

BACKGROUND NOTE

CALL FOR EVIDENCE AND INFORMATION ON ARTICLES, MATERIALS, MINERALS AND MIXTURES THAT COULD CONTAIN ASBESTOS

Introduction and scope

The Dutch National Institute for Public Health and the Environment, RIVM (Rijksinstituut voor Volksgezondheid en Milieu), is investigating the need for potential further regulatory actions on asbestos in mixtures and articles.

The current restriction on asbestos (entry 6 in Annex XVII to the REACH Regulation) only refers to asbestos “*intentionally added*” to products (mixtures or articles). As a consequence, enforcement of products with asbestos not intentionally present is currently challenging. However, health effects associated with the inhalation of asbestos fibres such as asbestosis, lung-, larynx- or ovarian cancer or mesothelioma are independent of whether the presence of asbestos is intentional or non-intentional: it is the concentration of asbestos and the duration of exposure that matter.

RIVM has performed a Risk Management Option Analysis (RMOA¹) to assess the health risk during use of articles, materials and mixtures containing unintentional presence of asbestos. In the Netherlands, RIVM has observed cases with human inhalation exposure to asbestos not intentionally present in products such as in blasting grit (probably as a contamination during transport; concentrations were low, but the use resulted in high exposures) and in make-up products for children (naturally occurring asbestos in talc). RIVM has also become aware that minerals that may contain asbestos (e.g. serpentine) are sold to consumers, e.g. for sculpting. Based on the RIVM’s analysis, asbestos may be non-intentionally present in products and can enter the market via:

- naturally occurring minerals that are geologically linked to asbestos (e.g. talc, serpentine, vermiculite, olivine, soapstone, feldspar, gemstone), used on its own or as a constituent of a manufactured product;
- cross-contamination with asbestos during production, transport or processing of a product;
- recycling of contaminated materials (such as demolition waste).

The information collected via this call for evidence aims to develop a better understanding (i) on the non-intentional presence of asbestos in natural minerals and products, (ii) on potential human inhalation exposure to asbestos fibres from such products, and (iii) on the associated risks to human health that are not adequately controlled. Depending on the information collected, RIVM may consider preparing a proposal to review the current restriction entry 6 of Annex XVII to REACH.

Cosmetic products are not within the scope of this call for evidence as the risks are already addressed by the Cosmetic Products Regulation². However, the placing on the market of

¹ RMOA available at: <https://echa.europa.eu/assessment-regulatory-needs/-/dislist/details/0b0236e189bd68c0>

² EUR-Lex - 02009R1223-20240424 - EN - EUR-Lex (europa.eu)

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raw materials (e.g. talc), including their use in the production of cosmetic products, are covered by the scope of this call for evidence.

Please note that this call for evidence does not intend to collect information related to worker exposure related to the removal of asbestos, for which recently Directive (EU) 2023/2668 was published, amending Directive 2009/148/EC on the protection of workers from the risk related to exposure to asbestos at work³. It also does not intend to collect information related to asbestos in existing buildings and constructions (including demolition and waste), for which the EU Commission presented recently its strategy⁴.

The call for evidence will start on **4 September 2024** and ends on **16 October 2024 (23:59 –Helsinki time)**.

Specific information requests

The call for evidence is intended to gather information on natural minerals and products with non-intentional presence of asbestos as well as on identified exposure and risks from the substances in scope.

Asbestos substances in scope

The following asbestos substances are currently listed in entry 6 of REACH Annex XVII, and are considered within the scope of this call for evidence:

- Crocidolite, CAS No 12001-28-4 (EC No 601-649-8);
- Amosite, CAS No 12172-73-5 (EC No 601-801-3);
- Anthophyllite, CAS No 77536-67-5 (EC No 616-472-1);
- Actinolite, CAS No 77536-66-4 (EC No 616-471-6);
- Tremolite, CAS No 77536-68-6 (EC No 616-473-7);
- Chrysotile, CAS No 12001-29-5 (EC No 601-650-3), and CAS No 132207-32-0.

1. Asbestos in natural minerals

Minerals that could contain asbestos are e.g. talc, vermiculite, olivine, soapstone, feldspar and gemstone (e.g. tiger's eye). Please provide information regarding:

- a. Type, name(s) and number of companies **mining** raw materials (minerals) in the EEA that could contain asbestos.
- b. Type, name(s) and number of companies **importing** raw materials (minerals) to the EEA that could contain asbestos.
- c. Concentration of asbestos in different natural minerals. Please specify the mineral, its origin (e.g. country, area, mine), and the concentration of asbestos. In case of concentration ranges please also provide number of measurements.
- d. Differences in the asbestos content of minerals from different sources (mines).

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32023L2668>

⁴ [Commission acts to better protect people from asbestos \(europa.eu\);](#)
[Q&A: Towards an asbestos-free future \(europa.eu\)](#)

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- e. Existing (national) concentration limits within the EU for asbestos in natural minerals.

2. Placing on the market and use of products that could contain asbestos

Please provide information on products that could contain asbestos unintentionally. Please note that there is a separate question (number 3) for products containing recycled materials that originally contained asbestos. Please provide information on the following six topics. Also carefully describe whether the information applies to the whole EEA (preferred), or whether it is company- or country-specific:

- a. Type, names(s) and number of companies placing on the market products (mixtures or articles) that could contain asbestos unintentionally; please also specify the respective products.
- b. Products, type(s) of products which potentially contains asbestos and their use; please provide all available information such as
 - i) the tonnage of the product,
 - ii) concentration of asbestos in the product,
 - iii) information on the potential source of the contamination (e.g. naturally-occurring, cross-contaminated, or another route) and
 - iv) whether the product was produced in the EEA or - in case imported - how the product entered the European market.
- c. Sources that could lead to a contamination of products with asbestos.
- d. Current concentration limits for products containing asbestos. Please specify the concentration limit, the type of product and provide a reference.
- e. If there are no concentration limits for asbestos in place for products, what would be acceptable concentration limits for specific types of products with/without potential for human inhalation exposure to asbestos fibres?
- f. How can human exposure to asbestos occur during uses and which measures are in place to prevent exposure?

3. Placing on the market and use of products containing recycled materials that originally contained asbestos

The European Commission presented a plan to protect people from asbestos⁵, which includes an update of EU Construction and Demolition Waste Management Protocol. Recycled construction materials may be excluded from a possible restriction, if it is concluded that the action plan will sufficiently prevent the exposure to asbestos from these materials.

Please provide information on products containing recycled materials that originally contained asbestos, specifically products other than recycled construction and demolition waste. Please provide information on the following six topics. Also carefully describe whether the information applies to the whole EEA (preferred), or whether it is company- or country-specific:

⁵ https://ec.europa.eu/commission/presscorner/detail/en/ip_22_5679

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- a. Type, name(s) and number of companies placing on the market products containing recycled materials that originally contained asbestos; please also specify the respective products.
- b. Products or type(s) of products containing recycled materials that originally contained asbestos; please provide all available information such as the i) tonnage of the product, ii) concentration of asbestos in the product, and iii) whether the product was produced in the EEA or - in case imported - how the product entered the European market.
- c. Current concentration limits in place for products containing recycled materials that originally contained asbestos. Please specify the concentration limit, the products or type(s) of product(s) and provide a reference.
- d. If there are no concentration limits in place for products containing recycled materials that originally contained asbestos, what would be acceptable concentration limits for specific types of products with/without potential for human inhalation exposure to asbestos fibres?
- e. How can human exposure to asbestos occur during uses and which measures are in place to prevent exposure?
- f. If you feel that the EU COM action plan does not sufficiently prevent exposure and (additional) action under REACH is necessary, please provide arguments.

4. Human exposure and risk

Please provide information where workers or members of the general population were exposed to products containing asbestos that was not intentionally present. Please describe whether your information applies to workers or whether it applies to the general population (or both). In your response, please, include information on incidents, frequency of exposure and if possible, on potential exposure concentrations, risk levels or observed health effects. If available, please share news articles/incident reports and information on how incident(s) were resolved, and which measures were taken.

5. Quality systems and analytical methods

How is the presence of asbestos in different products analysed?

- a. Please provide information on the analytical method e.g. type of matrix, type of analysis performed, detection limits and units of detection (e.g. number of fibres per kg, or mg per kg) and describe which products this method applies to.
- b. Please describe the technical feasibility/limitations of measurements regarding various products.
- c. What are the associated costs of analysing the presence of asbestos in products? Please, describe the (product specific) different types of costs involved and, if available, also provide numerical values/estimates e.g. about tests needed.
- d. What quality systems are typically in place for various products? Please describe e.g. routine of analysis performed and frequency of measurements.

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- e. What is the percentage of positive results (detecting asbestos in batches)? Please, give examples of different products where available.

6. Socio-economic impacts in case of setting a concentration limit for non-intentional presence of asbestos

How would a concentration limit for the unintentional presence of asbestos in products impact your business (e.g. impact on revenue and costs)? Please specify the product, potential concentration limit(s) and the impact. Please, describe what would be the types of costs, and if available provide also numerical values/estimates depending on the limit value.

7. Alternatives, treatment techniques to clear asbestos and costs of clearing

- a. Please provide information if asbestos free alternatives are available for your product or if you are aware of any on-going research and development work on those matters. If available, what would be the impacts on the technical performance and costs from substitution?
- b. Please provide information whether treatment techniques are available for clearing asbestos from your product(s) and what are their effectiveness, Technical Readiness Level (TRL) and associated costs.

8. Open comments

Please provide any other relevant information related to products with unintentional presence of asbestos.

Who should participate to the call for evidence?

This call for evidence is intended for interested parties such as private companies (manufacturers, suppliers, recyclers, downstream users, distributors, importers etc.), sector associations, laboratories, scientific organisations, NGOs and other stakeholders or Member State Authorities holding relevant information. Both EU/EEA and non-EU stakeholders are encouraged to participate.

Information can be submitted confidentially and will be treated as such.

<https://echa.europa.eu/calls-for-comments-and-evidence>

For any clarifications please contact: asbestos-restriction@rivm.nl

How to submit a comment in the call for evidence

When you are ready to make your comments, click on the appropriate link in the "How to submit your contribution" field. Please be aware that it is not possible to save your submission and come back to it, so you should already have your comments prepared in an attachment or saved in some other format in advance.

The web form contains five main parts:

- Section I: Personal information

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- Section II: Organisation
- Section III: Non-confidential comments - both general comments and information on specific issues (see below). Your responses can be entered directly into the form or through section 4 as an attachment. However, please do not submit the same comments via both means.
- Section IV: Non-confidential attachments can be added here.
- Section V: Confidential attachments can be added here. Confidential information will only be available to the ECHA Secretariat, the Committees and Member State Competent Authorities. However, if ECHA receives an Access to Documents request, we may come back to you for justifications why the information is confidential. You can also add this information already in the relevant part of the webform.

Once you have finished your submission press the "Submit to ECHA" button and your comments will be submitted. You will receive a submission number via e-mail and you should refer to this in any communication with ECHA on this issue.

It is not possible for you to retrieve your submission so you may want to take a screen shot, or printed copy for your future reference.