

CHIEF DIRECTORATE OCCUPATIONAL HEALTH AND SAFETY

Asbestos Abatement Regulations 2020

E Lourens

2 August 2022



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA



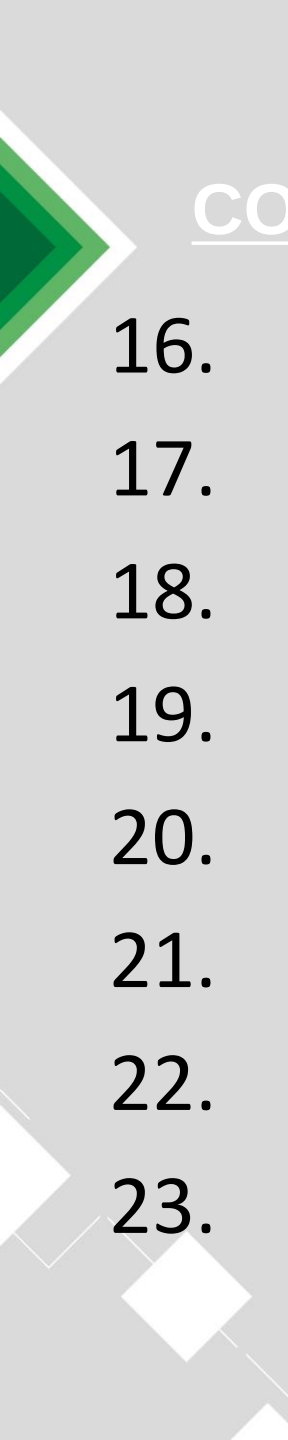


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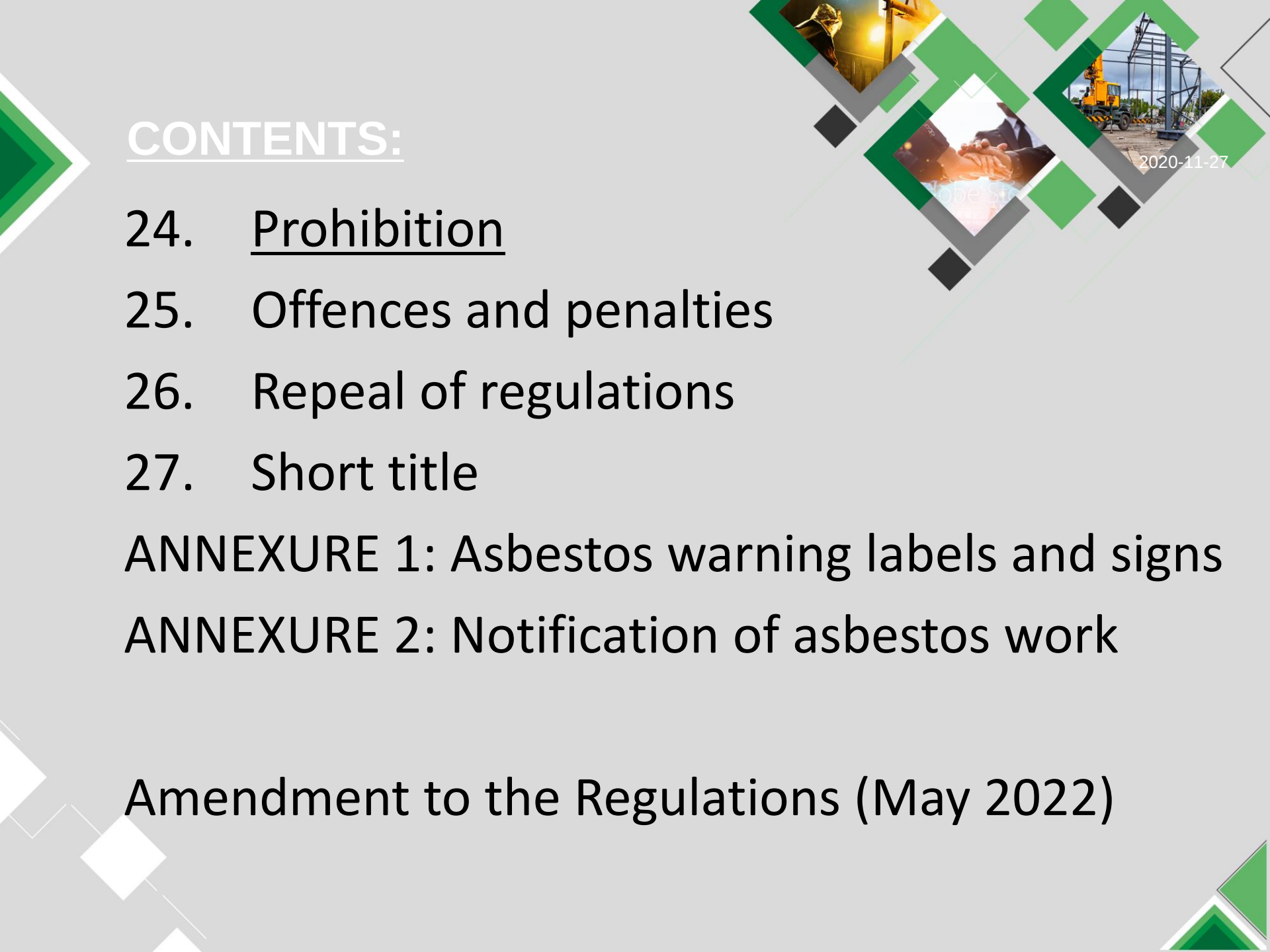
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ANNEXURE 1: Asbestos warning labels and signs

ANNEXURE 2: Notification of asbestos work

Amendment to the Regulations (May 2022)



Definitions

2020-11-2

"type 1 asbestos work" means—

painting of asbestos cement products in a manner that does not require surface preparation and does not cause the release of asbestos fibres; or

the removal of less than 10 square metres of asbestos cement products or equivalent gutters and piping or asbestos insulating board, where removal work may not be repeated on the same site within a period of six months; and,

does not require registration as a registered asbestos contractor with the chief inspector;



Definitions

"type 2 asbestos work" means—
the repair or encapsulation of asbestos cement products in a manner that does not require surface preparation; or
the removal of asbestos cement products or asbestos insulating board; and,
requires registration as a type 2 registered asbestos contractor with the chief inspector;



Definitions

"type 3 asbestos work" means—

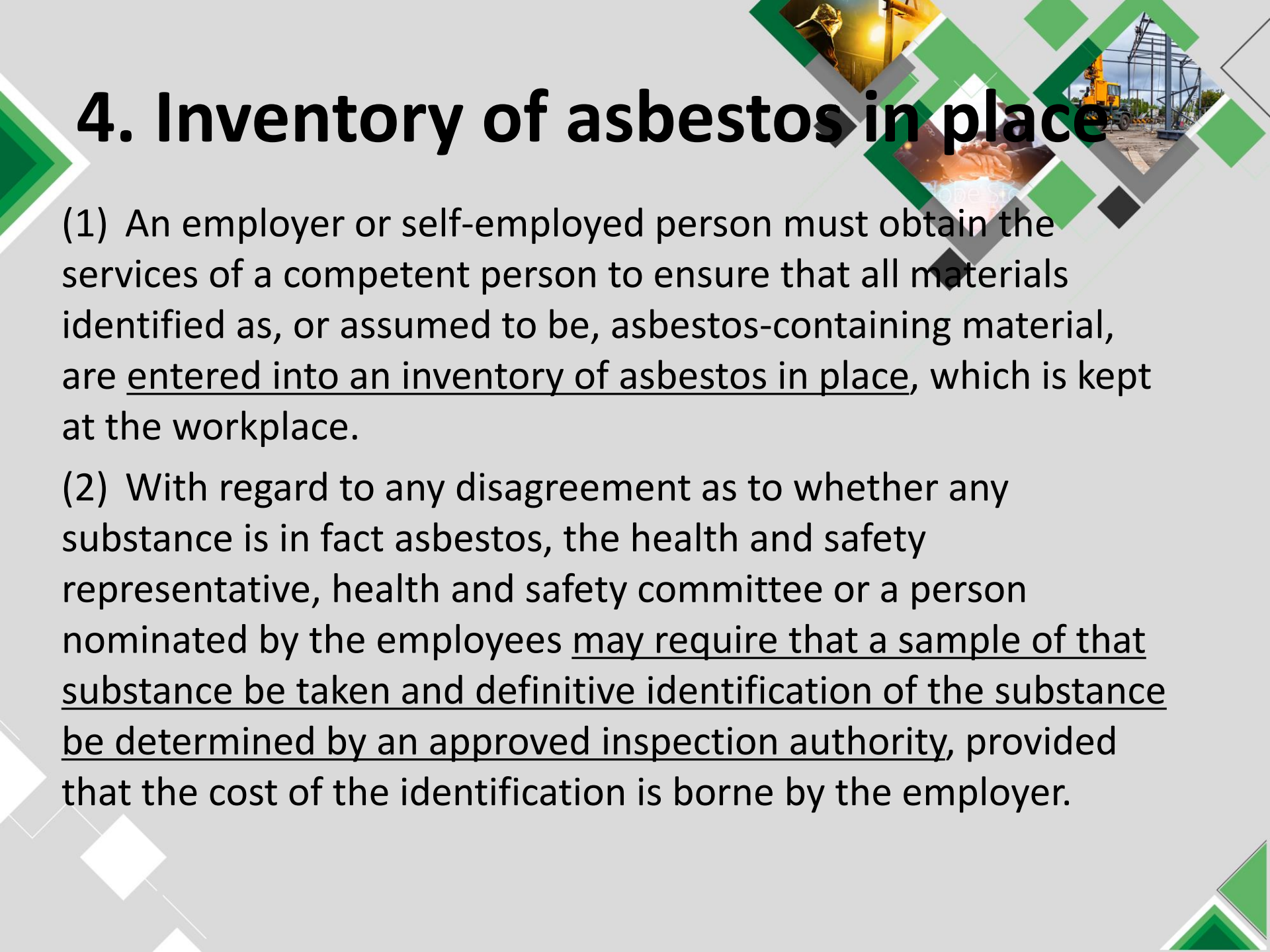
the removal, repair or encapsulation of any asbestos and asbestos-containing material;
and,

requires registration as a type 3 registered asbestos contractor with the chief inspector;

2. Scope of application

(1) Subject to subregulation (2), these Regulations apply to every employer and self-employed person who may expose any person to asbestos dust at the workplace.

(2) Regulations 5(2), 8(1), 9(4), 12(3)(d), 16(4), 17 and 23 do not apply to self-employed persons.



4. Inventory of asbestos in place

(1) An employer or self-employed person must obtain the services of a competent person to ensure that all materials identified as, or assumed to be, asbestos-containing material, are entered into an inventory of asbestos in place, which is kept at the workplace.

(2) With regard to any disagreement as to whether any substance is in fact asbestos, the health and safety representative, health and safety 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 inspection authority, provided that the cost of the identification is borne by the employer.

Inventory of asbestos in place (2)

(3) The inventory of asbestos in place must contain, the following information about each of the asbestos-containing materials-

- The date on which the material was identified;
- a description of the material, quantity and extent of deterioration;
- the location as detailed on a floor plan;
- confirmation of labelling and signage as required
- the risk categorisation derived from the asbestos risk assessment as detailed in regulation 5(3); and
- a description of potential exposure scenarios as required in regulation 6(2)(b).

Inventory of asbestos in place (3)

(4) The employer or self-employed person must ensure that a competent person reviews and, if necessary, revises 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—

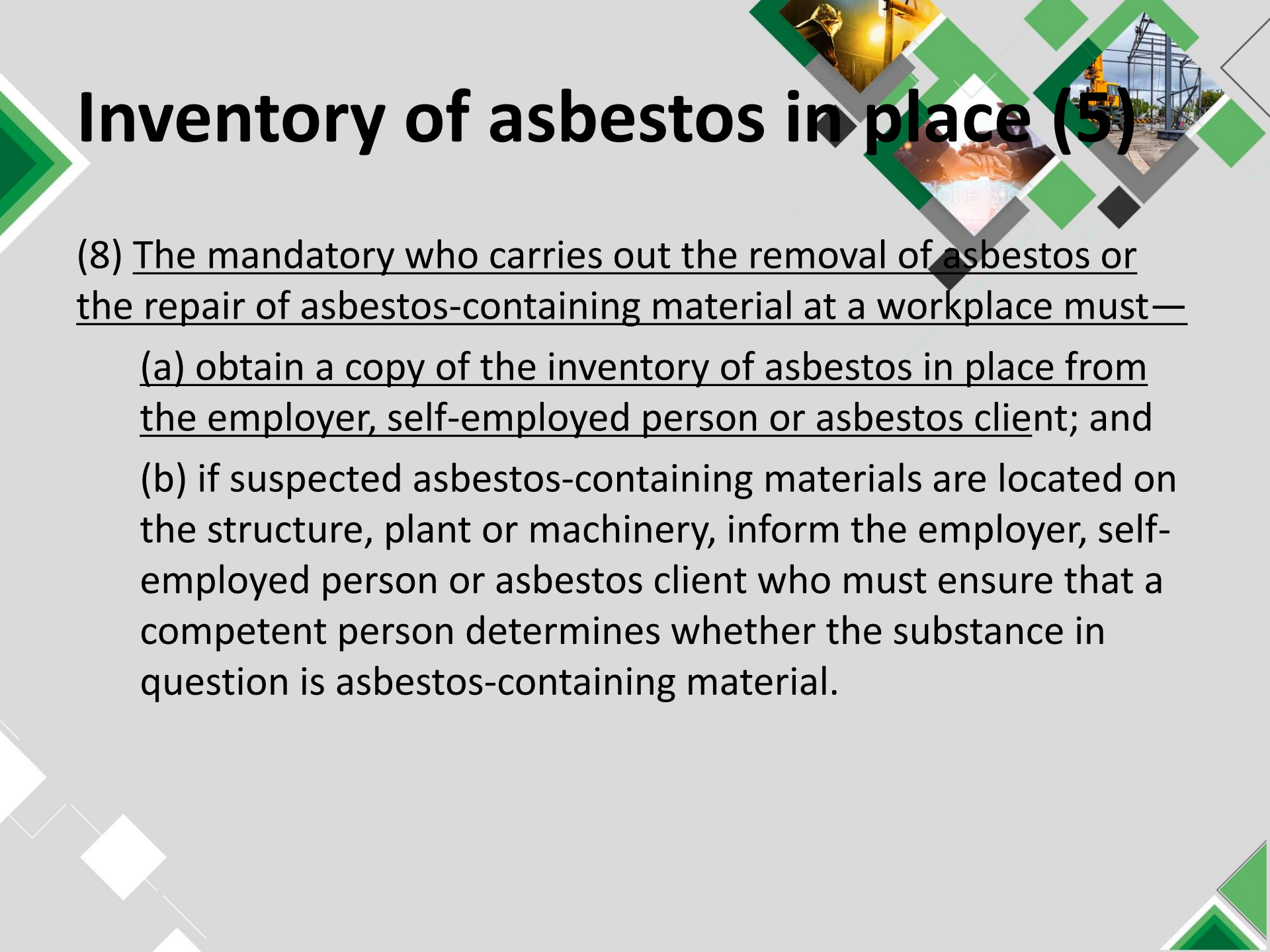
- further asbestos-containing material is identified; and
- the asbestos-containing material has deteriorated significantly or is removed, damaged, sealed, coated or encapsulated.

Inventory of asbestos in place (4)

(6) Where the removal of asbestos or repair of asbestos-containing material is planned, information in the inventory of asbestos in place must 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—

- given to the mandatory before any asbestos removal or repair work commences;
- given to the registered asbestos contractor and approved inspection authority before asbestos removal or repair work commences;
- readily accessible to employees and health and safety representatives at the workplace;
- in the case of transfer of ownership, provided to the new owner of the premises; and
- given to the approved inspection authority before asbestos removal or repair work commences.

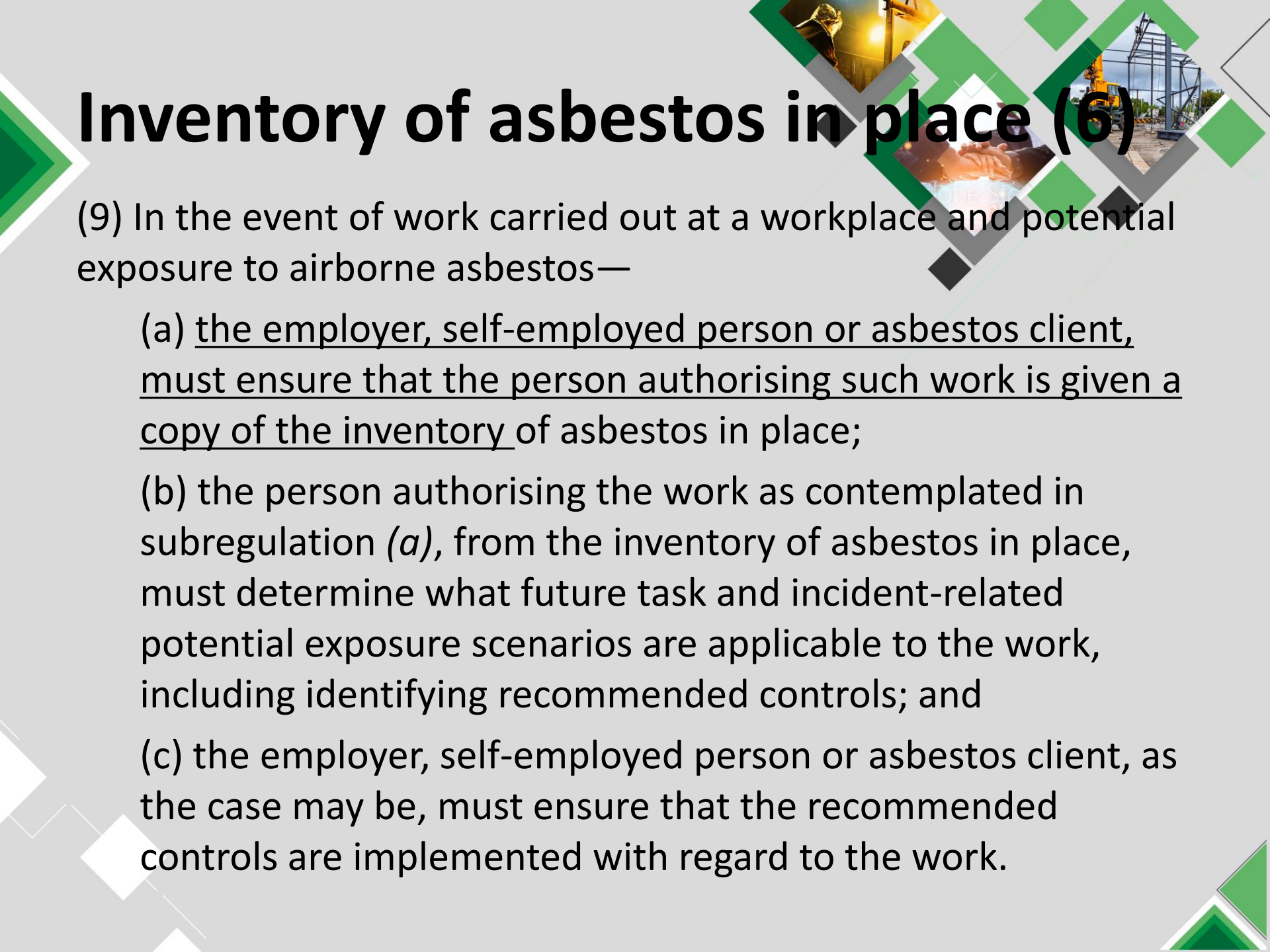


Inventory of asbestos in place (5)

(8) The mandatory who carries out the removal of asbestos or the repair of asbestos-containing material at a workplace must—

(a) obtain a copy of the inventory of asbestos in place from the employer, self-employed person or asbestos client; and

(b) if suspected asbestos-containing materials are located on the structure, plant or machinery, inform the employer, self-employed person or asbestos client who must ensure that a competent person determines whether the substance in question is asbestos-containing material.



Inventory of asbestos in place (6)

(9) In the event of work carried out at a workplace and potential exposure to airborne asbestos—

(a) the employer, self-employed person or asbestos client, 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 as contemplated in subregulation (a), from the inventory of asbestos in place, must determine what future task and incident-related potential exposure scenarios are applicable to the work, including identifying recommended controls; and

(c) the employer, self-employed person or asbestos client, as the case may be, must ensure that the recommended controls are implemented with regard to the work.

Inventory of asbestos in place (7)

(10) All asbestos-containing material listed in the inventory of asbestos in place, as required by subregulation (3), must be clearly labelled or provided with signage in accordance with regulation 20.

Inventory of asbestos

<i>Description</i>	<i>Date of entry</i>	<i>Location (reference to floor plan)</i>	<i>Signage YES/NO</i>	<i>Risk category (from risk assessment)</i>	<i>Potential exposure</i>
Roof sheet. In tact, painted white	15/01/2022	Office Block B South roof Floor plan page 6	Yes	Cat 1 Check for deterioration Repaint – 3 years	Maintenance staff working on roof. Hail damage



5. Asbestos risk assessment

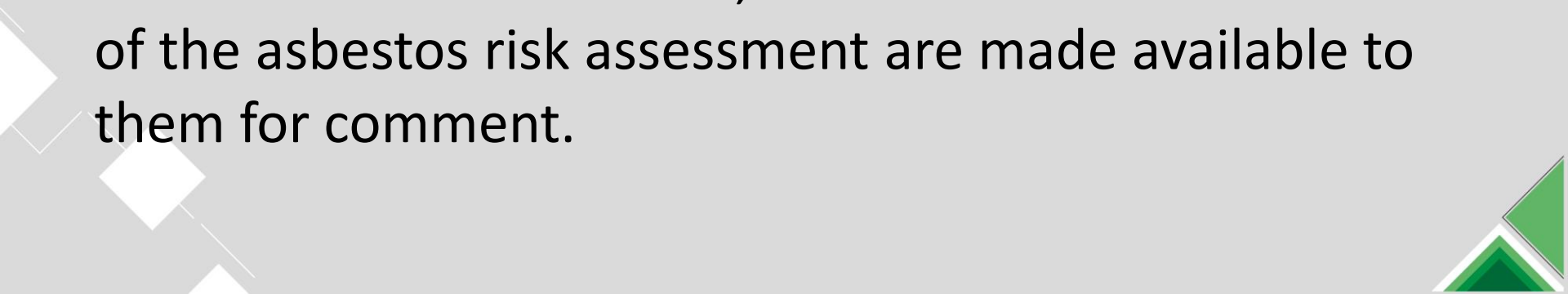
(1) If asbestos is identified in terms of regulation 3, then the employer or self-employed person must ensure that an asbestos risk assessment is carried out, as far as is reasonably practicable, immediately by a competent person and thereafter at intervals not exceeding 24 months.





Asbestos risk assessment (2)

(2) An employer contemplated in subregulation (1) must, before causing an asbestos risk assessment to be made, consult with the relevant health and safety representative or relevant health and safety committee and inform them in writing of the arrangements made for the asbestos risk assessment, give them reasonable time to comment thereon, and ensure that the results of the asbestos risk assessment are made available to them for comment.



Asbestos risk assessment (3)

(3) The asbestos risk assessment must, as an outcome, have a risk categorisation based on the potential for exposure to asbestos for each item of asbestos-containing material, which must be derived from the following:

- a) The health impacts of asbestos;
- b) the number of persons potentially exposed at the workplace;
- c) the potential for damage or disturbance of asbestos-containing materials at the workplace, also by maintenance activities, potential incidents and normal occupant activities; and
- d) the condition of asbestos-containing material, including state of deterioration.

Asbestos risk assessment (4)

(4) The risk categorisation contemplated in subregulation (3) must be used to determine the need for keeping in place, repairing or removing the asbestos-containing material.

(5) The asbestos risk assessment for asbestos repair work, as required in subregulations (1), (2) and (3), must include the following:

- a) The assessed risk of any asbestos exposure relating to each job step;
- b) the controls necessary to reduce the risk of exposure to as low as is reasonably practicable;
- c) an indication whether environmental air monitoring is required; and
- d) if exposure risk indicates that the OEL may be exceeded, an indication that the employer must obtain the services of an occupational medical practitioner to fulfil the requirements of regulation 17(1)(b).



Asbestos risk assessment (5)

(6) The asbestos risk assessment for asbestos removal work, as part of the plan of work as contemplated in regulation 15 for asbestos-containing materials identified for removal, must consider the following:

- a) The aspects detailed in subregulation (5);
- b) the risk assessment carried out in accordance with regulation 12(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; and
- g) emergency scenarios.

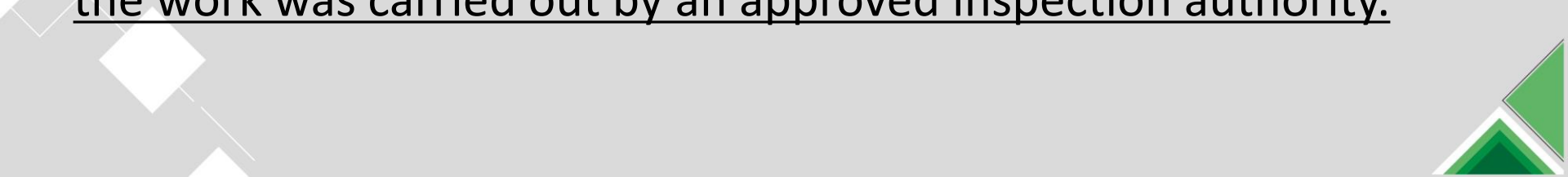


Asbestos risk assessment (6)

(7) An employer or self-employed person must obtain the services of an approved inspection authority that must review and endorse the following at intervals not exceeding six years-

- a) The inventory of asbestos in place as required by regulation 4; and
- b) the asbestos risk assessment as required by subregulation (1):

Provided that the review and endorsement are not required if the work was carried out by an approved inspection authority.

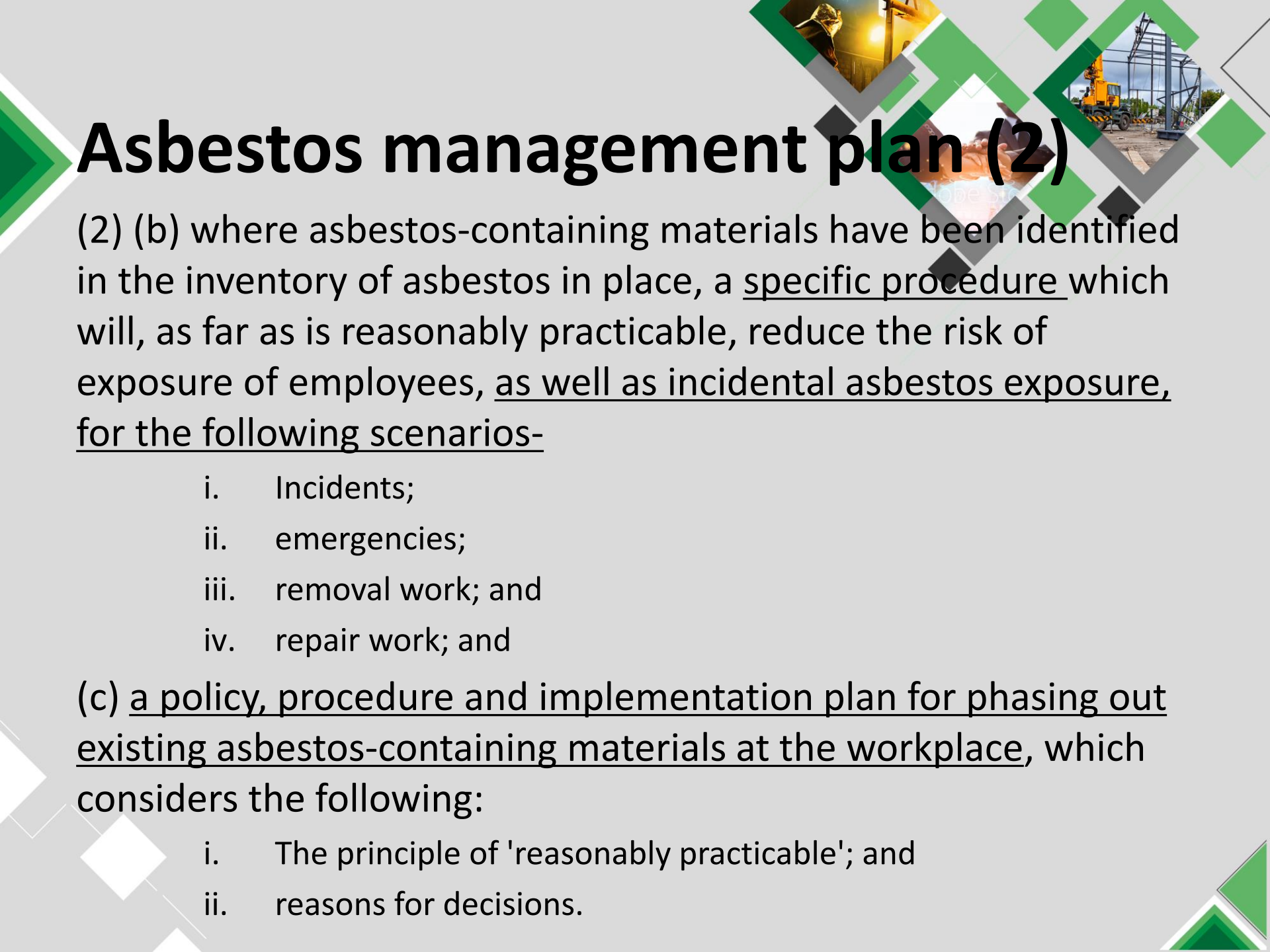


6. Asbestos management plan

(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, 8 and 20 at the workplace;
 - ii. the repair, removal and management of asbestos-containing materials; and
 - iii. the implementation of the Regulations for Prohibition of the Use, Manufacturing, Import and Export of Asbestos and Asbestos-containing Materials, 2007;



Asbestos management plan (2)

(2) (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; and
- iv. repair work; and

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

- i. The principle of 'reasonably practicable'; and
- ii. reasons for decisions.



Asbestos management plan (3)

(3) The employer or self-employed person must review and, if necessary, revise the asbestos management plan at intervals not exceeding eight years or if any information contemplated in subregulation (2) changes.



Management plan

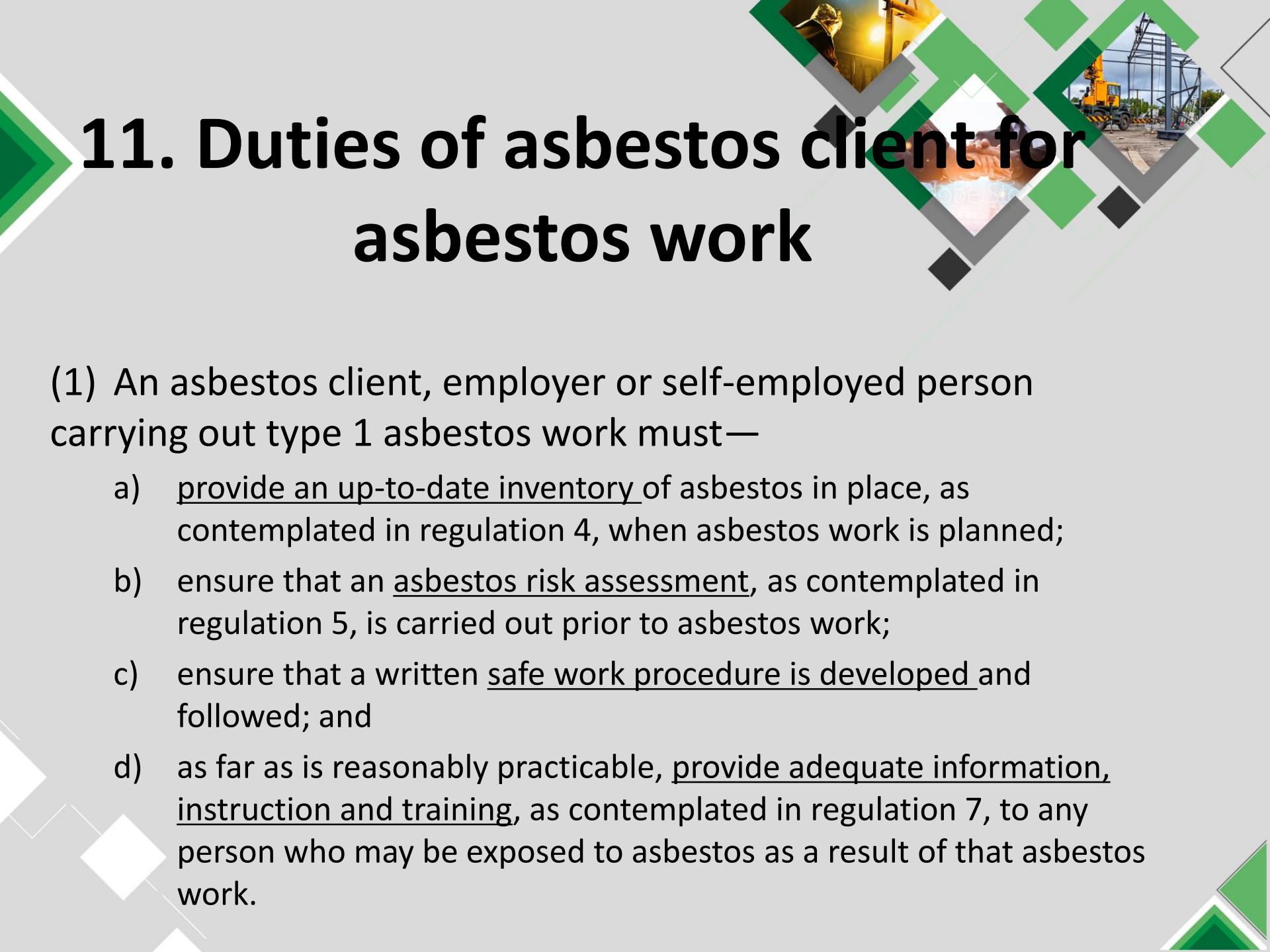


Unique identification	Description of material	Location Labelled Y/N	Quantity m2	State of repair (description)	Year 1 2022	Year 5 2027	Year 10 2032	Possible incidents / emergencies	Final disposal method	Final disposal date

Date of plan and review intervals

Update inventory

Review risk assessment



11. Duties of asbestos client for asbestos work

(1) An asbestos client, employer or self-employed person carrying out type 1 asbestos work must—

- a) provide an up-to-date inventory of asbestos in place, as contemplated in regulation 4, when asbestos work is planned;
- b) ensure that an asbestos risk assessment, as contemplated in regulation 5, is carried out prior to asbestos work;
- c) ensure that a written safe work procedure is developed and followed; and
- d) as far as is reasonably practicable, provide adequate information, instruction and training, as contemplated in regulation 7, to any person who may be exposed to asbestos as a result of that asbestos work.

Duties of asbestos client for asbestos work (2)

(2) An asbestos client, employer or self-employed person planning type 2 or type 3 asbestos work must—

- a) provide an up-to-date inventory of asbestos in place, as contemplated in regulation 4, to the registered asbestos contractor and approved inspection authority;
- b) if asbestos-containing material intended for removal or repair is not identified in the inventory of asbestos in place, review and update the inventory;
- c) ensure that an asbestos risk assessment is carried out prior to asbestos work;
- d) appoint, in writing, an approved inspection authority;
- e) ensure that the appropriately registered asbestos contractor performs type 2 or type 3 asbestos work as per the asbestos plan of work;
- f) ensure that notification of asbestos work is given as contemplated in regulation 10(2);
- g) ensure that they have co-signed the asbestos plan of work for the asbestos repair or removal work to be carried out;

Duties of asbestos client for asbestos work (3)

- (2) (h) stop any registered asbestos contractor from executing any asbestos work which poses a health or safety risk to persons until such time that the risk has been appropriately mitigated;
- (i) before any asbestos work commences on site, ensure that the registered asbestos contractor is registered and in good standing with the Compensation Fund or with a licensed compensation insurer as contemplated in the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993); and
 - (j) where a fatality or permanent disabling injury occurs during asbestos work, report such fatality or injury 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, 2003.
- (3) After completion of type 2 or type 3 asbestos work, the asbestos client must obtain an asbestos clearance certificate from the approved inspection authority.

12. Duties of registered asbestos contractor for asbestos work

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

- a) undertake only 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 Act; and
- c) obtain a copy of an up-to-date inventory of asbestos in place from the asbestos client, prior to asbestos work taking place.

Duties of registered asbestos contractor for asbestos work (2)

(2) Before commencement of any asbestos work and during such work, the registered asbestos contractor must ensure that—

(a) a risk assessment is performed that includes—

- i. identification of the hazards to which persons may be exposed;
- ii. an assessment of the risks related to the hazards based on a documented method; and
- iii. documented control measures to mitigate the risk;

(b) the risk assessment contemplated in subregulation (a) is reviewed—

- i. at regular documented intervals;
- ii. when an incident has occurred; and
- iii. when the scope of work changes; and

(c) an up-to-date copy of the risk assessment is made available at the relevant asbestos work site.

Duties of registered asbestos contractor for asbestos work (3)

(3) The registered asbestos contractor must—

- (a) ensure that the approved plan of work is submitted to the Chief Director: Provincial Operations at least seven days prior to commencement of asbestos work;
- (b) appoint in writing an asbestos removal supervisor for each asbestos work site, who must ensure—
 - i. occupational health and safety compliance on the asbestos removal site;
 - ii. compliance with safe asbestos removal or repair procedures;
 - iii. the correct use of personal protective equipment; and
 - 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 the employee medical and training records are available on site for inspection and validation;

Duties of registered asbestos contractor for asbestos work (4)

(e) ensure that at least the following information for every employee is recorded and kept for a minimum period of 50 years-

- i. Physical address of every asbestos work project; and
- ii. names and identification numbers of employees potentially exposed;

(f) before commencement of asbestos work, ensure that—

- i. an approved inspection authority has been appointed in writing by the asbestos client; and
- ii. the registered asbestos contractor is registered and in good standing with the Compensation Fund or with a licensed compensation insurer as contemplated in the Compensation for Occupational Injuries and Diseases Act, 1993; and

(g) where a fatality or permanent disabling injury occurs during asbestos work, ensure that a report about the fatality or injury 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, 2003, and that the report includes the measures that the contractor intends to implement to ensure safe asbestos work.



13. Duties of approved inspection authorities for asbestos work

(1) An approved inspection authority involved in type 2 or type 3 asbestos work must—

- a) ensure that the appropriately registered asbestos contractor performs only type 2 or type 3 asbestos work, as the case may be;
- b) obtain a copy of an up-to-date inventory of asbestos in place from the asbestos client prior to asbestos work taking place;
- c) in consultation with the registered asbestos contractor,
compile a plan of work in accordance with regulation 15;

Duties of approved inspection authorities for asbestos work (2)

- d) approve and submit the plan of work at least seven days prior to commencement of asbestos work to the Chief Director: Provincial Operations for acknowledgement;
- e) receive acknowledgement from the Chief Director: Provincial Operations within the seven-day period;
- f) confirm the employee medical certificate of fitness and asbestos training records for that asbestos work;
- g) provide guidance and site-specific instructions to the registered asbestos contractor on the approved plan of work;
- h) inspect adherence to the approved plan of work and requirements of these Regulations;

Duties of approved inspection authorities for asbestos work (3)

- i) stop any registered asbestos contractor from executing any asbestos work which poses a health or safety risk to persons until such time that the risk has been appropriately mitigated;
- j) perform planned asbestos air monitoring in accordance with regulation 16 and provide, as soon as is reasonably practicable, air monitoring results to the registered asbestos contractor and asbestos client;
- k) issue a written report, which includes findings and, where necessary, recommendations; and
- l) ensure that, upon completion of type 2 or type 3 asbestos work, clearance is performed as required in regulation 22.

19. Personal protective equipment and facilities

- (1) An employer or self-employed person must—
- 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; and
 - c) ensure that a person's exposure is adequately controlled as contemplated in regulation 9.

Personal protective equipment and facilities (2)

(2) Where respiratory protective equipment is provided, the employer or self-employed person must 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.

Personal protective equipment and facilities (3)

(4) An employer or self-employed person must, 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 personal protective equipment is cleaned on the premises of the asbestos client, care must be taken to prevent contamination during handling, transport and cleaning; and
- b) water that is used for decontamination or cleaning of equipment must be filtered in accordance with regulation 9(3) before being released into any water system.

(5) Subject to subregulation (3)(a), an employer or self-employed person must 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 must be treated as asbestos waste as contemplated in regulation 21.

Personal protective equipment and facilities (4)

(6) Subject to the Facilities Regulations, 2004, published as Government Notice R.924 in *Gazette* No. 26636 of 3 August 2004, the employer must—

- a) provide employees involved in type 1 and type 2 asbestos work with adequate washing facilities, which are readily accessible and located in an area where the facilities will not become contaminated, to enable 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, Chapter 9, which facility is readily accessible and located in an area where it will not become contaminated, to enable 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, must be clearly and legibly identified using the pictogram specified in Annexure 1.
- (2) All asbestos waste must be clearly labelled—
 - a) using the label specified in Annexure 1;
 - b) as far as is reasonably practicable, using clearly visible and a sufficient number of labels that would adequately serve as a warning of potential exposure; and
 - c) ensuring that a container or vehicle in which asbestos is transported is clearly identified in accordance with the UN Transport of Dangerous Goods or UN Orange Book.

Labelling and signage (2)

(3) Any asbestos-contaminated soil or land contaminated with asbestos waste must be clearly demarcated and signposted using the asbestos warning signage specified in Annexure 1.

(4) Any regulated asbestos area must be clearly demarcated using the pictograms and signs specified in Annexure 1.

ANNEXURE 1

2020-11-2

Asbestos warning labels and signs

1.1 Asbestos warning sign



DANGER: ASBESTOS
May cause Cancer

1.2 Asbestos warning labels

ASBESTOS



DANGER

MAY CAUSE CANCER THROUGH INHALATION

CAUSES SKIN IRRITATION

Do not handle until all precautions described in the Asbestos Regulations and Safety Data Sheet have been read and understood. Do not breathe asbestos dust. Wear the correct type of respirator that fits properly. When showering, take off the disposable gloves and your overall before removing the respirator. Dispose of asbestos waste in line with the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).

24. Prohibition

No person may—

- a) sell, donate, reuse, reinstall or recycle any asbestos or asbestos-containing materials;
- b) clean or prepare surfaces of asbestos cement materials;
- c) temporarily store any asbestos or asbestos-containing materials for longer than three months after completion of asbestos removal work, before final disposal;



Prohibition (2)

- d) temporarily store asbestos-containing materials destined for disposal, which are uncovered or unprotected or stored in a manner that may contaminate ground or water systems or may cause the release of asbestos dust;
- e) use compressed air or permit the use of compressed air to remove asbestos dust from any surface or person;
- f) use electrical power tools, such as angle grinders, or any other fast-moving equipment to cut, grind or drill asbestos-containing material;



Prohibition (3)

- g) 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;
- h) vacuum asbestos dust using vacuum cleaning equipment other than vacuum cleaning equipment with a filtration efficiency of at least 99 per cent for particles one micrometre in size; or
- 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 is reasonably practicable, so as to eliminate the uncontrolled release of asbestos and asbestos dust.





26. Repeal of regulations

(1) The Asbestos Regulations, 2001, published as Government Notice R.155 in *Gazette* No. 23108 of 10 February 2002, are hereby repealed.





27. Short title

- (1) These Regulations are called the Asbestos Abatement Regulations, 2020, and come into operation on the date of publication thereof in the *Gazette*.
- (2) Regulation 3 and regulation 20 will come into effect 18 months after the promulgation of these Regulations.
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Amendment (May 2022)



"OEL for asbestos" means an occupational exposure limit of 0,1 regulated asbestos fibres per millilitre of air over a continuous period of four hours measured in accordance with HSG 248;

Regulation 7 (4) (a): be provided by a competent person; ~~deemed competent by the chief inspector;~~

Regulation 10 (5) – ~~The relevant Chief Director: Provincial Operations must ensure that acknowledgement of receipt is provided, in writing, to the employer, self-employed person or asbestos client within the seven day notification period.~~

Regulation 13 (e) ~~receive acknowledgement from the Chief Director: Provincial Operations within the seven day period:~~



Amendment



Notice 11435 No. R. 2092 Amendment to
Asbestos Abatement Regulations 2020

Published 20 May 2022

Thank You...

<http://www.labour.gov.za/DocumentCenter/Regulations%20and%20Notices/Regulations/Occupational%20Health%20and%20Safety/Asbestos%20Abatement%20Regulations,%202020%20GG43893.pdf>



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

