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Republic of Latvia

Cabinet

Regulation No 852

Adopted 12 October 2004

Labour Protection Requirements in Work with Asbestos

*Issued pursuant to
Section 25, Paragraph 14
of the Labour Protection Law*

I. General Provisions

1. These Regulations prescribe labour protection requirements in regards to work with asbestos in order to protect the safety and health of employees against the risks which arise or may arise when coming into contact with dust from asbestos or asbestos-containing material (hereinafter — risks presented by asbestos) at the workplace.
2. Work with asbestos is the dismantling of materials containing asbestos (the dismantling of parts containing asbestos from buildings, installations or equipment and taking them away), transport, storage, management of waste from materials containing asbestos and work with materials containing asbestos, if they have been labelled in accordance with the procedures set out in regulatory enactments regarding the marking of chemical substances.
3. Asbestos is a fibrous silicate mineral in its pure form or a material containing asbestos fibres – asbestos actinolite (CAS No. 77536-66-4), asbestos grunerite (amosite) (CAS No. 12172 – 73 – 5), asbestos anthophyllite (CAS No. 77536-67-5), chrysotile (CAS No. 12001-29-5), crocidolite (CAS No. 12001-28-4), asbestos tremolite (CAS No. 77536-68-6). Asbestos fibre is such an asbestos fibre the breadth of which does not exceed three micrometers, the length of which exceeds five micrometers and the length/breadth ratio of which is greater than 3 : 1.
4. The employer shall ensure that asbestos or materials containing asbestos are not used in works where the spray method is used and that the acquisition of asbestos, the production and processing of asbestos products or the production and processing of products containing asbestos does not take place, except in the case where products derived in the course of demolition works and the removal of asbestos are being processed and handed over as waste in accordance with the procedures provided for by the regulatory enactments regarding the management of hazardous waste.

5. The employer shall ensure that asbestos or materials containing asbestos are not used in the process of work, substituting such to the extent possible with materials which do not present a risk to the safety and health of employees.
6. The employer shall be liable for compliance with these Regulations.
7. Compliance with these Regulations shall be controlled by the State Labour Inspection.

II. Assessment of Risks Presented by Asbestos

8. The employer shall ensure assessment of the risk presented by asbestos in accordance with the requirements for internal supervision of the work environment and risk assessment of the work environment in an undertaking in accordance with the procedures set out in regulatory enactments, involving the trusted representatives and the employees.
9. The employer shall ensure assessment of the risk presented by asbestos, including initial measurements of the exposure to asbestos fibres in the air of the work environment (the quantity of asbestos fibres per specific unit of air volume (fibres/cm³)) at all workplaces where it has been determined, according to the initial examination of workplaces, that there is contact with asbestos or that contact is likely.
10. In performing measurements of the exposure to asbestos fibres in the air of the work environment, the average exposure to asbestos fibres to which an employee is exposed to during an eight-hour working day (hereinafter – actual occupational exposure) shall be established.
11. Measurements of the exposure to asbestos fibres shall be performed by accredited laboratories, utilising the method prescribed in the Annex to these Regulations or by another method giving equivalent results.
12. Repeated measurements of the exposure to asbestos fibres shall be performed:
 - 12.1. if after four months the value of the actual exposure to asbestos exceeds half of the occupational exposure limit value, but does not exceed the occupational exposure limit value;
 - 12.2. if after 32 weeks there are no significant changes in the work process and installations and the value of the actual exposure to asbestos exceeds one-fourth of the occupational exposure limit value, but does not exceed half of the occupational exposure limit value; and
 - 12.3. if after 64 weeks there are no significant changes in the work process and installations and the value of the actual exposure to asbestos does not exceed one-fourth of the occupational exposure limit value.
13. The risks presented by asbestos shall be assessed not less than once a year. In addition, the risks presented by asbestos and the measurements of the exposure to asbestos fibres shall be performed:
 - 13.1. if a new workplace is being created or significant changes in the work environment are being introduced (for example, changes in the working processes, methods, equipment) which may increase the risk presented by asbestos;

13.2. after the implementation of labour protection measures in order to verify that the risk presented by asbestos has been prevented or reduced to an acceptable level;

13.3. if health disorders of an employee caused by the effects of asbestos have been determined; or

13.4. upon the request of the employees or trusted representatives, if there are grounds to believe that the concentration of asbestos in the air of the work environment has increased and the safety and health of employees is being endangered.

14. If several employees perform the same or similar work with asbestos in the same work environment and are exposed to the same risk factors presented by asbestos, only one measurement of the exposure to asbestos fibres needs to be performed and its results may be applied to all such employees. The measurement shall reflect the impact of asbestos to each particular employee.

15. The actual asbestos occupational exposure in the air of the work environment must not exceed the limit value 0.1 fibre/cm^3 , calculating the average amount within eight hours.

III. Obligations of Employers

16. If there is contact with asbestos at the workplace or such contact is likely and, if taking into account the nature of the specific work, it is technically impossible to substitute asbestos with other materials which do not present risk to the safety and health of employees, the employer shall take the following collective protection measures in order to reduce the effect of asbestos on the safety and health of the employees to a minimum:

16.1. reduction of the quantity of asbestos to a minimum;

16.2. reduction of the number of employees who are exposed to the effect of asbestos or may be exposed thereto to a minimum;

16.3. planning of the work processes in order to avoid dust containing asbestos fibres in the air of the work environment. If it is impossible to avoid dust containing asbestos fibres, it shall be collected as close as possible to the place of emission and the workplace shall be equipped with local exhaust ventilation; and

16.4. regular and effective cleaning and maintenance of buildings, work premises and installations.

17. The employer shall ensure that suitable personal protective equipment and suitable protective clothing is available to employees who come into contact with asbestos or products containing asbestos or for whom coming into contact is likely in accordance with the procedures set out in regulatory enactments regarding personal protective equipment and the use thereof.

18. The workplace where work with asbestos is carried out shall be demarcated and indicated by safety signs prescribed by regulatory enactments. At the workplace it is prohibited:

18.1. for unauthorised persons and employees to be present whose performance of work duties is not related to work with asbestos; and

18.2. to smoke.

19. If in the course of work it is determined that the actual occupational exposure exceeds the occupational exposure limit values prescribed in Paragraph 15 of these Regulations, the employer shall take the following measures:

19.1. ensure that the work with asbestos is discontinued until appropriate air purity at the relevant workplace is ensured;

19.2. without delay, inform the employees, trusted representatives of employees and representatives of employees regarding the exceedance of the occupational exposure limit values, the measures taken to prevent dangerous situations and further action;

19.3. ascertain the reasons for the exceedance of the occupational exposure limit value and take measures for improvement of the air quality of the work environment; and

19.4. ensure measurement of the actual occupational exposure in the air of the work environment in order to examine the effectiveness of the measures referred to in Sub-paragraph 19.3.

20. If in performing work with asbestos it is foreseeable that the occupational exposure limit value at certain stages of work will be exceeded, but collective protection measures will not be effective, the employer must:

20.1. ensure that the employees use appropriate respirators, protective clothing and other personal protective equipment which complies with the requirements specified in regulatory enactments regarding personal protective equipment in accordance with the procedures set out in regulatory enactments regarding the use of personal protective equipment;

20.2. ensure the placing of safety signs (also warning signs) prescribed by regulatory enactments regarding the exceedance of the occupational exposure limit value; and

20.3. ensure that asbestos does not spread outside the working area.

21. If it is impossible to reduce the exposure to asbestos fibres at the workplace to the occupational exposure limit value specified in Paragraph 15 of these Regulations by applying preventive measures, and if the health protection of an employee is only possible with personal protective equipment, the employer shall:

21.1. ensure that the employee is not employed on a permanent basis; and

21.2. when organising working hours, on the basis of consultations with employees or their representatives, make provisions for breaks which comply with the physical and climatic conditions, as well as for the capacity for labour and state of health of the employed.

22. Asbestos must be stored and transported in appropriate and closed packing in accordance with the procedures set out in regulatory enactments regarding the transport of hazardous goods. The packaging shall bear an indication that it contains asbestos.

23. In order not to exceed the occupational exposure limit value in the air of the work environment referred to in Paragraph 15 of these Regulations, asbestos waste shall be collected from the workplace immediately or at the end of the relevant stage of work (at the latest) in an appropriate and closed packaging. The packaging shall bear an indication that the waste contains asbestos.

24. Asbestos shall be transported and managed in accordance with the procedures set out in regulatory enactments regarding the transport of hazardous goods.

25. Prior to the dismantling of a building, installation or equipment, the employer shall take appropriate measures in order to determine whether the relevant material or structure contains materials containing asbestos, where necessary, by obtaining information from the documentation (if such has remained) of the construction design, as well as from the owners and users of the premises. If there is any suspicion that the material or construction contains

asbestos, the employer shall ensure compliance with the requirements specified in these Regulations.

26. Prior to the commencement of the dismantling of parts containing asbestos the employer shall prepare a plan for dismantling works. The plan shall specify:

26.1. the removal of asbestos and products containing asbestos, prior to the commencement of the dismantling of a building, installation or equipment, except for cases where the removal of asbestos or products containing asbestos endangers the employees more than the leaving thereof at the current location;

26.2. the provision of employees with personal protective equipment; and

26.3. measurements of the actual occupational exposure in the air of the work environment after the dismantling or removal works related to asbestos are finished, and prior to the commencement of other works in order to determine whether the risk of the effects of asbestos to the safety and health of employees who continue the work in the relevant room is still present.

27. If dismantling is being performed the employer shall ensure that labour protection measures are planned, managed and the course of work is supervised by a labour protection specialist who has obtained professional higher education in labour protection, or by a competent institution or competent specialist.

28. The employer shall ensure the storage of work and protective clothing separately from the personal clothing of the employed, the washing thereof in appliances appropriate for such a purpose separately from other clothing and the transporting thereof in closed packaging. It is prohibited for employees to take work and protective clothing outside the territory of the undertaking.

29. Personal protective equipment shall be kept in a specific place. After each use of personal protective equipment it shall be checked and cleaned, as well as, if necessary, fixed or the elements thereof shall be replaced.

30. The employer shall arrange at the workplace appropriate living and rest rooms where the employees shall have the possibility to change, have a rest, eat, drink and wash their hands without the risk of exposure to asbestos, as well as to take a shower upon the completion of work.

31. The employer shall cover expenses related to the use of personal protective equipment, including expenses for the repair, inspection, cleaning and disposal of protective clothing.

IV. Registration of Employees Subject to Exposure to Asbestos

32. The employer shall perform the registration of persons employed in work with asbestos, record information and indicate the following information in respect of each employee:

32.1. a job description;

32.2. the duration of the work;

32.3. results of health examinations; and

32.4. the actual exposure to asbestos fibres in the air of the work environment.

33. The registration data referred to in Paragraph 32 of these Regulations shall be available to a doctor who shall be responsible for the health care of the employee, the State Labour Inspection and labour protection specialists.

34. Each employee shall have access to the information referred to in Paragraph 32 of these Regulations, which personally relates to him or her.

35. The employer shall keep the registration data referred to in Paragraph 32 of these Regulations and the results of the health examination referred to in Chapter VII of these Regulations for 40 years after the contact of employees with asbestos or asbestos-containing products has been discontinued and deposit such in the archives in accordance with the procedures set out in law.

36. If an undertaking is being liquidated, the documents referred to in Paragraph 32 of these Regulations and the medical data referred to in Chapter VII of these Regulations shall be kept in accordance with the procedures set out in regulatory enactments.

V. Notification of the State Labour Inspection

37. The employer shall, within a period of 10 working days prior to the commencement of work with asbestos, submit to the State Labour Inspection an application regarding the intended work with asbestos (hereinafter – submission). The submission shall specify the following information:

37.1. requisites of the employer (name, registration number and registered office);

37.2. the place where the work with asbestos is being performed;

37.3. the time when the work with asbestos is being commenced and the duration of the work;

37.4. the type and quantity of asbestos to be used in a year's time;

37.5. technological processes and methods of work to be applied;

37.6. the number of persons employed in the work with asbestos; and

37.7. the description of measures for securing fulfilment of labour protection requirements.

38. If changes occur in the information specified in the submission or a possibility exists that the limit values for asbestos emission will be exceeded, the employer shall, within a period of a week, inform the State Labour Inspection thereof.

39. If an employer intends to dismantle materials containing asbestos he or she shall, within a period of 10 working days prior to the commencement of the dismantling, additionally submit to the State Labour Inspection the plan for dismantling works referred to in Paragraph 26 of these Regulations. In addition, the plan shall contain the following information:

39.1. a description of the work and its duration;

39.2. the place for the performance of the work;

39.3. data regarding the labour protection specialist, competent specialist or competent institution which is to plan, manage and supervise the course of the dismantling works;

39.4. the methods of work to be applied in the dismantling;

39.5. a description of the health protection measures of employees and a list of personal protective equipment; and

39.6. a description of the protection measures for the environment and persons (those employees who do not carry out work with asbestos, as well as people living in the vicinity).

VI. Co-operation of the Employer with Employees

40. If an employee comes or may come into contact with asbestos during the working process, the employer shall provide the employee and representatives thereof with adequate training (including practical training), informing them in a clear and comprehensible way regarding:

40.1. the characteristics of the dust from asbestos or materials containing asbestos, the impact thereof and the potential threat to health caused thereby (also regarding the synergistic negative effect if a person smokes and the potential development of tumours caused by asbestos);

40.2. the products and materials which contain or may contain asbestos;

40.3. the activities which may expose the employee to the effect of asbestos;

40.4. actions during work with waste containing asbestos;

40.5. results of the risk assessment, actual values of exposure to asbestos and occupational exposure limit value (where necessary, relevant explanations shall be provided);

40.6. special hygiene requirements (including the requirement to refrain from smoking when performing work with asbestos), the cleaning and maintenance of work premises and installations;

40.7. risk assessment and the meaning thereof, preventive measures and safe working methods in order to reduce to a minimum contact with asbestos in the work place;

40.8. the need to use collective and personal protective equipment;

40.9. the correct choice and use of protective clothing and personal protective equipment in accordance with regulatory enactments;

40.10. action in emergency situations; and

40.11. the meaning of the results of health examinations.

41. The employer shall ensure training for employees who are in contact with asbestos or for whom coming into contact therewith is likely:

41.1. before the commencement of work;

41.2. on a regular basis, not less than once every six months; and

41.3. repeatedly, if changes occur which may affect the safety and health of employees in the work environment.

42. The employer shall provide employees who come into contact with asbestos in the process of work and representatives thereof with general information regarding the state of labour protection at the undertaking.

43. The employer shall provide the employees and representatives thereof with an opportunity to become acquainted with the documents referred to in Paragraphs 37 and 39 of these Regulations and the results of measurements of the exposure to asbestos fibres, as well as provide the necessary explanations.

44. The employer shall consult the employees and the representatives of employees in respect of the following issues:

44.1. the organising of labour protection measures (before the organising and performing of specific work with asbestos); and

44.2. the assessment of the risk presented by asbestos and the carrying out of measurements of the exposure to asbestos fibres.

VII. Health Surveillance of Employees

45. In accordance with the procedures specified in regulatory enactments regarding mandatory health examinations of employees, the employer shall ensure such for the employees who come into contact with asbestos during the work process.

46. Medical treatment institutions shall provide employees who come into contact with asbestos during the work process and the employer with information on the results of health examinations of employees, as well as on medical treatment and additional examination of the state of health in accordance with the procedures set out in regulatory enactments.

47. In performing the health surveillance of employees, a doctor who is responsible for the health care of the employee shall pay particular attention as to whether asbestos fibres have caused asbestosis, mesothelioma, bronchial carcinoma, gastro-intestinal carcinoma and other serious disease.

48. In performing the health surveillance of employees, the medical treatment institutions shall comply with the following requirements:

48.1. the doctor responsible for the health surveillance of an employee shall obtain information on the working conditions of the employee;

48.2. health care of the employees shall be performed in accordance with the principles and practice of general medicine, including the following measures:

48.2.1. the recording of health examination results;

48.2.2. an individual assessment of the state of health of each employee;

48.2.3. chest inspection and examination of the action of the lungs (respiratory volume and respiratory frequency);

48.2.4. fluorography of the chest, sputum analyses, as well as other examinations, taking into account the most recent scientific knowledge in occupational medicine; and

48.3. the employee shall be provided with information and recommendations regarding health examinations which may be performed after completion of work with asbestos.

49. An employee to whom the relevant health examinations relate and the employer may request the doctor responsible for the health care of the employee to perform repeated health examinations.

50. A doctor certified in occupational diseases or an occupational health doctor or a competent institution, if necessary, shall recommend to the employer appropriate labour protection and preventive measures to be taken in relation to each employee individually. If necessary, the assignment of an employee to other work shall be recommended in order to prevent further exposure of him or her to asbestos.

VIII. Closing Provisions

51. The requirements specified in Paragraphs 15 and 27 of these Regulations come into force on 1 January 2006. Until 1 January 2006, the actual asbestos occupational exposure in the air of the work environment shall not exceed the following occupational exposure limit value:

51.1. for chrysotile — 0.6 fibres/cm³; and

51.2. for all other types of asbestos (in pure form or in mixtures), including mixtures containing chrysotile — 0.3 fibres/cm³.

52. Cabinet Regulation No. 373 of 20 August 2002 Labour Protection Requirements in Work with Asbestos (Latvijas Vēstnesis, 2002, No.119) is repealed.

Informative Reference to European Union Directives

These Regulations contain legal norms arising from:

1) Council Directive 83/477/EEC of 19 September 1983 on the protection of workers from the risks related to exposure to asbestos at work;

2) Council Directive 91/382/EEC of 25 June 1991 amending Directive 83/477/EEC on the protection of workers from the risks related to exposure to asbestos at work; and

3) Directive 2003/18/EC of the European Parliament and of the Council of 27 March 2003 amending Council Directive 83/477/EEC on the protection of workers from the risks related to exposure to asbestos at work.

Prime Minister

I. Emsis

Acting for the Minister for Welfare,
Minister for Special Assignments
for Children and Family Affairs

A. Baštiks

Ascertainment of Exposure to Asbestos Fibres in the Air of a Work environment

1. Samples for measuring the exposure to asbestos fibres (hereinafter – samples) shall be taken within the breathing zone of the employee not further than 200 mm from the head of the employee.
2. The following technical equipment shall be used for sampling:
 - 2.1. a membrane filter with printed texture (esters of cellulose or cellulose nitrate filter) of pore size 0.8-1.2 micrometers and a diameter of 25 mm;
 - 2.2. an open-faced filter holder fitted with a 33-44 mm long cylindrical cowl, which shall point downwards and whose internal diameter shall be at least 20 mm; and
 - 2.3. a portable pump with autonomous power supply. The employee shall carry the pump fixed to the belt or in a pocket. The airflow of the pump shall be smooth and its initial rate shall be a litre per minute (± 5 per cent). During sampling the airflow rate shall be maintained within ± 10 per cent if compared with the initial airflow rate.
3. The sample shall be taken for such a period of time that the actual occupational exposure may be determined and the accuracy of the sampling time measurement of ± 2 per cent with the acceptable deviation shall be ensured.
4. The optimal fibre density on the filter shall be 100-400 fibres/mm².
5. The filter or a section of the filter shall be placed on a microscope slide. The filter shall be treated by utilising the acetone-triacetin method and covered with a glass coverslip.
6. A binocular microscope shall be used for counting asbestos fibres which shall have the following features:
 - 6.1. Koehler illumination;
 - 6.2. a sub-stage assembly, which has an Abbe or achromatic phase-contrast condenser in a centring focusing mount. The phase-contrast ring centring must be independent of the condenser centring mechanism;
 - 6.3. a 40-times bar-focal positive phase-contrast achromatic objective with an aperture of 0.65-0.70 and phase ring absorption from 65 to 85 per cent;
 - 6.4. 12.5 times compensating eyepieces. At least one eyepiece shall permit the insertion of graticule of the focusing type; and
 - 6.5. a Walton-Beckett circular eyepiece graticule with a diameter of 100 ± 2 micrometers, which is graduated by utilising the objective and eyepiece checked against a micrometer.
7. The microscope shall be regulated in accordance with the manufacturer's instructions. Its detection limit shall be checked by using a phase contrast test slide.

8. The detection limit shall meet the following parameters: it shall be up to Code Five on the AIA test slides or up to Block Five on HSE/NPL Mark-2 test slide. The detection limit of the microscope shall be checked every time before work is commenced.

9. In counting asbestos fibres the following conditions shall be observed:

9.1. graticule areas for counting shall be chosen at random in the exposed area of the filter;

9.2. fibres shall be counted which do not touch particles with a maximum diameter greater than three micrometers;

9.3. if both ends of a fibre are within the relevant graticule area, it shall be counted as one fibre; If only one end of a fibre is within the relevant graticule area, it shall be counted as a half-fibre;

9.4. an agglomerate of fibres, which at one or several points appears as whole and indivisible but at other points is divided into separate fibres (a split fibre) shall be counted as one fibre. The diameter thereof shall be measured at the undivided part of the agglomerate;

9.5. in an agglomerate of fibres where separate fibres touch or cross each other, each fibre shall be counted if it can be distinguished and determined. If no separate fibres can be distinguished which would meet the referred to condition, this agglomerate of fibres shall be counted as one fibre;

9.6. If more than one-eighth of the graticule area is covered by agglomerates of fibres or particles which do not conform to the fibre parameters, this graticule area shall not be taken into account and counting shall be performed in another area; and

9.7. 100 fibres shall be counted, thereby ensuring that at least 20 graticule areas are examined, or 100 graticule areas shall be examined.

10. The mean number of asbestos fibres in a graticule area shall be calculated by dividing the number of fibres counted by the number of graticule areas examined.

11. If due to a filter defect or contamination an error occurs, it may not exceed three fibres per 100 graticule areas. Errors shall be assessed using blank filters.

12. Exposure to asbestos fibres in the air shall be determined using the following formula:

$$C = \frac{n \times F}{s \times V} \text{ where}$$

C — exposure to fibres (fibres/cm³);

n — mean number of fibres per graticule area;

F — exposed area of the filter (cm²);

s — area of the graticule area (cm²);

V — volume of air pumped (cm³).

Acting for the Minister for Welfare,
Minister for Special Assignments
for Children and Family Affairs

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