
STATUTORY INSTRUMENTS

2012 No. 632

The Control of Asbestos Regulations 2012

PART 1

Preliminary

Interpretation

2.—(1) In these Regulations—

“adequate” means adequate having regard only to the nature and degree of exposure to asbestos, and “adequately” must be construed accordingly;

“appointed doctor” means a registered medical practitioner appointed for the time being in writing by the Executive for the purpose of these Regulations;

“approved” means approved for the time being in writing by the Executive;

“asbestos” means the following fibrous silicates—

- (a) asbestos actinolite, CAS No 77536-66-4;
- (b) asbestos grunerite (amosite), CAS No 12172-73-5;
- (c) asbestos anthophyllite, CAS No 77536-67-5;
- (d) chrysotile, CAS No 12001-29-5 or CAS No 132207-32-0;
- (e) crocidolite, CAS No 12001-28-4; and
- (f) asbestos tremolite, CAS No 77536-68-6,

and reference to “CAS” followed by a numerical sequence are references to CAS Registry Numbers assigned to chemicals by the Chemical Abstracts Service, a division of the American Chemical Society;

“asbestos cement” means a material which is predominantly a mixture of cement and chrysotile and which when in a dry state absorbs less than 30% water by weight;

“asbestos coating” means a surface coating which contains asbestos for fire protection, heat insulation or sound insulation but does not include textured decorative coatings;

“asbestos insulating board” (AIB) means any flat sheet, tile or building board consisting of a mixture of asbestos and other material except—

- (a) asbestos cement; or
- (b) any article of bitumen, plastic, resin or rubber which contains asbestos, and the thermal or acoustic properties of the article are incidental to its main purpose;

“asbestos insulation” means any material containing asbestos which is used for thermal, acoustic or other insulation purposes (including fire protection) except—

- (a) asbestos cement, asbestos coating or asbestos insulating board; or
- (b) any article of bitumen, plastic, resin or rubber which contains asbestos and the thermal and acoustic properties of that article are incidental to its main purpose;

“the control limit” means a concentration of asbestos in the atmosphere when measured in accordance with the 1997 WHO recommended method, or by a method giving equivalent results to that method approved by the Executive, of 0.1 fibres per cubic centimetre of air averaged over a continuous period of 4 hours;

“control measure” means a measure taken to prevent or reduce exposure to asbestos (including the provision of systems of work and supervision, the cleaning of workplaces, premises, plant and equipment, and the provision and use of engineering controls and personal protective equipment);

“emergency services” include—

- (a) police, fire, rescue and ambulance services;
- (b) Her Majesty's Coastguard;

“employment medical adviser” means an employment medical adviser appointed under section 56 of the 1974 Act ^{M1};

[^{F1}“enforcing authority” means the Executive, the Office for Nuclear Regulation, local authority or [^{F2}Office of Rail Regulation][^{F2}Office of Rail and Road] determined in accordance with—

- (a) section 18(1A) of the Health and Safety at Work etc. Act 1974;
- (b) the provisions of the Health and Safety (Enforcing Authority) Regulations 1998; and
- (c) the provisions of the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006;]

“ISO 17020” means European Standard EN ISO/IEC 17020, “General criteria for the operation of various types of bodies performing inspection” as revised or reissued from time to time and accepted by the Comit European de Normalisation lectrotechnique (CEN/CENELEC) ^{M2};

“ISO 17025” means European Standard EN ISO/IEC 17025, “General requirements for the competence of testing and calibration laboratories” as revised or reissued from time to time and accepted by the Comit European de Normalisation lectrotechnique (CEN/CENELEC) ^{M3};

“licensable work with asbestos” is work—

- (a) where the exposure to asbestos of employees is not sporadic and of low intensity; or
- (b) in relation to which the risk assessment cannot clearly demonstrate that the control limit will not be exceeded; or
- (c) on asbestos coating; or
- (d) on asbestos insulating board or asbestos insulation for which the risk assessment—
 - (i) demonstrates that the work is not sporadic and of low intensity, or
 - (ii) cannot clearly demonstrate that the control limit will not be exceeded, or
 - (iii) demonstrates that the work is not short duration work;

“medical examination” includes any laboratory tests and X-rays that a relevant doctor may require;

“personal protective equipment” means all equipment (including clothing) which is intended to be worn or held by a person at work and which protects that person against one or more risks to that person's health, and any addition or accessory designed to meet that objective;

“relevant doctor” means an appointed doctor or an employment medical adviser. In relation to work with asbestos which is not licensable work with asbestos and is not exempted by regulation 3(2) “relevant doctor” also includes an appropriate fully registered medical practitioner who holds a licence to practice;

[^{F3}“relevant nuclear premises” means premises which are, or are on—

- (a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013),
- (b) authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998),
- (c) a nuclear new build site (within the meaning given in regulation 2A of those Regulations);]

“risk assessment” means the assessment of risk required by regulation 6(1)(a);

“textured decorative coatings” means decorative and textured finishes, such as paints and ceiling and wall plasters which are used to produce visual effects and which contain asbestos. These coatings are designed to be decorative and any thermal or acoustic properties are incidental to their purpose, and

“the 1997 WHO recommended method” means the publication “Determination of airborne fibre concentrations. A recommended method, by phase-contrast optical microscopy (membrane filter method)”, WHO (World Health Organisation), Geneva 1997 ^{M4}.

(2) A reference to work with asbestos in these Regulations includes—

- (a) work which consists of the removal, repair or disturbance of asbestos or materials containing asbestos;
- (b) work which is ancillary to such work; and
- (c) supervision of such work and such ancillary work.

(3) For the purposes of these Regulations, work with asbestos is not “short duration work” if, in any seven day period—

- (a) that work, including any ancillary work liable to disturb asbestos, takes more than two hours; or
- (b) any person carries out that work for more than one hour.

(4) For the purpose of these Regulations, no exposure to asbestos will be sporadic and of low intensity if the concentration of asbestos in the atmosphere, when measured in accordance with the 1997 WHO recommended method or by a method giving equivalent results to that method and approved by the Executive, exceeds or is liable to exceed the concentration approved in relation to a specified reference period for the purposes of this paragraph by the Executive.

(5) For the purposes of these Regulations, except in accordance with regulation 11(3) and (5), in determining whether an employee is exposed to asbestos or whether the extent of such exposure exceeds the control limit, no account must be taken of respiratory protective equipment which, for the time being, is being worn by that employee.

(6) In these Regulations the provisions of Appendix 7 to Annex XVII of the REACH Regulations ^{M5}, which determine the labelling requirements of articles containing asbestos, are reproduced in Schedule 2 (with minor changes reflecting the practical implementation of the requirements).

Textual Amendments

- F1** Words in reg. 2 substituted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 3 para. 145(2)(a)** (with Sch. 4)
- F2** Words in reg. 2(1) substituted (E.W.S.) (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. para. 10(dd)**
- F3** Words in reg. 2 inserted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 3 para. 145(2)(b)** (with Sch. 4)

Changes to legislation: *There are currently no known outstanding effects for the The Control of Asbestos Regulations 2012, Section 2. (See end of Document for details)*

Marginal Citations

- M1** [1974 c.37](#); section 56(3) was amended by the Medical Act 1983 (Amendment Order) 2002, [S.I. 2002/3135](#).
- M2** The most recent version is reference number EN ISO/IEC 17020: 2004, accepted by CEN/CENELEC on 15th July 2004.
- M3** The most recent version is reference number EN ISO/IEC 17025:2005, accepted by CEN/CENELEC on 15th March 2005.
- M4** ISBN 92 4 154496 1.
- M5** O.J No L 396 30.12.2006, p840.

Changes to legislation:

There are currently no known outstanding effects for the The Control of Asbestos Regulations 2012, Section 2.