



## POSITION PAPER EARA

*“European market leaders of today, are world leaders of tomorrow”*

### **Introduction**

The European Asbestos Removal Association (EARA) represents the interests of individual contractors, suppliers to contractors, and national associations of asbestos removal companies at the European and international level. The Association would like to take the opportunity to introduce its new organisational structure and present its priorities in a European future. This position paper sets the agenda for future action and will be the basis for establishing reliable partnerships throughout Europe and the world.

### **Section I: The Association**

#### **History**

The EARA was established in 1990 when 10 national associations felt the need to unite and give the asbestos removal ‘world’ a European voice. Just after, in 1991, close to 100 participants visited the Associations first conference in Duisburg, Germany, and this showed the interest in a body like EARA. The product of these early days of the Association; the ‘*Common Code of Practice for working with Asbestos and other Hazardous Materials*’, served as a guiding document in asbestos lawmaking around Europe of that time.

In the 90s and early years of the 21<sup>st</sup> century EARA member countries and the respective associations were busy implementing EU regulations in their national legislation. A new view on Europe and beyond developed afterwards. In 2004 EARA held a conference called ‘back to the future’ to demonstrate its ambition to re-enter the arena of asbestos removal.

With the expansion of EU asbestos laws the purpose of an organisation like EARA was debated during our 2006 conference in Amsterdam, the Netherlands. At the same time the organisational structure of the Association was discussed as it proved difficult over time to build an Association purely on national associations. Lack of financial backbone and (direct) representation exposed an organisational problem, specific for the industry, which could harm the Association.

#### **Change**

The 2006 conference participants and the General Assembly reaffirmed the abovementioned challenges and contributed to a new approach. Not only did the

conference point out a range of topical issues that should be addresses and dealt with by EARA on a European level, but the General Assembly also agreed on substantial

organisational changes which will make EARA the European representative of not only national associations but also of the leading individual contractors and their suppliers.

These important decisions will further advance the Objective of EARA; i.e. quality of processes, companies, and personnel and their equipment, and promoting the worldwide business of removal of and protection from exposure to asbestos and other hazardous airborne materials. The changes will, however, broaden the scope of membership of the Association to nearly all parties involved in asbestos removal and strengthen the international voice of the European asbestos removal industry. The 2006 conference showed already the fruits of this industry coalition when European Parliament, national government and NGO representatives expressed their strong interest in cooperating with a comprehensive organisation like EARA.

## **Section II: Priorities and issues**

### **‘It’s all about quality’**

Asbestos is undisputedly a dangerous material and exposure to this toxin and subsequent risks are daily practice in the asbestos removal industry. The industry tackles an enormous social problem and while contributing to the health and safety for all of us, its workers take individual risks. EARA, as the voice of Europe’s leading asbestos removal industry, pursues the best protection available for its workers. On the basis of commerciality the Association contributes to health and safety of people in general and preservation of the environment.

The implications of the abovementioned quality aspirations are, however, unlimited. Hence, the reason the Association has – on the basis of the discussions during its 2006 conference - set 6 priorities for the near future; all priorities in fields that are of direct interest for those actors in the industry who pursue more than mere short-term profits and are equally aware of their social responsibility.

Please find below EARA’s priorities and its subsequent position;

### **I European Market**

*What’s the issue?* A broad range of EU documentation and legislation is in place to protect the public and workers from the risks related to exposure to asbestos. Nevertheless, national implementation and enforcement of these rules are far from satisfying in the different member states. Moreover, the Association finds its worrying to see that removal becomes too expensive in some member states as a result of increased standards.

*EARAs position.* EARA is very clear on this issue; asbestos removal is necessary and it should be dealt with today rather than tomorrow. Therefore, the Association is in full support of the minimal standards set by the European Union. Simultaneously, however, European policymakers should ensure that removal is financially feasible in all member states. Asbestos has to be removed and it cannot only be a short-term financial consideration. The implementation and enforcement of the existing European laws should also ensure a certain level playing field and contribute to European harmonisation. A remote wish as the Association has ascertained. EARA pursues the development of a system that could serve as a proof of competence for asbestos removal European wide.

*Priority.* The removal of asbestos in the dismantling process of ships is an issue that has specific attention of the Association. Too often ships carrying contaminated with asbestos and other hazardous materials are sent outside the European Union for dismantling, hereby circumventing European Union law. EARA pursues to stop this circumvention and subsequent evaporation of market opportunities for asbestos removal. European laws, again, should be enforced. The current common practice of non-compliance is not acceptable and threatens human life and health and environment in developing countries. The shipbreaking issue is EARA a thorn in its flesh and constitutes a perfect example of unfair competition. On a European level and internationally the EARA will contribute to the development and enforcement of new and existing legislation, and will join coalitions with NGOs and governments were this deems to be necessary.

## **II Knowledge Centre**

*What's the issue?* Information gathering and statistics on asbestos in Europe is difficult. Currently sufficient statistical research is missing and available research on the wider asbestos issues is scattered around member states. Moreover, the difficulty to fathom the national legislation and responsible authorities of European member states is a constant agony of the asbestos removal industry. EARA is of the opinion that good (market) decisions can only be made on the basis of clear facts.

*EARAs position.* Hence, the creation of an online database for collection of asbestos research and data will be developed under the title 'Asbestos Knowledge Centre'. Furthermore, the Association will become active in collecting the necessary financial resources for the furtherance of asbestos related data research.

## **III Liability & Insurance**

*What's the issue?* Liability issues have always been one of the industry's main concerns. Exploding (asbestos-related) liability claims in the United States (ABB e.g.) have led to hefty responses of insurance companies. As a result the concepts and conditions of policies tightened and led to a situation in which practically nothing was insurable anymore, Europe faces the consequences of the 'American hysteria'. The response of (mainly the publicly owned) companies was to cease their asbestos removal activities since shareholders would not accept the risks of liability anymore. These companies, forming the 'upper class' in asbestos removal, had the actual means and continuity to stop the negative development. Due to the retreat of these companies the market is

currently left to, mainly, players that cannot or are unwilling to change this highly undesirable situation.

Liability has, however, more implications. Under the principle of due care current best practices and state of the art removal set the standards for liability in the future. This legal principle makes that once best practices are commonly available these could overrule protective European and national laws. The asbestos removal industry should be aware of this, especially, since the European Commission has recently released an extensive 'Practical Guide on Best Practices' on how to minimise risks from asbestos in the diverse works that involve or may involve asbestos.

*EARAs position.* EARA proposes to discuss this issue with insurers and governmental institutions and performs general public relations towards e.g. shareholders. The message will be that asbestos removal is undoubtedly dangerous, but controllable because all necessary precautions are being taken. On the principle of due care EARA intends to create more clarity on the consequences and pursues in close cooperation with leading European liability lawyers the set up of a service system for those members faced with claims and cases before the court.

#### **IV Asbestos Platform**

*What's the issue?* The asbestos removal industry is a sector with an overpopulated market of widely dispersed contractors. Together with suppliers the industry is not represented at the international or European negotiation tables.

*EARAs position.* EARA considers this situation unacceptable and has started to give Europe's leading contractors and suppliers an identity towards governments, the European parliament, NGOs, international organisations, laboratories, research institutes, lawyers practices, victim organisation, and partner associations in adjacent sectors. There is a need for one strong voice, a voice that defends the cause of all industry actors that stands for quality of asbestos removal. The representation of the industry at the various consultative bodies and contacts with the different partners should lead to structural exchange of views in an informal Asbestos Platform consisting.

#### **V Mobility of Workers**

*What's the issue?* Expansion of the European Union and harmonisation of markets will inevitably lead to increased mobility of asbestos removal works and workers. The current national systems will undoubtedly create a situation which will lead to chaos, illegality and further obstruction of the free market ideal.

*EARAs position.* To deal with these problems EARA opts for an approach consisting of three components. Obviously, the first component should be the implementation and enforcement of current European Union legislation. These standards could then serve as the preconditions for the development of a system that could serve as a proof of competence for asbestos removal European wide as was already mentioned under point I



on the 'European Market'. A final third component should be a framework of European certification and training of companies and personnel which would ensure unlimited exchange of asbestos removal works and workers.

## **VI Public Relations**

*What's the issue?* Due to the hazards of asbestos and flows of negative publicity the public relations of the asbestos removal industry are at an all time low. Especially, distrust in the business and its quality of work leads to enormous industry losses.

*EARAs position.* EARA will execute a public relations plan which will position the asbestos removal industry as a normal commercial business. By emphasizing on the Association's quality focus and representation of Europe's leading contractors and suppliers the message that asbestos removal is not a dubious business should be propagated.