



DEPARTMENT OF EMPLOYMENT AND LABOUR
FREQUENTLY ASKED QUESTIONS
RELATING TO ASBESTOS AND THE NEW ASBESTOS ABATEMENT REGULATIONS.
(Q- QUESTION. A- ANSWER)



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA



Frequently asked questions relating to asbestos and the new Asbestos Abatement Regulations. (Q- question. A- Answer)

Q: When will the new Asbestos Abatement Regulation be enforced?

A: The regulations will come into effect on the date it is published in the Government Gazette by the Minister of Employment and Labour. However regulation 3 (Identification of asbestos in place) and regulation 20 (Labelling and signage) will come into effect 18 months after the promulgation.

Q: How do I identify asbestos?

A: It can be very difficult to identify asbestos, as it is often mixed with other materials. If you are unsure whether asbestos is present, don't start maintenance or repair work. A bulk-sample may be taken for confirmatory laboratory analyses. An asbestos inventory for your workplace must be in place and made available.

Q: What are the health risks associated the asbestos fibre exposure?

A: Asbestos is responsible for many deaths every year. Younger people, if routinely exposed to asbestos fibres over time, are at greater risk of developing asbestos-related disease than older workers. This is due to the time it takes for the body to develop symptoms after exposure to asbestos (latency).

Exposure to asbestos can cause four main diseases:

- Mesothelioma (a cancer of the lining of the lungs)
- Asbestos-related lung cancer
- Asbestosis (a scarring of the lungs)
- Diffuse pleural thickening (a thickening of the membrane surrounding the lungs)

It can take anywhere between 15-60 years for any symptoms to develop after exposure, so these diseases will not affect you immediately but may do later in life.

Q: Must a Plan of Work (POW) be developed and submitted for "type 1 asbestos work"?

A: No, a POW does not need to be submitted to the Department of Employment and Labour in the case of type 1 asbestos work. However, a written safe operating procedure that includes the disposal of waste needs to be developed and followed to at all times. A POW needs to be submitted when type 2 & 3 asbestos work is planned.

Q: Will the Department give an acknowledgment of a notification of asbestos work?

A: Yes, the relevant Provincial Office of the Department of Employment and Labour will provide acknowledgment of the notification in one of the following manners:

- Date stamp and signature on the notification
- E-mail acknowledgment
- Standardised letter on Departmental letterhead.

It is up to the relevant Provincial Office of the Department of Employment and Labour to decide on their preferred method of acknowledgment.

Q: Is there a date on which all asbestos building materials will have to be removed (banned)?

A: No, however there is a Nations Asbestos Management Strategy that aims for an Asbestos risk free South Africa by 2030.

Q: Why is there not a "cut-off" date for when ALL asbestos building materials must be removed?

A: A very significant number of buildings in South Africa still contain asbestos in place. If these asbestos materials are kept in a good state of repair (not broken, damaged or in a bad state) it can be safely kept in place for many more years. The cost of safely removing and disposing of asbestos and asbestos containing materials is very high and may be disproportioned to the risk should a "cut-off" or ban be institute. Each employer is however required to develop a maintenance plan for asbestos in place that must include a plan to phase out all asbestos and asbestos containing material within their own time frames.

Q: Who may preform asbestos demolition work?

A: The demolition of asbestos containing materials is prohibited. Therefore NO asbestos demolition may be conducted by anyone in South Africa. All asbestos containing materials must be safely removed for disposal before any demolition may start on a building.

Q: If the employer does not own the building he/she is operating or working from – who should develop the inventory of asbestos in place?

A: It is the legal responsibility of an employer to safeguard employees against all health and safety risks at the workplace, this includes asbestos. If the employer does not own the building the company is operating from, the employer is responsible to reach an agreement with the building owner, as to how the "inventory of asbestos in place" will be developed. The employer is however responsible for developing the asbestos management plan.



Q: How should notice of asbestos work be provided to the Department?

A: Written notification of asbestos work must be provided in the format indicated in Annexure 2 of the Asbestos Abatement Regulations. The document may be electronically mailed, delivered or faxed to the Chief Director: Provincial Operations of the relevant Province where work will take place.

Q: Who should provide notice of asbestos work to the Department?

A: It is the responsibility of the Registered Asbestos Contractor (RAC) in the case of Type 2 and 3 asbestos work to ensure notification is provided, however the notice may be provided by either the Client, RAC or Approved Inspection Authority.

In the case of type 1 asbestos work, notice must be provided to the Department by the person responsible for the asbestos work, such as the building owner.

Q: Who should appoint the AIA during type 2 or type 3 Asbestos work?

A: The Asbestos Client has the legal responsibility to appoint the Approved Inspection Authority (AIA) in writing. A list of Approved Inspection Authority for Occupational Hygiene is available on the Department of Employment and Labour’s website at www.labour.gov.za under Resources. Both the Client and the Asbestos Contractor must note that the AIA has the legal authority and responsibility to stop any asbestos work which poses a health or safety risk to any persons until such time that the risk has controlled.

Q: What is the occupational exposure limit to asbestos?

A: The occupational exposure limit is 0,1 regulated asbestos fibres per millilitre of air measured in accordance with HSG 248;

Q: Who should pay for medical surveillance tests?

A: It is the legal responsibility of the employer to arrange and pay for medical surveillance by a Occupational Medicine Practitioner.

Q: Who should provide PPE and RPE?

A: It is the legal responsibility of the employer to provide PPE & RPE and replace it if required.

Q: How will I know if the RPE provided fits properly?

A: Remember employees come in different shapes and sizes, so one kind of Respiratory Protective Equipment (RPE) is unlikely to fit all. If the RPE does not fit, it will not protect the wearer.

- RPE fit testing is a method of checking that a tight-fitting mask matches the wearer’s facial features and seals adequately to their face. RPE will only provide effective protection if it is tight-fitting and the wearer is clean shaven. Quantitative fit tests are available to scientifically evaluate proper fit of RPE. Leak checking can be performed by the employee several times a day by ensuring no gaps occur between the face and mask rim.

Q: May an employee refuse to wear PPE?

A: No, employees have a legal responsibility to comply with any lawful instruction relating to health and safety. This includes an instruction to wear PPE or RPE when working with asbestos.

Q: Who is considered “competent” to provide asbestos training?

A: A person competent to provide asbestos training has, the required knowledge, training and experience and, where applicable, qualifications specific to asbestos work or related tasks and is familiar with the Occupational Health and Safety Act, 85 of 1993 and the applicable regulations made under the Act. The person must have an in-depth understanding of the health risks associated with asbestos and be able to convey the message.

Q: What is a POW?

A: A POW is a **plan of work**, which stipulates how asbestos work should be conducted on a specific project. The POW must include:

- Name, contact details and responsibilities of the registered asbestos contractor, approved inspection authority, asbestos waste transporter, asbestos waste disposal site and asbestos client,
- name and contact details of the asbestos removal supervisor
- details of the asbestos to be removed, including the location, type, estimated quantity and condition of the asbestos;
- a list of employees’ names and identification numbers
- expected commencement and completion dates;
- air monitoring method used, and frequency of air monitoring,
- details of how the asbestos removal work will take place, including methods of removal, tools and equipment, and the appropriate personal protective equipment
- details relating to the requirements of decontamination facilities and decontamination procedures;
- details of demarcation, labelling and signage requirements and asbestos waste and temporary on-site storage areas;
- procedure for decontamination of the work area, tools and equipment;
- emergency procedures in the event of uncontrolled asbestos release;
- method for disposal of asbestos waste;
- detail of asbestos clearance certification; and
- site or project specific prohibitions.

For example, the following occupations would be considered competent to provide asbestos training:

- Occupational Hygienist (all three levels of SAIOH registration)
- Occupational Health Practitioner
- Or anyone that are able to proof their competence

Q: Who is considered “competent” to perform a risk assessment before asbestos removal starts?

A: A person who has, in respect of health risk assessment, the required knowledge, training and experience and, where applicable, qualifications specific to asbestos work, risk assessment or related tasks: Provided that, where appropriate qualifications and training are registered in terms of the National Qualifications Framework Act, 67 of 2008, those qualifications and that training must be regarded as the required qualifications and training; and is familiar with the Occupational Health and Safety Act, 85 of 1993 Act and the applicable regulations. This may be a person working within the company or a consultant.

Q: May asbestos containing materials be “encapsulated”?

A: Yes, the encapsulation of asbestos containing materials with a coating such a rubber or other synthetic is allowed. However the same precautions as for painting applies – NO SURFACE PREPARATION or CLEANING. Surface preparation will cause fibres to be released increasing the health risk.

Q: What is the difference between an OMP and OHP?

A: OMP- Occupational Medicine Practitioner is a medical doctor with additional occupational medicine qualifications.

OHP – Occupational Health Practitioner is an Occupational Medicine Practitioner or an Occupational Nurse with a qualification in occupational health.

Q: If a RAC registered to do type 2 or 3 asbestos work has fewer than 20 employees, should an occupational health and safety representative be appointed?

A: Yes

As the health risk to employees is high, the Chief Inspector deemed it necessary to require the appointment of an OHS Representative to inspect the health and safety standards at all times.

Q: Where asbestos removal forms part of construction work, what kind of notification should be provided to the Department of Employment and Labour?

A: Both a notification of construction work and asbestos work should be provided in the prescribed formats.

Q: Where can I find a “Registered Asbestos Contractor”?

A: A list of the registered asbestos contractors (RAC) with valid registrations can be found on the Department of Employment and Labour’s website at www.labour.gov.za under Resources.

Q: How long is a Registered Asbestos Contractor’s registration with the Department valid?

A: A registered asbestos contractor’s registration with the Department of Employment and Labour is valid for 3 years. However a registration may be withdrawn by the Department if all requirements are not adhered to by the RAC.

Q: Is asbestos training a legal requirement?

A: Yes, it is the legal responsibility of an employer to ensure employees are trained if they are expected to work on or with asbestos or if they may work in the vicinity of asbestos containing materials.

Q: How should asbestos waste be disposed off?

A: Asbestos waste describes any asbestos products or materials that are ready to be disposed. This includes any contaminated building materials, dust, rubble, used tools that cannot be separated and decontaminated from asbestos fibres, disposable PPE (personal protective equipment) and materials (rags) used for cleaning. Asbestos waste must be placed in suitable packaging to prevent any fibres being released. This should be double wrapped and appropriately labelled. Standard practice is to use a plastic bag – and a clear outer bag with appropriate hazard markings. Intact asbestos cement sheets and textured coatings that are firmly attached to a board should not be broken up into smaller pieces. These should instead be carefully double wrapped in suitable sheeting (such as 1000 gauge) and labelled.

Asbestos waste is considered to be hazardous waste and should be disposed of, complying to the terms of the Environment Conservation Act, 1989, and the National Environmental Management: Waste Act, 2008.

Q: How do I know if a property / building contain asbestos?

A: Asbestos may be part of any commercial or domestic building which was built or refurbished before the year 2011. Asbestos can typically still be found in any of the following:

- asbestos cement products (pipes, gutters, roofs etc)
- lagging (on pipes and boilers etc)
- water tanks and toilet cisterns
- asbestos insulating board
- ceiling boards
- loose asbestos in ceiling
- sprayed coatings on ceilings, walls and beams / columns
- textured decorative coatings
- floor tiles
- textiles and composites

Confirmatory laboratory analysis for suspected material is the only way to definitively establish if asbestos is contained.

Q: I think I may have asbestos in my home. What should I do?

A: If you are sure or suspect that your home contains asbestos materials then it is often best to leave it where it is – especially if it is in good condition and unlikely to get damaged. You should check the condition of the materials from time to time to make sure they haven’t been damaged or started to deteriorate.

Small damaged sections of asbestos containing materials may be maintained or removed by the home-owner themselves under strict conditions stipulated in the Asbestos Abatement Regulations 2020.

Q: My workplace contains asbestos, am I at risk?

A: The presence of asbestos alone should not be a cause for concern. Asbestos only becomes a risk to human health when it is released into the air and breathed in. Where asbestos containing materials are assessed as being in good condition it should be left in place managed and monitored.

Employers are required to actively manage any asbestos in buildings. They must also inform the employees of the location of asbestos.

Those considered most at risk of exposure to asbestos fibres are maintenance workers who can unknowingly disturb asbestos in place during the course of their work. Precautions must be taken to ensure not disturbing asbestos during work.

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