Asbestos licensing

ASSESSOR APPLICANT GUIDELINES

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New Zealand Government

WORKSAFE
Mahi Haumaru Aotearoa

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This guide is for individuals who want to undertake air monitoring, perform clearance inspections, and issue clearance certificates relating to Class A asbestos removal work.

This guide outlines what individuals need to know when applying for a new asbestos assessor licence or for the renewal of an existing asbestos assessor licence from WorkSafe New Zealand (WorkSafe). It must be read together with the other documents referred to.

1.0 Asbestos licensing regime – general principles

IN THIS SECTION:

1.1 When you need a licence

1.2 When you don’t need a licence

Asbestos is a Class 1 carcinogen and one of the greatest causes of work related deaths in New Zealand.

Exposure to asbestos presents substantial health risk for those who work with asbestos or remove asbestos as well as those affected by such operations.

Due to the risk associated with asbestos and based on the principle that the legal duty to manage risks lies with PCBUs that creates them, WorkSafe expects licenced asbestos assessors to act with integrity and carry out assessor work with professionalism, independence, and with care to the workers and other users (current and future) of the premises where asbestos removal works has been undertaken.

Any air monitoring and assessment work conducted by a licenced asbestos assessor must be undertaken in accordance with the requirements of the Health and Safety at Work Act 2015 (the Act), the Health and Safety at Work (Asbestos) Regulation 2016 (the Regulations) and other relevant health and safety regulations.

1.1 When you need a licence

The following activities must be carried out only by an individual that holds an asbestos assessor licence:

- all air monitoring during Class A asbestos removal work (including any background, leak, reassurance, and clearance air monitoring conducted for the duration of the class A removal project)
- clearance inspections for Class A asbestos removal work
- issuing of clearance certificates in relation to Class A asbestos removal work.

1.2 When you don't need a licence

A licence is not required for the following activities:

- air monitoring during Class B asbestos removal work
- clearance inspections for Class B asbestos removal work
- issuing of clearance certificates in relation to Class B asbestos removal work.

Note: Even though a licence is not required in these circumstances, the activities must be undertaken by an independent competent person.

2.0
How to apply for a licence

IN THIS SECTION:

2.1 Submitting an application

2.2 Preliminary verification of applications

2.1 Submitting an application

Only an individual that carries out, or proposes to undertake air monitoring, perform clearance inspections, and issue clearance certificates relating to Class A asbestos removal work may apply for an asbestos assessor licence.

If you are an individual who wishes to obtain or renew an asbestos assessor licence you can apply by:

- completing the PDF version of the form and emailing it to WorkSafe along with all required documentation, or
- printing the PDF version of the form, completing the required information, then scanning and emailing or posting the form to WorkSafe.

All the relevant application forms can be found here: worksafe.govt.nz

Completed application and documents must be sent to WorkSafe by email or post.

Email: asbestos@worksafe.govt.nz

Post: WorkSafe New Zealand, Authorisations – Asbestos, PO Box 165, Wellington.

2.2 Preliminary verification of applications

For WorkSafe to accept an application, you must:

- complete and submit the relevant form correctly
- provide all required supporting documentation
- pay the prescribed fee.

If you don't do this the application will be considered incomplete by WorkSafe. You will then be asked (in writing) to provide additional information by a date specified by WorkSafe, which must be not less than 28 days after the date on which the request was made.

If you don't provide the additional information by the date specified by WorkSafe, then your application will be considered to be withdrawn and the application fees will not be refunded.

Application fees

The asbestos assessor licence application fees are as follows:

ITEM	FEE PAYABLE (incl gst)	NOTES
Application for asbestos assessor licence	$490.00	New licence application and licence renewal application

Methods of payment

You can pay the application fees over internet banking or over the counter at any Westpac branch.

When paying, the applicant must enter 'Asbestos' in the particulars, and enter the first 12 characters of the full legal name that will be on the licence document as the reference. **Failure to do so could result in lost tracking of the payment and necessity to submit the payment again.**

A GST receipt will be issued to the applicant when the payment has been processed.

WorkSafe's account details are as follows:

Account name: WorkSafe New Zealand
Bank: Westpac Account 03–0251–0040445–000

Payments will not be accepted at WorkSafe offices.

3.0 Asbestos assessor licence applications

IN THIS SECTION:

3.1 New asbestos assessor licence

3.2 Renewal of asbestos assessor licence

3.1 New asbestos assessor licence

Applications for an asbestos assessor licence must be made by an individual intending to undertake air monitoring, perform clearance inspections and issue clearance certificates relating to Class A asbestos removal work, must be made in the format required by WorkSafe, and must be accompanied by specific information.

All the relevant application forms can be found here: worksafe.govt.nz

Specific information required

The following specific information must be provided as part of the application process:

PROOF OF IDENTITY

Photo ID (passport, driver licence, firearms licence, kiwi access card).

PHOTO

Recent head-and-shoulders passport-sized photo of the applicant (taken within last six months).

QUALIFICATIONS

One of the following must be provided as part of the application process:

- a copy of a certificate issued to the applicant for the relevant WorkSafe specified course for asbestos assessor work (i.e. BOHS P404, BOHS IP404 or NZQA Unit Standard 29768)
- evidence confirming that the applicant holds a tertiary qualification in occupational health and safety, occupational hygiene, science, or environmental health.

Technical evidence required

The following evidence must be provided as part of the application process:

TRAINING AND EXPERIENCE

Training records must be provided as part of the application process. Training records must include:

- a summary of your survey work experience
- information on air monitoring undertaken by the applicant including type of monitoring, class of asbestos removal in relation to which the monitoring was undertaken, and monitoring duration
- information on class B clearance inspections (both passed and failed) attended or undertaken by the applicant, including name of competent person supervising the applicant (if applicable), details of the specific tasks undertaken by the applicant, date(s) of the clearance inspection, site address, and asbestos removalist details
- information on class A clearance inspections (including any failed stages) attended or undertaken by the applicant (under supervision) including name of the licensed assessor supervising the applicant, details of the specific tasks undertaken by the applicant, date(s) of the clearance inspection, site address, and asbestos removalist details.

Provision of evidence of any works declared by the applicant in regards to training and experience can be requested by WorkSafe at any time.

CLASS B CLEARANCE INSPECTIONS

Two complete records of Class B Clearance Inspections (including field data sheets, photo log, and Clearance Certificates) undertaken within the last 12 months.

CLASS A CLEARANCE INSPECTIONS

Four complete records of Class A Clearance Inspections (including field data sheets, photo log[1] and Clearance Certificates) undertaken within the last 12 months.

At least two of the clearances submitted should have been undertaken in non-domestic premises.

Note: If the applicant can only provide evidence of clearances conducted on domestic premises, WorkSafe will impose a condition on the licence allowing the candidate to only conduct clearances on domestic premises.

Each Class A clearance inspection record must include the following:

- date and location of the friable asbestos removal works
- details of the licenced removal contractor who undertook the friable asbestos removal works
- complete air monitoring records for any background, leak, reassurance, and clearance air monitoring conducted for the duration of the class A removal project (including field data sheets and laboratory certificate(s) of analysis)
- records of the four-stage clearance procedure including: any failed stage(s) records, surface testing and clearance air monitoring records, and photographic evidence of the each stage completeness
- contact details (names, contact numbers and email addresses) for referees (for example, PCBU for which the removal was undertaken for) who can confirm completion of the submitted clearances and the applicant's conduct during those clearances.

REVIEW PROCESS USED IN RELATION TO THE REMOVALISTS ASBESTOS REMOVAL CONTROL PLAN (ARCP)

An example of a review of an ARCP (for example, ARCP with review comments, email correspondence) undertaken by the applicant in the last 12 months and a copy of the ARCP review procedure (if in place).

3.2 Renewal of asbestos assessor licence

Applications for renewal of an asbestos assessor licence must be made by an individual intending to continue undertaking air monitoring, performing clearance inspections, and issuing clearance certificates relating to Class A asbestos removal work, must be made before the licence expiry date, must be made in the format required by WorkSafe, and must be accompanied by specific information.

All the relevant application forms can be found here: worksafe.govt.nz

It should be noted that after a licence renewal application has been made, a licence will continue to remain in force from the day it would have expired until the licence holder is given notice of WorkSafe's decision on the licence renewal application.

[1] Until 4 April 2022, an applicant may provide but is not required to provide a photo log.

Specific information required

The following specific information must be provided as part of the application process:

PROOF OF IDENTITY

Photo ID (passport, driver licence, firearms licence, kiwi access card).

PHOTO

Recent head-and-shoulders passport-sized photo of the applicant (taken within last six months).

Technical evidence required

The following evidence must be provided as part of the application process:

CLASS A CLEARANCE INSPECTIONS

Six complete records of Class A Clearance Inspections (including field data sheets, photo log[1] and Clearance Certificates) undertaken within the last five years (including a minimum of three undertaken within the last 12 months).

At least two of the clearances submitted should have been undertaken in non-domestic premises.

Note: If the applicant can only provide evidence of clearances conducted on domestic premises, WorkSafe will impose a condition on the licence allowing the candidate to only conduct clearances on domestic premises.

Each Class A clearance inspection record must include the following:

- date and location of the friable asbestos removal works
- details of the licenced removal contractor who undertook the friable asbestos removal works
- complete air monitoring records for any background, leak, reassurance, and clearance air monitoring conducted for the duration of the class A removal project (including field data sheets and laboratory certificate(s) of analysis)
- records of the four-stage clearance procedure including: any failed stage(s) records, surface testing and clearance air monitoring records, and photographic evidence of completeness for each stage
- contact details (names, contact numbers, and email addresses) for referees (for example, PCBU for which the removal was undertaken for) who can confirm completion of the submitted clearances and the applicant's conduct during those clearances.

[1] Until 4 April 2022, an applicant may provide but is not required to provide a photo log.

4.0 The licence application decision

IN THIS SECTION:

4.1 Licence granted or renewed

4.2 Licence granted or renewed with conditions

4.3 Licence refused

4.4 Requesting a review of the decision

WorkSafe will make a decision whether to grant or renew a licence based on the information and evidence provided by the applicant.

Upon completion of the asbestos removal licence application review, WorkSafe will either:

- grant/renew the licence, or
- grant/renew the licence with conditions attached, or
- refuse to grant/renew the licence.

When making a decision to grant or renew an asbestos assessor licence, WorkSafe must be satisfied that:

- the applicant can carry our work and other activities to which the licence relates to safely and competently
- the applicant is able to ensure compliance with any conditions that will apply to the licence
- the application was made in the required format
- the application was made on time (renewal applications only)
- an individual applicant has been confirmed as residing in New Zealand (or if the applicant resides outside New Zealand, then there must be circumstances to justify WorkSafe granting the licence).

WorkSafe must refuse to grant or renew an asbestos assessor licence if:

- the applicant is disqualified under a corresponding law from holding an equivalent licence; or
- the applicant, in making the application, has:
  - given information that is false or misleading in a material particular; or
  - failed to give any material information that should have been given.

4.1 Licence granted or renewed

Within 14 days after WorkSafe makes the decision, the applicant will receive a letter advising that the asbestos assessor licence has been granted or renewed. The advisory letter will include the following details:

- full legal name of the licence holder
- licence number
- licence type
- licence expiry date
- any conditions imposed on the licence

A hardcopy of the licence document will be issued separately shortly after the issue of the advisory letter. The advisory letter can be used by the licence holder as an interim licence document.

4.2 Licence granted or renewed with conditions

WorkSafe may impose any conditions it considers appropriate on an asbestos assessor licence.

Applicants can apply to WorkSafe for a review of the decision to grant an asbestos assessor licence with conditions.

4.3 Licence refused

If WorkSafe decides to refuse an asbestos assessor licence application, the applicant will be notified that WorkSafe proposes to refuse to grant or renew the licence. The notification letter will include WorkSafe's reasons for the proposed refusal.

Applicants have a right to make a submission to WorkSafe outlining why they believe the licence should be granted. The notification letter will provide details of the submission process and provide a due date for the submission, being no less than 28 days from the date that WorkSafe's notification letter is issued).

After the submission period has ended, and within 14 days after making the decision, WorkSafe will advise the applicant of its final decision.

4.4 Requesting a review of the decision

Applicants have a right to request review of the WorkSafe's decision.

The application needs to be made (whenever practicable) using the *Apply for a Review of a Licence Decision* form and must be submitted to WorkSafe within 28 days after the date that WorkSafe gave written notice of its decision.

The relevant form can be found here: worksafe.govt.nz

An applicant may apply for a review for any of the following decisions:

- refusal to grant or renew a licence
- imposing a condition when granting or renewing a licence

WorkSafe must make a review decision as soon as is reasonably practicable after receiving a review application. In making a decision on the review, WorkSafe must have regard to any written submissions made by the applicant; and any action taken by the applicant to address a matter, or to prevent the recurrence of a matter, that was a ground for WorkSafe's original decision.

An applicant may appeal to a District Court against a review decision. The appeal must be brought within 28 days after that date on which the applicant was given notice of the review decision, or within any longer period as the Court may allow.

5.0 Asbestos licence holder register

WorkSafe keeps a public register of all asbestos licences which can be found here: worksafe.govt.nz

Information published in the asbestos removal licence register includes:

- the licence holder name
- licence number
- licence expiry date.

6.0 Further information on asbestos licensing

For more information about asbestos and asbestos removal licensing, go to our website: worksafe.govt.nz

Email: asbestos@worksafe.govt.nz

Phone: 0800 030 040

Notes

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PO Box 165, Wellington 6140, New Zealand

worksafe.govt.nz

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