
STATUTORY INSTRUMENTS

1987 No. 2115

The Control of Asbestos at Work Regulations 1987

Citation and commencement

1. These Regulations may be cited as the Control of Asbestos at Work Regulations 1987 and shall come into force on 1st March 1988.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

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

- (a) where the exposure is to asbestos consisting of or containing any crocidolite or amosite, 48 fibre-hours per millilitre of air; or
- (b) where the exposure is to asbestos consisting of or containing any other types of asbestos but not crocidolite or amosite, 120 fibre-hours per millilitre of air; or
- (c) where both types of exposure are concerned, a proportionate number of fibre-hours per millilitre of air;

“adequate” means adequate having regard only to the nature and degree of exposure to asbestos and “adequately” shall be construed accordingly;

“approved” means approved for the time being in writing by the Health and Safety Commission or the Health and Safety Executive as the case may be;

“asbestos” means any of the following minerals, that is to say, crocidolite, amosite, chrysotile, fibrous actinolite, fibrous anthophyllite, fibrous tremolite and any mixture containing any of those minerals;

“asbestos area” and “respirator zone” shall be construed in accordance with regulation 14;

“control limit” means one of the following concentrations of asbestos in the atmosphere when measured or calculated by a method approved by the Health and Safety Commission, namely—

- (a) for asbestos consisting of or containing any crocidolite or amosite—
 - (i) 0.2 fibres per millilitre of air averaged over any continuous period of 4 hours,
 - (ii) 0.6 fibres per millilitre of air averaged over any continuous period of 10 minutes;
- (b) for asbestos consisting of or containing other types of asbestos but not crocidolite or amosite—
 - (i) 0.5 fibres per millilitre of air averaged over any continuous period of 4 hours,
 - (ii) 1.5 fibres per millilitre of air averaged over any continuous period of 10 minutes;

“the Executive” means the Health and Safety Executive.

(2) For the purposes of these Regulations—

- (a) any reference to an employee being exposed to asbestos shall be treated as a reference to the exposure of that employee to asbestos dust arising out of or in connection with any

work with asbestos or with any product containing asbestos which is carried out by the employer; and

- (b) in determining whether an employee is exposed to asbestos or whether the extent of such exposure exceeds the action level or any control limit, no account shall be taken of any respiratory protective equipment which, for the time being, is being worn by that employee.
- (3) In these Regulations, unless the context otherwise requires—
- (a) a reference to a numbered regulation or Schedule is a reference to the regulation or Schedule in these Regulations so numbered; and
 - (b) a reference to a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which that reference appears.

Duties under these Regulations

3.—(1) Where any duty is placed by these Regulations on an employer in respect of his employees, he shall, so far as is reasonably practicable, be under a like duty in respect of any other person who may be affected by the work activity, whether at work or not, except that the duties of the employer—

- (a) under regulation 7 (information, instruction and training) shall not extend to persons who are not his employees unless those persons are on the premises where the work is being carried out; and
- (b) under regulation 16 (health records and medical surveillance) shall not extend to persons who are not his employees.

(2) These Regulations shall apply to a self-employed person as they apply to an employer and an employee and as if that self-employed person were both an employer and an employee.

(3) Nothing in these Regulations shall prejudice any requirement imposed by or under any enactment relating to public health or the protection of the environment.

Identification of the type of asbestos

4. An employer shall not carry out any work which exposes or is liable to expose any of his employees to asbestos unless either—

- (a) before commencing that work, he has identified, by analysis or otherwise, the type of asbestos involved in the work; or
- (b) he has assumed that the asbestos is crocidolite or amosite and for the purposes of these Regulations has treated it accordingly.

Assessment of work which exposes employees to asbestos

5.—(1) Subject to paragraph (3), an employer shall not carry out any work which exposes or is liable to expose any of his employees to asbestos unless he has made an adequate assessment of that exposure.

(2) Without prejudice to the generality of paragraph (1), that assessment shall—

- (a) subject to regulation 4, identify the type of asbestos to which employees are liable to be exposed;
- (b) determine the nature and degree of exposure which may occur in the course of the work; and
- (c) set out the steps to be taken to prevent or reduce to the lowest level reasonably practicable that exposure.

(3) Where work which exposed or was liable to expose employees to asbestos had been commenced before the coming into force of these Regulations or within 28 days after that date, it shall be sufficient compliance with paragraph (1) if the employer makes the assessment required by that paragraph within 28 days after the date of coming into force of these Regulations.

(4) The assessment required by paragraph (1) shall be reviewed forthwith and a new assessment substituted when—

- (a) there is reason to suspect that the existing assessment is no longer valid; or
- (b) there is a significant change in the work to which the assessment relates.

Notification of work with asbestos

6.—(1) This regulation shall apply to any work in which an employee is or is liable to be exposed to asbestos unless—

- (a) the extent of that exposure neither exceeds nor is liable to exceed the action level; or
- (b) the employer is licensed under regulation 3(1) of the Asbestos (Licensing) Regulations 1983⁽¹⁾ to carry out the work and is doing so in accordance with the terms and conditions of that licence or is exempted by regulation 3(2)(b) of those Regulations from those requirements.

(2) An employer shall not carry out any work to which this regulation applies for the first time unless he has notified the enforcing authority in writing of the particulars specified in Schedule 1 at least 28 days before commencing that work or before such shorter time as the enforcing authority may agree.

(3) Where an employer has notified work in accordance with paragraph (2) and there is a material change in that work which might affect the particulars so notified (including the cessation of the work), the employer shall forthwith notify the enforcing authority of that change.

(4) Where the work with asbestos was commenced before the date of coming into force of these Regulations or is commenced within 56 days after that date, it shall be sufficient compliance with paragraph (2) if the employer either—

- (a) notifies the enforcing authority in accordance with paragraph (2) within 28 days after the coming into force of these Regulations; or
- (b) had, before the revocation of regulation 6 of the Asbestos Regulations 1969⁽²⁾, notified the enforcing authority in accordance with that regulation.

Information, instruction and training

7. Every employer shall ensure that adequate information, instruction and training is given to his employees—

- (a) who are or are liable to be exposed to asbestos so that they are aware of the risks from asbestos and the precautions which should be observed;
- (b) who carry out any work in connection with the employer's duties under these Regulations, so that they can carry out that work effectively.

Prevention or reduction of exposure to asbestos

8.—(1) Every employer shall—

- (a) prevent the exposure of his employees to asbestos;

(1) S.I. 1983/1649.

(2) S.I. 1969/690.

- (b) where it is not reasonably practicable to prevent such exposure, reduce to the lowest level reasonably practicable the exposure of his employees to asbestos by measures other than the use of respiratory protective equipment.

(2) Where, in pursuance of paragraph (1), it is not reasonably practicable to reduce the exposure of an employee to below both the control limits which apply to that exposure, then, in addition to taking the measures required by that paragraph, the employer shall provide that employee with suitable respiratory protective equipment which will reduce the concentration of asbestos in the air inhaled by the employee to a concentration which is below those control limits.

(3) Respiratory protective equipment provided in pursuance of paragraph (2) shall be of a type approved or shall conform to a standard approved in either case by the Executive for the purposes of this regulation.

Use of control measures etc.

9.—(1) Every employer who provides any control measure, personal protective equipment or other thing or facility pursuant to these Regulations shall ensure so far as is reasonably practicable that it is properly used or applied as the case may be.

(2) Every employee shall make full and proper use of any control measure, personal protective equipment or other thing or facility provided pursuant to these Regulations and if he discovers any defect therein he shall report it forthwith to his employer.

Maintenance of control measures etc.

10.—(1) Every employer who provides any control measure, personal protective equipment or other thing or facility pursuant to these Regulations shall ensure that it is maintained in a clean and efficient state, in efficient working order, and in good repair, and in the case of exhaust ventilation equipment, is also regularly examined and tested at suitable intervals by a competent person.

(2) Every employer shall make a suitable record of work carried out in accordance with paragraph (1) which shall be kept for at least five years from the date on which it was made.

Provision and cleaning of protective clothing

11.—(1) Every employer shall provide adequate and suitable protective clothing for such of his employees as are exposed to asbestos, unless no significant quantity of asbestos is liable to be deposited on the clothes of the employee while he is at work.

(2) The employer shall ensure that any protective clothing provided in pursuance of paragraph (1) is either disposed of as asbestos waste or adequately cleaned at suitable intervals.

(3) The cleaning required by paragraph (2) shall be carried out on the premises where the work with asbestos is being done or in a suitably equipped laundry and protective clothing which has been used and is to be removed from those premises (whether for cleaning, further use or disposal) shall, before being removed, be packed in a suitable container which shall be labelled in accordance with the provisions of Schedule 2 as if it were a product containing asbestos or, in the case of protective clothing intended for disposal as waste, in accordance with regulation 18(3).

(4) Where, as a result of the failure or improper use of the protective clothing provided in pursuance of paragraph (1), a significant quantity of asbestos is deposited on the personal clothing of an employee, then, for the purposes of paragraphs (2) and (3) that personal clothing shall be treated as if it were protective clothing.

Duty to prevent or reduce the spread of asbestos

12. Every employer shall prevent or, where this is not reasonably practicable, reduce to the lowest level reasonably practicable, the spread of asbestos from any place where work with asbestos is carried out.

Cleanliness of premises and plant

13.—(1) Every employer who undertakes work which exposes his employees to asbestos shall ensure that the premises or those parts of premises where that work is carried out and the plant used in connection with that work are kept in a clean state and, in particular, where work with asbestos has been completed the premises or those parts of the premises where the work was carried out are thoroughly cleaned.

(2) Subject to paragraph (3), where a manufacturing process which gives rise to asbestos dust is carried out in a building, the employer shall ensure that any part of the building in which the process is carried out is—

- (a) so designed and constructed as to facilitate cleaning; and
- (b) is equipped with an adequate and suitable vacuum cleaning system which shall, where reasonably practicable, be a fixed system.

(3) Paragraph (2)(a) shall not apply to any building in which, immediately before the coming into force of these Regulations, there was carried out a process to which either—

- (a) prior to its revocation regulation 13 of the Asbestos Regulations 1969 applied and the process was carried out in compliance with that regulation; or
- (b) that regulation did not apply.

Designated areas

14.—(1) Every employer shall ensure that any area in which work under his control is carried out is designated as—

- (a) an asbestos area, where the exposure to asbestos of an employee who worked in that area for the whole of his working time would exceed or would be liable to exceed the action level;
- (b) a respirator zone, where the concentration of asbestos in that area would exceed or would be liable to exceed any control limit.

(2) Asbestos areas and respirator zones shall be clearly and separately demarcated and identified by notices indicating—

- (a) that the area is an asbestos area or a respirator zone or both, as the case may be; and
- (b) in the case of a respirator zone, that the exposure of an employee who enters it is liable to exceed a control limit and, if it does, that respiratory protective equipment must be worn.

(3) The employer shall not permit any employee, other than an employee who by reason of his work is required to be in an area designated in accordance with paragraph (1), to enter or remain in any such area and only employees who are so permitted shall enter or remain in any such area.

(4) Every employer shall take suitable steps to ensure that—

- (a) his employees do not eat, drink or smoke in any area designated as an asbestos area or a respirator zone; and
- (b) in such a case, arrangements are made for such employees to eat or drink in some other place.

Air monitoring

15.—(1) Every employer shall take adequate steps to monitor the exposure of his employees to asbestos where such monitoring is appropriate for the protection of the health of those employees.

(2) The employer shall keep a suitable record of any monitoring carried out in accordance with paragraph (1) and that record or a suitable summary thereof shall be kept—

- (a) in a case where exposure is such that a health record is required to be kept under regulation 16, for at least 30 years;
- (b) in any other case, for at least five years.

Health records and medical surveillance

16.—(1) Every employer shall ensure that a health record containing particulars approved by the Executive relating to each of his employees who is exposed to asbestos is maintained unless the exposure of that employee does not exceed the action level and that that record or a copy thereof is kept for at least 30 years from the date of the last entry made in it.

(2) Every employer shall ensure that each of his employees who is exposed to asbestos is under adequate medical surveillance by an employment medical adviser or appointed doctor unless the exposure of that employee does not exceed the action level, and such medical surveillance shall include—

- (a) a medical examination not more than two years before the beginning of such exposure; and
- (b) periodic medical examinations at intervals of not more than two years or such shorter time as the employment medical adviser or appointed doctor may require while such exposure continues, and

each such medical examination shall include a specific examination of the chest.

(3) Where an employee has been examined in accordance with paragraph (2), the employment medical adviser or appointed doctor shall issue to the employer a certificate stating that he has been so examined and the date of the examination and the employer shall keep that certificate or a copy thereof for at least 4 years from the date on which it was issued and forthwith give a copy of the certificate to the employee.

(4) An employee to whom this regulation applies shall, when required by his employer and at the cost of the employer, present himself during his working hours for such examination and tests as may be required for the purposes of paragraph (2) and shall furnish the employment medical adviser or appointed doctor with such information concerning his health as may reasonably be required.

(5) Where medical surveillance is carried out on the premises of the employer, the employer shall ensure that suitable facilities are made available for the purpose.

(6) On reasonable notice being given, the employer shall allow any of his employees access to the health record which relates to that employee.

(7) Where before the coming into force of these Regulations, an employee was engaged in work in which he was exposed to asbestos to an extent which exceeds the action level and continues to be engaged in such work, it shall be a sufficient compliance with paragraph (2) if either—

- (a) he is medically examined within six months after the date of coming into force of these Regulations; or
- (b) in a case where—
 - (i) he had been medically examined before the date of coming into force of these Regulations, and
 - (ii) that examination was for the purpose of regulation 6 of the Asbestos (Licensing) Regulations 1983 or an employment medical adviser or appointed doctor has

certified that it is appropriate for the examination to be deemed to be an examination for the purposes of paragraph (2)(a),

he is next examined within two years after the date of that examination or within such shorter time as the employment medical adviser or appointed doctor may require.

- (a) (8) (a) Fees shall be payable in accordance with the following provisions of this paragraph to the Health and Safety Executive in respect of a medical examination for the purposes of this regulation by an employment medical adviser.
 - (b) The fees shall be payable, in the case of the examination of an employee, by his employer; and, in the case of the examination of a self-employed person, by that self-employed person.
 - (c) The fees shall be a basic fee of £34.50 for each examination, together with an additional fee of £27.00 in respect of all X-rays taken in connection with any one examination, and of £15.50 in respect of all laboratory tests carried out in respect of any one examination.
- (9) In this Regulation—

“appointed doctor” means a registered medical practitioner who is for the time being appointed in writing by the Executive for the purposes of this regulation;

“employment medical adviser” means an employment medical adviser appointed under section 56(1) of the Health and Safety at Work etc. Act 1974(3);

“medical examination”, except in paragraph (8), includes any laboratory tests and X-rays that the employment medical adviser or appointed doctor may require.

Washing and changing facilities

17.—(1) Every employer shall provide for any of his employees who is exposed to asbestos adequate and suitable—

- (a) washing and changing facilities;
- (b) where he is required to provide protective clothing, facilities for the storage of—
 - (i) that protective clothing, and
 - (ii) personal clothing not worn during working hours;
- (c) where he is required to provide respiratory protective equipment, facilities for the storage of that equipment.

(2) The facilities provided under paragraph (1) for the storage of personal protective clothing, of personal clothing not worn during working hours and of respiratory protective equipment shall be separate from each other.

Storage, distribution and labelling of raw asbestos and asbestos waste

18.—(1) Every employer who undertakes work with asbestos shall ensure that any raw asbestos or waste which contains asbestos is not—

- (a) stored;
 - (b) received into or despatched from any place of work; or
 - (c) distributed, except in a totally enclosed distribution system, within any place of work, unless it is in a suitable and sealed container clearly marked in accordance with paragraphs (2) and (3) showing that it contains asbestos.
- (2) Raw asbestos shall be labelled in accordance with the provisions of Schedule 2.

(3) Waste containing asbestos shall be labelled—

- (a) where the Classification, Packaging and Labelling of Dangerous Substances Regulations 1984⁽⁴⁾ apply, in accordance with those Regulations;
- (b) where the waste is conveyed by road in a road tanker or tank container in circumstances where the Dangerous Substances (Conveyance by Road in Road Tankers and Tank Containers) Regulations 1981⁽⁵⁾ apply, in accordance with those Regulations;
- (c) in any other case, in accordance with the provisions of Schedule 2.

Supply of products containing asbestos for use at work

19.—(1) Subject to paragraph (2), a person shall not supply any product which contains asbestos, being an article or substance for use at work, unless that product is labelled in accordance with the provisions of Schedule 2.

(2) Where a product contains a component containing asbestos it shall be sufficient compliance with this regulation if such component is labelled in accordance with the provisions of Schedule 2 except that where the size of such a component makes it impossible for a label to be fixed to the component neither the component nor the product need be labelled.

Exemption certificates

20.—(1) Subject to paragraph (2) of this regulation, the Executive may, by a certificate in writing, exempt any person or class of persons from all or any of the requirements or prohibitions imposed by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by a certificate in writing at any time.

(2) The Executive shall not grant any such exemption unless having regard to the circumstances of the case and in particular to—

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any enactments which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

Extension outside Great Britain

21. These Regulations shall apply to any work outside Great Britain to which sections 1 to 59 and 80 to 82 of the Health and Safety at Work etc. Act 1974⁽⁶⁾ apply by virtue of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1977⁽⁷⁾ as they apply to work in Great Britain.

Revocations and savings

22.—(1) The Asbestos Regulations 1969⁽⁸⁾ are revoked.

(2) Regulation 6 of the Asbestos (Licensing) Regulations 1983⁽⁹⁾ is revoked.

(3) Any report required to be kept under regulation 7(4) of the Asbestos Regulations 1969 or certificate required to be kept under regulation 6 of the Asbestos (Licensing) Regulations 1983 shall,

⁽⁴⁾ S.I. 1984/1244, amended by S.I. 1986/1922.

⁽⁵⁾ S.I. 1981/1059.

⁽⁶⁾ 1974 c. 37.

⁽⁷⁾ S.I. 1977/1232.

⁽⁸⁾ S.I. 1969/690.

⁽⁹⁾ S.I. 1983/1649.

notwithstanding the revocation of those Regulations, be kept in the same manner and for the same period as if the revocations mentioned in paragraphs (2) and (3) had not taken effect.

Signed by order of the Secretary of State.

3rd December 1987

Patrick Nicholls
Parliamentary Under Secretary of State,
Department of Employment