

19 July 2010

REGULATORY IMPACT ANALYSIS (RIA)
Draft
SAFETY, HEALTH AND WELFARE AT WORK
(EXPOSURE TO ASBESTOS) REGULATIONS
(S.I. No. ... of 2010)

Public Consultation Draft

Contents

Foreword.....	3
1 POLICY CONTEXT.....	4
2 OBJECTIVES	5
3 OPTIONS	6
4 IMPACTS.....	6
4.1 Benefits.....	6
4.2 Costs	8
4.3 Other Impacts.....	8
5 CONSULTATION	9
6 ENFORCEMENT.....	9
7 REVIEW.....	10
Appendix.....	12
Schedule of principal proposed amendments to the Safety, Health and Welfare (Exposure to Asbestos) at Work Regulations 2006 (S.I. No. 386 of 2006).....	12

Foreword

The Health and Safety Authority, herein after referred to as the Authority, has prepared this Regulatory Impact Analysis (RIA) in line with the *Revised RIA Guidelines*, (Department of the Taoiseach 2009).

The objective of this legislative review is to ensure that there is appropriate legislation to protect the health and safety of those are exposed to asbestos in the course of their work. The review will take account of a new codified Directive codified 2009/148/EC and several amendments to the Safety, Health and Welfare at Work (Exposure to Asbestos) Regulations 2006 (S.I. No. 386 of 2006) which are necessary to bring domestic law into full compliance with the Directive.

The Attorney General has advised Departments to implement all codified Directives. Given this advice, and the fact that the Commission Services are already corresponding with the Authority in relation to the transposition of a number of provisions in the Asbestos Regulations 2006, only the option to introduce new Regulations was subject to impact assessment.

The proposed Regulations do not represent any significant policy change and contain limited new provisions. The impact analysis indicates that the proposed amendments should facilitate the development of more effective systems for managing the risks from exposure to asbestos and this in turn should have a positive impact on the health and safety of workers. Business benefits will accrue in two areas. Firstly, the requirement for employers to submit a Plan of Work for low risk activities involving asbestos containing materials is removed. This amendment will also result in a reduced administrative workload for the Authority. Secondly, the process for obtaining a site clearance certificate is clarified so that a competent independent person can provide the certificate where only visual observation is required where previously this certification had to be provided by an analyst. This should lead to a reduction in analytical fees for industry.

Taking all of the impacts into account, in particular the expected reduction in compliance costs for industry, the Authority recommends that the proposed Regulations should be approved.

19 July 2010

1 POLICY CONTEXT

The European Commission has prepared a codified Directive on the protection of workers from the risks related to exposure to asbestos at work. The purpose of a codification is to bring together a number of instruments into one codified text, not to make substantive amendments. In this case, the codified Directive replaces Council Directive 2003/18/EC of the European Parliament and of the Council of 27 March 2003 amending Council Directive 83/477/EEC. The text of the codified Directive 2009/148/EC was agreed between the European Parliament and the Council on 30 November 2009.

Most of the provisions of the codified Directive are already transposed into domestic law through the Safety, Health and Welfare at Work (Exposure to Asbestos) Regulations 2006 (S.I. No. 386 of 2006) (hereafter referred to as the Asbestos Regulations 2006). However, there are a small number of areas where additions or amendments required to bring the national Regulations in line with Directive 2009/148/EC. For example, Article 4 of the codified Directive requires the production of ‘practical guidelines for the determination of sporadic and low-intensity exposure’. Currently, there is no Code of Practice to accompany the Asbestos Regulations 2006. Guidelines, published in 2005, have been available for working with asbestos cement but ‘low and sporadic’ exposure extends to other asbestos containing materials and workplace situations, therefore further guidance is required. A Code of Practice would also allow updated standards or other adaptations to technical progress to be incorporated in the future, without the need to create new regulations on each occasion. Finally, Directive 2009/148/EC requires that application of asbestos by means of the spraying process and working procedures involving low density insulating or sound-proofing materials are prohibited.

This review will also address two issues that have arisen from the practical application of the 2006 Asbestos Regulations. The first relates to the requirement to submit a Plan of Work to the Authority. As they are currently drafted, Regulations 11 and 15 require that a Plan of Work be submitted to the Authority for all work activities involving asbestos containing materials. This creates an unwarranted burden of compliance for contractors working with lower-risk asbestos containing materials. It also increases the administrative workload of the Authority - in 2007 and 2008 it is estimated that up to 45% of the Plans of Work received related to cases where risk assessment indicates low risk activities. The original intention was that only Plans of Work for

notifiable high risk activities involving asbestos containing materials should be submitted to the Authority. Plans of Work should be completed for lower-risk activities and be available on site but they should not reasonably be required to be submitted to the Authority.

A second issue to be addressed in this legislative review relates to the level and type of site clearance to be performed and by whom following the removal of asbestos containing materials from the workplace. To comply with the Regulations, the scope of site cleaning should extend to include those parts of the premises and plant involved in the work (including the decontamination unit), designated waste and personnel transit routes. The requirement for employers to ensure receipt of a clearance certificate prior to the removal of the decontamination unit also needs clarification so that in cases where site clearance involves both visual observance and air monitoring this is to be completed by a competent independent analyst but in cases where visual observance only is necessary it is sufficient to have this completed by an independent competent person.

Draft Regulations showing amendments to address these were previously proposed to the Legislation and Guidance Committee of the Authority in January 2009. The process to introduce these amendments was delayed to take account of the codified Directive 2009/148/EC.

2 OBJECTIVES

The ultimate objective of this legislative review is to clarify the minimum requirements for protecting the health, safety and welfare of all workers at risk of exposure to asbestos in the course of their work.

Other immediate objectives to be achieved include:

- Reduction in the resources industry must allocate for meeting regulatory demands, without diminution of protection for workers. Employers should be able to reference all legal requirements for the protection of workers from the risk of exposure to asbestos in a single document.
- Increase the focus on higher risk activities involving asbestos-containing materials and reduce the administrative burden of the employer and the Authority by amending an

anomaly in the current Regulations relating to the requirement for submission of a Plan of Work.

- Reducing compliance costs for employers through clarification of requirements in relation to site clearance.
- Provision of assistance to employers in meeting their duties through the publication of guidance in a Code of Practice
- Assist the Authority inspectorate in enforcing standards through the provision of specific requirements for asbestos analysts and removal contractors.
- Resolution of queries raised by the Commission regarding the transposition of certain provisions in the Safety, Health and Welfare at Work (Exposure to Asbestos) Regulations 2006 (S.I. No. 386 of 2006).

3 OPTIONS

There is no European requirement to re-transpose codified Directives where all the provisions are already set out in domestic law. However, the Irish Attorney General has strongly advised that Departments should vigorously pursue implementation of all EU codification measures by making fresh Statutory Instruments implementing those codifying measures¹. Therefore, it is considered appropriate to evaluate the impacts of a single option in this legislative review, that is, to repeal and replace the Safety, Health and Welfare at Work (Exposure to Asbestos) Regulations 2006 (S.I. No. 386 of 2006).

A full schedule of the principle proposed amendments to the Asbestos Regulations 2006 is set out in Appendix 1. The impacts of the proposed Regulations are assessed below.

4 IMPACTS

Benefits

Health and safety benefits: The proposed Regulations will facilitate the development of appropriate and effective systems of work in relation to the risks from exposure to asbestos.

¹ Correspondence from Attorney General to Minister for European Affairs, 9 November 2009

More effective management systems can be expected to have a positive impact on the health and safety of workers who are exposed to asbestos in the course of their work.

Business benefits: Those involved in managing the risks of exposure to asbestos at work will benefit from the clear framework of responsibilities and duties outlined in the proposed Regulations. The Code of Practice to accompany the proposed Regulations will offer explanation and guidance for employers in relation to their duties.

There are two specific areas in the proposed Regulations where employers may benefit from a reduction in direct compliance costs:

- The requirement to submit a Plan of Work to the Authority will be eliminated where an employee's exposure is sporadic and of low intensity and where it is clear from the results of the risk assessment that the exposure limit value for asbestos in the air of the working area will not be exceeded. A Plan of Work will still need to be prepared and be available on site but it will no longer be necessary to make a submission to the Authority.
- Cost savings may also be made when obtaining a site clearance certificate. The proposed amendments to Regulation 15 clarify that a certificate may be provided by an independent competent person in cases where visual observation only is sufficient. A certificate from a competent independent analyst is still required for cases where visual observation and air monitoring are required.

Enforcement benefits: The proposed Regulations should also enhance the efficiency of the Authority inspection and enforcement processes. A Code of Practice will enable inspectors to identify and enforce standards for analysts and asbestos removal contractors. A Code of Practice will also offer greater flexibility when it becomes necessary to update standards in line with technical progress. A revised Code of Practice can be published rather than allocating resources to a legislative process to produce new Regulations.

The amendment to the Plan of Work requirement should result in a reduced administrative workload for the Authority in terms of processing Plans of Work. Based on Authority estimates, the amendment could result in 45% fewer Plans of Work for lower risk activities being processed by the Authority.

4.2 Costs

Business costs: There will be no additional costs arising from the proposed Regulations for employers who already comply with the Safety, Health and Welfare at Work (Exposure to Asbestos) Regulations 2006 (S.I. No. 386 of 2006). The proposed provisions to prohibit the application of asbestos by spraying and the use of low density insulating and soundproofing materials are not expected to have any cost implications as asbestos contractors generally do not use these work methods or materials.

Enforcement costs: It is expected that the introduction and enforcement of the proposed Regulations will be cost neutral for the Authority. The Code of Practice to accompany the proposed Regulations will be funded within the Authority's current budget allocation.

4.3 Other Impacts

National competitiveness: The implementation of the proposed Regulations would have a positive effect on national competitiveness by ensuring that Irish Regulations correspond closely with the Directive and that of other EU Member States. One of the key objectives of the proposed Regulations is to reduce the administrative burden on industry which should in turn improve competitiveness in Irish industry.

Human Health and Environment: The existing Asbestos Regulations 2006 have a positive impact on human health by providing a framework of measures to protect safety, health and welfare at work with respect to control of exposure to asbestos. The proposed Regulations will further reinforce this intention by -

- (i) Including a specific requirement on employers with respect to the Plan of Work which "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"

- (ii) Clarifying the scope of the work area to be thoroughly cleaned post works e.g. transit routes, waste routes outside the work area

The proposed Regulations also require that the Plan of Work must include all necessary preventative measures to avoid significant environmental pollution.

The proposed Regulations are not expected to have any impact on the rights of citizens, consumers and competition, or socially vulnerable or excluded groups.

5 CONSULTATION

This RIA will be made available for public consultation on the Authority's website for a one month period in accordance with the Authority's standard public consultation policy. Selected stakeholders may be contacted directly by the Authority and invited to make submissions. The submissions from the public consultation will be collated and considered by the Authority and relevant additions or amendments may be incorporated in the proposed Regulations and this RIA.

The revised Regulations and RIA will be submitted to the Legislation and Guidance Subcommittee of the Board and the Board of the Authority for consideration and approval. Any resultant proposals for legislative change will be submitted to the Minister for Labour Affairs at the Department of Enterprise, Trade and Innovation for his consideration with a view to formal legal settlement by the Office of the Parliamentary Counsel to the Government and any resultant proposals for a Code of Practice will be submitted to the Minister for his consent to its publication by the Authority.

6 ENFORCEMENT

The Health and Safety Authority is the primary enforcer of occupational safety, health and welfare legislation through its inspectors. The control of exposure to asbestos is a priority for inspection and non-compliance will be identified by proactive checks and by responding to queries and complaints raised.

In 2009, the Authority carried out 193 asbestos-related site visits in 2009 and reviewed 209 asbestos notifications during this period. A similar number of inspections will be carried out in 2010. Also in 2009, a review was undertaken of the safety and health standards being applied by asbestos analysts during asbestos work. It revealed that standards are variable, and this issue will be followed up during asbestos inspections in 2010/2011.

7 REVIEW

The Authority will review the impact of the proposed Regulations through monitoring of enforcement statistics, requests for information, incident and dangerous occurrence data and complaints received. Levels of compliance will be monitored through the asbestos notifications and the process for submissions of Plans of Work. The Authority's annual reports will provide an ongoing public review of health and safety performance in relation work activities involving exposure to asbestos.

References

Revised RIA Guidelines - How to Conduct a Regulatory Impact Analysis, Department of the Taoiseach, June 2009

H.S.A Guidelines on Working with Materials Containing Asbestos Cement (2005)

Safety, Health and Welfare at Work (Exposure to Asbestos) Regulations 2006 (S.I. No. 386 of 2006).

Directive 2009/148/EC of The European Parliament and of The Council of 30 November 2009² on the protection of workers from the risks related to exposure to asbestos at work

² O.J. No. L 330, 16.12.2009, p. 30

Appendix

Schedule of principal proposed amendments to the Safety, Health and Welfare (Exposure to Asbestos) at Work Regulations 2006 (S.I. No. 386 of 2006)

Note: underlined text represents additional provisions in the draft Safety, Health and Welfare (Exposure to Asbestos) at Work Regulations 2010 (S.I. No. ... of 2010)

Safety, Health and Welfare (Exposure to Asbestos) at Work Regulations 2006 (S.I. No. 386 of 2006)	Draft Safety, Health and Welfare (Exposure to Asbestos) at Work Regulations 2010 (S.I. No. ... of 2010)
<p>Regulation 11</p> <p>Notification requirements</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 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>(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>Regulation 11</p> <p>Notification requirements</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, <u>together with a copy of the plan of work referred to in Regulation 15,</u> 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>(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</p>

<p>(4) Notwithstanding paragraph (1), where an activity to which that paragraph relates is being carried out at, or is begun within the period of 14 days after the commencement of these Regulations and will continue beyond that period, it shall be sufficient for the employer to prepare a written notification which shall include particulars of matters specified in Schedule 3 and to submit it to the Authority within that period.</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 (2) and (3) 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>account of such changes as are referred to in that paragraph and include the reasons for the new notification.</p> <p>(4) Notwithstanding paragraph (1), where an activity to which that paragraph relates is being carried out at, or is begun within the period of 14 days after the commencement of these Regulations and will continue beyond that period, it shall be sufficient for the employer to prepare a written notification which shall include particulars of matters specified in Schedule 3 and to submit it to the Authority within that period.</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>Regulation 15</p> <p>Plan of work</p> <p>15. (1) Where any demolition or other work involves removing either or both asbestos and asbestos containing products from 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>Regulation 15</p> <p>Plan of work</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>(2) Subject to the other provisions of these Regulations, the plan of work referred to in paragraph (1) shall specify the measures necessary to ensure the safety and health of employees at the place where that work is to be carried out.</p> <p>(3) 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)</p> <p>(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>(A) protection and decontamination of the employees carrying out the work, and</p> <p>(B) protection of other persons present on or near the worksite.</p> <p>(4) 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 buildings, structures and installations containing asbestos or materials containing asbestos, or both, and the removal therefrom of asbestos or materials containing asbestos fibres or dust do not cause significant asbestos environmental pollution.</p> <p>(5) Every plan of work made in accordance with this Regulation</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>(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>(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,</p>
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shall be complied with.

(6) Where a plan of work is required pursuant to paragraph (1), a copy of the said plan shall be provided to the Authority not less than fourteen days before the commencement of the work to which the plan relates and shall be made available, on request, to an inspector or, as the case may be, to an authorised person within the meaning of –

- (i) the Air Pollution Act, 1987 (No. 6 of 1987) , or
- (ii) the Waste Management Acts 1996 –2005.

(7) 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*”.

(8) For the purposes of paragraph (7) 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.

(9) For the purposes of this Regulation an employer shall ensure –

- (a) that site clearance includes both visual observance and air monitoring,
- (b) that site clearance is performed by a competent independent analyst,

and

(c) receipt of a site clearance certificate in writing before reoccupation or continuation of other works at the site or premises.

and

(iv) the characteristics of the equipment used for
(v) protection and decontamination of the employees carrying out the work, and

(vi) protection of other persons present on or near the worksite.

(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 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.

(6) Every plan of work made in accordance with this Regulation shall be complied with.

(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).

(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.

(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

(10) A clearance certificate shall be made available, on request, to an inspector.

connection with that work and designated waste and personnel transit routes are thoroughly cleaned.

(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”.

(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.

(12) For the purposes of this Regulation an employer shall ensure -

(a) that site clearance includes both visual observance and air monitoring, as appropriate and necessary.

(b) subject to subparagraph (a) that site clearance is performed by a competent independent analyst, where both visual observance and air monitoring is required,

(c) where visual observance only is appropriate, that site clearance is performed by an independent competent person.

(d) receipt of a site clearance certificate in writing before reoccupation or continuation of other works at the site or premises, and

(e) receipt of a clearance certificate for the decontamination unit where use is determined necessary, prior to the removal of the facility from the premises.

	<p>(13) A clearance certificate shall be made available, on request, to an inspector</p>
<p>Regulation 25</p> <p>Occupational Health Register</p> <p>25. (1) Subject to Regulation 5(b), where activities are carried out in which employees are or may be exposed in the course of their work to dust arising from asbestos or materials containing asbestos or a health assessment has been made under Regulation 20, it shall be the duty of every employer to whom these Regulations relate to keep and thereafter to maintain a register to be known and in these Regulations referred to as the “occupational health register” which contains, in respect of each employee who is or may be exposed in the course of his or her work to dust arising from asbestos or materials containing asbestos, the information referred to in Schedule 6.</p> <p>(2) An employer shall allow the responsible medical practitioner concerned access to the occupational health register at any time.</p> <p>(3) An employer shall allow an inspector or a person designated by the Authority under section 63 of the Act access to the occupational health register at any time.</p> <p>(4) Upon reasonable notice being given, an employer shall allow any employee access to the entries in the occupational health register which relate to him or her.</p> <p>(5) Upon reasonable notice being given, an employer shall allow an employee or his or her representative, or both, access to the information in the occupational health register on all employees concerned in such a manner so that the identity of any employee to whom the information relates is not disclosed and, where</p>	<p>Regulation 25</p> <p>Occupational Health Register</p> <p>25. (1) Subject to Regulation 5(b), where activities are carried out in which employees are or may be exposed in the course of their work to dust arising from asbestos or materials containing asbestos or a health assessment has been made under Regulation 20, it shall be the duty of every employer to whom these Regulations relate to keep and thereafter to maintain a register to be known and in these Regulations referred to as the “occupational health register” which contains, in respect of each employee who is or may be exposed in the course of his or her work to dust arising from asbestos or materials containing asbestos, the information referred to in Schedule 6.</p> <p>(2) An employer shall allow the responsible medical practitioner concerned access to the occupational health register at any time.</p> <p>(3) An employer shall allow an inspector or a person designated by the Authority under section 63 of the Act access to the occupational health register at any time.</p> <p>(4) Upon reasonable notice being given, an employer shall allow any employee access to the entries in the occupational health register which relate to him or her.</p> <p>(5) Upon reasonable notice being given, an employer shall allow an employee or his or her representative, or both,</p>

appropriate, the employer shall also provide such information in a collective form.

(6) An employer shall keep and maintain the occupational health register for least 40 years following the end of exposure.

(7) Where an employer ceases, or is about to cease, business and has a subsisting occupational health register to which paragraph (6) relates, the appropriate person shall –

- (a) inform the Authority of that fact, and
- (b) deposit the occupational health register with such a person as the Authority directs.

(8) Where the occupational health register is deposited with a person in accordance with a direction under paragraph (7)(b), that person shall be deemed to be the employer for the purposes of paragraph (6).

(9) In this Regulation “appropriate person” means, in relation to the occupational health register, and as the circumstances may require, where the employer is a body corporate being wound up, the liquidator and, in any other case, the person who has possession of that register.

access to the information in the occupational health register on all employees concerned in such a manner so that the identity of any employee to whom the information relates is not disclosed and, where appropriate, the employer shall also provide such information in a collective form.

(6) An employer shall keep and maintain the occupational health register for least 40 years following the end of exposure.

(7) Where an employer ceases, or is about to cease, business and has a subsisting occupational health register to which paragraph (6) relates, the appropriate person shall –

- (a) inform the Authority of that fact, and
- (b) deposit the occupational health register with such a person as the Authority directs.

(c) ensure that individual medical records referred to in Regulation 21(1) are made available by the employer’s responsible medical practitioner to the Authority or such person as the Authority directs.

(8) Where the occupational health register is deposited with a person in accordance with a direction under paragraph (7)(b), that person shall be deemed to be the employer for the purposes of paragraph (6).

(9) Where the individual medical records are made available to the Authority in accordance with paragraph (7)

(c), a review shall be in such form as the Authority or a

	<p><u>person designated under Section 63 of the Act considers appropriate in the circumstances.</u></p> <p>(10) In this Regulation “appropriate person” means, in relation to the occupational health register, and as the circumstances may require, where the employer is a body corporate being wound up, the liquidator and, in any other case, the person who has possession of that register.</p>
<p>Regulation 26</p> <p>Prohibitions</p> <p>26. 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 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>Regulation 26</p> <p>Prohibitions</p> <p><u>26. (1). 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.</u></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 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>