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Federal Department of the Environment,
Transport, Energy and Communications DETEC
Federal Office for the Environment FOEN
Substances, soil and biotechnology

CH-3003 Berne, FOEN, HBI

Secretariat of the Rotterdam Convention
Food and Agriculture Organization of the United
Nations FAO
Viale delle Terme di Caracalla
00100 Rome
ITALY

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Contact person: HBI
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Follow-up to Decision RC-3/3 Inclusion of Chrysotile Asbestos in Annex III to the Convention

The Conference of the Parties at its third meeting was not able to reach consensus on whether to list chrysotile asbestos in Annex III.

The Conference of the Parties however encouraged Parties to make use of all available information on chrysotile asbestos to assist others, in particular developing countries and countries with economies in transition, to make informed decisions regarding the import and management of chrysotile asbestos and to inform other Parties of those decisions using the information exchange provisions laid down in Article 14.

We very much appreciate that you already published a substantial amount of information on the website of the Convention on chrysotile asbestos which forms a good basis for informed decisions by Parties as called for by the COP. This information includes the draft Decision Guidance Document on chrysotile asbestos, the compiled data on a CD provided to all Designated National Authorities following INC.10, as well as the executive summary of the World Health Organization Workshop on Mechanisms of Fibre Carcinogenesis and Assessment of Chrysotile Asbestos Substitutes, both available on the PIC website.

In addition to this general information we would like to inform other Parties about the regulatory status of chrysotile asbestos in Switzerland (Annex).

We would like to ask the Secretariat to make this information available to other Parties under the information exchange provisions in Article 14. This could be best achieved by creating a special

Georg Karlaganis
FOEN, Substances, soil and biotechnology, 3003 Berne
Telephone +41 31 322 69 55, Telefax +41 31 324 79 78
georg.karlaganis@bafu.admin.ch
<http://www.environment-switzerland.ch>

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chapter in the PIC Circular that would be maintained and updated by the Secretariat when other Parties submit similar information. The introduction to the chapter in the PIC Circular should, as the section on the PIC website, include a reference to the COP decision, recall the available information on chrysotile and where it can be found, where available including electronic links.

Kind regards

Federal Office for the Environment FOEN


Georg Karlaganis
DNA for Switzerland

Enclosures:

- Annex Regulatory status of chrysotile asbestos in Switzerland

Annex

Regulatory status in Switzerland:

Switzerland has prohibited the use of all forms of asbestos on 1 March 1989: it is prohibited to use all forms of asbestos, including chrysotile; to place preparations and articles containing asbestos on the market; and to export preparations and articles containing asbestos (Ordinance on Risk Reduction related to Chemical Products, ORRChem, of 18 May 2005; <http://www.bafu.admin.ch/chemikalien/01410/01411/index.html?lang=en>).

Therefore import of chrysotile asbestos is also subject to very specific conditions.

Exemptions:

Certain exemptions apply if the state of the art is such that substitution of asbestos is not possible and the quantity of asbestos used does not exceed the quantity required for the intended use, or the technical characteristics of the appliance or equipment are such that it is essential to use spare parts containing asbestos. Such exemptions are granted upon a justified request by the Federal Office for the Environment (FOEN) and in agreement with the Federal Office for Public Health (FOPH).

On receipt of a justified request and in agreement with the FOPH, the FOEN may allow exemptions from the prohibitions for appliances and equipment that have components that contain asbestos if:

- a. these machines were commissioned before 1 March 1990 and
- b. the items only contain small quantities of asbestos, solely in a bound form.

Special labelling requirements

The manufacturer is authorised to place asbestos on the market only if the packaging is marked with the following indications:

- a. the name of the manufacturer;
- b. a warning about the dangers of asbestos to man and the environment and the required protection measures; it must appear in at least two official languages and comply with the following model:



cap H = at least 5 cm
B = at least 2.5 cm

h_1 = 40% of H
 h_2 = 60% of H

field cap: <<a>> white on black background
field: black text or white on red background

Instructions for use:

If a preparation or an article containing asbestos is converted within the context of its intended use and if this operation risks the release of fine dust, the manufacturer may supply this preparation or this article only on condition that the instructions for use include, in at least two official languages:

- a. mention that inappropriate use may result in a pulmonary disorder and increase the risks of cancer; and
- b. recommendations relating to the required precautionary measures.

Certain transitional provisions apply:

The prohibitions do not apply to diaphragms containing asbestos and intended for use in existing electrolysis installations:

- a. until these installations reach the end of their service life; or
- b. until asbestos-free substitutes become available.

Notification requirements:

A notification requirement for clean-up and decontamination measures of asbestos-containing building materials exists since 1 July 1988. The legal basis is the prevention of accidents and occupational illnesses (http://www.admin.ch/ch/d/sr/c832_324_12.html).

Waste:

Loosely-bound asbestos is considered to be hazardous waste and may only be disposed of by specialized and licensed companies. Tightly-bound asbestos (such as asbestos cement) may be disposed of in an appropriate landfill site.

Private households may dispose of asbestos-containing goods such as flower boxes and garden furniture at their local collecting point for hazardous wastes.

Air:

The Ordinance on Air Pollution Control (http://www.admin.ch/ch/d/sr/c814_318_142_1.html) classifies chrysotile and other asbestos forms as carcinogenic substances, class 1. For such substances, emissions have to be restricted as much as technically and operationally feasible and economically acceptable, but not more than 0.1 mg/m³ at a mass flow rate of 0.5 g/h.

There is no regulatory limit for contaminants in ambient air in private housing. The FOPH, however, recommends minimizing long-term exposure as far as possible. Concentrations of respirable asbestos fibres above 1'000 / m³ air should not be tolerated.

Concerning occupational exposure and operator safety, the maximal allowable concentration (maximale Arbeitsplatzkonzentration, MAK) has been set at 0.01 respirable fibres / ml air (10'000 respirable fibres / m³ air). As asbestos fibres, including chrysotile, are considered to be carcinogenic, exposure should, however, be kept at a minimum

Switzerland has ratified the ILO Convention concerning Safety in the Use of Asbestos (Asbestos Convention, <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C162>) in 1992, which has then entered into force in 1993 (http://www.admin.ch/ch/d/sr/c0_822_726_2.html).