
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF LABOUR**NO. R. 29****19 JANUARY 2018****OCCUPATIONAL HEALTH AND SAFETY ACT, 1003.****DRAFT ASBESTOS ABATEMENT REGULATIONS****INVITATION OF PUBLIC COMMENTS ON DRAFT ASBESTOS ABATEMENT REGULATIONS**

I, Nelisiwe Mildred Oliphant, Minister of Labour, hereby give notice that I intend, in terms of section 43 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), to make the regulations in the schedule.

Interested persons who wish to comment on the draft regulations are invited to do so in writing within 90 days from the date of publication of this notice, in the prescribed format (see annexure A).

All representations and comments must be sent to the Director-General of the Department of Labour.

By hand: The Department of Labour – attention: E Lourens

Laboria House

215 Francis Baard Street

Pretoria CBD

By post: The Director General

The Department of Labour – attention: E Lourens

Private Bag X117, Pretoria 0001

By Fax: 012 309 4763

By email: seapi.maloisane@labour.gov.za OR elize.lourens@labour.gov.za



NELISIWE MILDRED OLIPHANT

MINISTER OF LABOUR

17/10/2017

Comments/ Inputs on the Draft Asbestos Abatement Regulations as proposed by the Department of Labour.

Kindly provide inputs, corrections and /or comments in writing on the proposed Draft Asbestos Abatement Regulations in the following format:

Name and Surname:			E-Mail:			Phone number:		
Company name (if applicable)								
Government	Industry	Union	Consultancy	Private	Other			

1	Regulation and/or Sub regulation from draft, referring to	Comment/Input/Correction/Proposal Plus Motivation
Will the proposal have an impact on any other regulation? If so, which regulation and what will be the impact?		
2	Regulation and/or Sub regulation from draft, referring to	Comment/Input/Correction/Proposal Plus Motivation
Will the proposal have an impact on any other regulation? If so, which regulation and what will be the impact?		
3	Regulation and/or Sub regulation from draft, referring to	Comment/Input/Correction/Proposal Plus Motivation
Will the proposal have an impact on any other regulation? If so, which regulation and what will be the impact?		
General Comments:		

Signature: _____

Date: _____

Provide inputs to the Department of Labour by e-mailing this completed document to:
seapi.maloisane@labour.gov.za and elize.lourens@labour.gov.za or by Faxing it to 012-3094763

DRAFT ASBESTOS ABATEMENT REGULATIONS, 2018

DRAFT

DRAFT
ASBESTOS ABATEMENT REGULATIONS, 2016

1. Definitions

In these Regulations, any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the text otherwise indicates-

“approved asbestos inspection authority”

means (an inspection authority approved by the chief inspector: Provided that an inspector with respect to any particular service shall be an approved asbestos inspection authority with respect to that service only); a person who, with the aid of specialized knowledge or equipment or after such investigations, tests, sampling or analyses as the approved asbestos inspection authority may consider necessary, and, whether for reward or otherwise, renders a service by making specific findings, purporting to be objective findings, as to-

- (a) the health of any person;
- (b) the safety or risk to health of any work, article, substance, plant or machinery, or of any condition prevalent on or in any premises; or
- (c) the question of whether a particular standard has been or is being complied with, with respect to any work, article, substance, plant or machinery, or with respect to work or a condition prevalent on or in any premises, or with respect to any other matter, and by issuing a report, stating such findings, to the person to whom the service is rendered; and
- (d) is accredited by the South African National Accreditation System in terms of Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act, 2006 (Act No. 19 of 2006) and approved by the chief inspector with respect to a particular service: Provided that, an inspection authority approved by the chief inspector with respect to any particular service must be an approved inspection authority with respect to that service only;

“approved plan of work”

means a written plan of work, as contemplated in regulation 15, that is at least co-signed by the asbestos client, registered asbestos contractor and approved asbestos inspection authority;

“asbestos”

means the following fibrous silicates-

- (a) asbestos actinolite, CAS No 77536-66-4;
- (b) asbestos grunerite (amosite), CAS No 12172-73-5;
- (c) asbestos anthophyllite, CAS No 77536-67-5;
- (d) chrysotile, CAS No 12001-29-5 or CAS No 132207-32-0;
- (e) crocidolite, CAS No 12001-28-4;
- (f) asbestos tremolite, CAS No 77536-68-6; and
- (g) any mixture containing these fibrous silicates;

“asbestos disposal site”

means a sites specifically designated for this disposal purpose in terms of the Environment Conservation Act, 1989 (Act No. 73 of 1989), and the National Environmental Management Act, 1998 (Act No. 107 of 1998),

“asbestos cement products”

means a range building materials that were manufactured, using moulding and compression techniques, consisting of a hardened mixture of asbestos fibres, cement and water which when dry are capable of absorbing less than 30% water by weight;

“asbestos clearance certificate”

means a written document verifying that the regulated asbestos fibre concentration in air meets the clearance indicator;

“asbestos client”

means any person for whom asbestos work is being performed;

“asbestos coatings”

means a surface coating which contains asbestos for fire protection, heat insulation or sound insulation but does not include textured decorative coatings;

“asbestos containing material”

means asbestos as well as any material that contains asbestos and includes asbestos cement products, asbestos coating, asbestos insulation board, asbestos insulation, asbestos textured decorative coatings, asbestos contaminated soil and other asbestos containing materials;

“asbestos dust”

means airborne or settled dust, which contains or is likely to contain regulated asbestos fibres;

“asbestos in place”

includes any asbestos, asbestos cement products, asbestos coatings, asbestos containing material, asbestos dust, asbestos insulation, asbestos insulation board and asbestos waste, at the workplace;

“asbestos insulation”

means any material containing asbestos which is used for thermal, acoustic or other insulation purposes, including fire protection, except-

- (a) asbestos cement, asbestos coating or asbestos insulating board; or
- (b) any article of bitumen, plastic, resin or rubber which contains asbestos and the thermal and acoustic properties of that article are incidental to its main purpose;

“asbestos insulating board”

means any flat sheet, tile or building board consisting of a mixture of asbestos and other material except-

- (a) asbestos cement; or
- (b) any article of bitumen, plastic, resin or rubber which contains asbestos, and the thermal or acoustic properties of the article are incidental to its main purpose;

“asbestos-related work”

any work related to repair or disturbance of asbestos or materials containing asbestos, but does not include removal;

“asbestos removal manager”

means a competent person responsible for the management of the physical asbestos removal processes, coordination, administration and management of resources on an asbestos removal site;

“asbestos removal site”

means a workplace where asbestos removal work is being performed;

“asbestos removal supervisor”

means a competent person responsible for supervising the physical asbestos work processes and coordination of asbestos removal on an asbestos removal site;

“asbestos waste”

means an undesirable or superfluous asbestos or asbestos containing product, emission or residue of any process or activity that has been-

- (a) discarded by any person;
- (b) accumulated and temporarily stored with the purpose of discarding it with or without prior treatment connected with the discarding thereof;

“asbestos work”

means work that exposes or is likely to expose an employee to asbestos dust;

“assessment of potential exposure”

includes risk assessment of exposure to asbestos dust and risk categorisation

“CAS number”

means Chemical Abstract Service Number;

“chief director provincial operations”

means the provincial director as defined in regulation 1 of the General Administrative Regulations published under Government Notice R. 1449 of September 1996;

“clearance indicator”

means the measured airborne concentration of regulated asbestos fibres in air less than 0.01 f/ml, as measured in accordance with HSG 248 or equivalent method;

“ COIDA”

means Compensation for Occupational Injuries and Diseases Act No. 130 of 1993: as amended by Compensation for Occupational Injuries and Diseases Amendment Act, No 61 of 1997

“competent person”

means a person who-

- (a) has in respect of the work or task to be performed, the required knowledge, training and experience and, where applicable, qualifications, specific to that work or task: Provided that where applicable, qualifications and training are registered in terms of the provisions of the National Qualification Framework Act 2000, those qualifications and that training must be regarded as the required qualifications and training; and
- (b) is familiar with the Occupational Health and Safety Act and regulations;

“demolition work”

means a method to dismantle, wreck, break, pull down or knock down of a structure or part thereof by way of manual labour, machinery or the use of explosives;

“environmental air monitoring”

includes static air monitoring for regulated fibres taken downwind from outdoor type 2 asbestos work or outside asbestos enclosures where type 3 asbestos work is performed, or in any area where there is the potential for asbestos contamination;

“exposed to asbestos”

means exposed or likely to be exposed to asbestos dust while at the workplace, and “exposure” has a corresponding meaning;

“HSG 248”

means the asbestos: the analysts’ guide for sampling, analysis and clearance procedure published in 2006;

“incidental asbestos exposure”

means unintentional exposure to airborne asbestos at a workplace where asbestos is present;

“monitoring”

means the planning and carrying out of a measurement programme and recording the results thereof;

“occupational exposure limit or OEL”

means a limit value set by the Minister for a stress factor in the workplace;

“occupational exposure limit for asbestos”

means an occupational exposure limit of 0.2 regulated asbestos fibres per milliliter of air measured in accordance with HSG 248;

“registered asbestos contractor”

means either a contractor registered as type 2, or type 3 asbestos contractor, a mandatory or employer who conducts asbestos removal work, who is registered with the chief inspector;

“regulated asbestos fibre”

means a particle of asbestos with a length-to-diameter ratio greater than 3 to 1, a length greater than 5 micrometres and a diameter less than 3 micrometres;

“regulated asbestos area”

means an area contemplated in regulation 16;

“removal of asbestos”

means all tasks included in the process of removing asbestos from the location specified in the inventory of asbestos in place, to the final disposal site;

“repair of asbestos containing materials”

means to restore to a safe condition after damage using non-destructive methods in a manner that does not cause the release of asbestos fibres;

“risk categorization”

means the grouping of potential asbestos exposure risks, as contemplated in regulation 5(3);

“respiratory protective equipment”

means a device which is worn over at least the mouth and nose to prevent the inhalation of air that is not safe;

“short-term exposure limit”

means the concentration to which employees can be exposed continuously for a short period of time, which is a 10-minute Time-Weighted Average (TWA) exposure for asbestos, which should not be exceeded at any time during the working day even if the 4-hour TWA is within the OEL-TWA;

“the Act”

means the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993);

"Type 1 asbestos work"

means -

- (a) painting of asbestos cement products in a manner that does not require surface preparation, and does not cause the release of asbestos fibres or;
- (b) removal of less than 10 square meters of asbestos cement products or equivalent gutters and piping or asbestos insulating board in line with Guidance Note 001, entitled Asbestos Removal;
- (c) does not require registration as a registered asbestos contractor with the chief inspector;

"type 2 asbestos work"

means-

- (a) repair or encapsulating of asbestos cement products in a manner that does not require surface preparation;
- (b) the removal of asbestos cement products or asbestos insulating board in line with Guidance Note 001, entitled Asbestos Removal;
- (c) requires registration as a type 2 registered asbestos contractor with the Chief Inspector;

"type 3 asbestos work"

means-

- (a) removal, repair or encapsulation of any asbestos and asbestos containing material in line with Guidance note 001, entitled Asbestos Removal;
- (b) requires registration as a type 3 registered asbestos contractor with the Chief Inspector;

"UN Transport of Dangerous Goods or UN Orange Book"

means the UN Recommendations on the Transport of Dangerous Goods Model Regulations Volumes 1 and 2 and, which are guidance documents developed by the United Nations to harmonize dangerous goods transport regulations;

2. Scope of application

- (1) Subject to sub-regulation (2), these regulations shall apply to every employer and self-employed person who may expose any employee to asbestos dust at that workplace;
- (2) Regulations 5(2), 8(1), 9(1), 10(4), 13(1)(b), 13(3)(c) and (d), 17(4), 18(4),(5) and (6), 19(6) and 23 shall not apply in the case of self-employed persons;

3. Identification of asbestos in place

An employer or self-employed person shall ensure, as far as is reasonably practicable, that-

- (a) all asbestos containing materials at the workplace are identified by a competent person;
- (b) if it is uncertain whether the suspected material contains asbestos, then either the employer may deem that the material contains asbestos or the employer shall arrange for a sample of the material to be analysed for the presence of asbestos, by a laboratory that has competence to carry out such analysis;
- (c) if part of the workplace is inaccessible and deemed by a competent person likely to contain asbestos, it should be assumed that asbestos is present in that area;

- (d) if no asbestos is identified as per paragraphs (a), (b) and (c), the workplace shall be substantiated in writing as asbestos free, by a competent person.

4. Inventory of asbestos in place

- (1) An employer or self-employed person shall obtain the services of a competent person to ensure that all asbestos identified or is assumed to contain asbestos, as contemplated in regulation 3, is entered into an inventory of asbestos in place, which is kept at the workplace or premises.
- (2) With regard to any disagreement as to whether any substance is in fact asbestos, the health and safety representative, committee or a person nominated by the employees may require that a sample of that substance be taken and definitive identification of the substance be determined by an approved asbestos inspection authority, provided that the cost of the identification shall be borne by the employer.
- (3) The inventory of asbestos in place must contain, as far as is reasonably practicable, the following information on each of the asbestos containing materials-
 - (a) the date when the material was identified;
 - (b) a description of the material, quantity such as volume or area, and extent of deterioration;
 - (c) the location detailed on a floor plan;
 - (d) confirmation of labelling and signage as required by regulation 20;
 - (e) the risk categorization derived from the assessment of potential exposure as detailed in regulation 5(3);
 - (f) a description of future task and incident related potential exposure scenarios, as required in regulation 6(2)(b).
- (4) The employer or self-employed person shall ensure that a competent person must review and if necessary, revise the inventory of asbestos in place for the workplace at intervals not exceeding 24 months.
- (5) The inventory of asbestos in place should be revised more frequently if-
 - (a) further asbestos containing material is identified;
 - (b) the asbestos containing material has significantly deteriorated, is removed from or damaged, sealed, coated or encapsulated.
- (6) Where asbestos removal or repair is planned, information in the inventory of asbestos in place shall be adequately detailed with respect to the work to be carried out.
- (7) The employer, self-employed person or asbestos client must ensure that a copy of the inventory of asbestos in place or relevant part thereof, is-
 - (a) given to the mandatory before any asbestos removal or repair work commences;
 - (b) given to the registered asbestos contractor before asbestos removal or repair commences;
 - (c) readily accessible to employees and health and safety representatives at that workplace;
 - (d) in the case of transfer of ownership, provided to the new owner of the premises.
- (8) The mandatory who carries out asbestos removal or repair work at a workplace must-
 - (a) obtain a copy of the asbestos inventory from the employer, self-employed person or client;

- (b) if suspected asbestos containing materials is located on the structure or plant, inform the employer, self-employed person or client who shall undertake to ensure that a competent person determines whether the substance in question is asbestos containing material.
- (9) For all work carried out at a workplace where there is the potential for exposure to airborne asbestos, then-
- (a) the employer, self-employed person or client as the case may be, must ensure that the person authorising such work, is given a copy of the inventory of asbestos in place;
 - (b) the person authorising the work contemplated in paragraph (a), from the inventory of asbestos in place, shall determine what future task and incident related potential exposure scenarios are applicable to the work, including identifying recommended controls;
 - (c) the employer, self-employed person or client as the case may be, shall ensure that the recommended controls are implemented with regard to the work.
- (10) All asbestos containing material listed in the inventory of asbestos in place, as required by regulation 4, shall be clearly labeled or provided with signage in accordance with regulation 20.

5. Assessment of potential exposure

- (1) If asbestos is identified in terms of regulation 3, then the employer or self-employed person shall ensure that an assessment of potential exposure is carried out by a competent person at intervals not exceeding 24 months;
- (2) An employer contemplated in sub-regulation (1) shall, before causing an assessment to be made, consult with the relevant health and safety representative or relevant health and safety committee and thereafter inform them in writing of the arrangements made for the assessment, give them reasonable time to comment thereon and ensure that the results of the assessment are made available to them for comment.
- (3) The assessment shall have as an outcome, a risk categorisation based on the potential for exposure to asbestos, for each item of asbestos containing material, which should be derived from the following-
- (a) the health impacts of asbestos;
 - (b) the number of persons potentially exposed at the workplace;
 - (c) the time duration persons spend in the area;
 - (d) the potential for damage or disturbance of asbestos containing materials at the workplace including, maintenance activities, potential incidents and normal occupant activities;
 - (e) the condition of asbestos containing material, including state of deterioration.
- (4) The risk categorisation contemplated in sub-regulation (3) must be used to determine if there is a need for keeping in place, repair or removal of the asbestos containing material.
- (5) The assessment of potential exposure, resulting from asbestos repair work as required in sub-regulation (1), (2) and (3), shall include the following-
- (a) specify each job step attached to the work;
 - (b) the assessed risk of any asbestos exposure, relating to each job step;
 - (c) the controls necessary to reduce risk of exposure as low as is reasonably practicable.
- (6) The assessment of potential exposure, resulting from asbestos removal work as part of the plan of work as contemplated in regulation 15, for asbestos containing materials identified for removal, shall consider the following-

- (a) aspects detailed in sub-regulation (5);
- (b) the risk assessment carried out in accordance with regulation 13(2);
- (c) the potential exposure of persons other than employees;
- (d) the potential contamination of the air, ground and water;
- (e) the thorough decontamination of employees and the workplace;
- (f) the transportation of asbestos containing materials and asbestos waste;
- (g) emergency scenarios.

- (7) An employer or self-employed person shall obtain the services of an approved asbestos inspection authority, who shall review and endorse the following at intervals not exceeding 5 years, provided that the review and endorsement is not required if the work was carried out by an approved asbestos inspection authority-

- (a) the inventory of asbestos in place, as required by regulation 4;
- (b) the assessment of potential exposure as required by sub-regulation (1).

6. Asbestos management plan

- (1) If asbestos containing materials are identified, as required in regulation 3, the employer or self-employed person must ensure that a written asbestos management plan for the workplace, is prepared by a competent person.

- (2) The asbestos management plan must include at least the following:

- (a) a procedure that contains at least measures related to-

- (i) the implementation of regulations 3, 4, 5 and 8 at the workplace;
- (ii) the repair, removal and management of asbestos containing materials;
- (iii) the implementation of the Regulations for Prohibition of the Use, Manufacture, Import and Export of Asbestos and Asbestos Containing Material, 2007;

- (b) where asbestos containing materials have been identified in the inventory of asbestos in place, a specific procedure which will, as far as is reasonably practicable, reduce the risk of exposure of employees as well as incidental asbestos exposure, for the following scenarios-

- (i) incidents;
- (ii) emergencies;
- (iii) removal work;
- (iv) repair work.

- (c) a policy, procedure and implementation plan, for the phasing out of existing asbestos containing materials at the workplace, which considers the following-

- (i) the principle of reasonably practicable;
- (ii) reasons for decisions.

- (3) The employer or self-employed person shall review and if necessary revise the asbestos management plan at intervals not exceeding 8 years or if any information contemplated in sub-regulation (2) changes.

7. Information and training

- (1) An employer shall,

- (a) provide information to persons who may have incidental asbestos exposure-
 - (i) through induction training upon employment; or
 - (ii) when the inventory of asbestos in place is reviewed;
- (b) ensure information and training contemplated in paragraph (a) shall include at least-
 - (i) the sources of potential exposure, as identified in the inventory of asbestos in place, contemplated in regulation 4;
 - (ii) the potential health risks associated with exposure to asbestos;
 - (iii) procedures, including exposure controls and personal decontamination to be followed when asbestos containing materials have been damaged, or in the event of an accidental spillage or any other similar emergency situation likely to result in the release of asbestos dust;
 - (iv) safe disposal of asbestos waste;
 - (v) procedures for record keeping and
 - (vi) matters contemplated in regulation 4.
- (2) Where an employee undertakes non-asbestos related work, where there is a potential for exposure to asbestos dust, the employer shall ensure that the employee is adequately and comprehensively informed and trained on both the practical aspects and theoretical knowledge, with regard to-
 - (a) sources of potential exposure identified in the inventory of asbestos in place, as contemplated in regulation 4;
 - (b) potential health risks associated with exposure to asbestos;
 - (c) tasks and incident related potential exposure scenarios as well as precautionary measures to be taken to prevent exposure;
 - (d) procedures to be followed in the event of an accidental disturbance or any other similar emergency situation likely to result in the release of asbestos dust.
- (3) In the case of asbestos removal or repair as contemplated in regulation 13(1), the employer shall ensure that all asbestos removal managers, supervisors and employees are adequately and comprehensively informed and trained on both the practical aspects and theoretical knowledge, with regard to-
 - (a) the occupational exposure limit and its meaning;
 - (b) the importance of good housekeeping at the workplace and personal hygiene;
 - (c) the contents of plans of work regarding the handling, removal and temporary storage of any asbestos containing material;
 - (d) the correct use of control measures to limit the spread of asbestos dust outside the regulated asbestos area;
 - (e) control measures to limit the exposure of employees inside the regulated asbestos area;
 - (f) procedures to be followed in the event of an accidental spillage, disturbance or any other similar emergency situation likely to result in the release of asbestos dust;
 - (g) procedures for reporting and correcting defects likely to result in the release of asbestos dust;
 - (h) safe disposal of asbestos waste.
- (4) Training contemplated in sub-regulation (3) shall-
 - (a) be provided by a person deemed competent by the chief inspector;
 - (b) have a minimum contact duration of 8 hours;
 - (c) as an outcome, provide employees with asbestos training certificates.

- (5) Refresher training shall be given at least every year or at more frequent intervals with a minimum contact duration of 2 hours.
- (6) Training should be given more frequently than once a year if-
 - (a) work methods change;
 - (b) the type of work carried out changes significantly; or
 - (c) the type of equipment used to control exposure changes or
 - (d) deemed a requirement by the occupational health and safety committee.
- (7) An employer shall ensure up to date records of employee training, is made available at the relevant asbestos work site.
- (8) An employer shall ensure current employee asbestos training certificates, as contemplated in sub-regulation 4(c), are provided to employees upon termination of employment.
- (9) An employer or a self-employed person shall provide procedures and instruction contemplated in sub-regulations (2), (4) and (5) to the drivers of vehicles transporting asbestos-containing materials or asbestos waste.

8. Duties of persons who may be exposed

- (1) Employees who may be exposed to asbestos in place shall-
 - (a) obey any lawful instruction pertaining to occupational health and safety given by or on behalf of the employer;
 - (b) attend asbestos awareness training on the inventory of asbestos in place for the building;
 - (c) report on any asbestos containing material that has been damaged, to the employer or health and safety representative for the workplace as the case may be, who shall report it to the employer.
- (2) Persons conducting non-asbestos related maintenance and who may be exposed to asbestos, shall-
 - (a) obtain a copy of the relevant part of the inventory of asbestos in place for the applicable workplace where non-asbestos related maintenance will be carried out;
 - (b) prevent damage to, or disturbance of asbestos in place;
 - (c) if damage or disturbance does occur, stop work immediately and report to employer or health and safety representative for the workplace as the case may be, who shall report it to the employer.
- (3) Persons conducting type 1 asbestos work, shall-
 - (a) obtain a copy of the relevant part of the inventory of asbestos in place for the workplace;
 - (b) demarcate the regulated asbestos area as required in regulation 16, to prevent unauthorised entry, using signage as per Annexure 1;
 - (c) as far as is reasonably practicable, use non-destructive wet methods during removal procedures;
 - (d) ensure the appropriate tools and equipment are used in order to limit, as far as reasonably practicable, the release of asbestos dust;
 - (e) ensure thorough decontamination of the equipment;
 - (f) contain, label and dispose of asbestos waste in terms of regulation 21;
 - (g) ensure that used disposable overalls and respiratory protective equipment, where applicable, are disposed of as asbestos waste.

- (4) Any person involved in type 2 and type 3 asbestos work and who may be exposed to asbestos at the workplace, shall obey any lawful instruction pertaining to occupational health and safety, given by or on behalf of the employer or a self-employed person, regarding-
- (a) complying with requirements of the asbestos plan of work that has been approved for that site specific asbestos work, in terms of regulation 15;
 - (b) as far as is reasonably practicable use non-destructive wet methods during removal procedures;
 - (c) the prevention of asbestos dust from becoming airborne;
 - (d) the appropriate type and use of personal protective equipment and clothing;
 - (e) the wearing of monitoring equipment to measure personal exposure to asbestos;
 - (f) the reporting for medical surveillance as required by regulation 18;
 - (g) the cleaning up and disposal of any asbestos waste;
 - (h) the decontamination of the structure of a workplace, building or plant, of any visible dust residue where asbestos removal work has been undertaken;
 - (i) housekeeping at the workplace, personal hygiene, good environmental and health practices including eating, drinking and smoking in designated places as provided;
 - (j) information and training received as contemplated in regulation 7;
 - (k) the correct decontamination procedures to be followed as prescribed in the approved plan of work.

9. Disputes

- (1) The following provisions apply if there is uncertainty with regards to, or a dispute arises as to the classification into type 1, 2 or 3 asbestos work, under this section-
- (a) the employer or self-employed person responsible for the work area where asbestos work is to be carried out, shall obtain the services of an approved asbestos inspection authority, who shall make a decision as to the type of asbestos work; or
 - (b) the employer or self-employed person responsible for the work area where asbestos work is to be carried out, shall refer the dispute to the chief inspector, who shall make a decision as to the type of asbestos work-
 - (i) the employer or self-employed person responsible for the work area who notifies the inspector shall promptly inform other parties that the approved asbestos inspection authority or chief inspector has been notified;
 - (ii) the approved asbestos inspection authority or chief inspector shall investigate the matter and give the parties a decision in writing within 30 days;
 - (iii) work on the asbestos under dispute shall cease until a decision under sub-regulation (2) is obtained.
- (2) Should a dispute arise over the interpretation relating to matters in sub-regulation (2)(a), the affected person may appeal against the interpretation to the chief inspector.

10. Control of exposure to asbestos

- (1) An employer or self-employed person shall ensure that the exposure of a person to asbestos is either prevented, or where this is not reasonably practicable, adequately controlled: Provided that the control of the exposure shall be regarded as adequate if the measured airborne concentration of regulated fibres is-
- (a) at or below the OEL for asbestos; or

- (b) above the OEL for asbestos but the reason has been identified and action is taken, as soon as is reasonably practicable to lower airborne concentrations to a level as low as reasonably practicable below the OEL for asbestos.
- (2) Where reasonably practicable, an employer or self-employed person shall control the exposure -
- (a) by limiting the number of persons who will be exposed or may be exposed;
 - (b) by limiting the period during which persons will be exposed or may be exposed;
 - (c) by limiting the amount of asbestos dust that may contaminate the working environment;
 - (d) by introducing, inter alia, the following engineering control measures for the control of exposure-
 - (i) process separation or enclosure;
 - (ii) bonding of asbestos fibres with other materials to prevent the release of asbestos dust;
 - (iii) the use of wet methods where appropriate;
 - (iv) the provision of a negative pressure unit, with filtration efficiency of at least 99% for particles 1 µm in size in the case of type 3 asbestos work with a fault indicator to provide early warning of a failure of the negative pressure unit;
- (3) With regard to the contamination of water with asbestos-
- (a) any water that is contaminated with asbestos as a result of work being performed is passed through a filtration system before being released into any environment or water system; and
 - (b) a suitable water filtration system is used which will ensure that the quantity of asbestos released or entering into any environment or water system, is reduced as far as reasonably practicable;
 - (c) contaminated parts of the filtration system, when discarded, are disposed of as asbestos waste.
- (4) By introducing appropriate written work procedures that an employee must follow to ensure that-
- (a) asbestos containing materials are handled, safely and disposed of in the appropriate manner;
 - (b) installations, equipment, tools and negative pressure units are safely used, decontaminated and maintained.
- (5) An employer or self-employed person shall forthwith report to the chief director, provincial operations, by telephone or electronic mail or similar means of communication, any spill, disturbance or uncontrolled release of asbestos which may be considered a health hazard.

11. Notification of asbestos work

- (1) No employer, self-employed person or client shall carry out any type 1 asbestos work unless the chief director, provincial operations has been notified in writing of the location, venue and contact details of where the asbestos work will be done, 7 days prior to the commencement of such work.
- (2) No employer, self-employed person or client shall carry out any type 2 or type 3 asbestos work unless the chief director, provincial operations has been notified in writing, 7 days prior to the commencement of such work.

- (3) A shorter time period for notification contemplated in sub-regulations (1) and (2), may be allowed in the event of an emergency, at the discretion of the chief director, provincial operations.
- (4) Written notification contemplated in sub-regulation (2) must be provided in the format as indicated on Annexure 2.

12. Duties of the asbestos client for asbestos work

- (1) Where asbestos forms part of the structure of a workplace, building, plant or premises, the employer or self-employed person shall-
 - (a) take reasonable steps to ensure that he or she determines the location of asbestos in such workplace, buildings, plant or premises;
 - (b) make and maintain a written inventory of the location of asbestos in such workplace, buildings, plant or premises as required in regulation 4(2).
- (2) A client, employer or self-employed persons carrying out type 1 asbestos work shall-
 - (a) provide an up to date inventory of asbestos in place when asbestos work is planned;
 - (b) ensure that an asbestos risk assessment is carried out prior to asbestos work;
 - (c) ensure a written safe work procedure is developed and followed;
 - (d) as far as reasonably practicable, provide adequate information and instruction to any persons who may be exposed to asbestos as a result of that asbestos work.
- (3) A client, employer or self-employed persons planning type 2 or type 3 asbestos work shall-
 - (a) provide an up to date inventory of asbestos in place, to the registered asbestos contractor and approved asbestos inspection authority;
 - (b) if asbestos containing material intended for removal or repair is not identified in the inventory of asbestos in place, the inventory must first be reviewed and updated;
 - (c) ensure that an asbestos risk assessment is carried out prior to asbestos work;
 - (d) ensure that the appropriately registered, asbestos contractor, performs type 2 or type 3 asbestos work as per the asbestos plan of work;
 - (e) ensure that the client has co-signed the asbestos plan of work for the asbestos repair or removal work to be carried out;
 - (f) stop any registered asbestos contractor from executing any asbestos work which poses a health or safety risk to persons until such time as the risk has been appropriately mitigated;
 - (g) ensure before any asbestos work commences on site that the registered asbestos contractor is registered and in good standing with the compensation fund or with a licensed compensation insurer and contemplated in the COID Act, 1993;
 - (h) where a fatality or permanent disabling injury occurs during asbestos work, the client shall ensure that a report is provided to the chief director, provincial operations as contemplated in section 24 of the Act, and in accordance with regulations 8 and 9 of the General Administrative Regulations 2013.
- (4) After completion of type 2 and type 3 asbestos work, obtain an asbestos clearance certificate from the approved asbestos inspection authority.

13. Duties of the registered asbestos contractor for asbestos work

- (1) In the case of type 2 and type 3 asbestos work, the registered asbestos contractor shall-

- (a) only undertake the type of asbestos work for which they are registered by the chief inspector;
 - (b) appoint an occupational health and safety representative, as contemplated in section 17 of the Occupational Health and Safety Act;
 - (c) obtain a copy of an up to date inventory of asbestos in place, from the client, prior to asbestos work taking place.
- (2) Before commencement of any asbestos work and during such work, the registered asbestos contractor shall ensure risk assessments are performed that include-
- (a) the identification of the hazards to which persons may be exposed;
 - (b) assessment of the risks related to the hazards, based on a documented method;
 - (c) documented control measures to mitigate the risk;
 - (d) the risk assessment shall be reviewed-
 - (i) at regular documented intervals;
 - (ii) when an incident has occurred;
 - (iii) when the scope of work changes;
 - (e) ensure that an up to date copy of the risk assessment is made available at the relevant asbestos work site;
- (3) The registered asbestos contractor shall-
- (a) ensure that the approved plan of work is submitted to the chief director, provincial operations, at least 7 days prior to commencement of asbestos work;
 - (b) appoint in writing an asbestos supervisor to each asbestos work site, that shall ensure;
 - (i) ensure occupational health and safety compliance on the asbestos removal site
 - (ii) compliance to safe asbestos removal or repair procedures
 - (iii) correct use of personal protective equipment
 - (iv) proper decontamination and waste disposal
 - (c) adhere to the repair or removal methodology and associated control measures provided in the plan of work, approved for that specific asbestos work;
 - (d) ensure that employee medical and training records are available on site for inspection and validation;
 - (e) ensure at least the following information for every employee is recorded and kept for a minimum period of 40 years-
 - (i) physical address of every asbestos work project;
 - (ii) name and identification numbers of employees potentially exposed
 - (f) before commencement of asbestos work, ensure that-
 - (i) all equipment has been decontaminated and maintained in good working order;
 - (ii) registration is in good standing with the compensation fund or with a licensed compensation insurer as contemplated in the COID Act, 1993;
 - (g) where a fatality or permanent disabling injury occurs during asbestos work, ensure that a report is provided to the chief director, provincial operations as contemplated in section 24 of the Act, in accordance with regulations 8 and 9 of the General Administrative Regulations 2013 and that the report includes the measures that the contractor intends to implement to ensure safe asbestos work.

14. Duties of the approved asbestos inspection authority for asbestos work

An approved asbestos inspection authority involved in type 2 or 3 asbestos work shall-

- (a) ensure that the appropriately registered, registered asbestos contractor, only performs type 2 or type 3 asbestos work as the case may be;
- (b) in consultation with the registered asbestos contractor, compile and approve a plan of work;
- (c) submit the approved plan of work, at least 7 days prior to commencement of the asbestos work, to the chief director, provincial operations, for acknowledgment;
- (d) verify employee medical and asbestos training records for that asbestos work;
- (e) provide guidance and site specific instructions to the registered asbestos contractor on the approved plan of work;
- (f) inspect adherence to the approved plan of work and requirements of these regulations;
- (g) stop any registered asbestos contractor from executing any asbestos work which poses a health or safety risk to persons until such time as the risk has been appropriately mitigated;
- (h) perform planned asbestos air monitoring in accordance with regulation 17;
- (i) issue a written report which includes findings and where necessary recommendations;
- (j) ensure that upon completion of type 2 and type 3 asbestos work, clearance is performed in accordance with HSG 248 and that an asbestos clearance certificate is issued in accordance with regulation 22.

15. Minimum contents of a plan of work

A written, approved plan of work, as contemplated in regulation 14 (b) must include at least the following-

- (a) name, contact details and responsibilities of the registered asbestos contractor, approved asbestos inspection authority, asbestos waste transporter, asbestos waste disposal site and client where applicable;
- (b) name and contact details of asbestos removal manager and asbestos removal supervisor for the asbestos work site;
- (c) details of the asbestos to be removed, including the location, type, estimated quantity and condition of the asbestos;
- (d) a list of employee names and identification numbers with verification of valid asbestos training and medical surveillance records, for the asbestos work site;
- (e) expected commencement and completion dates;
- (f) air monitoring method used and frequency in accordance with regulation 17;
- (g) details of how the asbestos removal work will take place including the methods of removal, tools and equipment and appropriate personal protective equipment to be used;
- (h) details relating to the requirements of decontamination facilities and decontamination procedures;
- (i) details of demarcation, labelling and signage requirements of regulated asbestos areas, asbestos waste and temporary on-site storage areas;
- (j) procedure for decontamination of the work area, tools and equipment;
- (k) emergency procedures in the event of an uncontrolled asbestos release;
- (l) disposal method of the asbestos waste
- (m) detail of asbestos clearance certification;
- (n) specific relevant prohibitions.

16. Regulated asbestos area

An employer or self-employed person undertaking type 1, 2 or 3 asbestos work shall-

- (a) clearly demarcate and identify, the relevant area as a regulated asbestos area in accordance with regulation 20;
- (b) ensure no person enters or remains in a regulated asbestos area unless he or she wears the appropriate type and correctly fitted respiratory protective equipment and protective clothing, as contemplated in regulation 19.

17. Air monitoring

- (1) In the case of type 2 and type 3 asbestos work an asbestos client shall ensure that air monitoring of the concentration of airborne regulated fibres to which an employee may be exposed, is-
 - (a) performed by an approved asbestos inspection authority;
 - (b) carried out in terms of HSG 248;
 - (c) representative of employee exposure;
 - (d) carried out at a frequency determined by the approved asbestos inspection authority based on the site specific asbestos risk assessment.
- (2) Results obtained referred to in sub-regulation (1), shall be compared against the OEL to ensure that no employee is exposed to asbestos in excess of the prescribed OEL.
- (3) Environmental air monitoring to be performed by an approved asbestos inspection authority during type 2 and type 3 asbestos work.
- (4) Air monitoring referred to in sub-regulations (1) and (3) shall be carried out only after the relevant health and safety representative or relevant health and safety committee has been consulted and was given a reasonable opportunity, as mutually agreed upon, to comment thereon.

18. Medical surveillance

- (1) Every type 2 and 3 registered asbestos contractor shall ensure all employees involved in asbestos work and are likely to be exposed to asbestos dust, are under the medical surveillance of an occupational medicine practitioner.
- (2) Medical surveillance is not mandatory for a self-employed persons performing type 1 asbestos work.
- (3) In order to comply with sub-regulation (1), a type 2 and type 3 registered asbestos contractor shall ensure that a structured medical surveillance programme be drawn up as a condition of employment, by an occupational medicine practitioner which shall include at least the following-
 - (a) an initial health evaluation, carried out by an occupational medicine practitioner or occupational health practitioner immediately or within 7 days after a person commences employment, which shall include at least the following-
 - (i) an evaluation of the employee's medical and occupational history;
 - (ii) an appropriate physical examination;
 - (iii) additional tests which should include pulmonary function testing; and
 - (iv) any other essential medical examination such as chest x-rays which, in the opinion of the occupational medicine practitioner are necessary in order to enable such practitioner to perform an appropriate health evaluation;
 - (b) subsequent to the initial health evaluation contemplated in paragraph (a), evaluations of the relevant employee, as contemplated in paragraph (a)(ii) and (iii), at intervals not exceeding two years, or at shorter intervals as specified by an occupational medicine practitioner.

- (4) An employer shall not permit or allow an employee who has been certified unfit for work by an occupational medicine practitioner, to perform asbestos work: Provided that the relevant employee may be permitted to return to work if he or she is certified fit for that work beforehand by an occupational medicine practitioner.
- (5) Where the reason for the employee being certified unfit as contemplated in sub-regulation (3) is as a result of exposure to asbestos, the employer and occupational medicine practitioner shall without delay record and investigate the incident of exposure in accordance with regulation 8 of the General Administrative Regulations.
- (6) An employer shall ensure current employee medical certificates, as contemplated in sub-regulation (3), are provided to the employee upon termination of their employment.
- (7) Reporting of incidents and disease to CI and COIDA

19. Personal protective equipment and facilities

- (1) An employer or self-employed person shall-
 - (a) provide respiratory protective equipment and protective clothing suitable for protection against regulated asbestos fibres, to all persons who may be exposed to asbestos;
 - (b) ensure that the respiratory protective equipment provides the appropriate level of protection for the type of asbestos work to be undertaken;
 - (c) ensure that the person's exposure is adequately controlled as contemplated in regulation 10.
- (2) Where respiratory protective equipment is provided, the employer or self-employed person shall ensure that-
 - (a) the relevant equipment is capable of keeping the exposure level below the OEL for asbestos;
 - (b) the relevant equipment is correctly and properly used, stored and maintained;
 - (c) information, instruction, training and supervision that are necessary with regard to the use of the equipment, are provided to the persons; and
 - (d) the equipment is kept in good condition and efficient working order.
- (3) An employer or self-employed person shall, as far as is reasonably practicable-
 - (a) issue no personal protective equipment to a person, unless such equipment is cleaned, decontaminated and, where appropriate, sterilised;
 - (b) provide separate containers or storage facilities for personal protective equipment when not in use; and
 - (c) ensure that all personal protective equipment not in use is stored only in the place provided.
- (4) An employer or self-employed person shall, as far as is reasonably practicable, ensure that all personal protective equipment contaminated with asbestos dust is thoroughly cleaned and handled in accordance with the following procedures:
 - (a) where the personal protective equipment is cleaned on the premises of the client, care shall be taken to prevent contamination during handling, transport and cleaning;
 - (b) water that is used for decontamination or cleaning of equipment shall be filtered in accordance with regulation 10(3) before being released into any water system.

(5) Subject to sub-regulation (3)(a), an employer or self-employed person shall ensure that no person removes dirty or contaminated personal protective equipment from the workplace: Provided that where personal protective equipment contaminated with asbestos dust has to be disposed of, it shall be treated as asbestos waste as contemplated in regulation 21.

(6) Subject to the provisions of the Facilities Regulations published by Government Notice R. 1593 of 12 August 1988, the employer shall-

- (a) provide employees involved in type 1 and 2 asbestos work, with adequate washing facilities which are readily accessible and located in an area where the facilities will not become contaminated, in order to enable the employees to meet a standard of personal hygiene consistent with the adequate control of exposure, and to avoid the spread of asbestos dust;
- (b) provide employees involved in type 3 asbestos work, with a decontamination facility in accordance with HSG 248 section 9, which are readily accessible and located in an area where the facilities will not become contaminated, in order to enable the employees to meet a standard of personal hygiene consistent with the adequate control of exposure, and to avoid the spread of asbestos dust.

20. Labelling and signage

- (1) All asbestos in place listed in the inventory of asbestos in place, as required by regulation 4, shall be clearly and legibly identified using the pictogram specified in Annexure 1.
- (2) All asbestos waste shall be clearly labelled in the following manner-
 - (a) using the label specified in Annexure 1;
 - (b) as far as is reasonably practicable, provide clearly visible and a sufficient number of labels to adequately serve as a warning of potential exposure;
 - (c) a container or a vehicle in which asbestos is transported is clearly identified, classified and packed in accordance with UN Transport of Dangerous Goods or UN Orange Book
 - (d) any article or substance which contains asbestos is clearly labelled, in the form of Annexure 1;
- (3) Any asbestos contaminated soil or land contaminated with asbestos waste, shall be clearly demarcated and sign posted using the warning label specified in Annexure 2.

21. Disposal of asbestos

An employer or self-employed person shall as far as is reasonably practicable ensure that-

- (a) all asbestos waste is placed in containers that will prevent exposure during handling;
- (b) the premises, structure or area are thoroughly checked to ensure that all asbestos waste intended for disposal, has been removed;
- (c) all vehicles, re-usable containers or any other similar articles which have been in contact with asbestos waste, are cleaned and decontaminated after use, in such a way that such vehicles, containers or similar articles do not cause a hazard inside or outside the workplace concerned;
- (d) a document is obtained from the disposal site contemplated in paragraph (e) for all asbestos waste removed from the workplace;
- (e) all asbestos waste is disposed of only on sites specifically designated for this purpose in terms of the Environment Conservation Act, 1989 (Act No. 73 of 1989), and the National Environmental Management Act, 1998 (Act No. 107 of 1998), and in such a manner that it does not cause a hazard inside or outside the site concerned;
- (f) all persons occupied in the collection, transport and disposal of asbestos waste, who may be exposed to that waste, are provided with suitable personal protective equipment;

- (g) ensure that the drivers of vehicles carrying asbestos waste, are provided with written instructions on safety precautions and emergency procedures; and
- (h) where the services of a contractor for the transport and disposal of asbestos waste are used the contractor shall comply with the provisions of these regulations.

22. Asbestos clearance certificate

Following the completion of type 2 or type 3 asbestos work, an approved asbestos inspection authority shall-

- (a) conduct an asbestos clearance survey in accordance with HSG 248 section 6.4;
- (b) after assessing the relevant work area as intended in HSG 248 section 6.4, issue an asbestos clearance certificate.

23. Records

An employer shall-

- (a) keep records of all inventories of asbestos in place, assessments of potential exposure, air monitoring results, medical surveillance reports, disposal certificates and clearance certificates, required by regulations 4, 5, 17, 18, 21(d) and 22(b), respectively: Provided that personal medical records shall only be made available to an occupational health practitioner;
- (b) subject to paragraph (c), make the records contemplated in paragraph (a), excluding personal medical records, available for inspection by an inspector;
- (c) allow any person, subject to formal consent in writing of an employee, to peruse the records with respect to that particular employee;
- (d) make the records of all assessments, surveys and air monitoring results, and the asbestos inventory available for perusal by the relevant health and safety representative or relevant health and safety committee;
- (e) keep all records contemplated in paragraph (a) for a minimum period of 40 years;
- (f) shall hand over or forward by registered post, all records contemplated in paragraph (a), to the relevant chief director, provincial operations, if the employer ceases activities relating to asbestos work;
- (g) keep a record of training given to an employee, in terms of regulation 7 for as long as the employee remains employed at the workplace in which he or she is potentially exposed to asbestos.

24. Prohibition

No person shall-

- (a) sell, donate, reuse, re-install or recycle any asbestos or asbestos containing materials;
- (b) temporarily store any asbestos or asbestos containing materials for longer than 3 months after completion of asbestos removal work, before final disposal;
- (c) temporarily store asbestos containing materials destined for disposal in a manner that may contaminate ground or water systems, or may cause the release of asbestos dust;
- (d) use compressed air or permit the use of compressed air to remove asbestos dust from any surface or person;
- (e) use electrical power tools such as angle grinders or any other fast moving equipment to cut, grind or drill asbestos containing material;
- (f) smoke, eat, drink or keep food or beverages in a regulated asbestos area or require or permit any other person to smoke, eat, drink or keep food or beverages in such area;
- (g) clean or prepare surfaces of asbestos cement materials using methods including-

- (i) high pressure water cleaning
 - (ii) chemical cleaning
 - (iii) dry or wet scraping
 - (iv) dry or wet brushing
 - (v) any other method of cleaning or preparing a surface
- (h) vacuum asbestos dust other than using vacuum cleaning equipment with a filtration efficiency of at least 99 percent for particles one micrometer in size;
- (i) carry out any demolition work before all asbestos and asbestos containing building material has been identified in the inventory of asbestos in place, safely removed or otherwise controlled, as far as reasonably practicable, so as to limit the uncontrolled release of asbestos and asbestos dust;

25. Offences and penalties

Any person who contravenes or fails to comply with any provision of regulations 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 or 24 shall be guilty of an offence and liable upon conviction to a fine or to imprisonment for a period not exceeding 12 months and, in the case of a continuous offence, to an additional fine of R500 for each day on which the offence continues or to additional imprisonment of one day for each day on which the offence continues: Provided that the period of such additional imprisonment shall in no case exceed 90 days.

26. Repeal of regulations

- (1) The Asbestos Regulations published under Government Notice No. R. 155 of 10 February 2002, as Government Notice N^o. R. 23108, are hereby repealed.
- (2) Regulation 3 and regulation 20 will come into effect 18 months after the commencement of these regulations.

27. Short title

These regulations shall be called the Asbestos Abatement Regulations, 2017.

ANNEXURE 1
OCCUPATIONAL HEALTH AND SAFETY ACT, 1993
1.1 Asbestos Signage



DANGER: ASBESTOS
May cause Cancer

1.2 Asbestos Labels

ASBESTOS



DANGER

MAY CAUSE CANCER THROUGH INHALATION
CAUSES SKIN IRRITATION

Do not handle until all precautions described in Asbestos Abatement Regulations and Safety Data Sheet (SDS) have been read and understood.

Do not breathe dust. Wear correctly fitted face mask respirator, complying to Asbestos Abatement Regulation stipulated protection factors.

When showering take off disposable gloves and overall before removing respirator.

Dispose of asbestos waste, in line with National Environment Management: Waste Act. 2008.

ANNEXURE 2
OCCUPATIONAL HEALTH AND SAFETY ACT, 1993
(Regulation 3 of the Asbestos Abatement Regulations, 2016)

NOTIFICATION OF ASBESTOS WORK

1. (a) Name of registered asbestos contractor ** and registration number:

(b) Physical address of registered asbestos contractor: _____

(c) Name and phone number of registered asbestos contractor, contact person: _____

2. (a) Name of asbestos client: _____

(b) Name and phone number of asbestos client, contact person: _____

3. (a) Name of approved asbestos inspection authority (AAIA) ** and DoL registration number:

(b) Name and phone number of approved asbestos inspection authority, contact person:

4. Exact location of where the asbestos work will be done: _____

GPS Coordinate: _S_ E _____

5. Type and volume of asbestos to be removed/repared (as applicable):

6. Expected commencement date: _____

7. Expected completion date: _____

Registered Asbestos Contractor**

Date

Asbestos Client

Date

This completed document shall be send to the Chief Director Provincial Operations of the relevant province when asbestos work is to take place 7 days prior to commencement of asbestos work.

** Not applicable in the case of Type 1 Asbestos work