



Canada: Asbestos Regulation in Ontario

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Background

In 2005 the Ontario Ministry of Labour introduced a new regulation to bolster protection for workers handling asbestos. The regulation, Ontario Regulation 278/05 under the Occupational Health and Safety Act, came into effect largely in November of 2005 but certain portions of the regulations were marked to be implemented in November of 2007. Specifically, the second stage of implementation dealt with requirements for record keeping, disclosures regarding asbestos, and training. While the regulations are now fully effective, many building owners have not yet complied with the new regulations and continue to work towards adhering to the code.

In summary, the main requirements of Regulation 278/05 that became effective in November 2007 are:

- 1) Records must be kept of all friable and **non-friable** asbestos-containing material.
- 2) Notice must be given to persons occupying the building and workers who work in the building if the area contains asbestos.
- 3) A program must be established for workers who may work with asbestos, detailing the hazards of exposure, use of protective equipment, and personal hygiene.
- 4) Workers and supervisors involved in operations with the greatest exposure to asbestos must successfully complete an Asbestos Abatement Worker Training Program.

Of particular interest to U.S. exporters is the first requirement listed above. The regulations require that asbestos management programs that hereto included only friable asbestos now include non-friable asbestos. The implication of this change is significant: many records and samples of asbestos taken before the new regulations became effective are now obsolete, as they do not account for non-friable asbestos.

While the regulation became effective in November, insiders suggest that the industry has been slow to react, and the demand for asbestos testing and handling equipment will persist as building owners continue to work towards meeting the new requirements set out by Regulation 278/05.

Additionally, there is a void in the Canadian market as Transmission Electron Microscopy (TEM) labs are not available and material samples have to be shipped to the United States for testing. Historically, domestic laboratories have shied away from installing TEM technology due to high set-up costs. Now that the tighter health regulations have elevated demand for asbestos testing facilities, industry insiders are suggesting that TEM labs can be economically sustainable in Canada.

Implications and Opportunities for U.S. Firms

The newly effective regulations pose more stringent requirements on companies working with asbestos and have created greater demand for asbestos-handling tools and equipment. Opportunities exist for U.S. manufacturers and distributors of construction and sampling equipment used for work with asbestos, as well as for companies that supply laboratory equipment used in the testing of asbestos containing materials. This is an opportune time to export lab technologies into Canada or, alternatively, inform Canadian companies about the availability of such testing services in the U.S.

Resources

Ontario Ministry of Labour: <http://www.labour.gov.on.ca>
Occupational Health and Safety Act: Ontario Regulation 278/05:
http://www.e-laws.gov.on.ca/html/source/regs/english/2005/elaws_src_regs_R05278_e.htm

For More Information

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