

## Environment - Switzerland

Asbestos-contaminated buildings: clean-up and disposal

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### Legal background

There is no general obligation under Swiss law to clean up real properties which contain asbestos.<sup>(1)</sup> Thus, in many cases, such properties may be left as they are. However, if the renovation or demolition of such a property is planned, then certain safety precautions must be taken.

The legal basis for these precautions is found mainly in the following treaties and national laws:

- the International Labour Organisation Asbestos Convention;<sup>(2)</sup>
- the Federal Act on Accident Insurance;<sup>(3)</sup> and
- the Federal Ordinance on Accident Prevention.<sup>(4)</sup>

Guideline 6503 of the Federal Coordination Commission for Occupational Safety (FCOS)<sup>(5)</sup> specifies the above-mentioned legislation and ensures its appropriate application. It also reflects the relevant acts and ordinances, such as the Federal Ordinance on Construction Works<sup>(6)</sup>. If employers comply with the FCOS guidelines, this indicates that they comply with the duties resulting from the provisions of the above-mentioned legislation.

In addition, local provisions apply and local registers of asbestos-contaminated buildings are available for some areas.

### Assessment of contaminated material

If a renovation or demolition of a real property containing asbestos is planned, the appropriate procedure must be chosen for the type of contamination. A distinction is made with regard to how strongly the critical material is bound with another material, usually cement or glue. Loosely-bound asbestos is found in shotcrete, pipe isolations or sealing rings, while firmly-bound asbestos is found in panels, cement products, roof slates or corrugated sheets.

Loosely-bound asbestos is considered to be a health hazard due to fibre release. Therefore, it must be determined whether a suspicious material contains asbestos fibres before renovation or demolition works begin. For this purpose, the relevant cantonal contact point for asbestos queries<sup>(7)</sup> can be contacted.

To obtain the required information, a material analysis is necessary<sup>(8)</sup> and a risk analysis should be prepared. Therein, an asbestos expert provides detailed information on the urgency of the renovation and possible temporary measures. If, pursuant to the risk analysis, a renovation is necessary but cannot start immediately (eg, for planning or financial reasons), the air in the relevant area, especially in the inside of buildings, should be analysed in order to avoid further exposing people to air borne asbestos fibres.

### Loosely-bound asbestos

With regard to the renovation of real property contaminated by loosely-bound asbestos,

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according to the FCOS guidelines, employers must notify any renovation works related to asbestos to the Swiss Accident Insurance Institution.<sup>(9)</sup> Also, renovation works relating to loosely-bound asbestos may be carried out only by firms with personnel with specialist skills. Employees who are exposed to asbestos fibres must periodically undergo medical checks. The FCOS guidelines also provide for detailed safety measures (eg, the wearing of respiratory devices and protection suits) and work processes.

### **Firmly-bound asbestos**

Firmly-bound asbestos is not considered to be a health hazard as long as the asbestos fibres are bound and not released through milling, abrading, drilling or similar processes. A notification requirement exists if there is a danger that asbestos fibres are released during the planned renovation works.

As far as the renovation of real property contaminated by firmly-bound asbestos is concerned, according to the FCOS guidelines, employers must prepare a workplace analysis and take applicable measures. If an employer cannot reliably assess the workplace, it must call in a specialist. If the assessment of the workplace shows that the required work can be done only under the guidance of a specialist, then a specialist must be present during the works. Employees must be instructed regarding the hazardousness of asbestos, work techniques and the appropriate handling of protection devices. Mechanical actions such as milling, drilling or breaking are to be avoided. If a high release of asbestos fibres is expected and a hazard of the environment cannot be discounted, the measures regarding loosely-bound asbestos must be taken, including the notification of the Swiss Accident Insurance Institution and having the relevant works carried out by a specialist firm.

### **Disposal of contaminated material**

The FCOS guidelines also set out provisions on the marking and disposal of materials contaminated by asbestos. It must be ensured that asbestos fibres of contaminated materials are not released in the course of subsequent works. This risk is reduced either by clearly demarcating all such areas or by registering them on an in-house plan or cadastre.

Safety precautions are also necessary for disposal. Materials which contain asbestos may be disposed of only according to the applicable disposal regulations<sup>(10)</sup> and the applicable cantonal provisions. Materials contaminated by asbestos that are being disposed of must be marked.<sup>(11)</sup> Responsibility for the implementation and enforcement of the relevant provisions lies with the cantons. As such, queries regarding the disposal of materials contaminated by asbestos are to be addressed to the cantonal authorities.

*For further information on this topic, please contact [Anne-Catherine Imhoff](#) or [Michael Lips](#) at Pestalozzi Attorneys at Law by telephone (+41 44 217 91 11), fax (+41 44 217 92 17) or email ([anne-c.imhoff@pestalozzilaw.com](mailto:anne-c.imhoff@pestalozzilaw.com) or [michael.lips@pestalozzilaw.com](mailto:michael.lips@pestalozzilaw.com)).*

### **Endnotes**

(1) BGE 136 II 142. For further details please see "[Supreme Court decides on asbestos-contaminated buildings](#)".

(2) Convention 162 concerning Safety in the Use of Asbestos (Asbestos Convention) of the International Labour Organisation.

(3) *Bundesgesetz über die Unfallversicherung*, SR 832.20.

(4) *Verordnung über die Unfallverhütung*, SR 832.30.

(5) *Eidgenössische Koordinationskommission für Arbeitssicherheit EKAS, Richtlinie* 6503.

(6) *Verordnung über die Sicherheit und den Gesundheitsschutz der Arbeitnehmerinnen und Arbeitnehmer bei Bauarbeiten*, SR 832.311.141.

(7) *Kantonale Anlaufstellen für Asbestfragen*.

(8) A list of laboratories that conduct asbestos analysis, as well as a list of specialist firms that carry out renovation works in case of materials containing loosely-bound asbestos, can be found at [www.suva.ch/asbest](http://www.suva.ch/asbest).

(9) *Verordnung über die Sicherheit und den Gesundheitsschutz der Arbeitnehmerinnen und Arbeitnehmer bei Bauarbeiten*, Article 60a.

(10) *Verordnung über den Verkehr mit Abfällen*, SR 814.610; *Technische Verordnung über Abfälle*, SR 814.600.

(11) *Verordnung zur Reduktion von Risiken beim Umgang mit bestimmten besonders gefährlichen Stoffen, Zubereitungen und Gegenständen*, SR 814.81, Annex 1.6.

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