

Applying for an acceptance to demolish a building containing asbestos

OHS information for employers and prime contractors

KEY INFORMATION

- **Section 34 of the OHS Code requires that any building materials with the potential to release asbestos fibres must be removed prior to demolition.**
- **If the asbestos-containing materials cannot be removed, an acceptance to section 34 of the code is required.**

This bulletin outlines the process to apply for an acceptance to demolish a building where asbestos containing materials cannot be safely removed (e.g. after a fire in a building containing asbestos).

What is an acceptance?

Section 55 of the *Occupational Health and Safety (OHS) Act* allows work site parties through an acceptance to use alternative approaches to achieve compliance with specific requirements in the OHS Regulation and OHS Code, as long as the alternative provides equal or greater protection to workers. Work site parties, such as prime contractors, contractors, employers, self-employed persons, suppliers, service providers, owners, or a group of one or more of these persons can apply for an acceptance.

The application for an acceptance must include sufficient documentation to show that the proposed approach offers equal or greater protection to workers than the existing legislated

requirement(s). Also, there is a requirement to consult with affected workers through the joint worksite health and safety committee, health and safety representative, individual workers or other persons as an OHS director considers appropriate

Section 34 of the OHS Code requires that any building materials with the potential to release asbestos fibres must be removed prior to demolition. If an acceptance to section 34 of the OHS Code is granted, asbestos-containing building materials may be left in place during demolition, subject to the conditions on the acceptance.

Review of the application

Applications for an acceptance must meet the following criteria:

- removal of the building material(s) containing asbestos would create more of a hazard to workers or other personnel at or in the vicinity of the work site (for example, when the structural integrity of the building has been compromised by fire or water damage),
- the proposed alternative work procedures will provide equal or greater protection to workers, and other persons at or in the vicinity of the work site, and
- demolition will be done by machine.

To receive an acceptance, the applicant must conduct consultation with work site parties that may be affected by the work. This will include the work site party removing the waste, the equipment operator, the air-sampling consultant, and the receiving landfill. Any concerns raised during the consultation process must be noted, along with the controls implemented to address them.

Confirmation of consultation must be submitted to the OHS director. The confirmation may include meeting minutes (detailing the worker and employer names and the date and time the meeting was conducted), or written documentation from a landfill confirming they are aware the waste is asbestos-containing and they can safely receive it.

The OHS director reviewing the application may ask the applicant to consult with additional parties, as appropriate, depending on the specific circumstances related to the application.

How to apply for an acceptance

Step 1 - Submit the “**Acceptance Application**” form to Alberta Labour. The application **must** include the following supporting information:

- A statement of why the acceptance is being requested and rationale for why the asbestos should not be removed prior to demolition.
- The specific OHS Regulation or OHS Code provision for which the acceptance is being sought (e.g. section 34 of OHS Code).
- Detailed alternative work procedures (see following sections for information to include).
- Rationale for how the proposed alternative will provide equal or greater protection to the workers as to what is obligated under the OHS Code.
- The location(s) of the affected work site(s) to which the acceptance request applies.
 - If there is no street or municipal address, include longitude and latitude information.
- Description of the structure and material(s) containing asbestos, including the type(s) of asbestos and concentration(s).
- If the structure is not visibly damaged such as by a fire or flood, a stamped letter from a professional engineer indicating that the building is structurally unsound and not safe to enter to remove the asbestos.

- Indicate how long the acceptance needs to be in place. Include specific dates and time periods for when the demolition will occur, if known.
- A letter from the receiving landfill indicating they are aware the waste will contain asbestos and are willing to accept the waste specific to the project.
- Documentation for any other consultation conducted with other work site parties. Note the OHS director may require the applicant to conduct additional consultation after the application is received.
- All supporting information required to assess the request including photographs, technical reports and laboratory results.

Acceptances are reviewed on a case-by-case basis. The applicant is responsible to ensure that documentation is provided in support of the request.

Timelines for an OHS director to review an acceptance request vary and can take a number of weeks. Requests should be made well in advance of critical project deadlines where possible.

Step 2 - Mail or email the application along with the documents from step 1. Any missing or incomplete information may delay processing of the request. The request and accompanying documentation must be sent to:

Specialized Professional Services
8th Floor Labour Building
10808 - 99 Avenue
Edmonton, Alberta T5K 0G5

E-Mail: lbr.ohsaccept@gov.ab.ca

While the request is being assessed, all requirements of the OHS legislation must continue to be met.

Step 3 - If the acceptance is granted, the applicant must post it in a conspicuous place at the work site or otherwise communicate it to

workers who may be affected. A copy of the acceptance request should also be provided to the health and safety committee or the health and safety representative if one exists.

Additional requirements

Under section 55(5) of the *OHS Act*, once an acceptance is granted, the employer must ensure that the acceptance, along with the terms, condition, or requirements on the acceptance, or the original legislative requirement is complied with. Non-compliance with the terms, conditions or requirements on an acceptance is a contravention and an offence under the *OHS Act*. Compliance actions, including prosecutions, and/or administrative penalties can be imposed.

When submitting the Asbestos Project Notification required by section 36 of the OHS Code, a copy of the acceptance letter should be attached.

Detailed work procedure documentation requirements

Detailed work procedures must be included in the acceptance application. The work procedures may vary according to the work site but need to include information on set-up, worker training, general work procedures, decontamination, waste handling and disposal, and air monitoring.

The specifics of the work site must be considered and reflected in the detailed work procedures that accompany the application. The detailed work procedures must address the following requirements:

Set-up

- Specify how the work perimeter will be marked - a work perimeter of 30 metres or up to the property boundary, where possible, must be established including visible separation and signage.

- Specify the signage and where it will be posted. The signage must state the following:
 - Danger,
 - Asbestos,
 - Authorized personnel only, and
 - Eating, drinking, and smoking are prohibited.
- Specify how the work site will be secured when no work is occurring.
- Specify how waste will be managed - waste receptacles and equipment used for the project must be inside the perimeter.

Training

- Specify the type of asbestos training for all workers involved in the project in the application - workers must be trained in accordance with section 37 of the OHS Code.
- Detail procedures to ensure driver training - transport drivers must have asbestos training in accordance with section 37 of the OHS Code in addition to emergency spill procedures.

Work procedures

- Provide a description of personal protective equipment (PPE) that will be used. Workers, including equipment operators, transport drivers and labourers must be protected with appropriate PPE. This includes:
 - Disposable coveralls,
 - Rubber steel toe boots,
 - Respirators, at minimum, a properly fitted half-mask respirator equipped with combination P100 cartridges.
- Describe how machine demolition will occur - demolition must be done by machine.
- Indicate how the structure will be pre-wetted and continuously wetted during the demolition process with enough water volume to ensure the material is saturated.

- Specify that work must be halted and debris secured in the event of high winds – above 20 km/h (measured by an anemometer).
- Specify what will be done with asbestos debris - if the bins/trailers are not lined, describe provisions to decontaminate them.
- Specify how bins/trailers will be covered before leaving the work site to prevent dust from escaping during transport.
- Specify additional procedures to address a possible collapse of the whole or part of the structure during demolition.
- Specify how the debris and waste will be secured should the work take more than one day to complete.
- If the foundation or other materials are to be recycled, specify how they will be cleaned and encapsulated.
- Specify how any visible contamination on the ground from the demolition will be cleaned.

Decontamination

- Specify how workers will decontaminate, including equipment operators who must decontaminate prior to leaving the work perimeter. Note that showers are not mandated, but at minimum workers must have an area where they can clean their face and hands, take off equipment, dispose of used PPE and clean boots/respirators.
- Specify how all PPE, equipment and tools will be decontaminated prior to leaving the work perimeter.

Waste handling and disposal

- Specify packaging method for the disposal of asbestos waste - all asbestos-contaminated materials, including used protective clothing and respirator cartridges, must be packaged for disposal as asbestos waste (as defined in the OHS Code).

- Specify the procedure for transportation of the waste in accordance with Transportation of Dangerous Goods requirements.
- Specify necessary information regarding the asbestos content of the waste, if it is available, and how it will be forwarded to the landfill and transport company.
- Provide documentation the landfill has agreed to accept the asbestos containing waste.

Air monitoring

- Specify how air sampling will be conducted - at least one occupational air sample must be collected each work day on a worker. Area samples must be collected in appropriate locations at the work perimeter including downwind.
 - If any results are 50 per cent or greater than the occupational exposure limit (OEL) of 0.1 f/cc within the work perimeter or at 10 per cent of the OEL at the work perimeter, work must be suspended and work procedures re-evaluated.
- Specify how the results of air samples will be made available - results must be available prior to the start of work the following day.

What to expect after submitting a request

Once submitted, the applicant will be notified when the application has been received. For more information of what to expect after submitting the application refer to bulletin: Applying for an occupational health and safety (OHS) acceptance.

Contact Us

OHS Contact Centre

Throughout Alberta
 • 1-866-415-8690

Edmonton & surrounding area
 • 780-415-8690

Deaf or hearing impaired:
 • 1-800-232-7215 (Alberta)
 • 780-427-9999 (Edmonton)

PSI Online Reporting Service
alberta.ca/report-potentially-serious-incidents.aspx

Website
alberta.ca/occupational-health-safety.aspx

FOR MORE INFORMATION:

Applying for an occupational health and safety (OHS) acceptance (LI030)
ohs-pubstore.labour.alberta.ca/li030

Application for acceptance (LI030TMP)
ohs-pubstore.labour.alberta.ca/li030TMP

Alberta Asbestos Abatement Manual (ASB001)
ohs-pubstore.labour.alberta.ca/asb001

Asbestos Project Notification On-Line Form
alberta.ca/submit-asbestos-project-notification.aspx

Transportation of Dangerous Goods
tc.gc.ca/eng/tdg/safety-menu.htm

Get Copies of *OHS Act, Regulation and Code*

Alberta Queen's Printer
qp.gov.ab.ca

Occupational Health and Safety
alberta.ca/ohs-act-regulation-code.aspx

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