

# THE GOVERNMENT OF ROMANIA

## DECISION no. 1875/2005

### on the protection of workers from the risks related to exposure to asbestos at work

On the basis of Article 108 in the Romanian Constitution, republished,

**The Government of Romania** has adopted this decision:

#### CHAPTER 1 GENERAL PROVISIONS

**Art.1 - (1)** This decision has as its aim the establishment of measures for the protection of workers against risks to their health and safety, including the prevention of such risks, arising or likely to arise from exposure to asbestos at work.

**(2)** This decision lays down limit values and other specific requirements.

**Art.2** - The provisions of this decision shall apply without prejudice to other provisions ensuring greater protection for workers, in particular as regards the replacement of asbestos by less-dangerous substitutes.

**Art.3** - For the purposes of this decision, 'asbestos' means the following fibrous silicates:

- Actinolite, CAS No 77536-66-4\*,
- Asbestos grünerite (amosite) CAS No 12172-73-5\*,
- Anthophyllite, CAS No 77536-67-5\*,
- Chrysotile, CAS No 12001-29-5\*,
- Crocidolite, CAS No 12001-28-4\*,
- Tremolite, CAS No 77536-68-6\*.

**Art.4** - 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.

**Art.5** - Employers shall ensure that no worker is exposed to an airborne concentration of asbestos in excess of 0,1 fibres per cm<sup>3</sup> as an eight-hour time-weighted average (TWA).

**Art.6** - The application of asbestos by means of the spraying process and working procedures that involve using low-density (less than 1 g/cm<sup>3</sup>) insulating or soundproofing materials which contain asbestos are prohibited.

**Art.7 - (1)** Without prejudice to the application of other provisions on marketing and use of asbestos, activities which expose workers to asbestos fibres are prohibited during:

- a) the extraction of asbestos;
- b) the manufacture and processing of asbestos products
- c) the manufacture and processing of products containing intentionally added asbestos.

**(2)** Are excepted from the provisions of the paragraph (1) the activities for the treatment and disposal of products resulting from demolition and asbestos removal.

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\* Number in the register of the Chemical Abstract Service (CAS).

## **CHAPTER II ASSESSMENT OF RISKS**

**Art.8** - In the case of any activity likely to involve a risk of exposure to dust arising from asbestos or materials containing asbestos, the employer must have the assessment of this risk done in such a way as to determine the nature of the exposure, that is the mineralogical variety of the asbestos and the dimension of the fibre respectively, as well as the degree of the workers' exposure to dust arising from asbestos or materials containing asbestos.

**Art.9 - (1)** Provided that worker exposure is sporadic and of low intensity, and when it is clear from the results of the risk assessment referred to in Article 8 that the exposure limit for asbestos will not be exceeded in the air of the working area, Articles 11- 15 and 39-44 may be waived where work involves:

- (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 fibres are firmly linked in a matrix;
- (c) encapsulation or sealing of asbestos-containing materials which are in good condition;
- (d) air monitoring and control, and the collection of samples to ascertain whether a specific material contains asbestos.

**(2)** On the basis of epidemiological study, the public health institutes of the Ministry of Health shall lay down the determination of sporadic and low – intensity exposure, as provided for in paragraph(1).

**Art.10** - The assessment provided for in Article 8 shall be the subject of consultation with the workers and/or their representatives within the undertaking or establishment and shall be revised where there is reason to believe that it is incorrect or there is a material change in the work.

## **CHAPTER III NOTIFICATION**

**Art.11 - (1)** The activities referred to in Article 4 must be covered by a notification system coordinated by the Labour Inspection together with territorial public health directorates.

**(2)** The situations provided for in Article 9 are excepted from the provisions of the paragraph (1).

**Art.12** - The employer shall submit a notification to the territorial labour inspectorate, before the work commences.

**Art.13** - The notification provided for in Article 12 must include at least:

- a) a brief description of the location of the work site;
- b) a brief description of the type and quantities of asbestos used or handled;
- c) a brief description of the activities and processes involved;
- d) the number of workers involved;
- e) the starting date and duration of the work;
- f) a brief description of the measures taken to limit the exposure of workers to asbestos.

**Art.14** - Workers and/or their representatives in undertakings/establishments shall have access to the document which is the subject of notification concerning their own undertaking/establishment.

**Art.15** - The employer must 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.

#### **CHAPTER IV**

#### **REDUCTION OF WORKERS' EXPOSURE TO DUST ARISING FROM ASBESTOS OR MATERIAL CONTAINING ASBESTOS**

**Art.16 - (1)** For all activities referred to in Article 4, the exposure of workers to dust arising from asbestos or materials containing asbestos at the place of work must be reduced to a minimum and in any case below the limit value laid down in Article 5, in particular through the following measures:

- a) the number of workers exposed or likely to be exposed to dust arising from asbestos or materials containing asbestos must be limited to the lowest possible figure;
- b) work processes must be designed so as not to produce asbestos dust or, if that proves impossible, to avoid the release of asbestos dust into the air;
- c) all premises and equipment involved in the treatment of asbestos must be capable of being regularly and effectively cleaned and maintained;
- d) asbestos or dust-generating asbestos-containing material must be stored and transported in suitable sealed packing;
- e) waste must be collected and removed from the place of work as soon as possible in suitable sealed packing with labels indicating that it contains asbestos.

**(2)** The measure provided for in paragraph (1) letter e) shall not apply to mining activities.

**(3)** The waste provided for in paragraph (1) letter e) shall then be dealt with in accordance with the legal dispositions concerning hazardous waste.

#### **CHAPTER V**

#### **MEASUREMENT OF ASBESTOS FIBRES IN THE AIR**

**Art.17** - Depending on the results of the initial risk assessment, and in order to ensure compliance with the limit value laid down in Article 5, the employer must ensure that the measurement of asbestos fibres in the air at the workplace shall be carried out regularly.

**Art.18** - Sampling must be representative of the personal exposure of the worker to dust arising from asbestos or materials containing asbestos.

**Art.19** - Sampling shall be carried out after consultation of the workers and/or their representatives in undertakings.

**Art.20** - Sampling shall be carried out only by suitably qualified personnel. The samples taken shall be subsequently analysed, in accordance with Article 22, in laboratories authorized by the Ministry of Health and equipped for fibre counting.

**Art.21** - The duration of sampling must be such that representative exposure can be established for an eight-hour reference period, one shift respectively, by means of measurements or time-weighted calculations.

**Art.22** - Fibre counting shall be carried out wherever possible by PCM phase-contrast microscope, in accordance with the 1997 World Health Organisation recommended method, respectively "Determination of airborne fibre concentrations. A recommended method: phase-contrast optical microscopy, membrane filter measurement, ISBN 92-4-154496-1", or by any other method giving equivalent results.

**Art.23** - For the purpose of measuring asbestos in the air, as referred to in the Article 17, 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.

## **CHAPTER VI DECREASE OR AVOID THE RISKS**

**Art.24 - (1)** - Where the limit values laid down in Article 5 are exceeded, the employer must take measures to identify the reasons for the limits being exceeded and to remedy the situation as soon as possible by appropriate measures.

**(2)** Continuing the work in the affected area as provided for in paragraph (1), until adequate measures for the protection of the concerned workers have been taken, is forbidden.

**Art.25** - In order to check the effectiveness of the measures provided for in Article 24, the employer will immediately dispose of new determination of the asbestos-in-air concentrations.

**Art.26 - (1)** Where exposure cannot be reduced by other means and where compliance with the limit value makes necessary the wearing of individual protective breathing equipment, this may not be permanent and shall be kept to the strict minimum necessary for each worker.

**(2)** During activities which require the use of individual protective breathing equipment, provision shall be made for breaks appropriate to the physical and climatologically conditions and in consultation with the workers and/or their representatives.

**Art.27 - (1)** Before beginning demolition or maintenance work, the employers shall take all appropriate health and safety measures.

**(2)** In order to apply the provisions referred to in paragraph (1), the employers may request information from the owner of the premises to identify presumed asbestos containing materials.

**(3)** If there is any doubt about the presence of asbestos in a material or construction, the applicable provisions of this decision shall be observed.

**Art.28** - In the case of certain activities, such as demolitions, removal of asbestos, repair and maintenance, in respect of which it is foreseeable that the limit values laid down in Article 5 will be exceeded despite the use of technical preventive measures for limiting asbestos in air concentrations, the employer shall determine the following measures intended to ensure protection of the workers while they are engaged in such activities:

a) workers shall be issued with suitable individual protective breathing equipment and other personal protective equipment;

b) warning signs shall be put up to indicate that it is foreseeable that the limit values laid down in Article 5 will be exceeded;

c) the spreading of dust arising from asbestos or materials containing asbestos outside the premises or site of action shall be prevented.

**Art.29** - The workers lay under the obligation to use the equipment referred to in Article 28 (a).

**Art.30** - The workers and/or their representatives in the undertaking or establishment shall be consulted on the measures provided for in Article 28 before the activities concerned are carried out.

**Art.31 - (1)** The employer shall draw up a plan of work before demolition work or work on removing asbestos and/or asbestos-containing products from buildings, structures, plant or installations or from ships is started.

**(2)** The plan referred to in paragraph (1) shall prescribe the following measures necessary to ensure the safety and health of workers at the place of work:

- 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 referred to in Article 28(a) shall be provided, where necessary;
- c) the absence of asbestos exposure risks in the workplace shall be verified when the asbestos demolition or removal work has been completed.

**(3)** The plan of work 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;
- d) the characteristics of the equipment used for protection and decontamination of those carrying out the work,
- e) the methods applied for protection of other persons present on or near the worksite.

**(4)** At the request of the territorial labour inspectorate and territorial public health directorates, the employer must submit the plan referred to in paragraph (1), before the start of the projected work, with the exception of emergency cases.

**Art.32 - (1)** Employers lay under the obligation to provide appropriate training for all workers who are, or are likely to be, exposed to asbestos containing dust.

**(2)** The training referred to in paragraph (1) must be provided at regular intervals.

**(3)** The employer is in charge of all the necessary expenses related to the training referred to in paragraph (1).

**(4)** The content of the training must be easily understandable for workers and it must enable them to acquire the necessary knowledge and skills in terms of prevention and safety, particularly as regards:

- 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 minimise exposure;
- d) safe work practices, controls and protective equipment;
- e) the appropriate role, choice, selection, limitations and proper use of respiratory equipment;
- f) emergency procedures;
- g) decontamination procedures;
- h) waste disposal;
- i) medical surveillance requirements.

**Art.33 - (1)** - Before carrying out asbestos demolition or removal work, firms must provide evidence of their ability in this field.

**(2)** The evidence shall be made in accordance with the regulations in force.

**Art.34** - For the workplaces in which the activities referred to in Article 4 and Article 9 take place, the employer must take the appropriate measures to ensure these shall:

- a) be clearly demarcated and indicated by warning signs;

- b) be accessible only for the workers who are required in these areas by reason of their duties;
- c) constitute areas where there should be no smoking.

**Art.35** - For all the activities referred to in Article 4 and Article 9, the employer shall take the appropriate measures in order to arrange:

- a) areas where workers can eat and drink without risking contamination by asbestos dust.
- b) adequate washing and toilet facilities, including showers in the case of dusty operations.

**Art.36 - (1)** For all the activities referred to in Article 4 and Article 9, the employer shall provide appropriate working clothing and/or personal protective equipment for workers.

**(2)** It is forbidden to draw the working clothing and/or personal protective equipment provided for in paragraph (1) out from the undertaking in order to be worn, washed or for other maintenance operations.

**(3)** It is allowed for the working clothing and/or personal protective equipment provided for in paragraph (1) to be laundered in establishments outside the undertaking which are equipped for this sort of work, only if the undertaking does not carry out the cleaning itself.

**(4)** In the event referred to in paragraph (3) the working clothing and/or personal protective equipment shall be transported in closed containers;

**(5)** The employer shall provide separate storage places for personal protective equipment and/or working clothing referred to in paragraph (1), as well as for street clothes;

**(6)** Personal protective equipment referred to in paragraph (1) shall be placed in a well-defined place and shall be checked and cleaned after each use.

**(7)** The employer shall take all the appropriate measures to repair or replace the defective equipment referred to in paragraph (1) before further use.

**Art.37** - Workers shall not be charged with the cost of measures taken pursuant to Article 34, Article 35 and Article 36.

## **CHAPTER VII INFORMATION OF WORKERS**

**Art.38 - (1)** - In the case of any activities referred to in Article 4, the employer shall take necessary measures to ensure that workers and/or their representatives in the undertaking or establishment receive adequate information concerning:

- a) the potential risks to health from exposure to dust arising from asbestos and/or materials containing asbestos;
- b) the existence of statutory exposure limit values and the need for the atmosphere to be monitored;
- c) hygiene measures, including the need to refrain from smoking;
- d) the prevention measures to be taken as regards the wearing and use of personal protective equipment;
- e) special prevention measures designed to minimize exposure to asbestos.

**(2)** In addition to the measures referred to in paragraph (1), and subject to Article 9, the employer takes measures to ensure that:

a) workers and/or their representatives in the undertaking or establishment have access to the results of asbestos-in-air concentration measurements and can be given explanations of the significance of those results;

b) if the results exceed the limit values laid down in Article 5, the workers concerned and their representatives in the undertaking or establishment are informed as quickly as possible of the fact and the reason for it and the workers and their representatives in the undertaking or

establishment are consulted on the measures to be taken or, in an emergency, are informed of the measures which have been taken.

## **CHAPTER VIII HEALTH SURVEILLANCE**

**Art.39 - (1)** Subject to Article 9, the employer shall ensure the assessment of each worker's state of health prior to the beginning of exposure to dust arising from asbestos or materials containing asbestos.

**(2)** The assessment provided for in paragraph (1) shall include a specific examination of the respiratory system, in accordance with the annex which is an integrated part of this decision.

**(3)** A new assessment of each worker's state of health must be carried out at least once every three years for as long as exposure continues.

**(4)** The occupational medicine physician shall establish an individual health record for each worker, in accordance with the regulations in force.

**Art.40 - (1)** Following the clinical surveillance referred to in Article 39, the occupational medicine physician shall recommend to employer or shall determine any individual protective or preventive measures to be taken.

**(2)** The measures provided for in paragraph (1) may include, where appropriate, the withdrawal of the worker concerned from all exposure to dust arising from asbestos and/or materials containing asbestos.

**Art.41 - (1)** The occupational medicine physician must give to concerned workers information and advice regarding the assessment of their health state which they may undergo following the end of exposure to asbestos and/or materials containing asbestos.

**(2)** The occupational medicine physician responsible for the medical surveillance of workers 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.

**(3)** Such continuing surveillance referred to in paragraph (2) shall be carried out in accordance with the regulations in force.

**Art.42 -** The exposed worker or the employer may request a review of the health state assessments referred to in Article 41 paragraph (2), in accordance with the regulations in force.

**Art. 43 - (1)** Subject to Article 9, the employer shall enter the workers responsible for carrying out the activities referred to in Article 4 in a register, indicating the nature and duration of the activity and the exposure to which they have been subjected.

**(2)** The occupational medicine physician responsible for medical surveillance may have access to the register referred to in paragraph (1).

**(3)** Each interested worker may have access to the results, which relate to him personally, in the register referred to in paragraph (1).

**(4)** The workers and/or their representatives in the undertaking or establishment may have access to anonymous, collective information in the register referred to in paragraph (1).

**Art.44 - (1)** The register referred to in Article 43 paragraph (1) and the medical records referred to in Article 39 shall be kept for at least 40 years following the end of exposure, in accordance with the regulations in force.

**(2)** In the case where the undertaking ceases its business the employer shall hand over the documents referred to in paragraph (1) to the territorial public health directorates, in accordance with the regulations in force.

**Art.45** - The National Centre of Methodological Coordination and Information on Occupational Diseases as part of the Public Health Institute – Bucharest shall keep an operative register of occupational diseases recognized as consequence of asbestos exposure.

## **CHAPTER IX SANCTIONS**

**Art. 46 - (1)** Infringement of the provisions in this decision leads to disciplinary, administrative, material, civil or criminal penalty, as the case, in accordance with the national legislation transposing the Directive 89/391/EEC.

**(2)** Findings of infringements and application of sanctions shall be made by labour inspectors of the Labour Inspection, as well as public health inspectors of the Ministry of Health.

## **CHAPTER X TRANSITORY AND FINAL PROVISIONS**

**Art.47 - (1)** - This decision comes into force on 1<sup>st</sup> September 2006 except Article 7 which comes into force on 1<sup>st</sup> January 2007.

**(2)** Once this decision comes into force any contrary provisions are repealed.

**Art.48** - This decision transposes Directive 83/477/EC on the protection of workers from the risks related to exposure to asbestos at work published in the Official Journal of the European Communities (OJEC) no. L 263/1983, together with all its amendments, respectively Directive 91/382/EEC, published in OJEC no. L 206/1991, Directive 98/24/EC, published in OJEC no. L 131/1998 and Directive 2003/18/EC, published in the OJEC no. L 97/2003.

Bucharest, 22 December 2005.  
No.1875

## ANNEX

### Practical recommendations for the clinical surveillance of workers exposed to dusts arising from asbestos material containing asbestos

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 occupational medicine physician or doctor with competence for medicine of the enterprise, responsible for the medical surveillance of workers exposed to asbestos, must be familiar with the exposure conditions or circumstances of each worker.
  
3. Clinical surveillance of workers exposed to asbestos shall include:
  - medical examination before starting work, including at least the following:
    - a) drawing up an individual medical record;
    - b) occupational anamnesis;
    - c) clinical examination in general and by system (especially the examination of the respiratory system);
    - d) respiratory function tests (spirometry and rates - volumes flowchart);
    - e) chest X-ray in standard format.
  
  - annual medical examination, including at least the following:
    - a) general system clinical examination (especially the respiratory function examination);
    - b) respiratory function tests (spirometry and volumes - rates flowchart);
    - c) determination of the asbestos particles in sputum;
  
  - further examinations (sputum cytology tests or a chest X-ray or a tomo densitometry, or others, in the light of the latest occupational medicine knowledge available) for the high risk employee groups, at the recommendation of the occupational medicine physician.
  
4. The occupational medicine physician or doctor with competence for medicine of the enterprise, responsible for the medical surveillance of workers, shall decide on further examinations, such as sputum cytology tests or a chest X-ray or a tomo densitometry, in the light of the latest occupational health knowledge available.