

1993 No. 26

HEALTH AND SAFETY

**Control of Asbestos at Work
(Amendment) Regulations (Northern Ireland) 1993***Made* 25th January 1993*Coming into operation* 26th February 1993

The Department of Economic Development, the Department of Agriculture and the Department of the Environment, acting jointly as the Department concerned(a), in exercise of the powers conferred by Article 17(1), (2) and (4) of, and paragraphs 1(1), (2) and (4), 7 to 10, 12(1), 14(1), 15 and 19 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(b) and of every other power enabling them in that behalf, after consultation in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to them to be appropriate, hereby make the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Control of Asbestos at Work (Amendment) Regulations (Northern Ireland) 1993 and shall come into operation on 26th February 1993.

(2) In these Regulations “the principal Regulations” means the Control of Asbestos at Work Regulations (Northern Ireland) 1988(c).

Amendments to the principal Regulations

2. The principal Regulations shall be amended in accordance with the Schedule.

Sealed with the Official Seal of the Department of Economic Development on 25th January 1993.

(L.S.)

Philip B. Strong

Assistant Secretary

Sealed with the Official Seal of the Department of Agriculture on 25th January 1993.

(L.S.)

I. C. Henderson

Assistant Secretary

(a) See Article 2(2) of S.I. 1978/1039 (N.I. 9)

(b) S.I. 1978/1039 (N.I. 9)

(c) S.R. 1988 No. 74

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Sealed with the Official Seal of the Department of the Environment on
25th January 1993.

(L.S.)

Trevor Pearson

Assistant Secretary

Amendments to the Principal Regulations

1. In regulation 2(1) for the definitions of “action level” and “control limit” there shall be substituted the following definitions—

“ “action level” means one of the following cumulative exposures to asbestos over a continuous 12-week period when measured or calculated by an approved method namely—

- (a) where the exposure is solely to chrysotile, 96 fibre-hours per millilitre of air; or
- (b) where exposure is to any other form of asbestos either alone or in mixtures including mixtures of chrysotile with any other form of asbestos, 48 fibre-hours per millilitre of air; or
- (c) where both types of exposure occur separately during the 12-week period concerned, a proportionate number of fibre-hours per millilitre of air;”.

“ “control limit” means one of the following concentrations of asbestos in the atmosphere when measured or calculated by an approved method namely—

- (a) for chrysotile—
 - (i) 0.5 fibres per millilitre of air averaged over any continuous period of 4 hours, or
 - (ii) 1.5 fibres per millilitre of air averaged over any continuous period of 10 minutes;
- (b) for any other form of asbestos either alone or in mixtures including mixtures of chrysotile with any other form of asbestos—
 - (i) 0.2 fibres per millilitre of air averaged over any continuous period of 4 hours, or
 - (ii) 0.6 fibres per millilitre of air averaged over any continuous period of 10 minutes.”

2. In regulation 4(b), for the words “crocidolite or amosite” there shall be substituted the words “not chrysotile alone”.

3. In regulation 5(4) for the word “forthwith” there shall be substituted the word “regularly”.

4. After regulation 5 there shall be inserted the following regulation—

“*Plans of work*

5A.—(1) The employer shall not undertake any work with asbestos consisting of the removal of asbestos from any building, structure, plant, or installation or from a ship (including its demolition) unless he has prepared a suitable written plan of work detailing how the work is to be carried out and shall keep that plan at least until the date on which the work to which the plan relates has been completed.

(2) The plan of work made in pursuance of paragraph (1) shall include in particular details of—

- (a) the nature and probable duration of the work;
- (b) the location of the place where the work is to be carried out;
- (c) the methods to be applied where the work involves the handling of asbestos or materials containing asbestos; and

(d) the characteristics of the equipment to be used for—

(i) the protection and decontamination of those carrying out the work;
and

(ii) the protection of other persons on or near the worksite.”

5.—(1) In regulation 8 after paragraph (1) there shall be inserted the following paragraph—

“(1A) Without prejudice to the generality of paragraph (1), where employees may be exposed to asbestos in any manufacturing process or in the installation of any product, prevention of such exposure to asbestos shall be achieved, where it is practicable, by substituting for asbestos a substance which, under the conditions of its use, does not create a risk to the health of his employees or creates a lesser risk than that created by asbestos.”

(2) After paragraph (3) of regulation 8 there shall be inserted the following paragraph—

“(4) If an unforeseen event occurs which results in the escape of asbestos into the workplace at a concentration that is liable to exceed any applicable control limit, the employer shall ensure that—

(a) only those persons who are responsible for the carrying out of repairs and other necessary work are permitted in the affected area and that those persons are provided with appropriate respiratory protective equipment and protective clothing; and

(b) employees and other persons who may have been affected by the event are informed of it forthwith.”

6. In regulation 15(2)(a) for the words “30 years” there shall be substituted the words “40 years”.

7. In regulation 16(1) for the words “30 years” there shall be substituted the words “40 years”.

(This note is not part of the Regulations.)

1. These Regulations amend the Control of Asbestos at Work Regulations (Northern Ireland) 1988 (“the principal Regulations”) so as to implement in Northern Ireland certain provisions of—

- (a) Council Directive No. 91/382/EEC (OJ No. L206, 29.7.91, p. 16) amending Council Directive No. 83/477/EEC (OJ No. L263, 24.9.83, p. 25) on the protection of workers from the risks related to exposure to asbestos at work; and
- (b) Council Directive No. 90/394/EEC (OJ No. L196, 26.7.90, p. 1) on the protection of workers from the risks related to carcinogens at work insofar as that Directive relates to asbestos.

2. The amendments to the principal Regulations are set out in the Schedule.

3. Paragraph 1 of the Schedule amends the definition of “action level” so as to reduce this level in relation to exposure to chrysotile from 120 to 96 fibre-hours per millilitre of air. The definition of “control limit” is amended so that certain concentrations of asbestos in the atmosphere are applicable only to chrysotile and lower concentrations are applicable to all other forms of asbestos. Formerly the lower concentrations applied only to asbestos consisting of or containing any crocidolite or amosite.

4. Paragraph 3 of the Schedule amends regulation 5(4) of the principal Regulations so as to require that the assessment made under that regulation is reviewed regularly.

5. Paragraph 4 of the Schedule requires a written plan of work, to include certain details, to be prepared and kept where the work concerned consists of the removal of asbestos from any building, structure, plant or installation or from a ship.

6. Paragraph 5 of the Schedule requires less hazardous substances to be substituted for asbestos whenever this is practicable and specifies the steps to be taken if an unforeseen event occurs which results in the escape of asbestos into the workplace at a concentration liable to exceed any applicable control limit.

7. In addition there are a number of minor or consequential amendments to the principal Regulations.