

CURRENT STATUS OF ASBESTOS MANAGEMENT

COUNTRY:	SPAIN	YEAR:	2013
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REQUIREMENTS	FACTS ANALYSIS
<p>WHICH ARE THE MAIN REQUIREMENTS ESTABLISHED BY LAW FOR...?</p> <p>Works with exposure to asbestos</p> <ul style="list-style-type: none"> - The most relevant requirements are established in Royal Decree 396/2006, of March 31th, establishing minimum health and safety requirements applicable to works with exposure to asbestos: Exposure Limits, Risk assessment and Control of the work environment, Technical preventive measures, Organizational measures, Respiratory Personal Protective Equipment, Measures for personal hygiene and individual protection, Specific provisions for activities such as demolition, asbestos removal, repair and maintenance, Work Plans, Training for workers, Information, consultation and participation, Workers health surveillance, The registration for companies that work with asbestos, Data records and documentation and Requirements for sampling and samples analysis. - Asbestos-containing waste must be carried according to the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR 2013). - Royal Decree 1299/2006 of 10 November, approving the list of occupational diseases, includes asbestos-related diseases. - Laws applicable to chemical agents, carcinogens and hazardous substances in the workplace are also applicable to the asbestos. <p>Managing asbestos as a waste</p> <ul style="list-style-type: none"> - Order AAA/661/2013 of 18 April, amending Annexes I, II and III of Royal Decree 1481/2001 of 27 December, which regulates waste disposal on landfill, establishes specific criteria for asbestos-containing waste admission on landfills for non-hazardous waste. - Act 22/2011 of waste and contaminated soils establishes general requirements for waste producer related to their waste management. - Royal Decree 105/2008 of 1 February, which regulates the waste production and management in the construction and demolition, defines construction and demolition waste owner's obligations. - ORDEN MAM/304/2002 of 8 February, publishing the operations of waste recovery and disposal and the European Waste List, defines asbestos-containing waste as hazardous waste, but determines that their disposal is allowed in non-hazardous waste landfills, in accordance with the provisions of Royal Decree 1481/2001 of 27 December, which regulates landfilling. - Royal Decree 108/1991 of 1 February, prevention and reduction of environmental pollution caused by asbestos, establishes requirements for asbestos emissions to the atmosphere, liquid spills/discharges and asbestos-containing waste. However, the contents of this regulation are outdated as it includes prohibited activities such as manufacturing of products containing asbestos. - 7 from 17 Spanish regions have developed specific legislation on asbestos. Basically, their main aims are the regulation of registration of companies with asbestos risk and the establishment of a file of personal data "health surveillance of workers exposed to asbestos". 	<p>STUDIES</p> <p>Which are the main results related to the present situation of asbestos management?</p> <ul style="list-style-type: none"> - Incidence rates and the time trend of professional asbestosis in Spain may be demonstrating the underreporting of the occupational origin of these diseases in our country. - In Spain the number of cases of occupationally-related disease and number of workers exposed are underestimated. This impede that victims reach their rights and social acknowledgment and also difficult to develop effective risk prevention programs. - According to the VII National Survey of Work Conditions the highest joint-exposure (inhalation or handling) to chemical agents is in the construction sector. - Since National Health Surveillance Program of workers previously exposed to asbestos in Spain (PIVISTEA) started, 1,529 companies have been registered as companies which work with asbestos and 35,630 workers (including current exposure and past exposure). - The subsectors in which are found more companies registered are: Construction of residential buildings, Shipbuilding, Demolition, other installations at construction, other specialized construction activities. - The regions with the biggest number of current exposed workers registered are: Cataluña, Galicia, Castilla y Leon, Madrid and Valencia community. They accumulate 72% of current exposed workers. <p>Are there any trends identified?</p> <ul style="list-style-type: none"> - Predictions for the five-year period 2016–2020 indicate a total of 1319 pleural cancer deaths (264 deaths/year). - Forecasts up to 2020 indicate that deaths will continue to rise, though the age-adjusted rates show a leveling-off in male mortality from 2001–2005, corresponding to the lower risk in post-1960 generations. - The catastrophic consequences of human exposure to asbestos are set to persist and remain in evidence until the last surviving members of the exposed cohorts have disappeared. It can thus be assumed that occupationally-related deaths due to pleural mesothelioma will continue to occur in Spain until at least 2040. <p>Which are the most important actions proposed for improvement?</p> <ul style="list-style-type: none"> - After a careful examination at the Spanish legislation related to asbestos and also comparing it with other European countries, the necessity of making a buildings' inventory is identified in order to complete the current legislation. - To determine the presence or absence of asbestos in buildings is a critical factor to the health of people who occupy them, and for workers involved in maintenance, repair or demolition. X-ray diffraction could be the most appropriate method once it is for treatment of concentrated asbestos samples. The techniques of optical microscopy and scanning electronic microscopy are used to determine the type of asbestos mineral and also are indispensable in the case of fibre counting in air quality studies.
<p>PROCEDURES FOR REQUIREMENTS INSPECTION:</p> <ul style="list-style-type: none"> - Companies with activities in which workers may be exposed to asbestos, must be included in the Registration of Companies with Asbestos Risk in the region in which are developing these activities. - Inspectors review the work plans submitted by each company in order to decide if their contents are adequate. They also can visit the works. 	<p>NEWS:</p> <ul style="list-style-type: none"> - Nowadays there is no system to real time detection of asbestos. The project ALERT - as it is called - aims to change this situation. - The importance of conducting a buildings-containing asbestos inventory. - There was no Spanish compensation fund for asbestos victims. - A badly done asbestos removal can represent a greater danger than not remove. - Asbestos causes one of every two cases of cancer derived by tasks at work in Spain - 99.96% companies in the construction sector in Spain are SME.
<p>GUIDELINES / RECOMMENDATIONS FOR APPLICATION OF REQUIREMENTS:</p> <ul style="list-style-type: none"> - The main guide on asbestos is Technical Guide for evaluation and prevention of risks related to asbestos exposure (INSHT), 2008, whose aim is to facilitate the implementation of Royal Decree 396/2006, on the minimum health & safety requirements for work with asbestos exposure risk. - Several Prevention Technical Data Sheet have been developed by INSHT for guiding the companies how to do the previous working plan, describing the working method of operations involving asbestos, defining quality control in asbestos fibres analysis, etc. - Different regions have developed their own guidelines which include valuable recommendations for workers exposed to asbestos. 	<p>References</p> <p>Spanish Journal of Public Health, Polytechnic University of Barcelona, Construction Science Institute, Biomed Central Cancer Journal, Ministry of Health, Social Services and Equality</p>
<p>References</p> <p>Occupational Health and Safety National Institute (INSHT) www.insht.es; Environment Ministry www.magrama.gob.es</p>	



IDENTIFIED ISSUES

Identified STRENGTHS

- In Spain the **use, production and trading of asbestos** in all its varieties became **prohibited**. Since 2002 any industrial process cannot use asbestos as a raw material and it is forbidden to buy or sell asbestos-containing products in Spain.
- The country has a large number of in force legal **requirements related to health and safety in works with asbestos exposure risk**.
- The most important and relevant requirements on asbestos are established in **Royal Decree 396/2006**, of March 31th, **establishing minimum health and safety requirements applicable to works with exposure to asbestos**.
 - This regulation lays down **rules to any working activity that may involve exposure to asbestos**, such as: preparation of a work plan, training and information of workers, environmental and personal asbestos monitoring procedure, inclusion of the level of asbestos concentration in the risk assessment programme, worker's health surveillance system, program for technical, organizational and personal protection & hygiene measures, and registration of companies with risk to exposure to asbestos.
- Apart from this mentioned key-regulation, all works with asbestos exposure are also regulated by the national legislation concerning to the **protection of workers against hazards** arising from exposure to **carcinogenic agents** and on the protection of the health and safety of workers against risks arising from **chemical agents** and **hazardous substances** at work.
- In the Spanish legislation some **occupational diseases caused by** inhalation of **asbestos**, such as asbestosis and mesothelioma, have been included in the list of approved occupational diseases since 1978.
 - Besides, the diseases list related to work activities with exposure to asbestos was last updated and widen in 2006.
- Several **national and regional regulations** establishing requirements for an appropriate **management of asbestos-containing waste have been issued**. These waste regulations are adjusted in order to bring it into line with European legislation regarding these matters.
- Asbestos is considered as a **hazardous waste** and its handling and management is **regulated under hazardous waste legislation**.
- Its **disposal in landfills** has been established in the regulations, and although it is a hazardous waste, recently have been defined the **particular criteria to allow admission of asbestos-containing waste in non-hazardous waste landfills**.
- The enforcement of the regulation for **construction and demolition waste** is also mandatory for asbestos waste. **Specific legal requirements** in this issue are currently well defined both at national and regional level.
- The **regional regulations** in Spain regarding to asbestos are established to clarify and implement in regions the provisions approved by Spanish legislation.
 - Measures are defined to clarify procedures in the different regions for the registration of companies with asbestos risk, the implementing the Work Plan and the creation of files of personal data for health surveillance of exposed workers. They also define regional responsibilities and competences.
- In Spain **many guidelines coming from official sources** mainly related to health and safety issues have been identified. Furthermore, there are many guidelines and studies about specific issues related to works with asbestos, such as sampling, different types of specific works and legal requirements, in order to make all these aspects more understandable and introduce good practices.
- In general, the guidelines contemplate **suitable contents related to the best practices** in works with asbestos.
- Current approved **list of occupational asbestos-related list** can be considered **well defined**.

Identified PROBLEMS

- The asbestos-related risks in the construction sector are associated with working activities such as **demolition, dismantling, repair and maintenance of building and other facilities**.
- Spanish regulation **does not specify provisions concerning activities with occasional, low-intensity exposure to asbestos**. For these activities is not needed to be accomplished the following requirements: work plans adapted to asbestos, workers health surveillance, compulsory registration for companies that work with asbestos and data records and documentation files relating environmental evaluations and controls, workers exposure data and conservation of medical records.
- Some works carried out by **SMEs** (this project's target) might be occasional, low-intensity asbestos-exposure activities, which might suppose a **lack of valuable feedback for workers health's monitoring**.
- In the matter of **training**:
 - The Spanish legislation only describes the minimum content required for any worker exposed or that might be exposed to asbestos during working activities and also states when the training must be carried out and that it must not have any cost to the workers.
 - The training contents are common for all types of working activities but this would be more suitable if they were proportionally adapted according to the different levels of asbestos exposure at work.
 - It would be desirable that the minimum training frequency and courses duration were defined.
- Despite the large amount of legal requirements for asbestos-containing waste, **the current legislation** in force in Spain **regarding other kinds of pollution due to asbestos, such as, air emissions and hazardous discharges into water or land, is not updated**:
 - The Royal Decree issued in **1991**, regarding **prevention of environmental pollution produced by asbestos**, was mainly based for activities producing and/or using asbestos. As these activities are now prohibited in Spain, **provisions** included in this royal decree **should be updated** to the current situation, specifying **measures to protect environment while asbestos is removed in buildings**.
- Analyzing the **regional regulations** in Spain regarding to asbestos:
 - The current regional legislation does not contain new requirements to help in the asbestos management but only supplements and specifies the current Spanish legislation on asbestos.
 - Only less than half of the regions of the country have found necessary to issue specific regulations on asbestos.
- The **construction sector stills a sector with high relevance when we are talking about asbestos risks**:
 - The construction sector in Spain is contemplated in **99.96 per cent of small and medium enterprises (SMEs)**.
 - The national health surveillance program of workers previously exposed to asbestos in Spain (PIVISTEA, 2013), which surveyed many sectors with workers exposed to asbestos in 13 regions in Spain, shows that **there are around 10,000 workers exposed to asbestos in Spain**.
- There is an **underestimation of workers exposed** due to the lack of acknowledging asbestos-related diseases as occupationally-related disease. Victims of para-occupational exposure (breathing asbestos brought into the home by a factory worker) or environmental exposure must seek treatment in public hospitals.
- There have been detected a **lack of some measures in current Spanish regulation** concerning health and safety in works with exposure to asbestos, that could be considered in future legislation's reviews
 - There is no obligation to establish a national inventory of 'asbestos-ill buildings'
 - It is not legally required a license and certification of companies that works with removal and disposal of asbestos
 - There is no Spanish compensation fund for asbestos victims financed by companies

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