

# EXPLANATORY NOTES

## ON THE ASBESTOS ABATEMENT REGULATIONS 2020



**employment & labour**

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**EXPLANATORY NOTES ON THE ASBESTOS ABATEMENT REGULATIONS 2020**

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Explanatory Notes on the Asbestos Abatement Regulations 2020

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# CONTENTS

<b>FOREWORD</b>	IV
<b>INTRODUCTION</b>	1
Regulation 1: Definitions	1
REGULATION 2: Scope of Application	1
REGULATION 3: Identification of asbestos in place	2
REGULATION 4: Inventory of asbestos in place	2
REGULATION 5: Asbestos risk assessment	2
REGULATION 6: Asbestos management plan	3
REGULATION 7: Information, instruction and training	3
REGULATION 8: Duties of persons who may be exposed	3
REGULATION 9: Control of exposure to asbestos	3
REGULATION 10: Notification of asbestos work	4
REGULATION 11: Duties of the asbestos client for asbestos work	4
REGULATION 12: Duties of the registered asbestos contractor for asbestos work	4
REGULATION 13: Duties of the approved inspection authorities for asbestos work	5
REGULATION 14: Disputes	5
REGULATION 15: Plan of work	5
REGULATION 16: Air Monitoring	5
REGULATION 17: Medical surveillance	5
REGULATION 18: Regulated asbestos area	6
REGULATION 19: Personal protective equipment and facilities	6
REGULATION 20: Labelling and signage	6
REGULATION 21: Disposal of asbestos	6
REGULATION 22: Asbestos clearance certificate	6
REGULATION 23: Records	6
REGULATION 24: Prohibitions	6
REGULATION 25: Offences and penalties	7
REGULATION 26: Repeal of regulations	7
REGULATION 27: Short Title	7
<b>ANNEXURE 1</b>	7
<b>ANNEXURE 2</b>	7

## FOREWORD

The purpose of this document is to provide guidance to all persons, employees, employers and the public alike, who are responsible for or concerned with the control and prevention of exposure to asbestos in the working environment.

This document does not replace the Asbestos Abatement Regulations of 2020. It is intended to give practical insight into the intent and application of the Regulations. It should always be read in conjunction with the Asbestos Abatement Regulations and the Occupational Health and Safety Act No 85 of 1993 as amended.

## INTRODUCTION

International research on occupational exposures to those who handle asbestos directly, have been well documented. In recent years asbestos removal employees have been the most at risk of developing asbestos-related diseases. In addition, asbestos exposures experienced by mechanical and electrical engineers, technicians and associated artisans, involved in operations and maintenance work as well as employees within the construction industry, may also at significant risk. It is also known that asbestos “bystander” exposures include employees who are not themselves undertaking asbestos work but who work in proximity to poorly controlled asbestos work. Children and family members of employees undertaking asbestos removal work are also at risk of exposure. These exposures have also been well documented internationally.

The Asbestos Regulations, 2002 were published on 10 February 2002 in Government Gazette No. 23108 with the aim of protecting employees against the adverse effects of asbestos on human health. There has been a significant change in the South African asbestos industry since the promulgation of the Regulations for the Prohibition of the Use, Manufacturing, Import and Export of Asbestos and Asbestos Containing Materials under section 24B of the Environment Conservation Act, 1989 (Act No. 73 of 1989), by Marthinus Van Schalkwyk, the then Minister for Environmental Affairs and Tourism. This change has seen considerable growth in the asbestos removal industry.

In response, the Department of Employment and Labour repealed the Asbestos Regulations, 2001. Subsequently, the Asbestos Abatement Regulations, 2020 were published in Government Gazette No

The purpose of this guide is to explain in simple language the provisions of the Asbestos Abatement Regulations, 2020.

## REGULATION 1: DEFINITIONS

In this guide, 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. Any word or expression to which a meaning has been assigned in the Regulations shall have that meaning assigned to it in this guide.

New definitions:

**“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, where removal work may not be repeated on the same site within a six (6) month period; and
- c. does not require registration as a registered asbestos contractor with the Chief Inspector;

Note: Type 1 asbestos work is intended to allow for the painting of asbestos cement products without any surface preparation beforehand. It also allows for small once-off removal of asbestos cement products less than 10 square meters (or equivalent piping). This type of work may not be repeated on the same premises or site within 6 months. Only once 6 months has passed may another 10 square meters of asbestos cement product be removed. In addition, this type of asbestos removal work may not be repeated or mandated by the same person or persons within 6 months. Persons performing type 1 asbestos work do not need to register with the Chief Inspector. The intention is to prevent

the re-categorization of what would typically be Type 2 or 3 work, to Type 1 work.

Asbestos cement products include building materials that were manufactured, using moulding and compression techniques, consisting of a hardened mixture of asbestos fibres, cement and water.

**“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; and
- c. requires registration as a type 2 registered asbestos contractor with the Chief Inspector;

Note: Type 2 asbestos work is the repair of small damage caused to asbestos cement products - a range of building materials that were manufactured, using moulding and compression techniques, consisting of a hardened mixture of asbestos fibres, cement and water, or the encapsulation of asbestos cement products with a coating, but does not allow for any surface preparation beforehand. Type 2 asbestos work also allows for the removal of asbestos cement products or asbestos insulating board. Contractors or employers performing type 2 asbestos work must be registered with the Chief Inspector.

**“type 3 asbestos work”** means-

- d. removal, repair or encapsulation of any asbestos and asbestos containing material; and
- e. requires registration as a type 3 registered asbestos contractor with the Chief Inspector;

Note: Type 3 asbestos work is the removal of 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, the repair of any asbestos containing material. Type 3 asbestos work is also the encapsulation of any asbestos containing material with a coating, as well as any asbestos work described under type 2 asbestos work. Contractors or employers performing type 3 asbestos work must be registered with the Chief Inspector.

## REGULATION 2: SCOPE OF APPLICATION

The aim of regulation 2 is to ensure that the level of protection from asbestos exposure in every given case is appropriate and practical in relation to the nature and degree of exposure.

These regulations shall apply to every employer, contractor and self-employed person who may expose any employee to asbestos. These regulations are intended to protect the health of any person who may be potentially exposed to asbestos. This includes employees and persons other than persons at work.

The requirements of the following regulations shall not apply to a self-employed person:

- Regulation 5, Assessment of potential exposure, sub regulation (2)
- Regulation 8, Duties of persons who may be exposed, sub regulation (1)
- Regulation 12, Duties of registered asbestos contractors for asbestos work, sub regulation (1)(b) and sub regulation (3)(c) and (d)
- Regulation 17, Air monitoring, sub regulation (4)
- Regulation 23, Records

## REGULATION 3: IDENTIFICATION OF ASBESTOS IN PLACE

Every employer or self-employed person must make sure that all asbestos containing materials in, at or around the workplace is identified by a competent person with the relevant knowledge, training and experience.

Competence in relation to these regulations means that the person has practical experience with asbestos work, knows what materials commonly contain asbestos and where it could be found. Additionally, the person must have knowledge on how to safely take a bulk asbestos sample for analysis as well as a good understanding of the health risks associated with asbestos work.

If it is uncertain or unclear if a material contains asbestos, or the area is inaccessible then it should be assumed and declared that the material contains asbestos, alternatively the employer shall arrange for a sample of the material to be analysed for the presence of asbestos by a laboratory that has the competence to carry out such definitive analysis. If no asbestos is identified in the workplace then the competent person must state this in writing referring to the premises or part of the premises where applicable.

If a structure was built (started and completed) later than 2011, after the promulgation of the Environment Conservation Act, 1989 Regulations For The Prohibition Of The Use, Manufacturing, Import And Export Of Asbestos And Asbestos Containing Materials, dated 28 March 2008, then no written declaration that the building is asbestos free, is required.

## REGULATION 4: INVENTORY OF ASBESTOS IN PLACE

Every employer or self-employed person must have all asbestos and asbestos containing materials identified at the workplace in terms of regulation 3, written into an inventory of asbestos in place and this document must be kept at the workplace or premises. Each item of asbestos containing material must be assessed for the risk of fiber release.

Where there is a disagreement as to whether any material contains asbestos the health and safety representative, may require that a sample of that material be safely removed and analysed at a laboratory for definitive identification. The cost of the laboratory analysis and identification shall be paid by the employer.

The inventory of asbestos in place must at least contain the following information on each item of asbestos containing material identified-

- the date when the material was identified;
- a description of the asbestos or asbestos containing material, including an estimate of the quantity such as volume or area, and extent of deterioration and wear;
- the location illustrated on a floor plan;
- confirm whether the asbestos has been suitably labelled or signposted, to provide warning that the material contains asbestos;
- the risk categorization or rating as determined from the risk assessment; an explanation of predicted asbestos exposure, from tasks and incidents that may cause fiber release

The employer or self-employed person shall ensure that a competent person reviews and if necessary, revises the inventory of asbestos in place, every 24 months (2 years).

However, the inventory of asbestos in place should be revised more regularly than every 24 months, if additional asbestos containing materials are identified

and/or the existing asbestos containing material, is removed or treated with paint or other coating to reduce the risk of a release of asbestos fibres.

The inventory of asbestos in place shall contain or at least reference information on the management of asbestos that is intended to be left in place or if removal is planned then at least the following details should be included:

- timeframes, when removal is planned (9 months / 3 years)
- method of removal, repair or management (Asbestos Management Plan)
- persons responsible for management of the asbestos in place.

An employer or asbestos client must ensure that a copy of the inventory of asbestos is given to the relevant employee before any type 1 asbestos work or given to the registered asbestos contractor before any type 2 or type 3 asbestos work starts. A copy of the inventory of asbestos in place, is given to the approved inspection authority (AIA). If a premise is sold, the inventory must be provided to the new owner.

The contractor or worker who performs asbestos removal or repair work at a workplace must ask for a copy of the s inventory of asbestos from the employer or client.

For all non-asbestos related work, for example plumbing, electrical, maintenance and repair, that is carried out where there may be unintentional exposure to airborne asbestos, then the employer or asbestos client must give a copy of the inventory of asbestos in place to the contractor or worker and indicate where the asbestos materials are.

All asbestos containing materials in a building must be clearly and adequately labelled or provided with signage to alert people to the presence of the asbestos hazard. Where a roof consists of asbestos containing roof-sheets the signage could be placed at roof accesses points or entrances to the roof.

## REGULATION 5: ASBESTOS RISK ASSESSMENT

A risk assessment must be done by a person with relevant knowledge, training and experience relating to asbestos work on all the asbestos materials at or on the premises, every 2 years.

Competence in relation to these regulations means that the person has practical experience with asbestos materials, what materials contains asbestos and where it can commonly be found, additionally the person must have a good understanding of the health risks associated with asbestos work.

The risks should be rated based on the likelihood of exposure and consider the probable health impacts on persons, the number of persons exposed, the state of wear and tear of the material and the potential of the material to be damaged during routine and/or maintenance work.

Based on the risk rating and assessment a decision should be made to whether to keep and maintain the material in place or to remove the material for final disposal.

Repair work should only be preformed if the risk rating and assessment indicates that adequate controls can be put in place. A further consideration should be if air monitoring and medical surveillance would be needed during repair work.

When removal of asbestos containing materials are indicated, the specific risks should be assessed; namely the control measures to be implemented, the need for air monitoring and medical surveillance, the potential for exposure and contamination, methods of decontamination and transportation of waste.

An approved inspection authority should endorse by inspecting and reviewing the inventory of asbestos in place and asbestos risk assessment, every six (6) years, unless the original inventory and risk assessment was performed by an approved inspection authority.

## REGULATION 6: ASBESTOS MANAGEMENT PLAN

At a workplace where an asbestos inventory had been created, a written asbestos management plan must be developed by a competent person. Competence in relation to these regulations means that the person has practical experience with asbestos materials, what materials commonly contain asbestos, where this could be found, how asbestos containing materials can be safely handled and how exposure can be suitably controlled. Additionally, the person must have knowledge on the health risks of exposure to asbestos fibers.

The plan should include consideration of other regulations and relevant legislation, possible situations such as damage or planned removal work. The reasoning for keeping asbestos materials in place or for removing them, should be stated in the asbestos management plan.

The plan should include a policy on the total phasing out (final removal and disposal) of asbestos in places for the specific site or workplace.

The asbestos management plan must be reviewed at least every 8 years by a competent person.

## REGULATION 7: INFORMATION AND TRAINING

Induction training should be provided to persons working at a premises where asbestos or asbestos containing material are present. This basic induction training should include, the sources of potential exposure, the potential health risks associated with exposure, procedures, to followed when asbestos containing materials have been damaged, safe disposal methods of asbestos waste and updating the asbestos management plan.

Information and training should be provided to workers doing non-asbestos related work such as general maintenance, plumbing, electrical, construction and refurbishment, where there is a potential for exposure to asbestos dust. Employees should be adequately and comprehensively informed and trained on practical aspects and theoretical knowledge. This training and information should include sources of potential exposure, potential health risks, tasks and incidents that could lead to potential exposure as well as precautionary measures, as well as 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.

Education, training and instruction should be provided to workers performing asbestos removal or repair work. All asbestos removal managers, supervisors and asbestos workers should be adequately and comprehensively educated and trained on practical aspects and theoretical knowledge. This education and training should include the occupational exposure limit the importance of good housekeeping and personal hygiene, the contents of plans of work, the correct use of control measures to limit the spread of asbestos dust procedures to be followed in the event of an accidental spillage or disturbance, the procedures for reporting and correcting and safe disposal of asbestos waste. This training should be conducted by a competent person, where competence in relation to these regulations means that the person has practical experience with asbestos materials, what materials contains asbestos and where it can commonly be found, additionally the person must have a good understanding of the health risks associated with asbestos work.. The training should be at least 8 hours in duration and training certificates should be issued to candidates.

Workers performing asbestos removal or repair work should receive refresher training at least every year or more frequently, and the refresher should be at least 2 hours in duration. Training should be given to all asbestos removal managers, supervisors and employees more frequently than once a year if work methods change, the type of equipment used to control exposure changes, or it is deemed necessary by the occupational health and safety committee.

Up to date training records should be kept and made available at the asbestos work site. The training certificate should be given to the asbestos worker should he resign. Drivers of vehicles transporting asbestos containing materials or asbestos should provide with written safe work procedures and instructions.

## REGULATION 8: DUTIES OF PERSONS WHO MAY BE EXPOSED

Employees or any other person exposed to asbestos has the moral and legal duty to comply with any lawful and legitimate instruction, written or verbal, given by or on behalf of employers. In addition, employees must adhere to the requirements laid down in the Act and other applicable regulations.

Persons conducting non-asbestos related work such as general maintenance, plumbing, electrical, construction and refurbishment and who may be exposed to asbestos, must obtain a copy of the relevant part of the inventory of asbestos in place, prevent damage to, or disturbance of asbestos in place and if damage or disturbance does occur, stop work immediately and report the incident.

Persons conducting type 1 asbestos work must obtain a copy of the relevant part of the inventory of asbestos in place and demarcate the area before work starts. As far as is reasonably practicable, they must use non-destructive wet methods (do not use high pressure water jetting) during removal procedures and limit the release of asbestos dust (do not use high speed electrical angle grinders, disc cutters or drills or similar dust producing equipment). They must also perform frequent decontamination of the equipment, label and dispose of asbestos waste properly and ensure that used disposable overalls and respiratory protective equipment, are disposed of as asbestos waste.

All persons conducting type 2 and type 3 asbestos work shall obey any lawful instruction and comply with requirements of the asbestos plan of work that has been approved by an approved inspection authority. As far as is reasonably practicable, use non-destructive wet methods during removal procedures (do not use high pressure water jetting) and prevent asbestos dust from becoming airborne while wearing the appropriate respiratory protective equipment and clothing. Asbestos removal employees must participate in occupational hygiene measuring of personal exposure and medical surveillance as required. Additionally, they must properly dispose of any asbestos waste, decontaminate the structure of a workplace, using methods such HEPA vacuuming, practice good housekeeping, attend training and employ the correct decontamination procedures as prescribed in the approved plan of work.

## REGULATION 9: CONTROL OF EXPOSURE TO ASBESTOS

Where the risk assessment identify potential exposure control measures should be implemented. The control measures should aim at reducing the exposure to as far below the OEL as reasonably practicable. Reasonably practicable in the context of these regulations means the consideration of the following aspects:

- the severity and scope of the asbestos hazard;
- the state of knowledge available concerning asbestos risks and hazards and

any means of mitigating the hazard or risk;

- the available and suitability of means to remove or mitigate the asbestos risk; and
- the cost of removing or mitigating the asbestos risk in relation to the benefits derived.

The hierarchy of control should be implemented to control the exposure to asbestos, by limiting the number of persons who may be exposed, by limiting the period during which persons will be exposed, by limiting the amount of asbestos dust that may contaminate the working environment. Furthermore, by introducing the following engineering control measures:

- process separation or enclosure such as tenting or plastic sheet;
- bonding of asbestos fibers with for example adhesives, paints, resins and other emulsions to prevent the release of asbestos dust
- the use of wet methods where appropriate;
- 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. The fault indicator may be visual such as a flashing light or in the form of an audible alarm.

Any water that is contaminated with asbestos as a result of asbestos work, must be passed through a filtration system before being released into any environment or water system and contaminated parts of the filtration system such as the filter must be discarded, as asbestos waste.

An employer must without delay report to the chief director, provincial operations, by telephone or electronic mail, any spill or uncontrolled release of asbestos that may pose a health hazard to employees or the community in general.

## REGULATION 10: NOTIFICATION OF ASBESTOS WORK

Seven days before starting on any type 1 asbestos work as defined, the chief director, provincial operations at the Department of Employment and Labour, must be notified in writing of the location, venue and contact details of where the asbestos work will be done.

Seven days before the start of any type 2 or type 3 asbestos work as defined, the chief director, provincial operations Department of Employment and Labour, must be notified using the document provided in Annexure 2 of these Regulations.

If emergency asbestos removal work needs to be performed sooner than 7 days, due to fire or hail damage or other unforeseen damage, the chief director, provincial operations must be contacted with the detail, then permission must be granted by the Department of Employment and Labour prior to start of any such work.

## REGULATION 11: DUTIES OF THE ASBESTOS CLIENT FOR ASBESTOS WORK

Where asbestos forms part of the structure of a workplace, building, plant or premises, steps must be taken to ensure that the location of asbestos in such workplace is identified in the inventory of asbestos in place.

A person wanting to carry out type 1 asbestos work as defined, must provide the inventory of asbestos in place to the persons undertaking the asbestos work and ensure that an asbestos risk assessment is carried out prior to the start. Also ensure a written safe work procedure is available and followed and as far as reasonably practicable. Instruction and supervision must be provided at all times during asbestos work.

A client planning type 2 or type 3 asbestos work should provide an up to date inventory of asbestos in place, to the registered asbestos contractor and approved asbestos inspection authority involved. The client should ensure that an asbestos risk assessment is carried out (regulation 5) prior to asbestos work and that the appropriately registered contractor, performs type 2 or type 3 asbestos work according to the approved asbestos plan of work. The client must co-sign the asbestos plan of work and stop any work which poses a health or safety risk until the risk has been appropriately mitigated. Any fatality or permanent disabling injury occurring during asbestos work, must reported to the chief director, provincial operations.

After the completion of any type 2 and type 3 asbestos work as defined, the client must obtain an asbestos clearance certificate (regulation 22) for the premises.

## REGULATION 12: DUTIES OF THE REGISTERED ASBESTOS CONTRACTOR FOR ASBESTOS WORK

A contractor registered with the Chief Inspector, Department of Employment and Labour, to perform type 2 or type 3 asbestos work, may only carry out the type of asbestos work for which they are registered, keeping in mind a contractor registered for Type 3 asbestos work may also perform type 2 work. They must appoint an occupational health and safety representative and obtain a copy of an up to date inventory of asbestos in place, from the client, before asbestos work starts.

A contractor registered to perform type 2 or type 3 asbestos work must ensure risk assessments are available and reviewed, considering:

- the hazards;
- an assessment of the risks related to the hazards, which could include a risk matrix;

documented control measures to mitigate or reduce the risk;

The registered asbestos contractor should submit an approved plan of work (regulation 15) to the chief director, provincial operations, at least 7 days prior to commencement of asbestos work and appoint in writing an asbestos supervisor to each asbestos work site, who shall ensure;

- occupational health and safety compliance on the asbestos removal site
- compliance to the approved plan of work or safe asbestos removal or repair procedures where applicable
- correct use of personal protective equipment
- proper decontamination and waste disposal

The registered asbestos contractor must adhere to the plan of work for that specific asbestos work and ensure that employee's medical and training records are up to date and available. The registered asbestos contractor should keep records of the following information for every employee for 50 years-

- name and identification number (ID) of employee
- all asbestos work projects that the employee has worked on.

Before commencement of asbestos work the registered asbestos contractor must make sure that all equipment has been decontaminated of asbestos and that the company is in good standing with the Compensation Fund or with a licensed compensation insurer. Where a fatality or permanent disabling injury occurs, it must be reported to the chief director, provincial operations.

## REGULATION 13: DUTIES OF THE APPROVED ASBESTOS INSPECTION AUTHORITY FOR ASBESTOS WORK

An approved inspection authority (AIA) involved in type 2 or 3 asbestos work, as defined must make sure a written plan of work is consulted on and compiled then approved and submitted, for acknowledgment to the Department of Employment and Labour.

The AIA must verify the medical and asbestos training certificates of workers on site, provide guidance and site-specific instructions or prohibitions as stipulated in the plan of work. The AIA must stop any asbestos work which poses a health or safety risk immediately. The AIA must perform asbestos air monitoring (personal and environmental), thereafter issue a written report with findings and recommendations. Upon completion of type 2 and type 3 asbestos work the AIA must provide an asbestos clearance certificate.

Note: An approved inspection authority in the context of these regulations means an accredited organisation, approved by the Chief Inspector as an inspection authority with respect to asbestos, in terms of the related provision.

## REGULATION 14: DISPUTES

When it is unclear if any asbestos removal work falls into type 1, 2 or 3 asbestos work (as described in the regulations) the employer may call on a approved inspection authority (AIA) or the Department of Employment and Labour's Chief Inspector to make the deciding determination. The decision by the AIA or Chief Inspector shall be provided in 30 days and all work on the material in question shall be halted until the decision has been provided.

## REGULATION 15: PLAN OF WORK

- A plan of work for asbestos removal must contain the following:
- name and contact details the registered asbestos contractor, approved inspection authority, asbestos waste transporter, asbestos waste disposal site, the asbestos removal manager and client;
- the type asbestos to be removed such as lagging of roof sheets, also the location, estimated quantity and condition of the asbestos;
- a list of employee names and identification numbers with verification of valid up to date asbestos training and medical surveillance records (actual training and medical certificates should not be included in the plan of work), for the asbestos work site;
- expected starting and completion dates;
- air monitoring method used and frequency by the AIA; and
- 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;
- details of decontamination facilities and decontamination procedures;
- details of the demarcation, labelling and signage requirements of regulated asbestos areas, asbestos waste and temporary on-site storage (regulation 24(c) areas);
- decontamination procedure of the work area, tools and equipment;
- emergency procedures;
- disposal method of the asbestos waste (regulation 21)
- detail of asbestos clearance certification;

- site specific prohibitions.

The approved plan of work must have signatures from:

- the asbestos client
- the registered asbestos contractor and,
- the approved inspection authority

## REGULATION 16: AIR MONITORING

During of type 2 and type 3 asbestos work, an asbestos client must make sure that air monitoring of the concentration of airborne regulated fibres are conducted by an approved asbestos inspection authority. An approved inspection authority in the context of these regulations means an accredited organisation, approved by the Chief Inspector as an inspection authority with respect to asbestos, in terms of the related provision. Air monitoring must be carried out according to HSG 248, must be representative and be carried out at a frequency determined by the approved asbestos inspection authority based on the site-specific asbestos risk assessment.

Results obtained from air monitoring must be compared against the OEL (0.2 regulated asbestos fibres per milliliter of air), to ensure that no employees are excessively exposed to asbestos. Environmental air monitoring (air sampling other than personal sampling for example static sampling) must also be performed by an approved asbestos inspection authority during type 2 and type 3 asbestos work.

Regulated asbestos fiber in the context of these regulations means a particle of asbestos with a length-to-diameter ratio greater than 3 to 1, a length greater than 5 micrometers and a diameter less than 3 micrometers.

## REGULATION 17: MEDICAL SURVEILLANCE

Every type 2 and 3 registered asbestos contractor must make sure all employees involved in asbestos work, are under the medical surveillance of an occupational medicine practitioner who holds a qualification in occupational health recognized as such by the South African Medical and Dental Council.

No medical surveillance is required for persons performing type 1 asbestos work, because of the negligible risk due the type of material, quantity of material, work procedures and timeframe allowed for type 1 asbestos work.

Every type 2 and type 3 registered asbestos contractor shall ensure that a structured written medical surveillance programme be drawn up by an occupational medicine practitioner. Participation in this programme should be a condition for employment as an asbestos worker.

The structured medical surveillance programme shall include an initial health evaluation and subsequent health evaluations.

The initial health evaluation, carried out by an occupational medicine practitioner or occupational health practitioner, must be done immediately or within 7 days after a person commences employment, and evaluate:

- the employee's medical and occupational and social history;
- physical examination;
- at least a pulmonary function testing; and
- any other essential medical examination such as chest x-rays.

Following the initial health evaluation, further health evaluations of the relevant employee, must be carried out at intervals not exceeding two years by an occupational medicine practitioner.

If an employee has been certified unfit for work by an occupational medicine practitioner, the employer may not allow this employee to perform asbestos work until the employee has been declared fit again by an occupational medicine practitioner.

An employer must provide the employee's medical certificates to that employee upon termination of their employment.

All incidents due to uncontrolled release of asbestos or any disease caused by asbestos exposure must be reported of to Chief Inspector and COIDA, by the employer.

## REGULATION 18: REGULATED ASBESTOS AREA

During type 1, 2 or 3 asbestos work as defined, a regulated asbestos area shall be established by clearly demarcating, sign-posted and identifying the area with bunting and signage specified in regulation 20. No person may enter 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.

## REGULATION 19: PERSONAL PROTECTIVE EQUIPMENT AND FACILITIES

Personal respiratory protective equipment (RPE) and protective clothing (PPE) must be provided to all persons who may be exposed to asbestos. Respiratory protective equipment must provide the appropriate level of protection, at least a FFP2 or FFP3 mask (FFP- Filtering Face-piece) or N95. Respiratory protective equipment must fit the employee correctly without any leakages.

Personal respiratory protective equipment (RPE) and protective clothing (PPE) must be provided by the employer to any visitor to the site.

Respiratory protective equipment that is provided by the employer must be capable of keeping the exposure level below the OEL for asbestos and is correctly used, stored and maintained. Employees must be instructed, trained and supervised on the use of the equipment.

Respiratory protective equipment must be cleaned, decontaminated and kept in separate containers provided specifically for the storage of respirators when not in use. Equipment and clothing intended for once-off use i.e. disposable, must be disposed of as asbestos waste.

## REGULATION 20: LABELLING AND SIGNAGE

All asbestos containing building materials must be legibly marked and labeled using the pictogram specified in Annexure 1. All asbestos waste, any asbestos contaminated soil or land shall be clearly labelled and demarcated respectively. A regulated asbestos area shall be clearly demarcated using pictograms and signs specified in Annexure 1.

## REGULATION 21: DISPOSAL OF ASBESTOS

When asbestos work has been concluded the premises and structures must be thoroughly checked to ensure that all asbestos waste has been removed for disposal. Asbestos waste must be placed in containers that will prevent exposure

during handling, for example sealed double plastic bags. Vehicles, re-usable containers must be cleaned and decontaminated after use. Disposal certificates must be obtained from the disposal site, referencing the type of waste and quantities.

## REGULATION 22: ASBESTOS CLEARANCE CERTIFICATE

When asbestos work has been concluded the approved inspection authority must conduct a visual inspection of the work area and take final clearance samples, check that all asbestos waste has been removed and then issue a written clearance certificate (this could be a letter or certificate).

## REGULATION 23: RECORDS

The following records should be kept:

- inventories of asbestos in place,
- assessments of potential exposure to asbestos (such as risk assessments),
- air monitoring results,
- medical surveillance reports,
- asbestos waste disposal certificates and
- clearance certificates,

Employee's medical records are confidential and should only be available to occupational health practitioners. Only once formal written consent has been obtained from the employee, may the records be perused by the person receiving permission. Records in electronic or hard copy must be kept for a minimum period of 50 years. Training certificates should be handed to an employee if the employee leaves the employment of the asbestos contractor.

## REGULATION 24: PROHIBITION

- Asbestos or asbestos containing materials may NOT be imported, manufactured, sold, given donated, installed, reused, re-installed or recycled.
- Asbestos containing materials such as roof sheets must not be cleaned or prepared in any way e.g. through washing, brushing, scrubbing or water-jetting, before painting or encapsulation.
- Asbestos waste may only be stored for a period of 3 months after after removal, before final disposal and must be protected during this time.
- Asbestos waste must be completely covered and protected during storage to reduce the release of asbestos fibres which may contaminate air, ground or water.
- Compressed air or blowing of air may not be used to remove asbestos dust from any surface, person, equipment or clothing.
- No electrical power tools such as angle grinders or any other fast-moving equipment, may be used to cut, grind or drill asbestos containing material under any circumstances.
- No person may smoke, eat, drink or keep food or beverages in a regulated asbestos area.
- Vacuum cleaners used to remove asbestos dust must have a filtration efficiency of at least 99 percent for particles one micrometer in size.
- Demolition may NOT start before all asbestos and asbestos containing building material has been safely and effectively removed from the premises.

## REGULATION 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.

## REGULATION 26: REPEAL OF REGULATIONS

The Asbestos Regulations published under Government Notice No. R. 155 of 10 February 2002, as Government Notice No. R. 23108, are hereby repealed.

## REGULATION 27: SHORT TITLE

These regulations shall be called the Asbestos Abatement Regulations, 2020. Regulation 3 and regulation 20 will come into effect 18 months after the promulgation of these regulations by the Minister of Employment and Labour.

## ANNEXURE 1

## ANNEXURE 2



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