

addressing developments
throughout September and
October 2005

Besides briefing you on recent Enhesa projects and Enhesa services on a regular basis, the Enhesa Flash is aimed at alerting you to new EHS Regulatory developments of interest to industry as they occur in over 60 countries around the globe.

If you are not aware of what these new developments require from you and how they impact you, please contact Enhesa for additional support. Email us at enhesa@enhesa.com.

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Asbestos: Are your potential liabilities under control?

Asbestos has a nasty habit of catching up with you when you least expect it. Many a company has been caught unawares by asbestos compensation claims arising from both product liability issues as well as worker exposure.

To see this you need only look at some of the high-profile cases that have been in the headlines in the last few years, involving companies being severely financially stricken by asbestos claims and compensation payouts. In the US, some companies with the greatest exposure have been forced to seek protection under federal bankruptcy laws. Considering estimates of up to another thirty years worth of compensation claims reaching into the billions of dollars, it's not surprising why the threat is cause for concern.

For example, in July 2002 Saint-Gobain, a major glass manufacturer, set aside one thousand million Euros to deal with the pending asbestos claims in the US, with the result that its share price dropped 22% within two months as the financial community became aware of the extent of the damage. Another high-profile case that is still on the go is the bankruptcy case of ABB, the Swiss engineering multinational. In 2003 the company had expected to have to pay out \$1.2 billion to settle spiralling claims for compensation for asbestos-related diseases in the US. In a recent development in October 2005 it appears that the settlement will now approach \$1.4 billion, although it is not clear as yet when this will be finalised. Another case in the UK in 2003 saw the defendant going insolvent and the insurer being held liable for the remaining amount of damages, despite the fact that the insurance had not covered the full period of exposure.

The surprising thing about asbestos, given its controversial history and links to various forms of cancer, is how variably it is regulated worldwide. Even with mounting liability as claims for compensation from asbestos-induced diseases continue to grow, the obligations imposed on employers of asbestos workers or producers of asbestos-containing products vary from hardly any restriction to outright bans. Examples of occupational exposure limits range from zero

(in Germany, the strictest example) and 0.1 fibre/cm³ over an eight hour period (the case in most EU countries) to 2 fibres/cm³ in Argentina.

Enhesa's survey of asbestos regulations

In November 2005 Enhesa carried out a survey of some twenty countries worldwide, looking specifically at how asbestos exposure is regulated and what the requirements are on employers and building owners. One of the conclusions that can reasonably be drawn is that not only do requirements become more stringent, but the potential for liability is also significantly different, depending on the legal system as well as historical use of asbestos. Due to the extremely long time lags between asbestos exposure and the diagnosis of consequent disease (latency periods can be up to forty years in some cases) it is difficult to manage your liabilities.

Some examples of requirements (although by no means across all countries, or even all in the same country) include the need to carry out an asbestos survey in a public or private building, and to notify or make public the results and records of that survey. In some cases the survey will have to be updated, sometimes on a regular basis but in many countries only when the conditions change. Frequently this asbestos survey has to be done by a certified organisation.

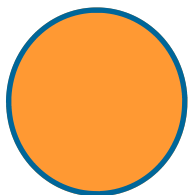
Compulsory asbestos surveys

Asbestos surveys are required in places like the UK, Belgium, Sweden, Australia, Spain, South Africa, France and to a lesser extent (as part of a general risk assessment) in Turkey and Germany. France requires an asbestos survey be carried out by building owners, regardless of whether the building is public or private. Surveys are not required in countries such as Slovakia or the Czech Republic. Where surveys do have to be carried out, equipment (rather than just structural asbestos) does not always have to be specifically

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During September and October 2005 several new environmental, health and safety regulations were adopted that could directly impact your business. The following overview provides you with a descriptive title for the regulatory developments per country, the formal adoption date and the ID number of the monitoring record in the Enhesa Update and the Enhesa database.



Asia Pacific

Australia

- Disability Discrimination Act 1992 amended - [10183]
- NSW: Amendments to the Greenhouse Gas Abatement Scheme in the Electricity Supply Act enter into force - 18-May-2005 [8562]
- NSW: Electricity Safety (Electrical Installations) Regulations remade - 01-Sep-2005 [10082]
- NSW: Electricity Supply (General) Amendment (Large Customers) Regulation 2005 - 07-Oct-2005 [10210]
- NSW: Energy Savings Order 2005 made - 25-Oct-2005 [10212]
- NSW: Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005 further entered into force - 16-Jun-2005 [9128]
- NSW: Local Government (General) Regulation 2005 passed - 26-Aug-2005 [10099]
- NSW: Local Government Amendment (Stormwater) Act 2005 - 19-Oct-2005 [10199]
- NSW: Protection of the Environment Operations (Penalty Notices) Regulation 2004 amended - 27-Aug-2004 [7417]
- NSW: Road Transport (Safety and Traffic Management) (Driver Fatigue) Amendment (Miscellaneous) Regulation 2005 - 30-Sep-2005 [10086]
- NSW: Water Savings Order 2005 made - 25-Oct-2005 [10228]
- Victoria: Electricity Safety (Equipment Efficiency) Regulations amended for storage water heaters - 25-Oct-2005 [10180]
- Victoria: Order declaring certain ammonium goods as high consequence dangerous goods - 13-Sep-2005 [10098]
- Victoria: Pipelines Act 2005 passed - 20-Sep-2005 [9905]
- Victoria: Radiation Act 2005 passed - 09-Aug-2005 [9837]
- Victoria: Sustainability Victoria Act 2005 establishes Sustainability Victoria - 20-Apr-2005 [9125]

Malaysia

- Adopted exemptions from inspection requirements for certain types of unfired pressure vessels - 28-Sep-2005 [10166]
- Adopted Factories and Machinery (Exemption) (No. 3) Order 2005 - 30-Aug-2005 [9988]

China

- Automatic monitoring system for pollutant emissions shall be installed - 19-Sep-2005 [10128]
- Management of personal protective equipment specified - 22-Jul-2005 [7362]
- Rules on clean development mechanism adopted - 12-Oct-2005 [7200]
- Safety rules on radiation sources adopted - 14-Sep-2005 [10051]

India

- Environment (Protection) Second Amendment Rules 2005 creating an exception for noise restrictions on diesel generator sets on defence vehicles - 16-May-2005 [10002]
- Environment (Protection) Third Amendment Rules, 2005 revising a number of environmental standards and guidelines - 30-Aug-2005 [10144]

Indonesia

- Reporting Guideline for The Implementation Environment Management Plan and Environment Monitoring Plan - [10364]
- Restructuring of National Occupational Health and Safety Board - 03-Jan-2005 [10084]

Japan

- VOC emission monitoring methods determined - 10-Jun-2005 [8419]

Kazakhstan

- Decree on Certain Aspects of Licensing of Transport Activities amended - 02-Sep-2005 [10101]
- Occupational Safety and Labour Protection Rules for Works connected with Transport Vehicles adopted - 04-Mar-2005 [10335]
- Waste Passport Form approved - 18-Mar-2005 [10334]

Philippines

- Adopted guidelines for the designation of attainment and non-attainment areas in an airshed - 12-Sep-2005 [9989]
- Adopted procedures for the screening and evaluation of Clean Development Mechanism (CDM) project activities - 31-Aug-2005 [9991]



Asia Pacific

New Zealand

- Drinking Water Standards for New Zealand - 25-Aug-2005 [10193]
- Notice of Exemption for certain water equipment from the Pressure Equipment Regulations - 25-Aug-2005 [10247]
- Notice Of Recognition of Documents under the Health and Safety In Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Regulations 1999 - 22-Sep-2005 [10245]

Taiwan

- Definition of dangerous workplaces amended - 10-Jun-2005 [9398]
- Seismic design requirements of buildings revised - 14-Dec-2004 [3832]
- VOC emission standards tightened - 12-Sep-2005 [1964]

Africa and the Middle East

South Africa

- No new legal developments were identified during this period.

Israel

- No new legal developments were identified during this period.

Egypt

- No new legal developments were identified during this period.

Central and Eastern Europe

Czech Republic

- Amendment introducing changes to the air emission limits adopted - 05-Oct-2005 [10284]
- Amendment to the Act on chemical substances and preparations adopted - 29-Jul-2005 [8557]
- Amendment to the Act on the protection of public health adopted - 19-Aug-2005 [8676]
- Amendment to the Air Protection Act adopted - 19-Aug-2005 [10037]
- Amendment to the Decree No. 232/2004 changes the classification of certain hazardous chemicals - 02-Sep-2005 [10014]
- Decree on details of WEEE management adopted - 05-Sep-2005 [9312]
- Decree on hygiene requirements for products coming into direct contact with water and for water treatment adopted - 30-Sep-2005 [8622]
- Regulation on health and safety at workplaces with the risk of falls - 17-Aug-2005 [10030]
- Regulation on the emissions from internal combustion engines to be installed in non-road mobile machinery adopted - 17-Aug-2005 [10027]

Hungary

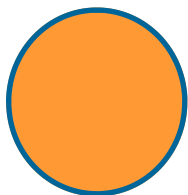
- Decree on activities of verification experts related to greenhouse gas (GHG) emissions adopted - 13-Sep-2005 [10094]
- Decree on emission restriction of internal combustion engines adopted - 29-Sep-2005 [10072]
- Decree on exemption from environmental product charges amended - 05-Oct-2005 [6069]
- Decree on verification activities related to greenhouse gas (GHG) emissions adopted - 13-Sep-2005 [9822]
- Product deposit decree adopted - 05-Oct-2005 [8612]
- Proposed amendment of Government Decree relating to air protection - 12-Oct-2005 [4413]
- Proposed amendment to Decree obliging combustion plants with thermal input over 50 MW to measure emissions - 10-Oct-2005 [7968]
- Proposed amendment to Decree on environmental product charge - 13-Oct-2005 [8186]

For more details on any of these developments, you can subscribe to the Enhesa Update (1000 EUR/year) or register to receive detailed monitoring reports. For further information visit <http://www.enhesa.com/enhesa/EN/service/monitoring.asp>

We are constantly expanding the geographic scope of our EHS Regulatory Monitoring.

The current number of countries covered on a daily, in-depth basis now stands at over 70.

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Central and Eastern Europe

Before you buy... due diligence

How can you be sure that you not only avoid unforeseen environmental liabilities with your new acquisition, but that your new business is a sound and sustainable investment in terms of all EHS issues?

ENHESA calls on a wide variety of legal and regulatory expertise to facilitate the full range of on-site and desk studies necessary to identify potential environmental liabilities associated with acquisition, leasing and/or divestiture of properties. Contact us for more information at info@enhesa.com.

Poland

- Amendments to the Statute on waste and to other statutes - 29-Jul-2005 [8974]
- Charges and fines for the use of the environment in 2006 - 06-Sep-2005 [10035]
- Construction Law amended - 28-Jul-2005 [9832]
- Methods and criteria of managing controlled (ozone-depleting) substances charges by the National Fund - 23-Sep-2005 [10234]
- New inventory of dangerous substances and their classification - 28-Sep-2005 [10242]
- New Ordinance on Supplemental Training for Drivers of Vehicles Transporting Dangerous Goods - 15-Sep-2005 [10040]
- Ordinance adopted on types of installations covered by the community emissions trading system for the period 2005-2007 - 30-Sep-2005 [10231]
- Ordinance on annual reports on End-of-Life Vehicles adopted - 29-Sep-2005 [10241]
- Ordinance on certificate of approval for vehicles transporting dangerous goods amended - 15-Sep-2005 [10041]
- Ordinance on qualification certificates for safety advisors for the transport of dangerous goods by road adopted - 26-Sep-2005 [10233]
- Ordinance on safety report of high-risk industrial facilities amended - 12-Sep-2005 [10230]
- Ordinance on the criteria and procedures for allowing waste to be placed on certain types of landfill sites - 07-Sep-2005 [9207]
- Ordinance on the form to be used for annual reports on road transport of dangerous goods - 07-Oct-2005 [10243]
- Ordinance on the list of materials, parts of equipment and components of vehicles which may not contain lead, mercury, cadmium or hexavalent chromium - 04-Oct-2005 [10232]
- Ordinance on the transport of dangerous goods which require notification - 07-Oct-2005 [10244]
- Reuse of certain parts of equipment and dismantling parts of vehicles is prohibited - 28-Sep-2005 [10240]
- Statute on the transport of dangerous goods amended - 01-Jul-2005 [9828]
- Statute on Waste Electrical and Electronic Equipment (WEEE) adopted - 29-Jul-2005 [8747]

Greece

- Circular and questionnaire issued on reporting compliance with VOC rules - 19-Aug-2005 [10091]
- Joint Ministerial Decision (JMD) 22912/1117/2005 on the incineration of waste adopted - 01-Jun-2005 [10089]
- Joint Ministerial Decision 29457/1511/2005 on the limitation of emissions of certain pollutants into the air from large combustion plants adopted - 08-Jul-2005 [10083]
- Joint Ministerial Decision 29459/1510/2005 on National Emission Ceilings for Certain Atmospheric Pollutants adopted - 08-Jul-2005 [10085]
- Presidential Decree 176/2004 concerning minimum health and safety requirements for exposure of workers to risks from vibrations adopted - 07-Sep-2005 [10078]

Romania

- Adopted a Law for the approval of the Amendment to the Montreal Protocol on ozone-depleting substances - 05-Oct-2005 [10219]
- Adopted an Order for the approval of the organisation and operation of the green permits scheme - 17-Oct-2005 [10227]
- Adopted an Order for the prohibition of use of phyto-sanitary products containing certain active substances - 12-Oct-2005 [10222]
- Adopted an Order on a national air emissions reduction programme for large combustion plants - 26-Sep-2005 [10102]
- Adopted an Order relating to the attestation of persons competent to undertake EIAs and environmental auditing - 25-Mar-2005 [10107]
- Adopted an Order relating to the procedures for data reporting on packaging and packaging waste - 06-Oct-2005 [10221]
- Adopted Governmental Decision regarding the organisation and functioning system of the Ministry of Work, Social Solidarity and Family - 13-Oct-2005 [10213]
- Adopted Law regarding the regime of use, placing on the market, import and export of dangerous substances and chemicals - 05-Oct-2005 [10218]



Central and Eastern Europe

Russia

- Action Plan for the implementation of the Agreement between Trade Unions, Employers' Unions and the Government adopted - 17-Oct-2005 [10181]
- Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management ratified - 04-Nov-2005 [10361]
- List of "Products and Substances for which a Sanitary certificate or State Registration is required for import" approved - 06-Sep-2005 [10200]
- National Standard on Standardisation System Adopted - 30-Dec-2004 [10011]
- Regulation on Conducting the State Sanitary and Epidemiological Supervision adopted - 15-Sep-2005 [10028]
- Resolution "On the state fire safety control" - 21-Dec-2004 [8219]
- Rules for contributions to Radiation and Nuclear Safety Funds adopted - 21-Sep-2005 [10202]
- Rules for the Registration of Organisations with the Territorial Medical Insurance Fund adopted - 15-Sep-2005 [10034]
- Standard for the Evaluation of Textile Floor Covering's Inflammability Adopted - 30-Nov-2004 [10013]
- Standard on personal care products adopted - 31-May-2005 [10039]

Ukraine

- A list of products subject to compulsory certification amended - 22-Aug-2005 [10071]
- Conditions for licensing of transportation of natural and petroleum gas by mainline pipelines adopted - 30-Sep-2005 [10321]
- Conditions for licensing of transportation of petroleum products by mainline pipelines adopted - 30-Sep-2005 [10323]
- Instruction on completion of the reporting form for classes I-III of hazardous wastes approved - 28-Sep-2005 [10153]
- Instruction on Organisation of the Primary Inspection (Environmental, Epidemiological etc.) of Imported Goods adopted - 31-Aug-2005 [10077]
- Law On Equality of Men and Women adopted - 08-Aug-2005 [10080]
- Law On the System of Permits in the Area of Commercial Activities adopted - 06-Sep-2005 [10087]
- The Law restricting the use of tobacco adopted - 22-Sep-2005 [10298]

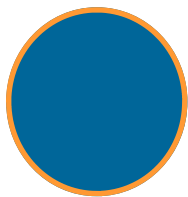
Turkey

- Amendment of the Notification on Standardization of Foreign Trade - 22-Sep-2005 [10015]
- Amendment of the Notification on Standardization of Foreign Trade 2005/4 - 12-Sep-2005 [9938]
- Amendment of the Regulation on H&S Measures for Working with Chemical Substances - 19-Oct-2005 [10135]
- Amendment of the Regulation on Transport by Road - 09-Sep-2005 [9937]
- Decree on wild life development zones - 16-Oct-2005 [10139]
- Notification on accreditation of companies for assessment of noise emissions caused by equipment used outdoors - 28-Sep-2005 [9959]
- Notification on composition, packaging and labelling of detergents - 12-Sep-2005 [9974]
- Notification on declaration principles of detergents - 12-Sep-2005 [9975]
- Notification on labelling of bleaching liquid and mechanical cleaning powder - 12-Sep-2005 [9973]
- Notification on sampling and analysis of mechanical cleaning powder, washing liquid - 12-Sep-2005 [10004]
- Notification on standardization of foreign trade for import of detergents 2005/32 - 12-Sep-2005 [10006]
- Notification on test method of biological fractions of surfactants in detergents - 12-Sep-2005 [9969]
- Notification on the establishment of the Prepackaged Products Technical committee and its duties - 13-Oct-2005 [10131]
- Regulation on hunting and protection of wild animals and their living space - 24-Oct-2005 [10138]
- Regulation on Renewable Resource Certificate - 04-Oct-2005 [10136]

Are all of your facilities in compliance with these EHS regulatory requirements?

Enhesa develops ScoreCards and Audit Protocols that can be used by facility and corporate management to identify weaknesses and ensure compliance.

Please contact us for further details.



Western Europe

EHS Country Profiles available

Enhesa's array of EHS Country Profiles is continually growing. To date we have Country Profiles for more than sixty countries.

To find out about purchasing any of these, or having a tailor-made EHS country profile drafted for your specific operations, please contact us on +32 2 775 97 97 or email us at monitor@enhesa.com.

Austria

- Act on transport of dangerous goods amended - 27-Oct-2005 [10289]

Belgium

- Royal Decision of 22 May 2003 on marketing and use of biocides modified - 03-Oct-2005 [10127]
- Royal Decision on reduction of VOCs emissions from paints, varnishes and vehicle finishing products adopted - 07-Oct-2005 [10282]
- Royal Order on the safety protection of trainees - 21-Sep-2004 [7692]
- Royal Order on work at height adopted - 31-Aug-2005 [9976]

Denmark

- Screening and promulgation of a facility's working environment - 20-Dec-2004 [8288]

Finland

- A change in administrative law amends several EHS laws - 02-Sep-2005 [10119]
- Adopted a Decree amending the Decree on the restrictions on dangerous substances in vehicles - 15-Sep-2005 [10117]
- Adopted a Decree on food contact materials: cellulose film - 24-Aug-2005 [10125]
- Adopted a Decree on the marking and labelling of emergency exits - 06-Oct-2005 [10220]
- Adopted a Decree on volatile organic compounds in paints, varnishes and vehicle refinishing products - 20-Oct-2005 [10266]
- Adopted an amending Decree on restricting volatile organic compound emissions - 20-Oct-2005 [10267]
- Adopted Decrees amending the fees charged by the environmental authorities - 15-Sep-2005 [10120]

Italy

- Adopted Legislative Decree on minimum health and safety requirements for exposure to vibrations - 19-Aug-2005 [9241]
- Adopted Legislative Decree on public participation in environmental matters according to Directive 2003/4/EC - 19-Aug-2005 [9258]
- Adopted Legislative Decree on the reduction of environmental noise - 19-Aug-2005 [9246]
- Adopted new requirements on energy efficiency of buildings - 27-Jul-2005 [10301]
- New "Consumer Code" adopted integrates general product safety requirements - 06-Sep-2005 [10299]

France

- Decree 2005-1170 on administrative obligations modifying Decree 77-1133 related to the classified installations list - 13-Sep-2005 [9958]
- Decree 2005-1195 on protection measures against pollutant emissions from internal combustion engines for non-road mobile machinery - 22-Sep-2005 [9950]
- Decree on plans for the prevention of technological risks adopted - 07-Sep-2005 [9940]
- National greenhouse gas allocation plan approved - 25-Feb-2005 [7141]
- Order 29 of September 2005 modifying the Order 10 of May 2000 relative to prevention of major accident hazards due to dangerous substances - 29-Sep-2005 [10203]
- Order on classified installations subject to declaration under rubric 1412 on flammable liquefied gas - 23-Aug-2005 [10329]
- Order on prevention of major accident hazards due to dangerous substances and preparations in some classified installations modified - 29-Sep-2005 [3798]
- Order on risk assessments of classified installations subject to authorization - 29-Sep-2005 [10226]
- Order on verification and quantification of declared emissions - 28-Jul-2005 [9947]

Germany

- Act on Introduction of project mechanisms according to the Kyoto Protocol and to transpose European Directive 2004/101/EC entered into force - 22-Sep-2005 [9091]
- Amendments of Basel Waste Lists adopted in Germany - 28-Sep-2005 [10277]
- Compulsory contribution for international waste shipment abolished - 20-Oct-2005 [3445]
- Guidance to Accident Prevention Rule "Principles of Accident Prevention" issued - 01-Oct-2005 [6448]
- Second Amendment to Ordinance on Penal Sanctions and Administrative Fines concerning Chemicals adopted - 30-Sep-2005 [9792]

Ireland

- Adopted the Safety, Health and Welfare at Work Act 2005 (Appeals Forms) Rules 2005 - 01-Sep-2005 [10032]

Luxembourg

- Approval of the Aarhus Convention on

Western Europe



access to environmental information - 31-Jul-2005 [9934]

- Grand Ducal Regulation on material safety data sheet adopted - 23-Sep-2005 [10342]
- Grand Ducal Regulation on packaging and labeling of dangerous preparations adopted - 23-Sep-2005 [10347]
- Grand Ducal Regulation on risk assessment and classification of dangerous preparations adopted - 23-Sep-2005 [10346]
- Law on classification, packaging and labeling of dangerous preparations adopted - 03-Aug-2005 [9936]

Netherlands

- Adopted Act amending Environmental Management Act regarding external safety of facilities and transport routes - 15-Sep-2005 [10160]
- Adopted Act amending permitting conditions in Environmental Management Act - 16-Jul-2005 [9985]
- Adopted Decision amending Facilities and Permits Decision implementing IPPC-Directive - 08-Oct-2005 [10161]
- Adopted Decision amending Regulations relating to Major Accident Risks - 24-Jun-2005 [9984]
- Adopted Decision Quality Requirements Regarding Enforcement of Environmental Legislation - 29-Sep-2005 [10159]
- Adopted Directive setting fines for transport of dangerous goods by road - 25-Oct-2005 [10158]

Norway

- Regulations for amendments to Regulations on Safety, Health and Working Environment at Building and Construction Sites adopted - 07-Oct-2005 [8858]

Portugal

- Amended Decree Law to further restrict marketing and use of azo colourants and other dangerous substances - 22-Sep-2005 [6184]
- Decree-Law on emissions trading adopted - 14-Dec-2004 [8158]
- Decree-Law on management of electric and electronic waste amended - 15-Nov-2004 [4894]
- Ordinance on fees for transfrontier waste movements adopted - 16-Sep-2005 [9927]

Spain

- Cleaning, degasification and depressurization requirements of cisterns containing hazardous goods regulated - 02-Sep-2005 [9948]
- Law on greenhouse gas emission allowance trading scheme further regulated - 21-Oct-2005 [7402]

Sweden

- Regulations on measures to prevent major accidents in larger chemical installations adopted - 16-Jun-2005 [10343]

United Kingdom

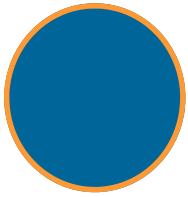
- Adopted International Carriage of Dangerous Goods by Road (Fees)(Amendment) Regulations 2005 - 15-Oct-2005 [5001]
- Adopted the Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005 - 09-Oct-2005 [10205]
- Amendment to the CHIP3 Regulations adopted - 22-Sep-2005 [8279]
- The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2005 adopted - 07-Oct-2005 [10179]

Find the right tools and support for your compliance needs worldwide

- **Enhesa's Regulatory Register** identifies and provides access to the relevant and applicable legislative requirements.
- **The Monitoring Reports** help you to anticipate and manage regulatory change.
- **Audit Protocols and ScoreCards** measure your performance in terms of compliance assurance.
- **Chemical Tracking Service** to make sure you are kept way ahead of developments in chemical restrictions. This service offers you with a multi-lingual search function to be able to research individual chemicals.

European Union

- Additional exemptions under ROHS Directive 2002/95/EC adopted - 21-Oct-2005 [10279]
- Commission Directive amending plant protection products Directive - 16-Sep-2005 [6755]
- Decision amending heavy metal restrictions in vehicles adopted - 20-Sep-2005 [9648]
- Decision exempting decaBDE from the scope of RoHS Directive adopted - 13-Oct-2005 [8778]
- Directive on electromagnetic compatibility revised - 15-Dec-2004 [8135]
- Revision of EU Directive on General Product Safety adopted - 03-Dec-2001 [3480]



South America

Over 50 EHS Audit Protocols available

ENHESA currently has EHS audit protocols for over 50 countries and regions, specifically designed to help you assess compliance at a range of facilities world-wide.

To find out about purchasing any of these, or having a tailor-made audit protocol drafted for your specific operations, please contact us on +32 2 775 97 97 or email us at monitor@enhesa.com.

Audit Protocols are complemented by Score-Cards, which offer an easy-to-use tool for assessing compliance.

Argentina

- BUENOS AIRES: Hazardous waste prohibited in Province of Buenos Aires - 29-Sep-2005 [10217]
- Carbon Fund in Argentina regulated - 01-Sep-2005 [10000]
- Industrial wastewater discharges controls regulated - 23-Aug-2005 [10003]
- International trade of radioactive materials regulated - 27-Sep-2005 [10064]
- Liquid petroleum gas containers regulated - 27-Sep-2005 [10055]
- Obligatory life insurance regulated - 04-Oct-2005 [10278]
- Prohibition to place cosmetic products containing lead acetate on the market - 05-Oct-2005 [10211]
- Register of producers and exporters of copper and aluminum waste regulated - 17-Oct-2005 [10264]
- Rotterdam Convention on pesticides and other chemical substances approved - 06-Jul-2000 [10332]
- Wood packages for international trade regulated - 13-Sep-2005 [10285]
- Building and Construction Industry Improvement Act 2005 passed - 12-Sep-2005 [9971]
- Building and Construction Industry Improvement Regulations 2005 - 15-Sep-2005 [9998]

Bolivia

- Adopted a Decree regulating the placing on the market and transport of liquid petroleum gas - 05-Oct-2005 [10326]
- Phytosanitary certification of wood packages regulated for international trade - 24-May-2005 [10088]

Brazil

- Amendment to legislation on environmental conservation - 26-Oct-2005 [10330]

Mexico

- Cancellation of procedure concerning certificate of non-hazardous character for certain hazardous wastes - 17-Oct-2005 [10258]

Chile

- No new legal developments were identified during this period.

Puerto Rico

- No new legal developments were identified during this period.

Venezuela

- Accession to Rotterdam Convention signed - 19-Apr-2005 [10271]

Colombia

- Composition of the National Council on Occupational Risk regulated - 27-Oct-2005 [10322]
- Decree on manufacturing, labeling and packaging of specific use products adopted - 11-Oct-2005 [10312]

Costa Rica

- Procedure for noise monitoring measurements regulated - 19-Oct-2005 [10268]
- Wood packages for international trade regulated - 04-Aug-2005 [10026]

Dominican Republic

- No new legal developments were identified during this period.

Ecuador

- No new legal developments were identified during this period.

Panama

- No new legal developments were identified during this period.

Peru

- General Environmental Law enacted - 15-Oct-2005 [10325]

Uruguay

- Environmental Impact Assessment and Environmental Permits regulated - 21-Sep-2005 [10076]
- Prohibition of the import, production and use of certain chlorinated substances adopted - 03-Oct-2005 [10349]
- Regulation on prevention management and risk protection adopted - 14-Sep-2005 [10113]
- Tobacco smoke free areas regulated - 05-Sep-2005 [10009]

North America



United States

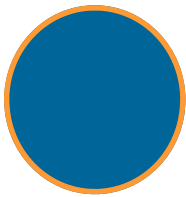
- Adopted Cross-Media Electronic Reporting Rule (CROMERR) - 13-Oct-2005 [10189]
- Adopted Final Rule on National Emission Standards for Hazardous Waste Combustors - 14-Sep-2005 [10018]
- Issued Safety Advisory Notice for unauthorized marking of high- and low pressure compressed gas cylinders - 09-Sep-2005 [10023]
- Maintained EPA Program to Minimize Emissions of Nitrogen Oxides - 29-Sep-2005 [10020]
- NORTH CAROLINA bans items from landfills - 07-Sep-2005 [9962]
- NORTH CAROLINA creates commission to study global warming and carbon economy - 27-Sep-2005 [9961]
- NORTH CAROLINA revises underground storage tank program - 08-Sep-2005 [9964]
- Proposed TRI Burden Reduction Rule - 21-Sep-2005 [10019]
- Virginia amends air regulations to align with Federal EPA changes - [10255]

Canada

- Amendment to substances fees regulations adopted - 15-Oct-2002 [4619]
- New Substances Notification Regulations concerning Chemicals and Polymers adopted - 31-Aug-2005 [7739]
- New Substances Notification Regulations on Organisms adopted - 31-Aug-2005 [7750]
- Notice with respect to the Guidelines for the Reduction of Ethylene Oxide Releases from Sterilization Applications adopted - 01-Oct-2005 [6867]
- Ontario: Amending Regulations concerning Asbestos on Construction Projects and Repair Operations adopted - 08-Jun-2005 [7654]
- Ontario: Report on strategies to reduce work-related musculoskeletal injuries - [10142]
- Order adding two substances to the list of toxic substances adopted - 31-Aug-2005 [10070]
- Orders amending the Domestic and Non-Domestic Substances List issued - 23-Aug-2005 [10062]
- Quebec: Decree on fire protection of buildings during transformations, maintenance or repair works adopted - 21-Sep-2005 [10350]
- Transportation of Dangerous Goods Regulations amended - 31-Aug-2005 [10065]

- This Enhesa Flash highlights some of the regulatory EHS developments that occurred in September and October 2005. For details, you could consult the Enhesa Update which provides you with a one paragraph abstract for each development impacting industry in general and the possibility to obtain further relevant details. The Enhesa Update is available for 1000 EUR per year.
- If you want to ensure that you get all the information you need, the Enhesa regulatory monitoring service could be the perfect solution for you. This service provides you with a summary of all relevant and applicable regulatory EHS developments (policy, law, regulation, proposal, etc.) of interest to your operations and/or products and for the
- For each development, a tailored business impact analysis is made for your company's operations. In most cases, a link to the full text of the Regulation is provided, either on the Internet or in the Enhesa Knowledgebase of more than 16000 texts.
- The report is accompanied by a compliance calendar, a list of legislation with hyperlinks to the full text and an overview of interesting websites. These reports are delivered through a dedicated website tailored to your needs and connected to your Intranet.
- Contact us to visit our demo site.

Do you want to be fully informed on changing EHS Regulations and how they impact your business?



Asbestos - current requirements and potential liabilities

(Continued from page 1)

included in the survey, although this is the case in the UK, Sweden, Spain and France.

In some cases an asbestos survey has to be done before certain building works are carried out, and occasionally a permit is needed before this can proceed (frequently issuing of the permit will depend on the results of the asbestos survey and the arrangements made for managing any asbestos that will be disturbed during the works). Germany on the other hand has a zero-tolerance approach to occupational exposure (there is no level which is considered safe, and as such the occupational exposure limit is zero) but there is no requirement to carry out an asbestos survey. As in Turkey, a risk assessment specific to asbestos is not required in Germany, although it is needed within the overall risk assessment of a building and is part of the general obligation of the owner of a building to ensure that the building is healthy and safe. In many countries, such as in Spain, the asbestos survey also has to be repeated on a regular basis or whenever a modification could increase exposure.

What needs to be covered in an asbestos survey?

Not all buildings in a particular facility will need to be included in a compulsory asbestos survey, and sometimes it is only certain parts of a building that will need to be addressed. Another variable is whether or not equipment used on site has to be included in the survey or whether it is just the structural elements of the building that should be covered. Once asbestos has been found, some countries will require that it be labelled, or to be removed or simply kept under control as part of an asbestos management plan.

Regular measurements of concentration levels

Depending on the building and whether asbestos has already been identified, regular monitoring of the concentration levels may be required. France goes one step further by requiring that all buildings to which the public has access be regularly monitored, regardless of whether asbestos was already identified in the survey. In Slovakia there is no compulsory asbestos survey required but exposure levels have to be measured every three months in all workplaces where workers could possibly be exposed.

Notification and certification of asbestos surveys

In some cases results of a compulsory asbestos survey have to be routinely notified to the applicable authorities (which is the case in many EU countries) although in others this only has to be done where excessive exposure is identified. Other countries such as Turkey have no requirement to notify. In some cases the obligation to notify only kicks in once there are further works planned that will disturb the asbestos, as in the UK. In other cases, such as in France, the company itself doesn't have to submit reports but the company carrying out the asbestos survey has to do so. In France a certificate is required stating whether or not the building has asbestos, and this has to be provided when selling the building. Where buildings are sold and the building permit dates from prior to 1 July 1997, the owner has to produce a certificate on the presence or absence of asbestos in the building, including the location and the state of conservation of materials and products containing

	France	Germany	UK	Sweden	Czech Republic	Turkey	Slovakia	Australia - NSW	Spain	EU
Banned or restricted	Banned*	Banned	Banned	Banned	Banned*	Banned*	Banned	Banned	Banned	Banned*
Is a compulsory asbestos survey required	Yes	No	Yes	Yes	No	No	No	Yes	Yes	No
Are the results of any asbestos survey publicly available	Yes	N/A	No	Yes	NA	NA	NA	Yes	No	NA
Does asbestos on site have to be labelled	Yes	Yes	Yes	Yes	Yes	NA	Yes	No	Yes	NA
Occupational exposure limit	0.1 f/cm ³ /8hrs (chrysotile) 0.1 f/cm ³ /hr for other forms	0	Ranges from 0.2 f/cm ³ to 0.9 f/cm ³	0.1 f/cm ³	0.6 f/cm ³ (chrysotile) 0.3 f/cm ³ for other forms	0.1 f/cm ³ /8 hr	0.1 f/cm ³ /8 hr	0.1 f/ml	0.6 f/cm ³ (chrysotile) 0.3 f/cm ³ for other forms and mixtures	0.1 f/cm ³ /8 hr

* certain exemptions apply to chrysotile



asbestos. If the certificate is not produced, the latent defect exemption clause cannot be stipulated in the contract. This means that as the seller has to guarantee the state of the building, if it turns out that there is asbestos in the building he will be held responsible for all the consequences involved.

What happens to the asbestos identified by the survey?

If asbestos is found it does not necessarily have to be removed but usually has to be properly managed so as to effectively control exposure. In some countries any asbestos that has been identified has to be clearly labelled, so that workers and other people using the building both be aware that it is there and take extra precautions not to disturb it and make it airborne. Labelling is required in Sweden, for example but not in the UK unless it is likely that it will be disturbed (either by maintenance or other workers). In many countries such as Turkey, there is no requirement to notify it or remove it once it has been identified. France requires that at all workstations where there is potential exposure there must be a written notice providing information about the risks of asbestos exposure and measures that have to be taken to reduce this.

Compulsory record-keeping

In many countries, particularly where there is no requirement to notify the results of the asbestos survey, the company still has to keep records that the surveys were

carried out and what the results were. In France for example, an asbestos file has to be kept by the owner of the building.

Public availability of the results of asbestos surveys

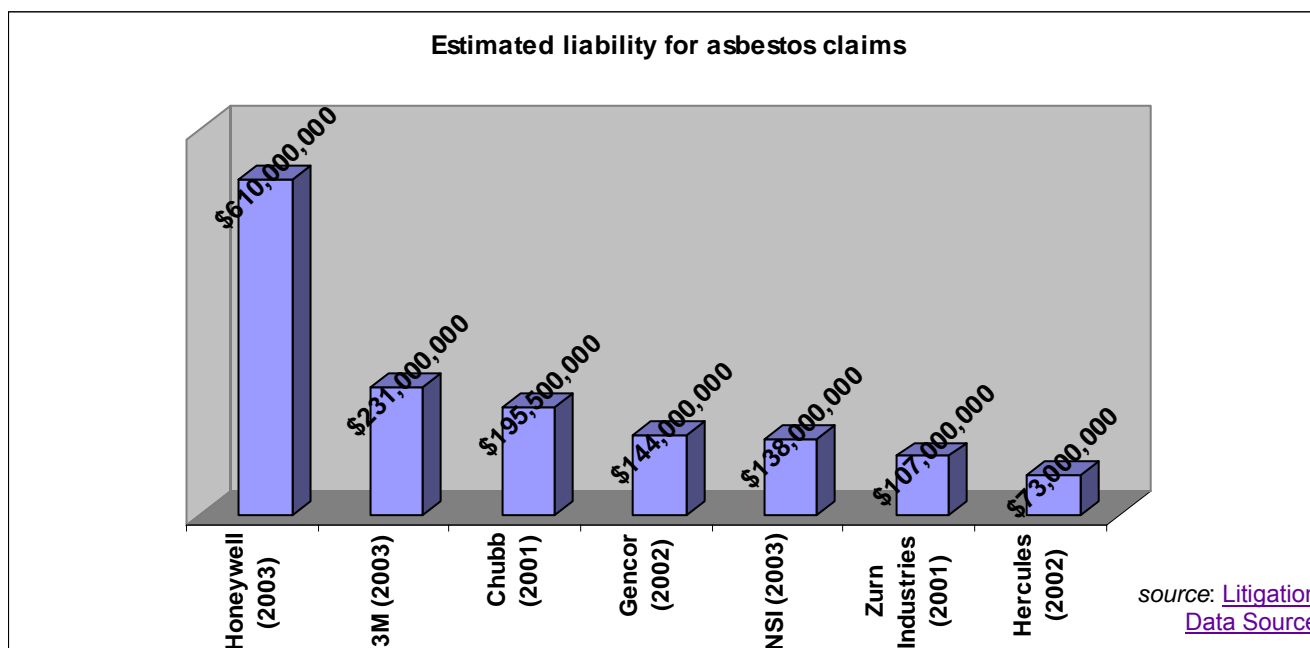
Many countries require that the results of asbestos surveys be made either publicly available or at least available to the people that are using the building. This is the case in Sweden, for example, but in Spain the results neither have to be notified nor made publicly available. In France the asbestos file has to be made publicly available on request to people living or working in the building.

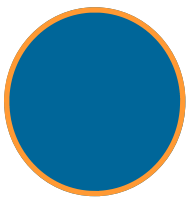
Removal or control of asbestos in buildings

Once asbestos has been identified a common requirement is have to control it by ensuring it is not disturbed and made airborne, and to either label it or inform the people in the building about it. In some cases it has to be removed and the area decontaminated, although this more stringent action is often just recommended and not strictly required.

Occupational exposure limits and employee protection

As an employer you are responsible for more than just the building, you also have to take account of occupational exposure limits and employee protection, often combined with the need to educate employees about the location of asbestos in the build-





Asbestos - current requirements and potential liabilities

Key points in managing asbestos and reducing liabilities

- Have an asbestos survey carried out by a reputable company
- Make sure the survey is repeated as often as necessary to keep up with improvements in monitoring technology and lowered threshold levels
- If there is any friable asbestos left on site, have it removed by a certified asbestos removal company
- Set up a management plan to handle any residual risks and make sure workers are properly trained and protected
- Get your paperwork in order – not only current records but try to trace the paper trail back as far as possible to get an understanding of potential areas of concern

ing and measures that have to be taken to prevent exposure.

Even when you are fully aware of what the law requires of you as an employer or building owner, it is hard to predict the future in terms of possible litigation for compensation for asbestos damage.

Examples range from zero tolerance (as in Germany) to relatively high levels of exposure. An average of 0.1 fibre per cubic centimetre over a time-weighted eight hour period is common in the EU, having been set at EU level and followed by countries including Sweden and France. Others have less stringent exposure levels such as Spain, where it ranges between 0.3 fibres per cm³ for crocidolite and 0.6 fibres per cm³ for all other forms of asbestos. Canada (Quebec) has fairly high permissible exposure levels of 0.2 fibres per cm³ (amosite and crocidolite) to 1 fibre/cm³ for actinolite, anthophyllite, chrysotile and tremolite. This is one of the highest threshold limits for occupational exposure to chrysotile.

Recent regulatory changes

Recent regulatory changes observed by Enhesa indicate a continuing trend towards stricter exposure levels and more stringent requirements in terms of safe work procedures. Canada (Ontario) updated its safe work procedures and respiratory protection requirements in June 2005, as did Japan in July. Exemptions are being continuously removed, for example as happened in Norway in September 2005 where remaining exemptions from training and monitoring requirements were removed. Chrysotile was banned in Portugal in June 2005 and a ban on all forms of asbestos was proposed in South Africa in October 2005.

Liability and compensation cases

France used to pose significant opposition to asbestos regulation until the costs of compensation and liability escalated – it resulted in an abrupt about-turn to the present state where it has one of the strictest regulatory climates worldwide.

Targets for liability include employers as well as the French State, the latter not only as an employer but also for not taking preventive actions. On 20 October 2005, the French Senate published an information report on asbestos. The report analyses the risks involved in asbestos exposure, the current consequences and the prevention methods which should be enforced. Between 1965 and 1995 approximately 35,000

people died from asbestosis, and in its report the Senate foresees that a further 100,000 people will die from asbestos-related in the next 20 years. The cost is estimated to reach between 27 and 37 billion Euros. It also suggests that the French State should be considered responsible for not taking preventative action in time.

The French Civil Courts confirmed the legal responsibility of employers for health and safety legislation, especially occupational accidents and diseases. The employer's liability is easily upheld in civil courts since the Civil Supreme Court ("Cour de Cassation") confirmed on 28 February 2002 the existence of "inexcusable fault" of the employer based on the employment contract between the employer and the employee. In respect of the contract between the employer and the employee, the employer is subject to an obligation of result and therefore has to guarantee the safety of his employee in all situations.

On 3 March 2004, the highest administrative Court in France, the Council of State (Conseil d'Etat) found the French State responsible for failing to adopt and implement preventive measures in respect of asbestos exposure.

Cape plc aside (*see insert*), legal compensation in **South Africa** is severely limited by the legislation governing claims for personal injury under the Compensation for Occupational Injuries and Diseases Act (COIDA) and the fact that you can not sue for mild asbestosis which does not have clinical consequences. These provisions under COIDA have been under attack for some time now and the compensation system has wide scope for improvement, particularly regarding capping benefits amid restrictions on workers rights. The obvious improvement would be a system which ensures employers bear their fair share of the cost.

Going forward

It's easy enough to dismiss the idea of being faced with surging liabilities, but in some large companies the danger lies hidden in past acquisitions and divestitures, or in far-flung subsidiaries. In others worker exposure can be less obvious and the problem lies in building structure or other sources that the company may not even be aware of.

For further information about the specific asbestos requirements in the country where you operate, don't hesitate to contact us on +32 2 775 9797 or drop us an email to monitor@enhesa.com



The South Africa/Cape plc. case

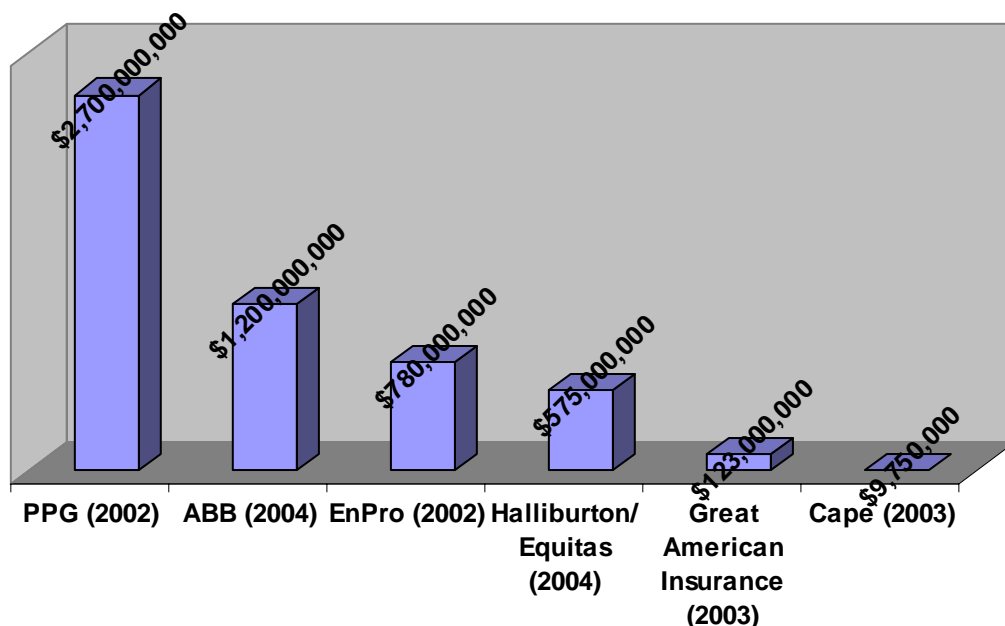
South Africa produced around 95% of the world's crocidolite, with mining and milling operations in various locations including around the towns of Prieska and Kuruman. Not only production but domestic use was high, being used widely in industries and introduced to households as building material, roofing, garden furniture, flowerpots, etc.

One of the most publicised asbestos compensation cases was the case against Cape plc, which was settled in 2003 in the UK. It started out with just five plaintiffs and ended up with approximately 7500 claimants.

Cape mined and milled asbestos in South Africa until 1979 when it pulled out of the country. The eventual outcome of six years of legal battles was that an agreement was signed in March 2003 in which Cape Plc agreed to pay £7.5 million to the 7500 claimants, with Gencor (which owned Gefco, which took over Cape's operations in 1979) agreeing to pay £3.2 million as well. A trust was established with more than 30 million pounds with the aim being to compensate a much wider group of claimants who were not part of the 7500 included in the Cape plc. This was after a six-year legal battle which had already been punctuated with a subsequently abandoned settlement of £21 million which Cape failed to abide by. The legal costs of the battle are not known. Something to note is that the settlement agreement makes no provision for rehabilitating the asbestos dumps and contaminated sites, which leaves the door open for continuing exposure and further potential claims in the future. The fact that it is estimated that between 8 and 15% of everyone living in Prieska in the 1940s either has died or will die from mesothelioma gives an indication of the scale of the contamination.

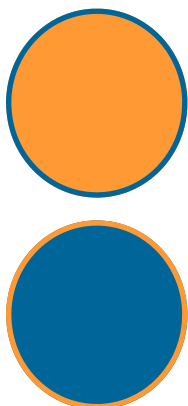
The interesting precedent set in this case was that the claimants were South Africans taking a UK-based company to court in the UK, i.e. not in the country where they had worked and where the damage was done. This was because it was held that South African law firms were not big enough to take them on, that there was no legal aid in South Africa and no Unions with enough money to fund it. Also, compensation arrangements for occupational diseases pay out relatively small amounts and the system is considered to be slow and cumbersome. As such, a multinational holding company was held liable for their actions in South Africa.

Settlement agreements on asbestos cases



source: [Litigation Data Source](#)

Upcoming Events and Presentations:



Regulatory Forecast Seminars

Enhesa is planning a series of regulatory forecast seminars in February 2006, to take place in Washington DC, New York City and Chicago.

If you would be interested in attending or participating, please give us a call on + 301 530 1392 or +32 2 775 9797, or drop an email to monitor@enhesa.com

Pollutec 2005



Enhesa will be exhibiting at the 21st Pollutec international exhibition on environmental equipment, technologies and risks from 29 November to 2 December in Paris, France.

Enhesa is organising three conferences at Pollutec :

1. **Industrial operating permitting worldwide** : 29 Nov 05, Forum B, 15h45 - 16h30
2. **How to ensure efficient global EHS monitoring of your operations and products** . 2 Dec 05, Forum B, 11h30 - 12h15
3. **How to follow chemical regulations globally**. Thursday 1 Nov, Village Ingénierie, 16h - 16h45

More information is available at www.pollutec.com

If you are planning to be in the area, please stop by and visit us at the Village Ingénierie, booth M 149.

Auditing Roundtable—the 2006 Winter Roundtable Conference and Technology Exposition



Enhesa will be exhibiting at the winter conference and exhibition of the Auditing Roundtable, taking place between 8-11 January 2006 in Phoenix, Arizona.

The conference will focus on mechanisms used to demonstrate EHS compliance and related CSR responsibilities.

Further information on the conference is available at the Auditing Roundtable website (<http://www.auditing-roundtable.org/>)

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- Washington: Paul Cullen Beatley, Enhesa President
4320 Clearbrook Lane, Kensington, Maryland 20895, USA
Tel/Fax: +1-301-530.13.92, E-mail: pcb@enhesa.com
- Brussels: Thierry Dumortier, Enhesa Director
13-15 rue du Mail, B-1050 Brussels, Belgium
Tel: +32-2-775.97.97, Fax: +32-2-775.97.99, E-mail: td@enhesa.com © Enhesa

