

Phase Two Amendments to the Asbestos Regulation in Ontario

This OSACH Fast Fact is intended to help workers, managers, employers and JHSC members understand the Phase Two changes to the Asbestos Regulation in Ontario.

Amendments to the Designated Substance – Asbestos on Construction Projects and in Buildings and Repair Operations Regulation, O. Reg. 278/05 came into effect on November 1, 2007. If it is possible that asbestos-containing materials may be found within your organization, this amendment will be of great importance to you as a duly diligent employer.

Asbestos:

Asbestos is a naturally occurring fibrous material that is strong, flexible, and heat-resistant. These properties have made it an ideal product for the manufacturing of building materials, friction products, heat-resistant fabrics, packaging and coatings. When asbestos fibres are dormant and contained within other materials, they pose little danger. However, there are conditions in which they pose a potential threat to human health.

The health hazards associated with asbestos arise when the products containing asbestos are disturbed, causing the fibres to become airborne. Long-term exposure to asbestos can cause diseases such as asbestosis, mesothelioma and other types of cancers.

Asbestos as a Designated Substance:

Due to the effects of asbestos on the human respiratory tract, asbestos is a designated substance in Ontario. The use, quantities and processes involving asbestos are regulated to reduce and control worker exposure. Regulations 837 and O. Reg. 278/05 under the Occupational Health and Safety Act (OHSA) govern such factors as:

- Types and quantities of air sampling
- Control program requirements
- Types of respirators and personal protective equipment to be used
- Training requirements
- Measures for each of the three types of asbestos operations

Processes involving asbestos are categorized into three separate operations.

- Type 1 operations involve the disruption of asbestos-containing materials in small quantities using non-powered hand tools with use of a wetting agent to reduce the creation of airborne particles (O. Reg 278 s. 12(2)).
- Type 2 operations involve the disruption of asbestos-containing materials and insulations in slightly larger quantities with use of powered hand tools equipped with HEPA filters and without the use of wetting agents (O. Reg 278 s. 12(3)).
- Type 3 operations include the disruption of asbestos-containing materials and insulations in larger quantities than Type 2 operations with use of power tools that are not attached to dust-collecting HEPA filters and without the use of wetting agents. For more details on Type 3 operations, refer to the O. Reg 278 s. 12(4).

Asbestos in Healthcare Facilities:

Within healthcare facilities, the most common sources of asbestos are:

- Pipe insulation
- HVAC duct insulation
- Building materials (floor tiles, ceiling tiles, siding, etc.)
- Boiler insulation
- Cooling towers

The best way to determine if a building contains asbestos is to have it inspected by a licensed and trained asbestos building inspector.

Changes to the Asbestos Regulation:

The onus is on the owner/employer to ensure familiarity and compliance with changes in the regulation. Amendments to the asbestos regulation were implemented in two phases. Phase one became effective in November 2005. More information on these changes is contained in the October 2007 edition of the OSACH newsletter, the Safe Angle.

The information contained in this Fast Fact focuses on phase two, which came into effect on November 1, 2007. Two amendments were made to Regulation 278 concerning asbestos in construction projects.

- In line with the new inclusion of non-friable asbestos in the regulation, O. Reg. s. 8(4) dictates that an asbestos management record shall now include for each location of asbestos-containing material, whether the material is friable or non-friable. (Under the O. Reg. 278, friable material refers to material that is, or can be crumbled, pulverized or powdered by hand pressure when dry.)
- Regarding asbestos abatement training, O. Reg. 278 s. 20 requires the employer to ensure the following:
- Every worker who completes work in a Type 3 operation shall successfully complete Asbestos Abatement Worker Training (Program 253W) approved by the Ministry of Training, Colleges and Universities (MTCU) before engaging in work with asbestos
- Every supervisor who participates in a Type 3 operation shall successfully complete Asbestos Abatement Supervisor Training (Program 253S) approved by the MTCU
- Documentation issued by the MTCU will be provided as conclusive proof of successful completion of an approved program
- Completion of an equivalent training outside of Ontario may also be accepted as approved by the Minister (Section 20)

For information on asbestos abatement programs, contact the local division of the MTCU.

Reference List:

Ministry of Labour 2008, *A Guide to the Regulation Respecting Asbestos on Construction Projects and in Buildings and Repair Operations*, last updated 01 November 2007, viewed 12 February 2008, <http://www.labour.gov.on.ca/english/hs/asbestos/index.html>

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Occupational Health and Safety Act, Carswell Edition 2007, 'Asbestos on Construction Projects and in Building and Repair Operations Regulation, Regulations 837 and 278, pp. 362-401.

Sahai, Dru 2007, 'Asbestos Rules are Here and More Are Coming Into Effect', OSACH's the Safe Angle, vol. 9, no. 2, pp. 6, viewed 28 March 2008, <http://www.osach.ca/products/newsletters/200710.pdf>.



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