

# asbestos

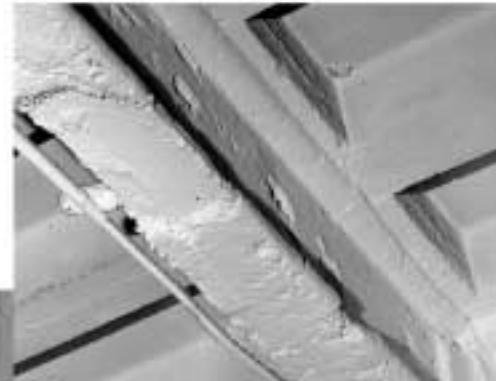
Survey and manage asbestos in buildings now

## no hiding place

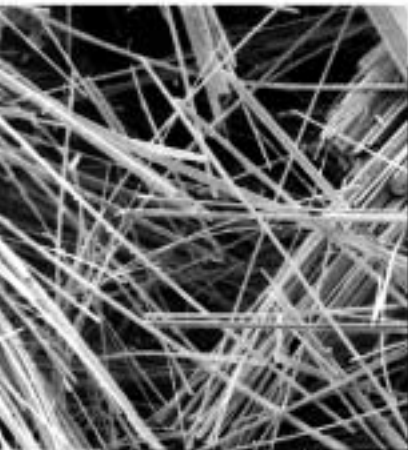
'Asbestos in a very poor condition might be disturbed simply by somebody just walking past.'

Health and Safety Commission, November 2001.

A new duty to survey and manage asbestos in commercial buildings will soon become law.



The proposed regulations and approved code of practice, give safety representatives many new rights and they need to be taken up now to ensure that these regulations will be effective.



	Ground Floor	
	Male WC	0.04m <sup>2</sup>
	Toilet Cistern	Asbestos Cement
	Roof Level	High Level
	NE Corner	0.5m
	Flue Pipe	Asbestos Cement

The Health and Safety Executive (HSE) has already started a campaign to make an estimated 2 million commercial building owners and tenants aware of their new responsibilities.

Hazards Campaign / TUC Guide

**Hazards**  
campaign

**TUC**

**T**he Health and Safety Commission (HSC) has just consulted, for a second time, on the duty to survey and manage asbestos in commercial buildings. Because, uniquely, this is a second consultation, it is expected that the key points of the final regulation and HSC approved code of practice, will differ little from those now proposed. It is expected to become law by 2004. The proposed new regulation, and approved code of practice, will cover only 2 million commercial premises out of an estimated total of 4.4 million buildings that may contain asbestos.

The pressure must be maintained, by the trade unions and others, to get all buildings and homes containing asbestos surveyed and managed. The more responsible local councils are already surveying all their properties for asbestos and removing or managing the asbestos they find. Trade unions must push for this to be the case for all councils.

The Health and Safety Commission (HSC) admits that, "a total of 1.8 million workers are likely to encounter asbestos at higher than 'background' concentrations, or in other words disturb asbestos as part of their day to day work."

It is known that of the over 5,000 asbestos-related deaths each year, one in four are building workers. The HSC claim that new regulations will save around 3,800 deaths during the next 100 years.

There will be the usual problems of lack of enforcement and low fines with these new regulations. Also, it has not yet been decided whether the HSE or local council Environmental Health Officers (EHOs) will enforce these regulations. Either way, it is vital that trade union safety representatives make their employers aware of them now, if the true savings from asbestos-related diseases are to be realised in this century.

### **The Proposed Regulations and Approved Code of Practice (ACoP)**

In summary the new asbestos Regulations, and HSC Approved Code of Practice (ACoP), will require the owner/renter of any commercial premises:

- To take reasonable steps to determine the location and condition of material likely to contain asbestos.
- To make a presumption that materials contain asbestos unless there is strong evidence that they do not.
- To make a written record of the location and condition of the asbestos or presumed asbestos in the premises.
- To make a risk assessment of the asbestos/presumed asbestos found.
- To prepare a plan on how the risks are to be managed.

- To implement that plan.
- To pass on information about asbestos-containing materials to those who need it.
- To monitor and review arrangements to be in place, including keeping a check on the condition on the asbestos and presumed asbestos-containing materials.
- To involve the trade union safety representatives in all these decisions and actions.

### **Consultation with Safety Representatives**

By law, trade union safety representatives must be consulted by their employer, *in good time*, about the way in which the survey is to be conducted and what is to be done as a result of the survey. The accompanying Approved Code of Practice (ACoP) to the new asbestos regulations will make this quite clear in several ways:

*To comply with the duties held under the Safety Representatives and Safety Committee Regulations 1977, employers should provide a copy of the Approved Code of Practice and guidance to safety representatives. Employers should also offer technical assistance should the safety representative not understand what the requirements mean. [paragraph 5](#).*

*Employees and safety representatives must be consulted in good time about the appointment of any competent person. (see below under, Employing an Asbestos Surveyor/Consultant, for the meaning of a 'competent person' in these regulations) [paragraph 20](#).*

*Anyone who may be able to provide more information (about the possible location of asbestos in a premises) should be consulted – including safety representatives and members of staff. [paragraph 25](#).*

*The Safety Representatives and Safety Committee Regulations 1977 give safety representatives the right to be consulted on matters affecting the group or groups of employees they represent... This means they should be consulted about the (asbestos) assessment and they have the right to see any records made in connection with this work. [paragraph 26](#).*

It adds when considering whether to remove or repair and manage asbestos, employers should take account of: *The knowledge and experiences of the safety representatives and the workforce – they are a valuable source of information. [paragraph 66\(f\)](#).*

*Safety representatives have a right to copies of any documentation required to be kept by statutory requirements. Copies of the (management of asbestos) plan should therefore be made available to them. [paragraph 67](#).*

*Tell employees what the arrangements (for managing asbestos that is to be left in place) are, and provide copies for employee representatives and trades union safety representatives. [paragraph 70](#).*

A simplified version of a diagram in HSE's MDHS 100, showing all areas which may contain asbestos



*Explain what needs to be done (to check the arrangements to control the asbestos hazards) to employees and their representatives so that they can advise if they believe the arrangements are not working properly.* [paragraph 75.](#)

In practice, trade union safety representatives will be essential in ensuring that these regulations are applied effectively and thus save lives.

### **Responsibility of employer/owner/renter of premises**

The new regulations will ensure that **someone** is responsible for the surveying and management of asbestos in all commercial premises. In practice many employers or owners/renters of premises will employ a consultant to carry out the asbestos survey. However, the Approved Code of Practice will note that, "someone else can be nominated to do all or part of the work – but note that the legal responsibility cannot be delegated."

### **Employing an asbestos surveyor/consultant**

- The Approved Code of Practice will say that if the employer or owner employs an organisation or person to carry out some or all of the work they should ask them whether they:
  - Have adequate training and experience in such work.
  - Can demonstrate independence, impartiality and integrity.
  - Have an adequate quality management system.
  - Are carrying out any survey in accordance with recommended guidance, MDHS 100 *Surveying*,

### *Sampling and Assessment of Asbestos-Containing Materials.*

And, of course, the safety representative must be consulted "in good time" about the employment of any asbestos surveyor or analyst. Surveying for asbestos is a specialist job and there is a shortage of good asbestos surveyors. The best guide to a "good" consultant is: whether your trade union knows of them, their familiarity with the law, whether or not they are prepared to consult, meet and listen to safety reps and give details of any previous union-organised work they have completed, with the name and phone number of a safety rep to contact.

The willingness to talk to safety reps is good, but not a foolproof guide to honesty, competence etc. Membership of a trade association, such as the Asbestos Removal Contractors' Association (ARCA), the Asbestos Control and Abatement Division (ACAD) of the Thermal Insulation Contractors' Association (ARCA) or even a laboratory accredited by the UK Accreditation Service (UKAS) is not a guarantee of safety and good work either. But, if they are not members of these bodies, **avoid them.**

### **The asbestos survey**

As the diagram above indicates, a full asbestos survey of a building can be quite an exercise! Hence the vital need for a fully qualified asbestos surveyor.

The Approved Code of Practice will note the assessment should also include; warehouses, sheds, yards, outbuildings, underfloor service ducts, corridors, vertical risers, external runs of pipes and bridges – "in fact any part of the premises where asbestos might have been used". Fixed plant and machinery like printing machines and parts of process plant and mobile units are also included. The only exclusion is heavy trucks that may have asbestos containing brake linings and which are covered by other regulations.

Any material that is thought to be asbestos should either be analysed or assumed to be asbestos. A drawing of each room or part of a premises, as near to scale as possible, should be made and it will need to include at least:

- How much asbestos or suspect asbestos is present.
  - What type(s) of asbestos and proportions are present.
  - What condition it is in.
  - What form it is in (eg tiles, cement sheets).
  - What it looks like (eg is it painted, what colour).
- Even if the survey shows no asbestos, this should be recorded and the person(s) and methods used to survey noted, and the date of the survey. The Approved Code of Practice will note:



## Further information

There is a special page on this campaign on the *HSE website*, at [www.hse.gov.uk/asbestos/index.htm](http://www.hse.gov.uk/asbestos/index.htm)

*Revised proposals for amendments to the Control of Asbestos at Work Regulations and a new supporting Approved Code of Practice*, HSC Consultative Document CD 176; free.

*Managing asbestos in premises*, HSE INDG223 (rev2); free.

*Surveying, sampling and assessment of asbestos - containing materials*, MDHS 100, HSE (July 2001); £18.

*Introduction to asbestos essentials* - comprehensive guidance on working with asbestos in the building and maintenance trades, HSE, HSG12; £12.50.

*Asbestos essentials, task manual* - task guidance sheets for the building maintenance and allied trades, HSE, HSG210; £8.50.

HSE publications are available from: HSE Books, PO Box 1999, Sudbury, Suffolk, CO10 2WA Tel: 01787 881165; Fax: 01787 313995.

A very useful, updated reference work for your employer to get and thus the safety representative to have access to is: *Croner's Asbestos Risk Management*, £131, Croner CCH Group Ltd, 145 London Road, KT2 6BR, Price £130.75, Tel. 0207 247 1175. [www.croner.cch.co.uk](http://www.croner.cch.co.uk)

## Help

Many trade unions publish guidance and help on asbestos - check with yours.

The **TUC** publishes material on asbestos and gives safety rep training, contact: TUC, Congress House, Great Russell Street, London, WC1B 3LS. [www.tuc.org.uk/h\\_and\\_s/](http://www.tuc.org.uk/h_and_s/) Stay up to date by viewing **Risks** at [www.tuc.org.uk/risks/](http://www.tuc.org.uk/risks/)

The **Hazards Campaign** has affiliated asbestos help and advice groups and centres up and down the country and they can often help on asbestos issues. Contact: Hazards Campaign, c/o Greater Manchester Hazards Centre, 25 New Mount Street, Manchester, M4 4DE. [www.hazardscampaign.org.uk](http://www.hazardscampaign.org.uk)

HSE's **Duty to Manage Asbestos Campaign**, Brian Trevette; Tel: 020 7717 6443. e-mail: [brian.trevette@hse.gsi.gov.uk](mailto:brian.trevette@hse.gsi.gov.uk).

Nancy Tait's, **Occupational and Environmental Diseases Association** (OEDA, PO Box 26, Enfield, EN1 2NT; 0208 360 8490) gives advice and carries out fibre analysis on lung sections at very reasonable rates.

An **Asbestos Exhibition** is available for display at meetings, for further details contact Mick Holder at London Hazard Centre Tel: 0207 794 5999 or email at [mick@lhc.org.uk](mailto:mick@lhc.org.uk)

"The assessment must be reviewed if new evidence leads to the suspicion that there may be, after all, some asbestos on the premises."

## When asbestos is found - the assessment

Asbestos of greater risk according to the draft Approved Code of Practice is that which:

- Has already deteriorated or been damaged.
- Is likely to be disturbed in the course of planned work.
- Is very accessible and likely to be disturbed or damaged in normal use.
- May be damaged by vandalism.

It's worth repeating the HSC statement: *Asbestos in a very poor condition might be disturbed simply by somebody just walking past.*

## Repair or remove the asbestos?

This is sometimes a difficult decision, if there is a lot of asbestos present in a building. If the asbestos is not removed, it will have to be managed as it may deteriorate through wear and tear, maintenance activities and or fire or water damage. It will have to be removed sometime, either when it does decay, or when there is extensive refurbishment or demolition of the building. And there is always the worry factor of asbestos being present in a building and the lower value of those premises. The option to remove all the asbestos in premises should always be the first one to be considered seriously, it may be the best long-term option, although if there is damaged asbestos in a building, it should certainly be removed first.

The Approved Code of Practice will say the following factors should be taken into account when deciding whether to remove or repair and manage, and gives some more discussion of their applications:

- What type of asbestos and what is the base material (sprayed etc) in which it is contained? - note that the colour is not an accurate guide to the type of asbestos.
- What is the condition of the material now? - if it is already crumbling or breaking away from the base, complete removal should be considered.
- Is the material in a place where it is likely to be damaged? - for example, could it be damaged by activities such as forklift trucks, hospital trolleys or school children playing?
- Is the material easy to get at or would major structural work be needed to allow its complete removal?
- If the asbestos is removed, what else would need to be done? - for example, if the asbestos provided fire protection it will need to be replaced with equal or better fire resistant materials.

- The Fire Service in particular needs to know where the asbestos is.
- The knowledge and experiences of the safety representatives and the workforce - they are a valuable source of information.

## Managing any asbestos left in place

The Approved Code of Practice will recommend the following procedures:

*Arrangements will need to be made so that information about the location and condition of any asbestos containing materials is given to anyone who may disturb them - either accidentally or deliberately.*

*The arrangements should be written down or recorded in some retrievable and easy to understand way. They should take account of the possibility that the main contact or nominated person may not be there all the time. One way of doing this is to clearly label (the asbestos), where reasonably practicable.*

*Only those licensed to work on asbestos should disturb the asbestos.*

*Review the condition of the asbestos-containing materials, as required and at least once every six to 12 months.*

*Tell employees what the arrangements are. And provide copies for employee representatives and trades union safety representatives.*

## Air sampling

The Approved Code of Practice will advise that: *To be sure that asbestos containing materials are not shedding fibres, the air in that part of the premises could be tested. Measurements of more than 0.01 fibres per millilitre of air should be investigated to find out the cause.* But the Approved Code of Practice will add, *Bear in mind that the visual inspection is as important as any air tests since there may be deposits of material on any nearby surface.*

## Asbestos waste

The HSC admits that: *Disposal costs are estimated to be around 10% of the total removal costs.* Yet the regulations say little about the safe disposal of any asbestos that has been removed. Asbestos waste is very dangerous and can only be removed by a specially licensed contractor and disposed of at a site licensed by the Environment Agency to receive it.