

October 2023

How we approve methods for working with asbestos

This policy's purpose

This policy sets out:

- how we use our authority to approve methods for managing the risk associated with asbestos at workplaces, and
- how we treat these methods once approved.

Scope of this policy

This policy covers all methods for managing asbestos-related risk at a workplace under the Health and Safety at Work (Asbestos) Regulations 2016 (the Regulations).

It doesn't cover exemptions, authorisations, or our approach to new technology in general. Those are covered in our [How we use our exemption powers](#), [Authorisations](#), and [Use of new technology](#) policies respectively.

Background

The Regulations generally prohibit persons conducting a business or undertaking (PCBUs) from carrying out, or directing or allowing workers to carry out, work involving asbestos or asbestos-containing material (ACM)! There are some exceptions for work like removal and disposal, research and analysis, sampling, education, and emergency response.² PCBUs don't need approved methods for these activities.³

There may be times when a PCBU wants or needs to carry out work involving asbestos or ACM, but the work doesn't fit with any of the exceptions. In those circumstances, we may approve a method for carrying out the work so that it can be done.

We can approve a method when a PCBU applies for one, or if we think one is needed.

What an approved method is

An approved method is a way of managing asbestos-related risk at a workplace, that doesn't fit with the exceptions, and that we have approved.

An approved method:

- enables work that would otherwise be prohibited to be carried out
- adds flexibility to our regulatory framework
- can address any aspect(s) of how the work will occur, including location, timing, equipment, or personnel, and
- can apply to a person or class of persons, for example, members of an association.

An approved method isn't the same as an exemption and isn't necessary if the activity being undertaken is lawful.

Work involving asbestos or ACM will generally need an approved method rather than an exemption.

If an approved method is needed, it must be in place before the work happens.

¹ Health and Safety at Work (Asbestos) Regulations 2016, regulation 7(1).

² Health and Safety at Work (Asbestos) Regulations 2016, regulations 7(2) and 7(4).

³ Note that a PCBU may need a licence, for example an asbestos removal licence under Part 6 of the Health and Safety at Work (Asbestos) Regulations 2016.

How we decide whether to approve a method

We only approve a method if we are satisfied on reasonable grounds that the method will manage asbestos-related risk at a workplace effectively.

This means we:

- prioritise health, safety and wellbeing
- don't automatically approve methods
- consider each application for an approved method objectively, and
- expect methods to be only as broad as necessary.

We use our discretion when deciding whether to approve a method. We consider factors outside of the application content alone if relevant, including:

- what we know about the applicant
- what the impact of approving the method would be
- insights, research or other information that may indicate which technology will best manage risks
- stakeholders' views
- whether the applicant has engaged with its workers and given them an opportunity to discuss challenges, risks and opportunities, and to provide their views, and
- previous approved methods.

How we process applications

We check an application for completeness when we receive it. We contact the applicant if we think it is incomplete. We give the applicant a reasonable opportunity to rectify their application and provide the additional information we need.

We assess the application according to the principles above, under 'How we decide whether to approve a method'.

We decide whether to approve or refuse an application within 120 days of receiving the application and inform the applicant once we've done so. In exceptional circumstances we may be able to process an application more quickly.

If we intend to refuse an application

If we intend to refuse an application, we inform the applicant and give them a reasonable opportunity to comment on our proposed refusal. We consider the circumstances when deciding what a reasonable opportunity to comment is. We consider any comment from the applicant before we make our final decision. If we decide to refuse an application, we give the applicant our reasons in writing.

After we approve a method

Once we approve a method, we notify the applicant.

In general, if the approved method is not commercially sensitive, we'll publish it on our website.

The approved method is legally effective from the date it's signed by WorkSafe New Zealand's Chief Executive. We record the date on each approved method document.

Changing a method or withdrawing approval

We may withdraw or make changes to an approved method at any time. We may choose to do either of these if, for example, we review the method or become aware of new information relevant to the method.

If there's an applicant associated with the approved method, we write to them to set out our proposed action and give them a reasonable opportunity to respond before we change or withdraw the approved method. We consider the circumstances when deciding what a reasonable opportunity to comment is.

If we're notified of an incident

We're notified of an incident involving an approved method, we follow our [When we intervene](#) policy.

If an approved method expires

If an approved method has an expiry date, it can't be used after that date. A PCBU may apply to us to have a new method approved.

Further information

This document should be read in conjunction with our [Management and removal of asbestos approved code of practice](#)

More information can be found in:

- our fact sheet [Reasonably practicable](#)
- our policy [When we intervene](#)