

TRANSPPOSITION SCHEDULE

Draft Safety, Health and Welfare at Work (Exposure to Asbestos) Regulations 2010

transposing

Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work (codified version)

Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009	Provisions of Draft Safety, Health and Welfare at Work (Exposure to Asbestos) Regulations 2010	Comment/Title
<p>Article 1.1 – Aim of the Directive – the protection of workers from the risk arising from exposure to asbestos</p> <p>Article 1.2 – Right of Member States to apply provisions ensuring greater protection</p>	<p>None</p> <p>None</p>	<p>No specific regulatory provisions necessary</p> <p>No specific regulatory provisions necessary</p>
<p>Article 2 – Definition of Asbestos</p> <p><i>Article 2</i> For the purposes of this Directive, ‘asbestos’ means the following fibrous silicates: (a) asbestos actinolite, CAS No 77536-66-4 (1); (b) asbestos grunerite (amosite), CAS No 12172-73-5 (1); (c) asbestos anthophyllite, CAS No 77536-67-5 (1); (d) chrysotile, CAS No 12001-29-5 (1); (e) crocidolite, CAS No 12001-28-4 (1); (f) asbestos tremolite, CAS No 77536-68-6 (1).</p> <p>(1) Number in the register of the Chemical Abstract Service (CAS).</p>	<p>Regulation 2(1) and Schedule 1</p> <p>“asbestos” means the fibrous silicates referred to in Article 2 of the Directive and which are set out in Schedule 1;</p> <p style="text-align: center;">Schedule 1 Regulation 2(1) Meaning of asbestos</p> <p>“Asbestos” means the following fibrous silicates:</p> <p>a) Asbestos actinolite, CAS No. 77536-66-4 ¹, b) Asbestos grunerite (amosite), CAS No. 12172-73-5 ¹, c) Asbestos anthophyllite, CAS No. 77536-67-5 ¹, d) Chrysotile, CAS No. 12001-29-5 ¹, e) Crocidolite, CAS No. 12001-28-4 ¹, f) Asbestos tremolite, CAS No. 77536-68-6.¹</p> <p>¹ Number in the register of the Chemical Abstract Service (CAS).</p>	<p>Meaning of “Asbestos”</p> <p>Typo rectified ‘gruenerite’ to ‘grunerite’</p>
<p>Article 3.1 – Application of Directive</p> <p>This Directive shall apply to activities in which workers are or may be exposed in the course of their work to dust arising from asbestos or materials containing asbestos.</p>	<p>Regulation 3</p> <p>These Regulations apply to activities in which employees are or are likely to be exposed to dust arising from either or both asbestos and materials containing asbestos during their work and, accordingly, no person shall be employed in such activities in contravention of these Regulations.</p>	<p>Application</p>
<p>Article 3.2 – Assessment of risk of exposure to asbestos</p> <p>In the case of any activity likely to involve a risk of exposure to dust arising from asbestos or materials containing asbestos, this risk must be assessed in such a way as to determine the nature and degree of the workers’ exposure to dust arising from asbestos or materials</p>	<p>Regulation 5(a) and Schedule 2</p> <p>5. It shall be the duty of every employer –</p> <p>(a) to assess the risk to any employee’s health or safety resulting from any activity from which an employee is or may be exposed in their place of work to dust arising from either, or both, asbestos and</p>	<p>General duties of employee and</p> <p>Measures to be taken to ensure the safety and health</p>

<p>containing asbestos.</p>	<p>materials containing asbestos, and for that purpose to determine the nature and degree of any employee's exposure to dust arising from asbestos or materials containing asbestos, and to lay down the necessary measures to be taken to ensure the safety and health of employees taking account of the provisions laid down in Schedule 2,</p> <p style="text-align: center;">Schedule 2 Regulation 5(a)</p> <p style="text-align: center;">Measures to be Taken to Ensure the Safety and Health of Employees</p> <p>Subject to the provisions of Regulation 5(b), the measures set down in this Schedule are to be taken to ensure the safety and health of employees where employees are involved in activities that can cause, or are likely to cause exposure, during the course of their work, to dust arising from asbestos or materials containing asbestos.</p> <p>(1) Places in which the above activities take place shall:</p> <ul style="list-style-type: none"> (a) be clearly demarcated and indicated by warning signs; (b) not be accessible to employees other than those who by reason of their work or duties are required to enter them; (c) constitute areas where there should be no smoking. <p>(2) Areas shall be set aside where employees can eat and drink without risking contamination by asbestos dust.</p> <p>(3) With respect to all activities considered under this Schedule employers shall provide appropriate and adequate working or protective clothing and personal protective equipment so that –</p> <ul style="list-style-type: none"> (a) such working or protective clothing and personal protective equipment must be kept within the place of work; (b) such clothing, where not disposable, may be laundered outside of the place of work, subject to those facilities being equipped for this work and having assessed the risk related to such an action, taking account of the transport and packing of items for laundering in suitable containers which are securely closed and labelled properly; (c) separate storage places are provided for working or protective clothing and personal protective equipment and for street clothing; (d) employees are provided with appropriate and adequate washing and toilet facilities, including showers; 	<p>of employees</p>
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	<p>(e) a well-defined place is provided for the storage of personal protective equipment;</p> <p>(f) personal protective equipment shall be checked and cleaned after each use and before placing in dedicated storage area;</p> <p>(g) appropriate measures shall be taken to repair or replace defective equipment before further use.</p>	
<p>Article 3.3 – Waiver of Articles 4, 18 and 19 in certain specific circumstances</p> <p>Provided that worker exposure is sporadic and of low intensity, and if it is clear from the results of the risk assessment referred to in paragraph 2 that the exposure limit for asbestos will not be exceeded in the air of the working area, Articles 4, 18 and 19 may be waived where the work involves:</p> <p>(a) short, non-continuous maintenance activities in which only non-friable materials are handled;</p> <p>(b) removal without deterioration of non-degraded materials in which the asbestos fibres are firmly linked in a matrix;</p> <p>(c) encapsulation or sealing of asbestos-containing materials which are in good condition;</p> <p>(d) air monitoring and control, and the collection of samples</p>	<p>Regulation 5(b)</p> <p>5. It shall be the duty of every employer –</p> <p>(b) where an employee’s exposure is sporadic and of low intensity, and when it is clear from the results of the risk assessment referred to in paragraph (a) that the exposure limit value for asbestos in the air of the working area will not be exceeded, Regulations 11, 20 and 21 shall not apply where work involves:</p> <p>(i) short, non-continuous maintenance activities in which only non-friable materials are handled;</p> <p>(ii) removal without deterioration of non-degraded materials in which the asbestos fibres are firmly linked in a matrix;</p> <p>(iii) encapsulation or sealing of asbestos-containing materials which are in good condition; or</p> <p>(iv) air monitoring and control, and the collection of samples to ascertain whether a specific material contains asbestos.</p>	<p>General Duties of Employers</p>
<p>Article 3.4 – Member States’ practical guidelines re: sporadic and low intensity exposure</p> <p>Member States shall, following consultation with representatives from both sides of industry, in accordance with national law and practice, lay down practical guidelines for the determination of sporadic and low-intensity exposure, as provided for in paragraph 3.</p>	<p>None</p>	<p>No specific regulatory provisions necessary</p>
<p>Article 3.5 – Assessment of risk of exposure to asbestos subject of consultation</p> <p>The assessment referred to in paragraph 2 shall be the subject of consultation with the workers and/or their representatives within the undertaking or establishment and shall be revised where there is reason to believe that it is incorrect or there is a material change in the</p>	<p>-----</p>	<p>Sections 19 (Hazard identification and risk assessment) and 26 (Consultation and participation of employees, safety committees) of the Safety, Health and Welfare at Work Act 2005 (No. 10</p>

work.		of 2005), under which these Regulations are made refer.
Article 4.1 – Measures taken Subject to Article 3(3), the measures referred to in paragraphs 2 to 5 shall be taken.	Regulation 11	Notification
Article 4.2 – Member States to administer a notification system The activities referred to in Article 3(1) must be covered by a notification system administered by the responsible authority of the Member State.	Regulation 11(1) 11. (1) Subject to Regulation 5(b), an employer shall not carry on an activity which would expose or would be liable to expose an employee to dust arising from asbestos or materials containing asbestos unless he or she has prepared a written notification comprising details of matters specified in Schedule 3 and has submitted it to the Authority so that it is received by the Authority not less than 14 days before commencing the activity, or before such shorter period as the Authority, at its discretion, may agree in writing.	Notification
Article 4.3 – Notification to be submitted to responsible authority before work commences; Notification must include a brief description of certain criteria The notification referred to in paragraph 2 shall be submitted by the employer to the responsible authority of the Member State, before the work commences, in accordance with national laws, regulations and administrative provisions. The notification must include at least a brief description of: (a) the location of the worksite; (b) the type and quantities of asbestos used or handled (c) the activities and processes involved; (d) the number of workers involved; (e) the starting date and duration of the work; (f) measures taken to limit the exposure of workers to asbestos.	See Regulation 11(1) above Schedule 3 Regulation 11 Particulars to be Notified to the Health and Safety Authority The particulars which shall be included in a notification to the Health and Safety Authority under Regulation 11(1) and (3) are - 1. Name of notifier. 2. Where an employer is a body corporate, the address and telephone number of its registered office. 3. The name, address and telephone number of the place of work or work site concerned. 4. The start date and expected duration of the work activities. 5. The number of employees involved. 6. The types (e.g. asbestos cement, limpet, thermal insulation, ceiling and floor tiles, asbestos insulation board etc.) and quantities of asbestos likely to be encountered. 7. The location(s) at the work site of the materials containing asbestos likely to be encountered. 8. A brief description of the activities or processes involved. 9. A brief description of the measures to be taken to limit the exposure of employees to asbestos. 10. In the case of work involving removal, repair or encapsulation of lagging, insulation or other	Notification & Particulars to be notified to the Health and Safety Authority (Schedule 3)

	<p>materials containing asbestos, a brief description of the manner in which that work is to be done.</p> <p>11. Under Regulation 11(2) and (3) where there is a change of a material nature in the carrying out of the activity to which the notification relates, the employer shall inform the Authority of that change in writing and submit a new notification for the purposes of these Regulations advising the Authority in writing of the reasons for this new notification.</p> <p>12. The notification shall be submitted to the Authority so that it is received by the Authority not less than 14 days before commencing the activity to which the notification relates.</p>	
<p>Article 4.4 – workers and/or representatives have access to documents which are the subject of the notification</p> <p>Workers and/or their representatives in undertakings or establishments shall have access to the documents which are the subject of the notification referred to in paragraph 2 concerning their own undertaking or establishment in accordance with national laws.</p>	<p>Regulation 11</p> <p>(5) An employer shall keep a copy of every notification submitted to the Authority under this Regulation and of every other document to which paragraphs (3) and (4) relate and shall permit, at any reasonable time, access by –</p> <p>(a) any employee to any such notification or other document which concerns that employee’s place of work and the work activity, and</p> <p>(b) any employee’s representative to any such notification or other document which concerns any place of work or work activities of employees who are represented by that employee’s representative.</p>	<p>Notification</p>
<p>Article 4.5 – Submission of new notification due to change in work conditions</p> <p>Each time a change in working conditions is likely to result in a significant increase in exposure to dust from asbestos or materials containing asbestos, a new notification must be submitted.</p>	<p>Regulation 11 (2) & 11 (3)</p> <p>(2) Where an employer has notified work in accordance with paragraph (1) and there is a material change in the nature of that work which might affect the particulars so notified (including the cessation of the work), the employer shall notify the Authority in writing of that change.</p> <p>(3) For the purposes of paragraph (2), an employer shall submit a new notification in writing to the Authority taking account of such changes as are referred to in that paragraph and include the reasons for the new notification.</p>	<p>Notification</p>
<p>Article 5 – Prohibition of spraying and other asbestos related activities</p> <p>The application of asbestos by means of the spraying process and working procedures that involve using low-density (less than 1 g/cm³) insulating or soundproofing materials which contain asbestos shall be prohibited.</p> <p>Without prejudice to the application of other Community provisions on the marketing and use of asbestos, activities which expose</p>	<p>Regulation 26</p> <p>26. (1). <i>The application of asbestos by means of the spraying process and working procedures that involve using low-density (less than 1 g/cm³) insulating or soundproofing materials which contain asbestos shall be prohibited.</i></p> <p>26. (2) Without prejudice to the application of other Community provisions on the marketing and use of asbestos, activities which result in exposure of employees to asbestos fibres during the extraction of asbestos or the manufacture and processing of</p>	<p>Prohibitions</p> <p>Regulation 26(1) not transposed in 2006 Regulations (COM services query)</p>

<p>workers to asbestos fibres during the extraction of asbestos or the manufacture and processing of asbestos products or the manufacture and processing of products containing intentionally added asbestos shall be prohibited, with the exception of the treatment and disposal of products resulting from demolition and asbestos removal.</p>	<p>asbestos products containing intentionally added asbestos shall be prohibited, with the exception of the treatment and disposal of products resulting from demolition and asbestos removal.</p>	
<p>Article 6 – Exposure to asbestos to be reduced to a minimum, and below the limit value through certain measures</p> <p>For all activities referred to in Article 3(1), the exposure of workers to dust arising from asbestos or materials containing asbestos at the place of work must be reduced to a minimum and in any case below the limit value laid down in Article 8, in particular through the following measures:</p> <p>(a) the number of workers exposed or likely to be exposed to dust arising from asbestos or materials containing asbestos must be limited to the lowest possible figure;</p> <p>(b) work processes must be designed so as not to produce asbestos dust or, if that proves impossible, to avoid the release of asbestos dust into the air;</p> <p>(c) all premises and equipment involved in the treatment of asbestos must be capable of being regularly and effectively cleaned and maintained;</p> <p>d) asbestos or dust-generating asbestos-containing material must be stored and transported in suitable sealed packing;</p> <p>(e) waste must be collected and removed from the place of work as soon as possible in suitable sealed packing with labels indicating that it contains asbestos; this measure shall not apply to mining activities; such waste shall then be dealt with in accordance with Council Directive 91/689/EEC of 12 December 1991 on hazardous waste (1).</p>	<p>Regulation 9(1) and (2)</p> <p>General measures relating to exposure to asbestos</p> <p>9. (1) For all activities referred to in Regulation 3 (but subject to Regulation 5(b)) where there is or is likely to be an exposure of employees at the place of work to dust arising from either or both asbestos or materials containing asbestos, the employer concerned shall reduce such exposure to a minimum and in any case below the exposure limit value laid down in Regulation 6, in particular through the measures laid down in paragraph (2).</p> <p>(2) For the purposes of paragraph (1) an employer shall -</p> <p>a) limit, to the lowest possible number, the number of employees exposed or likely to be exposed to dust arising from either or both asbestos or materials containing asbestos;</p> <p>b) ensure that work processes and systems of work are designed so as not to produce asbestos dust or, if that proves impossible, to avoid the release of asbestos dust into the air;</p> <p>c) ensure that all premises and equipment involved in the treatment of asbestos are capable of being regularly and effectively cleaned and maintained;</p> <p>d) ensure that asbestos or dust-generating asbestos-containing material is stored and transported in suitable sealed packing;</p> <p>e) ensure that waste is collected and removed from the place of work as soon as possible in suitable sealed packing with labels clearly indicating that it contains asbestos (other than in respect of mining activities carried on at that place).</p>	<p>General measures relating to exposure to asbestos</p> <p>Schedule 2 - Measures to be taken to ensure the safety and health of employees – also refers</p>
<p>Article 7.1 – Measurements of asbestos fibres in the air to be carried out regularly</p> <p>Depending on the results of the initial risk assessment, and in order to ensure compliance with the limit value laid down in Article 8, measurement of asbestos fibres in the air at the workplace shall be carried out regularly.</p>	<p>Regulation 10</p> <p>10. (1) Where an initial assessment under Regulation 8 determines that the amount of asbestos fibres in the air at a place of work is equal to or greater than the exposure limit value, the measurement of asbestos fibres in the air at the place of work shall be carried out regularly.</p>	<p>Measurements of asbestos ‘fibres’ in the air</p> <p>Included the word ‘fibres’ in title and throughout regulation as not in 2006 reg</p>
<p>Article 7.2 – Sampling to be representative of the personal exposure</p>	<p>Regulation 10 (2)</p>	<p>Measurements of asbestos fibres in the air</p>

<p>Article 7.3 – Sampling to be carried out after consultation of workers and/or their representatives</p> <p>Article 7.4 – Sampling to be carried out by suitably qualified personnel and subsequently analysed</p> <p>Article 7.5 – Duration of sampling must be such that representative exposure can be established for 8-hour reference</p> <p>Article 7.6 – Fibre counting to be carried out where possible by phase-contrast microscope (PCM) or any other method giving equivalent results; Measuring asbestos in air only fibres with length >5 micrometres, breadth <3 micrometres and length/breadth ratio>3:1 shall be considered</p>	<p>10(2) For the purposes of measuring asbestos fibres in the air –</p> <p>(a) sampling shall be representative of the personal exposure of the employee to dust arising from asbestos or materials containing asbestos;</p> <p>(b) sampling shall be carried out by a competent person after the employer has consulted with the employees concerned or their representatives, or both, in regard to sampling at the place of work;</p> <p>(c) when samples are taken they shall be subsequently analysed by a competent person, in accordance with the recommended method as outlined in subparagraph (e) and Schedule 2, in laboratories equipped for fibre counting;</p> <p>(d) the duration of sampling shall be such that representative exposure can be established for an eight-hour reference period (one shift) by means of measurements or time-weighted calculations;</p> <p>(e) fibre counting shall be carried out wherever possible by PCM (phase-contrast microscopy) in accordance with the 1997 WHO (World Health Organisation) recommended method or any other method giving equivalent results.</p>	<p>Changed ‘microscope’ to ‘microscopy’ in Reg 10(2) (e)</p>
<p>Article 7.6 – Fibre counting to be carried out where possible by phase-contrast microscope (PCM) or any other method giving equivalent results; Measuring asbestos in air only fibres with length >5 micrometres, breadth <3 micrometres and length/breadth ratio>3:1 shall be considered</p>	<p>Regulation 10 (3)</p> <p>(3) For the purpose of measuring asbestos fibres in the air, as referred to in paragraph (1), only fibres with a length of more than 5 micrometres and a breadth of less than 3 micrometres and a length/breadth ratio greater than 3:1 shall be taken into consideration.</p>	<p>Measurements of asbestos fibres in the air</p>
<p>Article 8 – Limit value of exposure to asbestos Employers shall ensure that no worker is exposed to an airborne concentration of asbestos in excess of 0,1 fibres per cm³ as an 8-hour time-weighted average</p>	<p>Regulation 6</p> <p>6. Every employer shall ensure that no employee is exposed to an airborne concentration of asbestos in excess of 0.1 fibres per cm³ as an eight-hour time-weighted average (TWA).</p>	<p>Exposure limit value</p>
<p>Article 9 – Amendments adopted in accordance with Article 17 of Council Directive 89/391/EEC The amendments necessary to adapt Annex I to this Directive to technical progress shall be adopted in accordance with the procedure referred to in Article 17 of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work</p>	<p>-----</p>	<p>No specific regulatory provisions necessary Re: Schedule 5 – Clinical assessments</p>
<p>Article 10.1 – Reasons for exceeding limit value to be identified and adequate</p>	<p>Regulation 13(1) and (2)</p> <p>13. (1) Where employees are exposed in the course of</p>	<p>Measures to be taken if the exposure limit value is</p>

<p>measure to be taken</p> <p><i>Article 10</i></p> <p>1. Where the limit value laid down in Article 8 is exceeded, the reasons for the limit being exceeded must be identified and appropriate measures to remedy the situation must be taken as soon as possible</p> <p>2. Work may not be continued in the affected area until adequate measures have been taken for the protection of the workers concerned.</p>	<p>their work to dust arising from asbestos or materials containing asbestos which results in the exposure limit value being exceeded, the employer shall identify the reasons for the limit being exceeded and shall implement appropriate measures to remedy the situation as soon as possible.</p> <p>(2) Employers shall ensure that work is not continued in the affected area until adequate measures have been taken for the protection of the employees concerned.</p>	<p>exceeded (Unforeseeable)</p>
<p>Article 10.2 – Determination of the asbestos-in-air concentrations to be carried out</p> <p>2. In order to check the effectiveness of the measures mentioned in the first subparagraph of paragraph 1, a further determination of the asbestos-in-air concentrations shall be carried out immediately.</p>	<p>Regulation 13(3)</p> <p>(3) Subject to paragraph (1), in order to check the effectiveness of the measures taken an employer shall have carried out a further determination of the asbestos-in-air concentrations immediately.</p>	<p>Measures to be taken if the exposure limit value is exceeded (Unforeseeable)</p>
<p>Article 10.3 – Individual protective breathing equipment and appropriate breaks</p> <p>3. Where exposure cannot be reduced by other means and where compliance with the limit value makes necessary the wearing of individual protective breathing equipment, this may not be permanent and shall be kept to the strict minimum necessary for each worker. During periods of work which require the use of such equipment, provision shall be made for breaks appropriate to the physical and climatological conditions and, where relevant, in consultation with the workers and/or their representatives within the undertaking or establishment, in accordance with national laws and practice.</p>	<p>Regulation 13(4) and (5)</p> <p>(4) Where exposure cannot be reduced by other means and where compliance with the limit value makes necessary the wearing of individual protective breathing equipment, this may not be permanent and shall be kept to the strict minimum necessary for each employee.</p> <p>(5) During periods of work which require the use of individual respiratory protective equipment to be worn by employees the employer shall make provision for breaks appropriate to the physical and climatological conditions, in consultation with the employees concerned or their representative at the place of work, or both.</p>	<p>Measures to be taken if the exposure limit value is exceeded (Unforeseeable)</p>
<p>Article 11 – Take all necessary steps to identify presumed asbestos-containing materials.</p> <p>Before beginning demolition or maintenance work, employers shall take, if appropriate by obtaining information from the owners of the premises, all necessary steps to identify presumed asbestos-containing materials.</p> <p>If there is any doubt about the presence of asbestos in a material or construction, the applicable provisions of this Directive shall be observed.</p>	<p>Regulation 12</p> <p>12. (1) Employers shall take all necessary steps to identify presumed asbestos-containing materials at a premises or place of work before commencing demolition, removal or maintenance work at that premises or place of work.</p> <p>(2) As appropriate, employers shall obtain information, relating to the identification of presumed asbestos-containing materials, from the owners of such premises or places of work.</p> <p>(3) If there is any doubt about the presence of asbestos in a material or construction then the applicable provisions of these Regulations shall be complied with.</p>	<p>Presumed asbestos-containing materials</p>
<p>Article 12 – Ensure protection of workers where limit value will be exceeded</p>	<p>Regulation 14(1)</p>	<p>Measures to be taken if the exposure limit value is exceeded (Foreseeable)</p>

<p>In the case of certain activities such as demolition, asbestos removal work, repairing and maintenance, in respect of which it is foreseeable that the limit value set out in Article 8 will be exceeded despite the use of technical preventive measures for limiting asbestos in air concentrations, the employer shall determine the measures intended to ensure protection of the workers while they are engaged in such activities, in particular the following:</p> <p>(a) workers shall be issued with suitable respiratory and other personal protective equipment, which must be worn;</p> <p>(b) warning signs shall be put up indicating that it is foreseeable that the limit value laid down in Article 8 will be exceeded; and</p> <p>(c) the spread of dust arising from asbestos or materials containing asbestos outside the premises or site of action shall be prevented.</p> <p>The workers and/or their representatives in the undertaking or establishment shall be consulted on these measures before the activities concerned are carried out.</p>	<p>14. (1) Where at any place it is foreseeable that, as a result of certain activities such as demolition, removal, repairing and maintenance, the concentration of asbestos in the air will be in excess of the exposure limit value, despite the use of technical preventive measures for limiting asbestos in air concentrations, the employer shall, before the activity is carried out, determine and implement the measures which are necessary to ensure protection of the employees from such asbestos in the air while they are engaged in such activities and, in particular, shall –</p> <p>(a) issue those employees with suitable respiratory and other personal protective equipment, which must be worn;</p> <p>(b) put up and maintain legible warning signs in and near the relevant areas indicating the areas where it is foreseeable that the exposure limit value will be exceeded;</p> <p>(c) ensure that the spread of dust arising from asbestos or materials containing asbestos outside the premises or site of work activity is prevented, and</p> <p>(d) inform every employee of his or her obligations under paragraph (2).</p> <p>(2) Any employee to whom paragraph (1) applies shall comply with any relevant measure determined and implemented under paragraph (1)(d).</p> <p>(3) An employer to whom paragraph (1) applies shall, before carrying out the activity concerned, consult with the employees concerned or their representative, or both, in respect of the measures to which that paragraph will relate.</p>	
<p>Article 13.1 – Plan of work to be drawn up</p> <p>1. A plan of work shall be drawn up before demolition work or work on removing asbestos and/or asbestos-containing products from buildings, structures, plant or installations or from ships is started.</p>	<p>Regulation 15(1)</p> <p>15. (1) Where any demolition or other work involves removing, repairing or maintenance of either or both asbestos and asbestos containing products from or at any building, other structure, plant, installation or ship, whether or not such removal involves total demolition of the structure, such work shall not commence until a suitable plan of work is drawn up in writing outlining how that work is to be carried out.</p>	<p>Plan of work</p>
<p>Article 13.2 – Plan to include measure to ensure safety and health of workers</p> <p>2. The plan referred to in paragraph 1 must prescribe the measures necessary to ensure the safety and health of workers at the place of work.</p> <p>The plan must in particular specify that:</p>	<p>Regulation 15 (2) and 15(4)</p> <p>2) Subject to the other provisions of these Regulations, the plan of work referred to in paragraph (1) shall specify all preventative and other measures necessary to ensure the safety and health of employees at the place where that work is to be carried out.</p>	<p>Plan of Work</p>

<p>(a) asbestos and/or asbestos-containing products are to be removed before demolition techniques are applied, except where this would cause a greater risk to workers than if the asbestos and/or asbestos-containing products had been left in place;</p> <p>(b) the personal protective equipment referred to in point (a) of the first paragraph of Article 12 shall be provided, where necessary;</p> <p><i>(c) when the asbestos demolition or removal work has been completed, the absence of asbestos exposure risks in the workplace shall be verified in compliance with national laws and practice. (See next item)</i></p> <p>At the request of the competent authorities, the plan shall include information on the following:</p> <p>(a) the nature and probable duration of the work;</p> <p>(b) the place where the work is carried out;</p> <p>(c) the methods applied where the work involves the handling of asbestos or of materials containing asbestos;</p> <p>(d) the characteristics of the equipment used for:</p> <p>(i) protection and decontamination of those carrying out the work;</p> <p>(ii) protection of other persons present on or near the worksite.</p>	<p>(4) The plan of work referred to in paragraph (1) shall specify -</p> <p>(a) that asbestos or asbestos-containing products, or both, are to be removed so far as is reasonably practicable before demolition techniques are applied or major refurbishment of a premises commences, except where this would cause a greater risk to employees than if the asbestos or asbestos-containing products, or both, had been left in place;</p> <p>(b) that personal protective equipment referred to in Regulation 14(1)(a) shall be provided to the employees concerned;</p> <p>(c) information to include -</p> <p>(i) the nature and probable duration of the work,</p> <p>(ii) the location of the place where the work is carried out,</p> <p>(iii) the methods applied where the work involves the handling of asbestos or of materials containing asbestos, and</p> <p>(iv) the characteristics of the equipment used for -</p> <p>(v) protection and decontamination of the employees carrying out the work, and</p> <p>(vi) protection of other persons present on or near the worksite.</p>	
<p>Article 13.2 – Plan to include measure to ensure safety and health of workers (13.2(c))</p> <p><i>(c) when the asbestos demolition or removal work has been completed, the absence of asbestos exposure risks in the workplace shall be verified in compliance with national laws and practice.</i></p>	<p>Regulation 15(10), (11) , (12) & (13)</p> <p>10) When asbestos demolition or removal work has been completed the employer who has carried out such work shall obtain a written verification regarding the absence of asbestos exposure risks in the place of work otherwise known as “site clearance for reoccupation”.</p> <p>(11) For the purposes of paragraph (10) an employer shall have a competent person assess whether the premises or part of the premises where the work with asbestos has been carried out has been thoroughly cleaned upon completion of that work and is suitable for reoccupation.</p> <p>(12) For the purposes of this Regulation an employer shall ensure -</p> <p>(a) that site clearance includes both visual observance and air monitoring, as appropriate and necessary,</p> <p>(b) subject to subparagraph (a) that site clearance is performed by a competent independent analyst, where both visual observance and air monitoring is required,</p>	<p>Plan of Work</p>

	<p>(c) where visual observance only is appropriate, that site clearance is performed by an independent competent person,</p> <p>(d) receipt of a site clearance certificate in writing before reoccupation or continuation of other works at the site or premises, and</p> <p>(e) receipt of a clearance certificate, as appropriate, for the decontamination unit where use is determined necessary, prior to the removal of the facility from the premises.</p> <p>(13) A clearance certificate shall be made available, on request, to an inspector</p>	
<p>Article 13.3 – Plan to be notified to competent authorities</p> <p>3. At the request of the competent authorities, the plan referred to in paragraph 1 must be notified to them before the start of the projected work.</p>	<p>Regulation 15(7)</p> <p>(7) Where notification is required for the purposes of Regulation 11, a copy of the plan of work in respect of the notified work shall be provided to the Authority in accordance with the requirements of Regulation 11(1).</p> <p>Regulation 11(1)</p> <p>11. (1) Subject to Regulation 5(b), an employer shall not carry on an activity which would expose or would be liable to expose an employee to dust arising from asbestos or materials containing asbestos unless he or she has prepared a written notification comprising details of matters specified in Schedule 3 and has submitted it to the Authority, together with a copy of the plan of work referred to in Regulation 15, so that it is received by the Authority not less than 14 days before commencing the activity, or before such shorter period as the Authority, at its discretion, may agree in writing.</p>	<p>Plan of work & Notification Requirements</p>
	<p>Regulation 15(3)</p> <p>(3) The employer shall keep a copy of the plan of work at those premises at which the work to which the plan relates is being carried out for such time as that work continues and shall make a copy of the plan of work available, on request, to an inspector or, as the case may be, to an authorised person within the meaning of –</p> <p>(i) the Air Pollution Act, 1987 (No. 6 of 1987), or</p> <p>(ii) the Waste Management Acts 1996 to 2005.</p>	<p>Plan of Work</p>
<p>Article 7 of Directive 87/217/EEC on the prevention and reduction of environmental pollution by asbestos as it relates to Article 12 of Directive</p>	<p>Regulation 15(5)</p> <p>5) The plan of work referred to in paragraph (1) shall include information on all the necessary preventive measures to be taken to ensure that the demolition of</p>	<p>Plan of Work</p>

83/477/EEC	buildings, structures and installations containing asbestos or asbestos-containing materials, or both, and the removal therefrom of asbestos or materials containing asbestos fibres or dust do not cause significant asbestos environmental pollution.	
_____	<p>Regulation 15(8) & 15 (9)</p> <p>(8-) Where work activities are being carried out in which employees are or are likely to be exposed to dust arising from either or both asbestos or materials containing asbestos the employer shall ensure that the premises, or those parts of the premises where the work is carried out and the plant used in connection with that work are kept in a clean state.</p> <p>(9) Notwithstanding the provisions of paragraph (8) the employer shall ensure that when such work has been completed, the premises, or those parts of the premises where the work was carried out, the plant used in connection with that work and designated waste and personnel transit routes are thoroughly cleaned.</p>	Plan of Work
_____	<p>Regulation 15(6)</p> <p>(6) Every plan of work made in accordance with this Regulation shall be complied with.</p>	Plan of Work
<p>Article 14.1 – Appropriate training to be provided</p> <p>Article 14.2 – Training to include necessary knowledge and skills</p> <p>Article 14.3 – Practical guidelines to be developed at Community level</p>	<p>Regulation 17. (1) Without prejudice to sections 8 and 10 of the Act and having regard to section 21 of the Act, employers shall provide appropriate training and adequate information for all employees who are, or are likely to be, exposed to asbestos-containing dust.</p> <p>Regulation 17(2)(c), (d), (f), (g), (i), (j), (l), (m), (n) and (o) & Regulation 17(5)</p> <p>-----</p>	<p>Training, information and instruction</p> <p>SHWWA Cost also refers</p>
<p>Article 15 – Asbestos demolition or removal – pre work evidence of ability</p>	<p>Regulation 16 and Schedule 4</p>	<p>Ability to perform asbestos work</p>
<p>Article 16.1 – General measures relating to exposure to asbestos</p>	<p>Regulation 9(3) and Schedule 2</p>	<p>General measures relating to exposure to asbestos</p> <p>Measures to be Taken to Ensure the Safety and Health of Employees</p>

<p>Article 16.2 – Workers not charged with cost of measures</p>	<p>_____</p>	<p>Section 8(5), general duties of employer, of the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005), under which these Regulations are made refers. - “Every employer shall ensure that any measures taken by him or her relating to safety, health and welfare at work do not involve financial cost to his or her employees.”</p>
<p>Article 17.1 – Workers and their representatives to receive adequate information</p> <p>Article 17.2 – Access to results of asbestos-in-air and measures taken if exceed limit value</p>	<p>Regulation 17(2)(a), (b), (h) and (k)</p> <p>Regulation 17(4)</p>	<p>Training, information and instruction</p>
<p>Article 18.1 – Measures taken</p> <p>Article 18.2 – Assessment of worker’s state of health with a new assessment every 3 years.</p> <p>Article 18.3 – Advise on individual protection or preventive measures to be taken</p> <p>Article 18.4 – Information and advice on assessment of health</p> <p>Article 18.5 – Review of the assessments</p>	<p>Regulations 20, 21 22 and 23</p>	<p>Assessment of the health of employees, Medical records relating to health assessments, review of the determination of the health assessment and Disclosure of information contained in health assessments</p>
<p>Article 19.1 – Measures taken</p> <p>Article 19.2 – Register indicating nature and duration of activity; access to the register</p> <p>Article 19.3 – Register to be kept for at least 40 years</p> <p>Article 19.4 – Register made available to responsible authority</p>	<p>Regulation 25(1) to (5) and Schedule 6</p> <p>Regulation 25(6)</p> <p>Regulation 25(7) (8) (9) & (10)</p>	<p>Occupational Health registers</p>
<p>Article 20 – Penalties in the event of infringement of national legislation</p> <p>Member States shall provide for adequate penalties to be applicable in the event of infringement of national legislation</p>	<p>-----</p>	<p>Offences and sanctions for infringement of the provisions of the Safety, Health and Welfare at Work Act 2005 and Regulations made under the</p>

<p>adopted pursuant to this Directive. These penalties must be effective, proportionate and dissuasive.</p>		<p>Act are set out in sections 77 and 78 of the 2005 Act</p> <p>On summary conviction, fine not exceeding €3,000 per charge or up to 6 months imprisonment, or both</p> <p>On conviction on indictment, fine not exceeding €3,000,000 per charge or up to 2 years imprisonment, or both</p>
<p>Article 21 – Asbestosis and Mesothelioma Register</p> <p>Member States shall keep a register of recognised cases of asbestosis and mesothelioma.</p>	<p>Regulation 21</p> <p>24. (1) The Authority shall establish and cause to be maintained a register, to be known as the “Asbestosis and Mesothelioma Register”, of diseases which have been reported to the Authority in accordance with paragraph (2).</p> <p>(2) Where a registered medical practitioner becomes aware of a case of asbestosis or mesothelioma, he or she shall report that fact to the Authority in writing and it shall be the duty of a person designated by the Authority under section 63 of the Act to accept the report on behalf of the Authority and record an entry in the Register accordingly.</p>	<p>Asbestosis and Mesothelioma Register</p>
<p>Article 22 – Member States to submit report on implementation of Directive</p> <p>Every 5 years, Member States shall submit to the Commission a report on the practical implementation of this Directive in the form of a specific chapter in the single report provided for in Article 17a(1), (2) and (3) of Directive 89/391/EEC, which serves as a basis for the evaluation carried out by the Commission under Article 17a (4) of that Directive.</p>	<p>None</p>	<p>No specific regulatory provisions necessary</p>
<p>Article 23 – Provisions of national law communicated to the Commission by Member States</p> <p>Member States shall communicate to the Commission the provisions of national law which they adopt in the field covered by this Directive.</p>	<p>None</p>	<p>No specific regulatory provisions necessary</p>
<p>Article 24 – Time limits for Member States for transposition into national law</p> <p>Directive 83/477/EEC, as amended by the Directives listed in Annex II, is repealed, without prejudice to the obligations of the</p>	<p>None</p>	<p>No specific regulatory provisions necessary</p>

<p>Member States relating to the time limits for transposition into national law of the Directives set out in Annex II, Part B. References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex III.</p>		
<p>Article 25 – Enter into force</p> <p>This Directive shall enter into force on the 20th day following its publication in the <i>Official Journal of the European Union</i>.</p>	<p>None</p>	<p>No specific regulatory provisions necessary</p>
<p>Article 26 – Directive addressed to Member States</p>	<p>None</p>	<p>No specific regulatory provisions necessary</p>
<p>ANNEX I</p> <p>Practical recommendations for the clinical assessment of workers, as referred to in Article 18(2), second Subparagraph</p> <p>1. Current knowledge indicates that exposure to free asbestos fibres can give rise to the following diseases:</p> <ul style="list-style-type: none"> — asbestosis, — mesothelioma, — bronchial carcinoma, — gastro-intestinal carcinoma. <p>2. The doctor and/or authority responsible for the medical surveillance of workers exposed to asbestos must be familiar with the exposure conditions or circumstances of each worker.</p> <p>3. Health examination of workers should be carried out in accordance with the principles and practices of occupational medicine. It should include at least the following measures:</p> <ul style="list-style-type: none"> — keeping records of a worker’s medical and occupational history, — a personal interview, — a general clinical examination, with particular reference to the chest, — lung function tests (respiratory flow volumes and rates). <p>The doctor and/or authority responsible for health surveillance should decide on further examinations, such as sputum cytology tests or a chest X-ray or a tomodensitometry, in the light of the latest occupational health knowledge available.</p>	<p>Schedule 5</p> <p>Part B – Clinical Assessment</p> <p>Current knowledge indicates that exposure to free asbestos fibres can give rise to the following diseases:</p> <ul style="list-style-type: none"> - asbestosis, - mesothelioma, - bronchial carcinoma, - gastro-intestinal carcinoma. <p>The responsible medical practitioner concerned for the health surveillance of employees exposed to asbestos shall be familiar with the exposure conditions or circumstances of each employee.</p> <p>Health examination of employees should be carried out in accordance with the principles and practices of occupational medicine. It should include at least the following measures –</p> <ul style="list-style-type: none"> (a) keeping records of an employee’s medical and occupational history, (b) a personal interview, (c) a general clinical examination, with particular reference to the chest, (d) lung function tests (respiratory flow volumes and rates). <p>The responsible medical practitioner concerned who is responsible for the health surveillance should decide on further examinations, such as sputum cytology tests or a chest X-ray or a tomodensitometry, in the light of the latest occupational health knowledge available.</p>	<p>Information to be included in Individual Medical Records and Practical Recommendations for the Clinical Assessment of Employees for the purposes of Regulation 20</p>
<p>ANNEX II</p>	<p>None</p>	<p>No specific regulatory</p>

PART A Repealed Directive with list of its successive amendments (referred to in Article 24)		provisions necessary
ANNEX II PART B List of time limits for transposition into national law (referred to in Article 24)	None	No specific regulatory provisions necessary

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