

ENFORCEMENT DECREE OF THE ASBESTOS SAFETY MANAGEMENT ACT

Presidential Decree No. 23754, Apr. 27, 2012
Amended by Presidential Decree No. 24451, Mar. 23, 2013
Presidential Decree No. 25751, Nov. 19, 2014
Presidential Decree No. 26435, Jul. 24, 2015

Article 1 (Purpose)

The purpose of this Decree is to provide for matters delegated by the Asbestos Safety Management Act and matters necessary for the enforcement thereof.

Article 2 (Scope of Development Projects)

"Project that is specified by Presidential Decree" in the main body of subparagraph 3 of Article 2 of the Asbestos Safety Management Act (hereinafter referred to as the "Act") means any of the following:

1. Either of the following projects which accompany altering the form of land by excavating, embanking, leveling or paving the ground, altering the quality of land by excavating land or reclaiming the public waters or gathering earth and rocks, such as soil, sand, gravel or rock:
 - (a) Development project within conservation areas prescribed in subparagraph 2 of attached Table 2 of the Enforcement Decree of the Framework Act on Environmental Policy;
 - (b) Project subject to environmental impact assessment prescribed in attached Table 1 of the Enforcement Decree of the Environmental Impact Assessment Act;
2. Housing construction project or housing site preparation project referred to in Article 16 of the Housing Act, the land area of which is at least 10,000 square meters;
3. Project for which authorization of the extracting plan is granted under Article 42 of the Mining Industry Act, under which the area for extraction of minerals by strip mining is at least 10,000 square meters;
4. Project for which a permit for soil and stones quarries is obtained or a report on quarrying operation is filed under Article 25 or 30 of the Mountainous Districts Management Act, under which the area for collection of earth and rock or stone is at least 10,000 square meters.

Article 3 (Asbestos Safety Management Committee)

The Asbestos Safety Management Committee under Article 7-2 of the Enforcement Decree of the Environmental Health Act shall deliberate on the following matters in relation to safe asbestos management and the prevention of any harm to the health of citizens from exposure to asbestos: *<Amended*

by Act No. 26435, Jul. 24, 2015>

1. Formulation and modification of the asbestos management master plan under Article 5 of the Act (hereinafter referred to as "master plan");
2. Formulation of detailed plans by sector or by region under Article 6 of the Act (hereinafter referred to as "implementation plan");
3. Fact-finding survey under Article 7 (1) of the Act (hereinafter referred to as "fact-finding survey");
4. Designation or cancellation thereof for the area subject to the management of naturally occurring asbestos under Articles 14 and 19 of the Act;
5. Other matters deemed necessary by the Asbestos Safety Management Committee for safe asbestos management, etc.

Article 4 Deleted. *<by Act No. 26435, Jul. 24, 2015>*

Article 5 (Details of Master Plan)

"Other matters specified by Presidential Decree" in Article 5 (2) 5 of the Act means the following:

1. A plan for nurturing professional human resources related to asbestos management;
2. A plan for research and surveys related to asbestos management.

Article 6 (Formulation etc. of Master Plan)

- (1) The Minister of Environment and the heads of the related central administrative agencies shall collaboratively formulate the master plan pursuant to Article 5 (1) of the Act.
- (2) When formulating the master plan, the Minister of Environment and the heads of the related central administrative agencies may request the Special Metropolitan City Mayor, a Metropolitan City Mayor, Do Governor, and a Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") to submit necessary materials.
- (3) Where necessary to modify the master plan due to changes in circumstances for policy formulation and implementation or the development of new technologies concerning asbestos management, the Minister of Environment and the heads of the related central administrative agencies may do so as prescribed by Ordinance of the Ministry of Environment.

Article 7 (Formulation etc. of Implementation Plan)

- (1) The Minister of Environment, the head of a related central administrative agency, and a Mayor/Do Governor shall formulate the implementation plan for the following year by no later than November 30 of each year to execute the master plan under Article 6 (1) of the Act.
- (2) When the head of a related central administrative agency or a Mayor/Do Governor formulates the implementation plan under paragraph (1), he/she shall submit to the Minister of Environment the implementation plan for the relevant year and the records of actual achievements for the previous year according to the following classification:
 1. Head of a related central administrative agency: Within one week after receipt of a request from the Minister of Environment under Article 6 (2) of the Act;

2. Mayor/Do Governor: Within one week from the date the implementation plan is formulated.
- (3) The Minister of Environment may request supplementation of any implementation plan formulated by a Mayor/Do Governor, if necessary.

Article 8 (Scope and Method of 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 any or all of the following:

1. Use, management, and relevant matters of asbestos or asbestos-containing products (hereinafter referred to as "asbestos, etc.") referred to in Article 8 (1) of the Act;
2. Use, management, and relevant matters of suspect asbestos-containing materials referred to in Article 11 (1) of the Act (hereinafter referred to as "suspect asbestos-containing materials");
3. Management and relevant matters of areas where naturally occurring asbestos referred to in Article 12 (1) of the Act (hereinafter referred to as "naturally occurring asbestos") is distributed;
4. Management and relevant matters of asbestos in buildings under Articles 21 through 24 of the Act;
5. Status of asbestos use in asbestos slate structures and relevant matters under Articles 25 and 26 of the Act, or the disposal thereof;
6. Management and relevant matters of the surrounding environment, etc. of a place of business where asbestos is dismantled or removed under Articles 27 through 31 of the Act;
7. Other necessary matters for policy formulation and implementation which are designed for the prevention and management of harmful effects from exposure to asbestos.

(2) Fact-finding surveys shall be conducted as classified below:

1. Regular surveys: To be conducted every three years by the Minister of Environment, the heads of related central administrative agencies and Mayors/Do Governors;
2. Occasional surveys: To be conducted when deemed necessary by the Minister of Environment, the heads of related central administrative agencies and Mayors/Do Governors.

(3) The Minister of Environment may request the heads of the related administrative agencies or of non-governmental organizations to conduct a joint fact-finding survey pursuant to Article 7 (3) of the Act. In such cases, any entity in receipt of such request shall comply therewith except in extenuating circumstances.

(4) When the Minister of Environment, the head of a related central administrative agency or a Mayor/Do Governor intends to conduct a fact-finding survey, he/she shall give prior notice of the relevant survey plan to the relevant agencies and interested persons as prescribed by Ordinance of the Ministry of Environment: Provided, That such notification may be omitted in cases of an occasional survey.

(5) The Mayor/Do Governor shall notify results to the Minister of Environment within one week after completion of a fact-finding survey.

Article 9 (Subject Matter and Method of Extraction Examinations)

(1) The head of a related central administrative agency or a Mayor/Do Governor may conduct an extraction examination of asbestos, etc. to research the actual condition of manufacture, importation,

transfer, provision or use thereof (hereinafter referred to as "use, etc.") under Article 8 (2) of the Act.

(2) Where the head of a related central administrative agency or a Mayor/Do Governor intends to conduct an extraction examination, he/she shall give the related agencies and interested persons notice of the examination plan which includes the objective, subject matter, and period of the examination by no later than 15 days before conducting such extraction examination: Provided, That the foregoing may be waived if necessary to conduct an urgent examination or if deemed inappropriate to give prior notice of the examination.

(3) The Mayor/Do Governor shall notify results to the Minister of Environment within 30 days after completion of an extraction examination.

Article 10 (Recall or Prohibition of Sale)

(1) When the head of a related central administrative agency or a Mayor/Do Governor intends to issue an order to recall a product or prohibit the sale thereof pursuant to Article 8 (3) of the Act, he/she shall do so in writing stating the following:

1. Name and address of a violator (in cases of a legal entity, the name of the entity, and the name and address of its representative);
2. Product subject to recall or prohibition of sale;
3. Ground for recall or prohibition of sale;
4. Deadline for submission of a report concerning the implementation of an order to recall a product or prohibit the sale thereof under paragraph (2).

(2) A person who has complied with an order to recall a product or prohibit the sale thereof under Article 8 (3) of the Act shall submit the implementation report to the head of a related central administrative agency or Mayor/Do Governor as prescribed by Ordinance of the Ministry of Environment.

(3) When a Mayor/Do Governor issues an order to recall a product or prohibit the sale thereof or receives the implementation report in compliance with such order under paragraph (1) or (2), he/she shall give immediate notice of such results to the Minister of Environment.

Article 11 (Disclosure of Results of Extraction Examinations)

(1) The head of a related central administrative agency or a Mayor/Do Governor may disclose the results of an extraction examination via the Internet website of the relevant central administrative agency or the City/Do or through newspapers, broadcasting or any other media pursuant to Article 8 (4) of the Act: Provided, That where any of the provisions of Article 8 (1) of the Act has been violated, such results shall be disclosed to the public.

(2) The results of an extraction examination which are disclosed to the public under paragraph (1) shall include the following:

1. Agency that has conducted the extraction examination;
2. Name and address of the person in receipt of an order to recall a product or prohibit the sale thereof (in cases of a legal entity, the name of the entity, and the name and address of its representative);

3. Product subject to recall or prohibition of sale;
4. A plan to take measures against offences, such as the issuance of an order to recall a product or prohibit the sale thereof (applicable only to a violation of Article 8 (1) of the Act);
5. Other matters regarding which the head of a related central administrative agency or a Mayor/Do Governor deems it necessary to disclose the results of an extraction examination.

Article 12 (Criteria for Designation and Publication of Materials Suspected to Contain Asbestos)

The Minister of Environment shall take the following into consideration in a comprehensive manner when designating and publishing materials suspected to contain asbestos under Article 10 (2) of the Act:

1. Possibility that the relevant mineral substance may contain asbestos, based on the results of the literature search or fact-finding survey thereon;
2. Whether the relevant mineral substance has been imported or produced, whether it has been sold or stored or displayed for sale (hereinafter referred to as "distribution"), and the probability of exposure to asbestos in the process;
3. The degree of health risks from exposure to asbestos from the relevant mineral substance.

Article 13 (Approval, etc. of Suspect Asbestos-Containing Materials)

(1) A person who intends to import or manufacture a suspect asbestos-containing material in the form of raw materials for products shall obtain approval therefor from the Minister of Environment pursuant to the main body of Article 11 (1) of the Act by the deadlines classified as follows:

1. Importation: Date of import declaration;
2. Extraction under Article 42 of the Mining Industry Act: Date on which authorization for the extracting plan is obtained (where authorization for the modification thereof is obtained, the date on which the modification of the plan is authorized);
3. Collection of earth and stones or collection of rocks under Article 25 or 30 of the Mountainous Districts Management Act: Date on which a permit to collect earth and stones is granted (where a permit to make any modification thereof is obtained, the date on which such modification is permitted) or the date on which a report on the collection of stones or rocks is filed (in cases of filing a report on such modification, the date on which such report is filed).

(2) Notwithstanding paragraph (1) 2 and 3, as at the time of designation and publication as a suspect asbestos-containing material under Article 10 (2) of the Act, the deadline by which a producer of the relevant material shall obtain approval therefor from the Minister of Environment shall be set forth by Ordinance of the Ministry of Environment.

(3) A person intending to obtain approval under paragraphs (1) and (2) shall submit an application for approval to the Minister of Environment, along with the documents prescribed by Ordinance of the Ministry of Environment, such as an asbestos inspection report or asbestos analysis report prepared by an asbestos inspector designated by Ordinance of the Ministry of Environment (referring to a plan for processing or transforming a suspect asbestos-containing material prepared by a person intending to import or produce it in cases falling under paragraph (4)).

(4) When processing or transforming the relevant substance pursuant to Article 11 (3) of the Act, if deemed impractical to confirm whether such substance exceeds the standards for asbestos levels referred to in Article 11 (2) of the Act by the deadline provided in paragraph (1) or (2) due to extraordinary circumstances specified by Ordinance of the Ministry of Environment, such as where sampling is deemed technically impossible, the Minister of Environment may grant approval on the condition that it be inspected regarding whether such substance exceeds the standards for asbestos levels referred to in Article 11 (2) of the Act.

(5) Except as otherwise expressly provided in paragraphs (1) through (4), matters necessary to grant approval of the importation and production of a suspect asbestos-containing material shall be prescribed by Ordinance of the Ministry of Environment.

Article 14 (Standards for Asbestos Levels for Suspect Asbestos-Containing Materials)

"Standards for asbestos levels prescribed by Presidential Decree" in Article 11 (2) of the Act means where the density of asbestos in a suspect asbestos-containing material is one percent.

Article 15 (Orders, etc. to Discontinue Work)

(1) When a Special Self-Governing Province Governor or the head of a Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) issues an order to discontinue work under Article 11 (5) of the Act, he/she shall issue a written order to discontinue work as prescribed by Ordinance of the Ministry of Environment. In such cases, he/she shall give immediate notice of such details to the Minister of Environment.

(2) A person in receipt of an order to discontinue work under paragraph (1) shall submit to a Special Self-Governing Province Governor or the head of a Si/Gun/Gu an improvement plan which provides details on the deadline and method for taking a measure for improvement, etc. within ten days after receipt of the order as prescribed by Ordinance of the Ministry of Environment.

(3) Where improvement measures are deemed to have been taken in accordance with the improvement plan referred to in paragraph (2), a Special Self-Governing Province Governor or the head of a Si/Gun/Gu may grant permission to resume the relevant work. In such cases, he/she shall give notice of such details to the Minister of Environment within one week following resumption of such work.

Article 16 (Order for Recall or Prohibition of Distribution)

(1) When the Minister of Environment or the head of a related administrative agency issues an order for recall or prohibition of distribution pursuant to Article 11 (7) of the Act, he/she shall do so in writing stating the following:

1. Name and address of a violator (in cases of a legal entity, the name of the entity, and the name and address of its representative);
2. Suspect asbestos-containing materials, which are subject to recall or prohibition of distribution;
3. Ground for recall or prohibition of distribution;
4. Deadline for the submission of a report on matters concerning the implementation of an order for recall or prohibition of distribution under paragraph (2).

(2) A person who has complied with an order for recall or prohibition of distribution under Article 11 (7) of the Act shall submit the implementation report to the Minister of Environment or the head of each related administrative agency as prescribed by Ordinance of the Ministry of Environment.

(3) When the head of a related administrative agency has issued an order for recall or prohibition of distribution or received the implementation report in compliance with such order under paragraph (1) or (2), he/she shall give notice of such results to the Minister of Environment within one week.

Article 17 (Standard for Preparation of Geological Map)

The Minister of Environment shall prepare a geological map (hereinafter referred to as "geological map") in relation to an area in which naturally occurring asbestos is deemed likely to have been distributed based on the results of the literature search or fact-finding survey under Article 12 (1) of the Act.

Article 18 (Methods of Preparing and Publishing Geological Maps)

(1) Geological maps shall be prepared in the following applicable methods, and any other detailed method of preparation shall be determined and publicly announced by the Minister of Environment:

1. Regional geological map: Prepare in outline on the present status of distribution of naturally occurring asbestos by utilizing the results of the literature search or fact-finding survey;
2. Detailed geological map: Prepare in detail on the present status of distribution of naturally occurring asbestos by conducting detailed surveys, such as site geological surveys of, and taking and analyzing specimens from, a specific area where naturally occurring asbestos exists or is highly likely to exist, based on the regional geological maps.

(2) The Minister of Environment shall publish the geological maps prepared under paragraph (1) on the Internet website.

Article 19 (Agencies for Impact Assessment for Naturally Occurring Asbestos)

The Minister of Environment or a Mayor/Do Governor may entrust the following agencies with the task of conducting impact assessments for naturally occurring asbestos under Article 13 (1) of the Act (hereinafter referred to as "impact assessment for naturally occurring asbestos"):

1. Asbestos environmental centers designated under Article 33 of the Act;
2. The National Institute of Environmental Research.

Article 20 (Details, Methods, etc. of Impact Assessment for Naturally Occurring Asbestos)

(1) The impact assessment for naturally occurring asbestos shall include the following:

1. Present status on the relevant area, including land use and population distribution;
2. Geological characteristics of the relevant area;
3. Present density of asbestos in the air, soil and water of the relevant area (in such cases, the present density of asbestos in the air means the results of the assessments conducted in each season);
4. Whether exposure to naturally occurring asbestos causes any harm to the health and well-being of residents in the relevant area and whether a degree of hazardousness exists.

(2) The impact assessment for naturally occurring asbestos shall be conducted with the following applicable methods, and other detailed methods of assessment shall be determined and publicly announced

by the Minister of Environment:

1. Preliminary assessment: Examine the necessity of the main assessment by means of the literature search and fact-finding survey for those provided in paragraph (1) 1 and 2;
 2. Main assessment: Conduct a comprehensive assessment as to whether exposure to naturally occurring asbestos causes any harm to the health and well-being of residents in the relevant area and whether a degree of hazardousness exists by assessing those prescribed in paragraph (1) 3 and 4.
- (3) Upon completion of an impact assessment for naturally occurring asbestos, the Minister of Environment shall give the relevant Mayor/Do Governor notice of the findings therefrom.
- (4) Where the Minister of Environment or a Mayor/Do Governor conducts an impact assessment for naturally occurring asbestos, he/she may publish the findings therefrom on the Internet web-site of the Ministry of Environment or the relevant City/Do.

Article 21 (Criteria for Designation and Public Announcement of Areas Subject to Management of Naturally Occurring Asbestos)

Criteria for designation and public announcement of a management area of naturally occurring asbestos under Article 14 (1) of the Act (hereinafter referred to as "management area") shall be as stipulated in attached Table 1.

Article 22 (Procedures, etc. for Designating Management Areas)

(1) When the Minister of Environment designates a management area, he/she shall first make public announcement of the following to residents in the relevant area and collect their opinions for at least 30 days:

1. Findings from the impact assessment for naturally occurring asbestos;
2. Location and size of an area to be designated as a management area;
3. Formulation of a plan for safe management of asbestos (hereinafter referred to as "management plan") under Article 15 (1) of the Act;
4. Prevention of scattering asbestos fibers in a management area, such as the formulation of a plan aimed for the prevention of scattering asbestos fibers or the installation, etc. of prevention facilities under Articles 17 and 18 of the Act;
5. Other matters deemed necessary by the Minister of Environment for the designation of a management area.

(2) When the Minister of Environment designates a management area, he/she shall request the Committee to deliberate thereon along with the submission of accompanying documents, such as the residents' opinion survey report under paragraph (1) and a report on consultations with the heads of the related central administrative agencies.

(3) When the Minister of Environment has designated and publicly announced a management area, he/she shall give the heads of related central administrative agencies and the competent Mayor/Do Governor notice of the details thereof.

Article 23 (Details of Management Plans)

"Matters specified by Presidential Decree" in Article 15 (1) 4 of the Act means the following:

1. Estimation of the necessary annual budget for the prevention of health hazards caused by exposure to asbestos in a management area and financing measures therefor;
2. Other matters deemed necessary by a Mayor/Do Governor for the safe management, etc. of asbestos in a management area.

Article 24 (Method of, and Procedure for Formulation of Management Plans)

(1) When a Mayor/Do Governor intends to establish a management plan, he/she shall consult thereon with the Minister of Environment, the heads of related central administrative agencies and related Mayor/Do Governors.

(2) The Minister of Environment may request supplementation of any management plan which a Mayor/Do Governor has reported pursuant to Article 15 (2) of the Act, if necessary.

Article 25 (Criteria for Providing Support for Management Areas)

When the Minister of Environment intends to provide administrative or financial support under Article 16 (1) of the Act (hereinafter referred to as "administrative or financial support"), he/she shall take the following into consideration in a comprehensive manner:

1. Matters concerning the removal of asbestos, covering with earth, and compensation for fallow land created thereby;
2. Matters concerning public health care and prevention of public health risks caused by exposure to asbestos;
3. Other matters necessary for the safe management, etc. of asbestos in management areas.

Article 26 (Procedures for, and Method of Providing Support to Management Areas)

(1) Where a Mayor/Do Governor intends to request the provision of administrative or financial support, he/she shall submit to the Minister of Environment a written request for the provision of such support for a management area of naturally occurring asbestos as prescribed by Ordinance of the Ministry of Environment, accompanied by the following documents:

1. Plan for the safe management of asbestos;
2. Findings from the impact assessment for naturally occurring asbestos;
3. Evidentiary materials on necessary administrative or financial support.

(2) With regards to the request for support submitted under paragraph (1), the Minister of Environment may provide the necessary administrative or financial support within budgetary limits following consultations with the Minister of Strategy and Finance and the heads of other related central administrative agencies.

Article 27 (Matters Subject to Approval for Revision of Plan for Prevention of Scattering Asbestos Fibers)

"Where a person revises any important matter specified by Presidential Decree" in Article 17 (3) of the Act means any of the following:

1. Where he/she intends to increase a development project area by at least 30 percent of the initially approved area;
2. Where there is an increase in the concentration of asbestos in the soil of the development project area and its surrounding area or the possibility of scattering asbestos fibers in the course of performing the relevant development project.

Article 28 (Scope, etc. of Development Projects with Naturally Occurring Asbestos Distributed under Municipal Ordinances)

(1) "Matters specified by Presidential Decree" in Article 20 (1) 3 of the Act means monitoring of an area surrounding a place of business, such as measuring the degree of scattering of asbestos fibers in the development project area and its surrounding area.

(2) The scope of development projects referred to in Article 20 (2) of the Act shall be as follows:

1. Either of the following projects which accompany the act of changing the form of land in a way that cuts, embanks, levels, or paves the ground, the act of changing the form and quality of land such as the excavation of land or reclamation of public waters, or the act of extracting earth and stones such as soil, sand, gravel or rocks:

(a) Development project within areas requiring preservation prescribed in subparagraph 2 of attached Table 2 of the Enforcement Decree of the Framework Act on Environmental Policy;

(b) Project subject to the environmental impact assessment prescribed in attached Table 1 of the Enforcement Decree of the Environmental Impact Assessment Act;

2. A housing construction project or a housing site preparation project referred to in Article 16 of the Housing Act, the area of which is at least 10,000 square meters;
3. A project for which authorization of the extracting plan is granted under Article 42 of the Mining Industry Act, under which the area for extracting minerals in a strip mining operation is at least 10,000 square meters;
4. A project for which a permit to collect earth and stones is obtained or a report on stone collection is filed pursuant to Article 25 or 30 of the Mountainous Districts Management Act, under which the area for collecting earth and rocks or stones is at least 10,000 square meters.

Article 29 (Buildings Subject to Asbestos Inspection)

"Building specified by Presidential Decree" in the main body of Article 21 (1) of the Act means any of the following buildings (if only a part of one whole building falls under any of the following subparagraphs, limited to such part):

1. Any of the following buildings, the total floor area of which is at least 500 square meters:

(a) Buildings owned or used by the National Assembly, courts, the Constitutional Court of Korea, the National Election Commission, central administrative agencies (including agencies under the jurisdiction of the President and the Prime Minister) and the institutions affiliated thereto, and local governments;

- (b) Buildings owned or used by public institutions referred to in Article 4 of the Act on the Management of Public Institutions;
 - (c) Buildings owned or used by special corporations established under Special Acts;
 - (d) Buildings owned or used by municipal corporations established pursuant to Articles 49 and 76 of the Local Public Enterprises Act;
2. Kindergartens prescribed in Article 7 of the Early Childhood Education Act and schools established pursuant to Article 2 of the Elementary and Secondary Education Act or Article 2 of the Higher Education Act;
 3. Public-use facilities defined in Article 3 of the Indoor Air Quality Control in Public-Use Facilities, etc. Act;
 4. Following facilities defined in Article 2 (2) of the Building Act, which do not fall under any of the facilities prescribed in subparagraphs 1 through 3:
 - (a) Facilities for cultural activities and assembly, the total floor area of which is at least 500 square meters;
 - (b) Medical facilities, the total floor area of each of which is at least 500 square meters;
 - (c) Facilities for the aged and children, the total floor area of each of which is at least 500 square meters: Provided, That in the case of a day care center defined in subparagraph 3 of Article 2 of the Infant Care Act, its total floor area shall be at least 430 square meters.

Article 30 (Exemption from Building Asbestos Inspections in Environment-Friendly Buildings)

"A building confirmed as not using asbestos building material, as specified by Presidential Decree" in Article 21 (1) 1 of the Act means a building which the head of an accrediting institution has confirmed as not using any asbestos building material pursuant to Article 65 (4) of the Building Act.

Article 31 (Exemption from Building Asbestos Inspections in Asbestos-Free Buildings)

"A building that meets a condition prescribed by Presidential Decree, such as cases where it is apparent that no asbestos is found in a building or materials used in a building" in Article 21 (1) 3 of the Act means either of the following buildings:

1. A building deemed evident to contain no asbestos therein by the competent Special Self-Governing Province Governor or the head of the competent Si/Gun/Gu (In cases of kindergartens referred to in Article 7 of the Early Childhood Education Act and schools defined in Article 2 of the Elementary and Secondary Education Act (hereinafter referred to as "schools, etc."), referring to the superintendent of the competent offices of education or the head of the competent district office of education; hereafter the same shall apply in Article 33 (2) and (3)) upon receipt of evidentiary documents confirming that the relevant building or any material used for such building does not contain asbestos, from the relevant building owner under Article 21 (1) of the Act;
2. A building to which the Occupational Safety and Health Act applies after filing a report on the commencement of construction works therefor pursuant to Article 21 of the Building Act on or after January 1, 2009.

Article 32 (Standards for Asbestos Buildings)

An asbestos building referred to in the latter part of Article 22 (1) of the Act (hereinafter referred to as "asbestos building") means either of the following buildings:

1. Building, in which any asbestos building material is used, the total area of which is at least 50 square meters;
2. Building in which any asbestos building material prescribed by Ordinance of the Ministry of Environment is used.

Article 33 (Standards for Management of Asbestos Buildings)

(1) "Standards prescribed by Presidential Decree for the management of asbestos buildings" in the main body of Article 22 (2) of the Act shall be as follows:

1. That the owner of an asbestos building shall manage his/her asbestos building by nominating a safety manager for the asbestos building (hereinafter referred to as "safety manager for an asbestos building") under Article 23 (1) of the Act;
2. That the owner of an asbestos building shall examine the damage status of the asbestos building, the possibility of scattering asbestos fibers, etc. every six months, and shall take necessary measures as prescribed by Ordinance of the Ministry of Environment;
3. When the owner of an asbestos building performs maintenance and repair works of the building, such as electric works, he/she shall first provide persons engaged in such works with a building asbestos map prescribed in Article 22 (1) of the Act (hereinafter referred to as "building asbestos map") and take necessary measures, such as monitoring or supervision, to prevent such persons from damaging asbestos building materials, etc. and scattering asbestos fibers.

(2) When an asbestos building ceases to fall under each subparagraph of Article 29 or when it ceases to fall under the asbestos buildings defined in Article 32 after removing asbestos building materials therefrom, the building owner may file a written application to obtain approval to be excluded from the asbestos buildings stipulated by Ordinance of the Ministry of Environment with a Special Self-Governing Province Governor or the head of a Si/Gun/Gu, along with the following documents:

1. Building asbestos map;
2. Asbestos building management ledger;
3. Evidentiary materials confirming the removal or replacement of asbestos building materials (limited to cases of removing or replacing asbestos building materials).

(3) A Special Self-Governing Province Governor or the head of a Si/Gun/Gu shall give notice of approval or disapproval of exclusion from asbestos buildings, as prescribed by Ordinance of the Ministry of Environment, within seven days after receipt of the application for exclusion from asbestos buildings filed under paragraph (2).

Article 34 (Exemption from Education on Safety Management of Asbestos)

"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" in the proviso to Article

24 (1) of the Act means either of the following:

1. Education on safety and health referred to in Article 31 (1) of the Occupational Safety and Health Act;
2. Education related to asbestos inspection, dismantlement of asbestos, etc. prescribed and publicly announced by the Minister of Employment and Labor.

Article 35 (Institutions Entrusted with Education on Safety Management of Asbestos)

(1) An appropriate specialized institution eligible to be entrusted with education on safety management of asbestos under Article 24 (3) of the Act shall be the following institutions: <Amended by Act No. Act No. 24451, Mar. 23, 2013>

1. The National Institute of Environmental Human Resources Development;
2. Other institutions designated by the Minister of Environment (in cases of schools, etc., referring to the Minister of Education) from among those furnished with professional human resources, facilities and equipment stipulated in attached Table 2.

(2) Necessary matters concerning the procedures for designating the institutions entrusted with education on the safety management of asbestos under paragraph (1) 2 shall be set forth by Ordinance of the Ministry of Environment.

Article 36 (Structures with Asbestos Slate, etc.)

"Structures, etc. in which asbestos slate is used as specified by Presidential Decree" in Article 25 (1) of the Act means those having an asbestos slate roof or wall.

Article 37 (Special Cases concerning Disposal of Asbestos Slate)

(1) A Mayor/Do Governor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu shall establish and implement a disposal plan aimed to dismantle, remove, collect, transport, store or dispose of asbestos slate under Article 26 of the Act (hereinafter referred to as "disposal of asbestos slate) in the following manner:

1. Formulate and implement a disposal plan in the unit of Si/Gun/Gu or Eup/Myeon/Dong/Ri to the extent possible in order to ensure the safe and efficient operation of removing or disposing of asbestos slate from the houses;
2. Affairs related to plan formulation, contracting, management, supervision, etc. concerning removing and disposing of asbestos slate from the houses may be entrusted to the Korea Environment Corporation established under the Korea Environment Corporation Act or any other specialized institution as designated by the Minister of Environment.

(2) Standards for, and methods of, conducting disposal of asbestos slate shall be as follows:

1. That a person intending to conduct disposal of asbestos slate shall conduct an asbestos inspection under Article 38-2 of the Occupational Safety and Health Act;
2. That a person intending to conduct disposal of asbestos slate shall comply with the standards for, and methods of, disposal of asbestos slate prescribed in attached Table 3, notwithstanding Article 38-3 of the Occupational Safety and Health Act and Article 13 of the Wastes Control Act.

(3) Except as otherwise expressly provided in paragraph (2), concrete standards for, and methods of, disposing of asbestos slate and other matters shall be prescribed by Ordinance of the Ministry of Environment.

(4) Notwithstanding paragraphs (2) and (3), asbestos slate may be disposed as stipulated by ordinances of a Special Self-Governing Province or each Si/Gun/Gu in any of the following cases:

1. Where the total area of asbestos slate used for a house defined in subparagraph 1 of Article 2 of the Housing Act (including attached buildings thereto) is not more than 50 square meters and where the house owner directly engages in dismantling and removing asbestos slate;
2. Where asbestos slate is collected, transported, stored, or disposed in an island defined in Article 2 of the Islands Development Promotion Act (excluding islands which are linked to land through breakwaters, bridges, etc.);
3. Where asbestos slate is collected, transported, stored, or disposed in a remote area, etc. which is impassable for a vehicle used to collect and transport asbestos slate;
4. Cases of collecting, transporting, storing, or disposing of asbestos slate damaged or destroyed by a disaster defined in subparagraph 1 of Article 3 of the Framework Act on the Management of Disasters and Safety;
5. Other cases equivalent to those provided in subparagraphs 1 through 4.

Article 38 (Permittable Standards for Emission of Asbestos around Place of Business)

"Permittable standards prescribed by Presidential Decree for the emission of asbestos in an area surrounding the place of business" in Article 28 (1) of the Act means 0.01 piece per cubic centimeter.

Article 39 (Small Buildings)

"Cases specified by Presidential Decree, such as small buildings" in the proviso to Article 28 (2) of the Act means buildings or facilities (limited to where no asbestos building material defined by Ordinance of the Ministry of Environment is used) where asbestos building materials to be removed or dismantled are used and the total area of which is less than 500 square meters.

Article 40 (Projects Subject to Measurement of Degree of Scattering Asbestos Fibers)

A project subject to measurement of the degree of scattering asbestos fibers under Article 28 (4) of the Act by a Special Self-Governing Province Governor and the head of a Si/Gun/Gu means any of the following:

1. A project for dismantlement or removal of a building or facilities where asbestos building materials are used and the total area of which is at least 5,000 square meters;
2. A housing redevelopment project and a housing reconstruction project defined in subparagraph 2 (b) and (c) of Article 2 of the Act on the Maintenance and Improvement of Urban Areas and Dwelling Conditions for Residents;
3. A renewal acceleration project defined in subparagraph 2 of Article 2 of the Special Act on the Promotion of Urban Renewal.

Article 41 (Submission, etc. of Improvement Plans Following Suspension Orders by Special Self-Governing Province Governor, etc.)

(1) Where a person engaged in the operation of dismantling or removing asbestos (hereinafter referred to as "business entity engaged in dismantling or removing asbestos") under Article 28 (1) of the Act intends to resume the operation of dismantling and removing asbestos pursuant to Article 29 (2) of the Act, he/she shall submit to a Special Self-Governing Province Governor or the head of a Si/Gun/Gu a written plan to improve the operation of dismantling and removing asbestos as prescribed by Ordinance of the Ministry of Environment, along with the following documents:

1. Copy of an order for the discontinuance of work;
2. Present status of professional human resources, facilities, and equipment held by the business entity engaged in dismantling or removing asbestos;
3. Details of a plan aimed for preventing scattering asbestos fibers (including a plan to reinforce facilities or equipment to prevent scattering asbestos fibers);
4. Details of a plan aimed for measuring the degree of scattering asbestos fibers (The point, method, and cycle of measuring shall be indicated therein);
5. Other details which are required for complying with the permissible standards for the emission of asbestos in an area surrounding the place of business referred to in Article 28 (1) of the Act (hereinafter referred to as "permissible standards for the emission of asbestos in an area surrounding the place of business")

(2) A Special Self-Governing Province Governor or the head of a Si/Gun/Gu may request supplementation of any improvement plan under paragraph (1), if necessary.

(3) Where a Special Self-Governing Province Governor or the head of a Si/Gun/Gu has approved an improvement plan under paragraph (1), he/she shall assign a competent public official to review the status of performance thereof.

Article 42 (Submission, etc. of Improvement Plan Following Measures, etc. Taken by Supervisors of Asbestos Dismantling or Removal Works)

(1) Where a business entity engaged in dismantling or removing asbestos intends to resume the dismantling or removing of asbestos under Article 30 (5) of the Act, he/she shall submit a written plan to improve asbestos dismantling or removing activity prescribed by Ordinance of the Ministry of Environment to a Special Self-Governing Province Governor, the head of a Si/Gun/Gu or the head of a regional labor office, along with the following documents:

1. Written request for taking measures made by a supervisor of asbestos dismantling or removal designated under Article 30 (1) of the Act (hereinafter referred to as "supervisor of asbestos dismantling or removal") or a copy of an order to discontinue work issued by a Special Self-Governing Province Governor, the head of a Si/Gun/Gu or the head of a regional labor office;
2. Present status of professional human resources, facilities, and equipment held by the business entity engaged in dismantling or removing asbestos;
3. Details of a plan aimed for preventing scattering of asbestos fibers (including a plan to reinforce facilities or equipment to prevent scattering of asbestos fibers);

4. Details of a plan aimed for measuring the degree of scattering asbestos fibers (The point, method, and cycle of measuring shall be indicated therein);
5. Other details which are required for complying with the permissible standards for the emission of asbestos in an area surrounding the place of business.

(2) Article 41 (2) and (3) shall respectively apply mutatis mutandis to procedures for granting approval of an improvement plan under paragraph (1). In such cases, "a Special Self-Governing Province Governor or the head of a Si/Gun/Gu" shall be construed as "a Special Self-Governing Province Governor, the head of a Si/Gun/Gu or the head of a regional labor office".

Article 43 (Requirements for Designation of Asbestos Environmental Centers)

"Requirements prescribed by Presidential Decree with regard to professional human resources, facilities, equipment, etc." in Article 33 (2) of the Act shall be as stipulated in attached Table 4.

Article 44 (Procedures for Designation of Asbestos Environmental Centers)

(1) Where the Minister of Environment intends to designate an asbestos environmental center pursuant to Article 33 (1) of the Act, he/she shall publicly announce a designation plan in which the following matters are stated in the Official Gazette or on the Internet website for at least ten days:

1. Designation plan and schedule;
2. Requirements for designation;
3. Subsidy plan;
4. Other matters which the Minister of Environment deems necessary for designation as an asbestos environmental center.

(2) An institution that intends to be designated as an asbestos environmental center under Article 33 (2) of the Act shall submit to the Minister of Environment a written application for designation as an asbestos environmental center as set forth by Ordinance of the Ministry of Environment, accompanied by the following documents:

1. Evidentiary materials on requirements for designation;
2. Performance records of surveys, research and technology development in the field of asbestos or performance records for the relevant projects;
3. Project plan for the following three years;
4. Composition and operation plan of an asbestos environmental center;
5. Financing plan;
6. Other matters publicly announced by the Minister of Environment as deemed necessary for designation as an asbestos environmental center.

(3) When the Minister of Environment has designated an asbestos environmental center, he/she shall issue a certificate for such designation prescribed by Ordinance of the Ministry of Environment and publish such fact on the Internet website.

Article 45 (Subsidization to Asbestos Environmental Centers)

The Minister of Environment may fully or partially subsidize an asbestos environmental center for the expenses incurred in conducting its business activities within budgetary limits, pursuant to Article 33 (3) of the Act, taking into account its performance records and outcomes of evaluation stipulated by Ordinance of the Ministry of Environment.

Article 46 (Grounds for Revocation of Designation as Asbestos Environmental Centers)

"Ground prescribed by Presidential Decree" in Article 34 (1) 3 of the Act means where the outcomes of evaluation referred to in Article 45 indicate very poor records of project performance.

Article 47 (Procedure for Revoking Designation as Asbestos Environmental Centers)

When the Minister of Environment revokes designation as an asbestos environmental center or issues an order to suspend its operation pursuant to Article 34 (1) of the Act, he/she shall do so in writing stating the grounds therefor.

Article 48 (Request for Submission of Materials for Establishment and Operation of Information Network)

In order to establish and operate an integrated information network for the management of asbestos (hereinafter referred to as "information network") under Article 35 (1) of the Act, the Minister of Environment may request the heads of related agencies, etc. referred to in Article 35 (2) of the Act to submit the following materials:

1. Present status of reports on the designation of safety managers for asbestos buildings and reports on the replacement thereof;
2. Results of measuring the degree of scattering asbestos fibers conducted pursuant to Article 28 (2) and (4) of the Act;
3. Results of fact-finding surveys;
4. Present status of the use, etc. of asbestos, etc.;
5. Present status of the importation, production or distribution of suspect asbestos-containing materials;
6. Present status of the performance of development projects in the management areas;
7. Results of building asbestos inspections and the present status of measures taken in respect of the results of such inspections;
8. Present status of the designation of supervisors of asbestos dismantling work;
9. Present status of the authorization of plans for extracting suspect asbestos-containing materials granted under Article 42 of the Mining Industry Act;
10. Present status of a permit to collect earth and stones under Article 25 of the Mountainous Districts Management Act and reports on stone collection filed under Article 30 of the same Act;
11. Present status of projects falling under subparagraphs 2 and 3 of Article 40.

Article 49 (Entrustment of Establishment and Operation of Information Network)

(1) The Minister of Environment may entrust the establishment and operation of the information network to the Korea Environment Corporation under the Korea Environment Corporation Act or an asbestos environmental center specified in Article 33 of the Act.

(2) The Minister of Environment may fully or partially subsidize expenses incurred by the institution entrusted with the establishment and operation of the information network under paragraph (1), within budgetary limits.

(3) Except as otherwise expressly provided in paragraphs (1) and (2), matters necessary for establishing and operating the information network shall be determined by the Minister of Environment.

Article 50 (Persons Related to Report and Submission of Materials)

"Person in charge specified by Presidential Decree" in Article 40 of the Act means any of the following:

1. A person subsidized by the Minister of Environment or the head of a local government under Article 32 of the Act;
2. An appropriate specialized institution to which affairs have been entrusted by the Minister of Environment or a Mayor/Do Governor pursuant to Article 42 (2) of the Act;
3. A person engaged in importing, manufacturing, or selling asbestos, etc.;
4. A person engaged in importing, producing, or distributing suspect asbestos-containing materials;
5. A person engaged in processing or transforming suspect asbestos-containing materials;
6. A person engaged in performing development projects in the management areas;
7. An owner of a building subject to the building asbestos inspection under Article 29;
8. An asbestos inspection institution in charge of inspecting asbestos in buildings;
9. A safety manager of asbestos buildings;
10. An institution entrusted with education on the safety management of asbestos;
11. A person engaged in disposing of asbestos slate;
12. A business entity engaged in dismantling or removing asbestos;
13. A supervisor of asbestos dismantling works;
14. An institution designated as an asbestos environmental center;
15. A person engaged in performing a project referred to in each subparagraph of Article 40;
16. A person entrusted with the establishment and operation of the information network by the Minister of Environment under Article 49 (1).

Article 51 (Delegation and Entrustment of Authority)

(1) Pursuant to Article 42 (1) of the Act, the Minister of Environment shall delegate the following authority to the heads of Basin Environmental Offices or the heads of Regional Environmental Offices:

1. Granting approval for the importation or production of suspect asbestos-containing materials under Article 11 (1) of the Act;
2. Issuing orders for recall or discontinuation of distribution under Article 11 (7) of the Act, or making requests to issue such orders;
3. Recognition of building asbestos inspections under Article 5 (1) of the Addenda to the Act (excluding technical assistance and technical review related to such recognition).

(2) Pursuant to Article 42 (2) of the Act, the Minister of Environment or a Mayor/Do Governor may entrust the Korea Environment Corporation under the Korea Environment Corporation Act or a

specialized institution designated by the Minister of Environment with affairs concerning technical assistance and technical review related to the following:

1. Inspection of asbestos in buildings under Article 21 of the Act;
2. Preparation of building asbestos maps under Article 22 of the Act;
3. Measurement of the degree of scattering asbestos fibers and disclosure of the results thereof under Article 28 of the Act;
4. Recognition of inspections of asbestos in buildings under Article 5 (1) of the Addenda to the Act.

Article 52 (Standards for Imposition of Administrative Fines)

Standards for the imposition of administrative fines under Article 49 of the Act are as stipulated in attached Table 5.

ADDENDA

Article 1 (Enforcement Date)

This Decree shall enter into force on April 29, 2012.

Article 2 (Special Cases concerning Formulation of Implementation Plans)

Notwithstanding Article 7 (1), an implementation plan on or after the day when this Decree enters into force shall be established within three months after a master plan is established.

Article 3 (Standards, etc. for Recognition of Building Asbestos Inspections)

(1) Where any building owner (referring to a person who manages a school building, etc., in cases of a school, etc.) who has undergone a building asbestos inspection (including a building asbestos map; hereafter the same shall apply in this Article) pursuant to Article 5 (1) of the Addenda to the Act before this Act enters into force intends to obtain recognition of such inspection as a building asbestos inspection conducted pursuant to Article 21 (1) of the Act, he/she shall submit an application for recognition as a building asbestos inspection to the Minister of Environment within one year from the date on which this Decree enters into force as prescribed by Ordinance of the Ministry of Environment.

(2) After reviewing as to whether those stated in an application filed under paragraph (1) are similar to the items and method of the building asbestos inspection referred to in Article 21 (2) of the Act and the standards for, and method of, the preparation of building asbestos maps referred to in Article 22 (7) of the Act, the Minister of Environment shall notify the relevant applicant of whether such inspection will be recognized as a building asbestos inspection.

(3) Where an application filed under paragraph (1) requires any supplementation, the Minister of Environment may grant recognition as a building asbestos inspection on condition that it be supplemented.

(4) Upon receipt of a notification of recognition as a building asbestos inspection from the Minister of Environment pursuant to paragraph (2), the building owner referred to in paragraph (1) shall submit the results of the relevant 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 an office of

education or the head of a district office of education in cases of a school, etc.) within one month after receipt of such notification.

ADDENDA <Act No. 24451, Mar. 23, 2013>

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.

ADDENDA <Act No. 25751, Nov. 19, 2014>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 5 Omitted.

ADDENDA <Act No. 26435, Jul. 24, 2015>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Amendments to Enforcement Decree of Asbestos Safety Management Act and Enforcement Decree of Environmental Health Act)

Matters necessary for the operation of the Asbestos Safety Management Commission prescribed by the Commissioner of the Asbestos Safety Management Commission pursuant to Article 4 (7) of the former Enforcement Decree of the Asbestos Safety Management Act as at the time this Decree enters into force shall be deemed to be prescribed in accordance with the amended provisions of Article 7-2 (7) of the Enforcement Decree of the Environmental Health Act.