2009 Housing Provider Forum

A Guide to
Asbestos Management - Owner Requirements
Regulation respecting Asbestos on Construction Projects and in Buildings and Repair Operations

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Objective

Today’s session provides information regarding owner responsibilities and requirements for the identification and management of asbestos-containing building/construction materials as required under the Ontario Ministry of Labour’s Asbestos Regulation;

Ontario Regulation 278/05
Introduction

In Canada, exposure to airborne asbestos fibres has been recognized as a human carcinogen and a potentially serious occupational health hazard for workers in construction and occupants of buildings since 1982.

Provincial requirements for owner’s of buildings to identify and manage asbestos-containing materials has been required by law since 1986.

In 2005, changes to the original regulation coupled with a renewed enforcement strategy by the Ministry of Labour have building owners scrambling to comply with the law.
Definition “building”?

The Regulation defines "building" very broadly to include any structure, its services, and any vault, chamber, or tunnel. This includes residential, office, factory and mine buildings and their plumbing, electrical, heating and ventilation systems.
Definition “Owner”? 

An **Owner** is defined in the Occupational Health and Safety Act as a trustee, receiver, mortgagee in possession, tenant, lessee, or occupier of any lands or premises used or to be used as a workplace, as well as a person who acts for or on behalf of an owner as an agent or delegate.
Regulation Application

O.Reg 278/05 applies “where material containing asbestos is likely to be handled, dealt with, disturbed or removed” including repair, alteration, maintenance and demolition.

Applies to building owners, project owners, constructors, contractors and employers and their workers dealing with work involving Asbestos.
When does the Regulation not apply?

The Regulation does **not** apply:

To the owner of a private home *occupied* by the owner or the owner’s family;

To the owner of a residential building that contains no more than four units, one of which is *occupied* by the registered owner or family of the registered owner;

However, the Regulation **does** apply to constructors, employers and workers engaged in private construction projects and repair or maintenance of such buildings.
Does the Regulation apply whether or not it is known or suspected that asbestos will be encountered?

Yes. The Regulation applies \textbf{whether or not} it is known or suspected asbestos-containing materials (ACM) will be encountered during a project, repair, alteration or maintenance of a building.

- Ministry intent is prior to disturbance of building material an examination is required to determine whether ACM is present.
Examination of Building Materials

Owners of buildings are required to have a building examination completed by a competent worker.

The examination is to include bulk sample collection and testing of suspect materials, submission of samples to an accredited lab for analysis in accordance with a prescribed method.
Building Record

The observations and analytical results are to be formalized in a building record to be kept on site and updated once every 12 months.

For materials identified as ACM, the condition of the materials is to be reported.

For materials determined in unsatisfactory condition, the materials are to be abated in accordance with the classification of work prescribed in the regulation.
Asbestos Management Programs in Buildings

The regulation requires an owner to implement an asbestos management programs when;

Asbestos has been identified subsequent to building examination and,

When a building owner knows or ought reasonably to know of the presence of ACM in a building and,

When an owner may also choose to treat building material that has been used in a building for any purpose related to the building as though it is ACM.
What does an asbestos management program include?

Preparing a record containing the location and condition of ACM,

Tracking of remedial work conducted,

Inspections of ACM mentioned in the record at reasonable intervals,

Written notification to workers, occupiers, and employers of the relevant information in the record,

Training regarding the information in the record and the hazards of exposure to asbestos for workers working in close proximity,

And a schedule to have the report updated at least once every 12 months and whenever the owner becomes aware of new information.
Common Asbestos Applications

- Roof sheets, slates and tiles
- Brake/clutch linings
- Water tank
- Roofing felt
- Spray coatings to, walls, beams/columns
- Lagging
- Gaskets
- Air handling unit
- Bath panels
- Floor coverings, linoleum and paper backing, lining to suspended floor
- Panel beneath windows
- Lagging on boiler, pipework and paper lining under non asbestos pipe lagging
- Textured coatings and paints
- Panel lining to lift shaft
- Panel behind/under heater
- ‘Caposil’ insulating blocks, panels and paper
- Loose asbestos in floor/ceiling cavity
- Boiler flue
- Paneling to vertical and horizontal beams
- Gutters and down pipes
- Wall cladding
- Soffit boards
- Damp proof course
- Tiles, slats, canopies and firebreaks above ceilings
Flooring

9” x 9” Floor Tile

12” x 12” Floor Tile

Resilient Sheet Floor (Linoleum)
Ceiling Tile
Boilers/Pipe Insulation

- Residential Boiler coated with asbestos cement
- With associated supply and return piping insulated with aircell
Electrical

Foil Faced Asbestos heat shield on light fixture
Ventilation

Tape under Canvas used to join seam of fiberglass duct board

Cement board around diffuser
Paper on Duct Work
Finishing Materials

Asbestos textured plaster/drywall (stucco)
Attic Insulation
Building Exterior
Drywall/Compound
Window / Door Caulking
Sink Underlining
Carpet Glue
The Regulation applies to the owner of a project, and to every constructor, employer and worker who works in or on the project. An employer includes all contractors and subcontractors.

Construction projects at which ACM may be handled include new construction, demolition projects and renovation and repair work on a building.

In new construction, ACMs will be handled for the most part only when manufactured products, such as asbestos-cement pipes and panels, are installed.
Non Compliant status

30 day work order to comply

Immeasurable impact on person written on work order (stress, financial burden of unanticipated cost, loss of production towards general duties as resources become dedicated to meeting work order deadline)

Deadline results in higher consulting fee because of tight schedule

Potential fines
Discussion

Please ask questions