

WorkSafe New Zealand –

OHSMS requirements for Class A asbestos removal

Committee Draft

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Foreword

Significant changes to workplace health and safety regulation in New Zealand were introduced in 2016 including a fundamental overhaul of the regime controlling work with asbestos under the Health and Safety at Work (Asbestos) Regulations 2016. These Regulations restrict certain categories of work to organisations holding a Class A asbestos removal licence issued by WorkSafe New Zealand.

A business holding or seeking to be awarded a Class A asbestos removal licence will need to have developed and implemented a 'certified safety management system' as defined in the Asbestos Regulations 2016. Certification to OHSAS 18001 and this document, by a certification body that is accredited by JAS-ANZ for this scope of certification, is one means of satisfying the requirement for a 'certified safety management system'.

WorkSafe has established an impartial technical committee representing the significantly interested parties and consulted widely in developing and reviewing this document. This document has been developed to exclude the requirements already documented in OHSAS 18001, to eliminate the potential for duplication or competing requirements. OHSAS 18001 is a widely used occupational health and safety management systems standard and the document from which a new draft international standard DIS 45001 is being developed.

Introduction

Certification bodies seeking JAS-ANZ accreditation to certify occupational health and safety management systems for a Class A asbestos removal licensees in New Zealand must first gain JAS-ANZ accreditation to:

- ISO/IEC 17021-1, Conformity assessment – Requirements for bodies providing audit and certification of management systems – Part 1: Requirements, and
- *Occupational health and safety management systems - Scheme for Class A asbestos removal licensees in New Zealand*

Class A asbestos removal licensees can apply for a JAS-ANZ accredited certification of their occupational health and safety management system when it complies with:

- OHSAS 18001:2007, Occupational health and safety management systems – Requirements, and
- this document

In this document, the terms:

- 'shall' indicates a requirement;
- 'should' indicates a recommendation;
- 'may' indicates a permission;
- 'can' indicates a possibility or a capability.

1 Scope

This document details additional requirements for the application of OHSAS 18001 to Class A asbestos removal licensees in New Zealand.

2 References

Health and Safety at Work Act 2015

Health and Safety at Work (Asbestos) Regulations 2016 (the Asbestos Regulations)

Health and Safety at Work (General Risk and Workplace Management) Regulations 2016

Approved Code of Practice for the Management and Removal of Asbestos, (the ACOP) November 2016

OHSAS 18001:2007, Occupational health and safety management systems – Requirements

3 Terms and definitions

The 'interpretations' provided in Asbestos Regulation 3 also apply to this document.

Certified safety management system

Means a management system certified conforming with this document by a certification body that is accredited by the Joint Accreditation System of Australia and New Zealand (JAS-ANZ) to issue certifications for the WorkSafe NZ Asbestos Removal Scheme.

Regulation

Unless otherwise stated, a reference to a 'regulation' means the New Zealand Health and Safety at Work (Asbestos) Regulations 2016.

4 OH&S management system requirements

4.1 General requirements

The scope of the OH&S management system shall also include the safe handling and removal of asbestos and associated procedures related to obtaining & holding a Class-A asbestos removal Licence in accordance with the requirements in this document.

4.2 OH&S policy

No additional requirements.

4.3 Planning

4.3.1 Hazard identification, risk assessment and determining controls

The licensed asbestos removalist (PCBU) shall ensure that there is an effective process for hazard identification, risk assessment, and determination of necessary controls the outcome of which is incorporated into each asbestos removal control plan.

4.3.2 Legal and other requirements

No additional requirements.

4.3.3 Objectives and programme(s)

No additional requirements.

4.4 Implementation and operation

4.4.1 Resources, roles, responsibility, accountability and authority

No additional requirements.

4.4.2 Competence, training and awareness

(ACOP, 25.2.1) The licensed asbestos removalist shall record evidence to demonstrate that every person that works with asbestos is:

- a) knowledgeable and experienced in similar places, work, plant or substances and has demonstrated the knowledge and experience equivalent to that prescribed in normative Appendix B of this document, and
- b) supervised by someone with the requisite knowledge and experience, which means someone who is named as a Supervisor on the WorkSafe Asbestos License Register, and
- c) adequately trained in how to safely use everything they need to work with, including the PPE they may need to wear.

The knowledge and experience referred to in sub-clause a) and b) shall be re-assessed at not more than five-yearly intervals.

Asbestos Regulations, 29(3) and (4)

(ACOP, 25.3) A licensed asbestos removalist shall provide appropriate instruction to a worker who carries out licensed asbestos removal work at a workplace to ensure that the work is carried out in accordance with the asbestos removal control plan for the workplace.

Appropriate instruction means instruction provided specifically—

- (a) for the type of workplace where the licensed asbestos removal work is carried out; and
- (b) for the work to be carried out at the workplace.

(ACOP, 25.2.2) Effective 4 April 2018, the licensed asbestos removalist shall not let any person carry out licensed asbestos removal unless the removalist has evidence that the person holds a certificate that is recognised by WorkSafe NZ as appropriate to the class of licensed asbestos removal work the person carries out.

Refer Safe Work Instrument for recognised training:

<http://www.worksafe.govt.nz/worksafe/about/safe-work-instruments/documents/health-and-safety-at-work-asbestos-prescribed-relevant-courses-safe-work-instrument-2017.pdf>

(ACOP, 25.2.3) From 4 April 2018, supervisors **shall** hold a certificate that is recognised by WorkSafe NZ as appropriate for the supervision of Class A licensed asbestos removal work.

Refer Safe Work Instrument for recognised training:

<http://www.worksafe.govt.nz/worksafe/about/safe-work-instruments/documents/health-and-safety-at-work-asbestos-prescribed-relevant-courses-safe-work-instrument-2017.pdf>

Asbestos Regulations, 31

(ACOP, 26.5) A licensed asbestos removalist **shall** give the following information to a person likely to be engaged to carry out licensed asbestos removal work before the person is engaged to carry out the work:

- a) the health risks and health effects associated with exposure to asbestos.
- b) the need for, and details of health monitoring of persons carrying out licensed asbestos removal work.

4.4.3 Communication, participation and consultation

4.4.3.1 Communication

Asbestos Regulations, 34(1)

(ACOP, 26.7) The licensed asbestos removalist shall give written notice to WorkSafe at least 5 days before commencing licensed asbestos removal work and include the information as described in 34(4).

(ACOP, 26.7.1) Notwithstanding the above, the licenced asbestos removalist may provide less than 5 days' notice where the removalist must remove asbestos immediately, in circumstances set out in Reg 34(2).

Asbestos Regulations, 35

(ACOP, 26.5) The licensed asbestos removalist shall have a system in place for ensuring that all interested parties are provided with the relevant information.

(ACOP, 26.6.5) Provide a copy of the ARCP to the person who commissioned the licensed asbestos removal work and other effected parties.

4.4.3.2 Participation and consultation

(ACOP, 26.6.4) When preparing the asbestos removal control plan, the licensed asbestos removalist shall consult with:

- a) the PCBU who commissioned the work;
- b) the PCBU who manages or controls the workplace (if not the same PCBU);
- c) workers and their representatives;

If licensed asbestos removal work is being carried out at a home, the licensed asbestos removalist should consult with the person who commissioned the removal work and the owner or occupier (if not the same person).

4.4.4 Documentation

No additional requirements.

4.4.5 Control of documents

No additional requirements.

4.4.6 Operational control

Operational control shall incorporate normative Appendices A, B and C of this document.

Asbestos Regulations, 15

(ACOP, 16) All asbestos removal workers shall be under a scheme of health monitoring. The health monitoring of the worker shall commence within 4 weeks of the worker starting to carry out licensed asbestos removal work.

Asbestos Regulations, 43-46

(ACOP, 30.3.1) Air monitoring shall be conducted:

- a) before Class A asbestos removal work starts (if the licensed asbestos assessor determines it is likely the air contains respirable asbestos fibres in concentrations greater than trace level), and
- b) during Class A asbestos removal work.

If the air monitoring results show that respirable asbestos fibre levels reach the Action Level listed below in Table 1, the licensed asbestos removalist shall immediately implement the corresponding Control and Action.

Table 1

ACTION LEVEL	CONTROL	ACTION
< 0.01 fibres/ml (trace level)	No new control measures are necessary	Continue with existing control measures
≥ 0.01 fibres/ml but < 0.02 fibres/ml	1. Investigate 2. Implement 3. Prevent	Investigate the cause Put controls in place to prevent exposure Prevent further fibre release
≥ 0.02 fibres/ml	1. Stop 2. Notify	Stop Class A asbestos removal work Notify WorkSafe as soon as possible as a notifiable incident. Include the results of the air monitoring.
	3. Investigate	Conduct a thorough visual inspection of the enclosure (if used) and associated equipment in consultation with all asbestos workers. Review controls.

ACTION LEVEL	CONTROL	ACTION
	4. Put controls in place to prevent exposure and further asbestos fibre release	1. Extend the isolated/barricaded area around the work area/enclosure so far as reasonably practicable (until fibre levels are at or below 0.01 fibres/ml) 2. Wet-wipe and vacuum the surrounding area, seal any identified leaks (eg with expandable foam or tape) 3 Smoke test the enclosure until it is satisfactorily sealed

Asbestos Regulations, 18

(ACOP, 13) The licensed asbestos removalist shall not use, or direct or allow a worker to use, either of the following on asbestos or ACM:

- a) a high-pressure water spray:
- b) compressed air.

All tools shall be used in a manner that minimises dust and with appropriate controls including:

- a) power tools
- b) brooms
- c) any other implement that causes the release of airborne asbestos into the atmosphere.

Asbestos Regulations, 32(2)

(ACOP, 26.6) The licensed asbestos removalist shall prepare an asbestos removal control plan for all licensed asbestos removal work.

An asbestos removal control plan shall be designed to eliminate or minimise the release of airborne asbestos fibres and include:

- a) details of how the asbestos removal will be carried out, including the method to be used and the tools, equipment, and personal protective equipment to be used including a system for ensuring that the PPE and RPE will fit the intended users.
- b) details of the asbestos to be removed, including the location, type, and condition of the asbestos.
- c) a detailed description of the asbestos removal area for the work and any air monitoring points.
- d) details of the means of transport and disposal of the asbestos waste.

Asbestos Regulations, 40

(ACOP, 18) The asbestos removalist shall ensure that asbestos waste—

- a) is placed in a sealed container and marked clearly (and in a way that complies with the requirements of any applicable safe work instrument) to indicate the presence of asbestos before the waste is removed from an asbestos removal area; and
- b) is disposed of as soon as is reasonably practicable by depositing it in a place approved for the purpose by a territorial authority under section 73 of the Resource Management Act 1991.

4.4.7 Emergency preparedness and response

No additional requirements.

4.5 Checking

4.5.1 Performance measurement and monitoring

4.5.1.1 The procedure for completing individual asbestos removal jobs or projects shall include reconciliation of the asbestos waste disposal records against both the asbestos removal control plan and the notification of the planned asbestos removal to WorkSafe NZ

4.5.1.2 Disposal records shall be kept in accordance with Appendix D. (Reg 34.4j) and Reg 40.

4.5.2 Evaluation of compliance

No additional requirements.

4.5.3 Incident investigation, nonconformity, corrective action and preventive action

4.5.3.1 Incident investigation

Asbestos regulation 44

If respirable asbestos fibre levels recorded at the asbestos removal area greater than or equal to 0.01 fibres/ml, but are below 0.02 fibres/ml, the asbestos removalist shall immediately investigate the cause and put in place the relevant controls and actions in accordance with clause 4.4.6, Table 1.

Asbestos regulation 45

If respirable asbestos fibre levels recorded at the asbestos removal area are greater than or equal to 0.02 fibres/ml, the licensed removalist must immediately STOP Class A asbestos removal work and put in place the relevant controls and actions in accordance with clause 4.4.6, Table 1.

4.5.3.2 Nonconformity, corrective action and preventive action

No additional requirements.

4.5.4 Control of records

(ACOP, 25.4) The licensed asbestos removalist shall keep a written record of the WorkSafe NZ approved training certificates (ACOP 25.2.2) for all persons working with asbestos as well as any

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additional training provided to persons carrying out licensed asbestos removal work while working for the licensed asbestos removalist.

The workers' and supervisors' training records shall be readily accessible at the asbestos removal area, and be available for inspection by a health and safety inspector.

Training records shall be maintained in accordance with Appendix D.

(ACOP, 14.12.9) An RPE programme administrator shall keep RPE programme records in accordance with Appendix D.

The RPE programme administrator shall evaluate the RPE programme at least annually to make sure it is working effectively.

Oversight of the records arising from the asbestos removal control plan as described in ACOP, 18.2.7.

(ACOP, 26.6.5) Control plans shall be kept in accordance with Appendix D.

(ACOP, 16.11) Health monitoring records shall be kept in accordance with Appendix D.

4.5.5 Internal audit

Additionally, internal audits shall be performed at least once every 12 months. The frequency of internal audits may be reduced if the asbestos removal licensee can demonstrate that its OH&S management system continues to be effectively implemented and has proven stability.

4.6 Management review

No additional requirements.

Appendix A - Duties for licensed asbestos removalists

ACOP, 26.3

The licensed asbestos removalist shall:

- restrict access to the asbestos removal area to:
 - workers involved in removing asbestos
 - other people associated with the removal work
 - anyone permitted under the Asbestos Regulations or other legislation to be in the asbestos removal area
- make sure a supervisor is present at the asbestos removal area whenever the work is carried out (ACOP, 26.4.1)
- provide appropriate training and make sure the asbestos removal workers have been trained to the relevant units of competencies associated with the class of asbestos removal.
- tell relevant parties about the asbestos removal and provide them with appropriate information
- read the workplace's asbestos documentation, if available
- develop an asbestos removal control plan and ensure effective operational control (Asbestos Regulation 32)
- notify WorkSafe about the work at least five days before work starts (Asbestos Regulation 34(1), ACOP, 26.7).
Note: there are limited circumstances where removal work may start immediately (ACOP, 26.7.1)
- display signs at the asbestos work area to warn people about the presence of asbestos and that work is being carried out
- make sure barriers delineate the asbestos removal area
- install one or more NPUs to create a negative air pressure of approximately 12 pascals (Pa) within the enclosed removal area. (ACOP, 27.3)
- Current inspection of the NPUs include dispersed oil particulate test and air exchange capability to BS8520-2:2009 (ACOP, 27.3)
- Ensure the testing of enclosures for leaks prior to commencing work and rectifying leaks in accordance with ACOP, 27.4
- notify WorkSafe if respirable asbestos fibres meet or exceed 0.02 fibres/ml during the work (the Asbestos Regulations, 6(b)).
- make sure appropriate decontamination facilities are in place
- make sure waste containment and disposal procedures are in place
- make sure air monitoring is conducted

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- The licensed asbestos removalist shall regularly monitor the enclosure's effectiveness while asbestos removal work is underway (for example, visual examinations, air monitoring results and negative-pressure readings) as described in ACOP, 27.5. Daily records shall be kept.
- inspect all equipment before work starts, after repairs and every 7 days and otherwise as stated in ACOP, 13.4.2
- Ensure that unauthorized people do not enter the asbestos removal area before the clearance certificate is issued. Signage and barriers must remain in place until the clearance certificate is issued (ACOP, 28.3)
- Ensure that independent clearance inspections are authorised by the PCBU in accordance with the ARCP and a clearance certificate issued (ACOP, 23.3)
- conduct health monitoring for workers working with asbestos within the first four weeks, and then periodically as required by ACOP, 16.

Appendix B –Competence required for a person performing Class A asbestos removal

The licensed asbestos removalist shall ensure that every person that work with asbestos has obtained one of the following levels of competence:

- NZQA registered unit standard 29765, or
<http://www.nzqa.govt.nz/nqfdocs/units/pdf/29765.pdf>
- NZQA registered unit standard 29766
<http://www.nzqa.govt.nz/nqfdocs/units/pdf/29766.pdf>

Appendix C - Safety standards

ACOP 13.5, Vacuum cleaners

ACOP 27.3.2, Testing of NPUs

AS/NZS 60335.2.69 Household and similar electrical appliances – Safety – Part 2.69 - Particular requirements for wet and dry vacuum cleaners, including power brush, for commercial use or its equivalent.

BS 8520-2:2009, Equipment used in the controlled removal of asbestos-containing materials. Negative pressure units. Specification

ACOP 13.5.2, Filters

AS 4260, High efficiency particulate air (HEPA filters) – Classification, construction and performance or its equivalent for pre-filter design; and BS EN 1822 High efficiency air filters (EPA, HEPA and ULPA).

ACOP 14.9.1, Disposable coveralls

Disposable coveralls should be:

- Of a suitable standard to prevent tearing or asbestos fibre penetration. Disposable coveralls rated type 5, category 3 (EN ISO 13982–1) or equivalent meet this standard.
- One size too big, to help prevent ripping at the seams
- Fitted with a hood and cuffs, making sure:
 - Coverall legs are worn over footwear, because tucking them in lets the dust in
 - Loose cuffs are sealed with tape
 - The fitted hood is worn over the respirator straps.

ACOP 14.11, Footwear

Lace-less boots such as gumboots are preferred where practicable.

ACOP 14.12, Respiratory protective equipment (RPE)

When selecting RPE, refer to the latest versions of:

- AS/NZS 1715 *Selection, use and maintenance of respiratory protective devices* and
- AS/NZS 1716 *Respiratory protective devices*.

A useful example of RPE selection is found in the ACOP, 5.4

ACOP 14.12.11, Air-line respirators

Air-line respirators should incorporate a belt-mounted back- up filter. If the number of workers wearing air-line respirators inside an enclosure might result in the lines getting tangled, the licensed asbestos removalist should provide manifolds.

Appendix D – Prescribed records - Scope and minimum retention times

The licensed asbestos removalist shall conduct its own due diligence to ensure that it is meeting its statutory obligations for records and records retention. Where statutory obligations exceed the obligations identified in this Appendix then the additional statutory obligations shall also apply.

Category	Time to be kept	Person responsible	Additional comments
RPE programme	5 years	RPE administrator (PCBU)	<p>These records must be readily accessible at the asbestos removal area and available for inspections by a health and safety inspector and the PCBU commissioning the removal work.</p> <p>This includes:</p> <ul style="list-style-type: none"> • RPE issue date, identifying marks • Records of training and fit testing • Maintenance <ul style="list-style-type: none"> ○ Filter replacement schedule ○ RPE maintenance schedule ○ Supplied air RPE maintenance records • Procedures • Audits • Atmospheric monitoring
Asbestos removal control plans	2 years	PCBU	Unless an incident occurred and then the records must be kept for 5 years
Training records	5 years	PCBU	The records for each asbestos removal worker must be kept for 5 years after the person has stopped carrying out work the licensed asbestos removalist
Health monitoring	40 years	PCBU	<p>Health monitoring for each worker.</p> <p>The first assessment should have been conducted within the first 4 weeks of employment as a removal worker.</p>
Disposal records	5 years	PCBU	<p>A record of the following:</p> <ul style="list-style-type: none"> • Quantity of asbestos waste • The removal job it relates to • Where the asbestos waste was disposed of • Weight tickets/dockets from the disposal site