



# Guideline

## Asbestos Management

### 1 Introduction and Scope

The objective of this Guideline is to eliminate occupational exposures to asbestos on offshore petroleum facilities and reduce the incidence of asbestos related disease.

The Petroleum (Submerged Lands) (Occupational Health and Safety) Regulations 1993 prohibits the use of certain hazardous substances. This prohibition applies to the use of the following asbestos forms:

- Actinolite asbestos
- Amosite (brown asbestos)
- Anthophyllite asbestos
- Chrysotile (white asbestos)
- Crocidolite (blue asbestos)
- Tremolite asbestos

### 2 Relevant Legislation

- *Petroleum (Submerged Lands) Act 1967 (PSLA)*
- *Petroleum (Submerged Lands) (Occupational Health and Safety) Regulations 1993*
- *Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 1996*
- *National Model Regulations for the Control of Workplace Hazardous Substances [NOHSC:1005(1994)]*
- *National Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC:2018(2005)]*

### 3 Clarification of Terms

- **“Use”** means the production, handling, storage, transport or disposal of substances in the workplace, as defined in Regulation 4 of the National Model Regulations for the Control of Workplace Hazardous Substances [NOHSC:1005(1994)], as existing from time to time.
- **“In situ”** is defined in Schedule 2, Part 1 of the Petroleum (Submerged Lands) (Occupational Health and Safety) Regulations 1993.

#### **4 Prohibition on the use of Asbestos under the Petroleum (Submerged Lands) (Occupational Health and Safety) Regulations 1993**

From 1 January 2005, the use of asbestos has been prohibited, under Regulation 4D of the Petroleum (Submerged Lands) (Occupational Health and Safety) Regulations 1993, on all facilities operating under the P(SL)A 1967 (Commonwealth waters).

Examples of where the prohibition applies include:

- New build facilities,
- Modifications to existing facilities,
- The supply of plant, equipment, materials or substances to the facility, which contain asbestos.

Note: The prohibition will also apply in State and Territory waters, under mirrored State and Territory legislation.

##### **4.1 Asbestos already in use prior to the prohibition taking effect**

Under subregulation 4D(2) of the Petroleum (Submerged Lands) (Occupational Health and Safety) Regulations 1993 asbestos must not be used in any circumstances, except for the permitted circumstances specified in Part 3 of Schedule 2 of the Petroleum (Submerged Lands) (Occupational Health and Safety) Regulations 1993. These permitted circumstances include:

- Bona fide research,
- Handling for storage prior to removal or disposal of asbestos,
- Storage prior to removal or disposal of asbestos,
- Removal or disposal in accordance with a law of a State or Territory relating to the removal of asbestos,
- Disturbance of naturally occurring asbestos that is incidental to operations not related to the extraction or processing of asbestos, and
- Use (without disturbance) of asbestos in products that are “in situ.”

Note: A product containing asbestos “in situ” may be left in place until the asbestos contained in the product is disturbed, at which point its use is prohibited, unless it is used in the permitted circumstances stated above or in accordance with an exemption granted by NOPSA under Regulation 4G of the Petroleum (Submerged Lands) (Occupational Health and Safety) Regulations 1993.

The use of specific products containing chrysotile asbestos are exempt from the requirements of subregulation 4D(2). Further particulars are outlined in subregulation 4D(5) of the Petroleum (Submerged Lands) (Occupational Health and Safety) Regulations 1993.

##### **4.2 Importation of Asbestos**

Importation is not a matter for NOPSA and any questions should be addressed to the appropriate enforcement agency.

### **4.3 Managing Asbestos “in situ”**

If a facility contains asbestos “in situ” and seeks to work under the P(SL)A, risks to the health and safety of persons at or near the facility must be as low as reasonably practicable (ALARP).

In accordance with Regulation 9(4) of the Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 1996, the facility’s Safety Case must provide for the reduction of all health and safety risks to ALARP.

### **4.4 Asbestos Management Plan (AMP)**

The operator of a facility is required under Clause 3(1) of Schedule 7 of the P(SL)A to take all reasonably practicable steps to ensure that:

- a. The facility is safe and without risk to the health of any person at or near the facility; and
- b. All work and other activities carried out on the facility are carried out in a manner that is safe and without risk to the health of any person at or near the facility.

In order to comply with the above legal duties, it is considered good practice to manage asbestos in accordance with the National Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC:2018(2005)].

The management of asbestos “in situ” should be appropriately documented, implemented and maintained as part of a comprehensive AMP, in accordance with NOHSC:2018(2005), in order to demonstrate compliance with the legislation.

If you have any queries in relation to this Guideline please contact Andrew Chandran on (08) 6461 7012.

## **5 Disclaimer**

This Guideline and others provided on NOPSA’s website are intended to provide general guidance to the industry as to the approach that NOPSA takes in carrying out its regulatory functions under powers conferred by the Commonwealth, State and NT Petroleum (Submerged Lands) Acts and Regulations under those Acts. These Guidelines should not be relied on as advice on the law, nor treated as a substitute for legal advice in any relevant situation.