



Technical Assistance for Strengthening the Capacity of the Ministry of Environment, Forests and Water Administration in Albania for Law Drafting and Enforcement of Specific Environmental Legislation

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**Draft
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Protection of workers from the risks related to exposure to asbestos at work**

**Draft 1
Version 2**

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***DRAFT 1
VERSION 2***



**REPUBLIC OF ALBANIA
COUNCIL OF MINISTERS
DECISION**

(Dated _____)

No. _____, date _____

**PROTECTION OF WORKERS FROM RISKS RELATED TO
EXPOSURE TO ASBESTOS AT WORK¹**

Pursuant to Article 100 of the Constitution Article 38 paragraph 2 of the Law No 10237, dated 18.02.2010, “On Health and Safety at Work” and to Article 37, 38, 40 of the Law No.10463, dated 22.9.2011, “On Integrated Waste Management”, upon the proposal of Minister of Labour, Social Affairs and Equal Opportunities and Minister of Environment, Forestry and Water Administration,:

DECIDED:

I. Purpose

1. The purpose of this Decision is the protection of workers against risks to their health, including the prevention and reduction of such risks, arising or likely to arise from exposure to asbestos at work through the application of detailed rules defined by it.

II. Definitions

2. For the purposes of this Decision, the following terms shall have the meanings:
 - a) ‘asbestos’ means the following fibrous silicates:
 - i. Asbestos actinolite, CAS No 77536-66-4,
 - ii. Asbestos grunerite (amosite), CAS No 12172-73-5,
 - iii. Asbestos anthophyllite, CAS No 77536-67-5,
 - iv. Chrysotile, CAS No 12001-29-5,
 - v. Crocidolite, CAS No 12001-28-4,
 - vi. Asbestos tremolite, CAS No 77536-68-6.
 - b) “Ministry” is the ministry in charge of health and safety at work
 - c) “Minister” is the minister in charge of health and safety at work

¹ This decision transposes the Directive 2009/148/EC, of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work, published in Official Journal OJ L330/28, 16.12.2009.

- ç) “Competent Authorities” are the Ministry in charge of environment, Ministry in charge of health, State Inspectorate of Labour, REAs.
- d) “Worker” is any person employed by an employer, including trainees and apprentices, but excluding domestic servants;
- dh) “Employer” any natural or legal person who has an employment relationship with the worker and has responsibility for the undertaking and/or establishment;
- e) “Workers' representative” is any person elected, chosen or designated in accordance with specific laws and/or practices to represent workers where problems arise relating to the safety and health protection of workers at work;
- ë) “Law on the safety and health of workers at the workplace” refers to the Law No. 10237, of 18.2.2010 on Health and Safety of Workers at the work
- f) “Authority responsible for medical surveillance” is the doctor at work, family doctor or public or private health institutions that detect the disease during clinical examinations.
- g) “limit value” is the one referred in paragraph 49 of this Decision.
- h) “personal protective equipment” means all equipment (including clothing) which is intended to be worn or held by a person at work and which protects that person against one or more risks to that person’s health, and any addition or accessory designed to meet that objective;
- i) “short duration work” with asbestos means work that in any seven day period:
 - i. that work, including any ancillary work liable to disturb asbestos, takes not more than 2 hours; or
 - ii. any person carries out that work for not more than 1 hour.

III. Scope

- 3. This Decision shall apply to activities in which workers are or may be exposed in the course of their work to dust arising from asbestos or materials containing asbestos.
- 4. Such activities include extraction of asbestos industry, construction, demolition, maintenance, repair or disturbance of asbestos or materials containing asbestos in buildings and ships, their refurbishment, asbestos removal and disposal works.

IV. Prohibitions

- 5. The following activities, subject treatment and disposal of products resulting from demolition and asbestos removal, shall be prohibited:
 - a. application of asbestos by means of the spraying process, and
 - b. working procedures that involve using low-density (less than 1 g/cm³) insulating or soundproofing materials which contain asbestos.
 - c. extraction of asbestos, or
 - ç. manufacturing and processing of asbestos products, or
 - d. manufacturing and processing of products containing intentionally added asbestos, during which workers are exposed to asbestos fibres

V. Identification of asbestos presence

6. An employer must not undertake work in demolition, maintenance or any other work which exposes or is liable to expose its employees to asbestos in respect of any premises unless he has verified and recorded evidence of lack of asbestos.
7. Before beginning demolition or maintenance work, employers shall ask information from the owners of the premises and take all necessary steps to identify presumed asbestos-containing materials.
8. If there is any doubt about the presence of asbestos in a material or construction, the applicable provisions of this Decision shall be followed.

VI. Asbestos related Risk Assessment

9. Any employer, in the case of any activity likely to involve a risk of exposure to dust arising from asbestos or materials containing asbestos, must carry a suitable and sufficient **Risk Assessment** to:
 - a. determine the nature and degree of the workers' exposure to dust arising from asbestos or materials containing asbestos; and
 - b. identify the steps that need to be taken to meet the requirements of these Regulation.
10. Employer must ensure implementation of the steps referred to in letter b of paragraph 9.
11. The risk assessment must, as a minimum, include:
 - a. type of asbestos to which employees are likely to be exposed;
 - b. nature and degree of exposure which may occur in the course of the work;
 - c. results of monitoring of exposure in accordance with paragraph 51;
 - ç. steps to be taken to prevent that exposure or reduce it to the lowest level reasonably practicable;
 - d. results of any relevant medical surveillance; and
 - dh. any other relevant information as the employer may need in order to complete the risk assessment.
12. The employer, as soon as practicable after the risk assessment is made, shall record its significant findings.
13. The employer shall consult the findings of the risk assessment with the workers and/or their representatives within the undertaking or establishment.
14. The employer must keep a copy of risk assessment at the premises of the related undertaking or establishment, as long as the related work is being carried out.
15. The employer reviews the risk assessment:

- a. At least every sixth month regularly, and
 - b. Immediately, if:
 - i. there is reason to suspect that the existing risk assessment is no longer valid;
 - ii. there is a significant change in the work to which the risk assessment relates; or
 - iii. the results of any air monitoring carried out pursuant to paragraph 51 show it to be necessary
16. The employer, revises the risk assessment wherever:
- a. there is reason to believe that it is incorrect or
 - b. there is a material change in the work.
 - c. the review suggests that changes to the risk assessment are required,
17. The employer carries the changes, as per letter c of the paragraph 16 and records them, wherever they relate to the significant findings of the risk assessment or are themselves significant.
18. The employer may be waived by Paragraphs 32-39 (notification), and 65-71 (health assessment and clinical surveillance) and 72-76 provided that worker exposure is:
- a. sporadic and of low intensity, and
 - b. when it is clear from the results of the risk assessment referred to in paragraph 9 that the exposure limit value for asbestos will not be exceeded in the air of the working area.
19. Such cases involve:
- a) short, non-continuous maintenance activities in which only non friable materials are handled,
 - b) removal without deterioration of non-degraded materials in which the asbestos fibers are firmly linked in a matrix,
 - c) encapsulation or sealing of asbestos containing materials which are in good condition,
 - ç) air monitoring and control, and the collection of samples to ascertain whether a specific material contains asbestos.
20. The Minister, through Ministerial Order, approves practical guidelines for the determination of sporadic and low intensity exposure, as provided for in paragraphs 18-19.
21. The guidelines referred in the paragraph 20 shall be prepared in accordance with specific legislation and practice and following consultations with representatives from both employer and employees.

VII. Licensing of work with asbestos

22. Any employer must hold a license for work with asbestos before such work starts, if it is work:
- a. where the exposure to asbestos of employees is not sporadic and of low intensity; or

- b. in relation to which the risk assessment cannot clearly demonstrate that the control limit will not be exceeded; or
 - c. on asbestos coating; or
 - d. on asbestos insulating board or asbestos insulation for which the risk assessment
 - i. demonstrates that the work is not sporadic and of low intensity, or
 - ii. cannot clearly demonstrate that the control limit will not be exceeded, or
 - iii. demonstrates that the work is not short duration work;
23. The Minister, through a Ministerial Order approves the requirements an employer must fulfil in order to be allowed to work with asbestos.
24. NLC issues the license for work with asbestos based on the specific legislation on the licenses, authorizations and permits.

VIII. Plan of Work with Asbestos

25. The employer must not undertake any work with asbestos without having prepared a suitable written **Plan of Work** with Asbestos detailing how that work is to be carried out before it starts.
26. The Plan of Work with Asbestos referred in paragraph 25 includes demolition work or work on removing asbestos and/or asbestos-containing products from buildings, structures, plant or installations or from ships.
27. The plan must prescribe the measures necessary to ensure the safety and health of workers at the place of work pursuant to the legislation on health and safety of the workers at workplace.
28. The Plan of Work with Asbestos must in particular specify that:
- a. asbestos and/or asbestos-containing products are to be removed before demolition techniques are applied, except where this would cause a greater risk to workers than if the asbestos and/or asbestos containing products had been left in place;
 - b. the personal protective equipment shall be provided, where necessary;
 - c. when the asbestos demolition or removal work has been completed, the absence of asbestos exposure risks in the workplace must be verified in compliance with specific legislation and practices defined by the Ministry and approved by the Minister.
29. The Plan of Work with Asbestos shall include information on the following:
- a. the nature and probable duration of the work,
 - b. the place where the work is carried out,
 - c. the methods applied where the work involves the handling of asbestos or of materials containing asbestos,
 - ç) the characteristics of the equipment used for:
 - i. protection and decontamination of those carrying out the work,

- ii. protection of other persons present on or near the worksite.
 - d. the measures which the employer intends to take in order to comply with the requirements on prevention and reduction of exposure to asbestos; and
 - dh. the measures which the employer intends to take in order to comply with the requirements on cleanliness of the premises and plant as referred in paragraph 47 (asbestos designated areas).
30. The employer shall keep a copy of the Plan of Work with Asbestos at those premises at which the work to which the plan relates is being carried out for such time as that work continues.
31. At the request of the competent authorities, the Plan of Work with Asbestos referred to in paragraph 25 must be notified to them before the start of the projected work.

IX. Notification of work with asbestos

32. The employer, subject to paragraphs 18-19, shall take the measures referred to in paragraphs 33-39.
33. The activities referred to in paragraph 3 must be covered by a notification system.
34. The employer, before the work with asbestos commences, shall submit to the Labour Inspectorate the notification referred to in paragraph 33, in accordance with specific legislation, regulations and administrative provisions.
35. The employer must notify the Labour Inspectorate at least 15 working days before undertaking any licensable work with asbestos. Such notification includes:
- a. the name of the notifier and the address and telephone number of that notifier's usual place of business;
 - b. a brief description of the:
 - i. location of the work site,
 - ii. type and quantities of asbestos to be used or handled,
 - iii. activities and processes involved,
 - iv. number of workers involved, and
 - v. measures taken to limit the exposure of employees to asbestos, and
 - c. the date of the commencement of the work and its expected duration.
 - d. any material change, which might affect the particulars notified (including the cessation of the work), in writing and without delay.
36. The employer must notify the Labour Inspectorate for work with asbestos which is not licensable work with asbestos and is not exempted under this Decision,
- a. the particulars specified in letters a-c of paragraph 35, before work is commenced; and
 - b. any material change, which might affect the particulars notified in accordance with letters a-c of paragraph 35, without delay.

37. The Labour Inspectorate administers the notification system on work with asbestos.
38. The employer shall give access to the workers and/or their representatives in undertakings or establishments to the documents which are the subject of notification referred to in paragraph 33 concerning their own undertaking or establishment in accordance with specific legislation.
39. The employer shall submit a new notification each time a change in working conditions is likely to result in a significant increase in exposure to dust from asbestos or materials containing asbestos.

X. Prevention, reduction and remediation of exposure to asbestos

40. Employers of all the activities referred to in paragraph 3, must ensure that the exposure of workers to dust arising from asbestos or materials containing asbestos at the place of work be:
 - a. Prevented, as much as reasonably practicable,
 - b. reduced to a minimum, in case it is not reasonably practicable to prevent, and in any case be reduced below the limit value.
41. Employers, in order to satisfy the requirement of the paragraph 40, shall take in particular the following measures:
 - a. at any time:
 - i. shall limit to the lowest possible figure the number of workers exposed or likely to be exposed to dust arising from asbestos or materials containing asbestos;
 - ii. shall approve the type of respiratory protective equipment that is suitable for this purpose following the respective standards, provide with and enforce all workers exposed or likely to be exposed to dust arising from asbestos or materials containing asbestos to use such respiratory protective equipment, which will reduce the concentration of asbestos in the air inhaled by that employee to a concentration which is
 - below the control limit; and
 - as low as is reasonably practicable.
 - b. Where it is not reasonably practicable to prevent the exposure to asbestos of any such employee, in order of priority:
 - i. shall design the work processes, systems and engineering controls and provide and use suitable work equipment and materials in such a way so they do not produce asbestos dust or, if that proves impossible,
 - ii. shall avoid the release of asbestos dust into the air
 - iii. shall control the exposure at source, through adequate ventilation systems and appropriate organisational measures
 - c. Shall ensure that all premises and equipment involved in the treatment of asbestos are cleaned and maintained regularly and effectively;

- c) shall ensure that all asbestos or dust-generating asbestos-containing material and waste from the place of work shall be packed, sealed, labeled, stored and transported in a suitable manner and as soon as possible. This measure shall not apply to mining activities. Such waste shall then be dealt with in accordance with Law on waste.
 - d. Shall ensure that no worker is exposed to such asbestos concentration in the air which exceeds the limit value; and
 - e. wherever the limit value is exceeded:
 - i. immediately inform any employees concerned and their representatives,
 - ii. ensure that work does not continue in the affected area until adequate measures have been taken to reduce workers exposure to asbestos below the control limit,
 - iii. identify the reasons the limit value is exceeded, and,
 - iv. as soon as possible, take the appropriate measures to remedy the situation, and to prevent it from being exceeded again,
 - v. immediately check the effectiveness of the measures taken through a further determination of the concentration of asbestos in air,
42. The employer shall determine and take appropriate measures to ensure the protection of the workers engaged in activities such as demolition, removal, repairing and maintenance wherever it foresees that the limit value may be exceeded, despite of the use of technical preventive measures for limiting asbestos concentration in the air.
43. The employer consults the measures referred to in paragraph 42 with workers and/or their representatives in the undertaking or establishment before the activities concerned are carried out.
44. The employer shall take in particular these measures:
- a. provide and enforce the workers to wear suitable respiratory and other personal protective equipment; and
 - b. put up warning signs indicating that it is foreseeable that the limit value will be exceeded; and
 - c. prevent the spread of dust arising from asbestos or materials containing asbestos outside the premises or site of action.

XI. Individual protective breathing equipment

45. Workers, wherever exposure cannot be reduced under the limit value by other means, shall wear the individual protective breathing equipment. This may not be permanent and shall be kept to the strict minimum necessary for each worker.
46. The employer, during periods of work which require the use of such equipment, makes it possible for the workers to have breaks appropriate to the physical and climatological conditions. Such breaks are determined in consultation with the workers and/or their representatives, in accordance with specific legislation and practice, as appropriate.

XII. Asbestos designated areas

47. The employer, in the case of all activities referred to in paragraph 3, subject to paragraphs 18-19, shall take appropriate measures to ensure that:
- a. the places in which the above activities take place shall:
 - i. be clearly demarcated and indicated by warning signs;
 - ii. not be accessible to workers other than those who by reason of their work or duties are required to enter them;
 - iii. constitute areas where there should be no smoking;
 - b. areas are set aside where workers can eat and drink without risking contamination by asbestos dust;
 - c. this working or protective clothing remains within the undertaking. It may, however, be laundered in establishments outside the undertaking which are equipped for this sort of work if the undertaking does not carry out the cleaning itself; in that event the clothing shall be transported in closed containers;
 - ç. separate storage places are provided for working or protective clothing and for street clothes;
 - d. workers are provided with appropriate and adequate washing and toilet facilities, including showers in the case of dusty operations;
 - dh) protective equipment shall be placed in a well-defined place and shall be checked and cleaned after each use; appropriate measures shall be taken to repair or replace defective equipment before further use.
48. Costs of measures taken pursuant to paragraph 47 may not be charged to the workers.

XIII. Limit values and measurements of asbestos fibres

49. Asbestos allowed limit value is 0,1 fibres per cm³ as an eight hour time-weighted average (TWA).
50. Employers shall ensure that no worker is exposed to an airborne concentration of asbestos in excess of the limit value referred in the paragraph 49.
51. Employers, depending on the results of the initial risk assessment, and in order to ensure compliance with the limit value, must ensure regular measurement of asbestos fibres in the air at the workplace.
52. Samples taken for the measurements referred in the paragraph 51 must be representative of the personal exposure of the worker to dust arising from asbestos or materials containing asbestos.
53. Sampling shall be carried out after consultation of the workers and/or their representatives within the undertaking or establishment.

54. Sampling shall be carried out by suitably qualified personnel. The samples taken shall be subsequently analyzed, in accordance with paragraph 56, in laboratories equipped for fibre counting.
55. The duration of sampling must be such that representative exposure can be established for an eight-hour reference period (one shift) by means of measurements or time-weighted calculations.
56. Fibre counting shall be carried out wherever possible by PCM (phase-contrast microscope) in accordance with the 1997 WHO (World Health Organization) recommended method or any other method giving equivalent results.
57. For the purpose of measuring asbestos in the air, as referred to in paragraph 51, only fibres with a length of more than 5 micrometres, a breadth of less than 3 micrometres and a length/breadth ratio greater than 3:1 shall be taken into consideration.

XIV. Training programme

58. Employers shall provide appropriate training for all workers who are, or are likely to be, exposed to asbestos-containing dust.
59. Such training must be provided at regular intervals and at no cost to the workers.
60. The content of the training must be easily understandable for workers. It must enable them to acquire the necessary knowledge and skills in terms of prevention and safety.
61. The training programme must focus in particular on:
 - a. the properties of asbestos and its effects on health, including the synergistic effect of smoking;
 - b. the types of products or materials likely to contain asbestos;
 - c. the operations that could result in asbestos exposure and the importance of preventive controls to minimize exposure;
 - ç. safe work practices, controls and protective equipment;
 - d. the appropriate role, choice, selection, limitations and proper use of respiratory equipment;
 - dh. emergency procedures;
 - e. decontamination procedures;
 - ë. waste disposal;
 - f. medical examination requirements.
62. The Minister, through Ministerial Order, approves the training programme for asbestos removal workers.

XV. Workers' access to information

63. The employer must take appropriate measures to ensure that workers and their representatives in the undertaking or establishment of the activities referred to in paragraph 3, receive adequate information concerning the:
- a. potential risks to health from exposure to dust arising from asbestos or materials containing asbestos,
 - b. existence of statutory limit values and the need for the atmosphere to be monitored,
 - c. hygiene requirements, including the need to refrain from smoking,
 - ç) precautions to be taken as regards the wearing and use of protective equipment and clothing,
 - d. special precautions designed to minimize exposure to asbestos.
64. The employer, in addition to the measures referred to in paragraph 63, and subject to paragraphs 18-19, shall also take appropriate measures to ensure that workers and/or their representatives in the undertaking or establishment:
- i. have access to the results of asbestos-in-air concentration measurements, and
 - ii. can be given explanations of the significance of those results;
 - iii. are informed as quickly as possible whenever the measurements results show that the limit value has been exceeded, and in this case are given the reasons for such an exceedance, and
 - iv. are consulted on the measures to be taken or, in case of emergency, are informed of the measures that have been taken.

XVI. Health assessment and clinical surveillance

65. The employer, except for the cases referred to in paragraphs 18-19, shall take the measures referred to in the paragraphs 66-71 to ensure that:
- a. the state of health of each worker be assessed and the related document be available prior to the beginning of exposure to dust arising from asbestos or materials containing asbestos at the place of work.
 - b. a new assessment must be available at least once every 3 years for as long as exposure continues.
 - c. an individual health record shall be established in accordance with specific laws and practices for each worker referred to in the first subparagraph.
66. The assessment referred to in the paragraph 65 must include a specific examination of the chest.
67. The practical recommendations for the clinical surveillance of workers are given in Annex I of this Decision. They shall be adapted following technical progress.
68. The doctor or authority responsible for the medical surveillance of the workers, following the clinical surveillance referred to in the paragraph 67 and in accordance with specific legislation:

- d. should advise or determine on any individual protective or preventive measures to be taken.
 - e. should inform and advise the workers regarding any health assessment they may need to undergo following the end of exposure.
 - f. may indicate that medical surveillance must continue after the end of exposure for as long as they consider it necessary to safeguard the health of the person concerned.
69. The measures referred to in letter (a) of the paragraph 68 may include, where appropriate, the withdrawal of the worker concerned from all exposure to asbestos.
70. The continuing surveillance shall be carried out in accordance with the legislation on health and safety of workers at work.
71. The worker concerned or the employer may request a review of the assessments referred to in paragraph 68, in accordance with the legislation on health and safety of workers at work.

XVII. Registers

72. The employer, subject to the cases under paragraphs 18-19, shall take the measures referred to in paragraphs 73-79.
73. The employer shall create and hold a **Register on Exposure** to asbestos indicating the:
- g. workers responsible for carrying out the activities referred to in paragraph 3,
 - h. nature of the activity,
 - i. duration of the activity, and
 - j. exposure to which they have been subjected.
74. The employer shall give to:
- k. The doctor and/or the authority responsible for medical surveillance access to the whole register,
 - l. Each worker access to its own personal results in the register.
 - m. the workers and/or their representatives access to anonymous, collective information in the register.
75. The register referred to in paragraph 73 and the medical records referred to in letter (a) of paragraph 65 shall be kept for at least 40 years following the end of exposure, in accordance with the legislation on health and safety of workers at work and other specific legislation.
76. The employer, in cases where the undertaking ceases trading and in accordance with specific legislation shall make available to the Competent Authority all documents referred to in paragraph 75.

77. The employer shall create and hold a **Register on Morbidity** to record all recognized cases of asbestosis and mesothelioma between its workers.
78. The employer shall report the data of the Register on Morbidity, even if there are no cases, annually to the Minister and Minister in charge of Health before the end of each calendar year.
79. The Ministry responsible for Labour and the Ministry responsible Health, based on the data received under paragraph above, shall create and keep their own registers with recognized cases of asbestosis and mesothelioma at the national level for each type of activity identified under paragraph 3.
80. The employer shall create and hold a **Register on Asbestos Disposal** and report the data to the REA in the area of its jurisdiction before the end of each calendar year.

XVIII. Sanctions

81. In the event of infringement of this Decision the sanctions provided in Article 43 of the Law No 10237, dated 18.02.2010, "On Health and Safety at Work", in Chapter VI of the Law No. 9634, dated 30.10.2006, "On Labour Inspection and State Inspectorate of Labour" and in Section IV of the Law No. 10433, dated 16.06.2011, "On Inspection in the Republic of Albania", and in Chapter XIV of the Law No.10463, dated 22.9.2011, "On Integrated Waste Management" shall apply.

XIX. Implementation Reporting

82. The Ministry shall draft an **Implementation Report** on the practical implementation of this Decision in the form of a specific chapter on asbestos in the single report on health and safety at work.
83. The Minister, through a Ministerial Order shall endorse the format to be used for the drafting of the specific chapter on asbestos, together with the information to be included.
84. The State Inspectorate on Environment, the State Inspectorate of Labour, Social Insurance Institute, and all other relevant institutions shall provide relevant information to the Ministry to prepare the Implementation Report.
85. The Implementation Report shall be published in the official website of the Ministry and shall be made available to the public.

XX. Final provisions

86. The Ministry in charge for health and safety at work, the Ministry in charge of environment, the NEA, the State Inspectorate of Labour are responsible for implementation of this Decision.

87. This decision enters into force after publication in the Official Journal.

PRIME MINISTER

ANNEX I

Practical recommendations for the clinical assessment of workers, as referred to Chapter XVI, paragraph 67

1. Current knowledge indicates that exposure to free asbestos fibres can give rise to the following diseases:

- asbestosis,
- mesothelioma,
- bronchial carcinoma,
- gastro-intestinal carcinoma.

2. The doctor and/or authority responsible for the medical surveillance of workers exposed to asbestos must be familiar with the exposure conditions or circumstances of each worker.

3. Health examination of workers should be carried out in accordance with the principles and practices of occupational medicine. It should include at least the following measures:

- keeping records of a worker's medical and occupational history,
- a personal interview,
- a general clinical examination, with particular reference to the chest,
- lung function tests (respiratory flow volumes and rates).

The doctor and/or authority responsible for the health surveillance should decide on further examinations, such as sputum cytology tests or a chest X-ray or a tomodensitometry, in the light of the latest occupational health knowledge available