

ASBESTOS SAFETY MANAGEMENT ACT

Act No. 10613, Apr. 28, 2011

Amended by Act No. 11690, Mar. 23, 2013

Act No. 12460, Mar. 18, 2014

Article 1 (Purpose)

The purpose of this Act is to protect citizens from harm to their health by asbestos and enable citizens to live in a healthier and more comfortable environment by ensuring the safe management of asbestos.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows:

1. The term "asbestos" means a silicate mineral forming naturally in a fibrous form as specified by Ordinance of the Ministry of Environment;
2. The term "asbestos-containing product" means a product that contains asbestos, excluding products made by processing and transforming a material suspected of containing asbestos under Article 11 (1);
3. The term "development project" means any of the following projects that is executed with approval, a permit, license, or similar disposition by the central government or a local government (including acceptance of a report; hereinafter referred to as "approval, etc.") and that is specified by Presidential Decree as one in which asbestos is scattered or is likely to be scattered:
 - (a) A development project subject to the prior examination of environmental nature under Article 25-2 (1) of the Framework Act on Environmental Policy;
 - (b) A project subject to the environmental impact assessment under Article 4 of the Environmental Impact Assessment Act;
 - (c) Other project in which the management of asbestos is required in the construction of a building or the collection of soil and rocks;
4. The term "approval authority" means an authority that has the power to grant approval, etc. for a development project;
5. The term "building asbestos map" means a map that indicates the location, area, and state of asbestos-containing materials in the ceiling, floor, walls, pipes, and fences of a building;
6. The term "asbestos building material" means a building material containing asbestos as specified by Ordinance of the Ministry of Environment.

Article 3 (Responsibilities of Central Government, etc.)

(1) The central government and each local government shall formulate and implement policies necessary for the safety management of asbestos in order to prevent harms caused by asbestos to the environment and the health of citizens.

(2) A business entity shall take measures necessary for preventing harms causable by asbestos to the environment and the health of citizens in the course of its business activities and shall participate and cooperate actively in policies of the central government and each local government.

(3) All citizens shall cooperate actively with the central government and each local government so that policies formulated and implemented thereby can be carried out smoothly.

Article 4 (Relationship to Other Acts)

(1) Except as otherwise provided for in this Act, the management of asbestos shall be governed by the Occupational Safety and Health Act, the Food Sanitation Act, the Wastes Control Act, the Quality Control and Safety Management of Industrial Products Act, the School Health Act, and other relevant Acts.

(2) Where it is intended to enact or amend any Act in regard to the management of asbestos, such Act shall be made consistent with this Act.

Article 5 (Establishment of Master Plans for Management of Asbestos)

(1) The Government shall, every five years, establish and execute a master plan for the management of asbestos (hereinafter referred to as "master plan") and may seek opinions from the Special Metropolitan City Mayor, Metropolitan City Mayors, Do Governors, and Special Self-Governing Province Governors (hereinafter referred to as "Mayors/Do Governors") when it intends to establish the master plan.

(2) A master plan shall include the following:

1. The basic objectives and direction-setting for the management of asbestos;
2. Major action plans for the management of asbestos;
3. The current status and future prospects of the management of asbestos;
4. A scheme for financing various projects for the management of asbestos;
5. Other matters specified by Presidential Decree for the management of asbestos.

(3) The procedure for the establishment of master plans and other necessary matters shall be prescribed by Presidential Decree.

Article 6 (Establishment, etc. of Implementation Plans)

(1) The Minister of Environment, the head of each related central administrative agency, and each Mayor/Do Governor shall establish and execute a detailed plan for each sector or each region (hereinafter referred to as "implementation plan") every year in order to execute a master plan.

(2) The Minister of Environment may request the head of a related central administrative agency to submit its implementation plan for the relevant year and data about the results of execution of the implementation plan for the previous year. In such cases, the head of a related central administrative agency shall comply with such request, unless there exists an exceptional circumstance.

(3) Each Mayor/Do Governor shall submit its implementation plan for the relevant year and data about the results of execution of the implementation plan for the previous year to the Minister of Environment.

(4) The procedure for the establishment of implementation plans, the time frames for submitting data under paragraphs (2) and (3), the method for submission of such documents, and other necessary matters shall be prescribed by Presidential Decree.

Article 7 (Fact-Finding Survey)

(1) The Minister of Environment, the head of a related central administrative agency, or a Mayor/Do Governor may conduct a fact-finding survey on the use and management of asbestos in order to formulate and execute master plans and implementation plans efficiently.

(2) When the Minister of Environment, the head of a related central administrative agency, or a Mayor/Do Governor conducts a fact-finding survey under paragraph (1), he/she may request the head of a related central administrative agency or the head of a public institution under Article 4 of the Act on the Management of Public Institutions to submit data or present his/her opinion.

(3) If the Minister of Environment deems it necessary for the improvement of objectiveness and efficiency of a fact-finding survey under paragraph (1), he/she may conduct the fact-finding survey jointly with a related administrative agency or a non-governmental organization.

(4) The scope and method of fact-finding surveys under paragraphs (1) and (3) and other necessary matters shall be prescribed by Presidential Decree.

Article 8 (Prohibition, etc. of Use of Asbestos, etc.)

(1) No one shall manufacture, import, transfer, provide, or use (hereinafter referred to as "use, etc.") asbestos or an asbestos-containing product (hereinafter referred to as "asbestos, etc."); Provided, That cases in which the use of asbestos, etc. is prohibited or permitted by an Act or a subordinate statute specified in the attached Table shall be governed by the relevant Act or subordinate statutes.

(2) In order to inspect the actual status of use, etc. of asbestos, etc., the head of a related central administrative agency or a Mayor/Do Governor may collect and examine the asbestos, etc.

(3) Where the head of a related central administrative agency or a Mayor/Do Governor discovers as a result of examination under paragraph (2) that a person has made use, etc. of asbestos, etc. in violation of paragraph (1), he/she may order the person to recall the relevant product or to discontinue the sale of the product, as prescribed by Presidential Decree.

(4) The head of a related central administrative agency or a Mayor/Do Governor may disclose the results of examination under paragraph (2) to the public, as prescribed by Presidential Decree.

(5) Matters subject to examination under paragraph (2), the method of examination, and other necessary matters shall be prescribed by Presidential Decree.

Article 9 (Self-Measurement)

(1) A person who intends to import, manufacture, or sell asbestos, etc. shall check and examine it directly or shall request an institution specializing in inspection of asbestos under the main sentence of Article 38-2 (1) of the Occupational Safety and Health Act (hereinafter referred to as "asbestos inspection institution") to check and examine it to find whether the asbestos, etc. contains asbestos before filing an import declaration, if he/she intends to import asbestos, etc. in accordance with an Act or a subordinate

statute specified in the attached Table, or before commencing to use or sell it, if he/she intends to manufacture or sell such asbestos, etc., and shall keep and preserve records of the results.

(2) Matters subject to examination under paragraph (1), the method of examination, the method of keeping and preserving records, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

Article 10 (Designation of Materials Suspected of Containing Asbestos)

(1) The Minister of Environment may examine talc or other minerals known as one that potentially contains asbestos naturally as a consequence of a geological process, in order to find whether it contains asbestos and whether it is likely to harm the human body.

(2) The Minister of Environment may consult with the head of a related central administrative agency on minerals that are likely to harm the human body as a result of examination under paragraph (1) and designate and give public notice of them as materials suspected of containing asbestos.

(3) The guidelines and procedure for the designation and public notification under paragraph (2) and other necessary matters shall be prescribed by Presidential Decree.

Article 11 (Management of Materials Suspected of Containing Asbestos)

(1) A person who intends to import or manufacture a material designated and publicly notified as a mineral suspected of containing asbestos pursuant to Article 10 (2) (hereinafter referred to as "material suspected of containing asbestos") in the form of a raw material for products shall obtain approval from the Minister of Environment therefor, as prescribed by Presidential Decree: Provided, That the foregoing shall not apply where a person has obtained approval or a permit from another administrative agency with regard to the import or manufacturing of a material suspected of containing asbestos in accordance with an Act or a subordinate statute specified in the attached Table.

(2) Upon receipt of an application for approval pursuant to paragraph (1), the Minister of Environment shall not approve a material suspected of containing asbestos that contains asbestos in excess of the standards prescribed by Presidential Decree.

(3) Where a person who has obtained approval under paragraph (1) intends to process and transform a material suspected of containing asbestos shall file a report on the work plan, work process, etc. with the competent Special Self-Governing Province Governor or the head of the competent Si/Gun/Gu (which means an autonomous Gu; the same shall apply hereinafter), as prescribed by Ordinance of the Ministry of Environment.

(4) Where a person who has filed a report in accordance with paragraph (3) processes and transforms a material suspected of containing asbestos, he/she shall observe the standards for the permitted emission of asbestos at a job site under Article 28 (1) in order to prevent air pollution caused by scattered asbestos in the course of processing and transforming the material.

(5) Where a person who has filed a report in accordance with paragraph (3) fails to observe the standards for the permitted emission of asbestos at a job site under paragraph (4), the competent Special Self-Governing Province Governor or the head of the competent Si/Gun/Gu may order him/her to discontinue

his/her works, as prescribed by Presidential Decree.

(6) No material suspected of containing asbestos that is processed and transformed in accordance with paragraph (3) shall contain asbestos in excess of the standards prescribed and publicly notified jointly by the Minister of Environment and the Minister of Employment and Labor with regard to the permitted content of asbestos, taking into consideration its purpose of use and its impact on the human body.

(7) If a material suspected of containing asbestos imported or manufactured without approval under paragraph (1) or a material suspected of containing asbestos that contains asbestos in excess of the standards under paragraph (6) is sold or stored and displayed for sale (hereinafter referred to as "distribution"), the Minister of Environment may order the importer or distributor of the material suspected of containing asbestos to recall the material or to discontinue the distribution of the material or request the head of the competent administrative agency to order the person to recall the material or discontinue distributing the material.

(8) The Minister of Environment may disclose the kinds and volume of materials suspected of containing asbestos that he/she orders to recall or discontinue distributing pursuant to paragraph (7) to the public, as prescribed by Ordinance of the Ministry of Environment.

Article 12 (Preparation of Geological Maps)

(1) The Minister of Environment shall prepare geological maps of areas in which naturally produced asbestos are distributed (hereinafter referred to as "geological maps") in order to ascertain and manage the current status of distribution of asbestos attached to land (hereinafter referred to as "naturally produced asbestos") as a consequence of a geological process or other natural phenomena and shall announce the details thereof to the public.

(2) The Minister of Environment may request the head of a related central administrative agency or the head of a local government to cooperate in preparing geological maps by providing necessary data and professional human resources.

(3) The guidelines and methodologies for preparing and publicly announcing geological maps and other necessary matters shall be prescribed by Presidential Decree.

Article 13 (Impact Assessment of Naturally Produced Asbestos)

(1) The Minister of Environment or a Mayor/Do Governor may conduct impact assessment of the concentration of asbestos in the air and soil, and harms and hazards caused by asbestos to the health of local residents (hereinafter referred to as "impact assessment of naturally produced asbestos") in an area where naturally produced asbestos exists or is likely to exist, based on geological maps, and may announce the outcomes thereof to the public.

(2) When a Mayor/Do Governor conducts impact assessment of naturally produced asbestos pursuant to paragraph (1), he/she shall report a plan for the assessment and the outcomes thereof to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment.

(3) The institution to conduct the impact assessment of naturally produced asbestos, the details, method, and public announcement of the assessment, and other necessary matters shall be prescribed by

Presidential Decree.

Article 14 (Designation of Areas Subject to Management of Naturally Produced Asbestos)

- (1) If it is anticipated that harms and hazards caused by asbestos to the health of local residents are likely to be severe, after the impact assessment of naturally produced asbestos, the Minister of Environment may designate the relevant area as an area subject to management of naturally produced asbestos (hereinafter referred to as "area subject to management") and give public notice thereof.
- (2) When the Minister of Environment designates an area subject to management pursuant to paragraph (1), he/she shall in advance seek opinions from local residents in the area and shall consult with the Minister of Land, Infrastructure and Transport thereon. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (3) When the Minister of Environment designates an area subject to management, he/she shall give public notice of the name, location, and size of the area and other necessary matters.
- (4) The guidelines and procedure for the designation and public notification of an area subject to management and other necessary matters shall be prescribed by Presidential Decree.

Article 15 (Establishment and Execution of Management Plan)

- (1) A Mayor/Do Governor shall establish and execute a plan for the safety management of asbestos, which shall include the following matters, (hereinafter referred to as "management plan") with regard to an area subject to management:
 1. The current status of development projects in the area subject to management;
 2. Measures for removing asbestos, covering it up with earth, and preventing harms caused by exposure to asbestos;
 3. Measures for the health of residents care and preventing harms;
 4. Other matters specified by Presidential Decree for managing naturally produced asbestos.
- (2) When a Mayor/Do Governor establishes a management plan, he/she shall report it to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment.
- (3) The methodologies and procedures for establishing a management plan and other necessary matters shall be prescribed by Presidential Decree.

Article 16 (Support to Areas subject to Management)

- (1) The Minister of Environment may provide administrative and financial support to a Mayor/Do Governor as necessary for the execution of a management plan.
- (2) The Minister of Environment may request the head of a related central administrative agency to take measures necessary for executing a management plan.
- (3) The guidelines, procedures, and methodologies for providing support under paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

Article 17 (Submission of Plan to Prevent Scattering of Asbestos)

- (1) A person who intends to execute a development project (hereinafter referred to as "developer") in an area subject to management shall prepare a project plan stating the following matters (hereinafter referred to as "plan to prevent scattering of asbestos") in order to prevent scattering of asbestos and protect the

health of residents and shall obtain approval from the approval authority:

1. The current status of geological distribution of the development project area and its surrounding area;
2. Results of analysis of the concentration of asbestos contained in the soil of the development project area and its surrounding area;
3. Forecast of possible scattering of asbestos as a consequence of the execution of the development project and a scheme for reducing scattered asbestos;
4. Other matters specified by Presidential Decree.

(2) If a development project for which a developer files an application for approval under paragraph (1) is a project subject to prior examination of environmental nature or environmental impact assessment under Article 25-2 (1) of the Framework Act on Environmental Policy or Article 4 of the Environmental Impact Assessment Act, a plan to prevent scattering of asbestos may be included in documents about the prior examination of environmental nature or the environmental impact assessment.

(3) When a person to whom approval has been granted pursuant to paragraph (1) intends to revise any approved matter specified by Presidential Decree, he/she shall obtain approval for such revision from the approval authority.

(4) When the approval authority approves a plan to prevent scattering of asbestos or any revision to such a plan pursuant to paragraph (1) or (3), it shall notify the Minister of Environment of the results thereof, as prescribed by Ordinance of the Ministry of Environment.

(5) The methodologies for preparing plans to prevent scattering of asbestos, the time frames for submitting such plans, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

Article 18 (Installation, etc. of Facilities to Prevent Scattering of Asbestos)

(1) When a developer executes a development project, he/she shall install facilities to control scattering of asbestos (hereinafter referred to as "facilities to prevent scattering of asbestos") and take other necessary measures.

(2) If the approval authority finds that a developer fails to install facilities to prevent scattering of asbestos or take other necessary measures or that such facilities installed or measures taken are not appropriate, it may order the developer to take necessary measures or make improvements.

(3) If a developer fails to comply with an order issued pursuant to paragraph (2), the approval authority may suspend the development project or order the developer to discontinue the use of such facilities or to use such facilities for a limited purpose.

(4) The standards for installing facilities to prevent scattering of asbestos and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

Article 19 (Cancellation, etc. of Designation)

(1) If the Minister of Environment finds that harms caused by asbestos to the health of residents in an area subject to management have been significantly lessened, he/she may cancel the designation of the area or reduce the scope of the area subject to management.

(2) If a Mayor/Do Governor finds that harms caused by asbestos to the health of residents in an area subject to management have been significantly lessened, he/she may request the Minister of Environment to cancel the designation of the area subject to management or to reduce the scope of the area.

(3) As to the cancellation of designation of an area subject to management and the reduction of the scope of such an area, Article 14 (2) through (4) shall apply mutatis mutandis.

Article 20 (Management of Areas with Naturally Produced Asbestos Distributed under Municipal Ordinances)

(1) In order to prevent harms caused by asbestos in an area not designated as an area subject to management, among areas in which naturally produced asbestos are distributed under Article 12 (1), the competent Mayor/Do Governor may order a person who intends to execute a development project in such an area (hereinafter referred to as "local developer") to take the following measures, as prescribed by Municipal Ordinance, in consideration of local conditions:

1. Submission of a plan to prevent scattering of asbestos;
2. Installation of facilities to prevent scattering of asbestos;
3. Other matters specified by Presidential Decree for the prevention of harms caused by asbestos.

(2) The scope of development projects regarding which a Mayor/Do Governor may order developers to take measures pursuant to paragraph (1) shall be prescribed by Presidential Decree.

(3) As to a developer who fails to take measures under paragraph (1) or who takes such measures inadequately, Article 18 (2) and (3) shall apply mutatis mutandis. In such cases, "approval authority" shall be construed as "Mayor/Do Governor".

Article 21 (Inspection of Asbestos in Buildings)

(1) The owner of a building specified by Presidential Decree (referring to the person who is responsible for the management of a building where the building is a kindergarten under Article 7 of the Early Childhood Education Act or a school under Article 2 of the Elementary and Secondary Education Act (hereinafter referred to as "school, etc."); hereinafter referred to as "building owner") shall request an institution in charge of asbestos inspection to conduct an asbestos inspection (hereinafter referred to as "building asbestos inspection") within one year from the date on which he/she receives a permit for use under Article 22 (2) of the Building Act (referring to the date on which a notice is given pursuant to the proviso to Article 29 (3) of the Building Act in cases of a building subject to consultation under Article 29 (1) of the said Act) and shall keep and preserve records of the results thereof: Provided, That the foregoing shall not apply to any of the following buildings:

1. A building certified as an environment-friendly building under Article 65 of the Building Act and confirmed as not using asbestos building material, as specified by Presidential Decree;
2. A building that has passed or undergoes an asbestos inspection pursuant to Article 38-2 of the Occupational Safety and Health Act;
3. A building that meets a condition prescribed by Presidential Decree, such as cases where it is obvious that a building or materials used in a building does not contain asbestos.

(2) As to the items of building asbestos inspections, the methodologies for inspections, and other necessary matters, Article 38-2 (1) and (2) of the Occupational Safety and Health Act shall apply *mutatis mutandis*.

(3) Matters necessary to record and preserve the results of a building asbestos inspection shall be prescribed by Ordinance of the Ministry of Environment.

Article 22 (Measures Following Results of Building Asbestos Inspection)

(1) A building owner shall submit a report on the results of a building asbestos inspection to the competent Special Self-Governing Province Governor or the head of the competent Si/Gun/Gu (referring to the Superintendent of the competent Office of Education or the head of the competent District Office of Education in cases of a school; the same shall apply to this CHAPTER and Articles 39, 40 and 49 (5) hereafter) within one month after the building asbestos inspection is completed. In such cases, a building owner shall prepare a building asbestos map, which shall indicate the location, area, and conditions of asbestos building materials used in the building in which asbestos building materials are used in excess of the standards prescribed by Presidential Decree (hereinafter referred to as "asbestos building"), shall submit it along with the report, and shall notify tenants, managers, and other people concerned in the building as well as the transferee of the building thereof, as prescribed by Ordinance of the Ministry of Environment.

(2) In order to prevent hazards caused by asbestos to the human body, the owner of an asbestos building shall observe the standards prescribed by Presidential Decree for the management of asbestos buildings: Provided, That places where only full-time employees work and other places specified by Presidential Decree shall be governed by the Occupational Safety and Health Act.

(3) If the Special Self-Governing Province Governor or the head of a Si/Gun/Gu recognizes that the scattering of asbestos in an asbestos building is likely to cause hazards to the human body, he/she may order the owner of the asbestos building to dismantle or remove asbestos and take other necessary measures to prevent scattering of asbestos.

(4) If a person to whom an order has been issued pursuant to paragraph (3) fails to comply with the order, the competent Special Self-Governing Province Governor or the head of the competent Si/Gun/Gu may order the person to suspend the use of the building at issue.

(5) The owner of an asbestos building who has complied with an order issued pursuant to paragraph (3) or (4) shall report his/her compliance with the order to the competent Special Self-Governing Province Governor or the head of the competent Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Environment, and the competent Special Self-Governing Province Governor or the head of the competent Si/Gun/Gu shall, upon receiving the report, assign a competent public official to inspect the compliance with the order without delay.

(6) When the owner of an asbestos building to whom an order has been issued to suspend the use of the building under paragraph (4) intends to re-use the building, he/she shall submit a compliance plan necessary for the compliance with the order under paragraph (3) to the competent Special Self-Governing

Province Governor or the head of the competent Si/Gun/Gu for approval.

(7) The time frames for submitting a report on the results of a building asbestos inspection, the methodologies for submitting such report, the guidelines and methodologies for preparing building asbestos maps, the matters that shall be included in a compliance plan under paragraph (6), the procedures for approving such plan, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

Article 23 (Designation, etc. of Safety Manager for Asbestos Building)

(1) The owner of an asbestos building shall designate one or more persons among him/herself, tenants of the building, and managers as safety managers for the asbestos building (hereinafter referred to as "safety managers for an asbestos building") and shall report to the competent Special Self-Governing Province Governor or the head of the competent Si/Gun/Gu thereon. The same shall also apply where a safety manager for an asbestos building is replaced.

(2) Each safety manager for an asbestos building shall perform the obligations prescribed by Ordinance of the Ministry of Environment for the safe management of the asbestos building.

(3) The criteria for the designation of safety managers for an asbestos building, the time limit for reporting the designation or a change in the designation, the reporting methods, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

Article 24 (Education of Safety Managers for Asbestos Buildings)

(1) Each safety manager for an asbestos building shall undergo education provided by the Minister of Environment (referring to the Minister of Education in cases of a school; the same shall apply hereafter in this Article) on the safety management of asbestos, as prescribed by Ordinance of the Ministry of Environment: Provided, That the foregoing shall not apply where a person has obtained education prescribed by Presidential Decree on the safety management of asbestos, such as education on safety and health under Article 31 (1) of the Occupational Safety and Health Act. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Environment may fully or partially recoup the expenses incurred in education under paragraph (1) from the owner of the relevant asbestos building.

(3) The Minister of Environment may entrust the education under paragraph (1) to an appropriate specialized institution, as prescribed by Presidential Decree.

(4) The time frame for providing education on the safety management of asbestos under paragraph (1), the frequency and hours of the education, the recoupment of expenses for the education under paragraph (2), and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

Article 25 (Asbestos Inspection on Structures with Asbestos Slate, etc.)

(1) The Minister of Environment, the head of a related central administrative agency, or the head of a local government may inspect structures in which asbestos slate is used and structures specified by Presidential Decree to find out the current status of the use of asbestos and hazards caused to the human body, as prescribed by Ordinance of the Ministry of Environment.

(2) The Minister of Environment, the head of a related central administrative agency, or the head of a local government may fully or partially subsidize expenses incurred in the dismantlement, removal, and disposal of asbestos used in structures under paragraph (1).

Article 26 (Special Cases Concerning Disposal of Asbestos Slate)

A person who intends to dismantle, remove, collect, transport, store, or dispose of asbestos slate used in structures under Article 25 (1) may dismantle, remove, collect, transport, store, or dispose of the slate, as prescribed by Presidential Decree, notwithstanding Articles 38-2 and 38-3 of the Occupational Safety and Health Act and Article 13 of the Wastes Control Act.

Article 27 (Disclosure of Projects for Dismantlement and Removal of Asbestos)

When a project for dismantling or removing asbestos from a building or a facility under Article 38-4 (1) of the Occupational Safety and Health Act (hereinafter referred to as "project for dismantling or removing asbestos") is carried out within the jurisdiction of the Special Self-Governing Province Governor or the head of a Si/Gun/Gu, he/she shall disclose the fact to the public, as prescribed by Ordinance of the Ministry of Environment.

Article 28 (Compliance, etc. with Standards for Permitted Emission of Asbestos around Job Sites)

(1) A person who carries out works for dismantling or removing asbestos (hereinafter referred to as "business entity engaged in dismantling or removing asbestos") shall comply with the standards specified by Presidential Decree for permitted emission of asbestos around job sites (hereinafter referred to as "standards for permitted emission of asbestos around job sites")

(2) A business entity engaged in dismantling or removing asbestos shall measure the degree of scattered asbestos, as prescribed by Ordinance of the Ministry of Environment, and shall submit a report on the results thereof to the competent Special Self-Governing Province Governor or the head of the competent Si/Gun/Gu: Provided, That the foregoing shall not apply in cases specified by Presidential Decree, such as small buildings.

(3) Upon receipt of a report on measurement results of the degree of scattered asbestos pursuant to paragraph (2), the competent Special Self-Governing Province Governor or the head of the competent Si/Gun/Gu shall disclose it to the public.

(4) In order to ensure that the standards for permitted emission of asbestos around job sites are complied within job sites for housing redevelopment projects and housing rebuilding projects under subparagraph 2 of Article 2 of the Act on the Maintenance and Improvement of Urban Areas and Dwelling Conditions for Residents and other projects specified by Presidential Decree, the Special Self-Governing Province Governor and the head of a Si/Gun/Gu shall measure the degree of scattered asbestos around such job sites and shall disclose the results thereof to the public.

(5) The methodologies, points, and time frames for the measurement of scattered asbestos under paragraphs (2) through (4), the methodologies for submitting and disclosing the results of the measurement, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

Article 29 (Suspension of Works, etc.)

(1) If a Special Self-Governing Province Governor or the head of a Si/Gun/Gu finds as a result of the measurement of the degree of scattered asbestos under Article 28 (2) or (4) that a business entity engaged in dismantling or removing asbestos fails to comply with the standards for permitted emission of asbestos around job sites, he/she shall order the business entity to suspend works for dismantling or removing asbestos, without delay.

(2) When a business entity engaged in dismantling or removing asbestos intends to resume works for dismantling or removing asbestos after receiving an order to suspend the works pursuant to paragraph (1), it shall submit a plan for improvements necessary to comply with the standards for permitted emission of asbestos around job sites to the competent Special Self-Governing Province Governor or the head of the competent Si/Gun/Gu for approval.

(3) Matters to be included in plans for improvements under paragraph (2), the procedures for approval of such plans, and other necessary matters shall be prescribed by Presidential Decree.

Article 30 (Designation, etc. of Supervisors of Works for Dismantling or Removing Asbestos)

(1) The project owner of a project for dismantling or removing asbestos or a construction project that requires dismantling or removal of asbestos (hereinafter referred to as "project owner") shall designate a supervisor of the works for dismantling or removing asbestos (hereinafter referred to as "supervisor of works for dismantling asbestos") to ensure the safe management of works for dismantling or removing asbestos.

(2) Guidelines for designating supervisors of works for dismantling or removing asbestos, designation methods, qualifications for such supervisors, the scope of their works, and other necessary matters shall be publicly notified jointly, after consultation, by the Minister of Environment, the Minister of Employment and Labor, and the Minister of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

(3) If a supervisor of works for dismantling or removing asbestos finds it difficult for the project to comply with the standards for permitted emission of asbestos around job sites or the standards for the concentration of asbestos under Article 38-5 (1) of the Occupational Safety and Health Act (hereafter referred to as the "asbestos concentration standards" in this Article), he/she may request the business entity engaged in dismantling or removing asbestos to take the following measures:

1. Making corrections in the project for dismantling or removing asbestos (applicable only where the emission of asbestos from the project exceeds the amount set forth in the standards for permitted emission of asbestos around job sites);
2. Suspending the project for dismantling or removing asbestos (applicable only where the emission of asbestos from the project exceeds the amount set forth in the standards for permitted emission of asbestos around job sites);
3. Removing or demolishing a building or facility under Article 38-5 (3) of the Occupational Safety and Health Act (applicable only where the emission of asbestos from the project exceeds the amount set

forth in the asbestos concentration standards).

(4) If a business entity engaged in dismantling or removing asbestos does not comply with a request to take measures under the subparagraphs of paragraph (3) and continues a project for dismantling or removing asbestos, the supervisor of works for dismantling or removing asbestos shall report the fact to the head of the competent regional environmental office, the competent Special Self-Governing Province Governor, the head of the competent Si/Gun/Gu, or the head of the competent regional employment and labor office, as prescribed by Ordinance of the Ministry of Environment. In such cases, the competent Special Self-Governing Province Governor, the head of the competent Si/Gun/Gu, or the head of the competent regional employment and labor office shall issue, without delay, an order to suspend the project, upon receipt of such a report.

(5) If a business entity engaged in dismantling or removing asbestos has performed in compliance with a request to take measures under the subparagraphs of paragraph (3) or a business entity engaged in dismantling or removing asbestos, but ordered to suspend its works pursuant to the latter part of paragraph (4), intends to resume works for dismantling or removing asbestos, it shall submit a plan for improvements necessary to comply with the standards for permitted emission of asbestos around job sites or the asbestos concentration standards to the competent Special Self-Governing Province Governor, the head of the competent Si/Gun/Gu, or the head of the competent regional employment and labor office for approval.

(6) Matters to be included in a plan for improvements under paragraph (5), the procedure for approval of such plan, and other necessary matters shall be prescribed by Presidential Decree.

Article 31 (Project Owner's Responsibility, etc.)

(1) A project owner shall endeavor to minimize harms and damage caused by asbestos to the health of residents and the environment.

(2) No project owner shall require a person who performs construction works to observe a condition that makes it difficult to comply with the standards for permitted emission of asbestos around job sites in connection with the construction methods or the construction period and shall reflect the costs of dismantling or removing asbestos and disposing of waste asbestos in the project cost.

Article 32 (Training and Support of Professional Human Resources)

The Minister of Environment and the head of each local government may train human resources who have professional skills and qualifications for the systematic management of asbestos and may fully or partially subsidize the costs incurred in research and surveys for the prevention and management of harms and damage caused by asbestos within the budgetary limits.

Article 33 (Designation and Operation of Asbestos Environmental Centers)

(1) In order to implement projects for surveys and research on the systematic management of asbestos, the prevention of damage by asbestos, and the safe and economic disposal of waste asbestos in accordance with the standards and methodologies under Article 13 of the Wastes Control Act, the development of technology thereof, and the management and disposal of asbestos, the Minister of Environment may designate and operate the following institutions as asbestos environmental centers:

1. A national or public research institute;
 2. A school as defined in Article 2 of the Higher Education Act;
 3. The Korea Environment Corporation under the Korea Environment Corporation Act;
 4. Other institutions specified by Ordinance of the Ministry of Environment.
- (2) An institution that intends to be designated as an asbestos environmental center pursuant to paragraph (1) shall meet the requirements prescribed by Presidential Decree with regard to professional human resources, facilities, equipment, etc. and shall file an application for designation with the Minister of Environment.
- (3) The Minister of Environment may fully or partially subsidize an asbestos environmental center designated pursuant to paragraph (1) for the costs incurred in relation to its business activities within the budgetary limits.
- (4) Matters necessary for the procedure of designation of asbestos environmental centers under paragraph (1) and the operation of such centers shall be specified by Presidential Decree.

Article 34 (Revocation, etc. of Designation of Asbestos Environmental Centers)

- (1) If an asbestos environmental center falls under any of the following, the Minister of Environment may revoke its designation or order it to suspend operation of its business completely or partially for a specified period not exceeding six months: Provided, That if an asbestos environmental center falls under subparagraph 1, its designation shall be revoked:
1. If it is discovered that the asbestos environmental center is designated by fraud or other improper means;
 2. If the asbestos environmental center fails to meet the requirements for designation under Article 33 (2);
 3. If there exists any other ground prescribed by Presidential Decree.
- (2) Detailed guidelines for the administrative disposition under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment, taking into consideration the types of violation, the degree of violation, etc.
- (3) The procedures for the revocation of designation under paragraph (1) and the issuance of orders to suspend business operation and other necessary matters shall be specified by Presidential Decree.

Article 35 (Establishment and Operation of Integrated Information Network for Management of Asbestos)

- (1) The Minister of Environment may establish and operate an integrated information network for the management of asbestos (hereinafter referred to as "information network") in order to promote the systematic and efficient management of asbestos.
- (2) In order to establish and operate the information network, the Minister of Environment may request a related administrative agency, a local government, or an appropriate association, or other similar organization (hereinafter referred to as "appropriate institution, etc.") to submit necessary data, as prescribed by Presidential Decree. In such cases, the head of an appropriate institution, etc. shall comply

with such request, unless there exists an exceptional circumstance.

(3) Matters necessary for the establishment and operation of the information network shall be prescribed by Presidential Decree.

Article 36 (Expropriation or Use of Land, etc.)

(1) Where it is necessary for a fact-finding survey under Article 7, examination under Article 8 (2), a survey on the impact of naturally produced asbestos under Article 13, or a survey on asbestos in structures with asbestos slates under Article 25, the Minister of Environment, the head of a related central administrative agency, a Mayor/Do Governor, or the head of a Si/Gun/Gu may expropriate or use land, a building, or chattels attached to land.

(2) As to the expropriation or use under paragraph (1), the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects shall apply *mutatis mutandis*.

Article 37 (Entry, etc. to Third Party's Land)

(1) Where it is necessary for a fact-finding survey under Article 7, examination under Article 8 (2), a survey on the impact of naturally produced asbestos under Article 13, or a survey on asbestos in structures with asbestos slates under Article 25, the Minister of Environment, the head of a related central administrative agency, a Mayor/Do Governor, the head of a Si/Gun/Gu, or the head of an appropriate specialized institution, etc. to whom relevant works are entrusted pursuant to Article 42 (2) may assign public officials under his/her supervision or employees of the appropriate specialized institution, etc. to enter any third party's land or to alter or remove trees, rocks, soil, and other obstacles in any third party's land (hereinafter referred to as "obstacles").

(2) Where it is intended to alter or remove an obstacle pursuant to paragraph (1), the owner, possessor, or manager of the obstacle shall consent thereto: Provided, That if it is impossible to find the address or residence of the owner, possessor, or manager of an obstacle and thus it is impossible to get consent, the obstacle may be altered or removed with the consent of the competent Special Self-Governing Province Governor or the head of the competent Si/Gun/Gu.

(3) Where it is intended to enter any third party's land or alter or remove an obstacle pursuant to paragraph (1), the owner, possessor, or manager of the land or the obstacle shall be notified thereof by no later than three days before the date on which it is intended to enter the land or alter or remove the obstacle: Provided, That the foregoing shall not apply where it is impossible to find the address or residence of the owner, possessor, or manager of the land or the obstacle.

(4) No one shall enter any third party's residential premises or land enclosed with a fence or hedge before sunrise or after sunset without the consent of the owner, possessor, or manager of the land.

(5) The owner, possessor, or manager of a piece of land shall not interfere with or reject activities conducted by a competent public official or an employee of an appropriate specialized institution under paragraph (1) without good cause.

(6) Where a public official or an employee of an appropriate specialized institution intends to enter any third party's land pursuant to paragraph (1), he/she shall carry with him/her an identification card

indicating his/her authority and shall produce it to people concerned.

Article 38 (Compensation for Losses Incurred by Entry to Land, etc.)

(1) If any person has sustained a loss due to an activity under Article 37 (1), the head of the administrative authorities or the appropriate specialized institution to which the actor belongs shall compensate for such a loss.

(2) As regards the compensation for losses under paragraph (1), the person liable for the compensation for the losses and the person who has sustained the losses shall settle the losses by agreement.

(3) If the person liable for the compensation for the losses and the person who has sustained the losses fails to reach agreement under paragraph (2) or it is impossible to make an agreement, either party may file a petition for adjudication with the competent land tribunal under the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects.

(4) As to adjudication by the competent land tribunal under paragraph (3), Articles 83 through 87 of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects shall apply *mutatis mutandis*.

Article 39 (Vicarious Execution)

Where a person who is obligated to conduct a building asbestos inspection in accordance with Article 21 (1) or a person to whom an order has been issued to take measures in accordance with Article 22 (3) fails to perform the building asbestos inspection or fails to comply with such order to take measures, the competent Special Self-Governing Province Governor or the head of the competent Si/Gun/Gu may execute the inspection or the measures on his/her behalf and may recover the costs thereof from the person who fails to perform the building asbestos inspection or who fails to comply with the order to take such measures, as provided for in the Administrative Vicarious Execution Act.

Article 40 (Reporting and Inspection)

(1) In order to enforce this Act efficiently, the Minister of Environment, the head of a related central administrative agency, a Mayor/Do Governor, or the head of a Si/Gun/Gu may require a person in charge specified by Presidential Decree to report or submit data, as prescribed by Ordinance of the Ministry of Environment, and may assign competent public officials to enter an office, a place of business, or any other place as necessary to inspect relevant documents, facilities, equipment, or other goods.

(2) Where it is intended to conduct an inspection pursuant to paragraph (1), the person subject to such inspection shall be notified of an inspection plan regarding the date, time, objectives, and details of the inspection by no later than three days before the inspection: Provided, That the foregoing shall not apply where it is required to conduct an inspection urgently or it is deemed impossible to achieve the objectives of an inspection if a notice is given in advance because of the anticipated destruction of evidence or other cause or event.

(3) A public official who intends to enter a place to conduct an inspection pursuant to paragraph (1) shall carry with him/her an identification card indicating his/her authority and shall produce it to people concerned.

Article 41 (Hearings)

Where the Minister of Environment intends to revoke the designation of an asbestos environmental center pursuant to Article 34 (1), he/she shall hold a hearing.

Article 42 (Delegation and Entrustment)

(1) The authority of the Minister of Environment under this Act may be delegated in part to the head of an affiliate agency or a Mayor/Do Governor, as prescribed by Presidential Decree.

(2) The Minister of Environment or a Mayor/Do Governor may partially entrust his/her works under this Act to an appropriate specialized institution, as prescribed by Presidential Decree.

Article 43 (Statutory Treatment as Public Officials in Application of Penalty Provisions)

Executives and employees of an appropriate specialized institution that is engaged in works entrusted pursuant to Article 42 (2) shall be treated as public officials for the purpose of applying Articles 129 through 132 of the Criminal Act.

Article 44 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding 50 million won:

1. A person who uses asbestos in violation of Article 8 (1);
2. A person who imports or manufactures a suspected asbestos-containing material without obtaining approval under Article 11 (1).

Article 45 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won:

1. A person who fails to comply with an order to recall a product or discontinue the sale of a product under Article 8 (3);
2. A person who fails to comply with an order to recall or discontinue distribution under Article 11 (7);
3. A person who engages in a development project without obtaining approval from the approval authority, in violation of Article 17 (1);
4. A person who fails to comply with an order to suspend use under Article 22 (4);
5. A person who fails to comply with an order to suspend works under Article 29 (1).

Article 46 (Penalty Provisions)

Any person who fails to comply with an order to suspend works under Article 11 (5) shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding 20 million won.

Article 47 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding 10 million won:

1. A person who engages in a development project without approval of a revision from the approval authority, in violation of Article 17 (3);

2. A person who fails to comply with an order to suspend business operation or an order to suspend the use of a facility or to use a facility for a limited purpose under Article 18 (3) (including cases to which the aforesaid paragraph shall apply mutatis mutandis pursuant to Article 20 (3));
3. A person who fails to designate a supervisor of works for dismantling asbestos, in violation of Article 30 (1);
4. A person who fails to comply with a request to take measures under the subparagraphs of Article 30 (3);
5. A person who fails to comply with an order to suspend works under the latter part of Article 30 (4).

Article 48 (Joint Penalty Provisions)

If the representative of a legal entity or an agent, employee, or worker of a legal entity or a private individual violates any provision of Articles 44 through 47 in the scope of the business of the legal entity or the private individual, not only shall such an actor be punished accordingly, but the legal entity or the private individual shall be punished by the fine prescribed in the relevant provisions: Provided, That the foregoing shall not apply where the legal entity or private individual has not neglected to take due attention and supervision of the business to prevent such a violation.

Article 49 (Administrative Fines)

(1) A person who fails to conduct a building asbestos inspection in violation of Article 21 (1) or who commits deception in conducting such building asbestos inspection shall be punished by an administrative fine not exceeding 20 million won.

(2) Any of the following persons shall be punished by an administrative fine not exceeding 10 million won:

1. A person who fails to submit a report on the results of a building asbestos inspection or a building asbestos map in violation of Article 22 (1), who commits deception in submitting such a report or map, or who fails to inform persons concerned of the building or a transferee of the building thereof;
2. A person who fails to comply with the standards for the management of asbestos buildings in violation of Article 22 (2).

(3) Any of the following persons shall be punished by an administrative fine not exceeding five million won:

1. A person who fails to conduct an examination under Article 9, who fails to keep and preserve records of the findings of such an examination, or who keeps and preserves false records of results of such an examination;
2. A person who fails to designate a safety manager for an asbestos building or who fails to file a report on designation or replacement, in violation of Article 23 (1);
3. A person who fails to receive education on the safety management of asbestos, in violation of Article 24 (1);
4. A person who fails to measure the degree of scattered asbestos, in violation of Article 28 (2);

5. A person who fails to make a report, in violation of the former part of Article 30 (4);
 6. A person who fails to submit a report or data under Article 40 (1), who makes a false representation in submitting such a report or data, or who refuses, interferes, or evades a public official's entry and inspection.
- (4) Any of the following persons shall be punished by an administrative fine not exceeding two million won:
1. A person who fails to report a work plan or a work process, in violation of Article 11 (3);
 2. A person who fails to keep and preserve records of the findings of a building asbestos inspection, in violation of Article 21 (1);
 3. A person who fails to make a report on matters performed in compliance with an order, in violation of Article 22 (5);
 4. A person who fails to perform an obligation, in violation of Article 23 (2);
 5. A person who fails to submit a report on results of measuring the degree of scattered asbestos, in violation of Article 28 (2) or who makes a false representation in submitting such a report.
- (5) Administrative fines under paragraphs (1) through (4) shall be imposed and collected by the Minister of Environment, a Mayor/Do Governor, or the head of a Si/Gun/Gu, as prescribed by Presidential Decree.

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Article 2 (Applicability to Standards for Permitted Asbestos in Materials Suspected of Containing Asbestos and Prohibition of Distribution)

@Article 11 (6) and (7) shall apply to materials suspected of containing asbestos processed, transformed and delivered on or after the date this Act enters into force.

Article 3 (Applicability to Designation of Supervisors of Works for Dismantling Asbestos)

@Article 30 shall apply to works for dismantling or removing asbestos or construction projects that require works for dismantling or removing asbestos, ordered on or after the date this Act enters into force.

Article 4 (Transitional Measure concerning Prohibition of Use of Asbestos)

Notwithstanding Article 8 (1), previous practices shall apply to products and facilities, to which asbestos has been already applied before this Act enters into force, until such products and facilities are destroyed or removed.

Article 5 (Transitional Measures concerning Building Asbestos Inspection)

(1) Where a building in use as at the time this Act enters into force as a school or a subway passed an inspection of asbestos in the building before this Act enters into force and the Minister of Environment approves that the asbestos inspection met the standards prescribed by Presidential Decree, such a building shall be deemed to have passed the building asbestos inspection under Article 21 (1).

(2) Notwithstanding Article 21 (1), a building that is in use as at the time this Act enters into force and that shall be subjected to a building asbestos inspection, shall undergo the building asbestos inspection within three years from the date this Act enters into force, as prescribed by Ordinance of the Ministry of Environment.

ADDENDA <Act No. 11690, Mar. 23, 2013>

Article 1 (Enforcement Date)

(1) This Act shall enter into force on the date of its promulgation.

(2) Omitted.

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 12460, Mar. 18, 2014>

This Act shall enter into force on the date of its promulgation.

