

13 WASTE DISPOSAL

The disposal of asbestos is controlled under Section 20 of the Environmental Conservation Act, 1989. This section states that waste may only be disposed on a site that is permitted by the Department of Water Affairs and Forestry.

The Department of Water Affairs and Forestry is committed to the principles of co-operative governance, therefore the handling and disposal of asbestos takes into account other applicable legislative requirements.

Other applicable legislation includes the:

- Occupational Health and Safety Act (OHSA) (Act 85 of 1993)
- The Asbestos Regulations (R773 of 10 April 1987) promulgated under the OHSA
- Mine Health and Safety Act (Act of 1993)
- National Environmental Management Act (Act 107 of 1998)

Asbestos is classified as HG1, an extreme hazard, in terms of the Minimum Requirements published by the Department of Water Affairs and Forestry⁸⁸. This is because it is a Group A carcinogen, i.e. it has been shown to cause cancer in humans.

All forms of asbestos are assumed, in terms of the precautionary principle, to be extremely hazardous until proven otherwise. The Minimum Requirements recognise that a waste can be downgraded or "delisted", if it can be shown that the concentration or availability of the hazardous component is below an acceptable risk limit.

Provided an asbestos containing waste (ACW) is hazardous only because of its potential to release fibres and there are no other hazardous components, e.g. leachable heavy metals, then if no fibres are released above the accepted action level, it can be considered non-hazardous and delisted.

The accepted action level for determining whether an ACW is hazardous is that defined in the Occupational Health and Safety Act (Act 85 of 1993) as the ability to release "0.2 regulated asbestos fibres per millilitre". A regulated asbestos fibre means "a particle of asbestos with a length to diameter ratio greater than 3 to 1, a length greater than five micrometers (μm) and a diameter less than $3\ \mu\text{m}$."

DWAF is currently considering⁸⁹ a proposal by the Asbestos User Group (AUG) that ACW should be organised into four classes⁹⁰:

Class A Fibrous Asbestos Waste (FAW) is that which has been shown to or because of its origin or form is suspected to give off regulated fibres above 0.2 per millilitre and is classified as extremely hazardous, HG1.

Class B Asbestos Cement Product Waste (ACPW) is that which because of its origin, form or condition may be hazardous due to the release of regulated fibres but tests for fibre release have not been conducted. Therefore, it is classified as a hazard, HG1, in terms of the precautionary principle.

Class C Asbestos Cement Product Waste (ACPW) is that which because of its origin or form, or because of treatment [e.g. by cementation, by containment in sealed drums or bags and/or is adequately wetted (section 6.2.1)], cannot give off regulated fibres, or the numbers of regulated fibres have been shown to be below the legal limit of 0.2 fibres per millilitre. Class C ACPW is not hazardous due to the limited production of regulated fibres and therefore delists in terms of the Minimum Requirements.