

Written evidence from Nicolas Bessot, Chef du bureau des risques chimiques, physiques, biologiques et des maladies professionnelles, Ministry of Labour, Employment and Integration. (ASB0046)

Question	Position in France
<p>1. What Government Ministry(ies) or Agency(ies) are responsible for overseeing asbestos management in non-domestic buildings in your country?</p> <p><i>Please identify (a) the Ministries/Agencies responsible for the policy and regulatory regime; and</i></p> <p><i>(b) the organisations charged with enforcing the regulations</i></p>	<p>1. With regard to the general identification of asbestos in a building without any connexion with a planned work and for the assessment of their state of conservation: Ministry of Health.</p> <p>Regarding the identification of asbestos on the perimeter of a given operation, in the event of a work scheduled: Ministry of Labor.</p> <p>Regarding the control of work carried out in the presence of asbestos or aimed at its treatment (removal or encapsulation): Ministry of Labor.</p> <p>b) Regarding the identification of asbestos without any connexion with a planned work and the assessment of its state of conservation: the regional health agencies (ARS).</p> <p>Regarding the identification of asbestos on the perimeter of a given operation as well as the control of work carried out in the presence or with an aim of treatment of asbestos: the General Management of Labor through its decentralized services (Labor Inspectors).</p> <p>It should be noticed that in these various fields, the regional health insurance funds (CARSAT / CRAMIF) as well as, in the case of asbestos treatment work, the auditors of the bodies in charge of the certification of the companies in charge of to achieve them.</p>
<p>2. What is/are the current occupational or workplace asbestos exposure limit(s) in your country (in cm³)? In what circumstances do(es) they/it apply?</p> <p><i>Please distinguish between mandatory and desirable limits</i></p> <p><i>Please also provide information on any plans to change these limits in the next two years (include reference to any current debates, even if no conclusions have yet been reached)</i></p>	<p>The asbestos OEL is currently at 10 f/liters, or 0.01 f / cm³, over a benchmark period of 8 hours. In addition, the OEL is calculated on the basis of measurements made using the analytical transmission electron microscopy (META) analysis technique, counting long fibers (or "OMS" fibers) as well as fine fibers.</p> <p>There is no desirable limit in the french labour regulations, only the aforementioned OELV which constitutes a threshold never to be exceeded, it being specified that asbestos regulations require employers to implement measures to reduce as low as technically possible the exposure of workers, therefore to focus on allowing daily exposure well below the</p>

	<p>aforementioned OELV.</p> <p>To date, no modification is currently considered with regard to the OELP in France, but we are awaiting the results committed for the revision of European Directive 2009/148 / EC of November 30, 2009 on this subject.</p>
<p>3. Does your country have an <i>environmental</i> asbestos exposure limit?</p> <p><i>If yes, what is the environmental limit for asbestos (in cm³)? In what circumstances does it apply?</i></p> <p><i>Please also provide information on any plans to change these limits in the next two years (include reference to any current debates, even if no conclusions have yet been reached)</i></p>	<p>The public health Code sets a management value at 5 f/liter or 0.005 f / cm³. The latter is intended to set a threshold beyond which the owner of built buildings must take certain actions (such as, for example, removing certain materials or products containing asbestos - flocking, thermal insulation or false ceilings - or authorize the re-occupation of premises after the completion of asbestos removal or encapsulation work).</p> <p>This value is also referenced in the labor code, for the environmental control (after a removal action) of operations involving asbestos.</p> <p>There are currently discussions to lower this value, possibly to 2 f / L or 0,002 f / cm³, but they have not yet been completed.</p>
<p>4. Which types of asbestos/asbestos containing materials should be removed from non-domestic buildings, including workplaces, if discovered?</p> <p><i>Please say if a distinction is made between building types/uses.</i></p> <p><i>Please also say if these rules apply to domestic buildings (or whether different rules apply for domestic buildings).</i></p>	<p>There is no general obligation to remove materials or products identified as containing asbestos as part of an asbestos research mission provided for by the public health Code (those charged to the owner of the built building), including in buildings for residential use. When, in the latter case, they are deemed to be in good condition by a tracking operator or, if they are degraded, they do not generate an asbestos fiber emission higher than the management value of 5 f / L.</p> <p>On the other hand, a periodic inspection must be carried out for some of the materials and products containing asbestos in order to check their state of conservation. The extent of this control depends on the nature of said materials and products, which are classified into 3 lists:</p> <ul style="list-style-type: none"> - List A, which includes all the materials that can release asbestos fibers

	<p>through normal use (flocking, heat insulation and certain types of false ceilings).</p> <ul style="list-style-type: none"> - list B which includes all the materials accessible "without destructive work" and which can release asbestos fibers when they are subjected to an action such as friction, drilling, sanding, cutting, etc. asbestos cement, fiber cement roofs, asbestos vinyl floor tiles ... - List C: these are the materials that are "inseparably linked with the building". They are only accessible by carrying out destructive work (destruction of masonry ducts, etc.). It includes, for example, floor tile adhesives, joint strips <p>In the case of work carried out on buildings requiring the removal of materials or products containing asbestos or during the demolition of structures, a so-called "before work" identification must be made at the initiative of the contractor over the entire scope of the planned operation, taking into consideration:</p> <ul style="list-style-type: none"> - The tracking program set by appendix 1 to the decree of July 16, 2019 and appendix A to standard NF X 46-020: August 2017. - the work program set by the contractor (which frames the scope and the scouting program of the scouting operator) <p>In the event that asbestos-containing materials or products are identified within the scope of the planned work, and if the client does not renounce or modify his project, there is an obligation to withdraw all materials or products containing asbestos having been identified, before carrying out the scheduled work or demolition.</p>
<p>5. Which types of asbestos/asbestos containing materials can be left 'in</p>	<p>The answer to this question is included in the answer to the previous</p>

<p>situ' in buildings? <i>Please say if a distinction is made between building types/uses.</i></p> <p><i>Please also say if these rules apply to domestic buildings (or whether different rules apply for domestic buildings).</i></p>	<p>question, more precisely in the part related to the asbestos research missions demanded by the public health code and charged to the owner of the building.</p>
<p>6. Are owners/managers of non-domestic buildings (including workplaces) required to have their buildings surveyed for asbestos?</p>	<p>The obligations to identify asbestos, whether these are missions that are separate from the work scheduled or those preceding their completion, apply regardless of the use made of the building.</p> <p>Nevertheless :</p> <ul style="list-style-type: none"> - The asbestos research obligations dissociated from the work scheduled (provided for by the public health code) are the responsibility of the owners of buildings whose building permit was issued before July 1, 1997. - Asbestos research obligations prior to the planning of work on a building delivered before January 1, 1997 are the responsibility of the contractor for this work, who will not necessarily be its owner (e.g. : work carried out by a condominium manager, who will have the status of principal without owning the building in question). <p>The only exception to this principle of distribution of obligations between the contractor and the owner of the building concerns the identification before demolition, which is the responsibility of both the owner of the building (by the public health code) and the ordering party for this demolition operation (by the labor code). However, the two qualities merge in this case.</p>
<p>7. How frequently are building owners/ managers required to commission asbestos repeat-surveys when asbestos-containing materials have previously been found but considered safe to leave in the building?</p>	<p>The assessment of the state of conservation of materials and products identified in a building, as part of a research provided for by the public health code, must be periodically updated by the owner, this frequency shall not must exceed 3 years for list A materials. It should be noticed that when a given material or product has been deemed too degraded and</p>

	<p>dangerous by the diagnostician, the owner will be required to carry out containment or removal work concerning him.</p> <p>For products and materials in list B, the periodic assessment of the state of conservation remains mandatory for the owner, but the periodicity is left to his hands. The frequency should be defined according to the use and attendance of the premises.</p> <p>Finally, the materials from list C, or those identified during asbestos identification before work (on the basis of the identification programs in appendix 1 to the decree of July 16, 2019 or appendix A to the NF standard X 46-020: August 2017 and depending on the contractor's work program), are only identified during the measurement, because they are normally intended to be withdrawn before the planned work begins (unless the client modified or even abandoned his project).</p>
<p>8. Do asbestos surveyors or inspectors need to hold a license to survey non-domestic buildings?</p>	<p>Yes, it is expected that these missions will be carried out only by tracking operators holding a personnel certification, which can be "with" or "without mention". As regards non-residential buildings, the missions will most often be entrusted to operators holding a certification with mention, guaranteeing on their part a better knowledge of the construction techniques of these buildings and the possible location of the materials and products containing asbestos.</p>
<p>9. Are building owners/managers required to keep an asbestos management plan?</p> <p><i>If Yes: How frequently are building owners/ managers required to review asbestos management plans?</i></p>	<p>There is no obligation for the owners of buildings to keep such a management plan. On the other hand, they are required to establish an asbestos technical file (except the owners of individual houses), recording several information relating in particular to the asbestos research carried out on the building, to the materials and products containing asbestos identified, to the evaluation of their state of conservation and their monitoring as well as the work carried out on these materials and products.</p>
<p>10. In addition to visual inspection, is routine air monitoring conducted in buildings where surveys have previously detected asbestos (if yes, how frequently)?</p>	<p>As mentioned in the answer to question 7, the owner of the constructed building is required to:</p> <ul style="list-style-type: none"> - For materials and products in list A, depending on the conclusions of the

	<p>tracking operator on their state of conservation, to have a measurement carried out every 3 years to ensure that the value has not been exceeded 5 f / L.</p> <p>- For the materials and products in list B, according to the recommendations of the marking operator on their state of conservation, to carry out measurements at a defined periodicity taking into account the aforementioned recommendations.</p>
<p>11. For all air monitoring of asbestos fibres, please advise what microscopy technology is <i>routinely and mostly</i> used for this purpose.</p>	<p>All measurements intended for the determination of the concentration of asbestos fibers (whether in the workplace or for environmental purposes) are carried out using the analysis technique of analytical transmission electron microscopy (or META). In all cases, it is expected that the long fibers (or "OMS") as well as the fine fibers are counted.</p>
<p>12. For all non-domestic buildings, please specify whether, and in what circumstances, a national or regional register of asbestos is maintained?</p>	<p>Such a register is currently not required by the French law.</p>
<p>13. If a national or regional register is maintained for some or all non-domestic buildings: Are some, or all, of the contents of this register made publicly available?</p> <p><i>Please specify the scope of any national or regional register of asbestos in non-domestic buildings. For example, whether for public and/or private buildings. For public buildings, whether schools, hospitals etc.)</i></p>	<p>n/a</p>
<p>14. Do contractors removing asbestos <i>always</i> have to be licensed?</p> <p><i>Please specify any circumstances where asbestos can be removed by a contractor or other person who is not licensed.</i></p>	<p>Yes, the treatment of asbestos, in other words removal or encapsulation work (called "SS3 work") can only be entrusted to a company certified (licensed) to carry out such work.</p> <p>The other work (those relating to asbestos and likely to generate an emission of fibers but not having as an object the final treatment of the</p>

	<p>asbestos, in other words its removal with a view to its elimination) are entrusted to companies having personnel trained in the prevention of the risks induced by this work and having developed an appropriate risk assessment relating thereto (case of companies taking charge of interventions likely to cause the emission of asbestos fibres, also called "interventions SS4 ").</p>
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