

Asbestos licensing and certification

Who is required to have a licence or certificate

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Introduction

In 2022, the provincial government introduced amendments to the *Workers Compensation Act* that included requirements for asbestos abatement contractors to be licensed to operate in British Columbia, and for anyone who performs asbestos abatement work to complete mandatory training and hold a valid certificate.

Asbestos abatement work is defined in the Act, and means any of the following activities carried out for the purpose of the abatement of asbestos in relation to a building:

- Identifying material that is or may be asbestos-containing material
- Collecting samples of material that is or may be asbestos-containing material
- Assessing the risk posed by material that is or may be asbestos-containing material
- Assessing the risk posed by working with or near material that is or may be asbestos-containing material
- Removing, repairing or transporting, or disposing of, material that is or may be asbestos-containing material
- Planning and supervision of any of the above activities

More detail on the employers and workers who fall under the requirements are provided below, but at a high level:

- Employers that offer asbestos abatement services to others related to a building will require a valid license.
- Employers requiring a license will also need to ensure that their asbestos abatement workers are certified.
- Workers require a certificate if they are conducting asbestos abatement work related to a building.

All employers continue to be responsible for protecting workers from asbestos exposure by complying with Parts 5, 6, and 20 of the Occupational Health and Safety Regulation.

Who is required to have a licence for asbestos abatement work?

The amendments to the Act include a definition for *asbestos abatement contractor*: “an employer who carries on the business of asbestos abatement work, or who, on behalf of another person, carries out asbestos abatement work in the course of carrying on another industry of the employer.” These contractors “must not carry out or offer to carry out asbestos abatement work unless [they] hold a valid license.”

Employers that offer asbestos abatement services to others in relation to a building will require a valid licence.

Employers requiring a licence include the following:

- An employer in the business of removing asbestos-containing materials (ACMs) from buildings. The employer's asbestos activities may include:
 - Asbestos abatement work as part of renovation, restoration, or demolition
 - Asbestos removal activity as a consequence of the hazardous materials inspection conducted under section 20.112 of the OHS Regulation
- An employer that, in the course of carrying out work in another industry, carries out asbestos abatement work for someone else.
- An employer performing building surveys for the purpose of asbestos abatement, such as identifying, collecting, and assessing a building's ACMs.
- An employer that transports and disposes of material that is or may be ACM for the purpose of abatement of asbestos in relation to a building.

These employers are required to ensure their workers have valid certificates for conducting asbestos abatement work.

Who is not required to have a licence for asbestos abatement work?

Employers that may come into contact with ACMs during the course of their work, but are not performing abatement work, will not require a licence. Although a licence is not required for this work, these employers will continue to be responsible for ensuring the health and safety of their workers through Parts 5, 6, and 20 of the OHS Regulation, including providing instruction and training to workers who are at risk of exposure to ACMs.

The following employers will likely encounter ACMs under these circumstances and will not require a licence:

- An employer that may disturb or handle asbestos-containing materials in carrying out their usual maintenance, repair, or installation work in their industry, but not for performing asbestos abatement work or demolition (e.g., plumbers, electricians, HVAC contractors, elevator technicians, and flooring contractors)
- An employer whose workers perform asbestos abatement work solely for that employer within the employer's buildings, but do not perform that work for another person (e.g., property managers, municipalities, utilities, universities, school boards)
- An employer conducting work involving ACMs being removed from areas other than within buildings (e.g., ships, tanks and vessels, other equipment and machinery, asbestos cement piping that are underground or outdoors)
- Analytical laboratories identifying asbestos fibres in building materials

Although these employers do not require licences, they are required to ensure their workers have valid certificates if they conduct asbestos abatement work in relation to a building.

Independent operators

The Act defines an *independent asbestos abatement operator*: “an independent operator who is neither an employer nor a worker and who carries out the business of asbestos abatement work, or carries out asbestos abatement work on behalf of another person in the course of carrying on another industry of the independent operator.”

An independent operator does not require a licence, but the Act permits them to get a licence as this would allow them to participate in work that requires a licensed asbestos abatement contractor.

An independent operator who hires a worker to perform asbestos abatement is an employer and would require a licence.

Who is required to have a certificate for asbestos abatement?

The new requirements will apply to workplaces where a person may be exposed to potentially harmful levels of asbestos. Anyone conducting asbestos abatement work in relation to a building at a workplace will require a certificate.

Certificates are not required if the work:

- is not conducted at a workplace
- is not conducted in relation to a building
- is limited to work performed in connection with a service that is not abatement work, and is limited to what is necessary to perform that work

Independent operators

Under the proposed regulatory provisions, independent operators who carry out asbestos abatement work as defined by the Act will require a valid certificate. This is because the regulatory requirements apply to “persons” who carry out this work.

Summary of requirements

Category	Examples	Employers	Workers
Employers in the business of offering asbestos abatement services to others in relation to a building	<ul style="list-style-type: none"> Asbestos abatement contractors Fire and flood restoration contractors Renovation contractors Building demolition contractors Asbestos waste transport and disposal contractors Asbestos surveyors 	License required	Certificate required
Employers in businesses other than asbestos abatement, but that engage in asbestos abatement services to others in relation to a building	Trades offering asbestos abatement services in addition to their primary service (e.g., a plumber offering plumbing services and removing ACMs as part of those services)	License required	Certificate required
Employers offering asbestos abatement services other than in relation to a building	<ul style="list-style-type: none"> Ship builders Working underground Working outdoors (e.g., on vessels, in tanks, removing asbestos cement piping) 	No license required	No certificate required

Employers doing asbestos abatement work for themselves in relation to a building	<ul style="list-style-type: none"> • Municipalities • School boards • Health authorities • Utilities and services 	No license required	Certificate required
Employers doing asbestos abatement work for themselves other than in relation to a building	<ul style="list-style-type: none"> • Municipalities • Utilities and services 	No license required	No certificate required
Employers whose workers disturb asbestos but who are not performing asbestos abatement work	<ul style="list-style-type: none"> • Electricians • Plumbers • Flooring contractors • Painters 	No license required	No certificate required provided the asbestos disturbed is limited to that needed to perform their work
Independent operator performing asbestos abatement work in relation to a building	<ul style="list-style-type: none"> • Independent asbestos abatement operator 	May apply for a license	Certificate required