection for workers, it must be ensured that it is metrologically verifiable.

With an "instantaneous value" of 1,000 fibres/m<sup>3</sup> as required by the European Parliament, i.e. a concentration in a short-term value phase that must not be exceeded at any time, this would, as asbestos has no acute effects in the body, not be target-oriented, is currently not measurable and neither can it be monitored. The different risk areas approach that uses graduated protective measures followed in German work safety regulations would also not be compatible with this. This protective measures concept and the associated risk-related exposure limits are presented in the Technical Rule for Hazardous Substances "Risk-related measures concept for activities with carcinogenic hazardous substances" (TRGS 910).<sup>1</sup> This practical exposure-risk approach, which is accepted by the companies, could not be continued.

The German Social Insurance therefore suggests a gradual lowering of the EU workplace limit value in a first step to 10,000 fibres/m<sup>3</sup> as a shift average value, i.e. an average asbestos fibre concentration based on an eight-hour working shift. A simultaneous reviewing deadline should also be planned in. For activities where compliance with the limit value cannot be achieved through the work process alone, protecting workers should be ensured through a protective measures concept graded to the actual risk.

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<sup>1</sup> The Technical Rules for Hazardous Substances (TRGS) applicable in Germany reflect the state of the art, occupational medicine and occupational hygiene, as well as other assured occupational scientific findings covering activities involving hazardous substances, including their classification and labelling. The regulations about the necessary protective measures are based on the risk-related measures concept in the Protection against Hazardous Substances Act.



## 2 Further revision of the directive

However, in German Social Insurance's view, revising the current EU workplace exposure limit alone will not meet the objective of improving the effectiveness of the Asbestos Directive. The initiative should also be used to sharpen up the vague legal terms that cause problems when they are implemented in national law and usage.

The Asbestos Directive uses vague terms such as "demolition", "renovation" and "maintenance" without defining them in more detail. Consequently, the clarity needed for the national legal standards that are based on it cannot be realised. These terms are often only mentioned in the sense of a list of examples and they are not used systematically throughout, so clear differentiation from other activities is not possible. Both cause problems when implementing the Asbestos Directive, especially when different regulations are also linked with these terms.

The Asbestos Directive regulations mainly address more extensive demolition and asbestos renovation work. However, when it comes to construction work inside existing buildings, the focus is mainly on manual activities involving materials that might contain asbestos, such as plaster, fillers, tile adhesive, putty and coating materials used for corrosion protection. It is difficult to assign the "demolition", "renovation" and "maintenance" terms to these activities.

Clear definitions and a uniform use of these terms will support legally safe usage as well as implementing the Asbestos Directive. Therefore, the German Social Insurance suggests that regulations covering the acceptance of activities involving materials containing asbestos be linked to clear definitions. In addition to revising the asbestos directive, which should not be limited to adjusting the workplace asbestos exposure limit, exchanging best practices and awareness campaigns will also help to strengthen effective prevention.