

Health and Safety Authority

Public Consultation Notice

Draft Safety, Health and Welfare at Work (Protection of Employees) (Exposure to Asbestos) Regulations 2006

Introduction

The purpose of the draft Safety, Health and Welfare at Work (Protection of Employees) (Exposure to Asbestos) Regulations 2006 is to transpose for the first time Directive 2003/18/EC of the European Parliament and of the Council of 27th March, 2003, which amends Council Directive 83/477/EEC, as previously amended by Council Directive 91/382/EEC on the protection of workers from the risks related to exposure to asbestos at work, both of which Directives are retransposed. The Regulations also retranspose Article 12 of Council Directive 87/217/EEC on the prevention and reduction of environmental pollution by asbestos.

The draft Regulations are designed to revoke and replace the European Communities (Protection of Workers) (Exposure to Asbestos) Regulations 1989 (S.I. No. 34 of 1989), the European Communities (Protection of Workers) (Exposure to Asbestos) (Amendment) Regulations 1993 (S.I. No. 276 of 1993) and the European Communities (Protection of Workers) (Exposure to Asbestos) (Amendment) Regulations 2000 (S.I. No. 74 of 2000).

Main Features of the draft Regulations

The draft Regulations apply to all work activities which expose persons at work to risks arising from the inhalation of dust from asbestos or materials containing asbestos. The Regulations aim to protect employees by introducing a single exposure limit value for all work activities where exposure to asbestos dust in the air at a place of work may arise. The draft Regulations also emphasise the need for adequate training. Persons involved in demolition and asbestos removal activities must provide evidence of their ability to do this work in a safe way to ensure the protection of their employees.

Some of the main changes compared to the existing Regulations on the protection of persons at work from the risks related to exposure to asbestos at work arise in Regulations -

- 5 - General duties of employers (and Schedule 2),
- 6 - Exposure limit value,
- 9 - General measures relating to exposure to asbestos,
- 10 - Measurement of asbestos in the air,
- 11 - Notification requirements (and Schedule 3),
- 12 - Presumed asbestos-containing materials,
- 13 - Measures to be taken if the exposure limit value is exceeded (Unforeseeable),
- 14 - Measures to be taken if the exposure limit value is exceeded (Foreseeable),
- 15 - Plan of Work,
- 16 - Ability to perform asbestos work (and Schedule 4),
- 20 - Assessment of the health of employees (and Schedule 5),

25 - Occupational health register (and Schedule 6), and
26 – Prohibitions,

Comments and Observations Invited

The text of the draft Regulations, the relevant Directives being transposed or retransposed and an outline transposition table may be accessed at the links below.

The Health and Safety Authority requests comments and observations (by 5.00 p.m. on Tuesday 6 June 2006) on the draft Regulations prior to submission of the proposed Regulations to the Minister of State at the Department of Enterprise Trade and Employment (Mr Tony Killeen) for his consideration.