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PURCHASING A PROPERTY WITH AN ASBESTOS ROOF

1. For many years asbestos was considered a very useful and versatile mineral the world all over and constituted 3% of South Africa's mineral wealth. Asbestos is heat resistant, fire retardant and was even used by the ancient Greeks in the construction of their temples.
2. However, asbestos can wreak havoc on people's health when they're exposed to its microscopic fibres. Steve McQueen (1930 – 1980) was a victim of mesothelioma which he attributed to stripping asbestos from navy ships when he was a US marine.
3. South Africa officially banned the manufacturing, processing and use of asbestos and asbestos-containing products in 2008 (Environment Conservation Act 1989 and the March 2008 Regulations for the Prohibition of the Use, Manufacture, Import and Export of Asbestos and Asbestos Containing Material). The last of South Africa's asbestos mines ceased production in 2001 and closed down the following year. Unfortunately, the once lucrative industry has left the environment polluted.
4. The Department of the Environment was satisfied that there was no undue risk in the use of asbestos containing materials and therefore the regulations imposed did not prohibit the continued use of these products, for example asbestos-cement roof sheets or ceilings. Over time these products will be replaced with asbestos-free alternatives.
5. Asbestos remains omnipresent and can be found in our homes, schools and places of work. Some common examples of asbestos used in everyday products are;
 - Asbestos lined oven gloves were once very popular
 - Asbestos heaters were used in many schools for heating classrooms
 - Drywalls in older constructed homes were made from asbestos
 - Asbestos was also used in roof tiles, ceiling tiles, floor tiles, cabinet tops, shingles and for insulation
6. If the asbestos sheeting is in good condition it poses relatively low risks. However, there is now conclusive evidence that if asbestos and asbestos-containing materials like roofs and partitions deteriorate they release harmful asbestos fibres into the environment. This is particularly evident if they have not been regularly maintained or due to extended exposure to the elements and ageing. These fibres are also released if they are repaired, drilled into, cut, hammered or damaged in any way. These microscopic fibres can affect people in the environment, exposing them to the risk of asbestos-related diseases, including lung cancer, mesothelioma and asbestosis.
7. It is generally acknowledged that phasing out of asbestos and asbestos containing materials is a wise option and responsible property owners are slowly replacing these materials with safer options like steel, tiles, thatch or IVR sheeting.
8. It is important to note that replacing asbestos-containing materials does not simple mean lifting and replacing the asbestos sheets.
 - 8.1. Removing asbestos sheeting releases high levels of asbestos fibres that can be inhaled and attach to clothing, increasing the risk of these tiny fibres spreading beyond the site.
 - 8.2. Contractors employed to do the job must be ensure they:

- 8.2.1. Comply with the regulations in moving and /or dismanteling and /or demolition of asbestos containing roof sheeting and;
- 8.2.2. Are registered asbestos contractors
- 8.3. A health and safety officer must be present to ensure the safety of all workers
- 8.4. Protective clothing and precise disposal methods must be adhered to when handling asbestos.
The safety of the workforce is of paramount importance and specialist teams are necessary in this work, however the employment of them can add to the contractor's bill
- 8.5. What seems likely to be a fairly simple removal task becomes a highly specialised exercise in which every fraction of the asbestos has to be extracted from the building, if necessary, by the use of high pressure vacuum equipment
- 8.6. Further, all contractors must go through a rigorous application process annually to renew their asbestos compliance certificates and property owners who do not contract approved asbestos handlers may be jointly liable in the case of injury or harm to workers or the public
9. When a potential purchaser finds themselves looking to purchase a property that has asbestos roofing, it is best to either use this fact to negotiate a more favourable sales price due to the exorbitant removal costs involved or alternatively, make the purchase subject to the removal of all asbestos roofing at the seller's expense. Banks are more inclined to approve bonds for asbestos-free properties, as the costs for replacing roofing can be high.
10. Should a purchaser discover the presence of asbestos in a property that they has already purchased, the seller would then in such instance, be protected by the *voetstoots* clause, unless the purchaser can prove that the seller was aware of such asbestos material and fraudulently concealed this from them.

In conclusion, potential sellers and purchasers must always be aware of asbestos roofing present in a property and the financial, legal and health implications thereof.

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