

Statutory Instrument 1992 No. 3068

The Control of Asbestos at Work (Amendment) Regulations 1992

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STATUTORY INSTRUMENTS

1992 No. 3068

HEALTH AND SAFETY

The Control of Asbestos at Work (Amendment) Regulations 1992

<i>Made</i>	<i>8th December 1992</i>
<i>Laid before Parliament</i>	<i>9th December 1992</i>
<i>Coming into force</i>	<i>1st January 1993</i>

The Secretary of State in the exercise of the powers conferred on her by section 15(1), (2), and (4)(a) of, and paragraphs 1(1)(b) and (c) and (4), 8, 13(1), 15(1), 16 and 20 of Schedule 3 to, the Health and Safety at Work etc. Act 1974^[1] ("the 1974 Act") and of all other powers enabling her in that behalf and for the purpose of giving effect without modification to proposals submitted to her by the Health and Safety

Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50 (3) of that Act, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Control of Asbestos at Work (Amendment) Regulations 1992 and shall come into force on 1st January 1993.

(2) In these Regulations, "the principal Regulations" means the Control of Asbestos at Work Regulations 1987^[2].

Amendments to the principal Regulations

2. The principal Regulations shall be amended in accordance with the Schedule to these Regulations.

Signed by order of the Secretary of State.

Patrick McLoughlin

Parliamentary Under Secretary of State, Department of Employment

8th December 1992

Notes:

[1] 1974 c. 37: sections 15 and 50 were amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraphs 6 and 16 respectively. [back](#)

[2] S.I. [1987/2115](#), to which there are amendments not relevant to these Regulations. [back](#)

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THE SCHEDULE

Regulation 2

AMENDMENTS TO THE PRINCIPAL REGULATIONS

1. In regulation 2(1) for the definitions of "action level" and "control limit" substitute the following definitions—

""action level" means one of the following cumulative exposures to asbestos over a continuous 12-week period when measured or calculated by a method approved by the Health and Safety Commission, namely—

- (a) where the exposure is solely to chrysotile, 96 fibre-hours per millilitre of air; or
- (b) where exposure is to any other form of asbestos either alone or in mixtures including mixtures of chrysotile with any other form of asbestos, 48 fibre-hours per millilitre of air; or
- (c) where both types of exposure occur separately during the 12-week period concerned, a proportionate number of fibre-hours per millilitre of air;" .

""control limit" means one of the following concentrations of asbestos in the atmosphere when measured or calculated by a method approved by the Health and Safety Commission, namely—

- (a) for chrysotile—
 - (i) 0.5 fibres per millilitre of air averaged over any continuous period of 4 hours,
 - (ii) 1.5 fibres per millilitre of air averaged over any continuous period of 10 minutes;'
- (b) for any other form of asbestos either alone or in mixtures including mixtures of chrysotile with any other form of asbestos—
 - (i) 0.2 fibres per millilitre of air averaged over any continuous period of 4 hours,
 - (ii) 0.6 fibres per millilitre of air averaged over any continuous period of 10 minutes;" .

2. In regulation 4(b), for the words "crocidolite or amosite" substitute the words "not chrysotile alone"

3. In regulation 5(4) for the word "forthwith" substitute the word "regularly".

4. After regulation 5 there shall be inserted the following regulation—

"Plans of work

5A.—(1) The employer shall not undertake any work with asbestos consisting of the removal of asbestos from any building, structure, plant, or installation or from a ship (including its demolition) unless he has prepared a suitable written plan of work detailing how the work is to be carried out and shall keep that plan at least until the date on which the work to which the plan relates has been completed.

(2) The plan of work made in pursuance of paragraph (1) shall include in particular details of—

- (a) the nature and probable duration of the work;
- (b) the location of the place where the work is to be carried out;
- (c) the methods to be applied where the work involves the handling of asbestos or materials containing asbestos;
- (d) the characteristics of the equipment to be used for—
 - (i) protection and decontamination of those carrying out the work,
 - (ii) protection of other persons on or near the worksite.

5.—(1) In regulation 8 after paragraph (1) insert the following paragraph—

" (1A) Without prejudice to the generality of paragraph (1), where employees may be exposed to asbestos in any manufacturing process or in the installation of any product, prevention of such exposure to asbestos shall be achieved, where it is practicable, by substituting for asbestos a substance which, under the conditions of its use, does not create a risk to the health of his employees or creates a lesser risk than that created by asbestos." .

(2) After paragraph (3) of regulation 8 insert the following paragraph—

" (4) If an unforeseen event occurs which results in the escape of asbestos into the workplace at a concentration that is liable to exceed any applicable control limit, the employer shall ensure that—

- (a) only those persons who are responsible for the carrying out of repairs and other necessary work are permitted in the affected area and that those persons are provided with appropriate respiratory protective equipment and protective clothing; and
- (b) employees and other persons who may have been affected by the event are informed of it forthwith." .

6. In regulation 15(2)(a) for the words "30 years" substitute the words "40 years".

7. In regulation 16(1) for the words "30 years" substitute the words

"40 years".

8. In regulation 21, for the words "the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1977"^[3] substitute the words "the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1989"^[4].

Notes:

[3] S.I. 1977/1232. [back](#)

[4] S.I. 1989/840. [back](#)

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EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Control of Asbestos at Work Regulations 1987 ("the principal Regulations") to implement as respects Great Britain—

(a) Council Directive No. 91/382/EEC (OJ No. L206, 29.7.91, p. 16) amending Council Directive No. 83/477/EEC (OJ No. L263, 24.9.83, p. 25) on the protection of workers from the risks related to exposure to asbestos at work; and

(b) Council Directive No. 90/394/EEC (OJ No. L196, 26.7.90, p. 1) on the protection of workers from the risks related to carcinogens at work insofar as that Directive relates to asbestos.

2. The amendments to the principal Regulations are set out in the Schedule to these Regulations.

3. Paragraph 1 of the Schedule to these Regulations amends the definitions of "action level" and "control limit" in regulation 2(1) of the principal Regulations so that in each case there is one value for chrysotile asbestos and a lower value for all other forms of asbestos. Formerly the lower value only applied to crocidolite and amosite asbestos and the higher value for all other forms of asbestos. The action level for chrysotile asbestos is also reduced from 120 to 96 fibre-hours per millilitre of air.

4. Paragraph 3 of the Schedule to these Regulations amends regulation 5(4) of the principal Regulations so as to require that the assessment made under that regulation is reviewed regularly.

5. Regulation 5A of the principal Regulations, which is introduced by paragraph 4 of the Schedule to these Regulations, requires a plan of work to be made where the work concerned entails the removal of asbestos from plant, buildings or other structures.

6. Paragraph 5 of the Schedule to these Regulations introduces a new paragraph 1(A) into regulation 8 of the principal Regulations (prevention or reduction of exposure to asbestos) requiring less hazardous substances to be substituted for asbestos whenever this is practicable. A new paragraph (4) is also inserted in that regulation which specifies the steps to be taken if an unforeseen event occurs which results in the escape of asbestos into the workplace.

7. In addition there are a number of minor or consequential amendments to the principal Regulations.

ISBN 0 11 025738 3

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