

Applying for an acceptance to demolish a building containing asbestos

OHS information for applicants

This bulletin outlines how to apply for an acceptance to demolish a building where asbestos containing materials cannot be safely removed first (for example, in a building damaged by fire or flood).

Key information

- Section 34 of the Occupational Health and Safety (OHS) Code requires that any building materials with the potential to release asbestos fibres must be removed before the building is demolished.
- You must apply for an acceptance to this section if the asbestos-containing materials cannot be removed first. If an acceptance is granted, asbestos-containing materials may be left in place during the demolition, subject to the conditions in the acceptance.
- A copy of the acceptance granting letter must accompany asbestos project notifications submitted per section 36 of the OHS Code.

- substances
- services
- first aid services, supplies, or equipment

The work site party proposing the alternative must provide sufficient information and supporting evidence to show that the alternative offers equal or greater protection to workers than the legislated requirement. The information provided can include photographs, technical reports, sketches and drawings.

Acceptances are not exemptions to requirements of the OHS legislation.

Section 34 acceptance criteria

Applications for an acceptance to section 34 of the OHS Code must meet the following criteria:

- Removal of the building material(s) containing asbestos would create more of a hazard to workers or other personnel at or in the vicinity of the work site (for example, when the structural integrity of the building has been compromised by fire or water damage).
- The proposed alternative work procedures will provide equal or greater protection to workers, and other persons at or in the vicinity of the work site.
- Demolition will be done by machine.

To receive an acceptance, the applicant must conduct consultation with work site parties affected by the work. This includes health and safety committees (HSCs), health and safety (HS) representatives and/or other affected workers, as applicable. In the case of section 34 acceptances, it must also include the work site party removing the waste, the equipment operator, the health and safety consultant, other contractors involved in the work

What is an acceptance?

An acceptance provides for an alternative approach offering equal or greater protection to workers than a requirement in the OHS Regulation or OHS Code.

Section 55 of the *OHS Act* enables OHS statutory directors – Directors of Inspection, Occupational Hygiene and Medical Services – to grant acceptances. Acceptances can be issued by a statutory director for alternative:

- piece(s) of equipment
- work processes
- standards
- requirements

and the receiving landfill. As the applicant, you must note any concerns raised during the consultation process and describe the controls implemented to address them in your application.

The OHS director reviewing the application may ask you to consult with additional parties, as appropriate, depending on the specific circumstances related to your application.

How to apply

There are two ways to apply for an acceptance.

Option 1 (recommended)

Apply through the [OHS Acceptances and Approvals](#) secure online feature. (Full web address on page 5.)

With this option, you can enter or upload all required information directly and track the status of your application.

Option 2

Complete the acceptance application form.

- OHS acceptance form [LI030TMP](#)

Submit the completed form and all required information to OHS either by mail or email to:

OHS Specialized Professional Services
8th Floor, Labour Building
10808 - 99 Avenue NW
Edmonton AB T5K 0G5
lbr.ohsaccept@gov.ab.ca

Required information

An acceptance application for demolishing a building that contains asbestos must include:

- The specific section(s), subsection(s), clause(s) or sub-clause(s) of the OHS legislation you're requesting the acceptance for. (In this case, section 34 of the OHS Code.)
- The reason the acceptance is requested or necessary.
 - For asbestos demolition projects, this must include the reason why the asbestos should not be removed prior to demolition.

- The rationale as to how the proposed alternative will provide equal or greater protection to the workers compared to the legislative requirement.
- Any applicable work site locations and a description of the work being performed.
 - Provide longitude and latitude if there is no street address (for example, a rural address).
- A description of the structure and material(s) containing asbestos, including the type(s) of asbestos and concentration(s).
 - If the structure is not visibly damaged (for instance, by a fire or flood) you must include a stamped letter from a professional engineer indicating that the building is structurally unsound and not safe to enter.
- How long the acceptance needs to be in place.
 - Include specific dates and time periods for the demolition, if known.
- Detailed work procedures. (See the next section.)
- A letter from the receiving landfill indicating they are aware the waste will contain asbestos and are willing to accept the waste from the project.
- Confirmation of consultation (for example, meeting minutes, letters from consulted parties).
- A copy of relevant hazard assessments, conducted with the involvement of the HSC, HS representative or affected workers, and identifying the methods used to eliminate or control the identified hazards.
 - For an asbestos demolition project, the hazard assessments must address hazards introduced by the detailed work procedures – for example, heat stress caused by additional personal protective equipment (PPE) use required.

You must provide all supporting information needed to assess the application. This may include photographs, technical reports, proposed work procedures, sketches and drawings.

Detailed work procedures

The application must include detailed work procedures. These must be site-specific and at a minimum, document how the requirements set out in the checklist on page 4 will be met. OHS recommends applicants use the checklist to ensure

requirements have not been missed – incomplete applications will delay processing.

Application processing

OHS acknowledges applications submitted through the online feature with an immediate receipt. Acknowledgement of mailed or emailed application is typically sent to the applicant within three business days of receipt of the application.

While the application is being processed and assessed, all existing requirements of the OHS legislation must continue to be met.

Requests are considered on a case-by-case basis. Timelines for application review vary and can take a number of weeks.

- Make requests well in advance of critical project deadlines where possible.
- Ensure all of the required topics in the work procedures have been addressed.
- You may be contacted during the assessment process to answer questions or provide additional information.

Granted or denied requests

A director may either grant or deny a request, in whole or in part, after considering all the information provided. In either case, the director will provide their decision to the applicant in writing.

If the request is granted

If an acceptance to section 34 of the OHS Code is granted, asbestos-containing building materials may be left in place during demolition, subject to the terms and conditions of the acceptance.

As well as any terms and conditions that must be met, the director's acceptance granting letter will specify the acceptance:

- time period
- recipients (work site party or parties)
- applicable work site(s)

An acceptance is not transferable to other work site parties and locations. Any changes or amendment must be approved by the director.

Acceptances should be made readily available to HSCs or HS representatives, if those exist. Granting letters for acceptances must be posted at a conspicuous place, and otherwise communicated to affected workers.

An OHS officer may visit the work site(s) to confirm that work site parties are complying with the terms and conditions of the acceptance.

Under section 55(5) of the *OHS Act*, once an acceptance is granted, the employer must ensure that the acceptance, along with the terms, condition, or requirements on the acceptance, or the original legislative requirement is complied with. Non-compliance with the terms, conditions or requirements on an acceptance is a contravention and an offence under the *OHS Act*. Compliance actions, including prosecutions and/or administrative penalties, can be imposed.

If circumstances change

At their discretion, the director may amend, suspend, or revoke the acceptance for non-compliance with the terms, conditions or requirements set out in the acceptance.

If the circumstances of the original application change, the applicant must notify the director. Examples of changed circumstance include altered work site conditions, new work site locations or project timelines that go beyond the expiry date in the granting letter.

If the request is denied

The director must provide the applicant with written reasons for their decision. The applicant can revise their application to address any stated concerns and re-apply.

Detailed work procedures checklist

Your application must include site-specific information that shows how you will meet each requirement below.

Remember these are minimum requirements only. If your project requires additional work procedures to protect the safety of workers and other persons in the vicinity, you must also provide that information.

Set-up

- Work perimeter markings.
 - A work perimeter of 30 metres or up to the property boundary, where possible, must be established.
 - The work perimeter must include visible separation and signage.
- Signage posted at key locations as needed to help control hazards. It must include:
 - Danger
 - Asbestos
 - Authorized personnel only
 - Eating, drinking, and smoking are prohibited
- Work site securement arrangements must be in place (when no work is occurring).
- Waste receptacles and equipment used for the project must be inside the perimeter.

Training

- Workers must be provided with asbestos training in accordance with section 37 of the OHS Code.
 - Transport drivers must have emergency spill procedure training as well as asbestos training in accordance with section 37 of the OHS Code.

Work procedures

- Workers – including equipment operators, transport drivers and labourers – must be protected with appropriate PPE. This includes:
 - disposable coveralls
 - rubber steel toe boots
 - respirators (at minimum, a properly fitted half-mask respirator equipped with P100 cartridges)
- Demolition must be done by machine.
- The structure must be pre-wetted and continuously wetted during the demolition process with enough water volume to ensure the material is saturated.
- The work must be halted and debris secured in the event of high winds – above 20 km/h (measured by an anemometer).
- Asbestos debris management.
 - If the bins/trailers are not lined, there must be provisions in place to decontaminate them.
 - Bins or trailers must be covered before leaving the work site to prevent dust from escaping during transport.
 - Debris and waste must be secured if the work will take more than one day to complete.
 - Visible contamination on the ground from the demolition must be cleaned.

- Cleaning and encapsulation processes must be place if recycling the foundation or other materials.
- Additional procedures to address a possible collapse of the whole or part of the structure during demolition must be in place.

Decontamination

- Workers decontamination processes and equipment, including for equipment operators who must decontaminate prior to leaving the work perimeter, must be in place.
 - Showers are not mandated, but at minimum workers must have an area where they can clean their face and hands, take off equipment, dispose of used PPE and clean boots/respirators.
- PPE, equipment and tools must be decontaminated before leaving the work perimeter.

Waste handling and disposal

- All asbestos-contaminated materials, including used protective clothing and respirator cartridges, must be packaged for disposal as asbestos waste (as defined in the OHS Code).
- Waste transportation procedures must meet transportation of dangerous goods requirements.
- Necessary information regarding the asbestos content of the waste, if it is available, and procedures for how it must be forwarded it to the landfill and transport company.

Air monitoring

- Air sampling must be conducted.
 - At least one occupational air sample must be collected each work day on a worker inside the work perimeter.
 - Area samples must be collected in appropriate locations inside the work perimeter including downwind.
- If any results are 50 per cent or greater than the occupational exposure limit (OEL) of 0.1 f/cc within the work perimeter or at 10 per cent of the OEL at the work perimeter, work must be suspended and work procedures re-evaluated.
- Air sample results must be available before the start of work the next day.

Contact us

OHS Contact Centre

(Complaints, questions, reporting serious incidents)

Anywhere in Alberta

- 1-866-415-8690

Edmonton & surrounding area

- 780-415-8690

Deaf or hearing impaired

- 1-800-232-7215 (Alberta)
- 780-427-9999 (Edmonton)

OHS Online Incident Reporting

(Potentially serious, mine or mine site incidents)

oirportal.labour.alberta.ca/pre-screening

Website

alberta.ca/OHS

For more information

Alberta Asbestos Abatement Manual (ASB001)

ohs-pubstore.labour.alberta.ca/asb001

Applying for an OHS acceptance: form (LI030TMP)

ohs-pubstore.labour.alberta.ca/li030tmp

OHS acceptances and approvals

alberta.ca/ohs-acceptances-approvals.aspx

OHS Acceptances and Approvals online application feature

ohsacceptances.labour.alberta.ca

Submit an asbestos project notification

alberta.ca/submit-asbestos-project-notification.aspx

Get copies of the *OHS Act*, Regulations and Code

Alberta Queen's Printer

qp.gov.ab.ca

Occupational Health and Safety

alberta.ca/ohs-act-regulation-code.aspx

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