
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 179

The Control of Asbestos Regulations (Northern Ireland) 2012

PART 2

GENERAL REQUIREMENTS

Prevention or reduction of exposure to asbestos

11.—(1) Every employer shall—

- (a) prevent the exposure to asbestos of any employee employed by that employer so far as is reasonably practicable;
- (b) where it is not reasonably practicable to prevent such exposure—
 - (i) take the measures necessary to reduce exposure to asbestos of any such employee to the lowest level reasonably practicable by measures other than the use of respiratory protective equipment; and
 - (ii) ensure that the number of any such employees exposed to asbestos at any one time is as low as is reasonably practicable.

(2) Where it is not reasonably practicable for the employer to prevent the exposure to asbestos of any such employee employed by that employer in accordance with paragraph (1)(a), the measures referred to in paragraph (1)(b)(i) shall include, in order of priority—

- (a) the design and use of appropriate work processes, systems and engineering controls and the provision and use of suitable work equipment and materials in order to avoid or minimise the release of asbestos; and
- (b) the control of exposure at source, including adequate ventilation systems and appropriate organisational measures,

and the employer shall so far as is reasonably practicable provide any employee concerned with suitable respiratory protective equipment in addition to the measures required by sub-paragraphs (a) and (b).

(3) Where it is not reasonably practicable for the employer to reduce the exposure to asbestos of any such employee to below the control limit by the measures referred to in paragraph (1)(b)(i), then, in addition to taking those measures, the employer shall provide that employee with suitable respiratory protective equipment which will reduce the concentration of asbestos in the air inhaled by that employee (after taking account of the effect of that respiratory protective equipment) to a concentration which is—

- (a) below the control limit; and
- (b) as low as is reasonably practicable.

(4) Personal protective equipment provided by an employer in accordance with this regulation or with regulation 14(1) shall be suitable for its purpose and shall—

- (a) comply with any [F1legal requirement] which is applicable to that item of personal protective equipment; or

- (b) in the case of respiratory protective equipment, where no provision referred to in sub-paragraph (a) applies, be of a type approved or shall conform to a standard approved, in either case, by the Executive.
- (5) The employer shall—
 - (a) ensure that no employee is exposed to asbestos in a concentration in the air inhaled by that worker which exceeds the control limit; or
 - (b) if the control limit is exceeded—
 - (i) immediately inform any employees concerned and their representatives and ensure that work does not continue in the affected area until adequate measures have been taken to reduce employees' exposure to asbestos below the control limit;
 - (ii) as soon as is reasonably practicable identify the reasons for the control limit being exceeded and take the appropriate measures to prevent it being exceeded again; and
 - (iii) check the effectiveness of the measures taken pursuant to sub-paragraph (ii) by carrying out immediate air monitoring.

[^{F2}(6) In paragraph (4)(a), “legal requirement” means any requirement of the Personal Protective Equipment Regulations 2002 or Regulation (EU) 2016/425 of the European Parliament and of the Council on personal protective equipment and repealing Council [Directive 89/686/EEC](#) (OJ No L81, 31.3.2016, p51).]

Textual Amendments

- F1** Words in [reg. 11\(4\)\(a\)](#) substituted (21.4.2018) by [The Personal Protective Equipment \(Enforcement\) Regulations 2018 \(S.I. 2018/390\)](#), [reg. 1\(1\)](#), [Sch. 5 para. 13\(a\)](#) (with [reg. 2\(1\)-\(3\)](#))
- F2** [Reg. 11\(6\)](#) inserted (21.4.2018) by [The Personal Protective Equipment \(Enforcement\) Regulations 2018 \(S.I. 2018/390\)](#), [reg. 1\(1\)](#), [Sch. 5 para. 13\(b\)](#) (with [reg. 2\(1\)-\(3\)](#))

Changes to legislation:

There are currently no known outstanding effects for the The Control of Asbestos Regulations (Northern Ireland) 2012, Section 11.