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GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID

No. R. 926

16 August 1999

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

DRAFT AMENDED ASBESTOS REGULATIONS

The Minister of Labour intends, in terms of section 43 of the Occupational Health and Safety Act, 1993, (Act No. 85 of 1993), on the recommendation of the Advisory Council for Occupational Health and Safety, to make the regulations contained in the Schedule.

Interested persons are invited to submit any substantiated comments or representations on the proposed regulations to the Director General of Labour, Private Bag X117, Pretoria, 0001 (for the attention of the Chief Director: Occupational Health and Safety), within 90 days of the date of publication of this notice.

M M S MDLADLANA
MINISTER OF LABOUR

SCHEDULE DRAFT AMENDED ASBESTOS REGULATIONS 1999

DEFINITIONS

1. In these regulations "the Act" means the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), and any expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the text otherwise indicates-

"action level" means a time weighted airborne concentration of a substance in a workplace that is distinctly below the occupational exposure limit for that substance, and at or above which level certain prescribed preventive measures must be taken;

"action level for asbestos" means an action level of 0,1 regulated asbestos fibres per millilitre of air, measured according to MDHS 39/4;

"annexure" means an annexure to these regulations;

"approved asbestos contractor" means a specialist mandatory or employer conducting demolition work, who is approved by the chief inspector;

"approved inspection authority" means an inspection authority approved by the chief inspector for the monitoring of asbestos concentrations in the air;

"asbestos" means any of the following minerals:

Amosite

Chrysotile

Crocidolite

Fibrous actinolite

Fibrous anthophyllite

Fibrous tremolite

and any mixture containing any of these minerals;

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

"demolition work" includes demolition, alteration, stripping, removing, repair or high-pressure water jetting of any structure containing asbestos lagging or insulation or any products containing asbestos, or gleaning any spilt asbestos or products containing asbestos, but excluding work performed on the fabric of a workplace, building, plant or premises;

"EH 42" means the Guidance Note EH 42 of the Health and Safety Executive of the United Kingdom: *Monitoring Strategies for Toxic Substances*, 1989 HSE ISBN 0 11885412 7, as revised from time to time;

"exposed" means exposed to airborne regulated asbestos fibres whilst at the workplace, and "exposure" has a corresponding meaning;

"IOHSA" means the Institute for Occupational Hygienists of South Africa;

"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;

"MDHS 77" means the Methods for the Determination of Hazardous Substances 77 of the Health and Safety Executive of the United Kingdom: *Asbestos in bulk material, sampling and identification by polarised light microscopy (PLM)*, 1994 HSE ISBN 0 11 751 384 9 as revised from time to time;

"measurement programme" means a programme according to the monitoring strategy as contemplated in EH 42;

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

"OESSM" means the *Occupational Exposure Sampling Strategy Manual*, published by the National Institute for Occupational Safety and Health (NIOSH), Publication No. 77-173 of 1977, United States of America: Department of Health, Education and Welfare;

"OEL" or "occupational exposure limit" means a limit value set by the Minister for a stress factor in the workplace as revised from time to time by notice in the *Government Gazette*;

"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;

"raw" means not yet processed;

"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 which is not safe, and which is of a type or conforms to a standard approved by the Minister;

"respirator zone" means an area where the concentration of airborne regulated asbestos fibres exceeds the OEL for asbestos, without the use of respiratory protective equipment;

"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 millilitre of air averaged over any 10 minutes.

SCOPE OF APPLICATION

- 2.(1) Subject to the provisions of subregulation, these regulations shall apply to all persons who carry out work at a workplace which may expose any person to the inhalation of asbestos fibres in raw mineral form or asbestos fibres which are or were present in any substance processed at that workplace
- (2) The provisions of regulations 4(1), 4(2), 4(3), 4(4), 4(5), 6, 7 and 8 shall not apply in the case of-
 - (a) a self-employed person; or
 - (b) a person who visits a workplace as contemplated in subregulation (1).

NOTIFICATION OF ASBESTOS WORK

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

INFORMATION AND TRAINING

- 4.(1) An employer shall, before any employee is exposed or may be exposed, 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;
 - (c) the potential risk to health 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 also 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, including 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 of undergoing such surveillance;
 - (h) the occupational exposure limit and action level and their 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, including the correct use of control measures to limit the spread of asbestos fibres 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 a spillage or any other similar emergency situation which could take place by accident;
 - (l) procedures for reporting and correcting defects;
 - (m) waste disposal;
 - (n) procedures for record keeping; and
 - (o) aspects contemplated in regulation 5.
- (2) Refresher training must be given on aspects stipulated in subregulation (1) at least every year or at intervals as may be recommended by the health and safety committee: Provided that training should be given more frequently if-
- (a) work methods change;
 - (b) the type of equipment used to control exposure changes; or
 - (c) the type of work carried out changes significantly.
- (3) The training should be provided by somebody who is competent in doing so and who has adequate personal practical experience and theoretical knowledge of all aspects of the work being carried out by the employer.
- (4) An employer shall ensure as far as is reasonably practicable that mandatories of himself or herself or any other persons that may be affected by asbestos exposure at the workplace other than employees, are given adequate information, instruction and training.
- (5) The employer shall keep a record of any training that was performed, both practical and theoretical.

- (6) An employer or a self-employed person shall give written instructions of the procedures contemplated in subregulation (1)(j) to the drivers of vehicles carrying the asbestos or asbestos-containing material.
- (7) An employer or a self-employed person shall ensure that he or she or any person who in any manner assists them in the carrying out or the conducting of their business, has the necessary information and has undergone sufficient training in order for them to identify the potential risks and the precautions which should be taken.

DUTIES OF PERSONS WHO MAY BE EXPOSED

- 5. A person who is or may be exposed, 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;
 - (d) the reporting for health evaluations and biological tests as required by these regulations;
 - (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 as contemplated in regulation 4.

ASSESSMENT OF POTENTIAL EXPOSURE

- 6.(1) An employer or self-employed person shall ensure that an immediate assessment is carried out and thereafter at intervals not exceeding two years to determine if any employee may be exposed by inhalation or any other route of intake which may be of significance.
- (2) The assessment contemplated in subregulation (1) shall be carried out by -
 - (a) an approved inspection authority who is approved for asbestos; or
 - (b) a person who is registered with IOHSA and who is not an approved inspection authority, whose ability to do the measurements is verified by an approved inspection authority, in accordance with the provisions of regulation 7(3).
- (3) An employer shall inform the relevant health and safety representative or relevant health and safety committee in writing of the arrangements made for the assessment contemplated in subregulation (1), give them reasonable time to

comment thereon and ensure that the results of the assessment are made available to the relevant representative or committee who may comment thereon.

- (4) When making the assessment, the employer or self-employed person shall take into account such matters as-
- (a) the possibility of any material containing asbestos being used, processed, handled or stored;
 - (b) the type of asbestos to which an employee may be exposed;
 - (c) what health effect the asbestos may have on the employee;
 - (d) the nature and degree of exposure which may occur in the course of the work;
 - (e) where the asbestos may be present, the extent to which an employee may be exposed, and the state in which the asbestos may be bound;
 - (f) the nature of the working, processing and any reasonable deterioration in, or failure of, any control measures;
 - (g) assessing the details of expected exposures, noting-
 - (i) whether they are liable to exceed the action level or the OEL;
 - (ii) whether the expected exposure is above the OEL, so that the appropriate respiratory protective equipment can be selected before engineering controls are implemented;
 - (iii) if such exposures are intermittent, including the frequency and duration of exposures;
 - (iv) the number of employees exposed and anyone other than employees who may be exposed and their expected exposure values; and
 - (v) where applicable, results which may be available from any previous monitoring performed;
 - (h) the steps to be taken to reduce exposure to the lowest level reasonably practicable and the steps taken to reduce the release of asbestos into the environment;
 - (i) where appropriate, procedures for dealing with emergencies; and
 - (j) procedures for the removal of asbestos waste from the workplace and the disposal thereof.
- (5) If the assessment made in accordance with subregulation (4) indicates that any employee may be exposed to concentrations equal to or greater than the action level, the employer shall ensure that air monitoring and medical surveillance are

carried out in accordance with the provisions of regulations 7 and 8 respectively and that the exposure be controlled as contemplated in regulation 10.

- (6) An employer shall review the assessment required by subregulation (1) forthwith if—
- (a) there is reason to suspect that the previous assessment is no longer valid; or
 - (b) there is doubt about the efficiency of control measures, or when technological or scientific advances allow for more efficient control methods; or
 - (c) there has been a significant change in a process involving asbestos or in the methods, equipment or procedures in the use, handling, processing, storing or control of asbestos;

and the provisions of subregulations (2) and (3) shall apply.

AIR MONITORING

- 7.(1) The employer contemplated in regulation 6 (4) shall ensure that the measurement programme of the airborne concentrations of the asbestos fibres to which an employee is exposed is—
- (a) carried out in accordance with the provisions of these regulations;
 - (b) carried out only after the relevant health and safety representative or relevant health and safety committee has been informed thereof and given a reasonable opportunity as mutually agreed upon to comment thereon;
 - (c) carried out by—
 - (i) an approved inspection authority who is approved for asbestos monitoring; or
 - (ii) a person who is registered at IOHSA and who is not an approved inspection authority, whose ability to do the measurements is verified by an approved inspection authority, in accordance with the provisions of subregulation (3): Provided that the approved inspection authority or a person registered with IOHSA who is not an approved inspection authority, whose ability to do the measurement is verified by an approved inspection authority, shall participate in a recognised proficiency testing programme for asbestos counting;
 - (d) taken in accordance with MHDS 39/4, using the standards for asbestos, other than chrysotile asbestos alone, for all forms of asbestos measured;
 - (e) representative of the exposure of employees to the airborne asbestos fibres in accordance with the provisions of subregulation (2).

- (2) In order to comply with the provisions of subregulation (1)(d), an employer shall:
- (a) ensure that the measurement programme, 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 Technical Appendix A of OESSM: Provided that measurements of exposure shall be by personal sampling: Provided further that static sampling may be used for checking control measures.
 - (b) if the most exposed employee can be identified and the assessment indicates that this employee's exposure will be less than the action level prescribed for asbestos then -

a level 1 sampling strategy may be used as contemplated in EH42 and described in Chapter 3.1.1 of OESSM.
 - (c) when the most exposed employee cannot be identified or the assessment indicates that this employee's exposure may exceed the action level prescribed for asbestos then -

at least a level 2 sampling strategy shall be used, as contemplated in EH42 and described in Chapter 3.1.2 of OESSM. Provided that such sample size shall be chosen to ensure that the most exposed employee falls within the top 10% of exposed employees within the group taken at the 95% confidence level.
 - (d) ensure that representative measurements are carried out at least every 12 months: Provided that whenever the OEL which has been prescribed for asbestos is exceeded, the provisions of regulation 10 shall apply.
- (3) In order to comply with the provisions of subregulation (1)(c)(ii), an employer shall obtain the services of an approved inspection authority who is approved for asbestos monitoring who shall, at intervals not exceeding 12 months, do the verification-
- (a) by examining the measurement and analysis equipment of the employer;
 - (b) by questioning the person to be verified regarding the measurement programme;
 - (c) by carrying out the measurement programme required by subregulation (2) for any one group, simultaneously with the person to be verified;
 - (d) by entering the results of the assessment of air monitoring as contemplated in regulation 6(4) and subregulation (2) respectively, in the record required by regulation 11; and
 - (e) by making a statement as to whether the person contemplated in regulation 6(2)(b) or subregulation (1)(c)(ii), as the case may be, is recommended to carry out the assessment or measurement programme as required by regulation 6(4) or subregulation (2).

MEDICAL SURVEILLANCE

- 8.(1) The employer shall ensure that an employee is under medical surveillance if-
- (a) the employee is exposed or is likely to be exposed to a level of asbestos which may exceed the action level; or
 - (b) the occupational health practitioner recommends that the relevant employee should be under medical surveillance, in which case the employer may call on an occupational medicine practitioner to ratify the appropriateness of such recommendation.
- (2) In order to comply with the provisions of subregulation (1), the 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:
- (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 tests which may include chest X-rays, pulmonary function testing or a physical examination;
 - (iii) any other essential medical examination which in the opinion of the occupational medicine practitioner is desirable 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) The 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: 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) The employer shall record and investigate the incident contemplated in subregulation (3) in compliance with the provisions of regulation 8 of the General Administrative Regulations.

RESPIRATOR ZONE

9. The employer shall ensure-
- (a) that any workplace or part of a workplace under his or her control, where the concentration of asbestos fibres in the air is, or may be, such that the

exposure of employees in that workplace exceeds the OEL without the wearing of respiratory protective equipment, is zoned as a respirator zone;

- (b) that a respirator zone is clearly demarcated and identified by notice indicating that the relevant area is a respirator zone and that respiratory protective equipment and protective clothing as contemplated in regulation 16 must be worn there; and
- (c) that no person enters or remains in a respirator zone unless he or she wears the required respiratory protective equipment and protective clothing.

CONTROL OF EXPOSURE TO ASBESTOS

10.(1) The employer shall ensure that the exposure of an employee 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 below the OEL or if the relevant area is zoned and the level of exposure is reduced to below the OEL by means of adequate respiratory protective equipment, but only after the level has been reduced to a level as low as is reasonably practicable by any other means than respiratory protective equipment.

- (2) Where reasonably practicable, the employer shall control the exposure of an employee-
 - (a) by using a substitute for asbestos or asbestos-containing material;
 - (b) by limiting the number of employees who will be exposed or may be exposed;
 - (c) by limiting the period during which an employee will be exposed or may be exposed;
 - (d) by limiting the amount of asbestos fibres which may contaminate the working environment;
 - (e) by introducing engineering measures for the control of exposure, including the following:
 - (i) Process separation, automation or enclosure;
 - (ii) bonding of asbestos fibres with other material to prevent the release of asbestos fibres;
 - (iii) the installation of local extraction ventilation systems to processes, equipment or tools for the control of emissions of airborne asbestos fibres;
 - (iv) the use of wet methods where appropriate;
 - (v) separate workplaces for carrying out different processes; and
 - (vi) an indicator to enable early corrective action to be taken;

- (f) by introducing appropriate work procedures which an employee must follow where materials are used, processed, handled or stored which could give rise to the exposure of an employee, and those procedures shall include written instructions to ensure-
 - (i) that asbestos is safely handled, used and disposed of;
 - (ii) that process machinery, installations, equipment, tools and local extraction and general ventilation systems are safely used and maintained; and
 - (iii) that early corrective action regarding the control of asbestos exposure can be taken.

CLEANLINESS OF PREMISES AND PLANT

11. Every employer shall take steps to ensure, as far as is reasonably practicable, that-
- (a) all 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) all machinery, plant and equipment, as well as all external surfaces of ventilation equipment and all 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 all 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, such surfaces are dampened and that employees undertaking such cleaning are wearing appropriate protective clothing and respiratory protective equipment, and no other persons are present unless they also wear protective clothing and respiratory protective equipment.

CONTROL OF EXPOSURE TO ASBESTOS OF PERSONS OTHER THAN EMPLOYEES

- 12.(1) The employer shall ensure that the release of asbestos fibres into any environment or water system complies with the provisions of the National Water Act, 1998 (Act No. 36 of 1998), the Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965), and the Environment Conservation Act, 1989 (Act No. 73 of 1989).

- (2) With respect to asbestos fibres which may be released into any environment or water system which may affect the health of persons other than those in his or her employment, the employer 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 keep the release of airborne asbestos into the environment to levels as low as is reasonably practicable;
 - (b) with regard to water contaminated with asbestos-
 - (i) that any water that is contaminated with asbestos as a result of work being performed by an employer 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 number of asbestos fibres being released or entering into any environment or water system is reduced as far as is reasonably practicable;
 - (c) that any substance which formed part of the filtration system, when discarded, is disposed of as asbestos waste; and
 - (d) that bulk asbestos, which may be an agglomerate of fibers, which is released, placed, or disposed of in any way into any environment or water system is reduced to levels that are as low as is reasonably practicable.

ASBESTOS THAT FORMS PART OF THE FABRIC OF THE WORKPLACE, BUILDINGS, PLANT OR PREMISES

- 13.(1) Where asbestos forms part of the fabric of the workplace, buildings, plant or premises, the employer shall ensure that he or she-
- (a) takes reasonable steps to determine the location of materials likely to contain asbestos and records the location of asbestos in such workplace, buildings, plant or premises;
 - (b) presumes materials contain asbestos unless a reasoned argument to the contrary can be made; and
 - (c) makes and maintains a written record of the location of asbestos and presumed asbestos material in a documented asbestos inventory.
- (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 documented 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.
- (4) With regard to disputes as to whether any substance is in fact asbestos, the health and safety representative or nominated person may require that a sample be taken of such substance and the true nature of the substance be determined in accordance with MDHS 77 by an approved inspection authority who is approved for asbestos monitoring: Provided that the cost of the identification in terms of MDHS 77 shall be borne by the employer.
- (5) The employer shall regularly examine the condition of asbestos and presumed asbestos materials for deterioration or damage.
- (6) The employer shall assess the risk of exposure from asbestos and presumed asbestos materials and document the action necessary to ensure that-
 - (a) any material known or presumed to contain asbestos, 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 20;
 - (b) any material known or presumed to contain asbestos is maintained in a good state of repair and where necessary, a planned maintenance program is implemented;
 - (c) information about the location and condition of material known or presumed to contain asbestos is given to anyone likely to disturb it; and
 - (d) procedures and arrangements are in place so that work that may disturb material known or presumed to contain asbestos complies with all other requirements of these regulations.

ASBESTOS CEMENT SHEETING AND RELATED PRODUCTS

14.(1) An employer or self-employed person who works with or has asbestos roof sheeting, wall panelling, gutters, fascia boards and related products at his or her workplace shall ensure that-

- (a) if any roofwork is performed; suitable roof ladders or duck boards or crawling boards are used in accordance with regulation 12 of the General Safety Regulations;
- (b) any water, which contains asbestos fibres as a result of the above procedures, shall be treated in accordance with regulation 12(2) (b) and (c);
- (c) written work procedures are laid down which shall be followed when these products are removed, cut, drilled or cleaned which may give rise to the release of asbestos into the environment;

- (d) the work procedures contemplated in paragraph (c) must 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 regulation 10;
- (f) cutting or drilling is performed under controlled conditions, that cutting is done with a suitable slow-speed mechanical cutter, that wet methods are used where possible and that waste of any form, including dust, is collected and disposed of in accordance with regulation 19: Provided that any wastewater, which contains asbestos fibres as a result of the aforementioned procedures, shall be treated in accordance with regulation 12(2) (b) and (c);
- (g) new painting is carried out with a suitable paint or sealant where possible to prevent-
 - (i) the necessity for cleaning these products when they have become weathered; and
 - (ii) exposure of persons to asbestos fibers when the products are in use;
- (h) cleaning is done under controlled conditions ensuring that-
 - (i) dry-brushing or scraping or sanding or abrasion techniques are not used;
 - (ii) where reasonably practicable, high-pressure water jetting is not used and, if it is used, that suitable control methods are used to control water run-off: Provided that water which is deflected off a roof which contains asbestos fibres shall be controlled at the source and not allowed to contaminate the surrounding environment in any way; and
 - (iii) when fungicidal solution or moss killer, is applied to allow a standing time of 24 hours or any other period specified by the manufacturer, and to use a low-pressure hose after such period to keep the sheets wet whilst employing a stiff broom or any similar means to remove any moss or lichens.

RECORDS

15. The employer shall-

- (a) keep records of the results of all assessments, and air monitoring, medical surveillance reports and the asbestos inventory required by regulations 6, 7, 8 and 13(c), respectively: Provided that personal medical records shall only be made available to an occupational health practitioner;
- (b) subject to the provisions of 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 written consent 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 30 years;
- (f) keep all medical surveillance records for a minimum period of 30 years and, if the employer ceases activities, hand over or forward by registered post all these records to the relevant provincial director: Provided that these records shall contain at least the following information:
 - (i) Surname, forenames, sex, 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) medical surveillance reports;
- (g) keep a record of the tests and investigations carried out in terms of regulation 17 (b) and of any repairs resulting from these tests and investigations, and keep the record for at least three years; and
- (h) keep a record of training given to an employee being exposed to asbestos as required in terms of regulation 4(5) for as long as the employee remains employed at that workplace.

PERSONAL PROTECTIVE EQUIPMENT AND FACILITIES

- 16.(1) If it is not reasonably practicable to ensure that the exposure of an employee is adequately controlled as contemplated in regulation 10, the employer shall provide the employee with approved respiratory protective equipment and clothing.
- (2) Where respiratory protective equipment is provided, the employer shall ensure that-
- (a) the relevant equipment is capable of keeping the exposure level to 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 is provided to the employees; and
 - (d) the equipment is kept in good condition and efficient working order.

- (3) The employer shall, as far as is reasonably practicable-
- (a) issue no personal protective equipment to an employee, unless such equipment is decontaminated and, if necessary, sterilised;
 - (b) provide separate containers or storage facilities for personal protective equipment when not in use; and
 - (c) ensure that all personal protective equipment, when not in use, is stored only in the place provided therefor.
- (4) The employer shall, as far as is reasonably practicable, ensure that all asbestos-contaminated personal protective equipment is cleaned and handled in accordance with the following procedures:
- (a) Where the equipment is cleaned on the premises of the employer, 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 have clear indication thereon that the content thereof is contaminated with asbestos fibres; and
 - (iii) the relevant contractor shall be fully informed of the requirements of these regulations and the precautions to be taken for the handling of the asbestos contaminated equipment.
 - (c) Water that is used for decontamination or cleaning of equipment shall be filtered in accordance with regulation 12(2)(b) before being released into any water system.
- (5) Subject to the provisions of subregulation (4)(b), the employer shall ensure that no person removes dirty or contaminated personal protective equipment from the premises: Provided that where contaminated personal protective equipment has to be disposed of, it shall be treated as asbestos waste as contemplated in regulation 19.
- (6) Subject to the provisions of the Facilities Regulations, the employer shall, where reasonably practical, provide employees using 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 fibres;

- (b) two separate lockers separately labeled "protective clothing" and "personal clothing", respectively, and ensure that the clothing is kept separately in the locker concerned; and
- (c) separate "clean" and "dirty" change rooms.

MAINTENANCE OF CONTROL MEASURES

17. The employer shall ensure that-

- (a) all control equipment and facilities provided in terms of regulations 10, 11 and 12, are maintained in good working order; and
- (b) thorough 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 who is registered with IOHSA but who is not an approved inspection authority, whose ability to do such examinations and tests is verified by an approved inspection authority.

LABELLING, PACKAGING, TRANSPORTATION AND STORAGE

18. The employer shall, in order to avoid the spread of asbestos fibres, take steps, as far as is reasonably practicable, to ensure that-

- (a) the asbestos in storage or distributed is properly identified and classified 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 container which contains asbestos is clearly labelled, in the form of Annexure 1, with regard to the content thereof.

DISPOSAL OF ASBESTOS

19. The employer shall as far as is reasonably practicable-

- (a) recycle all asbestos waste;
- (b) ensure that all asbestos waste is placed in containers that will prevent the likelihood of exposure during handling;
- (c) ensure that 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 premises concerned;
- (d) ensure that 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), in such a manner that it does not cause a hazard inside or outside the site concerned;

- (e) ensure that all the employees 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
- (f) ensure that, in cases where the services of a contractor for the disposal of asbestos waste is used, a provision is incorporated into the contract stating that the contractor shall also comply with the provisions of these regulations.

DEMOLITION

20. Any person who intends to have demolition work to be carried out, shall-

- (a) before the commencement of such work, take steps to ensure that-
 - (i) demolition work is carried out by a person who is an approved asbestos contractor;
 - (ii) all asbestos and asbestos-containing materials likely to become airborne are identified;
 - (iii) a plan of work is submitted for approval to an approved inspection authority at least 30 days prior to the commencement of such work: Provided that an approved inspection authority may at its discretion allow a shorter period of time for such submission: Provided further that an approved inspection authority may approve standardised procedures for routine alterations or repairs;
 - (iv) the plan of work is drawn up by an approved inspection authority, in which case the stipulated time period shall not apply;
 - (v) a copy of the approved plan of work, which has been signed by the approved inspection authority, the employer and, if the person performing such work is not the employer, the mandatory of the employer, shall be submitted to the provincial director at least 14 days prior to commencement of demolition work: Provided that an inspector may allow a shorter period for such submission; and
 - (vi) copies of approved standardised procedures for demolition work are submitted to the provincial director at least 14 days prior to commencement of such work;
- (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 a safe manner;
 - (ii) all employees exposed or likely to be exposed are issued with appropriate personal protective equipment and that such equipment is properly worn; and

- (iii) the premises, structure or area are thoroughly checked to ensure that all asbestos waste has been removed.

PROHIBITION

21. No person shall, as far as is reasonably practicable-
- (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 a respirator zone or permit any other person to smoke, eat, drink or keep food or beverages in such zone; 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

22. Any person who contravenes or fails to comply with any provision of regulation 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 17,18, 19, 20 or 21 shall be guilty of an offence and liable on conviction to a fine 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.

SHORT TITLE

23. These regulations shall be called the Draft Amended Asbestos Regulations, 1999.

No. R. 926

16 Augustus 1999

WET OP BEROEPSGESONDHEID EN VEILIGHEID, 1993 (WET NO. 85 VAN 1993)**KONSEP GEWYSIGDE ASBESREGULASIES**

Die Minister van Arbeid is voornemens om kragtens artikel 43 van die Wet op Beroepsgesondheid en Veiligheid, 1993 (Wet No. 85 van 1993), op aanbeveling van die Adviesraad vir Beroepsgesondheid en Veiligheid, die regulasies in die Bylae vervat, uit te vaardig.

Belanghebbendes word versoek om binne 90 dae na die publikasiedatum van hierdie kennisgewing enige gemotiveerde kommentaar of verhoë oor die voorgestelde regulasies in te dien by die Direkteur-generaal van Arbeid, Privaat Sak X117, Pretoria, 0001, (vir die aandag van die Hoofdirekteur: Beroepsgesondheid en Veiligheid).

M M S MDLADLANA
MINISTER VAN ARBEID

BYLAE**KONSEP GEWYSIGDE ASBESREGULASIES, 1999****Woordomskrywing**

1. In hierdie regulasies beteken "die Wet" die Wet op Beroepsgesondheid en Veiligheid, 1993 (Wet No. 85 van 1993), en het enige uitdrukking waaraan 'n in die Wet 'n betekenis geheg is, daardie betekenis en, tensy uit die samehang anders blyk, beteken—

"aanhangel" 'n aanhangel van hierdie regulasies;

"aksievlak" 'n tyd-beswaarde luggedraagde konsentrasie van 'n substans in 'n werkplek wat duidelik onder die blootstellingsdrempel vir daardie substans is en waarby of waarbo sekere voorgeskrewe voorkomingsmaatreëls nagekom moet word;

"aksievlak vir asbes" 'n aksievlak van 0,1 geregleerde asbesvesels per milliliter lug, gemeet volgens MDHS 39/4;

"asbes" enige van die volgende minerale:

- Amosiet
- Chrisotiel
- Krokidoliet
- Veselagtige aktinoliet
- Veselagtige antofilliet
- Veselagtige tremoliet

en enige mengsel wat enige van hierdie minerale bevat;

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

"asemhalingbeskermingstoerusting" 'n toestel wat ter voorkoming van die inaseming van lug wat nie veilig is nie, oor minstens die mond en neus gedra word en wat 'n soort is, of aan 'n standaard voldoen, wat deur die Minister goedgekeur is;

"BBD" of "beroepsblootstellingsdrempel" 'n drempelwaarde gestel deur die Minister vir 'n stresfaktor in die werkplek, soos van tyd tot tyd by kennisgewing in die *Staatskoerant* hersien;

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

"EH 42" die Gidsnota EH 42 of the Health and Safety Executive van die Verenigde Koninkryk: *Monitoring Strategies for Toxic Substances*, 1989 HSE ISBN 0 11885412 7, soos van tyd tot tyd hersien;

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

"goedgekeurde asbeskontraakteur" 'n spesialisasiehebbende of -werkgewer wat deur die hoofinspekteur goedgekeur is vir die uitvoer van slopingswerk;

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

"IBHSA" die Instituut vir Beroepshigiëne in Suid-Afrika;

"korttermyn-blootstellingsdrempel" die konsentrasie waaraan werkers vir 'n kort tydperk deurlopend blootgestel kan word, wat vir asbes 'n 10-minute-tydbeswaarde gemiddelde (TBG)-blootstelling is, wat op geen tydstip 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 gereguleerde 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;

"MDHS 77" die Methods for the Determination of Hazardous Substances 77 of the Health and Safety Executive of the United Kingdom: *Asbestos in bulk material, Sampling and identification by polarised light microscopy (PLM)*, 1994 HSE ISBN 0 11 751 384 9", soos van tyd tot tyd gewysig;

"meetprogram" 'n program volgens die moniteringstrategie soos bedoel in EH42;

"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), Publikasie No. 77-173 van 1977, Verenigde State van Amerika: Departement van Gesondheid, Onderwys en Welsyn;

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

"respiratorsone" 'n gebied waar die konsentrasie luggedraagde gereguleerde asbesvesels die BBD vir asbes oorskry, sonder die gebruik van asemhalingbeskermingstoerusting;

"rou" nog nie geprosesseer nie;

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

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

"slopingswerk" ook sloping, verandering, stroping, verwydering, herstel of hoëdrukwaterbespuiting van enige struktuur wat asbesbekleding of –isolering bevat of enige produkte wat asbes bevat of versameling van enige gestorte asbes of produkte wat asbes bevat, maar uitgesonderd werk wat aan die struktuur van 'n werkplek, gebou, aanleg of perseel gedoen word.

TOEPASSINGSBESTEK

- 2.(1) Behoudens die bepalings van subregulasie (2), is hierdie regulasies van toepassing op alle persone wat werk by 'n werkplek uitvoer wat 'n persoon kan blootstel aan die inaseming van asbesvesels in rumineraalvorm of asbesvesels wat aanwesig is of was in enige stof geprosesseer by daardie werkplek.
- (2) Die bepalings van regulasies 4(1), 4(2), 4(3), 4(4), 4(5), 6, 7 en 8 is nie van toepassing nie in die geval van –
 - (a) 'n persoon in eie diens; of
 - (b) 'n persoon wat 'n besoek bring aan 'n werkplek bedoel in subregulasie (1).

VERWITTING VAN ASBESWERK

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

INLIGTING EN OPLEIDING

- 4.(1) 'n Werkgewer moet, voor enige werknemer blootgestel word of blootgestel kan word, 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 sowel as teoretiese kennis betreffende –
 - (a) die inhoud en bestek van hierdie regulasies;
 - (b) die potensiële bronne van blootstelling;
 - (c) die potensiële gesondheidsrisiko veroorsaak deur blootstelling aan asbes, insluitende die gesondheidsrisiko's vir die werknemers se familie en ander, wat kan voortvloei uit asbesgekontamineerde toerusting en klerasie wat huis toe geneem word, en die dramatiese verhoogde risiko van longkanker vir asbeswerkers wat ook rook;

- (d) die voorsorg geneem deur die werkgewer om 'n werknemer te beskerm teen enige risiko as gevolg van blootstelling;
 - (e) die voorsorg wat die werknemer moet tref om homself of haarself te beskerm teen die gesondheidsrisiko's wat met die blootstelling geassosieer word, insluitende die dra en gebruik van beskermende en asemhalingbeskermingstoerusting;
 - (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 om so 'n waarneming te ondergaan;
 - (h) die beroepsblootstellingsdrempel en aksievlak en die betekenis daarvan;
 - (i) die belangrikheid van goeie huishouding by die werkplek en persoonlike higiëne;
 - (j) die veilige werkprosedures betreffende die gebruik, hantering, prosessering en berging van enige materiaal wat asbes bevat, insluitende die korrekte gebruik van beheermaatreëls om die verspreiding van asbesvesels buite die werkgebied te beperk en om die blootstelling van werkers binne die werkgebied so laag as redelikerwys uitvoerbaar is te hou;
 - (k) prosedures wat gevolg moet word indien 'n storting plaasvind of enige ander soortgelyke noodsituasie wat per ongeluk kan plaasvind;
 - (l) prosedures vir die aanmeld en korrigering van defekte;
 - (m) afvalwegdoening;
 - (n) prosedures vir rekordhouding; en
 - (o) aspekte bedoel in regulasie 5.
- (2) Opknappingsopleiding moet minstens elke jaar of met tussenposes soos aanbeveel deur die gesondheids- en veiligheidskomitee, verskaf word oor aspekte voorgeskryf in subregulasie 1 : Met dien verstande dat opleiding meer dikwels verskaf moet word indien –
- (a) werkmetodes verander;
 - (b) die tipe toerusting wat gebruik word om blootstelling te beheer, verander; of
 - (c) die tipe werk wat verrig word, beduidend verander.

- (3) Die opleiding moet verskaf word deur iemand wat bedrewe daarin is en wat voldoende persoonlike praktiese ondervinding en teoretiese kennis het van alle aspekte van die werk wat deur die werkgewer verrig word.
- (4) 'n Werkgewer moet toesien dat, sover dit redelikerwys uitvoerbaar is, sy of haar gevolmagtigdes of enige ander persone, behalwe werknemers, wat deur asbesblootstelling by die werkplek geraak kan word, voldoende inligting, instruksies en opleiding ontvang.
- (5) Die werkgewer moet 'n rekord hou van enige praktiese en teoretiese opleiding wat verskaf is.
- (6) 'n Werkgewer of 'n persoon in eie diens moet skriftelike instruksies van die prosedures bedoel in subregulasie (1)(j) gee aan die bestuurders van voertuie wat die asbes of asbesbevattende materiaal vervoer.
- (7) 'n Werkgewer of 'n persoon in eie diens moet toesien dat hy of sy of enige persoon wat hul op enige wyse bystaan in die uitvoering of die bedryf van hul besigheid, die nodige inligting het en voldoende opleiding ondergaan het om die potensiële risiko en die voorsorg wat getref moet word, te identifiseer.

PLIGTE VAN PERSONE WAT BLOOTGESTEL KAN WORD

5. Iemand wat blootgestel is of kan word, moet enige wettige opdrag gehoorsaam wat deur of namens die werkgewer of 'n persoon in eie diens gegee is met betrekking tot –
 - (a) die voorkoming van die vrylating van asbestof in die lug;
 - (b) die dra en gebruik van persoonlike beskermende toerusting en –klerasie;
 - (c) die dra van moniteringstoerusting om persoonlike blootstelling te meet;
 - (d) die aanmelding van gesondheidsevaluering en biologiese toetse soos deur hierdie regulasies vereis;
 - (e) die opruiming en wegdoening van enige materiaal wat asbes bevat;
 - (f) huishouding by die werkplek, persoonlike higiëne, goeie omgewings- en gesondheidspraktyke, insluitende eet, drink en rook in aangewese plekke wat voorsien word; en
 - (g) inligting en opleiding ontvang soos bedoel in regulasie 4.

EVALUERING VAN POTENSIËLE BLOOTSTELLING

- 6.(1) 'n Werkgewer of persoon in eie diens moet toesien dat evaluering onmiddellik uitgevoer word en daarna met tussenposes van hoogstens twee jaar om vas te stel of enige werknemers blootgestel kon gewees het deur inhalering of deur enige ander roete van inname wat van belang kan wees.

- (2) Die evaluering bedoel in subregulasie (1) moet uitgevoer word deur—
- (a) 'n goedgekeurde inspeksie-owerheid wat vir asbes goedgekeur is; of
 - (b) 'n persoon wat by IBHSA geregistreer is en wat nie 'n goedgekeurde inspeksie-owerheid is nie, wie se bekwaamheid om die metings te doen, geverifieer is deur 'n goedgekeurde inspeksie-owerheid ooreenkomstig die bepalinge van regulasie 7(3).
- (3) 'n Werkgewer moet die betrokke gesondheids- en veiligheidsverteenwoordiger of betrokke gesondheids- en veiligheidskomitee skriftelik verwittig van die reëlins wat getref is vir die evaluering bedoel in subregulasie (1), moet hulle redelike tyd gee om daarop kommentaar te lewer en moet toesien dat die resultate van die evaluering beskikbaar gestel word aan die betrokke verteenwoordiger of komitee wat daarop kommentaar mag lewer.
- (4) Tydens die evaluering moet die werkgewer of persoon in eie diens aangeleenthede soos die volgende in ag neem -
- (a) die moontlikheid dat materiaal wat gebruik, geprosesseer, hanteer of geberg word, asbes kan bevat;
 - (b) die tipe asbes waaraan 'n werknemer blootgestel kan word;
 - (c) watter uitwerking wat asbes op die gesondheid van 'n werknemer kan hê;
 - (d) die aard en graad van blootstelling wat in die loop van die werk kan voorkom;
 - (e) waar die asbes teenwoordig kan wees, die mate waarin 'n werknemer blootgestel kan wees, en die staat waarin die asbes gebind kan wees;
 - (f) die aard van die werk of proses en enige redelike verswakking of mislukking van enige beheermaatreëls;
 - (g) evaluering van die besonderhede van verwagte blootstellings, veral —
 - (i) of hulle neig om die aksievlak of die beroepsblootstellingsdrempel te oorskry;
 - (ii) of die verwagte blootstelling, die beroepsblootstellingperk oorskry, sodat die toepaslike asemhalingbeskermingstoerusting gekies kan word voordat ingenieursbeheermaatreëls geïmplementeer word;
 - (iii) indien sodanige blootstellings met tussenposes plaasvind, ook die frekwensie en duur van blootstellings;

- (iv) die getal werknemers blootgestel en enigiemand anders behalwe werknemers wat blootgestel kan word en hulle verwagte blootstellingswaardes; en
 - (v) waar van toepassing, resultate wat moontlik beskikbaar is van enige vorige monitering wat gedoen is;
 - (h) die stappe wat gedoen moet word om blootstelling na die laagste moontlike vlak te verlaag en die stappe wat gedoen moet word om die vrystelling van asbes in die omgewing te verminder;
 - (i) waar toepaslik, prosedures vir die hantering van noodgevalle; en
 - (j) prosedures vir die verwydering van asbesafval uit die werkplek en die wegdoen daarvan.
- (5) Indien die evaluering gedoen ooreenkomstig subregulasie (4) aandui dat 'n werknemer blootgestel kan wees aan konsentrasies gelyk aan of groter as die aksievlak, moet die werkgever toesien dat lugmonitering en mediese waarneming uitgevoer word ooreenkomstig die bepalings van regulasies 7 en 8 onderskeidelik en dat die blootstelling beheer word soos bedoel in regulasie 10.
- (6) 'n Werkgever moet die evaluering vereis by subregulasie (1) onmiddellik hersien indien –
- (a) daar rede is om te vermoed dat die vorige evaluering nie meer geldig is nie; of
 - (b) daar twyfel is oor die doeltreffendheid van beheermaatreëls, of indien tegnologiese of wetenskaplike vooruitgang meer doeltreffende beheermetodes moontlik maak; of
 - (c) daar 'n beduidende verandering is in 'n proses waarby asbes betrokke is of in die metodes, toerusting of prosedures in die gebruik, hantering, prosessering, berging of beheer van asbes;

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

LUGMONITERING

- 7.(1) Die werkgever bedoel in regulasie 6(4) moet toesien dat die metingsprogram van die luggedraagde konsentrasies van die asbesvesels waaraan 'n werknemer blootgestel word –
- (a) uitgevoer word ooreenkomstig die bepalings van hierdie regulasies;
 - (b) uitgevoer word slegs nadat die betrokke gesondheids- en veiligheids-verteenwoordiger of betrokke gesondheids- en veiligheidskomitee daarvan in kennis gestel is en 'n redelike tyd, soos onderling ooreengekom, gegee is om kommentaar daarop te lewer;

- (c) uitgevoer word deur –
- (i) 'n goedgekeurde inspeksie-owerheid wat vir asbesmonitering goedgekeur is;
 - (ii) 'n persoon wat by IBHSA geregistreer is en wat nie 'n goedgekeurde inspeksie-owerheid is nie, wie se bekwaamheid om die metings te doen, geverifieer is deur 'n goedgekeurde inspeksie-owerheid, ooreenkomstig die bepalings van subregulasie (3): Met dien verstande dat die goedgekeurde inspeksie-owerheid of 'n persoon wat by IBHSA geregistreer is en wat nie 'n goedgekeurde inspeksie-owerheid is nie, wie se bekwaamheid om die meting te doen geverifieer is deur 'n goedgekeurde inspeksie-owerheid, moet deelneem aan 'n erkende vaardigheidstoetsprogram vir asbestelling;
- (d) gedoen word ooreenkomstig MHDS 39/4, deur gebruikmaking van die standaard vir asbes, behalwe chrisotielasbes alleenlik, vir alle vorms van asbes gemeet;
- (e) verteenwoordigend is van die blootstelling van werknemers aan die luggedraagde asbesvesels ooreenkomstig die bepalings van subregulasie (2).
- (2) Ten einde aan die bepalings van subregulasie (1)(d) te voldoen, moet 'n werkgewer aan die volgende voldoen:
- (a) Sien toe dat die metingsprogram, in die geval van 'n groepsmeting, voorsiening maak vir die keuse van die aantal persone vir 'n monster wat geneem moet word soos bedoel in Hoofstukke 3 en 4 en die Tegniese Aanhangel A van OESSM: Met dien verstande dat metings van blootstelling moet deur persoonlike monsterneming geskied: Met dien verstande verder dat statiese monsterneming gebruik kan word vir die nagaan van beheermaatreëls.
 - (b) indien die werknemer met die hoogste blootstelling geïdentifiseer kan word en die evaluering aandui dat hierdie werknemer se blootstelling minder sal wees as die aksievlak voorgeskryf vir asbes dan –
kan 'n vlak 1-monsternemingstrategie gebruik word soos bedoel in EH42 en beskryf in Hoofstuk 3.1.1. van OESSM.
 - (c) indien die werknemer met die hoogste blootstelling nie geïdentifiseer kan word nie of die evaluering aandui dat hierdie werknemer se blootstelling die aksievlak voorgeskryf vir asbes kan oorskry, dan –
kan minstens 'n vlak 2-monsternemingstrategie gebruik word soos bedoel in EH42 en beskryf in Hoofstuk 3.1.2 van OESSM: Met dien verstande dat sodanige monstergrootte gekies word om te verseker dat die werknemer met die hoogste blootstelling binne die top 10% van blootgestelde werknemers val binne die groep van 'n 95%-vertrouensvlak.

- (d) Sien toe dat verteenwoordigende metings minstens elke 12 maande uitgevoer word: Met dien verstande dat wanneer die BBD voorgeskryf vir asbes oorskry word, die bepalings van regulasie 10 van toepassing is.
- (3) Ten einde aan die bepalings van subregulasie (1)(c)(ii) te voldoen, moet 'n werkgewer die dienste bekom van 'n goedgekeurde inspeksie-owerheid wat vir asbesmonitering goedgekeur is en wat, met tussenposes van hoogstens 12 maande, die verifiëring moet doen –
 - (a) deur die meting- en ontledingstoerusting van die werkgewer te ondersoek;
 - (b) deur die persoon wat geverifieer moet word, oor die metingsprogram te ondervra;
 - (c) deur die metingsprogram vereis deur subregulasie (2) vir enige groep, uit te voer gelyktydig met die persoon wat geverifieer moet word;
 - (d) deur die resultate van die evaluering van lugmonitering soos bedoel in regulasie 6(4) en subregulasie (2) onderskeidelik, aan te teken in die rekord vereis by regulasie 11; en
 - (e) deur 'n verklaring te maak of daar aanbeveel word dat die persoon bedoel in regulasie 6(2)(b) of subregulasie (1)(c)(ii), na gelang van die geval, die evaluerings- of metingsprogram soos vereis by regulasie 6(4) of subregulasie (2) moet uitvoer.

MEDIESE WAARNEMING

- 8.(1) Die werkgewer moet toesien dat 'n werknemer onder mediese waarneming is indien –
 - (a) die werknemer blootgestel is of waarskynlik blootgestel gaan wees aan 'n vlak van asbes wat die aksievlak kan oorskry; of
 - (b) die beroepsgesondheidspraktisyn aanbeveel dat die betrokke werknemer onder mediese waarneming moet wees, in welke geval die werkgewer 'n beroepsgeneeskundige kan inroep om die toepaslikheid van sodanige aanbeveling te verifieer.
- (2) Ten einde aan die bepalings van subregulasie (1) te voldoen, moet die werkgewer, vir sover dit redelikerwys uitvoerbaar is, toesien dat 'n beroepsgeneeskundige 'n gestruktureerde mediese waarnemingsprogram 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 die volgende behels –
 - (i) 'n evaluering van die werknemer se mediese en beroepsgeskiedenis;

- (ii) mediese toetse wat kan insluit: x-strale van die borskas, toetsing van pulmonale funksie of 'n fisiese ondersoek;
 - (iii) enige ander noodsaaklike mediese ondersoek wat volgens die oordeel 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) Die 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 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 indien hy of sy vooraf deur 'n beroepsgeneeskundige as geskik vir daardie werk gesertifiseer is.
- (4) Die werkgewer moet die insident bedoel in subregulasie (3) aanteken en ondersoek ooreenkomstig die bepalings van regulasie 8 van die Algemene Administratiewe Regulasies.

RESPIRATORSONE

9. Die werkgewer moet toesien –

- (a) dat 'n werkplek of 'n gedeelte van 'n werkplek onder sy of haar beheer, waar die konsentrasie asbesvesels in die lug sodanig is of waarskynlik sodanig is dat die blootstelling van werknemers in daardie werkplek die BBD oorskry sonder die dra van asemhalingbeskermingstoerusting, as 'n respiratorsone gesoneer word;
- (b) dat '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 soos bedoel in regulasie 16 daar gedra moet word; en
- (c) dat niemand 'n respiratorsone mag binnekom of daarbinne mag bly nie, tensy hy of sy die vereiste asemhalingbeskermingstoerusting en beskermende klere dra.

BEHEER VAN BLOOTSTELLING AAN ASBES

- 10.(1) Die werkgewer moet toesien dat die blootstelling van 'n werknemer óf voorkom word óf, waar dit nie redelikerwys uitvoerbaar is nie, voldoende beheer word. Met dien verstande dat die beheer van die blootstelling geag word voldoende te wees indien die vlak van blootstelling onder die BBD is of indien die betrokke gebied gesoneer is en die vlak van blootstelling deur middel van voldoende asemhalingbeskermingstoerusting na onder die BBD verminder is, maar slegs nadat die vlak deur enige ander middel

behalwe asemhalingbeskermingstoerusting verminder is na 'n vlak so laag as wat redelikerwys uitvoerbaar is.

- (2) Waar dit redelikerwys uitvoerbaar is, moet die werkgewer die blootstelling van 'n werknemer beheer –
- (a) deur 'n substituuat vir asbes of asbesbevattende materiaal te gebruik;
 - (b) deur die aantal werknemers te beperk wat blootgestel sal of kan wees;
 - (c) deur die tydperk te beperk waartydens 'n werknemer blootgestel sal of kan wees;
 - (d) deur die hoeveelheid asbesvesels te beperk wat die werkomgewing kan kontamineer;
 - (e) deur ingenieursbeheermaatreëls vir die beheer van blootstelling in te stel, insluitende:
 - (i) Prosesafbakening, outomatisasie, of insluiting;
 - (ii) verbinding 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 asbesvesels;
 - (iv) die gebruik van natmetodes waar toepaslik;
 - (v) afsonderlike werkplekke vir verskillende prosesse wat uitgevoer moet word; en
 - (vi) 'n indikator sodat vroegtydige korrektiewe stappe gedoen kan word;
 - (f) deur toepaslike werkprosedures in te stel wat 'n werknemer moet volg waar materiale gebruik, geprosesseer, hanteer of geberg word wat aanleiding kan gee tot blootstelling van 'n werknemer, en daardie prosedures moet skriftelike instruksies insluit om te verseker –
 - (i) dat asbes veilig hanteer, gebruik en weggedoen word;
 - (ii) dat prosesmasjinerie, installasies, toerusting, gereedskap en lokale uitsuig- en ventilasiestelsels veilig gebruik en in stand gehou word; en
 - (iii) dat vroegtydige korrektiewe stappe betreffende die beheer van asbesblootstelling gedoen kan word.

SINDELIKHEID VAN PERSEEL EN TOERUSTING

11. Elke werkgewer moet, sover redelikerwys uitvoerbaar, stappe doen om te verseker dat—
- (a) alle werkplekke in 'n skoon toestand gehou word en dat dit vry van asbesafval is en, indien asbes per abuis gestort word of asbestof per abuis vrygestel word in die werkplek, moet korrektiewe maatreëls dadelik getref word voordat die werk hervat word;
 - (b) alle masjinerie, aanlegte en toerusting, sowel as alle eksterne oppervlakke van ventilasietoerusting en alle interne oppervlakke van geboue vry van asbestof gehou word;
 - (c) skoonmaak deur stofsuigtoerusting gedoen word met 'n filtreerdoeltreffendheid van minstens 99 persent vir stofdeeltjies een mikrometer in grootte, of op so 'n ander wyse dat asbestof nóg kan ontsnap nóg in die lug vrygelaat word in so 'n mate dat dit 'n werkplek of die omgewing besoedel;
 - (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 werknemers wat sodanige skoonmaak onderneem, toepaslike beskermende klere en asemhalingbeskermingstoerusting dra, en geen ander werknemers teenwoordig is nie tensy hulle ook beskermende klere en asemhalingbeskermingstoerusting dra.

BEHEER OOR BLOOTSTELLING AAN ASBES VAN ANDER PERSONE AS WERKNEMERS

- 12.(1) Die werkgewer moet toesien dat die vrystelling van asbesvesels in enige omgewing of waterstelsel voldoen aan die bepalings van die Nasionale Waterwet, 1998, (Wet No. 36 van 1998), die Wet op die Voorkoming van Lugbesoedeling, 1965 (Wet No. 45 van 1965), en die Wet op Omgewingsbewing, 1989 (Wet No. 73 van 1989).
- (2) Met betrekking tot asbesvesels wat in enige omgewing of waterstelsel vrygelaat kan word wat die gesondheid van ander persone as diegene in sy of haar diens kan affekteer, moet die werkgewer toesien —
- (a) met betrekking tot luggedraagde vrylatings —
 - (i) dat alle werk wat met asbes verrig word, sover redelikerwys uitvoerbaar is, beheer word; en
 - (ii) dat geskikte filtreerstelsels gebruik word om die vrystelling van asbesvesels in die omgewing op vlakke so laag as wat redelikerwys uitvoerbaar is te hou;

- (b) met betrekking tot water gekontamineer met asbes –
 - (i) dat enige water wat met asbes gekontamineer is as gevolg van werk wat deur 'n werknemer verrig word, deur 'n filtreerstelsel beweeg voordat dit in enige omgewing of waterstelsel vrygestel word; en
 - (ii) dat 'n geskikte waterfiltreerstelsel gebruik word wat sal verseker dat die aantal asbesvesels wat in enige omgewing of waterstelsel vrygelaat word, verminder word tot so min as wat redelikerwys uitvoerbaar is;
- (c) dat enige stof wat deel van die filtreerstelsel uitgemaak het, wanneer dit weggegooi word, oor beskik word soos asbesafval; en
- (d) dat massa-asbes, wat 'n versameling vesels kan wees, wat vrygestel, geplaas of oor beskik word op enige wyse in enige omgewing of waterstelsel, verminder word tot hoeveelhede wat so laag as redelikerwys uitvoerbaar is.

ASBES WAT DEEL UITMAAK VAN DIE STRUKTUUR VAN DIE WERKPLEK, GEBOUE, MASJINERIE OF PERSEEL

- 13.(1) Die werkgewer moet verseker dat waar asbes deel van die struktuur van die werkplek, geboue, masjienerie of perseel uitmaak, hy of sy –
- (a) redelike stappe doen om die ligging vas te stel van materiale wat waarskynlik asbes kan bevat en die asbes in sodanige werkplek, geboue, masjienerie of perseel se ligging aanteken;
 - (b) aanvaar dat materiale asbes bevat tensy 'n beredeneerde argument tot die teendeel aangevoer kan word; en
 - (c) in 'n gedokumenteerde asbes-inventaris 'n skriftelike rekord hou van die ligging van asbes en materiaal wat vermoedelik asbes is.
- (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 bedoel in subregulasie (1), en aan hulle redelike tyd gee om daarop kommentaar te lewer en verseker dat die gedokumenteerde asbes-inventaris beskikbaar gestel word aan die betrokke verteenwoordiger of komitee wat daarop kommentaar 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.
- (4) Met betrekking tot geskille oor die kwessie of 'n stof wel asbes is, kan die gesondheids- en veiligheidsverteenwoordiger of genomineerde persoon vereis dat 'n monster van sodanige stof geneem word en die ware aard van die stof bepaal word ooreenkomstig MDHS 77 deur 'n goedgekeurde inspeksie-owerheid wat goedgekeur is vir

asbesmonitering; Met dien verstande dat die koste van die identifikasie ingevolge MDHS 77 deur die werkgewer gedra moet word.

- (5) Die werkgewer moet gereeld die toestand van asbes- en vermoedelike asbesmateriale ondersoek vir verswakking of skade.
- (6) Die werkgewer moet die gevaar van blootstelling van asbes en vermoedelike asbesmateriale evalueer en die optrede dokumenteer wat nodig is om te verseker dat—
 - (a) enige materiaal wat asbes bevat of vermoedelik asbes bevat en omrede sy toestand en ligging 'n gevaar van blootstelling kan skep, herstel word of, indien nodig, verwyder word: Met dien verstande dat indien die verwydering slopingswerk behels, die asbes in ooreenstemming met regulasie 20 verwyder moet word;
 - (b) enige materiaal wat asbes of vermoedelik asbes bevat, goed in stand gehou word en dat 'n beplande instandhoudingsprogram, waar nodig, geïmplementeer word;
 - (c) inligting oor die ligging en toestand van materiaal wat vermoedelik asbes bevat, aan iemand wat dit waarskynlik sal versteur, gegee word; en
 - (d) prosedures en reëlins in plek is sodat werk wat materiaal wat inderdaad of vermoedelik asbes bevat, kan versteur, aan alle ander vereiste van hierdie regulasies voldoen.

ASBES-SEMENTPLATE EN VERWANTE PRODUKTE

- 14.(1) 'n Werkgewer of persoon in eie diens wat met asbesdakplate, -muurpanele, -geute, -fassieplanke en verwante produkte by sy of haar werkplek werk, moet verseker dat —
- (a) indien enige dakwerk verrig word, geskikte daklere, plankmatte of crawling-boards gebruik word ooreenkomstig regulasie 12 van die Algemene Veiligheidsregulasies;
 - (b) enige water, wat as gevolg van bogemelde prosedures asbesvesels bevat, behandel moet word ooreenkomstig regulasie 12(2)(b) en (c);
 - (c) skriftelike werksprosedure opgestel word wat nagekom moet word wanneer hierdie produkte verwyder, gesny, geboor of skoongemaak word en aanleiding kan gee tot die vrystelling van asbes in die omgewing;
 - (d) die werksprosedure bedoel in paragraaf (c), beskikbaar moet wees 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 regulasie 10;

- (f) sny- of boorwerk gedoen word onder beheerde toestande, dat snywerk met 'n geskikte laespoed meganiese snyer gedoen word, en dat natmetodes waar moontlik gebruik word en seker gemaak word dat afval in enige vorm, insluitende stof, versamel en weggedoen word in ooreenstemming met regulasie 19: Met dien verstande dat enige afvalwater, wat as gevolg van bogemelde prosedure asbesvesels bevat, behandel moet word in ooreenstemming met regulasie 12(2)(b) en (c);
- (g) nuwe verfwerk, waar moontlik, met 'n geskikte verf of verseëlaar verrig word, ter voorkoming van –
 - (i) die nodigheid vir die skoonmaak van hierdie produkte wanneer hulle verweer het; en
 - (ii) blootstelling van persone aan asbesvesels, wanneer die produkte in gebruik is;
- (h) skoonmaakwerk onder beheerde toestande gedoen word om te verseker dat –
 - (i) droë borselwerk, skraping, afskuring of afslypingstegnieke nie gebruik word nie;
 - (ii) waar dit redelikerwys uitvoerbaar is, moet hoëdruk-waterstraling nie gebruik word nie en indien dit wel gebruik word, moet waterafloop met geskikte metodes beheer word.: Met dien verstande dat water wat afgekeer word vanaf 'n dak wat asbesvesels bevat, by die bron beheer moet word en nie toegelaat moet word om die omliggende omgewing op enige wyse te kontamineer nie; en
 - (iii) wanneer swamdodende oplossing of mosdoder aangewend word 'n staantyd van 24 uur of enige ander tydperk gespesifiseer deur die vervaardiger toegelaat moet word en dat 'n laedrukspuit na sodanige tydperk gebruik moet word om die plate nat te hou terwyl 'n harde besem of 'n soortgelyke middel gebruik word om enige mos of ligene te verwyder.

REKORDS

15. Die werkgewer moet –
- (a) rekord hou van die resultate van alle evaluerings en lugmoniterings- en mediese waaktoesigverslae en die asbesinventaris vereis by regulasies 6, 7, 8 en 13(c) onderskeidelik: Met dien verstande dat persoonlike mediese rekords slegs aan 'n beroepsgesondheidspraktisyn beskikbaar gestel moet word;
 - (b) behoudens die bepalinge van paragraaf (c), die rekords bedoel in paragraaf (a), uitgesonderd persoonlike mediese rekords, beskikbaar stel vir inspeksie deur 'n inspekteur;

- (c) behoudens formele skriftelike toestemming van 'n werknemer, enige persoon toelaat om die rekords wat op daardie besondere werknemer betrekking het, te inspekteer;
- (d) die rekords van alle evaluerings, lugmoniterings en asbesinventarisse beskikbaar stel vir ondersoek deur die betrokke gesondheids- en veiligheidsvertegenwoordiger of betrokke gesondheids- en veiligheidskomitee;
- (e) alle rekords van evaluerings en lugmonitering en die asbesinventaris vir 'n minimum tydperk van 30 jaar hou;
- (f) alle medies waaktoesigrekords vir 'n minimum tydperk van 30 jaar hou en, indien die werkgewer aktiwiteite staak, moet daardie rekords oorhandig word of per geregistreerde pos gestuur word aan die betrokke provinsiale direkteur. Met dien verstande hierdie rekords 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 rekord van tipes werk verrig met asbes en, waar ter sake, die ligging daarvan, die begin- en sluitingsdatums van blootstelling en gemiddelde duur van blootstelling in ure per week;
 - (iii) 'n rekord van enige werk met asbes voor hierdie diens tyd; en
 - (iv) mediese waaktoesigverslae;
- (g) 'n rekord hou van die toetse en ondersoeke uitgevoer ingevolge regulasie 17(b) en van enige herstelwerk voortvloeiend uit hierdie toetse en ondersoeke, en die rekord moet vir minstens drie jaar behou word; en
- (h) soos vereis ingevolge regulasie 4(5), 'n rekord hou van opleiding gegee aan 'n werknemer wat aan asbes blootgestel word vir solank as wat die werknemer by daardie werkplek in diens bly.

PERSOONLIKE BESKERMENDE TOERUSTING EN FASILITEITE

- 16.(1) Indien dit nie redelikerwys uitvoerbaar is nie, om toe te sien dat die blootstelling van 'n werknemer voldoende beheer word soos bedoel in regulasie 10, moet die werkgewer die werknemer van goedgekeurde asemhalingbeskermingstoerusting en beskermende klere voorsien.
- (2) Waar asemhalingbeskermingstoerusting voorsien word, moet die werkgewer toesien dat –
- (a) die betrokke toerusting in staat is om die blootstellingsvlak tot onder die BBD vir asbes te beheer;

- (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 werknemers voorsien word; en
 - (d) die toerusting in 'n goeie werkende toestand gehou word.
- (3) Die werkgewer moet, sover dit redelikerwys uitvoerbaar is –
- (a) geen persoonlike beskermende toerusting aan 'n werknemer uitreik nie, tensy sodanige toerusting gedekontamineer en, indien nodig, gesteriliseer is;
 - (b) afsonderlike houters of bergfasiliteite voorsien vir persoonlike beskermende toerusting wanneer dit nie in gebruik is nie; en
 - (c) toesien dat alle persoonlike beskermende toerusting wat nie in gebruik is nie, geberg word slegs in die plek wat daarvoor voorsien is.
- (4) Die werkgewer 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 skoongemaak word, moet sorg gedra word om kontaminasie tydens hantering, vervoer of skoonmaak te voorkom.
 - (b) Waar die toerusting van die perseel af weggestuur word aan 'n kontrakteur vir skoonmaakdoeleindes –
 - (i) moet die toerusting in ondeurdringbare houters gepak word;
 - (ii) moet die houer styf verseël word en moet duidelik daarop aangedui dat die inhoud daarvan met asbesvesels gekontamineer is; en
 - (iii) moet die 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.
 - (c) Water wat vir dekontaminasie of skoonmaak van toerusting gebruik word, moet ooreenkomstig regulasie 12(2)(b) gefiltreer word voordat dit in enige waterstelsel vrygelaat word.
- (5) Behoudens die bepalings van subregulasie (4)(b), moet die werkgewer 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 bedoel in regulasie 19.

- (6) Behoudens die bepalings van die Fasiliteiteregulasies moet die werkgewer, waar redelikerwys uitvoerbaar, werknemers wat persoonlike beskermende toerusting soos bedoel in subregulasie (1) gebruik, 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 asbesvesels te voorkom;
 - (b) twee afsonderlike sluitkaste wat onderskeidelik "beskermende klere" en "persoonlike klere" geëtiketteer is, en moet toesien dat die klere afsonderlik in die betrokke sluitkas gehou word; en
 - (c) afsonderlike "skoon" en "vuil" kleedkamers.

INSTANDHOUDING VAN BEHEERMAATREËLS

17. Die werkgewer moet toesien –

- (a) dat alle beheertoerusting en fasiliteite voorsien ingevolge regulasies 10, 11 en 12, in goeie werkende toestand gehou word; en
- (b) dat deeglike ondersoeke en toetse van ingenieursbeheermaatreëls uitgevoer word met tussenposes van hoogstens 24 maande deur 'n goedgekeurde inspeksie-owerheid of deur iemand wat by IOHSA geregistreer is maar wat nie 'n goedgekeurde inspeksie-owerheid is nie, wie se vermoë om sodanige ondersoeke en toetse uit te voer, deur 'n goedgekeurde inspeksie-owerheid geverifieer is.

ETIKETTERING, VERPAKKING, VERVOER EN BERGING

18. Die werkgewer moet, ten einde die verspreiding van asbesvesels te voorkom, stappe doen, sover dit redelikerwys uitvoerbaar is, om te verseker –

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

WEGDOENING VAN ASBES

19. Die werkgewer moet sover dit redelikerwys uitvoerbaar is –

- (a) alle asbesafval hersikleer;
- (b) toesien dat alle asbesafval geplaas word in houers wat die waarskynlikheid van blootstelling tydens hantering sal voorkom;
- (c) toesien dat alle voertuie, herbruikbare houers en enige ander soortgelyke artikels wat met asbesafval in kontak was, na gebruik skoongemaak en gedekontamineer word op so 'n wyse dat sodanige voertuie, houers of soortgelyke artikels nie 'n gevaar binne of buite die betrokke perseel veroorsaak nie;
- (d) toesien dat alle asbesafval wat blootstelling kan veroorsaak, weggedoen word slegs op persele spesifiek toegewys vir hierdie doel ingevolge die Wet op Omgewingsbewaring, 1989 (Wet No. 73 van 1989), op so 'n wyse dat dit nie binne of buite die betrokke perseel 'n gevaar skep nie;
- (e) toesien dat alle werknemers wat betrokke is by die versameling, vervoer en wegdoening van asbesafval, wat aan daardie afval blootgestel kan wees, voorsien word van toepaslike persoonlike beskermende toerusting; en
- (f) toesien dat, 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

20. Enigiemand wat beoog om slopingswerk uit te voer, moet –

- (a) voor die aanvang van sodanige werk stappe doen om te verseker dat -
 - (i) slopingswerk uitgevoer word deur 'n persoon wat 'n goedgekeurde asbeskontrakteur 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 sodanige werk aan die goedgekeurde Inspeksie-owerheid vir goedkeuring voorgelê word: Met dien verstande dat 'n goedgekeurde Inspeksie-owerheid na goeddunke 'n korter tydperk vir sodanige voorlegging moet toelaat: Met dien verstande voorts dat 'n goedgekeurde Inspeksie-owerheid standaardprosedures vir roetineveranderings of herstelwerk kan goedkeur;
 - (iv) die werkplan deur 'n goedgekeurde inspeksie-owerheid opgestel kan word, in welke geval die neergelegde tydperk nie geld nie;

- (v) 'n afskrif aan die provinsiale direkteur voorgelê word van die goedgekeurde werkplan wat onderteken is deur die goedgekeurde Inspeksie-owerheid, die werkgewer en indien die persoon wat sodanige werk uitvoer, nie die werkgewer is nie, die opdraggewer van die werkgewer, minstens 14 dae voor die aanvang van die slopingswerk: Met dien verstande dat 'n inspekteur 'n korter tydperk vir sodanige voorlegging kan toelaat; en
 - (vi) afskrifte van goedgekeurde gestandaardiseerde prosedures vir slopingswerk minstens 14 dae voor die aanvang van sodanige 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 op 'n veilige manier hanteer en weggedoen word;
 - (ii) alle werknemers wat blootgestel is of waarskynlik blootgestel sal word, van geskikte beskermende toerusting voorsien word en dat sodanige toerusting korrek aangetrek en gedra word; en
 - (iii) die perseel, struktuur of gebied deeglik nagegaan word om te verseker dat alle asbesafval verwyder is.

VERBODSBEPALING

21. 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 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 toelaat om asbes deur middel van sodanige proses aan te wend nie.

MISDRYWE EN STRAWWE

22. Enige persoon wat 'n bepaling van regulasie 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 of 21 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, aan 'n bykomende boete van R200 vir elke dag waarop die oortreding voortduur of aan bykomende gevangenisstraf van een dag vir elke dag waarop die oortreding voortduur:

Met dien verstande dat die tydperk van sodanige addisionele gevangenisstraf in geen geval 90 dae mag oorskry nie.

KORT TITEL

23. Hierdie regulasies heet die Konsep Gewysigde Asbesregulasies, 1999.

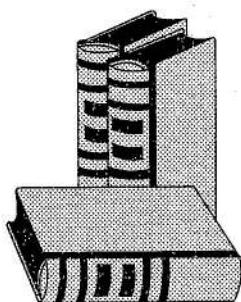
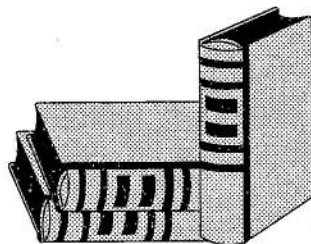
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