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Reg No: 2020/159951/07
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Legal requirements to be complied with when performing types 2 or 3 asbestos work

The purpose of this memo is to explain the legal requirements contained in the Asbestos Abatement Regulations, 2020, as promulgated under the Occupational Health and Safety Act, 1993 applicable to type 2 or type 3 asbestos work. "Asbestos work" means - *work that exposes or is likely to expose an employee to asbestos dust, including transporting, storing, removing, handling, treating, repairing and disposing of asbestos*. The removal or repairs of asbestos or asbestos containing material (ACM) such as roof sheets, gutters and down pipes will typically constitute asbestos work.

Before detailing the legal requirements to be complied with prior to, during and after asbestos work is performed it may be important to note that the Asbestos Abatement Regulations, 2020, makes a distinction between three types of asbestos work, namely types 1, 2 or 3. As can be expected different legal requirements will apply depending on the type of asbestos work to be performed. See below definitions contained in the Asbestos Abatement regulations, 2020, which explains the different types of asbestos work.

TYPES OF ASBESTOS WORK	
Type 1 asbestos work	Means: a. **Painting of asbestos cement products** in a manner that does not require surface preparation and does not cause the release of asbestos fibres; or b. The **removal of less than 10 square metres of asbestos cement products** or equivalent gutters and piping or asbestos insulating board, where removal work may not be repeated on the same site within a period of six months;
Type 2 asbestos work	Means: a. The **repair or encapsulation of asbestos cement products** in a manner that does not require surface preparation; or b. The **removal of asbestos cement products or asbestos insulating board**; and
Type 3 asbestos work	Means: the removal, repair or encapsulation of any asbestos and asbestos-containing material.

As per above mentioned definitions by far the bulk of all asbestos work performed such as the removal of bonded material i.e., roof sheets, gutters and rainwater down pipes, etc. will constitute type 2 asbestos work. Removal of any asbestos containing material other than those mentioned above such as asbestos lagging or material where friable asbestos fibres could be expected should be regarded as type 3 asbestos work. The purpose of this explanatory note is to explain more important legal requirements to be met with when planning and performing types 2 or 3 asbestos work.

The following legal requirement are to be complied with prior to, during and after performing types 2 and 3 asbestos work:

1. Prior to any asbestos work being performed the asbestos client (person for whom asbestos work is being performed / owner of property) must ensure that an inventory of asbestos in place and an asbestos risk assessment be conducted and handed to all contractors contracted to perform asbestos work on site. The inventory of asbestos in place and asbestos risk assessment and prescribed information should detail all asbestos containing material present on site. Knowing the location of all asbestos containing material will ensure that the appointed contractors do not by accident remove material which contains asbestos. In line with the legal requirements the above-mentioned inventory of asbestos in place and asbestos risk assessment must also be provided to the appointed AIA and RAC contracted for asbestos work;

2. In line with the provisions of the Construction Regulations, 2014, as promulgated under the Occupational Health and Safety Act, 1993, the asbestos client is required to provide all contractors contracted for construction work with a baseline risk assessment and site and project specific health and safety specification. These documents must be made available prior to tendering and failure to provide the appointed contractors with the documents listed above could result in the client (Person for whom construction work is to be performed) being held liable for actions or non-conformances on the part of contractors. Please note that this legal requirement does not apply to single storey homeowners occupied by the owner, but will apply in full to the owners of double storey residential properties;

3. The client to appoint a Department of Employment and Labour registered asbestos contractor (RAC) which as the minimum holds registration as a type 2 or type 3 asbestos contractor. A type 2 RAC may only perform type 1 or type 2 asbestos work whereas a type 3 asbestos RAC may perform all types of asbestos work. On registration the Department of Employment and Labour will issue a formal registration certificate to the RAC. Any contractor not able to produce a registration certificate as the example shown below is simply not properly registered and any type 2 or type 3 asbestos work performed by them will be regarded as “illegal”.



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

REGISTERED ASBESTOS CONTRACTOR

Registered in accordance with the provisions of the Occupational Health and Safety Act, Act 85 of 1993, as amended and the Asbestos Abatement Regulations 2020.

This is to certify that:

Legal Name:
Trading Name:

has been approved by the Department of Employment and Labour as a Registered Asbestos Contractor to perform type 2 and 3 work in terms of Regulation 12 of the Asbestos Abatement Regulations 2020.

CONDITIONS OF REGISTRATION:

- The contractor must at all times comply with the Occupational Health and Safety Act, 85 of 1993, as amended and the Asbestos Abatement Regulations 2020.
- This registration certificate is not transferable.
- This registration will lapse if there is a name change or change in ownership.
- This registration is valid for 36 months.

CHIEF INSPECTOR

Valid from: **22 July 2025**
Expires: **21 July 2028**
Certificate Number: **2025R**

DEPARTMENT OF EMPLOYMENT & LABOUR

The appointed RAC will be responsible for the:

a. Safe removal of all asbestos containing material (ACM) in line with the requirements contained in the approved asbestos plan of work; and

b. The safe disposal of all ACM removed from buildings on the premises. In some cases, the RAC may sub-contract the transportation and safe disposal to a registered waste transporter;

4. The asbestos client to appoint a Department of Employment and Labour Approved Inspection Authority (AIA). Only companies in possession of SANAS (South African National Accreditation System) Accreditation as an Inspection Body for Occupational Health and Hygiene may apply to the Department of Employment and Labour for registration as an Approved Inspection Authority (AIA). As with the RACs an AIA must be able to produce at request copies of certificates. See examples below.



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Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

APPROVED INSPECTION AUTHORITY

Registered in accordance with the provisions of the Occupational Health and Safety Act, Act 85 of 1993, as amended.

This is to certify that:

THE SAFETY NETWORK (AFRICA) (PTY) LTD

has been approved by the Department of Employment & Labour as a Type A, Approved Inspection Authority: Occupational Health and Hygiene under the following regulations:

- Asbestos Abatement Regulations 4(2), 5(7), 13, 15(2)(c), 16 & 22
- Regulations for Hazardous Chemical Agents 6 & 12.
- Lead Regulations 7 & 14.
- Noise Induced Hearing Loss Regulation 7
- Noise Exposure Regulation 8

CHIEF INSPECTOR

Valid from: **30 June 2026**
Expires: **29 June 2030**
Certificate Number: **OH0242 – CI 062**



sanas
South African National Accreditation System

CERTIFICATE OF ACCREDITATION

In terms of section 22(2)(b) of the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act, 2006 (Act 19 of 2006), read with sections 23(1), (2) and (3) of the said Act, I hereby certify that:-

THE SAFETY NETWORK (AFRICA) (PTY) LTD
Co. Reg. No.: 2020/159951/07
CAPE TOWN

Accreditation Number: **OH0242**

is a South African National Accreditation System accredited Inspection Body to undertake **TYPE A** inspection provided that all SANAS conditions and requirements are complied with

This certificate is valid as per the scope as stated in the accompanying scope of accreditation, Annexure "A", bearing the above accreditation number for

OCCUPATIONAL HYGIENE INSPECTION AT WORKPLACES

The facility is accredited in accordance with the recognised International Standard

ISO/IEC 17020:2012

The accreditation demonstrates technical competency for a defined scope and the operation of a management system

While this certificate remains valid, the Accredited Facility named above is authorised to use the relevant SANAS accreditation symbol to issue facility reports and/or certificates

Mr M Phaloane
Acting Chief Executive Officer
Effective Date: 30 June 2026
Certificate Expires: 29 June 2030

This certificate does not on its own confer authority to act as an Approved Inspection Authority as contemplated in the Occupational Hygiene Regulations. Approval to inspect within the regulatory domain is granted by the Department of Employment and Labour.

The appointed AIA will be responsible for the:

a. Drafting and submitting to the Department of Employment and Labour an asbestos plan of work (PoW);

b. Conduct air monitoring while asbestos work is performed; and

c. Conduct a final clearance inspection and air monitoring on completion of asbestos removal and issue an asbestos clearance certificate.

5. Prior to any type 2 or type 3 asbestos work being performed an annexure 2 as per the Asbestos Abatement Regulations, 2020, must be completed in full and be signed by both the asbestos client and appointed RAC after which this notification must be submitted to the office of the Department of Employment and Labour. The notification in the form of annexure 2 should reach the office of the Department of Employment and Labour at least 7 days prior to the start of any asbestos work. Effectively asbestos work may not commence should the Department of Employment and Labour not have been informed of the project in the form of an annexure 2;

6. The asbestos client is also required to as per the National Waste Information Regulations, 2012 promulgated under the National Environmental Management: Waste Act, 2008 register as a Hazardous Waste Generator. This is due to the fact that most asbestos work projects will result in more than 20 kg of hazardous waste being removed

from the site per day. On registration using the electronic portal the computer system will generate a certificate. This certificate will be vital when safely disposing of the waste as hazardous waste sites will not accept waste for disposal without this certificate;

7. As previously mentioned, an asbestos plan of work (PoW) must be drafted by the appointed AIA. The PoW will contain the methodology and requirements to be complied with during removal of asbestos. The PoW must after having been signed by the AIA, RAC and asbestos client be submitted to the office of the Department of Employment and Labour. This PoW must be submitted to above mentioned office at least 7 days prior to the start of any asbestos work on the premises. As the notification period is the same the appointed AIA will normally submit not only the PoW, but also the Annexure 2 as previously mentioned;

8. On completion of the compulsory 7 days submission period the asbestos work may commence. To ensure the safety of the public the appointed RAC will create a regulated asbestos area around the building or area from which asbestos is to be removed. This regulated asbestos area will be large enough as to prevent members of the public from being possibly exposed to any airborne regulated asbestos fibres and will be properly demarcated and marked with safety signs warning others about the asbestos risks. On completion of site preparation and while wearing the required personal protective equipment the asbestos workers will commence with the safe removal of asbestos or ACM;

9. While asbestos work is performed the AIA will establish monitoring points as to measure airborne concentrations of regulated asbestos fibres. The monitoring points will not only measure asbestos workers exposure but will also measure regulated airborne asbestos concentrations inside the building from where ACM is removed and on the perimeter of the regulated asbestos area establish. Monitoring results should serve as proof that asbestos work was done in a safe manner without endangering the health and safety of neighbours and persons moving in areas outside of the regulated asbestos area established;

10. On completion of asbestos removal work all waste will be transported to a properly registered waste site for safe disposal. On disposal a safe disposal certificate will be issued by the waste site which will serve as proof that waste was properly disposed of; and

11. On completion of asbestos removal work, the appointed AIA will conduct a final visual clearance inspection and, where required, conduct clearance air monitoring as to determine if the property can be reoccupied. On completion of the final inspection and air monitoring an asbestos clearance certificate will be issued by the appointed AIA.

It should be noted that the Asbestos Abatement Regulations, 2020, imposes specific legal duties on asbestos clients which are to be complied with when performing asbestos work. From above mentioned it should be clear that any type 2 or type 3 asbestos work requires various documents, substantial planning and various notifications to government

departments. Any asbestos work done without these documents, notifications or using contractors not properly registered will be regarded as “illegal” asbestos work and could lead to criminal charges. Most properly registered AIAs and RACs will however assist asbestos clients in complying with the legal requirements by drafting and completing most of the legally prescribed forms and documents on their behalf.

The memo is free and was prepared and distributed by the Safety Network (Africa) (Pty) Ltd t/a SafeNet (Africa). This memo is intended to serve as an easily accessible resource in the field of Occupational Health and Safety. Whilst every effort has been made to ensure that the information published in this memo is accurate, it is not meant to constitute legal opinion or advice. The Safety Network (Africa) (Pty) Ltd take no responsibility for any loss or damage suffered by any person as a result of the reliance upon the information as contained in this memo. The Asbestos Abatement Regulations, 2020 as promulgated under the Occupational Health and Safety Act, 1993 should be read with this memo.

Should you require any further assistance, you are welcome to contact Thabied Davids – 073 657 0293 or Dylan Prange 081 047 9957