INTERPRETIVE GUIDELINES

The Health and Safety at Work (Asbestos) Regulations 2016

EXPLAINING THE LEGISLATIVE REQUIREMENTS FOR MANAGING ASBESTOS IN WORKPLACES, REMOVING ASBESTOS AND ASBESTOS-RELATED WORK

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Te Kāwanatanga o Aotearoa
New Zealand Government

WORKSAFE
Mahi Haumaru Aotearoa

These interpretive guidelines explain requirements in the Health and Safety at Work (Asbestos) Regulations 2016 for managing asbestos in workplaces, removing asbestos and carrying out asbestos-related work.

ACKNOWLEDGEMENTS

WorkSafe New Zealand would like to acknowledge and thank the stakeholders who have contributed to the development of these guidelines.

CONTENTS

PART B
MANAGING THE RISKS OF ASBESTOS IN WORKPLACES

PART C
REMOVING ASBESTOS

PART D
ASBESTOS-RELATED WORK

appendix

tables

figures

PART A

What these guidelines are about

IN THIS PART:

1.0
What are these guidelines about?

IN THIS SECTION:

These interpretive guidelines explain the Health and Safety at Work (Asbestos) Regulations 2016 and related regulations.

1.1 What do these guidelines cover?

There are legal requirements for persons conducting a business or undertaking (PCBUs) to meet under the Health and Safety at Work Act 2015 (HSWA) if:

- your workplace contains asbestos
- you want to remove asbestos
- you want to demolish or refurbish structures or plant
- you work near asbestos (for example, tradespersons).

The requirements in the Health and Safety at Work (Asbestos) Regulations (Asbestos Regulations) and related requirements in the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 (GRWM Regulations) are outlined in these guidelines.

These guidelines cover the following:

- Part A (this Part) introduces these guidelines and includes what work involving asbestos is allowed in New Zealand
- Part B explains the duties to manage asbestos in workplaces
- Part C explains the duties when removing asbestos (this is work involving the removal of asbestos, asbestos-contaminated soil, or asbestos-containing material – ACM) including when demolishing or refurbishing structures or plant
- Part D explains the duties for asbestos-related work (this is work involving asbestos that is not asbestos removal work).

For more information about HSWA and PCBUs, see Introduction to the Health and Safety Act 2015

1.2 Who should read these guidelines?

These guidelines are intended to help anyone who wants to understand what is required by the Asbestos Regulations and how WorkSafe will enforce the Asbestos Regulations.

This might include:

- people who engage others to remove asbestos from their workplace or their home
- people with management or control of a workplace where asbestos might be present
- people who might come into contact with asbestos in their workplace
- asbestos risk management practitioners

- asbestos removal practitioners
- asbestos surveyors
- asbestos assessors.

1.3 How to use these guidelines

These guidelines should be read in conjunction with the guidance and other resources described in Table 1.

TOPIC	GUIDANCE OR OTHER RESOURCES AVAILABLE For all asbestos guidance, see Asbestos
Introduction to asbestos and its risks	Asbestos in Aotearoa New Zealand
Managing asbestos in buildings and workplaces	Managing asbestos in your building or workplace: For PCBUs Locations of asbestos in a residential dwelling Locations of asbestos in commercial buildings
Asbestos removal	Asbestos removal – good practice guidelines Asbestos-related work safe work practices – information sheets Instructional videos for workers on the correct fitting of PPE, RPE and decontamination procedures Conducting asbestos surveys – good practice guidelines Asbestos assessments – good practice guidelines
Asbestos-related work	Managing asbestos in your building or workplace: For PCBUs Awareness posters for trades Asbestos-related work safe work practices – information sheets Protective clothing and equipment for working with or near asbestos Instructional videos for workers on the correct fitting of PPE, RPE and decontamination procedures
Information for homeowners about how to manage asbestos in their home, and how to engage asbestos professionals for the safe removal of asbestos	Asbestos in the home

TABLE 1: WorkSafe asbestos guidance

1.4 Key to the layout of these guidelines

For each section, you will find:

- the relevant regulation(s) with hyperlink(s) to the New Zealand Legislation website
- a description of what the regulations require and how WorkSafe interprets the legislation (if relevant).

1.5 The use of 'must' in these guidelines

TERM	DEFINITION
Must	Legal requirement that has to be complied with.

TABLE 2:
The use of 'must' in these guidelines

2.0
Key things to know about asbestos before you start

IN THIS SECTION:

2.1 What is asbestos, and how can it harm?

Asbestos is a heat-resistant, fire-resistant, and insulating mineral that was commonly used in building and other materials. Before the health effects of asbestos were understood, it was used widely in many industries, including construction, manufacturing and textiles.

Asbestos is made up of tiny fibres. Materials that contain asbestos are generally not harmful if the material is not disturbed. However, if asbestos is disturbed or breaks down, it can release fibres into the air. If these fibres are breathed in, they can get stuck in lungs and cause serious diseases.

For more information about the diseases that can be caused by asbestos, see Asbestos in Aotearoa New Zealand

2.2 When can asbestos be risky?

The risk of harm from asbestos depends on its condition and how easily fibres are released into the air. Asbestos fibres are more likely to be released into the air if asbestos materials are:

- friable (flaky, powdery, or easy to crumble)
- in poor condition (for example, if they are flaking, peeling, or crumbling)
- disturbed in any way (for example, sanded, drilled, cut, or water blasted).

Asbestos can be classified into two categories based on its state (Table 3). The class of asbestos determines which rules apply when it is removed.

CLASS OF ASBESTOS	DESCRIPTION
Class A asbestos	This is friable asbestos. Friable asbestos is flaky or powdery. It can be crumbled or reduced to a powder without much pressure. Friable asbestos can easily release fibres into the air if it is disturbed.
Class B asbestos	This is non-friable asbestos. Non-friable asbestos usually has asbestos fibres bonded into another material such as cement or vinyl. Non-friable asbestos is less likely to release asbestos fibres into the air unless it is disturbed or has started to deteriorate.

TABLE 3:
Descriptions of Class A and Class B asbestos

3.0
What work with asbestos can you do?

IN THIS SECTION:

This section explains what work with asbestos is allowed to take place in New Zealand.

3.1 Working with asbestos is prohibited unless specifically permitted

Regulation 7: Prohibition on carrying out, directing, or allowing work involving asbestos

Only certain work involving asbestos is allowed in New Zealand.

Work involving asbestos involves manufacturing, supplying, transporting, storing, removing, using, installing, handling, treating, disposing of, or disturbing asbestos or asbestos-containing material (ACM).

A PCBU must not carry out or direct or allow a worker to carry out work involving asbestos unless it is specified in the Asbestos Regulations. Use the flowchart in Figure 1 to see what work involving asbestos is allowed.

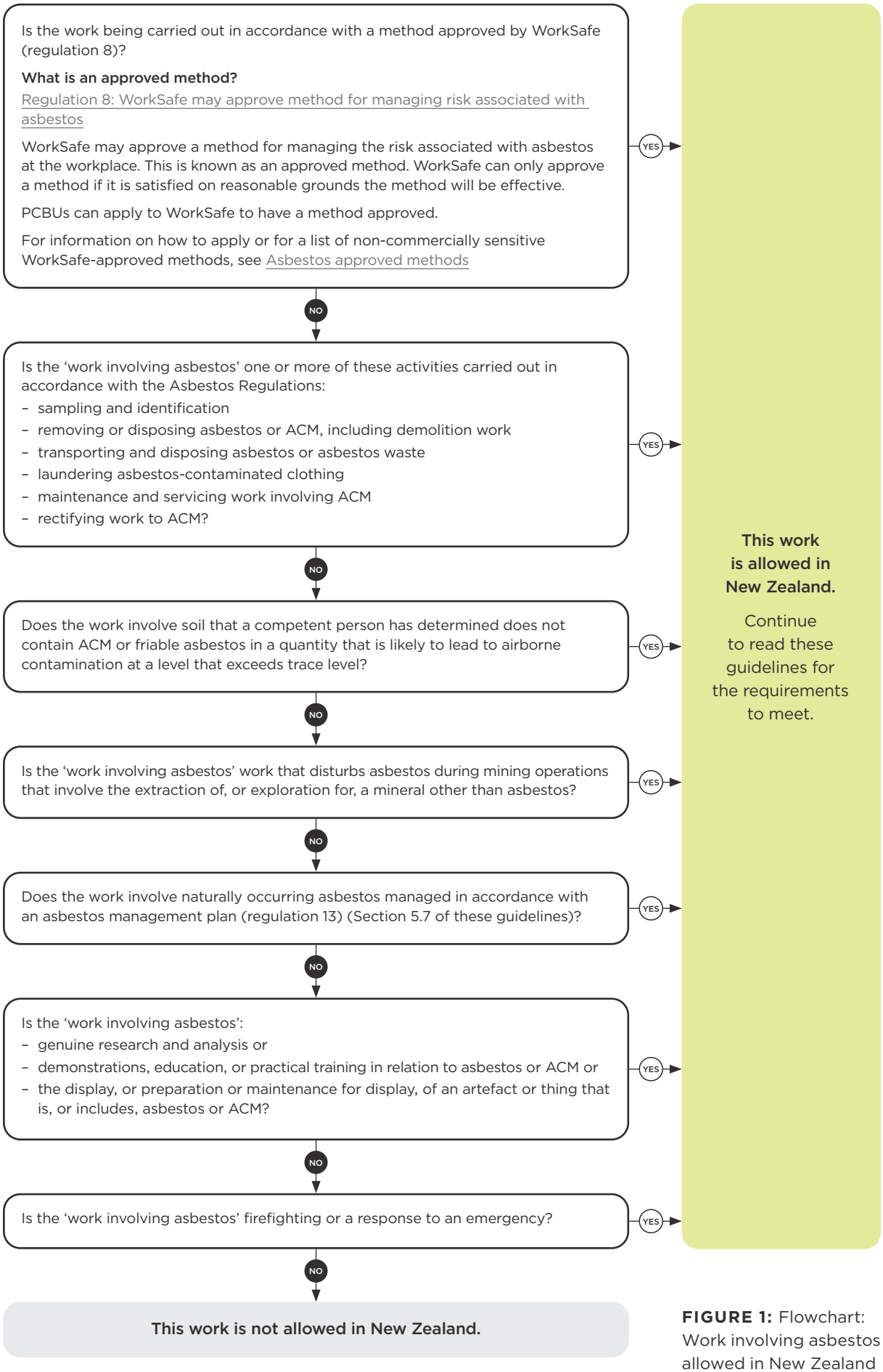


FIGURE 1: Flowchart: Work involving asbestos allowed in New Zealand

4.0 Managing risks from asbestos

IN THIS SECTION:

4.1 PCBUs must follow the prescribed risk management process to manage the risks from asbestos

- Regulation 3: Interpretation (GRWM Regulations)
- Regulation 28: Managing risks associated with substances hazardous to health (GRWM Regulations)
- Regulations 5–8: Prescribed risk management process (GRWM Regulations)

A 'substance hazardous to health' is a substance, or product containing a substance, that is known or suspected to cause harm to health and includes:

- a substance classified as having toxic or corrosive properties under the Hazardous Substances and New Organisms Act 1996
- a substance for which a prescribed exposure standard exists
- a substance specified in a safe work instrument (SWI) as requiring health monitoring.

As asbestos is classed as a 'substance hazardous to health', PCBUs must follow the prescribed risk management process when managing risk (Figure 2).

As a PBCU, you must engage with your workers and their representatives, so far as is reasonably practicable, at all steps of the risk management process.

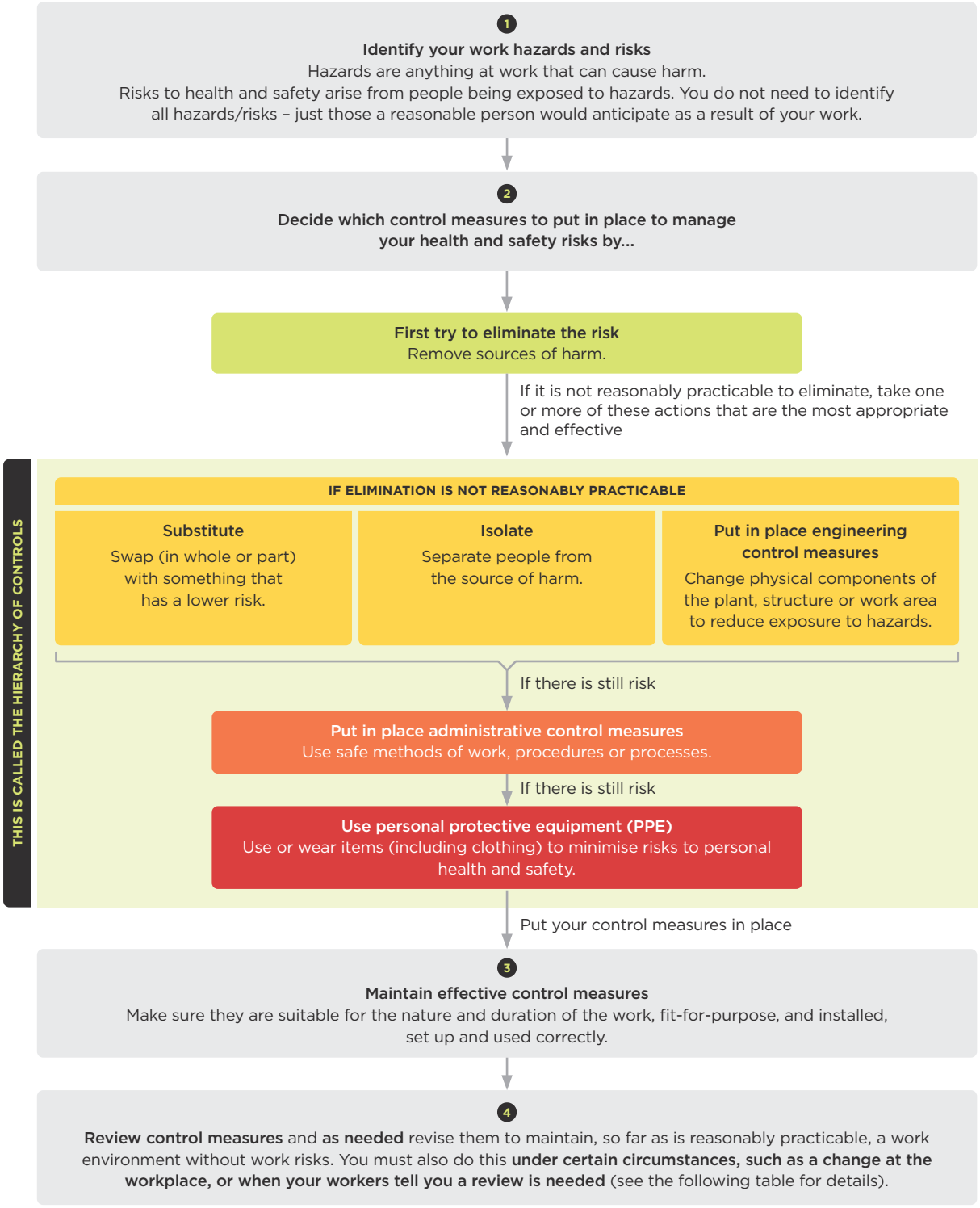
As you are required to use the prescribed risk management process to manage risk, take the following approach:

- Put in place the relevant requirements in the Asbestos Regulations and technical good practices described in relevant asbestos guidance (see Section 1.3 of these guidelines).
- With these in place, identify any other hazards (sources of harm) that could give rise to work risks that you still need to manage.
- Try to eliminate those risks. If it is not reasonably practicable to eliminate, use the hierarchy of controls to decide what actions to take to minimise the risks.

For more information on:

- the substances hazardous to health requirements, see General risk and workplace management – substances hazardous to health
- the prescribed risk management process, see General risk and workplace management – part 2
- personal protective equipment (PPE), see:
  - Protective clothing and equipment for working with or near asbestos
  - Section 17 of the Asbestos removal – good practice guidelines
  - Section 8 of the Asbestos assessments – good practice guidelines

What does the prescribed risk management process involve?



When must control measures be reviewed?

As well as reviewing controls measures as needed to remain effective, control measures must be reviewed:

a. when a new hazard or work risk is identified.

b. before a change at the workplace (in the work environment or how you work) likely to result in new or different risks that the control measure may not effectively control.

   For example, increased work hours or the introduction of a new task.

c. when a control measure is not controlling the risk it was put in place to manage so far as is reasonably practicable.

   For example, an incident occurs or monitoring shows the control measure is not managing the risk.

d. when a health monitoring report:
   - contains test results that indicate a worker has been exposed to a substance hazardous to health at concentrations that may cause harm and has elevated levels of that substance or its metabolite in their body or
   - advises that test results indicate a worker may have contracted a disease or illness or suffered an injury as a result of carrying out work that involves a health hazard that triggered the requirement for health monitoring or
   - contains recommendations that the PCBU take remedial measures.

   This only applies for monitoring carried out under the GRWM Regulations.

e. when exposure monitoring shows the concentration of a substance hazardous to health exceeds its prescribed exposure standard.

   This only applies for monitoring carried out under the GRWM Regulations.

f. when, after engaging with workers, it was clear a review was needed.

g. when a health and safety representative asks for a review if they reasonably believe:
   - a circumstance in (a), (b), (c) or (d) affects or may affect the health and safety of a member of their work group and
   - the PCBU has not adequately reviewed the control measure in response to the circumstance.

FIGURE 2: The prescribed risk management process

4.2 PCBUs must carry out exposure monitoring and health monitoring under certain circumstances

Exposure monitoring

- Regulations 29–30: Substances hazardous to health (GRWM Regulations)
- Regulation 32: Duties relating to exposure monitoring (GRWM Regulations)
- Regulation 4: Airborne contamination standard for asbestos (Asbestos Regulations)

Exposure monitoring measures and evaluates workers' exposure to a specific health hazard while they are at work.

Under the GRWM Regulations, work involving substances hazardous to health (including asbestos) has requirements for exposure monitoring.

The PCBU with management or control of the workplace must ensure that no person at the workplace is exposed to levels of a substance hazardous to health (asbestos) in a concentration that exceeds the prescribed exposure standard (PES) for that substance.

> The PES for asbestos is the airborne contamination standard for asbestos (average concentration over any 8-hour period of 0.1 respirable asbestos fibres/ml air) (regulation 4: Airborne contamination standard for asbestos (Asbestos Regulations).

If the PCBU is not certain on reasonable grounds whether the concentration of asbestos exceeds the PES, they must ensure exposure monitoring is carried out (in accordance with GRWM regulation 32) to determine the concentration.

Being 'not certain on reasonable grounds' means you do not have sufficient evidence or justification (for example, data, expert advice, past measurements) to believe the concentration of asbestos fibres is below the PES.

For more information about:

- the exposure monitoring requirements under the GRWM Regulations, see General risk and workplace management – Part 1
- workplace exposure standards, see Applying the workplace exposure standards and the WES for asbestos (all forms have the same WES), see Asbestos WES
- exposure monitoring good practice, see Health and exposure monitoring

Health monitoring

- Regulation 15: Duty to provide health monitoring (Asbestos Regulations)
- Regulation 16: Duty to ensure that appropriate health monitoring is provided (Asbestos Regulations)
- Part 3: Duties relating to health monitoring (GRWM Regulations)

Health monitoring looks at whether a worker's health is being harmed because of what they are being exposed to while they are at work.

There are requirements for health monitoring in the Asbestos Regulations and the GRWM Regulations. These are discussed in these guidelines where appropriate.

PART B

Managing the risks of asbestos in workplaces

IN THIS PART:

5.0 How should asbestos risks in workplaces be managed?

IN THIS SECTION:

There are duties to manage the risks from asbestos in workplaces. These duties are described in this section.

5.1 Who has the duties to manage asbestos risks in workplaces?

The PCBU with management or control of the workplace has the duties described in this section (Section 5).

Who is a PCBU with management or control of a workplace?

This is a PCBU that has the ability to exercise management or control over:

- whether work is carried out at the workplace
- what work is carried out at the workplace and/or
- how work is carried out at the workplace.

5.2 What are the duties of PCBUs with management or control of the workplace?

What are the key duties to manage risks arising from asbestos?

Key duties and where they are covered in these guidelines are outlined in Table 4.

DUTY:	SECTION COVERED
- Use the prescribed risk management process to manage the risks from asbestos.	Section 5.3
- Eliminate or minimise exposure of any person at the workplace to airborne asbestos.	Section 5.4
- Ensure asbestos is identified at a workplace. - Ensure the samples are analysed by an accredited laboratory.	Section 5.5
- Indicate the presence and location of asbestos.	Section 5.6
- Prepare and review an asbestos management plan.	Section 5.7

TABLE 4: Key duties of PCBUs with management or control of the workplace

If there are other PCBUs that also have management or control of the workplace, they must so far as is reasonably practicable, consult, cooperate and coordinate to meet their shared duties.

Each PCBU must comply with its duties to the extent that they have influence or control of the matter. For more information about complying with overlapping duties, see Overlapping duties

For the good practice guidance available, see Table 1 of these guidelines.

PCBUs with management or control of a workplace will also have duties if asbestos removal work is carried out at the workplace. Those duties are explained in Part C of these guidelines.

5.3 Manage risks using the prescribed risk management process

PCBUs must follow the prescribed risk management process when managing risk. See Section 4 of these guidelines for guidance on the prescribed risk management process.

5.4 Eliminate or minimise exposure to airborne asbestos

- Regulation 9: Duty relating to exposure to airborne asbestos at workplace
- Regulation 4: Airborne contamination standard for asbestos

Protect people against exposure to airborne asbestos

To protect people at the workplace, PCBUs with management or control of the workplace must ensure no person at the workplace is exposed to airborne asbestos so far as is reasonably practicable.

If it is not reasonably practicable to completely prevent exposure to asbestos, the PCBU must ensure any exposure is minimised so far as is reasonably practicable.

For more information on what 'reasonably practicable' means, see Reasonably practicable

Do not exceed the specified amount of respirable asbestos fibres in the air

PCBUs with management or control of the workplace must ensure the airborne contamination standard for asbestos is not exceeded at the workplace.

- The 'airborne contamination standard' is an average concentration over any 8-hour period of 0.1 respirable asbestos fibres/ml air (regulation 4: Airborne contamination standard for asbestos).
- An asbestos fibre is 'respirable' if it is less than 3 micrometres wide, more than 5 micrometres long and has a length-to-width radio of more than 3:1.

For information about exposure monitoring, see Section 4.2 of these guidelines.

For more information, see Asbestos assessments – good practice guidelines

5.5 Identify asbestos at the workplace

- Regulation 10: Duty to ensure asbestos identified at workplace
- Regulation 11: Duty to analyse samples

When must PCBUs identify asbestos?

If the PCBU with management or control of the workplace knows or ought reasonably to know there is a risk of exposure to respirable asbestos fibres in the workplace, they must ensure, so far as is reasonably practicable, all asbestos or ACM giving rise to the risk at the workplace is identified.

PCBUs 'ought reasonably to know' there is a risk of exposure if, for example:

- the workplace or parts of the workplace were constructed or refurbished when asbestos was likely used as a building product (see Figure 4)
- no steps have been taken to determine whether asbestos or ACM was used in construction or refurbishment at the workplace.

However, there are circumstances where PCBUs do not need to identify asbestos or ACM. Use Flowchart (Figure 3) to work out if you need to identify asbestos or ACM at the workplace.

There are further identification duties if a person is carrying out demolition or refurbishment work at a workplace. Those duties are explained in Section 10 of these guidelines.

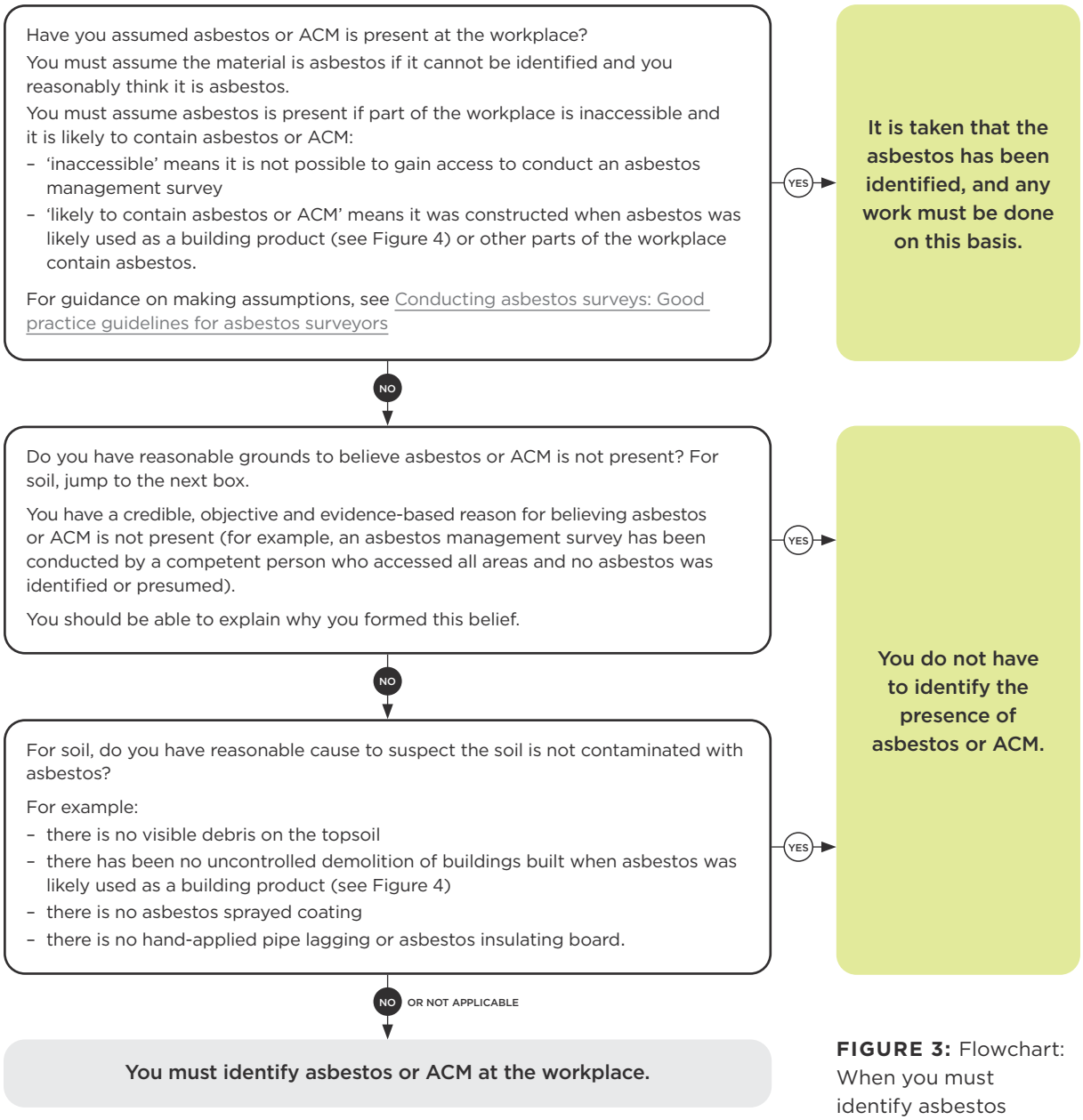


FIGURE 3: Flowchart: When you must identify asbestos at the workplace

How can PCBUs with management or control of the workplace identify asbestos or ACM at the workplace?

WHERE COULD ASBESTOS BE FOUND?

Asbestos can be found in a wide variety of places in residential dwellings and commercial buildings. As asbestos is a fire-resistant and hard-wearing material, it is commonly found in places that may get hot or wet.

As shown in Figure 4, it has been illegal to import asbestos-containing products into New Zealand since 1 October 2016.

Buildings built before 1 January 2000 are likely to contain asbestos/ACM. For buildings built after 1 January 2000, it is possible asbestos/ACM is present, but is less likely.

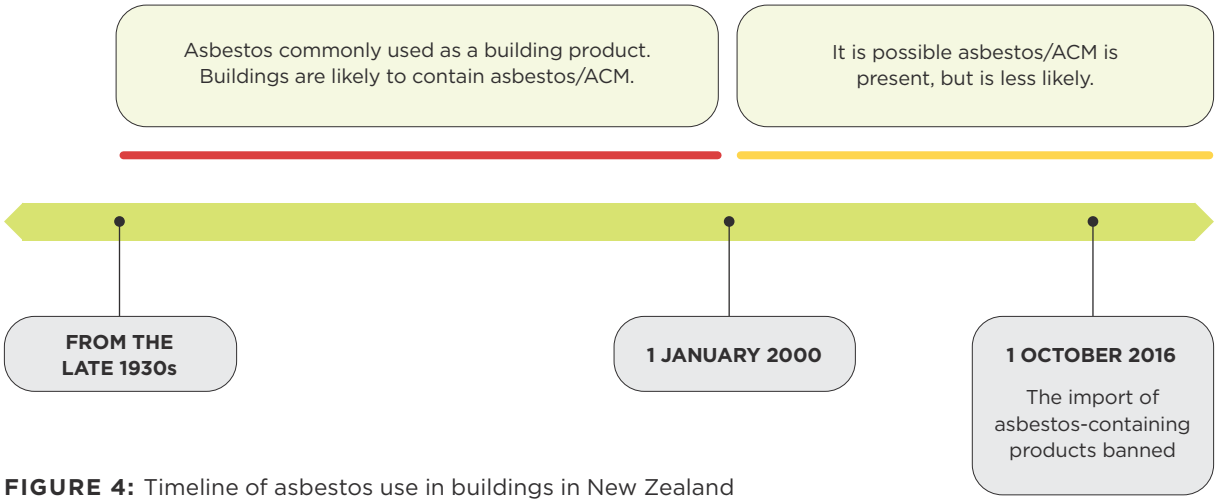


FIGURE 4: Timeline of asbestos use in buildings in New Zealand

For more information about where asbestos could be located, see:

- Locations of asbestos in a residential dwelling
- Locations of asbestos in commercial buildings
- Section 2 of the good practice guidelines Managing asbestos in your building or workplace: For PCBUs

HOW CAN YOU IDENTIFY ASBESTOS OR ACM?

It is WorkSafe's view that to comply with regulations 10 and 11, an asbestos management survey needs to be conducted by a 'competent person'. Table 5 explains these terms.

TERM	EXPLANATION
Asbestos management survey	An 'asbestos management survey' is the standard survey carried out by a competent person to identify asbestos in a building or workplace. The purpose is to find and record the location, condition, extent and type of any known or presumed ACM in a workplace. An asbestos management survey will usually involve taking and testing samples.
Competent person	A 'competent person' is a person who has the necessary knowledge, experience, skills and qualifications to carry out an asbestos management survey. Competence can be demonstrated through a combination of relevant qualifications and practical experience.

TABLE 5: Definitions of asbestos management survey and competent person

For more information about who can carry out an asbestos management survey (for example, what experience and qualifications to look for) and how it should be done, see Conducting asbestos surveys: Good practice guidelines for asbestos surveyors

Accreditation is one way that organisations or individuals can demonstrate their competence. For more information about this, see Section 2.4 of the above guidelines.

WHAT ARE THE REQUIREMENTS FOR ANALYSING ASBESTOS SAMPLES?

If samples were taken during an asbestos management survey, these samples must be analysed by an accredited laboratory. For more information about which laboratories are accredited, see Laboratory accreditation process

There are currently no laboratories in New Zealand accredited to analyse swab samples. Swab sampling (for example, wiping or using adhesive tape to pick up possible asbestos fibres on a surface) cannot be used for asbestos identification.

If you identify asbestos/ACM, what must you do next?

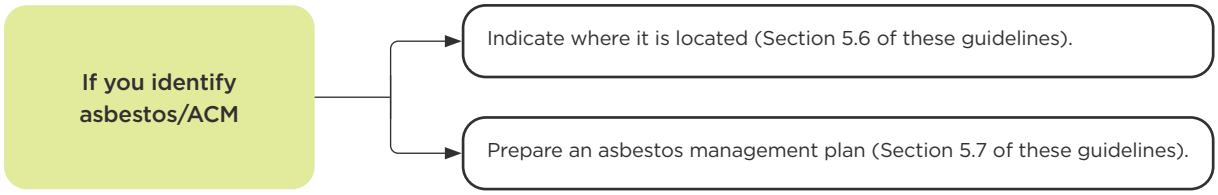


FIGURE 5: Next steps if asbestos/ACM has been identified at a workplace

5.6 Indicate where asbestos is present and located

Regulation 12: Duty to ensure presence and location of asbestos identified

PCBUs with management or control of the workplace must ensure the presence and location of asbestos or ACM identified at the workplace is clearly indicated.

Make sure that anyone who might accidentally or deliberately disturb the asbestos or ACM is aware there is asbestos at the workplace.

This could be done using, for example by:

- colour coding walls
- using stickers
- using signage.

When deciding which method to use, take into account the potential for people to accidentally or intentionally remove the identifier or intentionally disturb the asbestos. For example, a removable sticker may not be appropriate at a location such as a school as children could remove the sticker.

5.7 Prepare an asbestos management plan, and keep it up-to-date and accessible

Prepare an asbestos management plan

Regulation 13: Duty to prepare asbestos management plan

An asbestos management plan is an important document for managing the risks associated with asbestos.

PCBUs with management or control of the workplace must ensure an asbestos management plan is prepared for a workplace if:

- asbestos or ACM is identified at the workplace (for example, when it is assumed to be present or been identified from an asbestos management survey)
- asbestos or ACM is likely to be present at the workplace. For example, if the workplace contains buildings or plant constructed when asbestos was likely used as a building product (see Figure 4).

The asbestos management plan must be in writing. An example of an asbestos management plan template can be downloaded at Asbestos management plan template

The asbestos management plan must include information about:

- the identification of asbestos or ACM
- decisions, and the reasons for decisions, about managing the risk arising from asbestos at the workplace
- procedures for detailing incidents or emergencies involving asbestos or ACM at the workplace
- the workers who carry out work involving asbestos, including:
  - information and training that has been and will be provided to the workers
  - roles and responsibilities of the workers
  - any health monitoring of the workers that has been or will be undertaken.

Keep the asbestos management plan readily accessible

Regulation 13: Duty to prepare asbestos management plan

PCBUs with management or control of the workplace must ensure a copy of the asbestos management plan is available and readily accessible to workers, representatives of workers and other PCBUs.

Keep the plan on site. A plan will be 'readily accessible' if it can be:

- given on request to:
  - a worker who has carried out, carries out, or intends to carry out work at the workplace or their representative
  - a PCBU who has carried out, carries out, or intends to carry out work at the workplace
  - a PCBU who has required, requires, or intends to require work to be carried out at the workplace
- given to a HSWA Inspector while on site without undue delay. This will usually mean within 20 minutes of being requested unless there are exceptional circumstances that require a longer period.

Keep the plan up-to-date, and review and revise the asbestos management plan under specified conditions

- Regulation 13: Duty to prepare asbestos management plan
- Regulation 14: Duty to review asbestos management plan

PCBUs with management or control of the workplace must ensure the asbestos management plan is kept up-to-date.

The asbestos management plan must be reviewed and, if necessary revised, under the circumstances described in Table 6.

WHEN MUST YOU REVIEW AND REVISE (IF NEEDED) WHEN THE FOLLOWING HAPPENS:	EXPLANATION/EXAMPLES
– there is a review of a control measure	This might include a change from an administrative control measure to a higher level control measure when ACM is damaged. For example, if a building containing ACM is damaged in an earthquake and the ACM is damaged.
– asbestos is removed from, or disturbed, sealed or enclosed at the workplace	For example, if material that contains asbestos is removed and replaced with material that does not contain asbestos.
– the plan is no longer adequate for managing the risk arising from asbestos or ACM at the workplace	For example, if the use of the workplace changes in a way that increases the risk asbestos or ACM might be dislodged or damaged.
– a representative requests a review in circumstances where the representative reasonably believes: - that a relevant circumstance affects or may affect the health and safety of a member of a work group represented by the representative - the PCBU with management or control of the workplace has not adequately reviewed the asbestos management plan in response to the circumstance	
– 5 years have passed since the plan was last reviewed.	

TABLE 6: When to review the asbestos management plan

PART C

Managing the risks when removing asbestos

IN THIS PART:

6.0 What is the type of removal work?

IN THIS SECTION:

6.1 How can you work out the type of removal work?

- Regulation 54: Requirement to hold a Class A asbestos removal licence
- Regulation 55: Exception to requirement to hold a Class A asbestos removal licence
- Regulation 56: Requirement to hold a Class B asbestos removal licence
- Regulation 27: Duty to ensure asbestos removalist is licensed

The type of removal work determines who can carry out the removal and what the legislative requirements to meet are.

- There are 2 types of asbestos removal work – licensed or unlicensed. By licensed, we mean a PCBU has been licensed by WorkSafe to carry out specific types of removal work.
- There are 2 types of licensed removal work – Class A or Class B.

Whether the removal work is Class A, Class B or unlicensed depends on the:

- characteristics of asbestos (friable or not)
- amount of asbestos to be removed
- source/amount of the asbestos-contaminated dust or debris (ACD).

Figure 6 summarises the different types of removal work and who can carry it out.

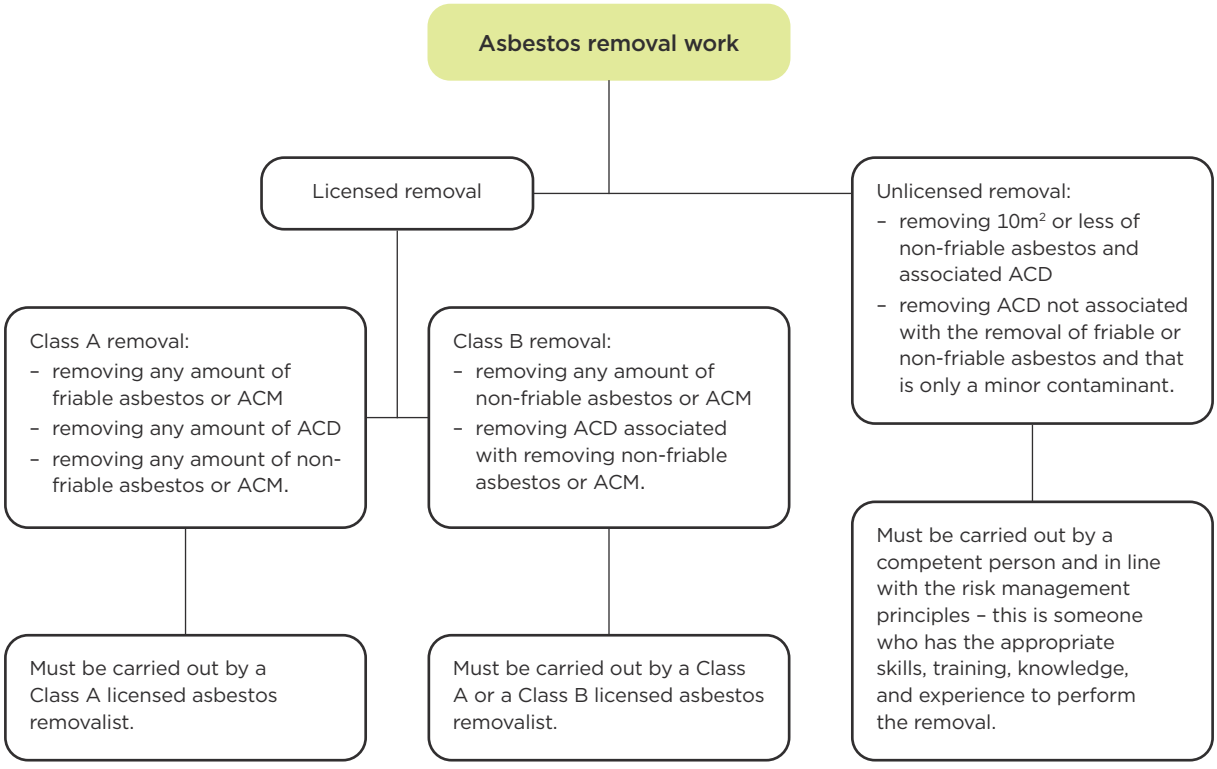
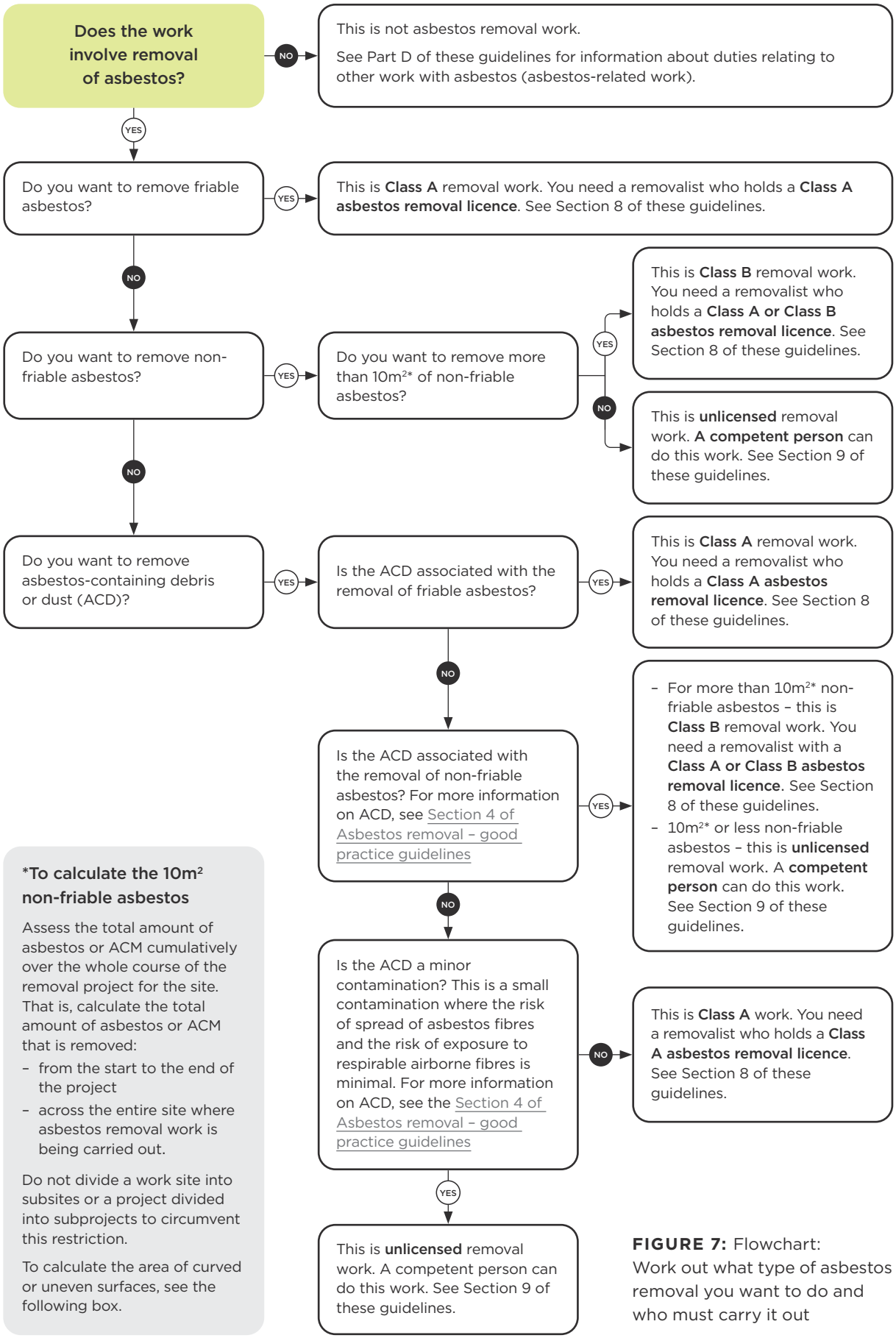


FIGURE 6: Types of asbestos removal work and who can carry it out

The higher the risk of the removal work, the more requirements there are. For example, as Class A removal involves removing friable asbestos, it is more likely to be harmful to health than Class B or unlicensed removal.

Use the flowchart in Figure 7 to determine if the asbestos removal is Class A, Class B, or unlicensed asbestos removal, and who can remove it.



***To calculate the 10m² non-friable asbestos**

Assess the total amount of asbestos or ACM cumulatively over the whole course of the removal project for the site. That is, calculate the total amount of asbestos or ACM that is removed:

- from the start to the end of the project
- across the entire site where asbestos removal work is being carried out.

Do not divide a work site into subsites or a project divided into subprojects to circumvent this restriction.

To calculate the area of curved or uneven surfaces, see the following box.

FIGURE 7: Flowchart: Work out what type of asbestos removal you want to do and who must carry it out

How to apply the 10m² rule to curved or uneven surfaces (such as asbestos piping)

Measure the external surface area of the pipe. This can be worked out by multiplying the outside circumference of the pipe by its length. This equals the surface area in square metres.

Area (m^2) = ∏ (3.14) x diameter (m) x length (m)

EXAMPLE	CALCULATION
A 100mm (0.1m) pipe, 10m in length	3.14 x 0.1m x 10m = 3.14m^2
A 250mm (0.25m) pipe that is 15m in length	3.14 x 0.25m x 15m = 11.77m^2

To find out the maximum length of pipe that can be removed without a licence, use this formula: Maximum length (m) = Area (10m^2)/∏ (3.14) x diameter (m)

EXAMPLE	CALCULATION
Maximum length of a 100mm (0.1m) pipe that can be removed without a licence	10m^2/3.14 x 0.1m = 31.85m
Maximum length of a 250mm (0.25m) pipe that can be removed without a licence	10m^2/3.14 x 0.25m =12.74m

6.2 How can you check the asbestos removalist has the right licence or qualifications for your job?

Looking for a Class A or Class B licensed asbestos removalist?

If you require a Class A or Class B licensed asbestos removalist, you could check the person you have or might commission has the correct licence by:

- searching the publicly available Asbestos Removal Licence Holders Register to confirm the asbestos removalist is licensed for the type of asbestos removal work to be carried out. This can be accessed at Asbestos licence holder registers
- asking the asbestos removalist to show you a copy of their licence
- contacting WorkSafe (asbestos@worksafe.govt.nz) to ask about the status of a licence.

Looking for a competent person?

If you require a competent person, you could check the person meets the requirements by:

- viewing a copy of the training records of any person who will be carrying out asbestos removal work to check they have appropriate skills, training, knowledge, and experience to perform the removal
- including a requirement in the contract or agreement with the person carrying out the asbestos removal work that the work will only be carried out by a competent person who is appropriately trained and supervised.

7.0
Overview of the people involved in asbestos removal

There are multiple PCBUs and individuals that have duties when asbestos is being removed.

Table 7 provides an overview of PCBU duties by role. It does not include all the duties each role has or the legislative requirements. Specific details including the relevant regulations are found later. The duties are from the Asbestos Regulations unless stated otherwise.

ROLE	DESCRIPTION	OVERVIEW OF DUTIES
A PCBU who commissions asbestos removal	A PCBU who engages another person to carry out asbestos removal work for the PCBU.	Duties include to: – ensure the commissioned asbestos removalist is adequately licensed for the removal work (for licensed removal work) or is a competent person (for unlicensed removal work) – limit access to the asbestos removal area – ensure air monitoring for Class A removal work and give the results to specified PCBUs or people – ensure a clearance inspection is carried out once the removal work has been completed – manage risks using the prescribed risk management process (GRWM Regulations).
A PCBU with management or control of a workplace	A PCBU that has the ability to exercise management or control over whether work is carried out at the workplace, what work is carried out at the workplace and/or how work is carried out at the workplace.	Duties include to: – inform certain people about intended asbestos removal work – limit access to the asbestos removal site – obtain a clearance certificate before the asbestos removal area is reoccupied – manage risks using the prescribed risk management process and make sure out exposure monitoring is carried out under certain circumstances (GRWM Regulations).
Licensed asbestos removalist (PCBU)	A PCBU who carries out licensed (Class A or B) asbestos removal work. This PCBU will usually have the greatest degree of influence and control over the asbestos removal work. For a list of licensed asbestos removalists: Asbestos removal licence holders register	Duties include to: – ensure only adequately trained and instructed workers are engaged to carry out removal work – ensure workers are adequately supervised – keep training records – provide information about the health risks and health effects from asbestos exposure and the need for and details of health monitoring – prepare and maintain asbestos removal control plans – notify WorkSafe and others about the asbestos removal work – make sure there are signs and barriers at the asbestos removal area – inform certain people about intended asbestos removal work – ensure air monitoring for Class A removal work and give the results to specified PCBUs or people (for homes) – take certain steps if respirable asbestos fibre levels reach certain levels (Class A only) – follow correct processes for removal of friable asbestos (Class A only) – provide decontamination facilities – ensure asbestos waste is appropriately transported and disposed of – ensure a clearance inspection is carried out once the removal work has been completed (for homes) – manage risks using the prescribed risk management process (GRWM Regulations).

ROLE	DESCRIPTION	OVERVIEW OF DUTIES
Unlicensed asbestos removalist (PCBU)	A PCBU that carries out unlicensed asbestos removal work. See the Competent person explanation.*	Duties include to: – ensure only adequately trained and instructed workers are engaged to carry out removal work – inform certain people about intended asbestos removal work – make sure there are signs and barriers at the asbestos removal area – provide decontamination facilities – ensure asbestos waste is appropriately transported and disposed of – manage risks using the prescribed risk management process (GRWM Regulations).
PCBU whose workers risk being exposed to asbestos	A PCBU whose workers are at risk of being exposed to asbestos. These PCBUs have specific duties to their workers, in addition to the primary duty of care.	Duties include to: – provide health monitoring and information about health risks of working with asbestos – train workers about asbestos – manage the use of equipment by workers – manage risks using the prescribed risk management process (GRWM Regulations).
Licensed asbestos assessor	An individual who holds an asbestos assessor licence. For a list of licensed asbestos assessors: Asbestos assessor licence holders	Duties include to: – carry out Class A air monitoring – carry out clearance inspections and issue clearance certificates for Class A or Class B removal work.
Competent person (to carry out clearance inspections and issue clearance certificates for Class B removal work)	A person who has acquired, through training and experience, the knowledge and skills of relevant asbestos removal industry practice and who holds: – a certificate in relation to a training course specified by WorkSafe for asbestos assessor work or – a tertiary qualification in occupational health and safety, occupational hygiene, science, or environmental health.	Duties to: – carry out clearance inspections for Class B removal work – to issue clearance certificates for Class B removal work.
Competent person* (excludes the competent persons carrying out the above activities)	A person who has the knowledge, experience, skills and qualifications to carry out this particular task under the Asbestos Regulations including any knowledge, experience, skills, and qualifications prescribed in a safe work instrument (SWI) (at the time of publication there are no SWIs).	Duties include to: – carry out unlicensed asbestos removal work – carry out air monitoring for asbestos-related work.
Workers	An individual who carries out work in any capacity for a PCBU including: – an employee – a contractor or sub-contractor – an employee of a contractor or sub-contractor – an employee of a labour hire company – an apprentice or trainee – a person gaining work experience or on work trials.	A worker must: – take reasonable care of their own health and safety and take reasonable care they do not harm others at work – cooperate with reasonable policies and procedures the PCBU has in place that the worker has been told about – comply, as far as they are reasonably able, with any reasonable instruction given by the PCBU so the PCBU can meet their legal duties.

TABLE 7: Overview of duties for PCBUs and others involved in asbestos removal by role

For the good practice guidance available, see Table 1 of these guidelines.

Overlapping duties

When working with other asbestos professionals in a contracting chain (such as with building owners, surveyors and asbestos assessors), removalists are likely to have overlapping duties. Sometimes, multiple PCBUs share the same health and safety duties for an activity. This is called overlapping duties.

Under HSWA, where there are overlapping duties, all PCBUs involved must, so far as is reasonably practicable:

- consult each other
- cooperate with each other
- coordinate their activities.

This is to make sure all workers across all the PCBUs and other people are not put at risk before, during, and after the asbestos removal process.

For more information about managing overlapping duties, see Overlapping duties

More information about managing risk in a contracting chain, see PCBUs working together: advice when contracting

8.0
What are the duties for licensed asbestos removal?

IN THIS SECTION:

The following sections outline the duties when removing Class A or Class B asbestos (licensed asbestos removal):

- before removal starts (Section 8.1 of these guidelines)
- during removal (Section 8.2 of these guidelines)
- after removal ends and beyond (Section 8.3 of these guidelines).

For unlicensed removal work, see Section 9 of these guidelines.

The additional duties for PCBUs involved in demolishing or refurbishing certain structures or plant which contains or may contain asbestos are described in Section 10 of these guidelines.

8.1 Before licensed asbestos removal

8.1.1 Overview of duties

Table 8 shows an overview of duties before the removal of Class A or Class B asbestos starts and where they are covered in these guidelines. Not all duties are listed. The regulations are from the Asbestos Regulations unless stated otherwise.

BEFORE REMOVAL	CLASS A	CLASS B	SECTION COVERED
Make sure the asbestos removalist is licensed The PCBU who commissions the asbestos removal must ensure the commissioned removalist is licensed for the removal work (regulation 27).	✓	✓	8.1.2
Manage risks using the prescribed risk management process and carry out exposure monitoring under certain circumstances As asbestos is classed as a `substance hazardous to health': – PCBUs must follow the prescribed risk management process – the PCBU with management or control of the workplace must carry out exposure monitoring as described in the GRWM Regulations. (GRWM Regulations – regulations 3, 5–8, 28–30, and 32)	✓	✓	8.1.3
Prepare and keep an asbestos management control plan The licensed asbestos removalist must prepare an asbestos removal control plan. The plan must be readily accessible and available for inspection. The plan must be kept for a specified time (regulations 32 and 33).	✓	✓	8.1.4
Make sure workers are trained The licensed asbestos removalist must only direct or allow a worker to carry out licensed asbestos removal work if they are satisfied the worker holds the appropriate certificate. This does not apply to workers engaged by one or more holders of a Class B licence to carry out Class B removal work for a total of 4 or fewer weeks in any 12 month period (regulation 29). The licensed asbestos removalist must: – keep a training record for each worker while they are carrying out licensed asbestos removal work, and make sure it readily accessible and available for inspection at the asbestos removal area – keep the record for 5 years after the day on which the worker ceases carrying out licensed asbestos removal work for the removalist (regulation 30). PCBUs must ensure, so far as reasonably practicable, workers are provided information, training and instruction or supervision (GRWM Regulations – regulation 9).	✓	✓	8.1.5
Make sure workers receive appropriate instructions about the workplace and the removal work The licensed asbestos removalist must provide appropriate instruction to the worker carrying out the licensed asbestos removal work to ensure work is carried out in accordance with the asbestos removal control plan (regulation 29).	✓	✓	8.1.6

BEFORE REMOVAL	CLASS A	CLASS B	SECTION COVERED
Give workers information about the asbestos health risks The licensed asbestos removalist must give information about the health risks and health effects associated with exposure to asbestos, and health monitoring to a person likely to be engaged to carry out licensed asbestos removal work before the person is engaged to carry out the work (regulation 31).	✓	✓	8.1.6
Tell certain people before the asbestos removal starts At a workplace – before starting the asbestos removal work, the licensed asbestos removalist must inform the PCBU with management or control of the workplace about the intended asbestos removal work and when it will start (regulation 35). The PCBU with management or control of the workplace must also inform certain persons about intended asbestos removal work (regulation 36). At a home – before starting the asbestos removal work, the licensed asbestos removalist must inform certain people about the intended work and when it will start (regulation 35).	✓	✓	8.1.7
Notify WorkSafe before licensed removal work starts The licensed asbestos removalist must give WorkSafe a written notice of any licensed asbestos removal work at least 5 days before the work commences. There are some exceptions to this (regulation 34).	✓	✓	8.1.8
Additional requirements for Class A removal			
Carry out air monitoring before the work starts under certain conditions At a workplace, the PCBU who commissions asbestos removal must ensure air monitoring is carried out in the asbestos removal area and in any place adjacent to any negative pressure enclosure immediately before removal work commences if an asbestos assessor determines it is likely that the air contains respirable asbestos fibres in a concentration greater than trace level. The PCBU must ensure results are given to certain people including workers (regulation 43). For homes, the licensed asbestos removalist must ensure air monitoring is carried out as described above and monitoring results are given to certain people including the PCBU who commissions the asbestos removal, and homeowner/ occupiers (regulation 43). An independent licensed asbestos assessor must carry out the air monitoring using a membrane filter method (regulation 43).	✓	✗	8.1.9

TABLE 8: Overview of duties before the removal of asbestos starts

8.1.2 Make sure the asbestos removalist is licensed

Regulation 27: Duty to ensure asbestos removalist is licensed

A PCBU who commissions the removal of asbestos must ensure the work is carried out by a PCBU who holds the right licence for the job. See Section 6.2 of these guidelines to check if the asbestos removal is Class A or Class B.

8.1.3 Manage risks using the prescribed risk management process and carry out exposure monitoring under certain circumstances

- Regulation 3 (GRWM Regulations)
- Regulation 28 (GRWM Regulations)
- Regulation 5–8 (GRWM Regulations)
- Regulations 29–30 (GRWM Regulations)
- Regulation 32 (GRWM Regulations)

As asbestos is a 'substance hazardous to health':

- PCBUs must follow the prescribed risk management process when managing risk
- the PCBU with management or control of the workplace must carry out exposure monitoring under certain circumstances.

See Section 4 of these guidelines for guidance on this.

8.1.4 Prepare and keep an asbestos removal control plan

- Regulation 32: Duty to prepare asbestos removal control plan
- Regulation 33: Asbestos removal control plan to be kept and available

WHAT IS AN ASBESTOS REMOVAL CONTROL PLAN AND WHO MUST PREPARE IT?

An asbestos removal control plan is a document that identifies the specific control measures to be used to make sure workers and other people are not put at risk during the asbestos removal process.

A licensed asbestos removalist must prepare an asbestos removal control plan for any licensed asbestos removal work the removalist is commissioned to carry out.

WHAT MUST AN ASBESTOS REMOVAL CONTROL PLAN CONTAIN?

Figure 8 shows what the asbestos removal control plan must contain.

Include details of how the plan will be carried out including the method to be used and the tools, equipment and PPE to be used	For example: - detailed methodology of how the removal will take place, tools and equipment will be used and all the control measures - the workers and supervisors involved - when the removal will take place and who has been informed.
Include details of the asbestos to be removed including the location, type and condition	For example: - where the asbestos is found and how much - the asbestos type and condition (friable or non-friable).
Include a detailed description of the asbestos removal area	For example: you should develop a site plan which shows: - the asbestos removal area and enclosure(s) - entrances and exits - decontamination areas and waste storage - signage, barriers or another means to prevent unauthorised access - air monitoring points.
Include details of any air monitoring points	For example: - who will carry out the air monitoring - where the air monitoring will take place and how often.
Include details of how the asbestos waste will be transported and disposed of	For example: - how the waste will be stored - how the waste will be transported and disposed of - who is the person responsible for the safe transport and disposal.

FIGURE 8: What an asbestos removal control plan must contain

Make sure the plan has sufficient detail that reflects the actual conditions at the asbestos removal area so a person reading the plan can understand what asbestos or ACM will be removed, how the asbestos will be removed safely and how the asbestos waste will be transported and disposed of safely.

If an asbestos management plan does not make this clear to an independent reader, it is unlikely to comply with the requirements of this regulation.

WHAT MUST YOU DO WITH THE ASBESTOS REMOVAL CONTROL PLAN?

Once an asbestos removal control plan has been prepared, there are several things the licensed asbestos removalist must do with the plan:

- You must give a copy of the plan to the person who commissioned the work.
- You must keep a copy of the plan for 2 years after the asbestos removal work is completed, unless a notifiable incident occurs. If this happens, the plan must be kept for at least 5 years after the incident occurs.
- You must ensure the plan is readily accessible (for example, can be viewed immediately) by:
  - a PCBU at the workplace
  - the workers at the workplace
  - representatives of the workers
  - occupants of the home (if asbestos removal is carried out at a home).
- You must ensure the plan is available for inspection under HSWA. The plan should be available immediately for this purpose.

8.1.5 Make sure workers are trained

- Regulation 29: Duty to ensure asbestos removal workers are trained and receive appropriate instructions (Asbestos Regulations)
- Regulation 30: Duty to keep training records (Asbestos Regulations)
- Regulation 9: Duty to provide information, supervision, training and instructions (GRWM Regulations)

The licensed asbestos removalist must only direct or allow a worker to carry out licensed asbestos removal work if the worker holds the relevant certificate.

There are training, information, and instruction duties under the GRWM Regulations and Asbestos Regulations for training.

DUTIES UNDER THE GRWM REGULATIONS

PCBUs must ensure, so far as reasonably practicable, workers are provided with the information, training and instruction or supervision necessary to protect them from health and safety risks arising from their work. The training must be suitable and adequate for the nature of the work.

For more information about training requirements, see Providing information, training, instruction or supervision for workers

DUTIES UNDER THE ASBESTOS REGULATIONS

What training must the worker have?

The licensed asbestos removalist must be satisfied the worker holds a certificate in relation to a relevant course for the class of licensed asbestos removal work to be carried out by the worker.

What are relevant courses?

The relevant courses are described in Table 9.

COURSE FOR:	RELEVANT COURSE from Asbestos Prescribed Relevant Courses – Safe Work Instrument 2017
Class A asbestos removal work	A course that includes NZQA unit standard 29766.
Class B asbestos removal work	A course that includes NZQA unit standard 29765.
Supervision of asbestos removal work	See Section 8.2.3 of these guidelines for the supervisor training and experience required.

TABLE 9: The prescribed relevant courses for licensed asbestos removal

When does the requirement to hold the relevant certificate not apply?

The requirement to hold a certificate for a relevant course does not apply when:

- a worker is engaged by a holder of a Class B asbestos removal licence to engage in Class B asbestos removal work and
- the Class B asbestos removal work is not more than a total of 4 weeks in any 12-month period.

In this case, the PCBU still has a primary duty of care under section 36 of HSWA to ensure the health and safety of its workers.

What about in-house training?

In-house training is not considered to be a 'relevant course' for the purposes of this regulation. However, it should form part of the workers' training regime.

The training course should ensure the worker:

- has sufficient knowledge and experience about working with asbestos to ensure they are not likely to harm themselves or others
- is adequately trained in how to safely use the tools and equipment they may need to use and the PPE they may need to wear.

How long do you need to keep training records for?

A 'training record' is a written record of the training carried out by the worker that satisfied the licensed asbestos removalist that the worker was appropriately trained to carry out that work.

The licensed asbestos removalist must keep a training record for each worker engaged by the removalist to carry out licensed asbestos removal work while the worker is carrying out licensed asbestos removal work.

The record must be readily accessible and available for inspection at the asbestos removal area while the work is being carried out. This means a copy of the record must be able to be provided for inspection immediately when requested. The record can be kept in either hard copy or electronic form, provided it is readily accessible and available.

The record must be kept for 5 years after the day on which the worker ceases carrying out asbestos removal work for the removalist.

8.1.6 Give workers or prospective workers instructions about the work and information about asbestos health risks

- Regulation 29: Duty to ensure asbestos removal workers are trained and receive appropriate instruction
- Regulation 31: Duty to give information about health risks

The licensed asbestos removalist must:

- provide appropriate instruction to the worker to ensure the work is carried out in accordance with the asbestos removal control plan for the workplace
- give information on the health risks from asbestos to people likely to be engaged in the removal work before they are engaged.

Table 10 shows the information and instructions to be provided.

	THE HEALTH RISK INFORMATION	INSTRUCTIONS ABOUT THE WORK
Who must the information/ instruction be given to?	Someone likely to be engaged in the removal work	Workers who will carry out the asbestos removal.
When must the information/ instruction be given to?	Before workers are engaged to do the work	Not specified.
What information/instruction must/should be given?	The following information must be given: - information about the health risks and health effects associated with exposure to asbestos - information about the need for, and details of health monitoring of a worker carrying out licensed asbestos removal work.	Instruction must be given that specifically relates to: - the type of workplace where the licensed asbestos removal work is carried out - the work being carried out at that workplace. This should include information about: - the nature of the hazards and risks of asbestos - the control measures in place for the work that will be carried out - the methods and equipment that will be used - the PPE that will be used and how it will be maintained - decontamination procedures - waste disposal procedures - emergency procedures - the importance of health monitoring.

TABLE 10: Information and instruction to be given to workers and prospective workers

For further information about health risks, see Asbestos in Aotearoa New Zealand

8.1.7 Tell certain people before the asbestos removal starts

- Regulation 35: Duty to inform certain persons about asbestos removal work
- Regulation 36: Duty to inform certain persons about intended asbestos removal work

It is important people are aware that asbestos removal work will be carried out. There are requirements for certain PCBUs to inform certain people at certain times. These are shown in Table 11.

WHEN?	WHO MUST INFORM THE PEOPLE?	WHO MUST BE INFORMED?	INFORMED ABOUT WHAT?
Before starting asbestos removal at a workplace	The licensed asbestos removalist who is intending to carry out the work	The licensed asbestos removalist must inform the PCBU with management or control of the workplace..	That licensed asbestos removal work is to be carried out at the workplace.
Before the asbestos removal starts at a workplace	The PCBU with management or control of the workplace who has been informed that asbestos removal work is to be carried out at the workplace	The PCBU with management or control of the workplace must inform: – the PCBU's workers – any other person at the workplace – the person who commissioned the asbestos removal work. The PCBU must take all reasonable steps to inform: – any PCBU at, or in the immediate vicinity of, the workplace – anyone occupying premises in the immediate vicinity of the workplace.	That licensed asbestos removal work is to be carried out at the workplace.
Before starting asbestos removal at a home	The licensed asbestos removalist who is intending to carry out the work	The licensed asbestos removalist must inform, so far as is reasonably practicable: – the person who commissioned the work – any PCBUs at the intended workplace – the occupier of the home – the owner of the home – anyone occupying premises in the immediate vicinity of the workplace. This includes any person close enough to the workplace to be put at risk if any issues arise from the asbestos removal.	That licensed asbestos removal work is to be carried out at the workplace.

TABLE 11: The requirements for notifying people and other PCBUs about asbestos removal before it starts

8.1.8 Notify WorkSafe before licensed removal work starts

Regulation 34: Duty to notify WorkSafe of asbestos removal

WorkSafe must be notified of any licensed asbestos removal work before the work commences.

The licensed asbestos removalist must notify WorkSafe in writing at least 5 days before starting the removal work. This includes work related to asbestos removal that occurs at the asbestos removal area, such as site set-up, enclosure erection or scaffold erection. There are exceptions to this discussed later.

The written notice must include the information listed in Figure 9.

Dates	– the date of the notice – the date on which the asbestos removal work is to commence and the estimated duration
Contact details of the PCBU removalist and supervisor, licensed asbestos assessor/ competent person and the PCBU who commissioned the removal work	– the name, licence number and contact details of the licensed asbestos removalist – the name and contact details of the supervisor – the name of the licensed asbestos assessor or competent person engaged to carry out a clearance inspection and issue a clearance certificate – the name and contact details of the person for whom the work is to be carried out
Details about the removal location	– the address of the workplace and, if the workplace is large, the specific location of the asbestos removal – the kind of workplace – the name of the PCBU with management or control of the workplace
Details about the asbestos to be removed	– whether the asbestos to be removed is friable or non-friable – if the asbestos is friable, how the area of removal will be enclosed – the estimated quantity of asbestos to be removed and the means of transport and disposal
Details about the workers who will carry out the work	– the number of workers who will carry out the work – for each worker who is to carry out the work, a summary of the training record for that worker.

FIGURE 9: Information to be included in the WorkSafe notification

THERE ARE LIMITED CIRCUMSTANCES WHERE REMOVAL WORK MAY START IMMEDIATELY

Removal work may start immediately in either of these circumstances:

- a sudden, unexpected event (such as equipment failure, fire, or flood) that may expose people to respirable asbestos fibres (such as a burst pipe lagged with asbestos)
- an unexpected breakdown of an essential service (such as gas, water, sewage, or telecommunications services) that needs immediate rectification to keep the service running.

If this happens, the licensed asbestos removalist must immediately notify WorkSafe at the email address asbestos@worksafe.govt.nz

The notification should contain sufficient detail so WorkSafe can verify the circumstances specified above have been met. WorkSafe does not accept the following reasons for not meeting the usual notification requirements:

- a lack of planning
- resourcing challenges or
- commercial factors such as a need for acceleration of project completion.

8.1.9 Additional requirements for Class A removal work

CARRY OUT AIR MONITORING BEFORE THE WORK STARTS UNDER CERTAIN CONDITIONS

Regulation 43: Air monitoring for Class A asbestos removal work

What is air monitoring?

Air monitoring measures the concentration of airborne asbestos fibres. The purpose of air monitoring is to evaluate the effectiveness of control measures and to show the respiratory protective equipment (RPE) being used is sufficient to provide adequate protection.

Who must carry out the air monitoring?

An independent licensed asbestos assessor must undertake air monitoring using a membrane filter method.

> **What is an 'independent' asbestos assessor?**
>
> For guidance on assessor independence and conflicts of interest, see Section 8.3.3 of these guidelines.

When must air monitoring occur?

Air monitoring must be carried out at the asbestos removal area and in any place adjacent to any negative pressure enclosure immediately before the removal work start if the asbestos assessor determines that it is likely that the air contains respirable asbestos fibres greater than trace level (that is, greater than 0.01 respirable asbestos fibres/ml air).

Who is responsible for ensuring the air monitoring takes place and giving the monitoring results to relevant people?

Table 12 outlines which PCBUs have the duty, and who monitoring results must be given to.

LOCATION OF THE REMOVAL	WHO MUST ENSURE AN INDEPENDENT LICENSED ASBESTOS ASSESSOR UNDERTAKES AIR MONITORING AND GIVE THE RESULTS TO THE PCBUS OR PEOPLE IN COLUMN 3?	WHO MUST THE MONITORING RESULTS BE GIVEN TO?
A home	The licensed asbestos removalist who is carrying out the Class A removal work	– the PCBU who commissioned the asbestos removal work – workers at the workplace – representatives of workers at the workplace – a PCBU in relation to the workplace – the occupier of the home – the owner of the home – other persons at the workplace.
Other workplaces	The PCBU who commissions the Class A removal work	– workers at the workplace and their representatives – any PCBUs at the workplace – any other persons at the workplace – so far as is reasonably practicable, other persons living or working in the vicinity of the workplace if it is likely they may be affected by contamination.

TABLE 12: Which PCBUs have the duty to ensure air monitoring takes place and who the results are given to

The requirements described above also apply during the asbestos removal work (Section 8.2.8 of these guidelines).

For more information about air monitoring, see:

- Asbestos assessments: Good practice guidelines for conducting asbestos air monitoring and clearance inspections
- Section 10 of the Asbestos removal – good practice guidelines

For a list of licensed asbestos assessors, see Asbestos assessor licence holders

8.2 During licensed asbestos removal

8.2.1 Overview of duties

Table 13 shows an overview of duties during removal of Class A or Class B asbestos and where they are covered in these guidelines. Not all duties are listed. The regulations are from the Asbestos Regulations unless stated otherwise.

DURING REMOVAL	CLASS A	CLASS B	SECTION COVERED
Limit access to the asbestos removal area The PCBU who commissions asbestos removal and the PCBU with management or control of the workplace who is aware licensed removal work is being carried out must limit access to the asbestos removal area (regulation 38).	✓	✓	8.2.2
Make sure work is supervised by a nominated supervisor A person who holds an asbestos removal licence must ensure the asbestos removal work authorised by the licence is supervised by a supervisor who has been nominated to WorkSafe by the licence holder (regulation 28).	✓	✓	8.2.3
Make sure there are signs and barriers at the asbestos removal area An asbestos removalist must ensure: – there are signs are posted or erected at the asbestos removal area clearly indicating the presence and location of asbestos and that asbestos removal work is being carried out – signs comply with an applicable safe work instrument (SWI) (at the time of publication, there are no applicable SWIs) – barriers delineate the asbestos removal area (regulation 37).	✓	✓	8.2.4
Do not use certain equipment on asbestos or ACM A PCBU must not use or direct or allow a worker to use the following equipment on asbestos or ACM: – a high-pressure water spray (with exceptions) – compressed air – use of a power tool, broom or other implement that causes release of asbestos into the atmosphere unless controlled as per regulation 18(4) (regulation 18).	✓	✓	8.2.5
Make sure there are decontamination facilities The asbestos removalist must ensure there are facilities available to decontaminate the asbestos removal area, any plant used in the asbestos removal area, and workers and other people who have access. There are requirements to meet before items contaminated with asbestos are removed from the work area (regulation 39).	✓	✓	8.2.6
Make sure asbestos waste is disposed appropriately The asbestos removalist must ensure asbestos waste and contaminated equipment (including PPE) is appropriately transported and disposed of (regulation 40).	✓	✓	8.2.7
Additional requirements for Class A removal			
Follow specified procedures when removing friable asbestos The licensed asbestos removalist must follow certain procedures including enclosing the removal area and using negative pressure or glove bags (regulation 46).	✓	✗	8.2.8
Carry out air monitoring during the removal work At a workplace, the PCBU who commissions asbestos removal must ensure air monitoring of the asbestos removal area is carried out while Class A asbestos removal work is carried out and in a place that is adjacent to any negative pressure enclosure, and results given to certain people including workers. The PCBU must ensure the results of the air monitoring are given to certain people (regulation 43). For homes, the licensed asbestos removalist must ensure air monitoring is carried out and monitoring results are given to specified people including the PCBU who commissions the asbestos removal and homeowner/occupiers (regulation 43). An independent licensed asbestos assessor must carry out the air monitoring using a membrane filter method (regulation 43).	✓	✗	8.2.8

DURING REMOVAL	CLASS A	CLASS B	SECTION COVERED
Follow specified procedures if respirable asbestos fibre levels exceed trace levels or get too high (at or above 0.02 fibres/ml air) The licensed asbestos removalist must follow specified procedures if respirable asbestos fibre levels: – exceed trace levels but are below 0.02 fibres/ml air (regulation 44) – are at or above 0.02 fibres/ml air (regulation 45).	✓	✗	8.2.8

TABLE 13: Overview of duties during the licensed removal of asbestos

8.2.2 Limit access to the asbestos removal area

Regulation 38: Duty to limit access to asbestos removal area

If asbestos is being removed, it is important the area where work is occurring is separated and access is limited.

What is an asbestos removal area?

This is an area in which asbestos removal work is carried out. It includes:

- any of the following related to the work:
  - a decontamination facility
  - an enclosure
  - an area through which asbestos, asbestos-contaminated soil, or ACM is transported
- any area defined in an asbestos removal control plan as part of the asbestos removal area.

WHO DOES THIS DUTY APPLY TO?

This regulation applies to both:

- a PCBU who commissions a person to carry out licensed asbestos removal
- a PCBU with management or control of the workplace who is aware licensed asbestos removal work is being carried out at the workplace.

These PCBUs must work together to manage this shared duty.

For more information about complying with overlapping duties, see Overlapping duties

WHAT IS THE DUTY?

The PCBUs must ensure, so far as is reasonably practicable, no-one has access to an asbestos removal area except:

- workers engaged in the asbestos removal work
- other persons associated with the asbestos removal work
- anyone else allowed under the Asbestos Regulations or other legislation to be in the asbestos removal area.

Anyone who has access is subject to and must comply with any direction from the licensed asbestos removalist.

WHEN CAN PEOPLE BE REFUSED ACCESS TO THE ASBESTOS REMOVAL AREA?

The PCBUs can refuse to allow access to an asbestos removal area to anyone who does not comply with:

- a control measure implemented for the workplace in relation to asbestos or
- a direction of the licensed asbestos removalist.

You cannot refuse access to warranted HSWA inspectors who are authorised to enter an asbestos removal area under section 168 of HSWA.

8.2.3 Make sure work is supervised by a nominated supervisor

- Regulation 28: Duty to ensure supervisor present or readily available
- Regulation 65: Class A asbestos removal licence
- Regulation 66: Class B asbestos removal licence
- Asbestos Prescribed Relevant Courses – Safe Work Instrument 2017

A supervisor oversees and directly instructs workers while they are undertaking licensed asbestos removal.

A person who holds an asbestos removal licence must ensure the asbestos removal work authorised by the licence is supervised by a supervisor who has been nominated to WorkSafe by the licence holder.

The supervisor must hold a certificate from a relevant training course and have certain experience.

Table 14 describes the supervision needed for Class A and Class B removal work and what certificates and industry experience the supervisor must hold.

TYPE OF REMOVAL WORK	WHAT SUPERVISION IS NEEDED?	WHAT CERTIFICATES MUST THE SUPERVISOR HOLD?	WHAT MINIMUM AGE AND INDUSTRY EXPERIENCE IS REQUIRED?
Class A asbestos removal work	A supervisor must be present at the asbestos removal area whenever asbestos removal work is being carried out	– For a course that includes: NZQA unit standard 29767: (Supervise Asbestos Removal course) – NZQA unit standard 29766: (Friable Asbestos Class A worker course).	At least 18 years old. At least three years' relevant industry experience: – including at least 600 days in removing friable asbestos – some of which needs to be from the last 6 months.
Class B asbestos removal work	A supervisor must be in the vicinity and readily available to a worker carrying out asbestos removal work whenever the work is being carried out. It is WorkSafe's view that this includes any work from initial site set up until demobilisation from site following receipt of the clearance certificate. See WorkSafe's view of of what 'in the vicinity' and 'readily available' mean in the following box.	For a course that includes: – NZQA unit standard 29767 (Supervise Asbestos Removal course) – NZQA unit standard 29765 (Non-Friable Asbestos Class B worker course).	At least 18 years old. At least one year's relevant industry experience: – including at least 200 days in removing non-friable asbestos – some of which needs to be from the last 6 months.

TABLE 14: The supervision needed for Class A and Class B removal work and the certificates and industry experience that supervisors need

What does 'in the vicinity' and 'readily available' mean?

'In the vicinity' means in the general area nearby, in person. The exact meaning depends on the situation and must be considered with the definition of 'readily available'.

A supervisor is not 'in the vicinity' if they are:

- only available remotely
- not able to reach the workplace in a reasonable period.

'Readily available' means able to be reached quickly and easily. The exact meaning will depend on the situation and must be considered alongside the definition of 'in the vicinity'.

A supervisor is not 'readily available' if they:

- can only be reached through a one-way channel (like a text message or email)
- cannot easily access the site due to obstacles
- cannot be reliably reached due to issues with their method of contact/travel. For example, commuting across a busy urban centre during rush-hour traffic.

When considering 'in the vicinity' and 'readily available', it is important to factor in scale and complexity of the removal. For example, asbestos cement cladding on a garage which is relatively simple to remove versus multiple non-friable ACMs across a school refurbishment project, with vulnerable people present.

When workers are recently trained, the licence holder may wish to ensure the supervisor is always on site to oversee proportionately more of the workers' activities.

Examples

Example 1: A supervisor is responsible for supervising Class B removal work at two separate sites located 4km apart. The supervisor is present at one site and can drive to the other site in approximately seven minutes. The supervisor is in the vicinity and readily available to workers at both sites.

Example 2: A supervisor is responsible for supervising Class A removal work at one site and Class B removal work at another site. The supervisor is not readily available for the Class B removal work as the supervisor cannot leave the Class A removal site.

Example 3: A supervisor is responsible for supervising Class B removal work at four different sites in South Auckland. The supervisor is present at one site. It would take the supervisor 45 minutes to drive to the furthest away site. The supervisor is not readily available to workers at that site.

Example 4: A supervisor is responsible for supervising Class B removal work being carried out by workers who are still in training and are inexperienced. The supervisor should be present at all times.

To apply to have supervisors added or removed from asbestos removal licences, see Apply for an asbestos removal or assessor licence

8.2.4 Make sure there are signs and barriers at the asbestos removal area

Regulation 37: Signage and barriers

Warning signs and barriers are essential to clearly identify the asbestos removal area and protect people from exposure.

The area where asbestos removal is being carried out must be clearly indicated. This includes:

- decontamination facilities
- enclosures
- areas through which asbestos is transported
- any other area defined in an asbestos removal control plan as part of the asbestos removal area.

WHAT ARE THE REQUIREMENTS FOR WARNING SIGNS AND BARRIERS?

The asbestos removalist must ensure:

- signs are posted or erected at the asbestos removal area that clearly indicate the presence and location of asbestos and that asbestos removal is being carried out. Make sure the signs are visible
- signs comply with any applicable safe work instrument (SWI) (at the time of publication, there are no SWIs)
- barriers delineate the asbestos removal area.

The type of barrier should be proportionate to the risk posed by the works undertaken. For example:

- using hazard tape barrier for loose asbestos cement panels in good condition in open air
- using a solid construction barrier which includes a buffer zone for Class A removal in the vicinity of occupied areas within a building.

8.2.5 Do not use certain equipment on asbestos or ACM

Regulation 18: Duty to limit use of equipment on asbestos or ACM

Any person who uses tools or equipment to work with asbestos must do so in a way that prevents or minimises the risk of exposure to asbestos.

Table 15 describes the tools or equipment a PCBU must not use, or direct or allow a worker to use on asbestos or ACM.

DO NOT USE:	UNLESS:
– a high-pressure water spray This is water pressurised by positive displacement pumps that have an output capability of more than 350kPa (approximately 50 Psi), such as water blasters, pressure washers and hydroexcavators.	– for fire-fighting or fire prevention purposes – water jetting to clear or prevent blockages in waste water or water pipe networks – specific instances of the use of a relevant method for managing risk associated with asbestos that is approved under regulation 8. At the date of publication, no methods have been approved.
– compressed air This is air that is pressurised to greater-than atmosphere pressure. Equipment that uses compressed air includes, for example, blasting equipment such as sand, ice or pellet blasters or pneumatic tools such as air angle grinders.	N/A

DO NOT USE:	UNLESS:
– a power tool – a broom or – any other implement that causes the release of airborne asbestos into the atmosphere.	– the use will be controlled as follows: - the equipment is enclosed while being used. The equipment is only enclosed if it is used within an asbestos removal enclosure. For more information about asbestos removal enclosures, see Section 9 of the Asbestos removal – good practice guidelines - the equipment is designed to capture or suppress airborne asbestos and is used in accordance with its design (for example, an industrial airtight vacuum) or - the equipment is used in a way that is designed to capture or suppress airborne asbestos safely (for example, collar shadow drilling) or - a combination of the above bullets.

TABLE 15: Tools and equipment not to be used on asbestos or ACM

8.2.6 Make sure there are decontamination facilities

Regulation 39: Duty to make decontamination facilities available

Decontamination is an important step to control the spread of asbestos fibres. It is necessary to make sure workers and their PPE including RPE are free of asbestos fibres before leaving the enclosure or work area.

WHAT DECONTAMINATION FACILITIES MUST BE MADE AVAILABLE?

The licensed asbestos removalist must ensure facilities are available to decontaminate:

- the asbestos removal area
- any plant used in the asbestos removal area
- workers carrying out asbestos removal work
- other persons who have access to the asbestos removal area under regulation 38.

WHAT MUST HAPPEN BEFORE ITEMS ARE REMOVED FROM AN ASBESTOS REMOVAL AREA?

Figure 10 shows what a PCBU must ensure happens before items likely contaminated with asbestos are removed from an asbestos removal site.

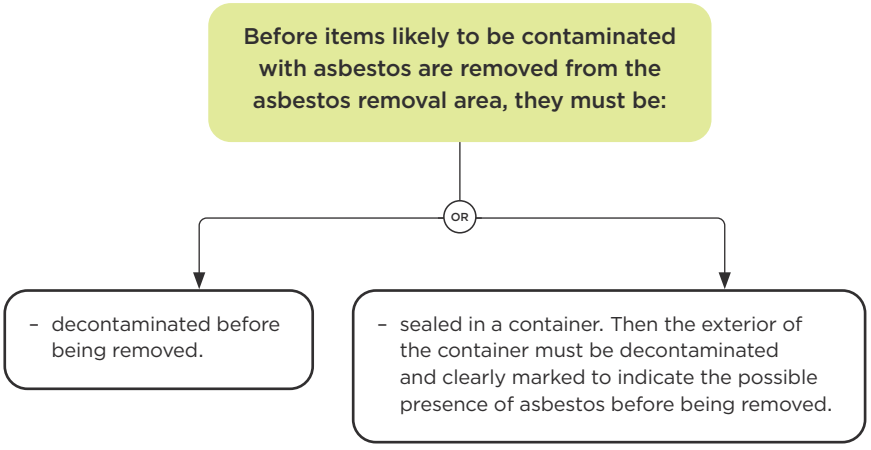


FIGURE 10: Flowchart: What must happen before items are removed from an asbestos removal area

For more guidance on decontamination, see Asbestos removal – good practice guidelines

- Section 15 for personal decontamination
- Section 16 for decontamination of plant including PPE

8.2.7 Make sure asbestos waste is disposed appropriately

Regulation 40: Duties relating to disposal of asbestos waste and contaminated PPE

Proper handling, containment, transport and disposal of asbestos waste is necessary to minimise the risk of workers and other people being exposed to asbestos fibres.

WHAT IS ASBESTOS WASTE?

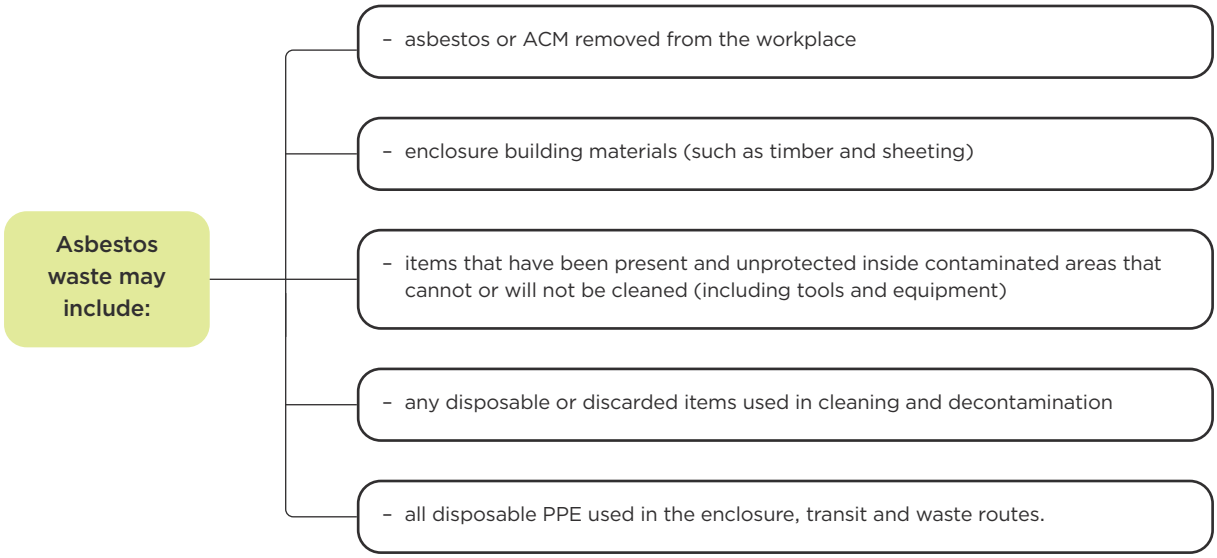


FIGURE 11: Examples of asbestos waste

HOW MUST WASTE BE DISPOSED OF?

The licensed asbestos removalist must ensure asbestos waste and any equipment (including PPE) used in asbestos removal work and contaminated with asbestos is:

- placed in a sealed container (that has been decontaminated and marked clearly to indicate the presence of asbestos) before being taken from an asbestos removal work area
- disposed of as soon as reasonably practicable by depositing it in an approved place.

What is an approved place for disposal?

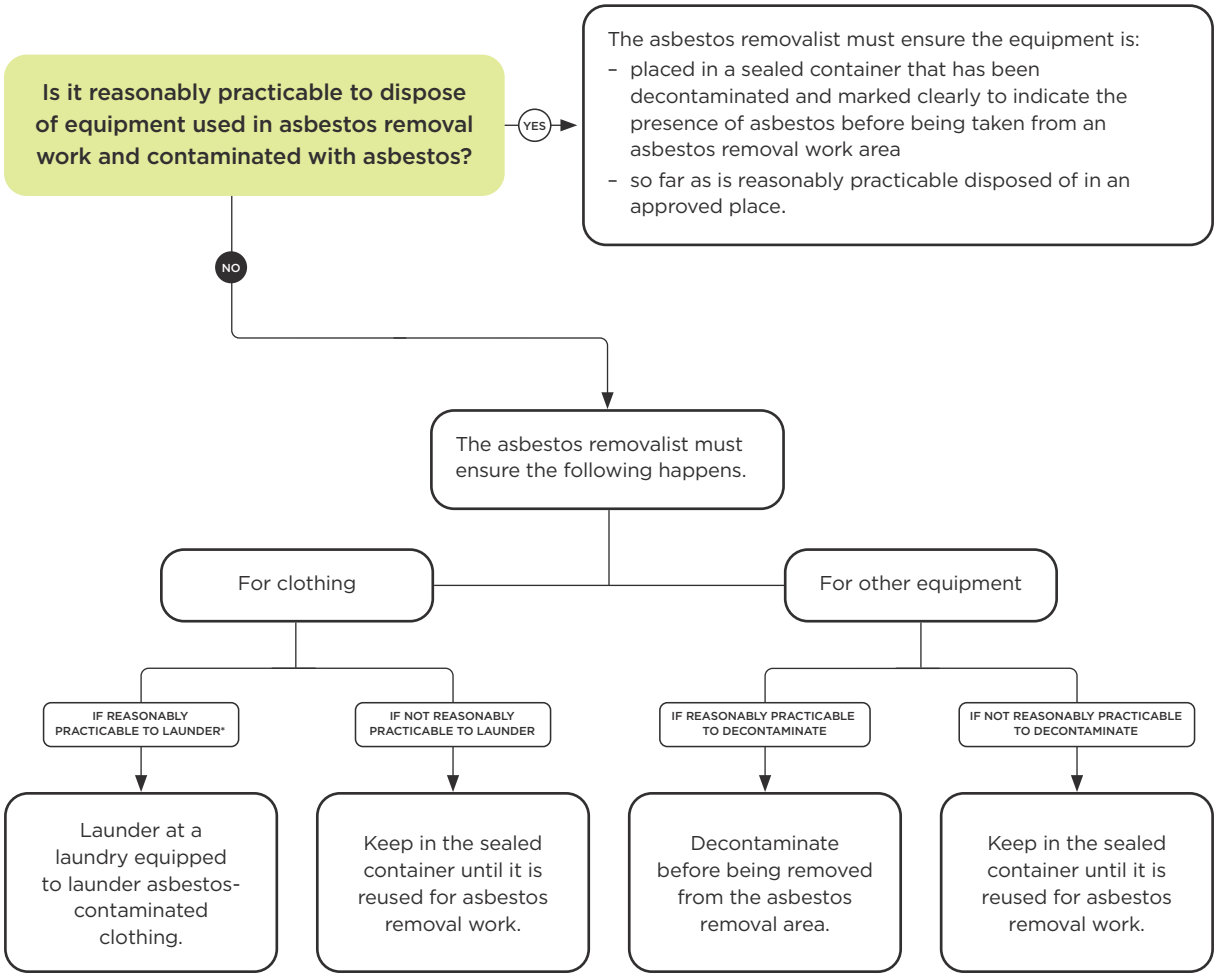
This is a hazardous waste landfill approved by a city or district council.

Talk to your local council to find out where asbestos waste can be disposed of.

There is an approved method to be followed if waste needs to be stored on a temporary basis before being disposed of at an approved place, see Temporary storage of asbestos waste

HOW MUST EQUIPMENT USED IN ASBESTOS REMOVAL WORK AND CONTAMINATED WITH ASBESTOS BE DISPOSED OF?

Figure 12 shows what the licensed asbestos removalist must ensure happens if equipment can or cannot be disposed of.



* At the date of publication, there are no commercially available laundries for asbestos-contaminated clothing.

FIGURE 12: Flowchart: What the licensed asbestos removalist must do if it is not reasonably practicable to dispose of equipment

8.2.8 Additional Class A removal duties

Follow specified procedures when removing friable asbestos (Class A removal)

Regulation 46: Duties relating to removal of friable asbestos

The licensed asbestos removalist who is removing friable asbestos must ensure, so far as is reasonably practicable the following:

- The area in which the asbestos removal work is to be carried out is enclosed to prevent the release of respirable asbestos fibres:
  - a 'respirable asbestos fibre' means an asbestos fibre that is less than 3 micrometres wide, more than 5 micrometres long and has a length-to-width ratio of more than 3:1.
  - an area is 'enclosed' if it is contained within an airtight structure.

- Negative pressure is used, unless glove bags are used in Class A removal work.
- The wet method of removal or an alternative method of dust suppression is used.
- The asbestos removal work does not start until the air monitoring is commenced by a licensed asbestos assessor, unless glove bags are used in Class A asbestos removal work.
- Air monitoring is undertaken during the asbestos removal work, outside the enclosed area, at times decided by the independent licensed asbestos assessor undertaking the monitoring.
- Any glove bag used to contain the release of respirable fibres is dismantled and disposed of safely.

The licensed asbestos removalist:

- must ensure any enclosure used in removing friable asbestos is tested for leaks. Before removal work starts, the enclosure should be subject to a smoke test to ensure it is properly enclosed and does not have any leaks. For more information about smoke tests, see Section 9.14 of the Asbestos removal – good practice guidelines
- must not dismantle the enclosure until they receive results of air monitoring that show the recorded respirable asbestos fibre level within the enclosure is less than trace level. The air monitoring results may come from a licensed asbestos assessor (if friable asbestos is removed from a home) or from the PCBU who commissioned the Class A asbestos removal work.
- must ensure the enclosure is dismantled in a way that, so far as is reasonably practicable, eliminates the release of respirable asbestos fibre.

The PCBU who commissioned the removal of the friable asbestos must obtain a clearance certificate from a licensed asbestos assessor after the enclosure for the area in which friable asbestos removal work has been carried out has been dismantled.

For more detail about how removal of friable asbestos can be done safely, see Asbestos removal – good practice guidelines

CARRY OUT AIR MONITORING DURING THE WORK

Regulation 43: Air monitoring for Class A asbestos removal

Air monitoring must be carried out at the asbestos removal area and in any place adjacent to any negative pressure enclosure while the licensed asbestos removal work is being carried out.

Air monitoring must continue throughout the duration of the asbestos removal job.

Monitoring should only stop when:

- the job has been completed, and
- a clearance inspection has been carried out.

The requirements for this air monitoring are same as the requirements for monitoring before the removal work starts. See Section 8.1.9 of these guidelines for these duties.

For more information about monitoring, see Asbestos assessments – good practice guidelines

FOLLOW SPECIFIED PROCEDURES IF RESPIRABLE ASBESTOS FIBRE LEVELS EXCEED TRACE LEVELS OR ARE GET TOO HIGH (at or above 0.02 fibres/ml air)

- Regulation 44: Duties when respirable asbestos fibre levels exceed trace level
- Regulation 45: Duties when respirable asbestos fibre levels are too high (at or above 0.02 fibres/ml air)

Table 16 shows the requirements for licensed asbestos removalists when certain levels of asbestos fibres are detected.

ACTION LEVEL	CONTROL MEASURE	IMMEDIATE ACTION
< 0.01 fibres/ml air (trace level)	No new control measures are necessary.	Continue with existing control measures.
≥ 0.01 fibres/ml air but < 0.02 fibres/ml air	1. Investigate	Investigate the cause.
	2. Implement	Put control measures in place to prevent exposure.
	3. Prevent	Prevent further fibre release.
≥0.02 fibres/ml air	1. Stop	Order all asbestos removal work to stop straight away.
	2. Notify	Notify WorkSafe as a notifiable incident immediately. Include the results of the air monitoring.
	3. Investigate	Immediately investigate the cause of the high fibre levels. You should: – conduct a thorough visual inspection of the enclosure (if used) and associated equipment in consultation with all asbestos workers – review control measures.
	4. Put control measures in place to prevent exposure and further asbestos fibre release	You should immediately carry out the following actions: 1. Extend the isolated/barricaded area around the work area/enclosure so far as is reasonably practicable (until fibre levels are at or below 0.01 fibres/ml air). 2. Wet-wipe and vacuum the surrounding area, and seal any identified leaks (for example, with expandable foam or tape). 3. Smoke test the enclosure until it is satisfactorily sealed.
	5. Conduct further air monitoring	Do not restart until fibre levels are at or below 0.01 fibres/ml air.
	6. Retain records for five years	

TABLE 16: Requirements for licensed asbestos removalists to meet when there are certain levels of respirable asbestos fibre levels

Put these requirements into the emergency plan for the workplace (GRWM Regulations: regulation 14). For more information, see Workplace emergency plans

8.3 After licensed asbestos removal and beyond

8.3.1 Overview of duties

Table 17 shows an overview of duties after the removal of Class A or Class B asbestos is completed and where they are covered in these guidelines. It includes the health monitoring requirements. Not all duties are listed. The regulations are from the Asbestos Regulations unless stated otherwise.

AFTER REMOVAL	CLASS A	CLASS B	SECTION COVERED
Additional requirements for Class A removal			
– For workplaces, the PCBU who commissions asbestos removal must ensure a clearance inspection is carried out once the removal work has been completed (regulation 41). – For homes, the licensed asbestos removalist must ensure a clearance inspection is carried out once the removal work has been completed (regulation 41). – The PCBU with management or control of the workplace must obtain a clearance certificate before the asbestos removal area is reoccupied (regulation 42).	✓	✓	8.3.2
The PCBU who commissions asbestos removal must obtain a clearance certificate from a licensed asbestos assessor after the enclosure for the area in which friable asbestos removal work has been carried out has been dismantled (regulation 46).	✓	✗	8.3.2
A licensed asbestos assessor must carry out the clearance inspection (regulation 42).	✓	✗	8.3.3
A licensed asbestos assessor or an independent competent person must carry out the clearance inspection (regulation 42).	✗	✓	8.3.3
An independent licensed asbestos assessor (Class A or B removal) or independent competent person (Class B removal) must only issue a clearance certificate when they are satisfied: – the asbestos removal area and the area immediately surrounding it are free from visible asbestos contamination – if the licensed asbestos assessor or competent person undertook air monitoring as part of the clearance inspection, the monitoring shows the respirable asbestos fibre level does not exceed trace level – if the asbestos removal area does not pose a risk to health and safety from exposure to asbestos. (regulation 42).	✓	✓	8.3.4
Provide health monitoring to workers at risk of exposure to asbestos			
A PCBU must ensure health monitoring is provided to its workers who are carrying out licensed asbestos removal work and are at risk of exposure to asbestos when carrying out the work (regulations 15 and 16, GRWM Regulations – Part 3). The monitoring must start within 4 weeks of the worker starting to carry out the removal work. There is an exception for certain Class B removal work.	✓	✓	8.3.5

TABLE 17: Overview of duties after the licensed removal of asbestos is completed

8.3.2 Make sure clearance inspections are carried out and clearance certificate obtained

- Regulation 41: Clearance inspection
- Regulation 42: Duty to obtain clearance certificate
- Regulation 46: Removal of friable asbestos

A clearance inspection confirms the area where asbestos has been removed is free of asbestos and safe to reoccupy.

Different PCBUs have duties for ensuring clearance inspections are carried out and a certificate obtained. Table 18 shows which PCBU has what duty.

DUTY	LICENSED ASBESTOS REMOVALIST	PCBU WHO COMMISSIONED THE ASBESTOS REMOVAL	PCBU WITH MANAGEMENT OR CONTROL OF THE WORKPLACE
Must ensure a clearance inspection is completed for a removal at a home.	✓	✗	✗
Must ensure a clearance inspection is completed for a removal at another workplace.	✗	✓	✗
Must obtain a clearance certificate from the licensed asbestos assessor or competent person who carried out the inspection before the removal area is reoccupied.	✗	✗	✓
Must obtain a clearance certificate from a licensed asbestos assessor after the enclosure for the area in which friable asbestos removal work has been carried out has been dismantled.	✗	✓	✗

TABLE 18: PCBUs with duties to ensure clearance inspections are carried out and certificates obtained

8.3.3 Who can carry out the clearance inspections and what must they include?

Table 19 shows who can carry out the following clearance inspections what a clearance inspection must include.

TYPE OF REMOVAL	CLEARANCE INSPECTION MUST INCLUDE THE FOLLOWING:	WHO CARRIES OUT THE CLEARANCE INSPECTIONS?
Class A	– A visual inspection. This requires visually checking the asbestos removal area, including underlying surfaces, for any visible ACD or any fine settled dust. – Surface testing. This is a planned and controlled disturbance of enclosure surfaces immediately prior to clearance air monitoring. – Air monitoring in a dry condition before the enclosure is dismantled or removed. It is WorkSafe's view that to comply with this regulation in relation to a Class A clearance inspection, the inspection needs to involve a 4 Stage Clearance Procedure undertaken by the independent licensed asbestos assessor. For more information about this Clearance Procedure, see Asbestos assessments – good practice guidelines	An independent licensed asbestos assessor must carry out Class A clearance inspections.

TYPE OF REMOVAL	CLEARANCE INSPECTION MUST INCLUDE THE FOLLOWING:	WHO CARRIES OUT THE CLEARANCE INSPECTIONS?
Class B	– A visual inspection. This requires visually checking the asbestos removal area, including underlying surfaces, for any visible ACD or any fine settled dust. – It may include surface testing and air monitoring if appropriate.	An independent licensed asbestos assessor or an independent competent person. A 'competent person' is a person who has acquired, through training and experience, the knowledge and skills of relevant asbestos removal industry practice and who holds a certificate for a WorkSafe-specified training course, or a tertiary qualification in occupational health and safety, occupational hygiene, science or environmental health.

TABLE 19: What clearance inspections must include and who carries out clearance inspections

What is an independent asbestos assessor or competent person?

Making sure the work is independent

To make sure asbestos removal is carried out to the required standard, the asbestos removalist and asbestos assessor (for Class A or B removal) or competent person (for Class B removal) should come from different businesses. This helps make sure the commissioning PCBU receives a fair and impartial service.

To remain objective and impartial, an asbestos assessor or competent person cannot be unduly influenced or controlled by others when they carry out their regulated activities. Independence is unlikely to exist where:

- there is a commercial or business ownership link between the assessor and removalist
- there is a direct familial link between the removalist and assessor, for example, parent and child.

Assessors should be alert to any attempts to influence their work and make sure it is done independently and to a high standard. Any attempts to influence their work should be escalated by the assessor to the commissioning PCBU or the homeowner. Assessors can also escalate such attempts to WorkSafe by emailing technical@worksafe.govt.nz

Managing conflicts of interest

Conflicts of interest, whether actual, perceived, or potential should be avoided where possible. Conflicts of interest can be financial or non-financial.

Any actual, perceived, or potential conflict of interest that cannot be avoided will need to be acknowledged and appropriately managed:

- It should be clearly disclosed/declared to the commissioning PCBU, and a plan put in place to manage it. Ways to manage a conflict of interest will vary depending on the circumstances but may include:
  - including the commissioning PCBU in all communications between the removalist and assessor
  - having the assessment peer-reviewed by a different independent assessor.
- If a conflict cannot be managed, a different assessor needs to be engaged.

8.3.4 When can a clearance certificate be issued and what must it contain?

WHEN CAN A CLEARANCE CERTIFICATE BE ISSUED?

Once a clearance inspection has been carried out, the licensed asbestos assessor or competent person must issue a clearance certificate if satisfied:

- the asbestos removal area and the area immediately surrounding it are free from visible asbestos contamination
- air monitoring (if undertaken) shows the respirable asbestos fibre level does not exceed trace level
- the asbestos removal area does not pose a risk to health and safety from exposure to asbestos.

WHAT MUST A CLEARANCE CERTIFICATE CONTAIN?

The clearance certificate must be in writing. It must include:

- the name, qualifications, and contact details of the licensed asbestos assessor or competent person issuing the certificate
- the address and location of the asbestos removal area and the date and time the inspection occurred
- that the licensed asbestos assessor or competent person found no visible asbestos residue from asbestos removal work in the area, or in the vicinity of the area, where the work was carried out
- if air monitoring was carried out by the licensed asbestos assessor or competent person as part of the clearance inspection, that the respirable asbestos fibre level does not exceed trace level
- that, as far as can be determined from the clearance inspection, the asbestos removal area does not pose a risk to health and safety from exposure to asbestos.

The PCBU who commissioned the asbestos removal, or the licensed asbestos removalist (when the work is at a home) must not accept an assessor's verbal confirmation, text message or email confirming clearance inspection completion instead of a clearance certificate.

8.3.5 Provide health monitoring to workers at risk from exposure to asbestos

- Regulation 15: Duty to provide health monitoring (Asbestos Regulations)
- Regulation 16: Duty to ensure that appropriate health monitoring is provided (Asbestos Regulations)
- Part 3 Duties relating to exposure monitoring and health monitoring (GRWM Regulations)

Health monitoring is monitoring a person to identify any changes in their health from being exposed to asbestos.

There are requirements for health monitoring in the Asbestos Regulations and the GRWM Regulations.

The requirements include the following.

WHEN IS MONITORING REQUIRED (ASBESTOS REGULATIONS)?

A PCBU must ensure health monitoring is provided to its workers who are carrying out licensed asbestos removal work and are at risk of exposure to asbestos when carrying out the work.

The health monitoring must commence within four weeks of the worker starting

to carry out the work.

A PCBU does not have to ensure health monitoring is provided to a worker engaged in Class B asbestos removal work for a total less than 4 weeks in any 12-month period.

WHAT MUST THE HEALTH MONITORING INVOLVE (ASBESTOS REGULATIONS)?

Unless another type of monitoring is recommended by a medical practitioner, the PCBU must ensure the health monitoring includes:

- consideration of the worker's demographic, medical, and occupational history and records of the worker's personal exposure to asbestos
- a physical examination of the worker.

HOW MUST THE HEALTH MONITORING BE PROVIDED AND HOW LONG MUST HEALTH MONITORING RECORDS BE KEPT (GRWM REGULATIONS)?

Health monitoring must be provided in accordance with Part 3 of the GRWM Regulations. For information on the health monitoring requirements under the GRWM Regulations, see General risk and workplace management – health monitoring

The PCBU must keep the health monitoring records for 40 years after the date the record is made.

For more information about health monitoring good practice, see Health and exposure monitoring

9.0 What are the duties for unlicensed asbestos removal?

IN THIS SECTION:

The following sections outline the duties for unlicensed asbestos removal.

Unlicensed asbestos removal work is work that does not require a licensed asbestos removalist to carry out. This is when the asbestos to be removed:

- is cumulatively 10m^2 or less of non-friable asbestos or ACD associated with the removal of that amount of non-friable asbestos or
- is ACD not associated with the removal of friable or non-friable asbestos and is only a minor contamination (Section 6 of these guidelines).

For licensed removal (Class A or Class B), see Section 8 of these guidelines.

The additional duties for PCBUs involved in demolishing or refurbishing certain structures or plant which contains or may contain asbestos are described in Section 10 of these guidelines.

9.1 Overview of duties for unlicensed asbestos removal

Regulation 27: Duty to ensure asbestos removalist is licensed

Table 20 shows an overview of duties for unlicensed removal work and where they are covered in these guidelines. Not all duties are listed. The regulations are from the Asbestos Regulations unless stated otherwise.

UNLICENSED WORK	SECTION COVERED
Before the removal begins	
Manage risks using the prescribed risk management process and carry out exposure monitoring under certain circumstances As asbestos is classed as a `substance hazardous to health': – PCBUs must follow the prescribed risk management process – the PCBU with management or control of the workplace must carry out exposure monitoring as described in the GRWM Regulations. (GRWM Regulations – regulations 3, 5–8, 28–30, and 32).	9.2
Use a trained worker for the asbestos removal work The PCBU that commissions the asbestos removal work must ensure the work is carried out by a competent person who has been trained in accordance with regulation 17 (regulation 27). A PCBU must ensure workers are trained in the identification and safe handling of, and suitable control measures for asbestos and ACM (regulation 17, GRWM Regulations – regulation 9).	9.3
Tell certain people before the asbestos removal starts At a workplace – the PCBU with management or control of the workplace who is informed that asbestos removal is to be carried out at the workplace must inform certain persons about intended asbestos removal work (regulation 36).	9.4
During the removal	
Make sure there are signs and barriers at the asbestos removal area An asbestos removalist must ensure: – there are signs are posted or erected at the asbestos removal area clearly indicating the presence and location of asbestos and that asbestos removal work is being carried out – signs comply with an applicable safe work instrument (SWI) (at the time of publication, there is no applicable SWI) – barriers delineate the asbestos removal area (regulation 37).	9.5
Do not use certain equipment on asbestos or ACM A PCBU must not use or direct or allow a worker to use the following equipment on asbestos or ACM: – a high-pressure water spray (with exceptions) – compressed air – a power tool, broom or other implement that causes release of asbestos into the environment unless controlled as per regulation 18(4) (regulation 18).	9.6

UNLICENSED WORK	SECTION COVERED
Make sure there are decontamination facilities The asbestos removalist must ensure there are facilities available to decontaminate the removal area, any plant used in the asbestos removal area and workers and other people who have access. There are requirements to meet before items contaminated with asbestos are removed from the work area (regulation 39).	9.7
Make sure asbestos waste is disposed appropriately The asbestos removalist must ensure asbestos waste and contaminated equipment (including PPE) is appropriately transported and disposed of (regulation 40).	9.8
After removal	
Provide health monitoring to workers at risk of exposure to asbestos A PCBU must ensure health monitoring is provided to its workers who are carrying out ongoing asbestos removal work and are at risk of exposure to asbestos when carrying out the work (regulations 15 and 16, GRWM Regulations – Part 3).	9.9

TABLE 20: Overview of the duties for unlicensed asbestos removal

For good practice guidance on meeting the following requirements, see Managing asbestos in your building or workplace: For PCBUs

9.2 Manage risks using the prescribed risk management process and carry out exposure monitoring under certain circumstances

- Regulation 3 (GRWM Regulations)
- Regulation 28 (GRWM Regulations)
- Regulation 5–8 (GRWM Regulations)
- Regulations 29–30 (GRWM Regulations)
- Regulation 32 (GRWM Regulations)

As asbestos is a 'substance hazardous to health':

- PCBUs must follow the prescribed risk management process when managing risk
- the PCBU with management or control of the workplace must carry out exposure monitoring under certain circumstances.

See Section 4 of these guidelines for guidance on this.

9.3 Use a trained competent person for the asbestos removal work

- Regulation 27: Duty to ensure asbestos removalist is licensed (Asbestos Regulations)
- Regulation 17: Duty to train workers about asbestos (Asbestos Regulations)
- Regulation 9: Duty to provide information, supervision, training and instructions (GRWM Regulations)

The PCBU that commissions the asbestos removal work must ensure the unlicensed work is carried out by a competent person who has been trained in accordance with regulation 17.

Training is an important part of managing risks, as it ensures work is carried out properly and control measures are properly used and maintained.

There are training, information and instruction duties under the GRWM Regulations and the Asbestos Regulations.

Duties under the GRWM Regulations

PCBUs must ensure, so far as reasonably practicable, workers are provided with the information, training and instruction or supervision necessary to protect them from health and safety risks arising from their work. The training must be suitable and adequate for the nature of the work.

For more information about training requirements, see Providing information, training, instruction or supervision for workers

Duties under the Asbestos Regulations

In addition to those duties, the Asbestos Regulations impose specific training duties for workers who a PCBU reasonably believes might be involved in asbestos removal work.

The PCBU must ensure workers are trained in:

- the identification of asbestos and ACM
- safe handling of asbestos and ACM
- suitable control measures for asbestos and ACM.

The PCBU must ensure a training record is kept:

- while the worker is carrying out the work
- for 5 years after the day on which the worker ceases working for the PCBU.

The training record must be available for inspection under HSWA if requested.

9.4 Tell certain people before the asbestos removal starts

Regulation 36: Duty of PCBU to inform certain persons about intended asbestos removal work

Certain people must be told before the asbestos removal work starts.

The PCBU with management or control of the workplace who is informed asbestos removal is to be carried out at the workplace must inform the PCBUs and people in Table 21 that the work is to be carried out and when it will start.

BEFORE THE REMOVAL WORK STARTS, THE PCBU MUST ENSURE THE FOLLOWING ARE INFORMED THE WORK IS TO BE CARRIED OUT AND WHEN IT WILL START:	BEFORE THE REMOVAL WORK STARTS, THE PCBU MUST TAKE ALL REASONABLE STEPS TO ENSURE THE FOLLOWING ARE INFORMED THE WORK IS TO BE CARRIED OUT AND WHEN IT WILL START:
– their workers and any other persons at the workplace	– any PCBU at, or in the immediate vicinity of, the workplace
– the person who commissioned the asbestos removal work.	– anyone occupying premises in the immediate vicinity of the workplace.

TABLE 21: PCBUs or people to be informed before unlicensed asbestos removal starts

9.5 Make sure there are signs and barriers at the asbestos removal area

Regulation 37: Signage and barriers

Warning signs and barriers are essential to clearly identify the asbestos removal area and protect people from exposure.

The area where asbestos removal is being carried out must be clearly indicated.

This includes:

- decontamination facilities
- enclosures
- areas through which asbestos is transported
- any other area defined in an asbestos removal control plan as part of the asbestos removal area.

What are the requirements for warning signs and barriers?

The asbestos removalist must ensure:

- signs are posted or erected at the asbestos removal area that clearly indicate the presence and location of asbestos and that asbestos removal is being carried out. Make sure the signs are visible
- signs comply with any applicable safe work instrument (SWI) (at the time of publication, there are no SWIs)
- barriers delineate the asbestos removal area.

The type of barrier should be proportionate to the risk posed by the works undertaken.

What about limiting access to the asbestos removal area?

There is no specific Asbestos Regulations requirement for limiting access to the asbestos removal area for unlicensed work.

However:

- the primary duty of PCBUs would apply here (section 36 of HSWA)
- under the prescribed risk management process (Section 4.1 of these guidelines), one of the first actions is considering what isolation control measures (separating people from the harm) could be used.

You should make sure no-one has access to an asbestos removal area except the PCBU and its workers engaged in the asbestos removal work.

9.6 Do not use certain equipment on asbestos or ACM

Regulation 18: Duty to limit use of equipment on asbestos or ACM

Any person who uses tools or equipment to work with asbestos must do so in a way that prevents or minimises the risk of exposure to asbestos.

Table 22 describes the tools or equipment a PCBU must not use, or direct or allow a worker to use on asbestos or ACM.

DO NOT USE:	UNLESS:
– a high-pressure water spray This is water pressurised by positive displacement pumps that have an output capability of more than 350kPa (approximately 50Psi), such as water blasters, pressure washers and hydroexcavators.	– for fire-fighting or fire prevention purposes – water jetting to clear or prevent blockages in waste water or water pipe networks – specific instances of the use of a relevant method for managing risk associated with asbestos that is approved under regulation 8. At the date of publication, no methods have been approved.
– compressed air This is air that is pressurised to greater-than atmosphere pressure. Equipment that uses compressed air includes, for example, blasting equipment such as sand, ice or pellet blasters or pneumatic tools such as air angle grinders.	N/A

DO NOT USE:	UNLESS:
– a power tool – a broom or – any other implement that causes the release of airborne asbestos into the atmosphere.	– the use will be controlled as follows: - the equipment is enclosed while being used. The equipment is only enclosed if it is used within an asbestos removal enclosure. For more information about asbestos removal enclosures, see Section 9 of the Asbestos removal – good practice guidelines or - the equipment is designed to capture or suppress airborne asbestos and is used in accordance with its design (for example, an industrial airtight vacuum) or - the equipment is used in a way that is designed to capture or suppress airborne asbestos safely (for example, collar shadow drilling) or - a combination of the above bullets.

TABLE 22: Tools and equipment not to be used on asbestos or ACM

9.7 Make sure there are decontamination facilities

Regulation 39: Duty to make decontamination facilities available

Decontamination is an important step to control the spread of asbestos fibres. It is necessary to make sure workers and their PPE including RPE are free of asbestos fibres before leaving the enclosure or work area.

What decontamination facilities must be made available?

The asbestos removalist must ensure facilities are available to decontaminate:

- the asbestos removal area
- any plant used in the asbestos removal area
- workers carrying out asbestos removal work
- other persons who have access to the asbestos removal area under regulation 38.

What must happen before items are removed from an asbestos removal area?

Figure 13 shows what a PCBU must ensure happens before items likely contaminated with asbestos are removed from an asbestos removal site.

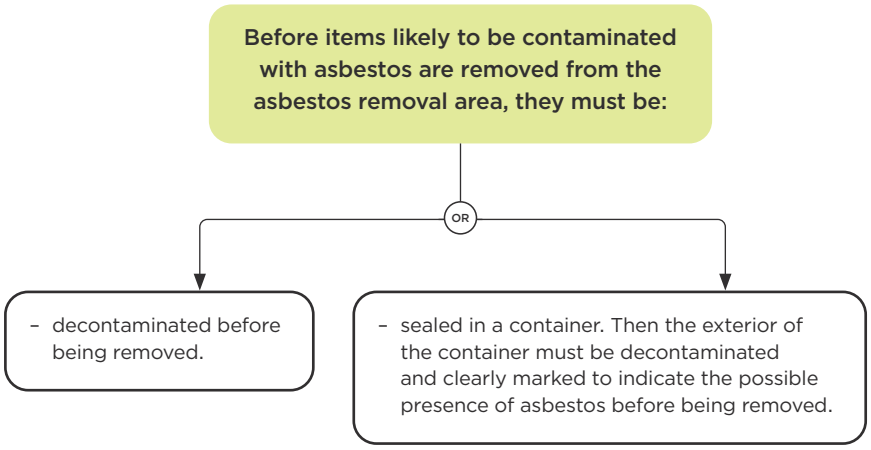


FIGURE 13: Flowchart: What must happen before items are removed from an asbestos removal area

For more guidance on decontamination, see see Asbestos removal – good practice guidelines

- Section 15 for personal decontamination
- Section 16 for decontamination of plant including PPE

9.8 Make sure asbestos waste is disposed appropriately

Regulation 40: Duties relating to disposal of asbestos waste and contaminated PPE

Proper handling, containment, transport and disposal of asbestos waste is necessary to minimise the risk of workers and other people being exposed to asbestos fibres.

What is asbestos waste?

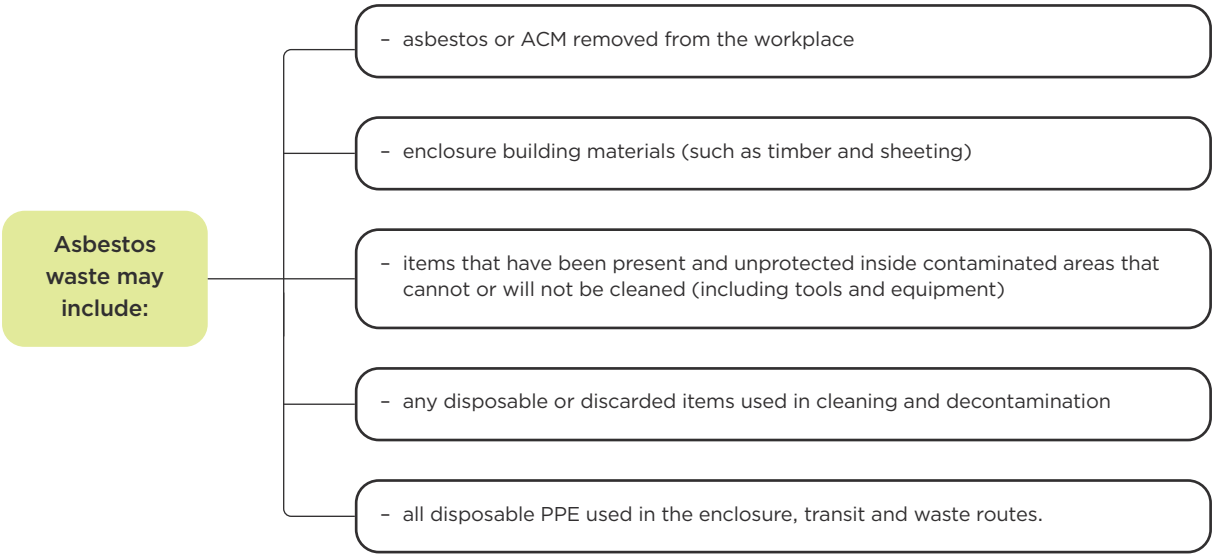


FIGURE 14: Examples of asbestos waste

How must waste be disposed of?

The asbestos removalist must ensure asbestos waste and any equipment (including PPE) used in asbestos removal work and contaminated with asbestos is:

- placed in a sealed container (that has been decontaminated and marked clearly to indicate the presence of asbestos) before being taken from an asbestos removal work area
- disposed of as soon as reasonably practicable by depositing it in an approved place.

What is an approved place for disposal?

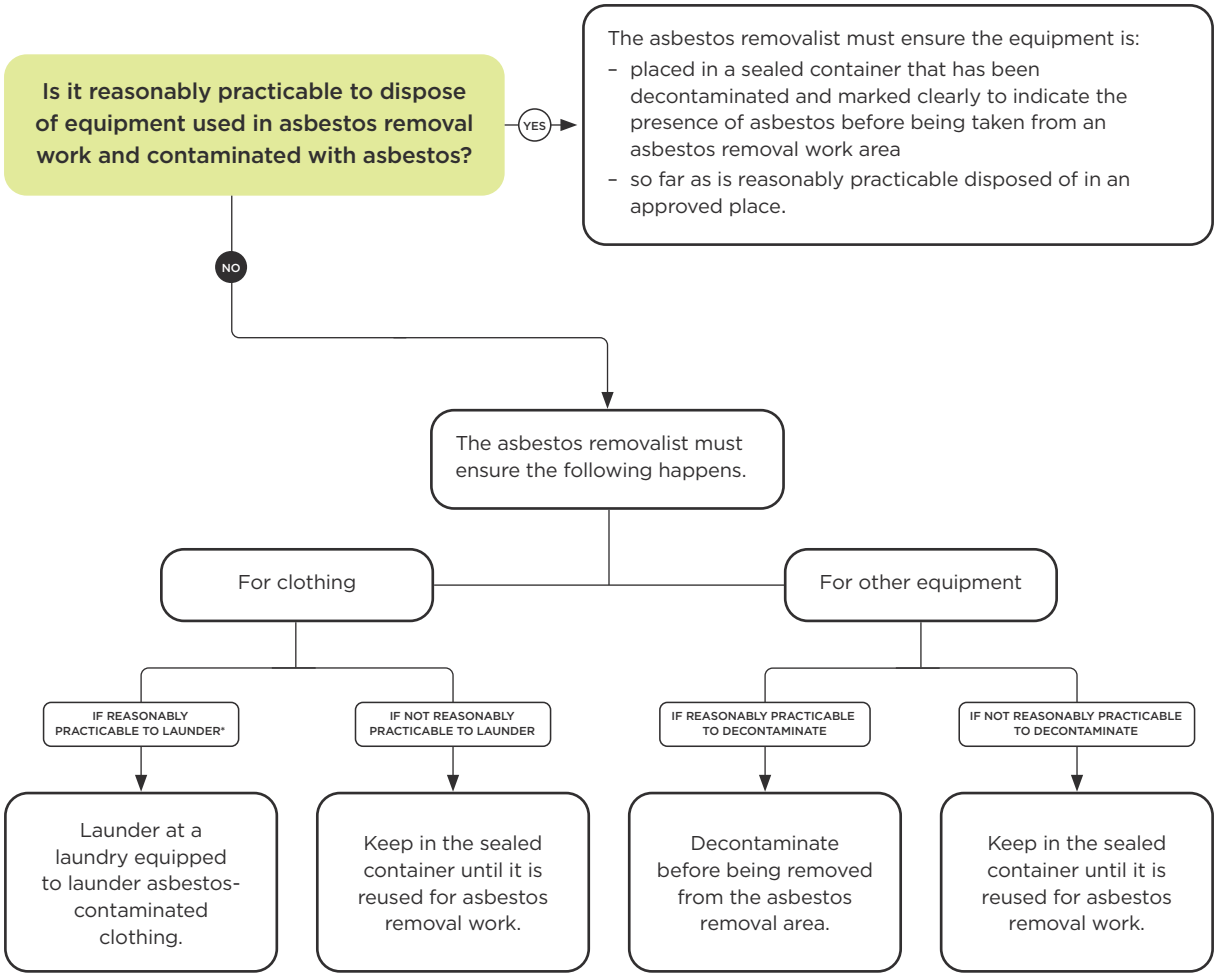
This is a hazardous waste landfill approved by a city or district council.

Talk to your local council to find out where asbestos waste can be disposed of.

There is an approved method to be followed if waste needs to be stored on a temporary basis before being disposed of at an approved place, see Temporary storage of asbestos waste

How must equipment used in asbestos removal work and contaminated with asbestos be disposed of?

Figure 15 shows what the asbestos removalist must ensure happens if equipment can or cannot be disposed of.



* At the date of publication, there are no commercially available laundries for asbestos-contaminated clothing.

FIGURE 15: Flowchart: What the asbestos removalist must do if it is not reasonably practicable to dispose of equipment

9.9 Provide health monitoring to workers at risk of exposure to asbestos

- Regulation 15: Duty to provide health monitoring (Asbestos Regulations)
- Regulation 16: Duty to ensure that appropriate health monitoring is provided (Asbestos Regulations)
- Part 3: Duties relating to exposure monitoring and health monitoring (GRWM Regulations)

Health monitoring is monitoring a person to identify any changes in their health from being exposed to asbestos.

There are requirements for health monitoring in the Asbestos Regulations and the GRWM Regulations.

The requirements include the following.

When is monitoring required (Asbestos Regulations)?

A PCBU must ensure health monitoring is provided to its workers who are carrying out ongoing asbestos removal work and are at risk of exposure to asbestos when carrying out the work.

What must the health monitoring involve (Asbestos Regulations)?

Unless another type of monitoring is recommended by a medical practitioner, the PCBU must ensure the health monitoring includes:

- consideration of the worker's demographic, medical, and occupational history and records of the worker's personal exposure to asbestos
- a physical examination of the worker.

How must the health monitoring be provided and how long must health monitoring records be kept (GRWM Regulations)?

Health monitoring must be provided in accordance with Part 3 of the GRWM Regulations. For information on the health monitoring requirements under the GRWM Regulations, see General risk and workplace management – health monitoring

The PCBU must keep the health monitoring records for 40 years after the date the record is made.

What information must a PCBU give to workers or prospective workers before they start the work? (GRWM Regulations)

A PCBU must give certain information to any person likely to be engaged to carry out unlicensed asbestos removal work including:

- the health risks and health effects associated with exposure to asbestos
- the need for, and details of, health monitoring of a worker carrying out unlicensed asbestos removal work
- how health monitoring reports will be retained, stored and shared.

For more information about health monitoring good practice, see Health and exposure monitoring

10.0 What are the duties when demolishing or refurbishing structures or plant?

IN THIS SECTION:

There are additional duties for PCBUs who are involved in the demolition or refurbishment of certain structures or plant which contains or may contain asbestos.

10.1 What do we mean by demolition, refurbishment and maintenance?

Regulation 19: Application of subpart 4: demolition and refurbishment of structures or plant

'Demolition' means to demolish or dismantle a structure, or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure. It does not include:

- dismantling formwork, falsework, or other structures designed or used to provide support, access, or containment during construction work
- removing power, light, or telecommunication poles.

For these regulations, demolition or refurbishment does not include minor or routine maintenance work or other minor work.

'Refurbishment' and 'maintenance' have not been defined in the Asbestos Regulations. Table 23 describes the definitions WorkSafe uses for these.

TERM	HOW WORKSAFE DEFINES THIS
Refurbishment	Carrying out work in a building or structure with the emphasis on changing and/or upgrading it.
Maintenance	Care and/or upkeep that is planned, routine or urgent that keeps the building or structure in a proper condition or working order. It is incidental work that can be done quickly and safely within minimal control measures required to ensure safety.

TABLE 23: Definitions of refurbishment and maintenance

Here are examples showing the difference between maintenance and refurbishment.

Scenarios to distinguish between maintenance and refurbishment

1. Repair of a rotten window frame with similar materials to the original is maintenance.
2. Repairing of a rotten window frame using a new frame with different materials but the same dimensions is maintenance.
3. Conversion of a window into a ranch slider door or putting in a new and much larger window is refurbishment.
4. Cutting a small hole into an eave to install a cable is maintenance.
5. Removing and replacing an eave is generally deemed refurbishment.
6. Removing a vinyl tile to install a plumbing fixture is maintenance.
7. Pulling up all the vinyl tiles to replace them is refurbishment.
8. Hand-drilling a few holes into a cement sheet to attach a fitting is maintenance.
9. Removing and replacing a cement sheet is refurbishment.

10.2 Which plant and structures does this apply to?

Regulation 19: Application of subpart 4: demolition and refurbishment of structures or plant

The requirements described in this section (Section 10) only apply when demolishing or refurbishing a structure or plant:

- constructed or installed before 1 January 2000 or
- in which asbestos has been identified or
- in which asbestos is likely to be present from time to time (see Figure 4).

10.3 If you are demolishing or refurbishing a structure or plant at a workplace or a home

Figures 16–18 explain the duties of specific duties when demolishing or refurbishing a structure or plant at a workplace or a home. There are different duties if the demolition is being carried out due to an emergency.

The first requirement is to determine whether asbestos is present before carrying out refurbishment or demolition work.

It is WorkSafe's view that to comply with the regulations, a refurbishment/demolition survey needs to be carried out by a competent person. Table 24 explains these terms.

TERM	EXPLANATION	NOTES
Demolition/ refurbishment survey	The purpose of a refurbishment or demolition survey is to locate all the asbestos material in a building or workplace (or part of it) before refurbishment or demolition work starts. This is different to an asbestos management survey, as it is disruptive and intrusive and may involve penetrating parts of the building structure. Control measures must be put in place to prevent the spread of debris.	
Competent person	This is a person who has the knowledge, experience, skills and qualifications to carry out this particular task under the Asbestos Regulations, including any knowledge, experience, skills, and qualifications prescribed in a safe work instrument (SWI) (at the time of publication, there are no SWIs).	For more information about competent persons, see Conducting asbestos surveys: Good practice guidelines for asbestos surveyors

TABLE 24: Definition of competent person and refurbishment/demolition survey

Duties for the non-emergency demolition of a structure or plant at a workplace or a home

Unless specified otherwise:

- When demolishing a structure or plant at a workplace – the 'relevant PCBU' is the PCBU with management or control of the workplace, structure or plant.
- When demolishing a home – the 'relevant PCBU' is the PCBU that is to carry out a demolition of the home.

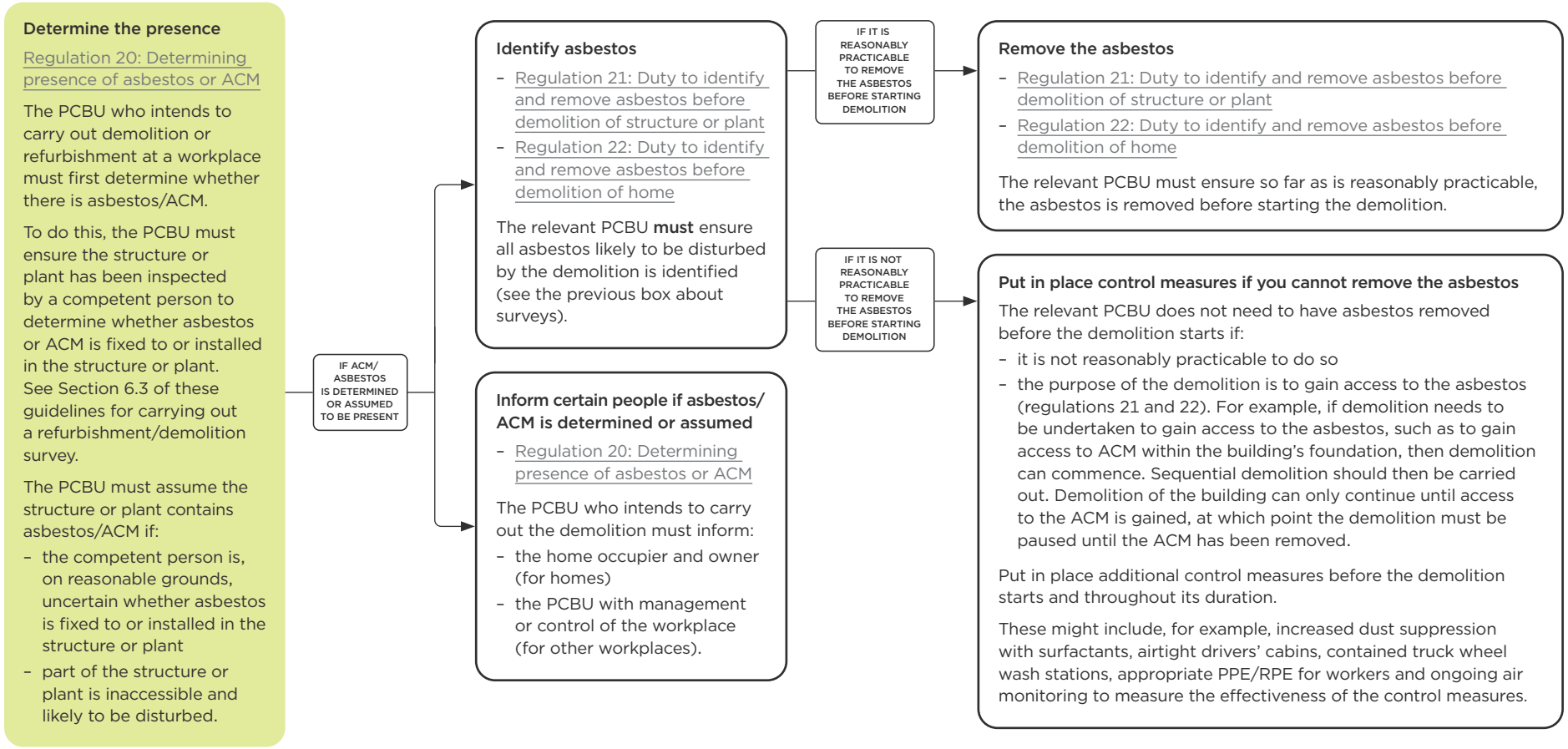


FIGURE 16: Flowchart: Duties when demolishing a structure or plant at a workplace or home

Duties for emergency demolition of a structure or plant at a workplace or a home

These duties apply if a structure or plant at a workplace or home contains asbestos and must be demolished due to an emergency.

- An 'emergency' occurs if a structure or plant is structurally unsound, and the collapse of a structure or plant is imminent (which means it is about to happen)
- 'Demolition' or 'demolished' means work to dismantle a structure or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure.

Unless specified otherwise:

- When demolishing a structure or plant at a workplace – the 'relevant PCBU' is the PCBU with management or control of the workplace, structure or plant.
- When demolishing a home – the 'relevant PCBU' is the PCBU that is to carry out the demolition of the home.

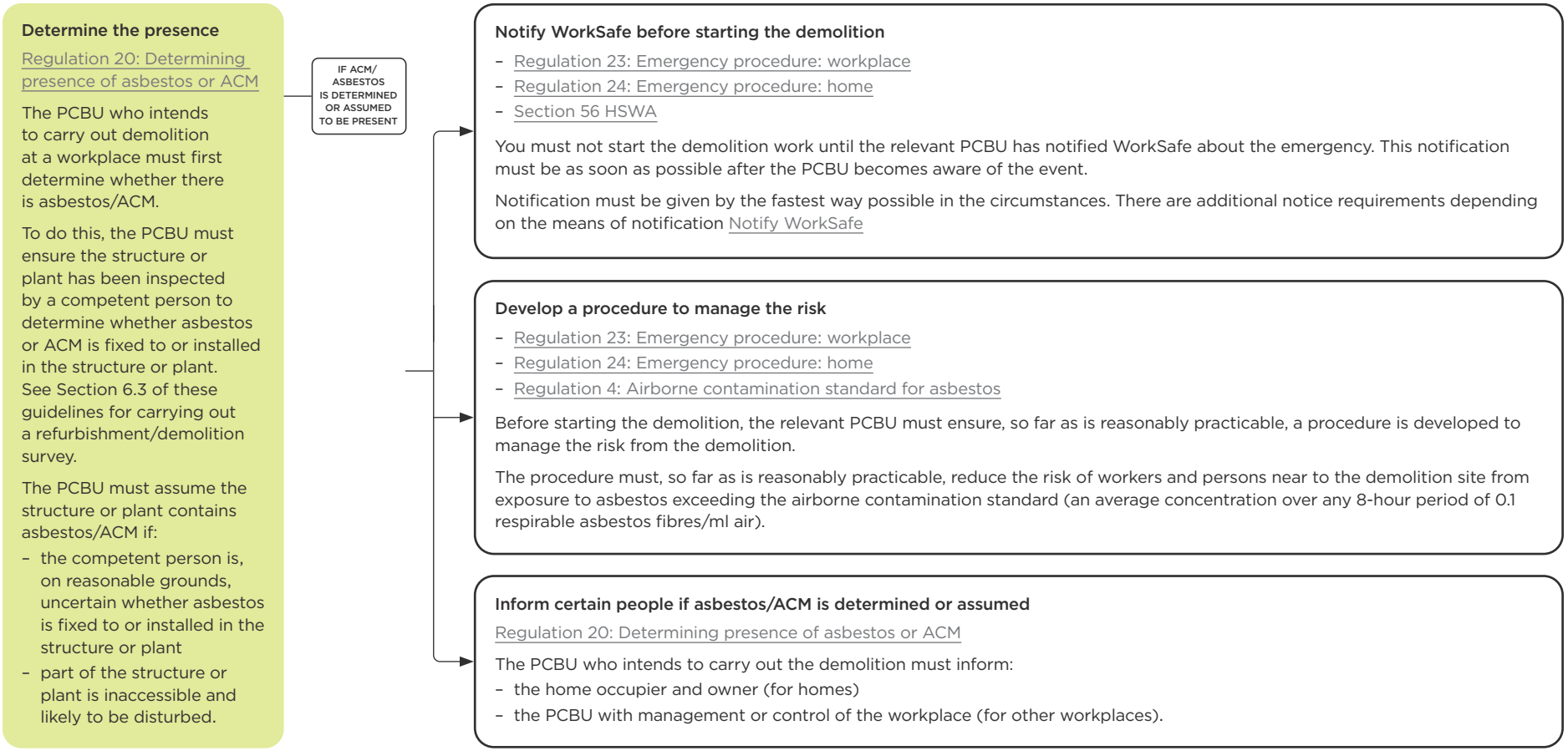


FIGURE 17: Flowchart: Duties for emergency demolition of a structure or plant at a workplace or home

Duties when refurbishing a structure or plant at a workplace or a home

Unless specified otherwise:

- When refurbishing a structure or plant at a workplace – the 'relevant PCBU' is the PCBU with management or control of the workplace, structure or plant.
- When refurbishing a home - the "relevant PCBU" is the PCBU that is to carry out the refurbishment of the home.

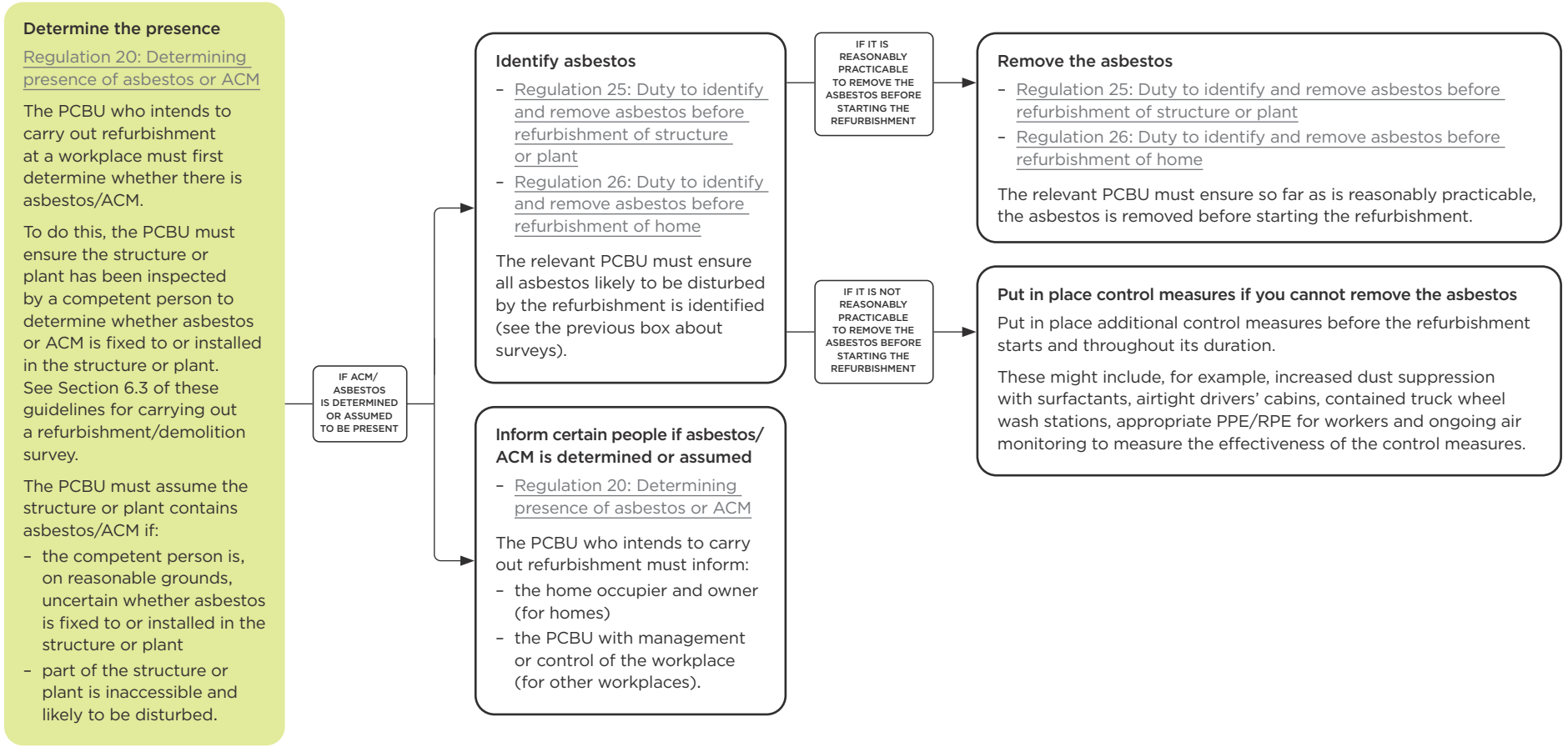


FIGURE 18: Flowchart: Duties when refurbishing a structure or plant at a workplace or home

PART D

Managing the risks from asbestos-related work

IN THIS PART:

11.0 What is asbestos-related work?

IN THIS SECTION:

11.1 What are examples of asbestos-related work?

Asbestos-related work is any work involving asbestos permitted under regulation 7 (Section 3 of these guidelines) that is not asbestos removal work.

Examples include:

- maintenance and servicing work involving ACM
- rectifying work to ACM (for example, encapsulation).

Table 25 provides examples of the activities that are 'asbestos-related work' versus 'asbestos removal work'.

EXAMPLES OF ASBESTOS-RELATED WORK	EXAMPLES OF ASBESTOS REMOVAL WORK
– Drilling, cutting or otherwise disturbing ACM while installing, wiring, ducting, pipes or other services. – Hand-drilling a few holes into an asbestos-containing cement sheet to attach a fitting. – Cleaning or prepping an asbestos- containing surface for repainting or sealing. – Cutting a small hole into an asbestos- containing eave to install a cable. – Installing a new fuse to an older fuse box that contains asbestos. – Replacing a window where the surrounding structure includes ACM (look out for old packing as ACM scraps were often used). – Putting new cladding directly over existing asbestos-containing cladding. – Putting new flooring over existing asbestos-containing flooring. – Altering an asbestos-containing vinyl tile to install a plumbing fixture. – Repairing or maintaining machinery or plant that has asbestos-containing parts (such as insulation or gaskets). This does not include removal/replacement of old asbestos-containing parts.	– Replacing old asbestos-containing fence panels with timber boards. – Swapping an old hot water cylinder (that contains asbestos insulation) with a new cylinder. – Removing an old (AC) fuse box completely. – Removing an asbestos-containing textured ceiling. – Removing asbestos-containing cladding from a building. – Removing old asbestos-containing flooring (such as tiles or vinyl) or flooring with asbestos-containing paper backing or adhesives. – Removing an old central heating system that contains asbestos insulation. – Removing old asbestos-containing tiles before retiling. – Removing or replacing old asbestos-containing parts in machinery or plant (such as replacing asbestos gaskets or asbestos insulation).

TABLE 25: Asbestos-related work versus asbestos removal work activities

Section 12 of these guidelines outline the duties for asbestos-related work.

For asbestos removal, and the additional requirements when demolishing structures or plant which contains or may contain asbestos, see Part C of these guidelines.

12.0
What are the duties for asbestos-related work?

IN THIS SECTION:

12.1 Overview of duties for asbestos-related work

Table 26 shows an overview of duties for asbestos-related work and where they are covered in these guidelines. Not all duties are listed. The regulations are from the Asbestos Regulations unless stated otherwise.

ASBESTOS-RELATED WORK	SECTION COVERED
Before the asbestos-related work	
Manage risks using the prescribed risk management process and carry out exposure monitoring under certain circumstances As asbestos is classed as a `substance hazardous to health': – PCBUs must follow the prescribed risk management process – the PCBU with management or control of the workplace must carry out exposure monitoring as described in the GRWM Regulations. (GRWM Regulations - regulations 3, 5–8, 28–30, and 32).	12.2
Ensure the analysis of samples is undertaken if uncertain whether asbestos or ACM are present If a PCBU is uncertain whether asbestos or ACM is present, they must ensure the analysis of a sample is undertaken in accordance with regulation 11 to determine if asbestos or ACM is present. This does not apply if the PCBU assumes asbestos is present or unless there is reasonable case to suspect asbestos-contaminated soil is present (regulation 48).	12.3
Use a trained worker for asbestos-related work A PCBU must ensure workers are trained in the identification and safe handling of asbestos and ACM, and suitable control measures (regulation 9, GRWM Regulations – regulation 17).	12.4
Give workers information about the asbestos health risks Before workers are engaged to carry out work, a PCBU must give them information about the health risks and health effects associated with exposure to asbestos, and the need for and details of health monitoring (regulation 49).	12.5
During the asbestos-related work	
Make sure the asbestos-related work area is separated and put up signs and barriers The PCBU carrying out the asbestos-related work must ensure the asbestos-related work area is separated from other work areas and: – there are signs are posted or erected at the asbestos-related work area clearly indicating the presence and location of asbestos and that asbestos-related work is being carried out – signs comply with an applicable safe work instrument (SWI) (at the time of publication, there are no applicable SWIs) – barriers delineate the asbestos-related work area (regulation 50).	12.6
Do not use certain equipment on asbestos or ACM A PCBU must not use, or direct or allow a worker to use the following equipment on asbestos or ACM: – a high-pressure water spray (with exceptions) – compressed air – a power tool, broom or other implement that causes release of asbestos into the environment unless controlled as defined in regulation 18(4) (regulation 18).	12.7
Carry out air monitoring if there is uncertainty as to whether the asbestos airborne contamination standard is likely to be exceeded A PCBU at a workplace must ensure a competent person carries out air monitoring. If the standard has been exceeded the PCBU must, so far as is reasonably practicable, identify and warn the affected people (regulation 51).	12.8
Make sure there are decontamination facilities The PCBU for which asbestos-related work is carried out must ensure there are facilities available to decontaminate the asbestos-related work area, any plant used in that area and workers carrying out that work. There are requirements to meet before items contaminated with asbestos are removed from the work area (regulation 52).	12.9

ASBESTOS-RELATED WORK	SECTION COVERED
Make sure asbestos waste is disposed appropriately The PCBU for which asbestos-related work is carried out must ensure asbestos waste and contaminated equipment (including PPE) is appropriately transported and disposed of (regulation 53).	12.10
After asbestos-related work	
Provide health monitoring to workers at risk of exposure to asbestos A PCBU must ensure health monitoring is provided to its workers who are carrying out ongoing asbestos-related work and are at risk of exposure to asbestos when carrying out the work (regulations 15 and 16, GRWM Regulations – Part 3).	12.11

TABLE 26: Summary of duties for asbestos-related work

For the good practice guidance available, see Table 1 of these guidelines.

12.2 Manage risks using the prescribed risk management process and carry out exposure monitoring under certain circumstances

- Regulation 3 (GRWM Regulations)
- Regulation 28 (GRWM Regulations)
- Regulation 5–8 (GRWM Regulations)
- Regulations 29–30 (GRWM Regulations)
- Regulation 32 (GRWM Regulations)

As asbestos is a 'substance hazardous to health':

- PCBUs must follow the prescribed risk management process when managing risk
- the PCBU with management or control of the workplace must carry out exposure monitoring under certain circumstances.

See Section 4 of these guidelines for guidance on this.

12.3 Ensure the analysis of samples is undertaken if uncertain whether asbestos or ACM are present

Regulation 48: Uncertainty as to presence of asbestos

There may be times when a PCBU is not sure whether asbestos or ACM is present at a workplace.

If a PCBU is uncertain, a sample must be analysed to determine if asbestos or ACM is present. The sample must be analysed in accordance with regulation 11 (Section 5.5 of these guidelines).

Samples do not need to be analysed if the PCBU assumes asbestos is present and carries out any work on that basis.

For soil, samples do not need to be analysed if the PCBU has no reasonable cause to suspect the soil is contaminated with asbestos.

A PCBU might have reasonable cause to suspect soil is contaminated if, for example:

- there is visible debris present on the top soil
- there has been uncontrolled demolition of a building at the workplace constructed when asbestos was likely used as a building product (see Figure 4)
- the workplace contained asbestos sprayed coating or hand applied pipe lagging or asbestos insulating board.

12.4 Use a trained worker for asbestos-related work

- Regulation 17: Duty to train workers about asbestos (Asbestos Regulations)
- Regulation 9: Duty to provide information, supervision, training and instructions (GRWM Regulations)

Training is an important part of managing risks as it ensures work is carried out properly and control measures are properly used and maintained.

There are training, information and instruction duties under the GRWM Regulations and the Asbestos Regulations.

Duties under the GRWM Regulations

PCBUs must ensure, so far as reasonably practicable, workers are provided with the information, training and instruction or supervision necessary to protect them from health and safety risks arising from their work. The training must be suitable and adequate for the nature of the work.

For more information about training requirements, see Providing information, training, instruction or supervision for workers

Duties under the Asbestos Regulations

In addition to those duties, the Asbestos Regulations impose specific training duties for workers who a PCBU reasonably believes might be carrying out asbestos-related work.

The PCBU must ensure workers are trained in:

- the identification of asbestos and ACM
- safe handling of asbestos and ACM
- suitable control measures for asbestos and ACM.

The PCBU must ensure a training record is kept:

- while the worker is carrying out the work
- for 5 years after the day on which the worker ceases working for the PCBU.

The training record must be available for inspection under HSWA if requested.

12.5 Give workers information about the asbestos health risks

Regulation 49: Duty to give information about health risks of asbestos-related work

Carrying out asbestos-related work can result in exposure to health risks.

PCBUs must give following information to any person likely to be engaged to carry out asbestos-related work:

- the health risks and health effects associated with exposure to asbestos
- the need for, and details of, health monitoring of a worker carrying out asbestos-related work.

Give this information before they are engaged to carry out the work.

For further information about health risks, see Asbestos in Aotearoa New Zealand

12.6 Make sure the asbestos-related work area is separated and put up signs and barriers

Regulation 50: Duty to ensure asbestos-related work area separated

If asbestos-related work is being carried out at a workplace, the area where the asbestos-related work is being carried out must be appropriately managed.

This means the PCBU who is carrying out the asbestos-related work must ensure:

- the asbestos-related work area is separated from other work areas at the workplace
- signs are posted or erected at the asbestos-related work area that clearly indicate the presence and location of asbestos and that asbestos-related work is being carried out. Make sure the signs are visible
- signs comply with any applicable safe work instrument (SWI) (at the time of publication, there are no SWIs)
- barriers are erected to delineate the asbestos-related work area.

12.7 Do not use certain equipment on asbestos or ACM

Regulation 18: Duty to limit use of equipment on asbestos or ACM

Any person who uses tools or equipment to work with asbestos must do so in a way that prevents or minimises the risk of exposure to asbestos.

Table 27 describes the tools or equipment a PCBU must not use, or direct or allow a worker to use on asbestos or ACM.

DO NOT USE:	UNLESS:
- a high-pressure water spray This is water pressurised by positive displacement pumps that have an output capability of more than 350kPa (approximately 50 Psi), such as water blasters, pressure washers and hydroexcavators.	- for fire-fighting or fire prevention purposes - water jetting to clear or prevent blockages in waste water or water pipe networks - specific instances of the use of a relevant method for managing risk associated with asbestos that is approved under regulation 8. At the date of publication, no methods have been approved.
- compressed air This is air that is pressurised to greater-than atmosphere pressure. Equipment that uses compressed air includes, for example, blasting equipment such as sand, ice or pellet blasters or pneumatic tools such as air angle grinders.	N/A

- a power tool
- a broom or
- any other implement that causes the release of airborne asbestos into the atmosphere.
	- the use will be controlled as follows:
	  - the equipment is enclosed while being used. The equipment is only enclosed if it is used within an asbestos removal enclosure. For more information about asbestos removal enclosures, see Section 9 of the Asbestos removal – good practice guidelines or
	  - the equipment is designed to capture or suppress airborne asbestos and is used in accordance with its design (for example, an industrial airtight vacuum) or
	  - the equipment is used in a way that is designed to capture or suppress airborne asbestos safely (for example, collar shadow drilling) or
	  - a combination of the above bullets.

TABLE 27: Tools and equipment not to be used on asbestos or ACM

12.8 Carrying out air monitoring if there is uncertainty as to whether the asbestos airborne containment standard is likely to be exceeded

Regulation 51: Duty to carry out air monitoring

Air monitoring must take place if there is uncertainty about whether the airborne contamination standard for asbestos is likely to be exceeded.

> The airborne contamination standard is an average concentration over any 8-hour period of 0.1 respirable asbestos fibres/ml air (Regulation 4 Airborne contamination standard for asbestos).

If there is uncertainty, a PCBU at the workplace must ensure a competent person carries out air monitoring of the asbestos-related work area to determine whether the standard has been exceeded at any time.

> A competent person means a person who has the knowledge, experience, skills and qualifications to carry out the particular task under the Asbestos Regulations including any knowledge, experience, skills, and qualifications prescribed in a safe work instrument (SWI) (at the time of publication, there are no SWIs).

If the competent person determines the airborne contamination standard has been exceeded at any time, the PCBU must, so far as is reasonably practicable:

- determine which workers and other persons were in the work area during that time
- warn those workers and other persons about possible exposure to respirable asbestos fibres

The PCBU must ensure information about exposure to respirable asbestos fibres, including the determination made by the competent person and the results of the air monitoring, is readily accessible to the workers and other persons. This means the monitoring results are available and able to be provided to those persons immediately on request.

12.9 Make sure there are decontamination facilities

Regulation 52: Duty to make decontamination facilities available

Decontamination is an important step to control the spread of asbestos fibres. It is necessary to make sure workers and their PPE including RPE are free of asbestos fibres before leaving the work area.

A PCBU for which asbestos-related work is carried out must ensure facilities are available to decontaminate:

- the asbestos-related work area
- any plant used in the asbestos-related work area
- workers carrying out asbestos-related work.

What must happen before items are removed from an asbestos-related work area?

Figure 19 shows what a PCBU must ensure happens before items likely to contaminated with asbestos are removed from an asbestos-related work area.

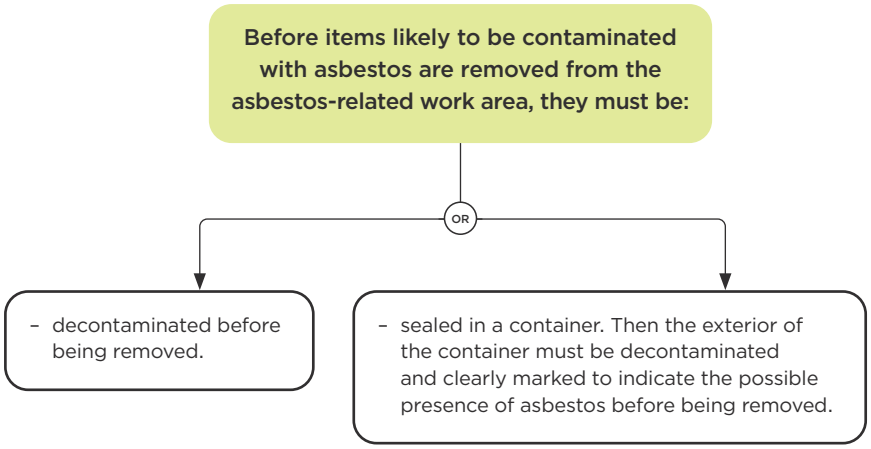


FIGURE 19: Flowchart: What must happen before items are removed from an asbestos-related work area

For more guidance on decontamination, see see Asbestos removal – good practice guidelines

- Section 15 for personal decontamination
- Section 16 for decontamination of plant including PPE

12.10 Make sure asbestos waste is disposed of appropriately

Regulation 53: Duties relating to disposal of asbestos waste and contaminated PPE

If asbestos-related work is carried out, it is important asbestos waste and contaminated equipment is appropriately handled and disposed of.

How must waste be disposed of?

A PCBU for which asbestos-related work is carried out must ensure asbestos waste and any equipment (including PPE) used in asbestos-related work and contaminated with asbestos is:

- placed in a sealed container that is marked clearly to indicate the possible presence of asbestos before being taken from an asbestos-related work area
- disposed of safely and regularly by depositing it in an approved place.

What is an approved place for disposal?

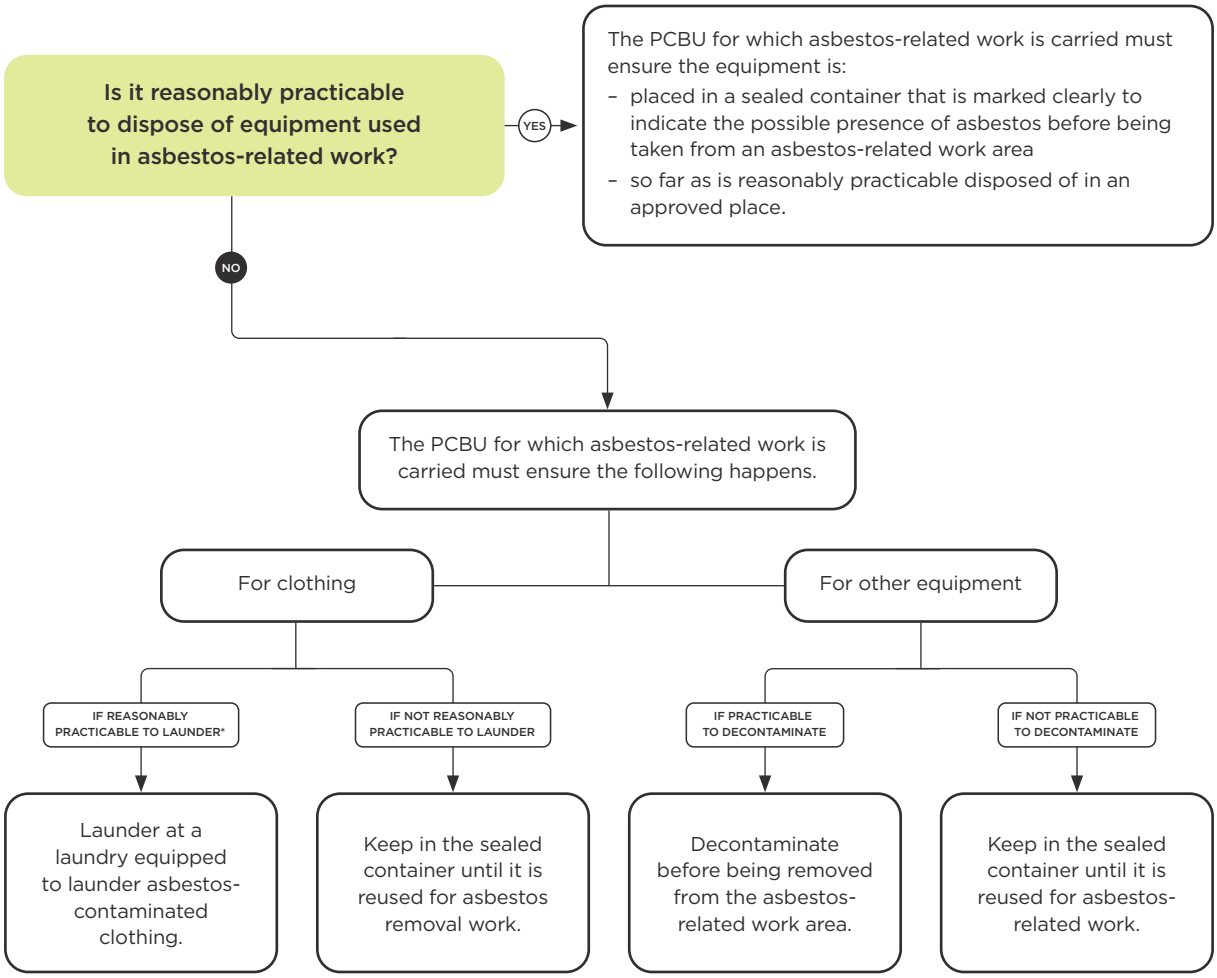
This is a hazardous waste landfill approved by a city or district council.

Talk to your local council to find out where asbestos waste can be disposed of.

There is an approved method to be followed if waste needs to be stored on a temporary basis before being disposed of at an approved place, see Temporary storage of asbestos waste

How must equipment used in asbestos-related work and contaminated with asbestos be disposed of?

Figure 20 shows what the PCBU for which asbestos-related work is carried out must ensure happens if equipment is contaminated with asbestos.



* At the date of publication, there are no commercially available laundries for asbestos-contaminated clothing.

FIGURE 20: Flowchart: What the PCBU for which asbestos-related work is carried must do if it is not reasonably practicable to dispose of equipment

12.11 Provide health monitoring to workers at risk of exposure to asbestos

- Regulation 15: Duty to provide health monitoring (Asbestos Regulations)
- Regulation 16: Duty to ensure that appropriate health monitoring is provided (Asbestos Regulations)
- Part 3 (GRWM Regulations)

Health monitoring is monitoring a person to identify any changes in their health from being exposed to asbestos.

There are requirements for health monitoring in the Asbestos Regulations and the GRWM Regulations.

The health monitoring requirements include the following:

When is monitoring required (Asbestos Regulations)?

A PCBU must ensure health monitoring is provided to its workers who are carrying out ongoing asbestos-related work and are at risk of exposure to asbestos when carrying out the work.

What must the health monitoring involve (Asbestos Regulations)?

Unless another type of monitoring is recommended by a medical practitioner, the PCBU must ensure the health monitoring includes:

- consideration of the worker's demographic, medical, and occupational history and records of the worker's personal exposure to asbestos
- a physical examination of the worker.

How must the health monitoring be provided and long must health monitoring records be kept (GRWM Regulations)?

Health monitoring must be provided in accordance with Part 3 of the GRWM Regulations. For information on the health monitoring requirements under the GRWM Regulations, see General risk and workplace management – health monitoring

The PCBU must keep the health monitoring records for 40 years after the date the record is made.

For more information about health monitoring good practice, see Health and exposure monitoring

Appendix

IN THIS SECTION:

Appendix 1: Glossary

Terms marked with a * are defined in the Asbestos Regulations. Please refer to 3 Interpretation of the Asbestos Regulations if you require a full legal definition.

TERM	EXPLANATION
Accredited laboratory*	A laboratory that is: a. accredited by International Accreditation New Zealand (IANZ) or b. accredited under another accreditation regime recognised by WorkSafe, such as National Association of Testing Authorities (NATA) or c. approved by WorkSafe to test samples under the Asbestos Regulations for up to 12 months while obtaining accreditation under (a) or (b).
Air monitoring	Measuring airborne asbestos fibre concentrations by sampling and analysing them.
Airborne contamination standard for asbestos*	The average concentration of 0.1 respirable asbestos fibres per millilitre of air over any eight-hour period.
Appropriate instruction	Instructions provided specifically for the type of workplace where licensed asbestos removal work is carried out and for the work to be carried out at the workplace.
Asbestos*	A naturally occurring fibrous silicate mineral (rock-forming mineral), from the serpentine or amphibole groups, including the following: – actinolite asbestos – anthophyllite asbestos – chrysotile asbestos (white) – crocidolite asbestos (blue) – grunerite (or amosite) (brown) – tremolite asbestos – a mix of one or more minerals from the above list.
Asbestos assessors	Asbestos assessors are authorised by WorkSafe to assess if asbestos removal work has been completed to the required standard and the area where asbestos removal took place is safe for reoccupation. Only an independent licensed asbestos assessor can carry out regulated activities for Class A removal work. This includes: – air monitoring – clearance inspection – issuing clearance certificates. An independent licensed asbestos assessor may also carry out other activities as part of contractual obligations. For example, review a work plan made by an asbestos removalist prior to removal work to make sure it is safe and suitable before work starts.
Asbestos-containing material (ACM)	Any material or thing that, as part of its design, contains asbestos.
Asbestos-contaminated dust or debris (ACD)*	Dust or debris that has settled within a workplace and is, or is assumed to be, contaminated with asbestos.
Asbestos-contaminated soil*	Soil that is contaminated with asbestos or ACM.
Asbestos Management Plan (AMP)*	A written plan, and up-to-date plan, for the workplace that sets out information about the following: – the identification of asbestos or ACM present at the workplace – decisions, and reasons for decisions, about the management of the risk arising from asbestos at the workplace – procedures for detailing incidents or emergencies involving asbestos or ACM at the workplace – for the workers who carry out work involving asbestos: - information and training that has been and will be provided to the workers - roles and responsibilities of the workers - any health monitoring of the workers that has been or will be undertaken.

TERM	EXPLANATION
Asbestos management survey	An assessment of a building or workplace undertaken by an asbestos surveyor to: – identify and record the location, amount, and type of asbestos material readily accessible during normal occupancy of the building (including maintenance) – inspect and record information about the condition of asbestos material present – confirm whether material suspected to be asbestos material is asbestos material.
Asbestos refurbishment or demolition survey	An assessment of a building undertaken by an asbestos surveyor when a building or workplace (or part of it) is going to be refurbished or demolished. The purpose of a refurbishment or demolition survey is to locate all the asbestos material in a building or workplace (or part of it) before refurbishment or demolition work starts.
Asbestos Regulations	The Health and Safety at Work (Asbestos) Regulations 2016.
Asbestos-related work*	Work involving asbestos (other than asbestos removal work) that is permitted under regulation 7 of the Asbestos Regulations. Removal work is covered separately under Part 3 of the Asbestos Regulations.
Asbestos removal area*	An area in which asbestos removal work is carried out. It includes any of the following related to the work: – decontamination facilities – enclosures – areas through which asbestos, asbestos-contaminated soil, or ACM is transported – any area defined in an Asbestos Removal Control Plan as part of the asbestos removal area.
Asbestos Removal Control Plan (ARCP)	A document prepared by a licensed asbestos removalist that includes information about: – how the asbestos removal will be carried out (including the method, tools, equipment, and PPE that will be used) – the asbestos material that will be removed (including its location, type, and condition) – the asbestos removal area for the work and any air monitoring points – how asbestos waste will be transported and disposed of.
Asbestos removal licence*	A Class A or Class B asbestos removal licence.
Asbestos removal work*	Work involving the removal of asbestos, asbestos-contaminated soil, or asbestos-containing material.
Asbestos removalist*	A PCBU that carries out asbestos removal work.
Asbestos surveyor	A PCBU that carries out asbestos survey work.
Asbestos waste*	Asbestos, asbestos-contaminated soil, or asbestos-containing material removed, and disposable items used, during asbestos removal work. This includies plastic sheeting and disposable tools, PPE or RPE.
Business or undertaking	The usual meanings are: – business: an activity usually carried out with the intention of making a profit or gain – undertaking: an activity that is non-commercial in nature (for example, certain activities of a local authority or a not-for-profit group).
Class A asbestos removal licence*	A licence authorising the holder to carry out Class A asbestos removal work.
Class A asbestos removal work*	Asbestos removal work for which a Class A asbestos removal licence is required.
Class B asbestos removal licence*	A licence authorising the holder to carry out Class B asbestos removal work.
Class B asbestos removal work*	Asbestos removal work for which a Class B asbestos removal licence is required.
Clearance certificate	A document issued by an independent licensed asbestos assessor or a competent person certifying an asbestos removal area is free from contamination and safe for reoccupation.
Clearance inspection	An inspection of an asbestos removal area after asbestos removal work has been completed to verify the area is safe for normal use.

TERM	EXPLANATION
Competent person*	A person who has the knowledge, experience, skills, and qualifications to carry out a particular task under the Asbestos Regulations, including any knowledge, experience, skills, and qualifications prescribed in a safe work instrument.
Control measure	A way of eliminating or minimising risks to health and safety.
Demolition*	Work to demolish or dismantle a structure, or part of a structure, or that is loadbearing or otherwise related to the physical integrity of the structure; but does not include: – the dismantling of formwork, falsework, or other structures designed or used to provide support, access, or containment during construction work or – the removal of power, light, or telecommunication poles.
Duty	A legal obligation to act responsibly according to the law.
Duty holder	A person who has a duty under HSWA. There are four types of duty holders – PCBUs, officers, workers, and other persons at workplaces.
Eliminate	To remove the sources of harm (for example, equipment, substances, or work processes).
Emergency*	An emergency occurs if: – a structure or plant is structurally unsound and – the collapse of a structure or plant is imminent.
Enclosure	A sealed physical barrier used during asbestos removal to prevent fibre release into the surrounding environment.
Exposure monitoring	Measures and evaluates what a worker is being exposed to while they are at work.
Four-stage clearance procedure	A thorough inspection to ensure asbestos removal areas are clean and safe, including site condition checks, visual inspections, air monitoring, and final assessment.
Friable*	In relation to asbestos or ACM, friable means a powder form or able to be crumbled, pulverised, or reduced to a powder by hand pressure when dry.
Good practice guidelines (GPG)	Describes current good practice to help duty holders understand and apply their duties under HSWA.
GRWM Regulations	Health and Safety at Work (General Risk and Workplace Management) Regulations 2016.
Health monitoring	Monitoring a person to identify any changes in their health status because of exposure to certain health hazards arising from the conduct of the business or undertaking. Health monitoring is a way to check if the health of workers is being harmed from exposure to hazards while carrying out work. It aims to detect early signs of ill-health or disease.
HSWA	Health and Safety at Work Act 2015. The key work health and safety legislation in New Zealand. HSWA applies to all work and workplaces unless specifically excluded. You can find the full text of the Act on the New Zealand Legislation website.
IANZ	International Accreditation New Zealand.
Independent person	In the context of asbestos removal and assessment, to be independent the asbestos assessor or competent person should be able to be objective and impartial when performing their role and not subject to any unmanaged conflict of interest that could influence their decisions.
Licensed asbestos assessor	A competent person licensed by WorkSafe to carry out clearance inspections for Class A asbestos removal work and Class A air monitoring.
Licensed asbestos removal work*	Asbestos removal work for which a Class A asbestos removal licence or Class B asbestos removal licence is required.
Licensed asbestos removalist*	A PCBU who is licensed under the Asbestos Regulations to carry out Class A or Class B asbestos removal work.

TERM	EXPLANATION
Membrane filter method	A standardised method for air monitoring using filters to capture fibres from air samples for analysis.
Minimise	To take steps to protect the health and safety of people by reducing the likelihood of an event occurring, reducing the level of harm to people if it does occur, or both.
Minor contamination	A small contamination where the risk of spread of asbestos fibres and the risk of exposure to respirable airborne fibres is minimal.
NATA	National Association of Testing Authorities.
Non-friable asbestos*	In relation to asbestos or ACM, means not friable (and for this definition, asbestos and ACM include material containing asbestos fibres reinforced with a bonding compound).
Other persons at the workplace	Includes workplace visitors and casual volunteers (who are not volunteer workers). These people have their own health and safety duties to take reasonable care to keep themselves safe and to not harm others at a workplace.
Overlapping duties	When a PCBU shares duties with other PCBUs. When two or more PCBUs are working together at the same location or through a contracting chain, they must work together to fulfil their duties of care and manage risks. Where those duties overlap, the PCBUs must consult, cooperate and coordinate with each other to meet their health and safety responsibilities to workers and others.
PCBU	Person conducting a business or undertaking. In most cases a PCBU will be a business entity, such as a company. However, an individual carrying out business as a sole trader or self-employed person is also a PCBU. A PCBU does not include workers or officers of a PCBU, volunteer associations with no employees, or home occupiers that employ or engage a tradesperson to carry out residential work.
Plant	Includes: – any machinery, vehicle, vessel, aircraft, equipment (including personal protective equipment), appliance, container, implement, or tool – any component of any of those things – anything fitted or connected to any of those things.
PPE	Personal protective equipment. Anything used or worn by a person (including clothing) to minimise risks to the person's health and safety. This may include, but is not limited to: – respiratory protective equipment – protective helmets – protective eyewear – protective boots – protective gloves – hearing protection – high-vis clothing – sunhats – sunscreen and lip protection – safety harness systems.
Primary duty of care	A PCBU must make sure, so far as is reasonably practicable, the health and safety of workers, and that other persons are not put at risk by its work. This is called the 'primary duty of care'.
Readily accessible*	In relation to a duty to provide a document, (for example an ARCP or training records) means the document can be accessed without difficulty in hard copy, electronic form, or any other form.

TERM	EXPLANATION
Reasonably practicable	What is, or was, reasonably able to be done to ensure health and safety, taking into account and weighing up relevant matters including: – the likelihood of the risk concerned occurring or workers being exposed to the hazard – the degree of harm that might result – what the person concerned knows, or ought reasonably to know, about: - the hazard or risk - ways of eliminating or minimising the risk. - the availability and suitability of ways to eliminate or minimise the risk - after assessing the extent of the risk and the available ways of eliminating or minimising the risk, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk. For more information, see WorkSafe's fact sheet Reasonably practicable
Refurbishment	Carrying out work in a building or structure with an emphasis on changing or upgrading it.
Refurbishment/ demolition survey	A survey carried out by a competent person (asbestos surveyor). The purpose of a refurbishment or demolition survey is to locate all the asbestos material in a building or workplace (or part of it) before refurbishment or demolition work starts.
Respirable asbestos fibre*	An asbestos fibre that: – is less than 3 micrometres wide; and – is more than 5 micrometres long; and – has a length-to-width ratio of more than 3:1.
Risk	Risks arise from people being exposed to a hazard (a source of harm).
Safe work instrument (SWI)	A type of subordinate instrument (sometimes called tertiary legislation) under HSWA. SWIs can be used for almost any purpose, however, they only have legal effect where specifically referred to in relevant regulations. SWIs can be used to: – prescribe detailed or technical matters or standards that change relatively frequently and will often be industry-specific – set additional or modified control measures for hazardous substances approved or reassessed by the Environmental Protection Authority – provide an alternative means of complying with regulations – support the effective operation of the health and safety regulatory framework, for instance by setting exposure monitoring standards or stipulating requirements for training, competence, or safety management systems.
Sealed container	A container designed to prevent the release of asbestos fibres that has been decontaminated and marked clearly to indicate the possible presence of asbestos.
So far as is reasonably practicable	That which is, or was, at a particular time, reasonably able to be done in relation to ensuring health and safety. Relevant considerations that inform what might be reasonably practicable are set out in section 22 of HSWA.
Structure	Anything that is constructed, whether fixed, moveable, temporary, or permanent; includes: – buildings, masts, towers, frameworks, pipelines, quarries, bridges, and underground works (including shafts or tunnels) – any component of a structure – part of a structure.
Substance hazardous to health (GRWM Regulations)	A substance, or product containing a substance, known or suspected to cause harm to health, including substances: – classified as having toxic or corrosive properties under the Hazardous Substances and New Organisms Act 1996 – for which a prescribed exposure standard exists – specified in a safe work instrument as requiring health monitoring.
Trace level*	In air, an average concentration of less than 0.01 respirable asbestos fibres per millilitre of air.

TERM	EXPLANATION
Unlicensed asbestos removal work	Asbestos removal work that can be carried out by a person who does not hold a Class A or Class B asbestos removal licence. This includes removal of less than 10m² of non-friable asbestos. Unlicensed asbestos removal must be carried out by a competent person.
Visible asbestos contamination	Asbestos contamination that can be seen with the naked eye. This might include accumulated dust.
WEPR Regulations	Health and Safety at Work (Worker Engagement, Participation, and Representation) Regulations 2016.
Worker	An individual who carries out work in any capacity for a PCBU. A worker may be: – an employee – a contractor or subcontractor – an employee of a contractor or subcontractor – an employee of a labour hire company – an outworker (including a homeworker) – an apprentice or a trainee, a person gaining work experience or on a work trial – a volunteer worker. – Workers can be at any level (for example, managers are workers too). – A PCBU is also a worker if the PCBU is an individual who carries out work in that business or undertaking.
Workplace	Any place where a worker goes or is likely to be while at work, or where work is being carried out or is customarily carried out. Most duties under HSWA relate to the conduct of work. However, some duties are linked to workplaces.
WorkSafe/ WorkSafe New Zealand	The government agency that is the primary work health and safety regulator. Other government agencies can be designated to carry out certain health and safety functions, for example, Maritime New Zealand and the Civil Aviation Authority.

Disclaimer

This publication provides general guidance. It is not possible for WorkSafe to address every situation that could occur in every workplace. This means that you will need to think about this guidance and how to apply it to your particular circumstances.

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