

GOVERNMENT OF THE REPUBLIC

REGULATION

Tallinn, Stenbock House
No

2007

Occupational health and safety requirements for work with asbestos¹

The Regulation shall be enacted pursuant to clause 5 of § 4 of the „Occupational Health and Safety Act“

Chapter 1
GENERAL PROVISIONS

§ 1. Scope of Application

(1) The Regulation provides for occupational health and safety requirements for asbestos works in the course of which workers are exposed to or are likely to be exposed to dust arising from asbestos.

(2) For the purposes of this Regulation asbestos works shall mean demolition, reconstruction, repair and maintenance of buildings containing asbestos, including removal of asbestos from building, machinery, equipment or ship and collection of asbestos wastes and preparation of removal from the place of work, transportation and landfill.

(3) The following minerals of the fibrous silicate are regarded as asbestos:

- 1) actinolite, CAS² No 77536-66-4;
- 2) asbestos gruenerite (amosite), CAS No 12172-73-5;
- 3) anthophyllite, CAS No 77536-67-5;
- 4) crocidolite, CAS No 12001-28-4;
- 5) chrysotile, CAS No 12001-29-5;
- 6) tremolite, CAS No 77536-68-6.

Chapter 2
Limit Value of Asbestos Fibres and Measurement of Asbestos Fibres

§ 2. Limit Value of Asbestos Fibres in the Air of the Work Environment

(1) The daily limit value of workers exposure to asbestos is 0, 1 fibres per cm³ (100 000 fibres per m³) of inhaled air counted or calculated as a time-weighted average in relation to an 8-hour reference period.

- (2) An asbestos particle is regarded as a fibre if the length/breadth ratio is 3:1 or more.

§ 3. Measurement of Asbestos Fibres Concentration

- (1) Concentration of asbestos fibres is measured if it is necessary to ascertain that exposure of workers to asbestos does not exceed the exposure limit value or that at the end of asbestos works the air at the work place does not contain asbestos dust.
- (2) Fibres with length of at least 5 micrometers and breadth of up to 3 micrometers are only taken into consideration when counting asbestos fibres from air samples.
- (3) When planning sampling from air the employer shall consult with workers, work environment representatives and employees` representatives.
- (4) Measurement results must be monitored and certified as defined in the "Metrology Act" and reflect personal exposure of the worker to asbestos dust.

Chapter 3 OBLIGATIONS OF EMPLOYERS

§ 4. Primary Obligations of Employers

Employer shall ascertain before the start of demolition, reconstruction, repairing or maintenance of a building whether it contains or does not contain asbestos, otherwise ensure that the work will be performed following the requirements for asbestos works provided for in the Regulation. The results of the examination shall be recorded.

§ 5. Risk Assessment of the Work Environment

(1) For all asbestos works, the employer shall perform a risk assessment to determine the nature, degree and duration of exposure of workers to asbestos and consequently assess the risk to workers health and take necessary preventive measures.

(2) Activities in the course of which exposure of workers to asbestos does not exceed the exposure limit value are considered low-risk asbestos works, i.e.

1) short-time activities, the duration of which is less than four hours, in the course of which only non-friable materials are handled in which asbestos fibres are firmly linked in a firm structure (e.g. asbestos-cement products);

2) encapsulation and sealing of asbestos-containing materials which are in good condition;

3) control of air concentration or sampling of materials for determining asbestos concentration.

(3) In cases of low-risk asbestos works Articles 6 and 7 may be waived.

§ 6. Notification of Commencement of Asbestos Works

(1) The employer is required to notify the regional office of the Labour Inspectorate in writing or in a format enabling reproduction at least 7 days before commencement of asbestos works as provided for in Annex 1 of the Regulation.

(2) In the case of demolition or asbestos removal works a plan of work must be appended to the notification as described in Article 7.

(3) When it becomes evident during the course of low-risk asbestos works that workers exposure to asbestos dust increases the exposure limit value, a notification must be submitted as soon as possible to the Labour Inspectorate as provided for in Annex 1 of the Regulation.

§ 7. Planning of Asbestos Work

(1) Before commencement of asbestos demolition or removal work the employer shall draw up a written plan of work. The work plan may be a part of the safety and health plan mentioned in § 4 subsection 3 of the Government of the Republic Regulation “Occupational Health and Safety Requirements at Construction Sites“of 6 December 1999.

(2) The work plan must include descriptions of the measures to be taken for protection of workers and other persons in the affected work area, including:

- 1) scheme of the place of work, including indication of location of the container with asbestos wastes;
- 2) location of asbestos and materials containing asbestos and anticipated quantity in the facility to be demolished (mapping of asbestos);
- 3) short descriptions of work methods applied, including on preparatory works;
- 4) preventive measures taken against the spread of asbestos dust;
- 5) personal protective equipment issued to workers;
- 6) measures taken for cleaning the place of work from asbestos wastes and dust;
- 7) organisation of transport of asbestos wastes and name of the storage premises;
- 8) date and time of asbestos-mapping and name of the person performing the mapping.

§ 8. Minimizing Health Risks

(1) Asbestos works shall be carried out in such a way that the exposure of a worker to asbestos dust is as low as possible and remains below the exposure limit value. The following measures are taken to reduce the exposure:

- 1) the number of workers exposed to asbestos is limited;
- 2) work is carried out in such a way that asbestos and materials containing asbestos are to be removed from the building or other facility before the start of its demolition, except where it would cause greater risk to workers exposure to asbestos;
- 3) in case of demolition of a construction containing friable asbestos or removal of asbestos, the exposure area shall be encapsulated from the surrounding environment by means of negatively pressurised zone;
- 4) asbestos work must be carried out in such a way as to avoid the release of dust from asbestos into the air. If this is not practicable, the place of work must be separated from the rest of the work environment and a local extraction system of sufficient capacity must be used;
- 5) the spread of asbestos from place of work with workers` clothes or in some other manner is prevented;
- 6) equipment for minimizing exposure, including air cleaners are used;
- 7) asbestos and asbestos-containing materials are stored and transported in sealed packing;
- 8) all premises and equipment that are exposed to asbestos works are regularly cleaned and maintained.

(2) Workers, who are exposed to asbestos dust at work, are required to follow the safety instruction prepared by the employer and to use the personal protective equipment foreseen for the purpose.

(3) During periods of work which require the use of individual protective breathing equipment, provision shall be made for breaks, the duration and frequency of which depend on the physical work load and work organisation.

(4) When it becomes evident that despite the measures taken the concentration of asbestos in the air at the place of work exceeds the exposure limit value, the employer must immediately identify the reasons for it and take action to remedy the situation.

(5) At the place of work where the concentration of asbestos in the air is exceeded, continuation of work of only those workers is permitted who are involved in liquidation of the situation, using personal protective equipment.

(6) In order to check the effectiveness of the measures taken, audit measurement tests shall be carried out in case of need, to ascertain that the workers exposure to asbestos dust does not exceed the exposure limit value.

§ 9. Increase of the Exposure Limit Value of Workers Exposure to Asbestos

(1) When it becomes evident from the risk assessment that in the course of an asbestos work, e.g. demolition, the workers exposure to asbestos may exceed the exposure limit value and it cannot be prevented, to ensure the safety of workers the employer must:

- 1) provide workers with appropriate and efficient respiratory and other necessary personal protective equipment;
- 2) determine the danger zone, where protective equipment must be used;
- 3) prevent the spread of asbestos dust outside the danger area.

(2) Workers who are exposed to asbestos dust must wear dust mask with filter P and non-reusable dust-proof overalls with headgear, safety gloves and protective footwear. Workers must wear the personal protective equipment they have been issued as long as they are exposed to asbestos dust but the wearing must be kept to the minimum for each worker.

§ 10. Occupational Hygiene

(1) The employer shall ensure that the area of exposure to asbestos is clearly demarcated and indicated with warning signs "Danger zone" and "Entrance forbidden for unauthorized persons".

(2) Workers shall be provided with areas for eating without risking contamination by dust from asbestos.

(3) The employer shall provide workers with appropriate working, and in case of need, protective clothing and ensure that they are checked and cleaned. Workers shall use and keep the clothing, they are provided with, pursuant to the instructions given by the employer.

(4) Working and protective clothing and personal protective equipment contaminated with asbestos dust is not taken away from the place of work, except for utilization or cleaning.

(5) If the undertaking does not deal with cleaning of protective clothing itself, the employer takes them in closed containers to be laundered. The container must be marked with a labelling as indicated in Annex 2 of the Regulation.

(6) When the asbestos work has been completed, the employer shall verify that the air at the work place does not contain asbestos.

§ 11. Notification of Workers

The employer shall give workers or their representatives the following information on:

- 1) results of risk assessment of the working environment;
- 2) results of measurements of asbestos-in-air concentration at the place of work;
- 3) excess of the exposure limit value of asbestos-in-air concentration at the place of work and the potential reasons for it;
- 4) measures to be taken at the excess of the exposure limit value.

§ 12. Training of Workers

Before commencement of work with asbestos for the first time the employer shall organize training for workers to be engaged in asbestos works, the content and scope of the training must comply with the nature of the work to be performed. The duration of the training shall be at least 8 hours and the following topics shall be dealt with:

- 1) hazardous effects of asbestos on health and synergistic factors of health risk, including smoking;
- 2) types of products and materials containing asbestos, their identification;
- 3) operations in the course of which there is a likelihood to be exposed to asbestos dust;
- 4) planning of asbestos works and drawing up a plan of work;
- 5) rules of conduct in case in the course of work materials containing asbestos are found or they are damaged;
- 6) safe work practices, protective equipment and safety signs to be used;
- 7) the role, choice, selection and use of respiratory protective equipment;
- 8) hygiene requirements for works with asbestos;
- 9) decontamination procedures;
- 10) disposal of wastes;
- 11) procedure for health control;
- 12) demolition technique and asbestos removal technique, together with practical training in case of need.

§ 13. Health Control of Workers

(1) The aim of health control is to prevent and diagnose health damage related to asbestos.

(2) The employer shall ensure that all workers involved in work with asbestos pass prior and routine health control pursuant to the procedure laid down in § 13, clause 1, subsection 7 of the „Occupational Health and Safety Act“.

(3) Health control shall include the following health examinations:

- 1) clinical examination of the chest (roentgenographical investigation);
- 2) functional-diagnostic investigation of lungs (spirometry).

(4) Occupational health doctor shall assess the state of health of the worker on the basis of the results of health control. Occupational health doctor shall notify the worker that he is not recommended to carry out works with asbestos in case the worker has been diagnosed a chronic pulmonary or upper respiratory disease or malignant tumour. The doctor may recommend the employer not to involve the worker in asbestos works or remove the worker from the area where he is likely to be exposed to asbestos.

(5) Occupational health doctor may determine that the health control of the worker must continue after the end of exposure to asbestos for as long as it is considered necessary, determining the next date for health examination.

(6) Workers are entitled to receive information of the results of their health control, data relating to state of health after the end of exposure to asbestos and instructions for further medical surveillance.

§ 14. Maintaining a Record of Workers Exposed to Asbestos

(1) The employer shall maintain a list of workers exposed to asbestos due to work, providing the following data:

- 1) the first and family name and the personal identification code of the worker
- 2) the description of the job;
- 3) the duration of each exposure to asbestos.

(2) The employer shall keep and update the data and maintain the list for at least 40 years following the last exposure of the worker to asbestos.

(3) The worker has the right to have access to the data on him entered in the list.

(4) Working environment or other workers representatives shall have a possibility to access anonymous statistical information in the list.

(5) Occupational health doctors, working environment specialists and labour inspectors have the right to examine the data in the list.

§ 15. Handling of Asbestos Wastes

- (1) The employer shall remove asbestos wastes, including clothes unfit for use due to exposure to asbestos and non-reusable overalls, filters, etc. as soon as possible from the place of work, using appropriate sealed packaging, meant for utilization of asbestos and marked with a labelling as indicated in Annex 2 of the Regulation.

- (2) Asbestos wastes are handled pursuant to the handling requirements of wastes containing asbestos as laid down in § 29, subsection 4, clause 3 of the Waste Act.

.Chapter 3
IMPLEMENTING PROVISIONS

§ 16. Repeal of the Regulation

Government of the Republic Regulation No 32 of 2 February 2000 “Occupational Health and Safety Requirements for Works with Asbestos“(RT I 2000, 10, 62) is repealed.

§ 17. Enactment of the Regulation

(1) This Regulation shall enter into force on 1 January 2008.

¹ Council of the European Union Directive 83/477/EEC on the protection of workers from the risks related to exposure to asbestos at work (ELT 263, 24.09.1983, pgs 25–32), amended by the Council of the European Union Directive 91/382/EEC (ELT 206, 29.07.1991, pgs 16–18) and Directive 2003/18/EU (ELT L 097, 15.04.2003, pgs 48–52) of the European Parliament and of the Council.

Andrus Ansip
Prime Minister

Maret Maripuu
Minister of Social Affairs

Heiki Loot
State Secretary

Notification of Commencement of Asbestos Works

1. Employer`s name, address, phone number and e-mail address.....
.....
2. Precise address of location of the work site.....
.....
3. Characterization of the activity (demolition of a building, reconstruction, removal of asbestos, etc.)
.....
4. Type, state (friable or solid material) and anticipated quantities (m², m³ or kg) of asbestos to be handled
.....
5. Measures to be taken to reduce exposure from asbestos
.....
6. Deposit area for asbestos wastes
.....
7. Number of workers involved in asbestos works
.....
8. Starting date and anticipated duration of work
.....
9. Name, phone number and e-mail address of the foreman.....
.....
10. Number of licence for construction and the date and place of its issue*.....
.....

Name and signature of the compiler

Date

* For activities for the performance of which a construction licence is required

Warning Sign to be Attached to the Asbestos-Containing Packing and the Description of it

1. The height of the warning sign is at least 5 cm and breadth 2,5 cm.
2. At the top of the warning sign (40% of the height of the sign) there is a white “a” on black background, at the bottom (60% of the height of the sign) there is a clear legible white or black text on red background:

