

10 March 2020

Via email: [REDACTED]

Response to a request for official information

Dear [REDACTED]

Thank you for your request for official information received 3 February 2020 by Nelson Marlborough Health (NMH)¹, followed by the necessary extension of time 3 March 2020, where you seek the following information:

Please provide copies of all Asbestos Management Plans prepared under Regulation 13(2) of the Health and Safety at Work (Asbestos) Regulations 2016 for all workplaces occupied or from time to time occupied by the District Health Board where asbestos or ACM (Asbestos Containing Material) is suspected to be or has been identified at the workplace.

NMH responds with the attached draft document; Nelson Marlborough Health *Procedure – Asbestos Management Plan*.

This response has been provided under the Official Information Act 1982. You have the right to seek an investigation by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or free phone 0800 802 602.

If you have any questions about this decision please feel free to email our OIA Coordinator OIArequest@nmdhb.govt.nz. I trust that this information meets your requirements. NMH, like other agencies across the state sector, supports the open disclosure of information to assist the public's understanding of how we are delivering publicly-funded healthcare. This includes the proactive publication of anonymised Official Information Act responses on our website from 10 working days after they have been released. If you feel that there are good reasons why your response should not be made publicly available, we will be happy to consider.

Yours sincerely



Dr Peter Bramley
Chief Executive

Encl: Nelson Marlborough Health *Procedure – Asbestos Management Plan* (6 pages)
cc: Ministry of Health via email: SectorOIAs@moh.govt.nz

¹ Nelson Marlborough District Health Board

ASBESTOS MANAGEMENT PLAN

INTRODUCTION

Nelson Marlborough Health (NMH) is committed to maintaining the health and safety of its workers, patients, clients/service users, contractors and visitors. There are buildings and equipment under the control of NMH that contain Asbestos or Asbestos Containing Material (ACM).

NMH aims to eliminate exposure to asbestos through the identification and removal of asbestos where safe to do so. Where elimination is not possible, exposure is to be minimised so far as is reasonably practicable.

NMH will ensure that only licensed or certified contractors perform work involving ACM remove, encapsulate or sealing.

NMH acknowledges the Health & Safety at Work (Asbestos) Regulations 2016 requires a PCBU, to ensure asbestos is identified, and to have an Asbestos Management Plan (Plan) as defined in 13 Subpart 2 Management of asbestos risks in the Regulations.

This Plan is readily accessible to workers, their representatives, other PCBUs working with asbestos. It will be available, in hard copy, as requested.

DEFINITIONS

Asbestos means the asbestos is form varieties of mineral silicates belonging to the serpentine or amphibole groups of rock-forming minerals, including actinolite asbestos, grunerite (or amosite) asbestos (brown), anthophyllite asbestos, chrysotile asbestos (white), crocidolite asbestos (blue) and tremolite asbestos.

Asbestos containing material (ACM) means any material or thing that, as part of its design, contains asbestos.

Asbestos-contaminated dust or debris (ACD) means dust or debris that has settled within a workplace and is (or assumed to be) contaminated with asbestos.

Airborne asbestos means any fibres of asbestos small enough to be made airborne. For the purposes of monitoring airborne asbestos fibres, only respirable fibres are counted.

Asbestos-related work means work involving asbestos (other than asbestos removal work to which Part 3 of the HSW (Asbestos) Regulations 2016 applies) that is documented under the exceptions set out in regulation 7(2), (3) and (4).

Asbestos removalist means a person conducting a business or undertaking (PCBU) who carries out asbestos removal work.

Asbestos removal work means work involving the removal of asbestos or ACM Class A or Class B asbestos removal work as outlined in Part 6 of the HSW Regulations.

Competent person means a person who has the knowledge, experience, skills and qualifications to carry out a particular task under the regulations, including any knowledge, experience, skills and qualifications prescribed in a safe work instrument.

Friable asbestos means material that is in a powder form or able to be crumbled, pulverised or reduced to a powder by hand pressure when dry.

IANZ - accredited laboratory means a testing laboratory accredited by the International Accreditation New Zealand (IANZ).

Non-friable asbestos means material containing asbestos that is not friable asbestos, including material containing asbestos fibres reinforced with a bonding compound.

Respirable asbestos means an asbestos fibre that:

- is less than 3 microns (μm) wide
- is more than 5 microns (μm) long
- has a length to width ratio of more than 3:1.

Identification of Asbestos

- a. NMH will ensure it identifies asbestos that may pose risk of exposure to respirable asbestos fibres.
 - b. This will include surveying buildings identified as likely to contain asbestos.
 - c. Any identified potential asbestos will be tested.
 - d. Asbestos will be recorded in NMH Asbestos Register (OctFolio).
 - e. The Register will contain Information about the location, type (where known) and management of identified asbestos.
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- f. The Register will be readily available to workers, their representatives, and other PCBUs working with asbestos.
 - g. A licensed asbestos removalist will be engaged to remove any asbestos.
 - h. The removal work will be planned in the order of the following priority:
 - i. Friable asbestos.
 - ii. Asbestos in a poor condition that is likely to become friable.
 - iii. Exposed asbestos that is in areas used by workers or NMH visitors.
 - iv. Unexposed asbestos that is in areas used by workers or NMH visitors.
 - v. Exposed asbestos that is in areas not used by workers or NMH visitors.
 - vi. Unexposed asbestos that is in areas not used by workers or NMH visitors
 - i. Relevant information about asbestos will be notified, by Facilities Manager, to the owners of NMH leased buildings.
 - j. All identified asbestos will be clearly identified in the Asbestos Management Register or placing colour coded labels informing presence of ACM and their meaning to prevent unauthorised access.
 - k. NMH wishes to remove all asbestos however recognising that this may not be reasonably practicable. The above priority list will refer to where it is not practicably possible to remove asbestos, it will be encapsulated; and where it is not reasonably practicably possible to remove or encapsulate asbestos, it will be sealed.
 - l. Asbestos identified in portable appliances, such as heaters, will be assessed on a case-by-case basis. In any event, asbestos removed from such appliances will be disposed of by qualified contractors.
 - m. If friable asbestos is identified or suspected in any area where workers are or might be, then the area will be evacuated and sealed, and
 - n. Testing of the suspected material will be promptly arranged by Facility Management.

Health, Safety and Wellbeing Notification

During surveying for asbestos, the well-being of workers (including those who do the surveying and sampling) and anyone else in the vicinity will be paramount. NMH and contractors will ensure anyone who may be affected by the work will be informed, including scope and time-frame for work; and will make information on asbestos available.

Any potential asbestos identified will be notified to NMH Health, Safety and Wellbeing Service to enable any potentially affected personnel to be informed of any information relevant to them.

Decisions and Planning about Asbestos Management

- a. NMH will be open, transparent and act in good faith in relation to decisions, reasons for decisions, and any work involving asbestos.
- b. This includes ensuring any person who might be affected by asbestos has access to relevant information, including information about the WorkSafe Asbestos Exposure Register. Such information will be available on NMH website and in hard copy upon request to the Health, Safety and Wellbeing Team.
- c. Decisions regarding asbestos management will be made by the Facilities Manager/Asbestos Management Coordinator, in consultation with designated management group:
This group will consist of (at least)
 - i. The Facilities Manager
 - ii. The Building Compliance Coordinator.
 - iii. The Workplace Health and Safety Manager
 - iv. The H&S Advisor
 - v. Union Representatives (may be invited).
- d. Meetings will be held as required, and notified to duty holders.
- e. Minutes of the meetings will be recorded and available from Facilities Manager.

How asbestos will be removed, encapsulated or sealed

- a. Removal, encapsulation and sealing of asbestos will be done by contractors with either a Class A or Class B asbestos removal license dependent on whether the asbestos is friable (Class A) or non-friable (Class B). Any such work will be contracted through NMH Facilities, which will act as Project Manager for such work.
- b. When this work is contracted NMH requires the contractors to provide evidence of compliance with the Regulations, including:
 - i. An asbestos removal control plan (ARCP) (which must be kept for a minimum of two years).
 - ii. Details of site signage.
 - iii. Site Specific Safety Plans (SSSPs) include a risk analysis.
 - iv. Notification to WorkSafe where applicable (minimum five-days' notice).
 - v. Evidence the contractor has health-monitoring in place for its employers who may come into contact with asbestos.
 - vi. Proof that any asbestos removed has been disposed of at an approved disposal facility.
- c. The Asbestos Management Coordinator will notify anyone who may be affected by the asbestos works. This may include worker representatives, such as unions, in relation to NMH employees.
- d. NMH acknowledges its "downstream" legal responsibility to ensure (as far as reasonably practicable) that contractors safely dispose of all asbestos materials (including disposable PPE), and therefore requires all contractors to provide details of how they will do this. Receipts from a recognised Asbestos Refuse facility will also be required.
- e. Contractors must provide details of how any re-usable PPE is de-contaminated, NMH recognising that it cannot transfer responsibility for this.

Procedure for Engaging Asbestos Contractors

Any contractor engaged to work for NMH must be a NMH Facilities Approved Contractor.

The contractors' employees must all attend a health & safety contractor induction and gain a NMH identity card before working on any NMH site.

Details of these requirements are set out in in NMH Contractor Minimum H&S Requirements, NMH Contractor Safety Management Standard and NMH Facility Contractor Policy.

NMH Facilities will manage the engagement of all asbestos contractors.

Procedure for Asbestos Incidents or Emergencies

- a. All asbestos work must be entered into OctFolio and Tech One by NMH Facilities.
- b. Any incident involving asbestos, including complaints, must be recorded in Safety 1st and investigated by either a NMH Facilities manager and/or a member of the Health, Safety and Wellbeing team.
- c. Investigation findings must be made available (either by Safety 1st access or by providing an electronic or a hard-copy report) to complainants and anyone involved in the incident investigated.
- d. As set out above, anyone who might have been, or believes they might have been, exposed to asbestos must be notified of the WorkSafe Asbestos Exposure Register and offered support and assistance in completing this form. Such support and assistance may be provided by the NMH's Occupational Health Nurse.

Provision of Information and training to everyone who carries out work involving Asbestos (Workers)

- a. Information and, if appropriate, training will be available to anyone who might, or believes they might, come into contact with asbestos.
- b. NMH, recognises that differing level of information may be required dependent on the potential type and level of exposure to asbestos; for example, a person working in an office with benign asbestos; a person working with friable asbestos.
- c. Information will be provided through a variety of means including:
 - i. The asbestos register.
 - ii. NMH intranet.
 - iii. Information sheets.
 - iv. Information sessions.
- d. Training sessions on how to recognise asbestos and safe working with asbestos will be available to all NMH workers who may work with asbestos (SWP 0024 Working with or near asbestos general) or any other form of asbestos awareness training. Contractors to NMH must provide evidence of its workers having had training before work involving asbestos can commence.
- e. Any such training must be recorded and kept for a minimum of five years from the date the workers stop working for the PCBU. NMH workers' training will be recorded in L&D or Facilities.

Workers Roles and Responsibilities, and working with other PCBU's

- a. NMH, as a PCBU, acknowledges it has the primary duty of care in relation to asbestos management. However, other PCBUs may have duties under the Health & Safety legislation, including Regulations. In such instances, NMH will consult, co-operate, and co-ordinate with such PCBUs.

Issue Number

Date Approved

Date Review

Name

Position

Signature

Author

File name

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- b. This Plan acknowledges that every worker has a responsibility to do everything reasonably practicable to ensure their own health and that of others. This includes:
 - Attending training and education sessions on asbestos awareness and safe work methods.
 - Adhering to all reasonable NMH requests in regard to working with asbestos.
 - Adhering to this Plan and to any reasonable asbestos policies, procedures and guidelines.
 - Notifying the NMH Facilities Manager of any asbestos or suspected asbestos.
- c. NMH supports the involvement of worker unions in the safe management of asbestos and undertakes to supply information to such Unions as appropriate and where reasonably requested. This does not replace or supersede any duties and responsibilities under the Health and Safety at Work Act (2015) or Regulations.

Asbestos Register and Access to Register

- a. NMH Facilities will maintain the NMH Asbestos Register (in OctFolio), ensure it is kept up-to-date, and that it is readily available to appropriate parties.
- b. The Register will be reviewed prior to any demolition or refurbishment work.

Health Monitoring

- a. NMH acknowledges and will meet its duties under the Regulations and the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 to provide health monitoring.
- b. This will primarily include requiring evidence from asbestos contractors that they provide health monitoring for any of their workers who will be carrying out licenced asbestos removal work or other asbestos-related work.
- c. Any such monitoring must commence before the worker commences any such work, and must include consideration of:
 - i. The worker's demographic, medical and occupational history; and
 - ii. Records of the worker's personal exposure to asbestos, and
 - iii. Include a physical examination of the worker by a medical practitioner.

Assessing and Reviewing this Plan

- a. Asbestos management will be assessed annually and as required.
- b. This will include reviewing all asbestos-related information in OctFolio and from any other relevant source; such information to include asbestos testing and results, asbestos removal, WorkSafe potential exposure notifications, any investigations, incidents, complaints and feedback.
- c. Such assessment will indicate whether this Plan is achieving compliance with legal and NMH requirements in relation to asbestos, and inform its continuous improvement.
- d. A formal review of the Plan, and, if necessary, a revision, under Part 2 r 14 of the HSW (Asbestos) Regulations 2016 will be undertaken if:
 - i. There is a review of a control measure.
 - ii. Asbestos is removed from, or disturbed, sealed or enclosed at, the workplace.
 - iii. The plan is no longer adequate for managing the risk arising from asbestos or ACM at the workplace.
 - iv. A worker's representative requests a review under Regulation 14(2).
 - v. Five years have passed since the last review.

References

Health and Safety at Work Act 2015, Sections 30 – 57

Health and Safety at Work (Asbestos) Regulations 2016

Health and Safety at Work (General Risks & Workplace Management) Regulations 2016

NMH Management of Asbestos and Asbestos Containing Material Policy

SWP 0024 Working with or near Asbestos General

WorkSafe NZ Approved Code of Practice – Management and Removal of Asbestos Nov 2016

WorkSafe NZ Good Practice Guidelines – Conducting Asbestos Surveys Oct 2016

OctFolio (NMH Asbestos Register)

AS/NZ 4801:2001 Occupational H&S management systems- Specifications with guidance for use

WorkSafe: Asbestos Fact Sheets

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