



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

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employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA



Frequently asked questions relating to asbestos and the Asbestos Abatement Regulations.

(Q - question – A - answer)

Q: When will the Asbestos Abatement Regulation be in force?

A: The regulations came into effect on 10 November 2020. However, regulation 3 (Identification of asbestos in place) and regulation 20 (Labelling and signage) came into effect 18 months after the promulgation. **The complete regulations are now in effect including the amendment that was published on 20 May 2022 and 12 July 2024.**

Q: How do I identify asbestos?

A: It can be very difficult to identify asbestos, as it is often mixed with other materials. If you are unsure whether asbestos is present, don't start maintenance or repair work. You should be provided with an asbestos inventory for your workplace. A bulk-sample may be taken for confirmatory laboratory analysis.

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

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

Exposure to asbestos can cause four main diseases:

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

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

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

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

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

A: No, there is not. However, there is a Nations Asbestos Management Strategy that aims for an Asbestos risk free South Africa, by 2030 which is championed by Department of Fisheries, Forestry and the Environment. This strategy aims to eliminate the health risk associated with asbestos exposure, while allowing asbestos containing materials that does not pose a health risk to remain in place.

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

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

Q: Who may preform asbestos demolition work?

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



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

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

Q: What is a POW?

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

- Name, contact details and responsibilities of the registered asbestos contractor, approved inspection authority, asbestos waste transporter, asbestos waste disposal site and asbestos client,
- name and contact details of the asbestos removal supervisor
- details of the asbestos to be removed, including the location, type, estimated quantity and condition of the asbestos;
- a list of employees’ names and identification numbers
- expected commencement and completion dates;

- air monitoring method used, and frequency of air monitoring,
- details of how the asbestos removal work will take place, including methods of removal, tools and equipment, and the appropriate personal protective equipment
- details relating to the requirements of decontamination facilities and decontamination procedures;
- details of demarcation, labelling and signage requirements and asbestos waste and temporary on-site storage areas;
- procedure for decontamination of the work area, tools and equipment;
- emergency procedures in the event of uncontrolled asbestos release;
- method for disposal of asbestos waste;
- detail of asbestos clearance certification; and
- site or project specific prohibitions.

The POW must be available for type 2 and 3 asbestos work. And a Safe operating procedure (SOP) must be available for type 1 asbestos work.

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

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

Q: Who should provide notice of asbestos work to DEL?

A: It is the responsibility of the Registered Asbestos Contractor (RAC) in the case of Type 2 and 3 asbestos work to ensure notification is provided. However, the notice may be provided by either the client, RAC or approved inspection authority (AIA).

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

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

A: The asbestos client has the legal responsibility to appoint the AIA in writing. A list of AIAs approved for asbestos is available on the Department of Employment and Labour’s website at www.labour.gov.za under Resources. Both the client and the RAC must note that the AIA has the legal authority and responsibility to stop any asbestos work which poses a health or safety risk to any persons until such time that the risk has controlled.

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

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

Q: What is the occupational exposure limit to asbestos?

A: The occupational exposure limit is 0,1 regulated asbestos fibres per millilitre of air measured in accordance with HSG 248. OELs are limit values at a level of occupational exposure to a hazardous substance where it is believed that nearly all healthy employees can repeatedly be exposed to, at or below this level of exposure without adverse effects. However, prevention of any exposure at all times are best.

Q: Who should pay for medical surveillance tests for employees?

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

Q: What should be included in a medical surveillance programme?

A: Medical surveillance is made up of biological monitoring (which includes biological exposure monitoring and biological effect monitoring), clinical examinations and medical tests. Some of the examination/tests which may be conducted by the Occupational Health Practitioner are:

- Obtaining an occupational and exposure history
- Appropriate clinical / physical examination and medical tests (spirometry / X-Ray)
- Other aspects the Occupational Health Practitioner deems necessary

The above should be conducted at initial employment, as well as periodically.

The results from the above-mentioned examinations/test of a period of time should be analysed to look for abnormal trends in health status.

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

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

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

Q: Who should provide PPE?

A: It is the legal responsibility of the employer to provide personal protective equipment (PPE) including respiratory protective equipment (RPE) and replace it if required. They are also responsible to provide PPE to visitors to site.

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

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

RPE fit testing is a method of checking that a tight-fitting RPE matches the wearer's facial features and seals adequately to their

face. RPE will only provide effective protection if it is tight-fitting and the wearer is clean shaven. Quantitative fit testing is available to scientifically evaluate proper fit of RPE. Leak checking can be performed by the employee several times a day by ensuring no gaps occur between the face and RPE rim.

Q: May an employee refuse to wear PPE?

A: No, employees have a legal responsibility to comply with any lawful instruction relating to health and safety. This includes obeying all lawful instructions in the interest of health and safety. Such instructions may include wearing of PPE or RPE when working with asbestos. If an employee fails to comply, the employer should initiate the appropriate disciplinary steps.

Q: Who must undergo the 8-hour asbestos training?

A: Both the supervisor responsible for the asbestos work AND all the employees working on or with asbestos.

Q: Is asbestos training a legal requirement?

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

Q: Who is considered "competent" to provide asbestos training?

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

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

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

Q: May asbestos containing materials be "encapsulated"?

A: Yes, the encapsulation of asbestos containing materials with a coating such as rubber or other synthetic is allowed. Encapsulation, usually total covers all sides of asbestos containing materials. The substance applied binds the asbestos fibres to the cement and prevents easy release of asbestos fibres. The same precautions



apply for painting (a less reliable form of encapsulating), in that NO SURFACE preparation or CLEANING is allowed. Surface preparation will cause fibres to be released increasing the health risk for employees, occupants and the community.

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

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

Q: Where can I find a "Registered Asbestos Contractor"?

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

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

A: A registered asbestos contractor's registration with the Department of Employment and Labour is valid for 3 years. However, a registration may be withdrawn by the Department if all requirements are not adhered to by the RAC. The Department charges a small once-off admin fee when applying. This fee is at the rate that is published in the Government Gazette. Please be aware of scams soliciting other payments.

Q: What are the cost for applying to register as a Registered Asbestos Contractor?

A: The Department charges a standard once-off admin fee when applying. This fee is at the rate that is published in the Government Gazette. Please be aware of scams soliciting other payments.

Q: Where can I find an "Approved Inspection Authority" (AIA)?

A: A list of the Approved Inspection Authorities approved for asbestos, with valid registrations can be found on the Department of Employment and Labour's website at www.labour.gov.za under Resources Centre.

Q: Where can I find an "Type 1 asbestos contractor"

A: There is no such thing as an "Type one asbestos contractor". RACs may be registered with the Department to perform type 2 or type 3 asbestos work. Type 1 asbestos work is intended for small once-of work only. For example, a homeowner that removes a small section of asbestos down-pipe from their home.

Q: May I install solar panels or an air-conditioning unit on or onto my asbestos roof?

A: No. The Asbestos Abatement Regulations prohibits any kind of installation onto asbestos containing materials. Not only does the process of installation hold a significant risk of causing fibre release to communities and employees, but these panels or units would need maintenance and cleaning resulting in activities on the asbestos containing materials, causing fibre release. Therefore, no items such as air-conditioning units, water tanks or solar panels amounts others may be installed on asbestos containing materials. Aim to abate asbestos containing materials and eliminate asbestos risk in South Africa.

Q: May an asbestos roof be cleaned and cleared of moss and lichen before it is painted?

A: No, the cleaning and preparation of asbestos containing materials such an asbestos roof are prohibited. Cleaning methods, water blasting, scraping, brushing or other methods loosen fibres from the cement and can then become airborne, making it possible for the fibres to be breathed in by people. Lichen secrete organic acids that break down the cement over time, thus if the lichen is removed, fibre release is then very possible.

Q: How should asbestos waste be disposed of?

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

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

Q: Are the small quantities of asbestos materials removed during type 1 asbestos work considered asbestos waste?

A: Yes, and it should be disposed of as such. Waste must be managed in terms of the National Environmental Management: Waste Act, Act 59 of 2008. Asbestos Waste has been classified as hazardous waste in terms of the Waste Classification and Management Regulations, 2013.

Q: How long may asbestos waste be stored?

A: Asbestos waste can be temporally stored for a period of 3 months after removal and before it is disposed of. During this storage period theft must be prevented and the materials must be protected from wind and rain or any release of fibres. The temporary waste storage site needs to be properly demarcated, with warning signs displayed at all vantage points to warn of the potential risk of asbestos exposure and access controlled.

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

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

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

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

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

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

Small damaged sections of asbestos containing materials may be maintained or removed by the home-owner themselves under strict conditions stipulated in the Asbestos Abatement Regulations 2020, as part of type 1 asbestos work.

Q: May I sell my house/ building if it contains asbestos containing materials?

A: Although the sale of asbestos containing materials such as removed roof sheets are prohibited, there is no restriction on the sale of a house with intact asbestos containing materials. In terms of section 67 and regulation 36 of the Property Practitioners Act, 22 of 2019. However, every property practitioner, owner or lessor of immovable property is obliged to disclose any defect in the property to any potential new purchaser or lessee.

Q: May I sell or give away asbestos containing building materials I removed from my property if it is still in good condition?

A: No. Asbestos containing materials once removed from a building may only be disposed as waste. The sale, donation, re-use, re-installation or recycling of asbestos containing materials are prohibited. Asbestos containing materials must be abated.

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

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

Employers are required to actively manage any asbestos in buildings. They must also inform the employees of the location of asbestos. Those considered most at risk of exposure to asbestos fibres are maintenance employees who can unknowingly disturb asbestos in place during the course of their work. Precautions must be taken to ensure there is no disturbance of the asbestos during work.

Q: If I see any illegal asbestos work or employees not working safely with asbestos containing materials, what can I do?

A: Take down the correct physical address for where the work is taking place. If a contractor name is visible take that down as well. Report to the nearest Department of Employment and Labour's labour centre or Departmental offices with as much detail as possible. Contact details for all Labour Centres and Provincial Offices are on the Departments website www.labour.gov.za. You may stay anonymous if you choose to.

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Website: www.labour.gov.za | **Call centre:** (012) 309 4000



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