Information about Identification and control of asbestos in workplaces

Guidance for employers and persons who have management or control of asbestos in workplaces.

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The Occupational Health and Safety Regulations 2007 (OHS Regulations) require employers and persons with management or control of workplaces to identify and control risks associated with asbestos. This requirement is included in ‘Part 4.3 - Asbestos’, Division 5 of the OHS Regulations.

Who has management or control of a workplace?

A property owner has overall management or control of a building including:

- the building fabric (eg walls, floor, roof), and
- associated plant that forms part of the building or structure (eg a lift, boiler, air-conditioner).

A property owner may lease or rent a building (or part of a building) used as a workplace to one or more employers. In such cases an employer who leases the building may have a level of management or control. Any lease arrangements should be referred to as part of determining the level of management or control.

In a workplace where asbestos containing material (ACM) is fixed or installed (in situ) in a building, structure, ship or plant over which a person or employer has management or control, they must:

- identify all asbestos, so far as is reasonably practicable
- prepare and maintain an asbestos register, and
- control any risk associated with the asbestos.

Who should identify asbestos?

The identification of asbestos should be carried out by a competent person with appropriate knowledge, skills and experience. A suitable person should be familiar with building design and construction practices, be able to recognise material that may contain asbestos and determine its condition. This person may be a building surveyor, occupational hygienist or architect who has experience with ACM. Also note that analysis of asbestos samples must be performed by a National Association of Testing Authorities (NATA) approved asbestos analyst.

The OHS Regulations do not require owners of domestic premises (used solely for domestic purposes) to identify asbestos and prepare an asbestos register. If work involving asbestos is to take place at a domestic premise, the person to undertake the work must either identify asbestos that is present, or deem the suspect material to be asbestos, and control the risk accordingly.
What must a person with management or control do to comply?

To comply with their duties under Division 5, a person with management and control of a workplace where ACM is fixed or installed in a building, structure, ship or plant must:

- **Identify**, so far as is reasonably practicable, all asbestos that the person has management or control of and determine:
  - where is it located
  - the source of any asbestos that is not fixed or installed
  - the type of ACM (eg asbestos cement sheet, pipes, vinyl tiles, insulation, gaskets)
  - whether the ACM is friable or non-friable
  - the condition of the ACM
  - if the ACM is likely to sustain damage or deteriorate
  - so far as is possible, any activities likely to be undertaken at the workplace that are likely to damage or disturb the asbestos.

- If there is uncertainty as to whether asbestos is present, or there are inaccessible areas likely to contain asbestos (eg wall cavities, roof cavities or under concrete), then the person with management or control must assume that asbestos is present or arrange for analysis of a sample by a NATA approved asbestos analyst.

- Clearly indicate the presence and location of asbestos, using **labelling** if reasonably practicable. Direct labelling on or adjacent to ACM is usually best.

- Prepare an **asbestos register** for the site. The asbestos register must:
  - record all asbestos identified (as detailed above)
  - include details of inaccessible areas that are likely to contain asbestos
  - include the date of each identification
  - be kept current and include any changes (eg condition, ACM removal, sealing)
  - be reviewed and, if necessary, revised at least every five years
  - be accessible or provided to persons listed below.

- Ensure a **copy** of the asbestos register is provided to:
  - any employer or self-employed person who is a tenant at the workplace or who proposes to occupy the workplace, and
  - any asbestos licence holder engaged to do asbestos removal work.

- Inform any person engaged to conduct work (where asbestos exposure is likely) of the presence of asbestos and provide **access** to the asbestos register.

- Ensure **access** to the asbestos register is provided to any person engaged to do work by the occupier who requests access.

**Note:** If the person who manages or controls a workplace is intending to cease having ongoing management or control, that person must provide a copy of the asbestos register to the person, if any, who is assuming management or control of the workplace.

- Ensure any risk associated with the presence of asbestos is **controlled**. The hierarchy for controlling risk associated with asbestos is:
  - eliminate any risk associated with asbestos so far as is reasonably practicable, by removing the ACM, if a risk still remains
  - enclose the ACM to reduce, so far as is reasonably practicable, any risk associated with the presence of asbestos, if a risk still remains
  - seal the ACM to reduce, so far as is reasonably practicable, any risk associated with the presence of asbestos.
Where a risk control measure other than removal is implemented, ensure that it is properly installed, used and maintained.

What must an employer do to comply?

To comply with their duties under Division 5, an employer in a workplace where ACM is fixed or installed in a building, structure, ship or plant, must:

- **Obtain** a copy of the asbestos register if another person manages or controls the workplace.

- **Identify**, so far as is reasonably practicable, all asbestos that the employer has management or control of and determine:
  - where is it located
  - the source of any asbestos that is not fixed or installed
  - the type of ACM (eg a insulation, gaskets)
  - whether the ACM is friable or non-friable
  - the condition of the ACM
  - if the ACM is likely to sustain damage or deteriorate
  - so far as is possible, any activities likely to be undertaken at the workplace that are likely to damage or disturb the asbestos.

- If there is uncertainty as to whether asbestos is present, or there are inaccessible areas likely to contain asbestos (such as insulation within a piece of plant that the employer has management or control over), then the employer must assume that asbestos is present or arrange for analysis of a sample by a NATA approved asbestos analyst.

- Clearly indicate the presence and location of asbestos, using **labelling** if reasonably practicable. Direct labelling on or adjacent to ACM is usually best.

- Notify the person who manages or controls the workplace if a risk associated with the presence of fixed or installed asbestos exists, due to the activities conducted by the employer.

- Prepare an **asbestos register** for the site. The asbestos register must:
  - record asbestos identified (as detailed above)
  - include details of inaccessible areas that are likely to contain asbestos
  - include the date of each identification
  - be kept current and include any changes (eg condition, ACM removal, sealing)
  - be reviewed and, if necessary, revised at least every five years
  - be accessible or provided to persons listed below.

- Ensure a **copy** of the asbestos register is readily accessible to any employee.

- Ensure a **copy** of the asbestos register is provided to:
  - any health and safety representatives (HSR) of an affected designated work group, and
  - any asbestos licence holder engaged to do asbestos removal work.

- Inform any person engaged to do work which may result in exposure to asbestos of the asbestos register and provide **access**.

- If requested, provide **access** to the asbestos register to any person engaged to do work by the employer.
• Ensure any risk associated with the presence of asbestos is **controlled**. The hierarchy for controlling risk associated with asbestos is:
  o eliminate any risk associated with asbestos so far as is reasonably practicable, by removing the ACM, if a risk still remains
  o enclose the ACM to reduce, so far as is reasonably practicable, any risk associated with the presence of asbestos, if a risk still remains
  o seal the ACM to reduce, so far as is reasonably practicable, any risk associated with the presence of asbestos.

• Where a risk control measure other than removal is implemented, ensure that it is properly installed, used and maintained.

**Further information**
Contact WorkSafe Victoria Advisory Service on **1800 136 089** or go to [worksafe.vic.gov.au](http://worksafe.vic.gov.au).

**Occupational Health and Safety Act 2004**
**Occupational Health and Safety Regulations 2007**

**WorkSafe Victoria publications**
*Managing asbestos in workplaces* Compliance Code
*A handbook for workplaces – asbestos*
*A step by step guide to managing asbestos in workplaces*
*Information about labelling asbestos in workplaces*

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