

Ministry of Community
and Social Services

Ministère des Services
sociaux et communautaires



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October 23, 2006

Gerald Sutton
President, OASIS
c/o 725 Main Street East
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Dear Mr. Sutton:

Thank you for your letter to Kevin Costante, Deputy Minister, regarding Asbestos Regulation 278/05.

We, too, were unaware of the passage of this regulatory amendment as it falls under the Ministry of Labour's *Occupational Health and Safety Act*. However, staff in the Developmental Services Branch have been working with their counterparts in the Ministry of Labour to get a better understanding of Asbestos Regulation 278/05, its requirements and implications for Ministry-funded service providers.

Regulation 278/05 took effect in November 2005 and applies to the ongoing management of asbestos in buildings and on construction projects where asbestos-containing material may have been used. With the exception of private residences occupied by the owner, a family member or a residential building with not more than four units, one of which is occupied by the owner, the Regulation applies to all property owners. Ministry-funded group homes are therefore subject to the Regulation.

Changes to the Asbestos Regulation are primarily designed to strengthen worker safety and that of building occupants. However, sections 7 and 8 of Regulation 278/05 also require property owners to identify whether "friable" and "non-friable" asbestos containing materials were used in the building, assess their condition and determine whether they have to be repaired or removed. (Friable asbestos is defined as a material that can be crumbled, pulverized or powdered by hand pressure.) If any repairs or renovations are planned, the owner must notify the building's occupants and contractors of the presence of asbestos. Prescribed safety measures and procedures must also be strictly followed as the work is carried out.

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Requirements to identify friable asbestos in buildings have been in existence since 1986 under former Regulation 838. What is new, however, is the need to identify all asbestos containing materials. That is, where the earlier Regulation required building surveys to identify only friable materials containing asbestos, the amended Regulation applies to all friable and non-friable asbestos-containing materials, which might include ceiling or floor tiles, drywall joint compounds, pipe and boiler insulation, sprayed on fireproofing, etc.

The requirement to identify non-friable materials in building surveys comes into effect on November 1, 2007. To this end, building owners must inspect their properties and identify and keep records of all friable and non-friable asbestos containing materials. Changes to some provisions of the asbestos management program will also come into effect in November 2007 in order to provide owners with time to review and update existing plans to include non-friable asbestos-containing materials.

I hope you find this information helpful. Additional information can be found on the Ministry of Labour's website or you may wish to view Regulation 278/05 itself:

http://www.labour.gov.on.ca/english/hs/reg_asbestos.html

http://www.e-laws.gov.on.ca/DBLaws/Source/Regs/English/2005/R05278_e.htm

Once again, thank you for writing.

Sincerely,



Lynn MacDonald
Assistant Deputy Minister

c: Kevin Costante
Alexander Bezzina