

Asbestos On Construction Projects and In Building and Repair Operations (Ontario Regulation 278/05)

When did the legislation come into effect?

The Ontario Regulation 278/05, Designated Substance – Asbestos on Construction Projects and in Buildings and Repair Operations came into effect on November 1, 2005. This regulation has replaced Ontario Regulation 838.

Are there any requirements that come into effect at a later date?

Yes. There are two changes that came into effect on **November 1, 2007**:

- > Supervisors and workers involved in Type 3 asbestos operations must complete the Ministry of Training, Colleges and Universities (MTCU) approved Asbestos Abatement Supervisor (253S) program or the Asbestos Abatement Worker (253W) program respectively.
- > Asbestos management programs must be updated to include non-friable asbestos-containing material.

What are some of the changes that have been made?

The regulation has more detailed control measures and procedures to prevent worker exposure to asbestos.

Some of the key requirements include:

- > Defining “asbestos-containing material” as material that contains 0.5 per cent or more asbestos by dry weight
- > Clarifying responsibilities around the asbestos management program and including non-friable asbestos in the program

- > Collecting a minimum number of asbestos bulk samples in a survey
- > Reclassifying and revising certain asbestos work procedures for Type 1, 2 and 3 operations
- > Updating respiratory protection requirements based on the type of operation and work performed
- > Conducting air clearance tests for Type 3 asbestos operations
- > New training requirements for asbestos abatement workers and supervisors

Who is impacted by this legislation?

The regulation applies to all project owners, constructors, contractors, employers and workers involved in construction and demolition projects where asbestos-containing material is present.

In addition, building owners, employers and workers involved in the repair, alteration or maintenance of buildings where asbestos-containing material is present will also be impacted by the legislation.

The impact of the legislation will differ depending on where and how asbestos is encountered in your work environment. For more information please refer to: [Where do I go for more information?](#)

What are classified as Type 1, 2 and 3 operations?

Operation	Work Classification
Type 1	Installing or removing ceiling tiles that are asbestos-containing material, if the tiles cover an area less than 7.5 square metres and are installed or removed without being broken, cut, drilled, abraded, ground, sanded or vibrated.
	Installing or removing non-friable asbestos-containing material, other than ceiling tiles, if the material is installed or removed without being broken, cut, drilled, abraded, ground, sanded or vibrated.
Type 2	Breaking, cutting, drilling, abrading, grinding, sanding or vibrating non-friable asbestos-containing material if, i. the material is wetted to control the spread of dust or fibres, and ii. the work is done only by means of non-powered hand-held tools.
	Removing less than one square metre of drywall in which joint-filling compounds that are asbestos-containing material have been used.
	Removing all or part of a false ceiling to obtain access to a work area, if asbestos-containing material is likely to be lying on the surface of the false ceiling.
	The removal or disturbance of one square metre or less of friable asbestos-containing material during the repair, alteration, maintenance or demolition of all or part of machinery or equipment or a building, aircraft, locomotive, railway car, vehicle or ship.
	Enclosing friable asbestos-containing material.
	Applying tape or a sealant or other covering to pipe or boiler insulation that is asbestos-containing material.
	Installing or removing ceiling tiles that are asbestos-containing material, if the tiles cover an area of 7.5 square metres or more and are installed or removed without being broken, cut, drilled, abraded, ground, sanded or vibrated.
	Breaking, cutting, drilling, abrading, grinding, sanding or vibrating non-friable asbestos-containing material if, i. the material is not wetted to control the spread of dust or fibres, and ii. the work is done only by means of non-powered hand-held tools.

Operation

Work Classification

Type 2 (cont'd)

Removing one square metre or more of drywall in which joint filling compounds that are asbestos-containing material have been used.

Breaking, cutting, drilling, abrading, grinding, sanding or vibrating non-friable asbestos-containing material if the work is done by means of power tools that are attached to dust-collecting devices equipped with HEPA filters.

Removing insulation that is asbestos-containing material from a pipe, duct or similar structure using a glove bag.

Cleaning or removing filters used in air handling equipment in a building that has sprayed fireproofing that is asbestos-containing material.

An operation that,

- i. is not mentioned in any of paragraphs 1 to 10, (above paragraphs);
- ii. may expose a worker to asbestos, and
- iii. is not classified as a Type 1 or Type 3 operation.

Type 3

The removal or disturbance of more than one square metre of friable asbestos-containing material during the repair, alteration, maintenance or demolition of all or part of a building, aircraft, ship, locomotive, railway car or vehicle or any machinery or equipment.

The spray application of a sealant to friable asbestos-containing material.

Cleaning or removing air handling equipment, including rigid ducting but not including filters, in a building that has sprayed fireproofing that is asbestos-containing material.

Repairing, altering or demolishing all or part of a kiln, metallurgical furnace or similar structure that is made in part of refractory materials that are asbestos-containing materials.

Breaking, cutting, drilling, abrading, grinding, sanding or vibrating non-friable asbestos-containing material, if the work is done by means of power tools that are not attached to dust-collecting devices equipped with HEPA filters.

Repairing, altering or demolishing all or part of any building in which asbestos is or was used in the manufacture of products, unless the asbestos was cleaned up and removed before March 16, 1986.

What are the requirements for respirators?

The industry respiratory protection advisory that was issued by the Ministry of Labour on June 1, 2004 is now replaced by requirements outlined in Ontario Regulation 278/05.

The legislation outlines the specific respirator to be used based on the type of asbestos operation and the work performed (refer to Table 2, O.Reg. 278/05). For example, if a worker requests a respirator for a Type 1 Operation, the employer must provide an air-purifying half-mask respirator with an N-100, R-100 or P-100 particulate filter.

If a respirator is used, a respiratory protection program, which includes fit testing and written procedures for the selection, use and care of the respirator, should be established.

What type of training is needed?

Workers involved in Type 1, 2 or 3 asbestos operations still need to be trained on the hazards of asbestos exposure, personal hygiene and work practices, and the use, cleaning and disposal of protective clothing and respirators.

Effective **November 1, 2007**, all workers and supervisors in Ontario involved in Type 3 asbestos operations will need to be certified (as per O. Regulation 278/05) by successfully completing either the Asbestos Abatement Worker 253W program or the Asbestos Abatement Supervisor 253S program. The program should be completed prior to conducting or supervising Type 3 asbestos work.

To satisfy the requirement of the legislation, a Type 3 worker and Type 3 supervisor must successfully complete the in-school training component and pass the MTCU test. The on-the-job training component is not mandatory, but recommended as a best practice.

Where do I go for more information?

For more information on asbestos or the legislation, please call our inquiries service at 1-800-406-4272 (IAPA).

To review the changes to the legislation or for more information, please click on the following links:

Ministry of Labour Web Site:

http://www.labour.gov.on.ca/english/hs/reg_asbestos.html

Ontario Regulation 278/05, Designated Substance – Asbestos on Construction Projects and in Buildings and Repair Operations:

http://www.e-laws.gov.on.ca/html/reg/english/elaws_regs_050278_e.htm

Construction Safety Association of Ontario – Respirator Chart for Asbestos Work:

<http://www.csao.org/UploadFiles/Miscellaneous/Asrepchart.pdf>

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July 2008

IAPA (Industrial Accident Prevention Association)
Toll free: 1-800-406-IAPA (4272) Fax: 1-800-316-IAPA (4272)

Website: www.iapa.ca

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