



# ISASA

Independent Schools Association of Southern Africa

16 St David Road Houghton • PO Box 87430 Houghton 2041

Tel: +27 11 648 1331

Email: [info@isasa.org](mailto:info@isasa.org) • Web: [www.isasa.org](http://www.isasa.org)

## MEMORANDUM

|          |                                                           |
|----------|-----------------------------------------------------------|
| To:      | All ISASA Member Schools                                  |
| From:    | ISASA Legal and Policy Department                         |
| Date:    | July 2024                                                 |
| Subject: | Regulations on Asbestos and Asbestos-containing Materials |

### 1. INTRODUCTION

Over the last couple of years, government has made strong efforts to regulate and limit exposure to asbestos and asbestos-containing materials.

ISASA is aware that many member schools may have been making use of pre-fabricated classrooms and other material containing asbestos, as part of school capital projects.

This memorandum serves to update membership on the recent regulations introduced by the Department of Employment and Labour (“**the Department of Labour**”) and the Department of Basic Education (“**the DBE**”) on the use of asbestos and asbestos-containing materials in the workplace and in the school environment, respectively.

### 2. ASBESTOS ABATEMENT REGULATIONS

On 10 November 2020, the Department of Labour published the Asbestos Abatement Regulations, 2020 to the Occupational Health and Safety Act No. 85 of 1993 and, on 12 July 2024, the Department of Labour introduced a further amendment to the Asbestos Abatement Regulations. For ease of reference, the two regulations will be referred to as “**the Asbestos Regulations**” attached hereto marked “**A**” and “**A1**” respectively.

The Asbestos Regulations are primarily targeted at industries that undertake “asbestos work” such as construction, repairs and transportation. However, there are notable changes for employers whose employees may be exposed to asbestos dust during the course and scope of their employment.

#### 2.1. New Duties for Employers

Should asbestos be identified in the workplace, regulations 4, 5 and 6 of the Asbestos Regulations, require the employer to employ a competent person to compile an asbestos inventory and risk assessment.

## Quality Values Diversity

Executive Director: Lebogang Montjane

Executive Committee: N Khoele (Chair) Z Mthimunya-Kekana G Forsman J Dreyer L Palmer G Harris A Jammie L Montjane R Pearse S Sokhela

NPC Reg. No. 1999/019655/08 • PBO Reg. No. 9300 00674

- Regulation 4: Inventory of asbestos in place  
An employer must obtain the services of a competent person to ensure that all materials identified as, or assumed to be, asbestos-containing material are entered into an inventory which is kept at the workplace or premises.
- Regulation 5: Asbestos risk assessment  
If asbestos is identified, then the employer must ensure that an asbestos risk assessment is carried out, as far as reasonably practicable, immediately by a competent person and thereafter at intervals not exceeding 24 months.
- Regulation 6: Asbestos management plan  
If asbestos-containing materials are identified, the employer must ensure that a written asbestos management plan for the workplace is prepared by a competent person.
- Regulation 20: Labelling and signage  
As far as reasonably practicable, employers must take steps to clearly identify, demarcate and regulate access to all asbestos-containing materials in the workplace.
- Regulation 21: Disposal of asbestos  
The employer, and contractor employed by the employer, is also required to ensure that asbestos waste is clearly labelled and transported in accordance with the provisions laid of Regulation 21.

## 2.2. **Prohibitions:**

Regulation 24 has introduced an exhaustive list of prohibitions on the use of asbestos and asbestos-containing materials. Member schools should take note of the following prohibitions against:

- The sale, reuse, reinstallation or recycling of asbestos or asbestos-containing materials;
- The cleaning and preparing of surfaces of asbestos cement materials;
- The temporary storage of asbestos-containing materials for longer than 3 months after the completion of asbestos removal work;
- The vacuuming of asbestos dust using vacuum cleaning equipment other than with a filtration efficiency of at least 99 per cent for particles one micrometre in size;
- The use of electrical power tools to cut, grind or drill asbestos-containing materials; and,
- The installation or fitting on or onto asbestos containing materials.

## 3. **REGULATIONS RELATING TO THE MINIMUM UNIFORM NORMS AND STANDARDS FOR PUBLIC SCHOOL INFRASTRUCTURE**

On 27 June 2024, the Department of Basic Education (“DBE”) introduced the Regulations Relating to Minimum Uniform Norms and Standards for Public School Infrastructure (“**the DBE Regulations**”) of the South African Schools Act No. 84 of 1996, attached hereto marked “**B**”. The norms and standards in the DBE Regulations must be applied to all new and existing schools, additions, alterations and improvements and must comply with the relevant laws, including the National Building Regulations, SANS 10400 and the Occupational Health and Safety Act. Whilst these regulations are primarily targeted at public school infrastructure, they also serve as minimum threshold standards for independent schools.

As membership is aware, independent schools are required to maintain standards that are not inferior to those of comparable public schools.

### 3.1. Implementation of the DBE Regulations

As far as it relates to asbestos and asbestos-containing materials, the DBE Regulations provide as follows:

- “4(2)(b) - all buildings built entirely or substantially from materials such as mud, **asbestos**, metal and wood must be replaced with structures which accord with these Regulations, the National Building Regulations, SANS 10400 and the Occupational Health and Safety Act, 1993.”
- “with regard to buildings contemplated in [sub-regulation 4(2)(b)], the norms and standards in these Regulations must within 12 months from the publication of these Regulations, be included in the infrastructure plans [of the provincial education department] and progress on the implementation must be reported annually as contemplated in sub-regulation (12).”

ISASA is aware that some provincial education departments are already taking steps to identify **public schools** built from asbestos and/or asbestos-containing materials. These public schools will be included in the provincial infrastructure implementation plans of their respective provinces in order for the department to replace the asbestos material.

## 4. CONCLUSION

We encourage all member schools to start taking steps to clearly identify, demarcate and regulate access to all asbestos-containing materials in terms of the Asbestos Regulations.

### **What does this mean for ISASA member schools?**

- Member schools are advised to consult with OHS practitioners on how to progressively replace structures and buildings that are built entirely or substantially from asbestos.

---

*Should you have any questions regarding this memorandum please do not hesitate to contact the ISASA Office: Tshepo Motsepe (Director: Legal, Policy and Government Relations) at [tshepom@isasa.org](mailto:tshepom@isasa.org), alternatively, Nthabiseng Machaba (Legal Policy Advisor) at [nthabisengm@isasa.org](mailto:nthabisengm@isasa.org) or, Motheo Nkosi (Legal Policy Advisor) at [motheon@isasa.org](mailto:motheon@isasa.org).*