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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

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GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID

No. R. 155

10 February 2002

OCCUPATIONAL HEALTH AND SAFETY ACT, 1993 (ACT NO. 85 OF 1993)

ASBESTOS REGULATIONS, 2001

The Minister of Labour has under section 43 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), after consultation with the Advisory Council for Occupational Health and Safety, made the regulations in the Schedule.

SCHEDULE

Definitions

1. 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 approved inspection authority for the monitoring of asbestos concentrations in the air;

“asbestos” means any of the following minerals:

- (a) Amosite
- (b) Chrysotile
- (c) Crocidolite
- (d) Fibrous actinolite
- (e) Fibrous anthophyllite; and
- (f) Fibrous tremolite,

or any mixture containing any of these minerals;

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

“asbestos waste” means an undesirable or superfluous asbestos-containing by-product, emission or residue of any process or activity that has been—

- (a) discarded by any person;
- (b) accumulated and stored by any person with the purpose of eventually discarding it with or without prior treatment connected with the discarding thereof; or
- (c) stored by any person with the purpose of recycling, re-using or extracting a usable product from such matter;

“asbestos work” means work that exposes or is likely to expose any person to asbestos dust;

"demolition work" includes demolition, alteration, stripping, removing, repair, gleaning of any spilt asbestos, or high-pressure water jetting of any structure containing asbestos lagging or insulation, but does not include work performed on asbestos cement sheeting and related products and asbestos cement products that form part of the structure of a workplace, building, plant or premises;

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

"HSG 173" means the Monitoring Strategies for Toxic Substances, HSG 173, published by the Health and Safety Executive of the United Kingdom;

"MDHS 39/4" means the Methods for the Determination of Hazardous Substances 39/4 of the Health and Safety Executive of the United Kingdom: *Asbestos fibres in air, sampling and evaluation by phase contrast microscopy (PCM)* under the Control of Asbestos at Work Regulations, 1995 HSE ISBN 0 7176 0913 8, as revised from time to time;

"measurement programme" means a programme according to the monitoring strategy as contemplated in OESSM and HSG 173;

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

"occupational exposure limit" or "OEL" means a limit value set by the Minister for a stress factor in the workplace;

"OESSM" means the *Occupational Exposure Sampling Strategy Manual*, published by the National Institute for Occupational Safety and Health (NIOSH), United States of America: Department of Health, Education and Welfare;

"occupational exposure limit for asbestos" means an occupational exposure limit of 0,2 regulated asbestos fibres per milliliter of air averaged over any continuous period of four hours measured in accordance with MDHS 39/4;

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

"registered asbestos contractor" means a mandatory or employer conducting demolition 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;

"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, and which device conforms to a standard approved by the Minister;

"respirator zone" means a respirator zone contemplated in regulation 10(a);

"SABS 0228" means the Code of Practice for the Identification and Classification of Dangerous Substances and Goods, SABS 0228, published by the South African Bureau of Standards (SABS);

"SABS 0229" means the Code of Practice for Packaging of Dangerous Goods for Road and Rail Transportation in South Africa, SABS 0229, published by the South African Bureau of Standards (SABS);

"short-term exposure limit" means the concentration to which workers 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;

"short term exposure limit for asbestos" means an exposure limit of 0,6 regulated asbestos fibres per milliliter of air averaged over any 10 minutes;

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

Scope of application

2.(1) Subject to subregulation 2, these Regulations shall apply to every employer and self-employed person who carries out work at a workplace that may expose any person to asbestos dust at that workplace.

(2) Regulations 5(1), 5(2), 5(3), 5(4), 5(6), 7(2), 8, 9, 11(2)(f), 14(2), 14(3), 14(4) 16(c), 16(f) and 17(6) shall not apply in the case of self-employed persons.

Notification of asbestos work

3. No employer or self-employed person shall carry out any asbestos work unless he or she has notified the provincial director in writing thereof prior to the commencement of such work.

Exposure to asbestos

4. Subject to regulation 17(1) no employer or self-employed person shall require or permit any person to work in an environment in which he or she would be exposed to asbestos in excess of the prescribed occupational exposure limit.

Information and training

5.(1) An employer shall, before any employee is exposed or may be exposed to asbestos dust, after consultation with the health and safety committee established for that section of the workplace, ensure that the employee is adequately and comprehensively informed and trained, on both practical aspects and theoretical knowledge, with regard to—

- (a) the contents and scope of these Regulations;
- (b) the potential sources of exposure, including the recognition of derelict asbestos-containing materials;
- (c) the potential health risk caused by exposure to asbestos, including the health risks to employees' families and others, which could result from taking home asbestos contaminated equipment and clothing, and the dramatically increased risk of lung cancer for asbestos workers who smoke;
- (d) the measures taken by the employer to protect an employee against any risk from exposure;
- (e) the precautions to be taken by the employee to protect himself or herself against the health risks associated with the exposure, which precautions include the wearing and use of protective clothing and respiratory protective equipment;
- (f) the necessity, correct use, maintenance and limitations of protective equipment, facilities and engineering control measures provided;
- (g) the assessment of exposure, the purpose of air sampling, the necessity for medical surveillance and the long term benefits and limitations thereof;
- (h) the occupational exposure limit and its meaning;
- (i) the importance of good housekeeping at the workplace and personal hygiene;
- (j) the safe working procedures regarding the use, handling, processing, and storage of any material containing asbestos, which procedures include the correct use of control measures to limit the spread of asbestos dust outside the work area, and to limit the exposure of workers inside the work area as far as is reasonably practicable;
- (k) procedures to be followed in the event of an accidental spillage or any other similar emergency situation likely to result in the release of asbestos dust;

- (l) procedures for reporting and correcting defects likely to result in the release of asbestos dust;
 - (m) safe disposal of asbestos waste;
 - (n) procedures for record keeping; and
 - (o) matters contemplated in regulation 6.
- (2) Refresher training on matters contemplated in subregulation (1) shall be given at least every year or at more frequent intervals that may be recommended by the health and safety committee.
- (3) 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.
- (4) Training shall be provided by somebody who is competent to provide it and has adequate personal practical experience and theoretical knowledge of all aspects of the work being carried out by the employer.
- (5) An employer or a self-employed person shall ensure, as far as is reasonably practicable, that his or her mandatory or any person other than employees who may be exposed to asbestos at the workplace are given adequate information, instruction and training.
- (6) An employer shall keep a record of any training, both practical and theoretical, that was given to an employee.
- (7) An employer or a self-employed person shall give instructions in writing of the procedures contemplated in subregulation (1)(k) to the drivers of vehicles carrying asbestos or asbestos-containing material, that has the potential of causing environmental pollution or affecting human health.

Duties of persons who may be exposed

6. Any person who is or may be exposed to asbestos in the workplace, shall obey any lawful instruction given by or on behalf of the employer or a self-employed person, regarding—

- (a) the prevention of asbestos dust from becoming airborne;
- (b) the wearing and use of personal protective equipment and clothing;

- (c) the wearing of monitoring equipment to measure personal exposure to asbestos;
- (d) the reporting for medical surveillance as required by Regulation 9;
- (e) the cleaning up and disposal of any material containing asbestos;
- (f) housekeeping at the workplace, personal hygiene, good environmental and health practices, including eating, drinking and smoking in designated places provided; and
- (g) information and training received contemplated in regulation 5.

Assessment of potential exposure

7.(1) An employer or self-employed person shall cause—

- (a) his or her undertaking to be assessed within six months after the commencement of these regulations, and thereafter at intervals not exceeding two years, to determine if any person may be exposed to asbestos; and
- (b) the assessment results contemplated in paragraph (a) to be recorded as required by regulation 16.

(2) An employer contemplated in subregulation (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) When making the assessment contemplated in subregulation (1)(a), the employer or self-employed person shall take the following into account:

- (a) The presence of any material containing asbestos being used, processed, handled or stored;
- (b) where asbestos may be present, the ease with which the asbestos dust may be released and the extent to which a person may be exposed;
- (c) the nature of the work, process and any likely deterioration in or failure of any control measures;
- (d) the details of expected exposures, in particular—
 - (i) whether the expected exposure is above the OEL for asbestos, so that the appropriate respiratory protective equipment can be

selected pending the implementation of engineering control measures;

- (ii) whether such exposures are intermittent, including the frequency and duration of exposures;
 - (iii) the number of employees exposed and any other person who may be exposed, and their expected exposure values; and
 - (iv) where applicable, results which may be available from any previous monitoring performed at that workplace;
- (e) the steps to be taken to reduce exposure to the lowest level reasonably practicable and the steps to be taken to reduce the release of asbestos dust into the environment;
- (f) procedures for dealing with emergencies; and
- (g) procedures for the removal of asbestos waste from the workplace, and the disposal thereof.

(4) If the assessment or any of its reviews made in accordance with subregulation (1) and (5) indicates that any person is likely to be exposed to asbestos, the employer or self-employed person shall ensure that the exposure is adequately controlled as contemplated in regulation 11.

(5) An employer or self-employed person shall forthwith review the assessment required by subregulation (1) if—

- (a) there is reason to believe that the previous assessment is no longer valid;
- (b) control measures are no longer efficient;
- (c) technological or scientific advances allow for more efficient control methods; or
- (d) there has been a significant change in—
 - (i) work methods;
 - (ii) the type of work carried out; or
 - (iii) the type of equipment used to control exposure;

and subregulations (2) and (3) shall apply.

Air monitoring

8.(1) Where exposure is in excess of half the OEL for asbestos, an employer shall ensure that a measurement programme of the concentration of airborne regulated asbestos fibres to which an employee is exposed, is—

- (a) carried out in accordance with these Regulations;
- (b) carried out only after the relevant health and safety representative or relevant health and safety committee has been informed thereof and was given a reasonable opportunity, as mutually agreed upon, to comment thereon;
- (c) carried out by—
 - (i) an approved asbestos inspection authority; or
 - (ii) a person whose ability to do the measurements is verified by an approved asbestos inspection authority;
- (d) representative of the exposure of employees to the airborne asbestos fibres in accordance with subregulation (2); and
- (e) verified in accordance with subregulation (3) if the measurements are carried out by a person contemplated in subregulation (1)(c)(ii).

(2) In order to comply with the provisions of subregulation (1)(d), an employer shall ensure—

- (a) that the measurement programme—
 - (i) in the case of a group measurement, makes provision for the selection of the number of persons for a sample to be done as contemplated in chapters 3 and 4 and table A-2 of Technical Appendix A of the OESSM: Provided that measurements of exposure shall be by personal sampling taken in accordance with MDHS 39/4: Provided further that in so far as any provision of the OESSM and the MDHS 39/4 is repugnant to a provision of the Occupational Health and Safety Act, 1993, and these Regulations, the provisions of the Act and these Regulations shall take precedence; and
 - (ii) if in the case of the most exposed employee measurement, the exposure exceeds the OEL for asbestos, then any other employee whose exposure could be above the OEL for asbestos is identified and that measurements representative of typical exposure shall be carried out on every employee identified; and

- (b) that representative measurements contemplated in subregulation 1(d) are carried out at least every 12 months: Provided that whenever the OEL for asbestos is exceeded, regulation 11 shall apply.

(3) In order to comply with subregulation (1)(e), an employer shall obtain the services of an approved asbestos inspection authority who shall, at intervals not exceeding 12 months, do the required verification—

- (a) by examining the measurement and analysis equipment of the employer;
- (b) by questioning the person contemplated in subregulation (1)(c)(ii) regarding the measurement programme;
- (c) by carrying out, together with the person contemplated in subregulation (1)(c)(ii), the measurement programme required by subregulation (2) for any one group; and
- (d) by ensuring that the results of the measurement and investigation as contemplated in subregulation (2) and (3) respectively, have been recorded as required by regulation 16.

Medical surveillance

9.(1) An employer shall ensure that an employee is under the medical surveillance of an occupational medical practitioner if—

- (a) an employee is exposed or is likely to be exposed to asbestos dust exceeding the OEL for asbestos; or
- (b) an occupational medicine practitioner certifies that the relevant employee should be under medical surveillance.

(2) In order to comply with subregulation (1), an employer shall, as far as is reasonably practicable, ensure that a structured medical surveillance programme be drawn up by an occupational medicine practitioner which shall include at least the following:

- (a) An initial health evaluation, carried out by an occupational health practitioner immediately or within 14 days after a person commences employment, which comprises—
 - (i) an evaluation of the employee's medical and occupational history;
 - (ii) medical examinations and tests which should include chest X-rays, pulmonary function testing and an appropriate physical examination; and

- (iii) any other essential medical examination which in the opinion of the occupational medicine practitioner is necessary in order to enable such practitioner to do a proper evaluation; and
- (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 specified by an occupational medicine practitioner.

(3) An employer shall not permit or allow an employee who has been certified unfit for work by an occupational medicine practitioner to work in a workplace or part of a workplace in which he or she will be exposed or is likely to be exposed to asbestos dust: 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.

(4) Where the reason for the employee being certified unfit as contemplated in subregulation (3) is as a result of exposure to asbestos in that workplace, the employer shall record and investigate the incident in compliance with regulation 8 of the General Administrative Regulations.

Respirator zone

10. An employer or self-employed person shall ensure that—

- (a) any workplace or part of a workplace under his or her control, where the concentration of regulated asbestos fibres in the air is, or may be, such that the exposure of persons in that workplace exceeds the OEL for asbestos without the wearing of respiratory protective equipment, is zoned as a respirator zone;
- (b) a respirator zone is clearly demarcated and identified by notice indicating that the relevant area is a respirator zone and that the respiratory protective equipment and protective clothing contemplated in regulation 17 must be worn there;
- (c) no person enters or remains in a respirator zone unless he or she wears the required respiratory protective equipment and protective clothing; and
- (d) the reason why the OEL for asbestos is exceeded is identified and action is taken, as soon as is reasonably practicable, to lower the concentration of asbestos in the air by means other than respiratory protective equipment, so that it does not exceed the OEL for asbestos.

Control of exposure to asbestos

11.(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 level of exposure 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 exposure by means other than respiratory protective equipment, so that it does not exceed the OEL for asbestos.

(2) Where reasonably practicable, an employer or self-employed person shall control the exposure of a person—

- (a) by using a substitute for asbestos;
- (b) by limiting the number of persons who will be exposed or may be exposed;
- (c) by limiting the period during which persons will be exposed or may be exposed;
- (d) by limiting the amount of asbestos dust that may contaminate the working environment;
- (e) by introducing, inter alia, the following engineering control measures for the control of exposure:
 - (i) Process separation, automation or enclosure;
 - (ii) bonding of asbestos fibres with other material to prevent the release of asbestos dust;
 - (iii) the installation of local extraction ventilation systems to processes, equipment or tools for the control of emissions of asbestos dust;
 - (iv) the use of wet methods where appropriate;
 - (v) separate workplaces for carrying out different processes; and
 - (vi) a fault indicator to enable early corrective action to be taken; and
- (f) by introducing appropriate written work procedures that an employee must follow to ensure that —

- (i) asbestos is safely handled, used and disposed of;
- (ii) process machinery, installations, equipment, tools and local extraction and general ventilation systems are safely used and maintained; and
- (iii) early corrective action regarding the control exposure.

Cleanliness of premises and plant

12. Every employer or self-employed person shall take steps to ensure, as far as is reasonably practicable, that—

- (a) workplaces are maintained in a clean state and are free of asbestos waste and, whenever asbestos is accidentally spilled or asbestos dust is accidentally released into the workplace, that remedial measures are taken immediately before work is resumed;
- (b) machinery, plant and equipment, as well as external surfaces of ventilation equipment and internal surfaces of buildings, are kept free of asbestos dust;
- (c) cleaning is carried out by vacuum-cleaning equipment with a filtration efficiency of at least 99 per cent for particles one micrometre in size, or in such other manner that asbestos dust neither escapes nor is discharged into the air to such an extent that it contaminates any workplace or the environment;
- (d) the vacuum-cleaning equipment is regularly serviced and its external surfaces are kept in a clean state and free from asbestos dust; and
- (e) where the use of vacuum-cleaning equipment is impracticable, the relevant surfaces are first dampened and that persons undertaking such cleaning are wearing appropriate protective clothing and respiratory protective equipment.

Control of exposure to asbestos of persons other than employees

13.(1) An employer or self-employed person shall ensure that the release of asbestos dust into any environment or water system complies with the provisions of the Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965), the Environment Conservation Act, 1989 (Act No. 73 of 1989), the National Water Act, 1998 (Act No. 36 of 1998), and the National Environmental Management Act, 1998 (Act No. 107 of 1998).

(2) In respect of asbestos dust which may be released from a workplace into any environment or water system which may affect the health of persons other than

persons at his or her workplace, an employer or self-employed person shall ensure—

- (a) with regard to airborne emissions—
 - (i) that all work performed with asbestos be controlled as far as is reasonably practicable; and
 - (ii) that suitable filtration systems are used to control the release of asbestos dust into the environment to levels as low as is reasonably practicable;
- (b) with regard to the contamination of water with asbestos—
 - (i) that 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
 - (ii) that a suitable water filtration system is used which will ensure that the asbestos being released or entering into any environment or water system are reduced as far as is reasonably practicable;
- (c) that contaminated parts of the filtration system, when discarded, are disposed of as asbestos waste; and
- (d) that appropriate measures are taken to prevent the release of asbestos dust into the environment arising from the transport of asbestos.

Asbestos that forms part of structure of workplace, building, plant or premises

14.(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, where that asbestos is likely to release asbestos dust that could impact on health or pollute the environment;
- (b) make and maintain a written inventory of the location of asbestos in such workplace, buildings, plant or premises.

(2) An employer shall inform the relevant health and safety representative or relevant health and safety committee in writing of the arrangements made for the identification and location procedure contemplated in subregulation (1), give them reasonable time to comment thereon and ensure that the asbestos inventory is

made available to the relevant representative or committee who may comment thereon.

(3) The health or safety representative, or a person nominated by the health and safety committee, shall be entitled to take part in the identification and location procedure contemplated in subregulation (1).

(4) With regard to any dispute as to whether any substance is in fact asbestos, the health and safety representative or a person nominated by the employees may require that a sample of that substance be taken and the true nature of the substance be determined by an approved asbestos inspection authority: Provided that the cost of the identification shall be borne by the employer.

(5) The employer or self-employed person shall regularly examine the condition of asbestos recorded in the inventory for deterioration or damage.

(6) The employer or self-employed person shall assess the risk of exposure to such asbestos as contemplated in subregulation (1) and document the action necessary to ensure that—

- (a) information about the location and condition of material containing asbestos is given to anyone likely to disturb it;
- (b) any material containing asbestos is maintained in a good state of repair and that, where necessary, a planned maintenance program is implemented;
- (c) any material containing asbestos and which may create a risk of exposure because of its state and location, is repaired or, if necessary, removed: Provided that, if the removal constitutes demolition work, the asbestos shall be removed in accordance with regulation 21; and
- (d) procedures and arrangements are in place so that work that may disturb the material complies with all other requirements of these Regulations.

Asbestos cement sheeting and related products

15.(1) An employer or self-employed person who erect, maintain, alter, renovate, repair, dismantle or add asbestos-cement roof sheeting, wall paneling, gutters, fascia boards and related products to a building shall ensure that—

- (a) if any roof work is performed, suitable roof ladders or duckboards or crawling boards are used in accordance with regulation 12 of the General Safety Regulations published by Government Notice No. R. 1031 of 30 May 1986;
- (b) written work procedures are laid down and followed to prevent the release of asbestos dust into the environment;

- (c) any water which contains asbestos dust as a result of the activities contemplated in subregulation (1), shall be treated in accordance with regulation 13(2)(b) and (c);
- (d) the work procedures contemplated in paragraph (b) shall be available for perusal by the relevant health and safety representative or relevant health and safety committee and for inspection by an inspector;
- (e) removal work is conducted under controlled conditions in accordance with regulations 11 and 13;
- (f) cutting or drilling is performed under controlled conditions in accordance with regulation 11 and 13, including the use of wet methods where possible, and a suitable slow-speed cutter is used, provided that a respirator shall be used by the operator and others at risk of exposure;
- (g) asbestos waste of any form, including dust, is collected and disposed of in accordance with regulation 20;
- (h) once installed and where reasonably practicable, the relevant items are painted or otherwise sealed with a protective coating to limit the release of asbestos dust, combat weathering and inhibit growth of lichen or moss;
- (i) cleaning is done under controlled conditions ensuring that—
 - (i) dry-brushing, scraping, sanding or abrasion techniques are not used;
 - (ii) where reasonably practicable, high-pressure water jetting is not used unless in conjunction with a suitable profiled hood that limits dispersal of contaminated water and, if the said jetting is used, that suitable control methods are used in accordance with regulation 13(2)(b); and
 - (iii) when fungicidal solution or moss killer is applied, a standing time of 24 hours or any other period specified by the manufacturer is allowed, and a low-pressure hose is used after such period to keep the sheets wet whilst employing a stiff broom or any similar means to remove any moss or lichens.

Records

16. An employer shall—

- (a) keep records of the results of all assessments, air monitoring, medical surveillance reports and the asbestos inventory required by regulations

7, 8, 9 and 14(1)(c), 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 and air monitoring, and the asbestos inventory available for perusal by the relevant health and safety representative or relevant health and safety committee;
- (e) keep all records of assessments and air monitoring, and the asbestos inventory for a minimum period of 40 years;
- (f) keep all medical surveillance records for a minimum period of 40 years and, if the employer ceases activities relating to asbestos work, shall hand over or forward by registered post all these records to the relevant provincial director: Provided that those records contain at least the following information:
 - (i) Surname, forenames, gender, date of birth, name of spouse or closest relative and where available, permanent address and postal code;
 - (ii) a record of types of work carried out with asbestos and, where relevant, its location, the starting and ending dates of exposure and average duration of exposure in hours per week;
 - (iii) a record of any work with asbestos prior to this employment; and
 - (iv) dates of medical surveillance reports;
- (g) keep a record of the tests and investigations carried out in terms of regulation 18 (b) and of any repairs resulting from the relevant tests and investigations, and keep that record for at least three years; and
- (h) keep a record of training given to an employee in terms of regulation 5(5) for as long as the employee remains employed at the workplace in which he or she is being exposed to asbestos.

Personal protective equipment and facilities

17.(1) An employer or self-employed person shall provide—

- (a) all persons exposed to asbestos at the workplace with suitable protective clothing; and
- (b) a person with suitable respiratory protective equipment to ensure that the person's exposure is adequately controlled as contemplated in regulation 11(1).

(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 at or below the OEL for asbestos;
- (b) the relevant equipment is correctly and properly used;
- (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 cleaned and handled in accordance with the following procedures:

- (a) Where the equipment is cleaned on the premises of the employer or self-employed person, care shall be taken to prevent contamination during handling, transport and cleaning;
- (b) Where the equipment is sent off the premises to a contractor for cleaning purposes—

- (i) the equipment shall be packed in impermeable containers;
 - (ii) the container shall be tightly sealed and clearly labeled in the form of Annexure 1; and
 - (iii) the relevant contractor shall be informed of these Regulations and the precautions to be taken for the handling of the asbestos contaminated equipment; and
- (c) water that is used for decontamination or cleaning of equipment shall be filtered in accordance with regulation 13(2)(b) before being released into any water system.

(5) Subject to subregulation (4)(b), 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 20.

(6) Subject to the provisions of the Facilities Regulations published by Government notice R. 1593 of 12 August 1988, the employer shall, where reasonably practical, provide employees who use personal protective equipment as contemplated in subregulation (1), with—

- (a) 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) two separate lockers labeled "protective clothing" and "personal clothing" respectively, and shall ensure that the clothing is kept separately in the lockers concerned; and
- (c) separate change rooms labeled "clean change room" and "dirty change room", with suitable barrier and bathing facilities between to prevent the contamination of personal clothes with asbestos dust.

Maintenance of control measures

18. An employer or self-employed person shall ensure that—

- (a) all control equipment and facilities provided in terms of regulations 11, 12, 13, and 17 are maintained in good working order; and
- (b) examinations and tests of engineering control measures are carried out at intervals not exceeding 24 months by an approved inspection authority or by a person whose ability to do such examinations and tests is verified by an approved inspection authority.

Labeling, packaging, transportation and storage

19. An employer or self-employed person shall, in order to avoid the spread of asbestos dust, take steps, as far as is reasonably practicable, to ensure that—

- (a) the asbestos in storage or being distributed is properly identified, classified and handled in accordance with SABS 0228;
- (b) a container or a vehicle in which asbestos is transported is clearly identified, classified and packed in accordance with SABS 0228 and SABS 0229; and
- (c) any article or substance which contains asbestos is clearly labeled, in the form of Annexure 1.

Disposal of asbestos

20. 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 the likelihood of exposure during handling;
- (b) 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;
- (c) all asbestos waste which can cause exposure, 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;
- (d) 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; and
- (e) where the services of a contractor for the disposal of asbestos waste are used, a provision is incorporated into the contract stating that the contractor shall also comply with the provisions of these Regulations.

Demolition

21. Any person who intends to have demolition work carried out, shall—

- (a) before the commencement of that work, take steps to ensure that—
 - (i) demolition work is carried out by a person who is a registered asbestos contractor;
 - (ii) all asbestos materials likely to become airborne are identified;
 - (iii) a plan of work is submitted for approval at least 30 days prior to the commencement of that work to an approved asbestos inspection authority who may at its discretion allow a shorter period of time for such submission and may approve standardised procedures for routine alterations or repairs: Provided that the stipulated time period shall not apply if the plan of work is drawn up by an approved asbestos inspection authority;
 - (iv) a copy of the approved plan of that work, which has been signed by the approved asbestos inspection authority, the employer and, if the person performing that work is not the employer or self-employed person, the mandatory of the employer or self-employed person, is submitted to the provincial director at least 14 days prior to commencement of such demolition work: Provided that an inspector may allow a shorter period for such submission; and
 - (v) copies of approved standardised procedures for demolition work are submitted to the provincial director at least 14 days prior to commencement of that work; and
- (b) during and after the completion of demolition work, take steps to ensure that—
 - (i) all asbestos and materials containing asbestos are handled and disposed of in accordance with these regulations;
 - (ii) all persons exposed to or likely to be exposed to asbestos are issued with appropriate personal protective equipment and that such equipment is used properly; and
 - (iii) the premises, structure or area are thoroughly checked to ensure that all asbestos waste has been removed.

Prohibition

22. No person shall—

- (a) use compressed air or permit the use of compressed air to remove asbestos dust from any surface or person;
- (b) smoke, eat, drink or keep food or beverages in an area not specifically designated for it or require or permit any other person to smoke, eat, drink or keep food or beverages in such area; or
- (c) apply asbestos by means of spraying or any other similar process or require or permit any other person to apply asbestos by means of such process.

Offences and penalties

23. Any person who contravenes or fails to comply with any provision of regulations 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13(2), 14, 15, 16, 17, 18, 19, 20, 21 or 22 shall be guilty of an offence and liable on conviction to a fine not exceeding R1000 or imprisonment for a period not exceeding 12 months and, in the case of a continuous offence, to an additional fine of R200 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.

Repeal of regulations

24. The Asbestos Regulations published under Government Notice No. R. 773 of 10 April 1987, as Government notice No. R. 1637 of 4 August 1989, are hereby repealed.

Short title

25. These Regulations shall be called the Asbestos Regulations, 2001.

ANNEXURE 1

OCCUPATIONAL HEALTH AND SAFETY ACT, 1993 (ACT 85 OF 1993)

REGULATION 19 (C) OF THE ASBESTOS REGULATIONS, 2001



**WARNING!!! ASBESTOS
INHALATION OF ASBESTOS DUST IS DANGEROUS TO HEALTH. FOLLOW
THE SAFETY INSTRUCTIONS**

No. R. 155

10 Februarie 2002

WET OP BEROEPSGESONDHEID EN VEILIGHEID, 1993**ASBESREGULASIES, 2001**

Die Minister van Arbeid het kragtens artikel 43 van die Wet op Beroepsgesondheid en Veiligheid, 1993 (Wet No. 85 van 1993), en na oorleg met die Adviesraad vir Beroepsgesondheid en Veiligheid, die regulasies in die Bylae uitgevaardig.

BYLAE**Woordomskrywing**

1. In hierdie Regulasies het enige word of uitdrukking waaraan in die Wet 'n betekenis geheg is, daardie betekenis en, tensy uit die samehang anders blyk, beteken—

"Algemene Administratiewe Regulasies" die Algemene Administratiewe Regulasies gepubliseer by Goewermenskennisgewing No. R. 1449 van 6 September 1996 kragtens die Minister goedgekeur;

"asbes" enige van die volgende minerale:

- (a) Amosiet;
- (b) chrisotiel;
- (c) krokidoliet;
- (d) veselagtige aktinoliet;
- (e) veselagtige antofilliet; en
- (f) veselagtige tremoliet,

of enige mengsel wat enige van hierdie minerale bevat;

"asbesafval" 'n ongewenste of oortollige asbesbevattende neweproduk, vrylating of enige oorblyfsel van enige proses of bedrywigheid wat deur—

- (a) enige persoon weggegooi is;
- (b) enige persoon byeengebring en opgeberg word met die doel om dit oplaas weg te gooi met of sonder vooraf behandeling sodat dit weggegooi kan word; of
- (c) 'n persoon opgeberg word met die doel om dit te hersirkuleer, weer te gebruik of bruikbare produkte wat dit bevat te herwin;

"asbesstof" luggedraagde of uitgesakte stof wat gereguleerde asbesvesels bevat of dit waarskynlik bevat;

"asbeswerk" werk wat 'n persoon blootstel aan asbes in roumineraalvorm of asbes wat in enige substansie wat by 'n werkplek gebruik of geprosesseer word, teenwoordig is of was;

"asemhalingbeskermingstoerusting" 'n toestel wat minstens oor die mond en neus gedra word om die inaseming van onveilige lug te verhoed en wat voldoen aan 'n standaard deur die Minister goedgekeur;

"beroepsblootstellingsdrempel" of "BBD" 'n drempelwaarde bepaal deur die Minister vir 'n stresfaktor in die werkplek;

"beroepsblootstellingsdrempel vir asbes" 'n beroepsblootstellingsdrempel van 0,2 geregleerde asbesvesels per milliliter lug gemiddeld oor 'n deurlopende tydperk van vier ure gemeet ooreenkomstig MDHS 39/4;

"blootgestel aan asbes" blootgestel aan luggedraagde geregleerde asbesvesels by die werkplek, en het "blootstelling" 'n ooreenstemmende betekenis;

"die Wet" die Wet op Beroepsgesondheid en Veiligheid, 1993 (Wet No.85 van 1993);

"geregleerde asbeskontraakteur" 'n gevolmagtigde of werkgewer wat slopingswerk verrig, en wat by die hoofinspekteur geregleer is;

"geregleerde asbesvesel" 'n asbesdeeltjie met 'n lengte-tot-deursnit-verhouding van groter as 3 tot 1, 'n lengte van meer as 5 mikrometer, en 'n deursnit van minder as 3 mikrometer;

"goedgekeurde asbes inspeksie-owerheid" 'n inspeksie-owerheid wat goedgekeur is vir die monitering van asbeskonsentrasies in die lug;

"HSG 173" die "Monitoring strategies for Toxic Substances, HSG 173, published by the Health and Safety Executive of the United Kingdom";

"korttermyn-blootstellingsdrempel" die konsentrasie waaraan werkers deurlopend vir 'n kort tydperk blootgestel kan word en wat vir asbes 'n 10-minute-tydbeswaarde gemiddelde (TBG)-blootstelling is, wat op geen tydstop tydens die werkdag oorskry mag word nie, selfs al is die 4-ure-TBG binne die BBD-TBG;

"korttermyn-blootstellingsdrempel vir asbes" 'n blootstellingsdrempel van 0,6 geregleerde asbesvesels per milliliter lug gemiddeld oor enige 10 minute;

"MDHS 39/4" die "Methods for the Determination of Hazardous Substances 39/4 of the Health and Safety Executive of the United Kingdom: *Asbestos fibres in air, sampling and evaluation by phase contrast microscopy (PCM)* under the Control of Asbestos at Work Regulations, 1995 HSE ISBN 0 7176 0913 8", soos van tyd tot tyd gewysig;

"meetprogram" 'n program in ooreenstemming met die moniteringstrategie soos in OESSM en HSG 173 bedoel;

"monitering" die beplanning en uitvoering van 'n meetprogram en die aantekening van die resultate daarvan;

"OESSM" die "Occupational Exposure Sampling Strategy Manual", gepubliseer deur die "National Institute for Occupational Safety and Health (NIOSH), United States of America: Department of Health, Education and Welfare";

"provinsiale direkteur" 'n provinsiale direkteur soos omskryf in regulasie 1 van die Algemene Administratiewe Regulasies;

"respiratorsone" 'n respiratorsone in regulasie 10(a) bedoel;

"rou" nog nie geprosesseer nie;

"SABS 0228" die Gebruikskode vir die Identifisering en Klassifikasie van Gevaarlike Substansie en Goedere, SABS 0228, deur die Suid-Afrikaanse Buro vir Standaarde (SABS) gepubliseer;

"SABS 0229" die Gebruikskode vir Verpakking van Gevaarlike Goedere vir Pad- en Spoorvervoer in Suid-Afrika, SABS 0229, deur die Suid-Afrikaanse Buro vir Standaarde (SABS) gepubliseer;

"slopingswerk" ook sloping, wysiging, stroping, verwydering, herstel, versameling van enige gestorte asbes, of hoëdrukwaterbespuiting van enige struktuur wat asbesbekleding of – isolering bevat, maar nie ook werk wat gedoen word aan asbessementplate en verwante produkte, en asbessementprodukte wat deel van die struktuur van 'n werkplek, gebou, aanleg of perseel uitmaak nie.

Toepassingsbestek

2.(1) Behoudens subregulasie (2), is hierdie Regulasies van toepassing op elke werkgewer of persoon in eie diens wat by 'n werkplek werk uitvoer wat 'n persoon kan blootstel aan asbes by daardie werkplek.

(2) Regulasies 5(1), 5(2), 5(3), 5(4), 5(6), 7(2), 8, 9, 11(2)(f), 14(2), 14(3), 14(4), 16(c), 16(d), 16(f) en 17(6) is nie van toepassing nie in die geval van persone in eie diens.

Verwittiging van asbeswerk

3. Geen werkgewer of persoon in eie diens mag enige asbeswerk verrig nie tensy hy of sy voor die aanvang van sodanige werk die provinsiale direkteur skriftelik daarvan verwittig het.

Blootstelling aan asbes

4. Behoudens regulasie 17(1), mag geen werkgewer of persoon in eie diens van 'n persoon vereis of 'n persoon toelaat om in 'n omgewing te werk waarin hy of sy blootgestel sal wees aan asbes wat die voorgeskrewe beroepsblootstellingdrempel oorskry nie.

Inligting en opleiding

5.(1) 'n Werkgewer moet, voordat enige werknemer blootgestel word of blootgestel kan word aan asbesstof, en na raadpleging met die gesondheids- en veiligheidskomitee ingestel vir daardie afdeling van die werkplek, toesien dat die werknemer voldoende en omvattend ingelig en opgelei word oor die praktiese aspekte en teoretiese kennis betreffende—

(a) die inhoud en bestek van hierdie Regulasies;

- (b) die potensiele bronne van blootstelling, insluitende die herkenning van verlate asbesbevattende materiaal;
- (c) die potensiele gesondheidsrisiko veroorsaak deur blootstelling aan asbes, met inbegrip van die gesondheidsrisiko's vir die werknemers se gesinne en andere, wat kan voortvloei uit asbesgekontamineerde toerusting en klerasie wat huis toe geneem word, en die dramatiese verhoogde risiko van longkanker vir asbeswerkers wat rook;
- (d) die maatreëls deur die werkgewer getref om 'n werknemer teen enige risiko van blootstelling te beskerm;
- (e) die voorsorgmaatreëls wat die werknemer moet tref om homself of haarself te beskerm teen die gesondheidsrisiko's wat met die blootstelling verband hou, welke maatreëls die dra en gebruik van beskermende klere en asemhalingbeskermingstoerusting insluit;
- (f) die noodsaaklikheid, korrekte gebruik, instandhouding en beperkinge van beskermende toerusting, fasiliteite en ingenieursbeheermaatreëls wat voorsien word;
- (g) die evaluering van blootstelling, die doel van lugmonsterneming, die noodsaaklikheid van mediese waarneming, en die langtermynvoordele en beperkinge daarvan;
- (h) die beroepsblootstellingsdrempel en die betekenis daarvan;
- (i) die belangrikheid van goeie huishoudelike praktyk by die werkplek en persoonlike higiëne;
- (j) die veilige werkprosedures betreffende die gebruik, hantering, prosessering en berging van enige materiaal wat asbes bevat, welke prosedures insluit die korrekte gebruik van beheermaatreëls om die verspreiding van asbesstof buite die werkgebied te beperk en om die blootstelling van werkers binne die werkgebied so laag as wat redelikerwys uitvoerbaar is, te hou;
- (k) prosedures wat gevolg moet word in geval van 'n storting of enige ander soortgelyke noodsituasie wat toevallig kan plaasvind en waarskynlik asbesstof vrylating tot gevolg sal hê;
- (l) prosedures vir die aanmeld en korrigerings van defekte wat waarskynlik asbesstof vrylating tot gevolg sal hê;
- (m) veilige afvalwegdoening;
- (n) prosedures vir rekordhouding; en
- (o) aangeleenthede in regulasie 6 bedoel.

- (2) Opknappingsopleiding moet minstens elke jaar of met meer gereelde tussenposes soos deur die gesondheids- en veiligheidskomitee aanbeveel, verskaf word oor aangeleenthede in subregulasie 1 bedoel.
- (3) Opleiding moet meer dikwels verskaf word as een keer per jaar indien—
- (a) werksmetodes verander;
 - (b) soort werk wat verrig word, beduidend verander; of
 - (c) soort toerusting wat gebruik word om blootstelling te beheer, verander.
- (4) Opleiding moet verskaf word deur iemand wat bedrewe daarin is en oor voldoende persoonlike praktiese ondervinding en teoretiese kennis beskik van alle aspekte van die werk wat deur die werkgewer verrig word.
- (5) 'n Werkgewer en persoon in eie diens moet toesien dat, sover dit redelikerwys uitvoerbaar is, sy of haar gevolmagtigde of enige ander persoon as werknemers wat moontlik aan asbes by die werkplek blootgestel kan word, voldoende inligting, instruksies en opleiding ontvang.
- (6) Werkgewer moet aantekening hou van alle praktiese en teoretiese opleiding wat aan 'n werknemer verskaf is.
- (7) 'n Werkgewer of 'n persoon in eie diens moet skriftelike instruksies oor die prosedures bedoel in subregulasie (1)(k) gee aan die bestuurders van voertuie wat die asbes of asbesbevattende materiaal vervoer wat die potensiaal het om omgewingsbesoedeling te veroorsaak of menslike gesondheid aan te tas.

Pligte van persone wat blootgestel kan word

6. Iemand wat in die werkplek aan asbes blootgestel word of moontlik blootgestel kan word, moet enige wettige opdrag gehoorsaam wat deur of namens die werkgewer of 'n persoon in eie diens gegee word met betrekking tot—
- (a) die voorkoming van die vrylating van asbestof in die lug;
 - (b) die dra en gebruik van persoonlike beskermende toerusting;
 - (c) die dra van moniteringstoerusting om persoonlike blootstelling aan asbes te meet;
 - (d) die aanmelding vir gesondheidsevaluerings en biologiese toetse deur regulasie 9 vereis;
 - (e) die opruiming en wegdoening van enige materiaal wat asbes bevat;

- (f) huishoudelike praktyk by die werkplek, persoonlike higiëne, goeie omgewings- en gesondheidspraktyke, insluitende eet, drink en rook in aangewese plekke wat voorsien word; en
- (g) die ontvang van inligting en opleiding in regulasie 5 bedoel.

Beraming van potensiële blootstelling

7.(1) 'n Werkgewer of persoon in eie diens moet toesien dat—

- (a) 'n beraming van sy of haar onderneming binne ses maande na die inwerkingtreding van hierdie Regulasies, en daarna met tussenposes van hoogstens twee jaar, gedoen word om vas te stel of enigiemand moontlik aan asbes blootgestel word; en
- (b) die resultate van die beraming beoog in paragraaf (a) aangeteken word soos deur regulasie 16 vereis.

(2) 'n Werkgewer bedoel in subregulasie (1) moet, voordat hy of sy 'n beraming laat doen, die betrokke gesondheids- en veiligheidsverteenwoordiger of betrokke gesondheids- en veiligheidskomitee raadpleeg en hulle daarna skriftelik verwittig van die reëlins wat vir die beraming getref is, 'n redelike tyd aan hulle gun om kommentaar daarop te lewer en toesien dat die resultate van die beraming aan hulle beskikbaar gestel word vir kommentaar.

(3) Wanneer 'n beraming bedoel in subregulasie (1)(a) gedoen word, moet die werkgewer of persoon in eie diens die volgende in ag neem:

- (a) Die teenwoordigheid van enige asbesbevattende materiaal wat geprosesseer, gehanteer of geberg word;
- (b) waar asbes moontlik teenwoordig is, die gemak waarmee die asbesstof vrygestel kan word en die mate waarin 'n persoon blootgestel kan word;
- (c) die aard van die werk, proses en enige redelike verswakking of mislukking van enige beheermaatreëls;
- (d) die besonderhede van die verwagte blootstellings, veral—
 - (i) of die verwagte blootstelling die BBP oorskry, sodat die geskikte asemhalingbeskermingstoerusting geselekteer kan word in afwagting op implementering van ingenieursbeheermaatreëls;
 - (ii) of sodanige blootstellings met tussenposes plaasvind, ook die frekwensie en duur van blootstellings;
 - (iii) die aantal werknemers en enige ander persone blootgestel en hulle verwagte blootstellingswaardes; en

- (iv) waar toepaslik, die resultate wat moontlik beskikbaar is van enige vorige monitering wat by die werkplek gedoen is;
- (e) die stappe wat gedoen moet word om blootstelling na die laagste moontlike vlak te verminder en die stappe wat gedoen moet word om die vrystelling van asbestof in die omgewing te verminder;
- (f) prosedures vir die hantering van noodgevalle; en
- (g) procedures vir die verwydering van asbesafval uit die werkplek, en die wegdoening daarvan.

(4) Indien die beraming gedoen ooreenkomstig subregulasies (1) en (5) aandui dat 'n persoon moontlik aan asbes blootgestel word, moet die werkgever of persoon in eie diens toesien dat die blootstelling voldoende beheer word soos in regulasie 11 bedoel.

(5) 'n Werkgever of persoon in eie diens moet die beraming by subregulasie (1) vereis, onmiddellik hersien indien—

- (a) daar rede is om te vermoed dat die vorige evaluering nie meer geldig is nie;
- (b) beheermaatreëls nie meer doeltreffend is nie;
- (c) tegnologiese of wetenskaplike vooruitgang meer doeltreffende beheermetodes moontlik maak; of
- (d) daar 'n beduidende verandering is in—
 - (i) werksmetodes;
 - (ii) soort werk wat verrig word;
 - (iii) soort toerusting gebruik om blootstelling te beheer,

en die bepalings van subregulasies (2) en (3) is van toepassing.

Lugmonitering

8.(1) Indien blootstelling aan asbes die helfte van die BBD vir asbes oorskry, moet 'n werkgever toesien dat 'n meetprogram van die konsentrasie luggedraagde gereguleerde asbesvesels waaraan 'n werknemer blootgestel word—

- (a) uitgevoer word ooreenkomstig hierdie Regulasies;
- (b) uitgevoer word slegs nadat die betrokke gesondheids- en veiligheidsvertegenwoordiger of betrokke gesondheids- en veiligheidskomitee daarvan in kennis gestel is en hulle 'n redelike geleentheid, soos onderling ooreengekom, gegun is om kommentaar daarop te lewer;

- (c) uitgevoer word deur—
 - (i) 'n goedgekeurde asbes inspeksie-owerheid; of
 - (ii) 'n persoon wie se bekwaamheid om die metings te doen, deur 'n goedgekeurde asbes inspeksieowerheid geverifieer is;
 - (d) verteenwoordigend is van die blootstelling van werknemers aan die luggedraagde asbesvesels in ooreenstemming met subregulasie (2); en
 - (e) geverifieer word in ooreenstemming met subregulasie (3) indien die metings uitgevoer word deur 'n persoon in subregulasie (1)(c)(ii) bedoel.
- (2) Ten einde aan subregulasie (1)(d) te voldoen, moet 'n werkgever toesien—
- (a) dat die meetprogram—
 - (i) in die geval van 'n groepsmeting, voorsiening maak vir die selektering van die aantal persone vir 'n monster wat geneem moet word soos bedoel in Hoofstukke 3 en 4 en Tabel A-2 van die Tegniese Aanhangsel A van die OESSM: Met dien verstande dat metings van blootstelling moet geskied deur persoonlike monsterneming in ooreenstemming met MDHS 39/4: Met dien verstande verder dat vir sover enige bepaling van die OESSM en die MDHS 39/4 strydig met 'n bepaling van die Wet op Beroepsgesondheid en Veiligheid, 1993, en hierdie Regulasies is, die bepalings van die Wet en hierdie Regulasies van toepassing is;
 - (ii) in die geval van die mees blootgestelde werknemer meting, waar die BBD vir asbes oorskry word, dan moet enige ander werknemer wie se blootstelling die BBD vir asbes moontlik kan oorskry, geïdentifiseer word en moet metings wat verteenwoordigend van tipiese blootstelling is, gedoen word op elke werknemer wat geïdentifiseer is; en
 - (c) dat verteenwoordigende metings minstens elke 12 maande gedoen word: Met dien verstande dat wanneer die BBD vir asbes oorskry word, regulasie 11 van toepassing is.
- (3) Ten einde aan subregulasie (1)(e) te voldoen, moet 'n werkgever die dienste bekom van 'n goedgekeurde asbes inspeksie-owerheid wat, met tussenposes van hoogstens 12 maande, die verifiëring moet doen deur—
- (a) die meet- en ontledingstoerusting van die werkgever te ondersoek;
 - (b) die persoon in subregulasie (1)(c)(ii) bedoel, oor die meetprogram te ondervra;
 - (c) die meetprogram vereis by subregulasie (2) vir enige groep, tesame met die persoon bedoel in subregulasie (1)(c)(ii) uit te voer;

- (d) die resultate van die meting en ondersoek soos bedoel in subregulasies (2) en (3) onderskeidelik, aan te teken soos vereis by regulasie 16.

Mediese waarneming

9.(1) 'n Werkgewer moet toesien dat 'n werknemer onder mediese waarneming van 'n beroepsgeneeskundige is indien—

- (a) die werknemer blootgestel word of waarskynlik blootgestel word aan asbes wat moontlik die BBD oorskry; of
- (b) 'n beroepsgeneeskundige sertifiseer dat die betrokke werknemer onder mediese waarneming moet wees.

(2) Ten einde aan subregulasie (1) te voldoen, moet 'n werkgewer, vir sover dit redelikerwys uitvoerbaar is, toesien dat 'n beroepsgeneeskundige 'n gestruktureerde program van mediese waarneming opstel wat minstens die volgende insluit:

- (a) 'n Aanvanklike gesondheidsevaluering wat onmiddellik of binne 14 dae na 'n persoon se diensaanvaarding deur 'n beroepsgesondheidspraktisyn uitgevoer word en wat behels dat:
- (i) 'n evaluering van die werknemer se mediese en beroepsgeskiedenis;
- (ii) mediese ondersoeke en toetse wat moet insluit: x-strale van die borskas, toetsing van pulmonale funksie en 'n toepaslike fisiese ondersoek; en
- (iii) enige ander noodsaaklike mediese ondersoek wat na die mening van die beroepsgeneeskundige wenslik is ten einde sodanige praktisyn in staat te stel om 'n behoorlike evaluering te doen; en
- (b) na die aanvanklike gesondheidsevaluering bedoel in paragraaf (a), evaluering van die betrokke werknemers bedoel in paragraaf (a)(ii) en (iii), met tussenposes van hoogstens twee jaar, of met korter tussenposes gespesifiseer deur 'n beroepsgeneeskundige.

(3) 'n Werkgewer mag nie 'n werknemer wat deur 'n beroepsgeneeskundige ongeskik vir werk gesertifiseer is, toelaat om in 'n werkplek of 'n gedeelte van 'n werkplek te werk waarin hy of sy aan asbes blootgestel sal wees of waarskynlik blootgestel sal wees nie. Met dien verstande dat die betrokke werknemer toegelaat kan word om terug te keer werk toe mits hy of sy vooraf deur 'n beroepsgeneeskundige as geskik vir daardie werk gesertifiseer is.

(4) Indien die rede waarom die werknemer ongeskik verklaar is soos bedoel in subregulasie (3), die gevolg is van blootstelling aan asbes in daardie werkplek, moet die werkgewer die insident aanteken en ondersoek ooreenkomstig regulasie 8 van die Algemene Administratiewe Regulasies.

Respiratorsone

10. 'n Werkgewer of persoon in eie diens moet toesien dat—

- (a) 'n werkplek of 'n gedeelte van 'n werkplek onder sy of haar beheer as 'n respiratorsone gesoneer word indien die konsentrasie gereguleerde asbesvesels in die lug sodanig is of kan wees dat die blootstelling van persone in daardie werkplek die BBD oorskry sonder die dra van asemhalingbeskermingstoerusting;
- (b) 'n respiratorsone duidelik afgebaken en geïdentifiseer word by wyse van 'n kennisgewing wat aandui dat die betrokke gebied 'n respiratorsone is en dat asemhalingbeskermingstoerusting en beskermende klere in regulasie 17 bedoel, daar gedra moet word;
- (c) niemand 'n respiratorsone mag binnegaan of daarbinne mag bly nie, tensy hy of sy die vereiste asemhalingbeskermingstoerusting en beskermende klere dra; en
- (d) die rede waarom die BBD oorskry word, geïdentifiseer word en dat stappe gedoen word om so gou as wat dit redelikerwys uitvoerbaar is deur 'n ander middel as asemhalingbeskermingstoerusting, die konsentrasie asbes in die lug te verminder sodat dit nie die BBD oorskry nie.

Beheer van blootstelling aan asbes

11.(1) 'n Werkgewer of persoon in eie diens moet toesien dat die blootstelling van 'n persoon aan asbes óf voorkom word óf, waar dit nie redelikerwys uitvoerbaar is nie, voldoende beheer word: Met dien verstande dat die beheer van die blootstelling as voldoende beskou moet word indien die vlak van blootstelling—

- (a) gelyk aan of laer as die BBD vir asbes is; of
- (b) hoër as die BBD vir asbes is maar die rede geïdentifiseer is en stappe gedoen word om sodra dit redelikerwys uitvoerbaar is deur 'n ander middel as asemhalingbeskermingstoerusting, die blootstelling te verminder sodat dit nie die BBD oorskry nie.

(2) Waar dit redelikerwys uitvoerbaar is, moet 'n werkgewer of persoon in eie diens die blootstelling van 'n persoon beheer deur—

- (a) 'n plaasvervanger vir asbes te gebruik;
- (b) die aantal persone te beperk wat blootgestel sal of kan word;
- (c) 'n beperking van die tydperk waartydens 'n persoon blootgestel sal of kan wees;

- (d) die beperking van die hoeveelheid asbes wat die werkomgewing kan kontamineer;
- (e) onder andere, die volgende ingenieursmaatreëls vir die beheer van blootstelling in te stel:
 - (i) Prosesskeiding, outomatisasie, of insluiting;
 - (ii) binding van asbesvesels met ander materiale om die vrystelling van asbesvesels te voorkom;
 - (iii) die installering van plaaslike uitsuigventilasiestelsels by prosesse, toerusting of gereedskap vir die beheer van vrylating van luggedraagde asbesstof;
 - (iv) die gebruik van natmetodes waar toepaslik;
 - (v) afsonderlike werkplekke vir die uitvoer van verskillende prosesse ; en
 - (vi) 'n verklikker om die uitvoer van vroegtydige korrektiewe stappe moontlik te maak;
- (f) die instelling van toepaslike geskrewe werkprosedures wat 'n werknemer moet volg ten einde te verseker dat—
 - (i) asbes veilig hanteer, gebruik en weggedoen word;
 - (ii) prosesmasjinerie, installasies, toerusting, gereedskap en lokale uitsuig- en ventilasiestelsels veilig gebruik en in stand gehou word; en
 - (iii) vroegtydige korrektiewe stappe betreffende die beheer van asbesblootstelling gedoen kan word.

Sindelikheid van perseel en aanleg

12. Elke werkgewer of persoon in eie diens moet, sover redelikerwys uitvoerbaar, stappe doen om toe te sien dat—

- (a) werkplekke in 'n skoon toestand gehou word en dat dit vry van asbesafval is en, indien asbes per abuis gestort word of asbesstof per abuis in die werkplek vrygestel word, dat korrektiewe maatreëls dadelik getref word voordat die werk hervat word;
- (b) masjinerie, bedryfstoeusting en toerusting, sowel as alle eksteme oppervlakke van ventilasietoerusting en interne oppervlakke van geboue vry van asbesstof gehou word;

- (c) skoonmaakwerk gedoen word deur stofsuigtoerusting met 'n filtreerdoeltreffendheid van minstens 99 persent vir stofdeeltjies van een mikrometer in grootte, of op so 'n ander wyse dat asbestof nie in so 'n mate kan ontsnap of in die lug vrygelaat word dat dit 'n werkplek of die omgewing besoedel nie;
- (d) die stofsuigtoerusting gereeld versien word en al die eksterne oppervlakke daarvan in 'n skoon toestand en vry van asbestof gehou word; en
- (e) waar die gebruik van stofsuigtoerusting onprakties is, sodanige oppervlakke bevogtig word en die persone wat sodanige skoonmaak onderneem, geskikte beskermende klere en asemhalingbeskermingstoerusting dra.

Beheer van blootstelling aan asbes van ander persone as werknemers

13.(1) 'n Werkgewer of persoon in eie diens moet toesien dat die vrystelling van asbestof in 'n omgewing of waterstelsel voldoen aan die bepalings van die Wet op die Voorkoming van Lugbesoedeling, 1965 (Wet No. 45 van 1965), die Wet op Omgewingsbewaring, 1989 (Wet No. 73 van 1989), die Nasionale Waterwet, 1998, (Wet No. 36 van 1998), en die Nasionale Wet op Omgewingsbestuur, 1998 (Wet No. 107 van 1998).

(2) Ten opsigte van asbestof wat vanuit 'n werkplek waar asbes gebruik word in 'n omgewing of waterstelsel vrygelaat kan word en die gesondheid van persone ander persone by sy of haar werk of diegene in sy of haar diens kan aantas, moet 'n werkgewer of persoon in eie diens toesien—

- (a) *met betrekking tot luggedraagde vrylatings—*
 - (i) dat alle werk wat met asbes verrig word, beheer word vir sover dit redelikerwys uitvoerbaar is; en
 - (ii) dat geskikte filtreerstelsels gebruik word om die vrystelling van asbestof in die omgewing op vlakke te hou wat so laag is as wat redelikerwys uitvoerbaar is;
- (b) *met betrekking tot die kontaminering van water met asbes—*
 - (i) dat enige water wat met asbes gekontamineer word as gevolg van werk, deur 'n filtreerstelsel beweeg voordat dit in 'n omgewing of waterstelsel vrygelaat word; en
 - (ii) dat 'n geskikte waterfiltreerstelsel gebruik word wat sal verseker dat die asbes wat in 'n omgewing of waterstelsel vrygestel word of dit binnegaan, sover moontlik verminder word;
- (c) dat gekontamineerde dele van die filtreerstelsel, wanneer weggedoen, beskik word soos oor asbesafval; en

- (d) dat geskikte maatreëls getref word om te verhoed dat asbestof in die omgewing vrygestel word as gevolg van die vervoer van asbes.

Asbes wat deel uitmaak van struktuur van werkplek, gebou, aanleg of perseel

14.(1) Waar asbes deel van die struktuur van 'n werkplek, gebou, aanleg of perseel uitmaak moet 'n werkgewer of persoon in eie diens, vir sover dit redelikerwys uitvoerbaar is,—

- (a) stappe doen om vas te stel en aan te teken wat die ligging van asbes in daardie werkplek, geboue, aanleg of perseel is waar daardie asbes waarskynlik asbestof sal vrystel wat gesondheid kan aantas of die omgewing kan besoedel; en
- (b) in 'n skriftelike asbes-inventaris hou van die ligging van asbes in sodanige werkplek, gebou, aanleg, of perseel.

(2) 'n Werkgewer moet die betrokke gesondheids- en veiligheidsverteenwoordiger of betrokke gesondheids- en veiligheidskomitee skriftelik inlig oor die reëlins getref vir die identifikasie- en opsporingsproses in subregulasie (1) bedoel, aan hulle redelike tyd gee om kommentaar daarop te lewer en toesien dat die gedokumenteerde asbes-inventaris beskikbaar gestel word aan die betrokke verteenwoordiger of komitee, wat kommentaar daarop kan lewer.

(3) Die gesondheids- en veiligheidsverteenwoordiger, of 'n persoon genomineer deur die gesondheids- en veiligheidskomitee, is geregtig op deelname aan die identifikasie- en opsporingsproses in subregulasie (1) bedoel.

(4) Met betrekking tot geskille oor die kwessie of 'n stof wel asbes is, kan 'n gesondheids- en veiligheidsverteenwoordiger of 'n persoon deur die werknemers genomineer, vereis dat 'n monster van sodanige stof geneem word en die ware aard van die stof bepaal word deur 'n goedgekeurde asbes inspeksie-owerheid: Met dien verstande dat die koste van die identifikasie deur die werkgewer gedra moet word.

(5) Die Werkgewer of persoon in eie diens moet gereeld die toestand van asbes en materiale wat asbes bevat, vir verswakking of skade ondersoek.

(6) 'n Werkgewer of persoon in eie diens moet die risiko van blootstelling aan asbes, wat geïdentifiseer is soos bedoel in subregulasie (1), beraam en die optrede dokumenteer wat nodig is om te verseker dat—

- (a) inligting oor die ligging en toestand van materiaal wat asbes bevat, verskaf word aan enigeen wat dit waarskynlik sal versteur;
- (b) enige materiaal wat asbes bevat, goed in stand gehou word en dat 'n beplande instandhoudingsprogram, waar nodig, geïmplementeer word;
- (c) enige materiaal wat asbes bevat en omrede die toestand en ligging daarvan 'n blootstellingsgevaar kan skep, herstel word of, indien nodig, verwyder word: Met

dien verstande dat indien die verwydering slopingswerk behels, die asbes in ooreenstemming met regulasie 21 verwyder moet word; en

- (d) prosedures en reëlins daargestel is sodat werk wat materiaal wat asbes bevat of vermoedelik asbes bevat, kan versteur, aan alle ander vereistes van hierdie Regulasies voldoen.

Asbes-sementplate en verwante produkte

15.(1) 'n Werkgewer of persoon in eie diens wat asbesdakplate, -muurpanele, -geute, -fassieplanke en verwante produkte by 'n gebou oprig, in stand hou, verander, opknop, herstel, afbreek of byvoeg, moet toesien dat—

- (a) indien daar enige dakwerk gedoen word, geskikte daklere, klimplanke of loopplanke gebruik word ooreenkomstig regulasie 12 van die Algemene Veiligheidsregulasies gepubliseer by Goewermentskennisgewing by No. R.1031 van 30 Mei 1986;
- (b) skriftelike werksprosedures opgestel word wat nagekom moet word om die vrystelling van asbesstof na die omgewing te verhoed;
- (c) enige water wat as gevolg van die aktiviteite bedoel in subregulasie (1) asbesstof bevat, ooreenkomstig regulasie 13(2)(b) en (c) behandel moet word;
- (d) die werksprosedures in paragraaf (b) bedoel, beskikbaar is vir inspeksie deur die betrokke gesondheids- en veiligheidsvertegenwoordiger of betrokke gesondheids- en veiligheidskomitee en vir inspeksie deur 'n inspekteur;
- (e) verwyderingswerk gedoen word onder beheerde toestande ooreenkomstig regulasies 11 en 13;
- (f) sny- of boorwerk onder beheerde toestande ooreenkomstig regulasies 11 en 13 gedoen word, insluitende die gebruik van natmetodes waar moontlik, en 'n geskikte laespoed-meganiese snyer, mits 'n respirator gebruik word deur die operateur en andere wat die gevaar van blootstelling loop;
- (g) dat afval in enige vorm, insluitende stof, versamel en weggedoen word in ooreenstemming met regulasie 20;
- (h) die relevant items, sodra dit geïnstalleer is en indien dit moontlik is, geverf of andersins met 'n beskermende laag verseël word om die vrystelling van asbesstof te beperk, verwerking teë te werk en ter beperking van die groei van ligene of mos;
- (i) skoonmaakwerk onder beheerde toestande gedoen word, terwyl toegesien word dat—
 - (i) droëborsel-, skraap-, afskuur- of afslyptegnieke nie gebruik word nie;

- (ii) waar dit redelikerwys uitvoerbaar is, hoëdruk-waterstraling nie gebruik word nie tensy tesame met 'n geskikte profielkap wat vrylating van gekontamineerde water beperk en, indien gemelde straling wel gebruik word, geskikte beheermetodes in ooreenstemming met regulasie 13(2)(b) gebruik word; en
- (iii) wanneer swamdodende oplossing of mosdoder aangewend word, 'n staantyd van 24 uur of enige ander tydperk deur die vervaardiger gespesifiseer, toegelaat word en dat 'n laedrukspuit na sodanige tydperk gebruik word om die plate nat te hou terwyl 'n harde besem of 'n soortgelyke middel gebruik word om enige mos of ligene te verwyder.

Aantekeninge

16. Die werkgewer moet—

- (a) aantekeninge hou van die resultate van alle evaluerings en lugmoniterings- en mediese waarnemingsverslae, met in begrip van as die asbes-inventaris vereis by regulasies 7, 8, 9 en 14(1)(c) onderskeidelik: Met dien verstande dat persoonlike mediese rekords slegs aan 'n beroepsgesondheidspraktisyn beskikbaar gestel mag word;
- (b) behoudens paragraaf (c), die aantekening bedoel in paragraaf (a), uitgesonderd persoonlike mediese aantekeninge, beskikbaar stel vir inspeksie deur 'n inspekteur;
- (c) onderhewig aan die formele skriftelike toestemming van 'n werknemer, enige persoon toelaat om die aantekeninge wat op daardie besondere werknemer betrekking het, te ondersoek;
- (d) die aantekeninge van alle evaluerings en lugmonitering, en die asbesinventaris beskikbaar stel vir ondersoek deur die betrokke gesondheids- en veiligheidsvertegenwoordiger of die betrokke gesondheids- en veiligheidskomitee;
- (e) alle aantekeninge van evaluerings en lugmonitering, en die asbesinventaris, vir 'n minimum tydperk van 40 jaar bewaar;
- (f) alle mediese waarnemingsaantekeninge vir 'n minimum tydperk van 40 jaar bewaar en, indien die werkgewer aktiwiteite staak, moet al daardie aantekeninge aan die betrokke provinsiale direkteur oorhandig word of per geregistreerde pos aan hom of haar gestuur word: Met dien verstande dat daardie aantekeninge minstens die volgende inligting moet bevat:
 - (i) Van, voorname, geslag, geboortedatum, naam van gade of naaste familielid en, waar beskikbaar, permanente adres en poskode;

- (ii) 'n geskiedenis van soorte werk verrig met asbes en, waar ter sake, die ligging daarvan, die begin- en einddatums van blootstelling en gemiddelde duur van blootstelling in ure per week;
- (iii) 'n geskiedenis van enige werk met asbes voor hierdie diens; en
- (iv) datums van mediese waarnemingsverslae;
- (g) 'n aantekening hou van die toetse en ondersoeke uitgevoer ingevolge regulasie 18(b) en van enige herstelwerk voortvloeiend uit hierdie toetse en ondersoeke, en daardie aantekening vir minstens drie jaar bewaar; en
- (h) ingevolge regulasie 5(5) en vir solank as wat 'n werknemer by die werkplek in diens bly waar hy of sy aan asbes blootgestel word, aantekening hou van alle opleiding aan die werknemer verskaf.

Persoonlike beskermende toerusting en fasiliteite

17.(1) 'n Werkgewer of persoon in eie diens moet—

- (a) alle persone wat by die werkplek aan asbes blootgestel word, van geskikte beskermende klere voorsien; en
- (b) 'n persoon van geskikte asemhalingbeskermingstoerusting voorsien om te verseker dat die persoon se blootstelling voldoende beheer word soos in regulasie 11(1) bedoel.

(2) Waar asemhalingbeskermingstoerusting voorsien word, moet 'n werkgewer of persoon in eie diens toesien dat—

- (a) die betrokke toerusting in staat is om die blootstellingsvlak by of laer as die BBD vir asbes te hou;
- (b) die betrokke toerusting korrek en behoorlik gebruik word;
- (c) inligting, instruksies, opleiding en toesig wat ten opsigte van die gebruik van die toerusting nodig is, aan die persoon voorsien word; en
- (d) die toerusting in 'n goeie werkende toestand gehou word.

(3) 'n Werkgewer of persoon in eie diens moet, sover dit redelikerwys uitvoerbaar is—

- (a) geen persoonlike beskermende toerusting aan 'n persoon uitreik nie, tensy sodanige toerusting skoongemaak, gedekontamineer en, waar toepaslik, gesteriliseer is;
- (b) afsonderlike houers of bergfasiliteite vir persoonlike beskermende toerusting voorsien wanneer dit nie in gebruik is nie; en

- (c) toesien dat alle persoonlike beskermende toerusting, wanneer dit nie in gebruik is nie, geberg word slegs in die plek wat daarvoor voorsien is.
- (4) 'n Werkgewer of persoon in eie diens moet, sover dit redelikerwys uitvoerbaar is, toesien dat alle asbesgekontamineerde persoonlike beskermende toerusting skoongemaak en hanteer word in ooreenstemming met die volgende prosedures:
- (a) Waar die toerusting op die perseel van die werkgewer of persoon in eie diens skoongemaak word, moet sorg gedra word om kontaminasie tydens hantering, vervoer of skoonmaak te voorkom;
 - (b) indien die toerusting van die perseel af na 'n kontrakteur weggestuur word vir skoonmaakdoeleindes moet die—
 - (i) toerusting in ondeurdringbare houers verpak word;
 - (ii) houer styf verseël wees en duidelike geëtiketteer in die vorm van Aanhangel 1; en
 - (iii) betrokke kontrakteur ten volle ingelig word oor die vereistes van hierdie Regulasies en die voorsorgmaatreëls wat getref moet word vir die hantering van die asbesgekontamineerde toerusting; en
 - (c) water wat vir dekontaminasie of skoonmaak van toerusting gebruik word, moet ooreenkomstig regulasie 13(2)(b) gefiltreer word voordat dit in enige waterstelsel vrygelaat word.
- (5) Behoudens subregulasie (4)(b), moet die werkgewer of persoon in eie diens toesien dat niemand vuil of gekontamineerde persoonlike beskermende toerusting van die perseel af verwyder nie: Met dien verstande dat waar gekontamineerde persoonlike beskermende toerusting weggedoen moet word, dit as asbesafval behandel moet word soos in regulasie 20 bedoel.
- (6) Behoudens die bepalinge van die Fasiliteiteregulasies gepubliseer in Goewermentskennisgewing No. R. 1593 van 12 Augustus 1988, moet die werkgewer, waar redelikerwys uitvoerbaar, werknemers wat persoonlike beskermende toerusting gebruik soos in subregulasie (1) bedoel, voorsien van—
- (a) voldoende wasfasiliteite wat maklik toeganklik is en geplaas is in 'n area waar die fasiliteite nie gekontamineer sal word nie, ten einde die werknemers in staat te stel om te voldoen aan 'n standaard van persoonlike higiëne wat in ooreenstemming is met genoegsame beheer oor blootstelling, en om die verspreiding van asbestof te voorkom;
 - (b) twee afsonderlike sluitkaste wat onderskeidelik "beskermende klere" en "persoonlike klere" gemerk is, en moet toesien dat die klere afsonderlik in die betrokke sluitkaste gehou word; en

- (c) afsonderlike kleedkamers wat "skoon kleedkamer" en "vuil kleedkamer" gemerk is, met 'n geskikte versperring en wasfasiliteite daar tussenin om asbestof kontaminasie van persoonlike klere te voorkom.

Instandhouding van beheermaatreëls

18. 'n Werkgewer of persoon in eie diens moet toesien dat—

- (a) alle beheertoerusting en fasiliteite ingevolge regulasies 11, 12, 13 en 17 voorsien in goeie werkende toestand gehou word; en
- (b) deeglike ondersoeke en toetse van ingenieursbeheermaatreëls met tussenposes van hoogstens 24 maande uitgevoer word deur 'n goedgekeurde inspeksie-owerheid of deur iemand wie se vermoë om sodanige ondersoeke en toetse uit te voer, deur 'n goedgekeurde inspeksie-owerheid geverifieer is.

Etikettering, verpakking, vervoer en berging

19. 'n Werkgewer of persoon in eie diens moet, ten einde die verspreiding van asbesvesels te voorkom, stappe doen, sover dit redelikerwys uitvoerbaar is, om te verseker dat—

- (a) die asbes wat geberg of versprei word, behoorlik geïdentifiseer, geklassifiseer en hanteer word in ooreenstemming met SABS 0228;
- (b) 'n houer of 'n voertuig waarin asbes vervoer word, duidelik geïdentifiseer, geklassifiseer en verpak is in ooreenstemming met SABS 0228 en SABS 0229; en
- (c) enige artikel of substansie wat asbes bevat, duidelik geëtiketteer is, in die vorm van Aanhangel 1.

Wegdoening van asbes

20. 'n Werkgewer of persoon in eie diens moet sover dit redelikerwys uitvoerbaar is toesien dat—

- (a) alle asbesafval geplaas word in houters wat die waarskynlikheid van blootstelling tydens hantering sal voorkom;
- (b) alle voertuie, herbruikbare houters en enige ander soortgelyke artikels wat met asbesafval in kontak was, na gebruik skoongemaak en gedekontamineer word op so 'n wyse dat sodanige voertuie, houters of soortgelyke artikels nie 'n gevaar binne of buite die betrokke perseel veroorsaak nie;
- (c) alle asbesafval wat blootstelling kan veroorsaak, weggedoen word slegs op persele spesifiek vir hierdie doel toegewys ingevolge die Wet op Omgewingsbewaring, 1989 (Wet No. 73 van 1989), en die Nasionale Wet op

Omgewingsbestuur, 1998 (Wet No. 107 van 1998), en op so 'n wyse dat dit nie binne of buite die betrokke perseel 'n gevaar skep nie;

- (d) alle persone wat by die versameling, vervoer en wegdoening van asbesafval betrokke is, en wat aan daardie afval blootgestel kan word, van toepaslike persoonlike beskermende toerusting voorsien word; en
- (e) in die geval waar die dienste van 'n kontrakteur vir die wegdoening van asbesafval gebruik word, 'n bepaling in die kontrak ingesluit moet word wat meld dat die kontrakteur ook aan die bepalings van hierdie Regulasies moet voldoen.

Sloping

21. Enigiemand wat van voorneme is om slopingswerk te laat uitvoer, moet—

- (a) voor die aanvang van daardie werk stappe doen om te verseker dat—
 - (i) slopingswerk uitgevoer word deur 'n persoon wat 'n geregistreerde asbeskontraakteur is;
 - (ii) alle asbes en asbesbevattende materiale wat waarskynlik in die lug vrygestel gaan word, geïdentifiseer word;
 - (iii) 'n werkplan minstens 30 dae voor die aanvang van daardie werk voorgelê word vir goedkeuring aan 'n goedgekeurde asbes inspeksie-owerheid, wat na goeddunke 'n korter tydperk vir sodanige voorlegging kan toelaat en standaardprosedures vir roetineveranderinge of herstelwerk kan goedkeur: Met dien verstande dat die neergelegde tydperk nie geld nie in die geval waar 'n werkplan deur 'n goedgekeurde asbes inspeksie-owerheid opgestel word;
 - (iv) daar minstens 14 dae voor die aanvang van daardie slopingswerk aan die provinsiale direkteur 'n afskrif voorgelê word van die goedgekeurde werkplan wat onderteken is deur die goedgekeurde inspeksie-owerheid, die werkgewer of persoon in eie diens en, indien die persoon wat sodanige werk uitvoer nie die werkgewer of persoon in eie diens is nie, die gevolmagtigde van die werkgewer of persoon in eie diens: Met dien verstande dat 'n inspekteur 'n korter tydperk vir sodanige voorlegging kan toelaat; en
 - (v) afskrifte van goedgekeurde gestandaardiseerde prosedures vir slopingswerk minstens 14 dae voor die aanvang van daardie werk aan die provinsiale direkteur voorgelê word;
- (b) gedurende en na die voltooiing van slopingswerk stappe te doen om te verseker dat—

- (i) alle asbes en asbesbevattende materiale gehanteer en weggedoen word in ooreenstemming met hierdie Regulasies;
- (ii) alle persone wat aan asbes blootgestel word of waarskynlik blootgestel sal word, van geskikte beskermende toerusting voorsien word en dat sodanige toerusting korrek gedra word; en
- (iii) die perseel, struktuur of gebied deeglik nagegaan word om te verseker dat alle asbesafval verwyder is.

Verbodsbepaling

22. Niemand mag, sover dit redelikerwys uitvoerbaar is—

- (a) saamgeperste lug gebruik of toelaat dat saamgeperste lug gebruik word om asbestof van 'n oppervlak of persoon te verwyder nie;
- (b) in 'n respiratorsone rook nie of voedsel of drank daarin eet, drink of hou nie of vereis of toelaat dat enige ander persoon in sodanige sone rook nie of voedsel of drank daarin eet, drink of hou nie; of
- (c) asbes deur middel van 'n sproei- of enige ander soortgelyke proses aanwend of van 'n ander persoon vereis of 'n ander persoon toelaat om asbes deur middel van sodanige proses aan te wend nie.

Misdrywe en strawwe

23. Enige persoon wat 'n bepaling van regulasies 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13(2), 14, 15, 16, 17, 18, 19, 20(a), 20(b), 20(d), 20(e), 21 of 22 oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande en, in die geval van 'n voortdurende oortreding, met 'n bykomende boete van R200 vir elke dag waarop die oortreding voortduur of met bykomende gevangenisstraf van een dag vir elke dag waarop die oortreding voortduur: Met dien verstande dat die tydperk van sodanige bykomende gevangenisstraf in geen geval 90 dae mag oorskry nie.

Herroeping van regulasies

24. Die Asbesregulasies gepubliseer by Goewermentskennisgewing R. 773 van 10 April 1987, soos gewysig by Goewermentskennisgewing No. R. 1637 van 4 Augustus 1989, word hierby herroep.

Kort title

25. Hierdie Regulasies heet die Asbesregulasies, 2001.

AANHANGSEL 1

WET OP BEROEPSGESONDHEID EN VEILIGHEID, 1993 (WET No. 85 VAN 1993)

REGULASIE 19 (C) VAN DIE ASBESREGULASIES, 2001



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