

WORKING WITH ASBESTOS?



RULES CHANGING ON 4 APRIL 2016



NEW LICENCES FOR ASBESTOS REMOVAL

Does your business carry out work on buildings constructed before the late 1990s?

Maybe you remove soffits, external wall cladding, or corrugated roofing sheets: replace lino flooring, or remove textured ceilings.

Chances are you're removing material with asbestos in it.

New asbestos regulations are being introduced from 4 April 2016. The regulatory changes mean you may need to work under an asbestos removal licence to continue removal work legally, or employ a licensed business to remove it for you.

A Certificate of Competence for work involving asbestos provides a valid alternative to a licence until its expiry or until 4 April 2018 (whichever is sooner).

To assist with the change, your business can continue removing non-friable asbestos without a licence for six months so long as you have applied for the licence.

You can register now with WorkSafe New Zealand so we can keep you up to date on how and when to get your licence.

WHO WILL NEED A LICENCE?

From 4 April 2016, removal of over 10 m² of non-friable asbestos-containing material (ACM) or asbestos, or any amount of friable asbestos, will require a licence.

Building, plumbing, roofing, demolition and other trade businesses are all potentially affected.

LICENCE TYPES

There will be two licences available. The licence required will depend on the type and quantity of asbestos being removed.

| TYPE OF LICENCE | WHAT ASBESTOS CAN BE REMOVED? |
|----------------------------|--|
| Class A | Any type or quantity of asbestos or asbestos-containing material, including: <ul style="list-style-type: none"> > any amount of friable asbestos or ACM > any amount of asbestos-contaminated dust or debris (ACD) > any amount of non-friable asbestos or ACM |
| Class B | <ul style="list-style-type: none"> > Any amount of non-friable asbestos or ACM. > ACD associated with removing any amount of non-friable asbestos or ACM. |
| No licence required | <ul style="list-style-type: none"> > Up to and including 10 m² of non-friable asbestos or ACM, cumulatively, over the whole course of the removal project for the site. > ACD that is: <ul style="list-style-type: none"> - associated with removing 10 m² or less of non-friable asbestos or ACM - and any associated minor ACD. |

Note: All removal work needs to be performed safely. Suitable controls need to be in place to ensure that the risks of asbestos have been minimised; including correct use of Personal Protective Equipment (PPE), Respiratory Protective Equipment (RPE), safe methods of work, decontamination facilities and the disposal of all asbestos waste in a licensed landfill.

Friable means asbestos in a powder form or able to be crumbled, pulverised, or reduced to a powder by hand pressure when dry.

Non-friable means asbestos that is not in a powder or cannot be crumbled, pulverised, or reduced to a powder by hand pressure when dry. For example, an asbestos cement sheet in good condition.

HOW DOES A REMOVAL LICENCE WORK?

- > A removal licence (either Class A or Class B) is held by the business or sole trader.
- > The licence holder nominates Supervisors on their licence.
- > A removal licence must have at least one Supervisor.
- > There is no maximum number of Supervisors a licence can have.
- > The licence holder may nominate themselves as a Supervisor.
- > Supervisors can be nominated on more than one licence.
- > Supervisors can be added and removed at any time.

In the example for Class B removal work below, the licence holder has a nominated supervisor. They are supervising the workers on the job. (Removal workers are not nominated on licences.)



ROLE OF THE SUPERVISOR

The role of a Supervisor is to ensure asbestos removal work is safely carried out by workers removing asbestos.

From 4 April 2016, a Supervisor will need to be:

- > present at the removal area for Class A asbestos removal;
- > in the vicinity, and readily available to workers carrying out Class B removal work.

APPLYING FOR A LICENCE

WorkSafe will be able to issue licences once the new regulations come in on 4 April 2016.

Register now with WorkSafe if your business will need a new asbestos removal licence. You can do this on our website at www.business.govt.nz/worksafe/asbestos.

Please note that registration is not a licence application. It simply allows WorkSafe to contact you with up-to-date information on the new licensing process, including when and how you can apply.

NOMINATING A SUPERVISOR AND TRANSITIONAL ARRANGEMENTS

A Supervisor must be a competent person able to supervise asbestos removal work. They must:

- > Be at least 18 years of age
- > Have at least one years' relevant industry experience for a Class B licence or three years' relevant industry experience for a Class A licence.

Supervisors will need formal training. The relevant training is expected to be available from late 2016/early 2017.



To allow for this, between 4 April 2016 and 4 April 2018, the training requirement for a supervisor to be nominated on a licence can be satisfied by either of the below:

- > they held a Certificate of Competence for restricted work involving asbestos as at 4 April 2016; or,
- > they have passed a supervisor competency test at a WorkSafe office.

More information on both these options will be available shortly. Note that Supervisors will still be required to complete the formal training by 4 April 2018.

Businesses applying to WorkSafe for a Class B licence can carry out the removal of non-friable asbestos for a six month period while they meet licensing requirements.

LICENCE FEES

| ITEM | FEE PAYABLE (INCL GST) | NOTES |
|--|------------------------|------------------------------|
| Application for Class A asbestos licence (Each licence must have at least one nominated supervisor on it – see cost below) | \$490 | Licence valid for five years |
| Nominated Supervisor in Class A asbestos licence application | \$470 | Each Supervisor |
| Application for Class B asbestos licence (Each licence must have at least one nominated supervisor on it – see cost below) | \$490 | Licence valid for five years |
| Nominated Supervisor in Class B asbestos licence application | \$80 | Each Supervisor |
| Application to add a new nominated Supervisor to Class A asbestos removal licence | \$550 | |

| ITEM | FEE PAYABLE (INCL GST) | NOTES |
|---|------------------------|-------|
| Application to add a new nominated Supervisor to Class B asbestos removal licence | \$170 | |
| Application to amend licence condition | \$220 | |
| Application for replacement licence | \$120 | |

MORE INFORMATION ON LICENSING

You'll find more information about the new licensing scheme on our website, www.business.govt.nz/worksafe/asbestos.

WorkSafe will be releasing a comprehensive licensing guide, an Approved Code of Practice, fact sheets and specialist guidance on all aspects of the new Asbestos Regulations once the Regulations are finalised.

The Health and Safety at Work Act (Asbestos) Regulations have not yet passed into law and therefore may change. This pamphlet provides an overview of the new licensing scheme, based on the draft Regulations for consultation and subsequent Cabinet directions, to assist industry in preparing for these changes. Please check the website link above for updates and check the final version of the Regulations once they've passed into law.

