

Duty to safely manage asbestos

HEALTH AND SAFETY AT WORK ACT (2015) | GUIDANCE

What this guidance document contains

This guidance explains the obligations of maritime operators to safely manage asbestos. Operators must take steps to minimise worker exposure and ensure any asbestos removal activities are undertaken by qualified workers. Safely managing asbestos is required under the Health and Safety at Work Act 2015 (HSWA). This document explains how maritime operators can meet these obligations.

Introduction

Under HSWA, PCBUs¹ must ensure, so far as is reasonably practicable, the health and safety of workers at a workplace. Maritime operators and other businesses that work on ships are PCBUs.

New regulations require ship operators and other businesses working on ships to manage asbestos².

Why have these duties been introduced?

Exposure to asbestos can have serious health impacts. This is of particular concern to the maritime sector due to the wide use of asbestos on ships. Asbestos is a hazardous mineral that can cause serious diseases such as asbestosis, lung cancer and mesothelioma. These diseases develop when asbestos fibres are breathed in and become embedded in the lungs. Asbestos fibres are very small and cannot be seen by the human eye.

Asbestos is very durable and resistant to corrosion and high temperatures. It was widely used in ship construction – packed around engines, boilers, pipes and ducts; in floor tiles and coverings; in wall and ceiling panels and the insulation behind them; in glues and sealants, electrical cables, lagging, and gaskets; and in mooring ropes. Asbestos use was phased out in New Zealand during the 1990s. Internationally, the Safety of Life at Sea (SOLAS) Convention banned asbestos use in new ship construction from 2011.

¹ The term PCBU is short for a 'person conducting a business or undertaking'. The word 'person' should not be taken literally. Normally the PCBU will be an organisation – eg a company.

² The Health and Safety at Work (Asbestos) Regulations 2016

Duties of ship operators and other businesses that work on ships

The asbestos Regulations under HSWA require operators and other businesses that work on ships to take specific steps to manage asbestos.

These duties can be summarised as:

- > a general duty to eliminate or minimise exposure to airborne asbestos in the workplace
- > a duty to ensure that asbestos removal work is carried out by a licensed asbestos removalist
- > a duty to ensure that specific precautions are applied when asbestos-related work is carried out
- > a duty to ensure that people who carry out asbestos-related work are competent and appropriately trained.

These duties are explained in greater detail below.

General duty to eliminate or minimise exposure to airborne asbestos

Maritime operators and other businesses that work on ships have a general duty to eliminate or minimise exposure to airborne asbestos in the workplace.

This means ensuring that airborne contamination does not exceed an average concentration over any eight hour period of 0.1 respirable asbestos fibres per millilitre of air.

The amount of asbestos can be determined through testing air samples. Testing requires an air sampling device that draws air through a filter. The sample is then analysed in a laboratory. This work is undertaken by accredited testers.

Identifying the presence of asbestos

Ship operators who know, or who ought to know, that there is a risk of exposure to respirable asbestos on the ship must identify whether asbestos is present. The presence of asbestos can be determined by testing samples at an accredited laboratory. If the presence of asbestos is confirmed, those locations on the ship must be indicated with a label or notice.

Duty to use trained staff and licensed removalists

A 'competent person'³ must assess whether asbestos or asbestos-containing materials (ACMs) are present before a vessel can be refurbished if:

- > the vessel was built or altered before 1 January 2000 or
- > asbestos has been identified or
- > asbestos is likely to be present.

This is a specialist function; it is unlikely that any officer or crew on board will have the required knowledge and experience.

³ A competent person means a person who has the knowledge, experience, skills and qualifications to identify whether asbestos is present.

If asbestos is found, it must be removed (so far as is reasonably practicable) before the refurbishment work begins.

- > The removal of friable asbestos-containing material must be carried out by a Class A licensed asbestos removalist.
- > The removal of non-friable asbestos-containing material must be carried out by a Class A or B licensed asbestos removalist.

The WorkSafe New Zealand website contains registers of Class A and Class B licensed asbestos removalists. They are also listed in the Yellow Pages under 'Asbestos'. Crew or other unlicensed workers should not remove asbestos on ships without first obtaining expert advice. Some companies offer a free initial assessment.

What is friable and non-friable asbestos?

Friable asbestos is the most dangerous kind, and is common on ships. It means asbestos or ACMs that are in a powder form or are able to be crumbled, pulverised, or reduced to a powder by hand pressure when dry.

Non-friable asbestos refers to material that cannot be crushed in normal circumstances. It includes sound asbestos-cement sheeting and ACMs that are sealed or 'bonded'. It is usually safe so long as it is undisturbed.

Asbestos-related work

Crew can undertake routine maintenance and servicing work around asbestos-containing materials. However, they must take precautions to not generate dust or release asbestos fibres into the air.

Although a licensed asbestos removalist is not required, ship operators and other businesses carrying out asbestos-related work must:

- > send samples to an accredited laboratory for analysis if it is unknown whether asbestos is present
- > provide workers with information about the health risks of asbestos
- > separate the area where the work is being done from other work areas, and erect warning signs and barriers
- > engage a competent person to carry out air-monitoring if it is uncertain whether the airborne contamination standard will be exceeded
- > share the results of any air monitoring tests with workers
- > decontaminate the asbestos-related work area, any equipment used and the people doing the asbestos-related work
- > place asbestos waste and contaminated personal protective equipment in a sealed container, labelled with a prescribed label and disposed of in an approved landfill
- > ensure that the work is carried out by someone trained to identify, handle safely and apply suitable control measures for asbestos
- > keep training records of workers who carry out asbestos-related work. Records must be kept for five years after the worker stops working for the PCBU.

More information from Maritime NZ

This guidance is part of a series of guidance documents produced by Maritime NZ to assist operators and other businesses working on ships to understand their duties under HSWA. This suite of guidance documents includes:

- > How MOSS and HSWA work together
- > The roles of the ship operator and ship's master
- > Overlapping and upstream health and safety duties
- > Worker engagement, participation and representation
- > Duty to provide adequate facilities
- > Duty to safely manage asbestos
- > Officers' due diligence duties

General information on the Health and Safety at Work Act

Visit the WorkSafe New Zealand website: <http://www.business.govt.nz/worksafe/hswa/legislation>

Information on working safely with asbestos

- > WorkSafe New Zealand. Working with Asbestos: What It Means For People Engaging Asbestos Workers
- > WorkSafe New Zealand. Code of Practice for the Management and Removal of Asbestos
- > WorkSafe New Zealand – WorkSafe New Zealand – Introduction to the Health and Safety at Work Act 2015
- > International Maritime Organization. Guidelines for maintenance and monitoring of on-board materials containing asbestos.