



Notification Number: 2006/419/F

## Draft Order banning the sale and use for professional purposes of preparations containing tremolitic talc

Date received : 04/08/2006  
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Issue of comments by : Commission, Germany

### Message

Message 002

Communication from the Commission - SG(2006) D/51887  
Directive 98/34/EC  
Translation of the message 001  
Notification: 2006/0419/F

No abre el plazo - Nezhahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist.

(MSG: 200601887.EN)

#### 1. Structured Information Line

MSG 002 IND 2006 0419 F EN 04-08-2006 F NOTIF

#### 2. Member State

France

#### 3. Department Responsible

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#### 3. Originating Department

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Direction des relation du travail – Bureau de la protection de la santé en milieu de travail (CT2)  
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#### **4. Notification Number**

2006/0419/F - C00C

#### **5. Title**

Draft Order banning the sale and use for professional purposes of preparations containing tremolitic talc

#### **6. Products Concerned**

Preparations containing tremolitic talc.

#### **7. Notification Under Another Act**

This notification is made in application of Article 8 of the amended Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998, laying down a procedure for the provision of information in the field of technical standards and regulations.

#### **8. Main Content**

This draft emergency temporary banning order, pursuant to Article R.231-57 of the Employment Code, bans the sale and use for professional purposes of preparations containing tremolitic talc for a period of six months.

Keywords: tremolitic talc - talc - asbestos - cleavage fragments.

#### **9. Brief Statement of Grounds**

The aim of the provisions in the notified Order banning the sale and use of preparations containing tremolitic talc is to protect the health of workers exposed to this type of preparation.

These provisions are justified by the presence of a serious risk to workers (exposure to asbestos). This is because, when tremolitic talc is ground, cleavage fragments are formed; some of these cleavage fragments are similar, in terms of particle shape and composition, to asbestos fibres. The preparations referred to in the notified Order are therefore liable to release cleavage fragments analogous to asbestos fibres when they are manufactured and used.

#### **10. Reference Documents - Basic Texts**

a) Employment Code: Article R. 231-57.

Decree No 2006-761 of 30 June 2006 on protecting workers from risks related to the inhalation of asbestos fibres - Decree No 96-1133 of 24 December 1996 banning asbestos.

f) cf. attached Annex.

#### **11. Invocation of the Emergency Procedure**

YES

#### **12. Grounds for the Emergency**

This banning Order should be enacted as a matter of urgency in order to protect workers exposed to the serious dangers presented by the use of preparations containing tremolitic talc as soon as possible. These serious



dangers result from the fact that these preparations contain cleavage fragments analogous to asbestos.

The exposure of workers for the French railway company SNCF and its suppliers and sub-contractors, particularly those using anti-corrosion products on trains, is well-attested and has been raised by the Labour Inspectorate. Other workers are also at risk of exposure.

This draft text is a temporary measure lasting 6 months, which will also provide us with an administration period in which to draft a definitive regulatory measure appropriate to the situation once the impact assessment has been completed (amendment of Decree No 96-1133 of 24 December 1996 banning asbestos).

### 13. Confidentiality

NO

### 14. Fiscal measures

NO

### 15. Impact assessment

The impact assessment is in progress, involving all the other French ministries concerned (the Directorate-General of Competition, Consumer Affairs and the Prevention of Fraud, the Directorate-General of Customs and Indirect Taxes, the Enterprise Directorate-General and the Ministry responsible for health). They are working to identify all the tremolitic talc-based products sold in France and the categories of people exposed (workers, the general population). The present notified Order aims only to limit the exposure of workers.

### 16. TBT and SPS aspects

TBT aspect (Agreement on Technical Barriers to Trade)

- a) No
- b) iii) The draft will not have any notable impact on international trade.

SPS Aspect (Agreement on Sanitary and Phytosanitary Measures)

- a) No
- b) i) The draft is not a sanitary or phytosanitary measure pursuant to Annex A to the SPS Agreement.

ANNEX: data on preparations containing tremolitic talc  
(response to heading 10.f.)  
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According to the French National Research and Safety Institute for the prevention of accidents at work and work-related illnesses (INRS), tremolitic talc does not contain asbestos in the mineralogical sense of the word (cf. attached letter of November 2005). Thus, it appears that Decree No 96-1133 of 24 December 1996 banning asbestos does not apply.

However, any processing of this talc, in particular grinding, produces cleavage fragments. Some of these fragments have an intermediate form between the compact and fibrous forms of tremolite (the fibrous form is one of the six categories of asbestos fibre, CAS No 77536-68-6), and others correspond, in terms of particle shape and composition, to the definition of asbestos fibres (cf. the World Health Organisation's recognised method for counting fibres; attached letter from the INRS dated 6 December 2005).



Preparations made from tremolitic talc therefore contain cleavage fragments analogous to asbestos, as indicated by the INRS (see the aforementioned letters) and shown by analyses performed by various laboratories: analyses performed by the Laboratory for Research into Inhaled Particles (LEPI) and the Geological and Mining Research Office (BRGM) in accordance with French standard NF X 43-050, analysis method using an analytical transmission electron microscope, on a product made using tremolitic talc (anti-corrosion coating used by SNCF for trains); cf. attached results.

These facts justify passing a measure banning these preparations.

In addition, when these preparations are used or the equipment to which they are applied is maintained (sanding, shot-blasting, grinding, etc.), the tremolitic talc or the cleavage fragments could change their form to become even more similar to asbestos fibres.

Thus, the tremolitic talc and the cleavage fragments could be regarded as a 'reservoir' of asbestos fibres that are formed as preparations from tremolitic talc are manufactured and used.

#### Uses:

According to the information currently at our disposal, the products manufactured from this talc are coatings and paints. The coating is used by SNCF and some of its suppliers and sub-contractors to protect trains from corrosion. The paints are white route marking paints used for wall signs and marking tracks on the ground. (cf. letter from SNCF dated 19 July 2006).

#### Replacement products

Talcs that do not contain tremolite are available for manufacturing coatings and paints.

#### Expected impact of the measure:

The draft text aims to ban the sale and use for professional purposes of a preparation in order to protect the health of workers exposed to a serious risk.

It aims to prevent at source the exposure of workers to preparations made using tremolitic talc. Several cases of exposure have been observed and reported by the Labour Inspectorate (cf. letter dated 2 May 2006), and we need to take a general regulatory measure to resolve this dangerous situation.

This draft text is a temporary measure lasting 6 months, allowing workers to be protected immediately. It will also provide us with an administration period in which to draft a definitive regulatory measure appropriate to the situation once the impact assessment has been completed (amendment of Decree No 96-1133 of 24 December 1996 banning asbestos).

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