



21 February 2018

Mandy Lee

By Email: fyi-request-7230-8c94a62a@requests.fyi.org.nz

Dear Mandy,

Thank you for your email of 8 February 2018, regarding the Ministry of Education's standards for asbestos removal.

The concerns you have raised around safe and controlled asbestos removal are very important to the Ministry of Education. We put a great deal of time and effort into improving our own processes and requirements, and those of schools, to ensure our students and teachers are kept safe at school.

While we undertake significant monitoring and review activities on site, it is sometimes only when people such as yourself bring these matters to our attention that we can take actions to further improve the school sector in asbestos matters.

I have responded to each of your questions in turn below.

Q. Ministry Regulations for Asbestos Removal - Are these regulations governed by law?

Under the Health and Safety at Work Act 2015, asbestos removal is covered by the Health and Safety at Work (Asbestos) Regulations 2016. The Ministry of Education has published guidance for the management of asbestos in schools on its website: <http://www.education.govt.nz/school/property/state-schools/fixing-issues/asbestos/>

This process aligns with the Health and Safety at Work (Asbestos) Regulations 2016, and the Approved Code of Practice for the Management and Removal of Asbestos published by WorkSafe New Zealand. The Ministry of Education's process includes some aspects that go beyond what the Regulations of Code of Practice prescribe.

Q. Health and Safety at Work Act-Clause 30.3.2 - Are schools legally required to monitor/test air before, during and after asbestos removal regardless of asbestos type?

Legally, schools are only required under the Regulations to conduct air monitoring for Class A removals. However, the Ministry of Education's Asbestos Management Process includes a requirement to monitor for airborne asbestos fibres at the boundary of asbestos removal sites, regardless of the asbestos type (class) being removed. Tests are conducted before, during and after asbestos removal.

Q. Is it law for schools to notify and inform parents, staff and visitors as to dates, hazards and safety precautions regarding planned asbestos removal work in schools before asbestos removal is commenced?

Sections 35 and 36 of the Regulations require the Persons Conducting a Business or Undertaking with management or control of the workplace to inform those at the workplace, and anyone occupying premises in the immediate vicinity of the workplace, of the asbestos removal work prior to commencement.

I trust this is helpful to you. If you have further questions about the legal requirements for asbestos removal, you may wish to contact WorkSafe New Zealand on 0800 030 040, or via their website at <https://worksafe.govt.nz/>.

Thank you again for writing.

Yours sincerely



Kim Shannon
Head of Education Infrastructure Service