

Faithful+Gould

Practical Asbestos Management

IOSH East Anglia Branch – Newmarket Racecourse

20th October 2017



Asbestos Surveys



1. Management Survey

- Duty to identify the presence of acms
- Duty to manage acms found – 3 month trigger
- Duty to inform those potentially at risk inc. third parties

2. Refurbishment and Demolition Survey

- Where works/maintenance needs to be done
- Asbestos Contractors need to know exactly what the scope of works is
- Contractors need to identify any requirement for more information [gaps]
- There needs to be an emergency procedure in place

RIDDOR – asbestos incidents

Asbestos Record Documents



1. Asbestos Survey

- Check coverage – match the details with the drawings
- Check areas which were not accessed – and why
- Materials presumed to contain acms

2. Asbestos Register

- Documents the history from survey to removal
- Records actions and monitoring
- Should be made available to those actually attending site (“logbook”)
- Made available to the emergency services

3. Consignment Notes

4. Clearance /Re-occupation Certificates

Changes to Asbestos Legislation



Control of Asbestos at Work Regulations – CAWR 2004

Control of Asbestos Regulations - CAR 2006

Control of Asbestos Regulations – CAR 2012

=> part 7 Dutyholders have a responsibility to

- check the accuracy of the report,**
- produce [and update] the Management Plan**
- make the information available**

**=> UK non-compliance with the Asbestos Worker Protection Directive:-
defines the UK Licencing Regime:**

- Licenced work – high risk work**
- Unlicenced work – bonded materials/short duration/strictly
controlled high risk work**

Changes to Legislation – Major Impacts



- **HSG264 Surveyors Guide** [replaced MDHS100] management/ refurbishment and demolition
- **CDM 2004 – para 13:** “it is not acceptable to make general reference to hazards that might exist..... Site specific surveys should be carried out in advance of proposed construction works”
Client to check the asbestos surveyor is competent and licenced to inc. knowledge of H&S
- The introduction of the terms **non notifiable licenced works** and **non-licenced non-notifiable works**

More Guidance Available



**HSE Campaigns – “asbestos kills” aimed at maintenance workers
[4000 deaths predicted this year from mesothelioma [industrial disease]
– 50% tradesmen]**

HSE online asbestos risk assessment tool

HSE – free asbestos information pack - 0845 345 0055

HSE & wwT asbestos training resource

HSE & wwT asbestos awareness roadshows [Leeds/Bradford]

CAW Regulation Definitions



CAW 2012 Regulations include:-

- * work which consists of the removal, repair or disturbance of asbestos or materials containing asbestos;
- * work which is ancillary to such work; and
- * supervision of such work and such ancillary work.

“asbestos” includes the following material categories:-

- (a) chrysotile [white]
- (b) asbestos grunerite (amosite) [brown]
- (c) crocidolite [blue]

- (d) asbestos anthophyllite
- (e) asbestos actinolite
- (f) asbestos tremolite

Notifiable Licenced Works (NLW)



- (a) where the **exposure to asbestos of employees is not sporadic and of low intensity**; or
 - (b) where the **risk assessment cannot clearly demonstrate that the control limit will not be exceeded**; or
 - (c) on **asbestos coating**; or
 - (d) on **asbestos insulating board** or **asbestos insulation** for which the risk assessment:-
 - (i) demonstrates that the work is not sporadic and of low intensity, or
 - (ii) cannot clearly demonstrate that the control limit will not be exceeded, or
 - (iii) demonstrates that the work is not short duration work;
- [Work with asbestos is not “short duration work” if, in any seven day period, that work, including any ancillary work liable to disturb asbestos,
- (a) takes more than two hours; or
 - (b) any person carries out that work for more than one hour.]

Notifiable Non-licenced Works (NNLW)



Examples of works which **NEED to be notified**: -

AIB removal/maintenance of insulation - must be less than 2 hours work

Artex removal only if scraped off with a gel/steam

Asbestos paper removal if not bonded

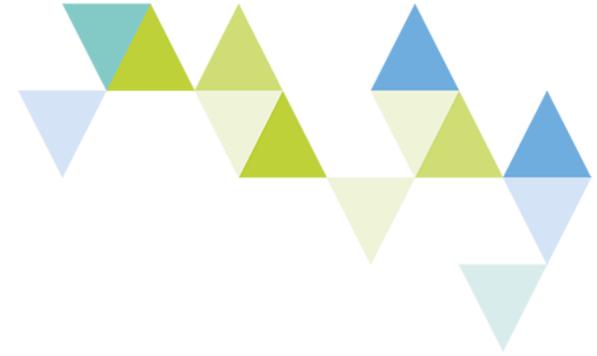
Asbestos Cement (AC) maintenance – if above 2 hours

Degraded AC removal – where there is fire damage/a breakage

WORK MUST ALWAYS BE BELOW THE EXPOSURE CRITERIA

Includes Medical examinations for workers & maintenance of worker health records

Non-notifiable Non-licenced Works (NNNLW)



Examples of works which do NOT NEED to be notified: -

AIB maintenance – good condition & short duration [inspecting above/drilling/fixing single broken corners]

Asbestos Cement removal/maintenance – short duration [includes weathered AC]

Artex maintenance – short duration [replacing screws/fixing holes]

Artex removal where INTACT [this covers gaskets/rope]

Maintenance of friction materials without power tools – testing activities [brakes]

WORK MUST ALWAYS BE BELOW THE EXPOSURE CRITERIA

Includes Medical examinations for workers & maintenance of worker health records

Notification of Works where ACMS are present



The appropriate enforcing authorities must be notified (Notifiable Licensable Works within 14 days/ Non-notifiable Notifiable Works prior to commencement) and provided with the following details on an **ASB05**

Name, address and tel. no of Contractor/Notifier

Worksite location

Date of Commencement of Work

Duration of Work

Type and quantity of acms to be “handled

Method of work/work plan

No. of persons involved

Controls to limit exposure to asbestos

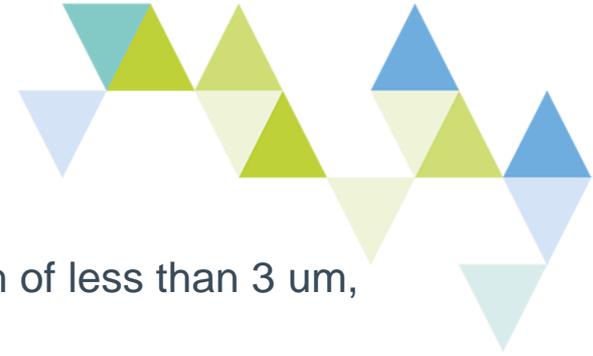
Details of arrangements to deal with asbestos accidents/incidents and emergencies

Are you carrying out air monitoring and health surveillance in accordance with CAR 2012?

Y/N

Signature and Date

Fibre Release – Typical Examples



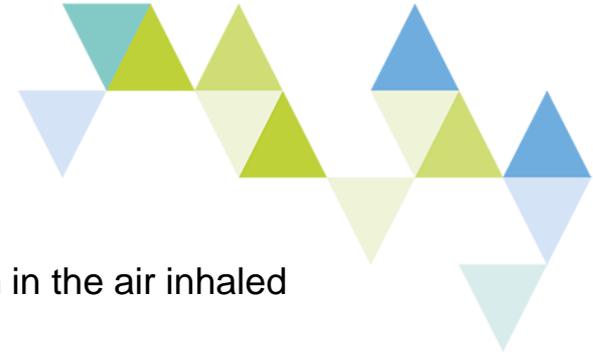
A countable fibre is any object longer than 5µm, average width of less than 3 µm, where the aspect (length/width) ratio is greater than 3:1

A full face power assisted respirator (RPE) will provide a protection factor of 40×0.1 (control limit) = allowing for a total exposure of 4 f/ml

Likely airborne fibre concentrations:

Activity	Fibres/ml released	Protection level exceeded
AIB – careful removal	3	No
AIB - drilling into	10	Yes
Insulation - dry removal	100	Yes
Sprayed asbestos – dry removal	1000	Yes
Asbestos Control Limit	0.1	

Air monitoring



The employer must:-

- (a) ensure that no employee is exposed to asbestos in a concentration in the air inhaled by that worker which exceeds the control limit; or
- (b) if the control limit is exceeded:-
 - (i) immediately inform any employees concerned and their representatives and ensure that work does not continue in the affected area until adequate measures have been taken to reduce employees' exposure to asbestos below the control limit,
 - (ii) as soon as is reasonably practicable identify the reasons for the control limit being exceeded and take the appropriate measures to prevent it being exceeded again, and
 - (iii) check the effectiveness of the measures taken in (ii) by carrying out immediate air monitoring.

The employer must keep records of monitoring / the reasons for the decision for not monitoring for a period of 5 years (or 40 years where an exposure occurs and a health record needs to be kept) from the date of the last entry made in it.

These records must be made available to the Employee/HSE on request and if the employer ceases to trade the HSE should be notified and all monitoring records made available

Air monitoring



Every employer must monitor the exposure to asbestos of any employees employed by them

- (a) At regular intervals
- (b) When a change occurs which may affect that exposure

This does not apply when:-

1. The exposure of the employee is not liable to exceed the control limit OR
2. The employer is able to demonstrate by another method that the following have been met and that the Employer has taken measures to:-
 - (a) prevent the exposure to asbestos of any employee employed by that employer so far as is reasonably practicable;
 - (b) where it is not reasonably practicable to prevent such exposure, he/she has
 - (i) taken measures necessary to reduce exposure to asbestos of any such employee to the lowest level reasonably practicable by measures other than the use of respiratory protective equipment, and
 - (ii) ensure that the number of any such employees exposed to asbestos at any one time is as low as is reasonably practicable.

Medical Surveillance – Licensable works



The Employer should ensure that for his/her employees:-

- (a) a health record is maintained and contains for all employees who are exposed to asbestos, laboratory test and x-rays;
- (b) that record, or a copy of that record is kept available in a suitable form for at least 40 years from the date of the last entry made in it; and
- (c) each employee who is exposed to asbestos is under adequate medical surveillance by a relevant doctor.

Medical surveillance must include:-

- (a) a medical examination not more than 2 years before the beginning of such exposure; and
- (b) periodic medical examinations at intervals of at least once every 2 years or such shorter time as the relevant doctor may require while such exposure continues, and each such medical examination must include a specific examination of the chest

Medical Surveillance – Non-licensable work



The Employer should ensure that for his/her employees:-

- (a) a health record is maintained and contains for all employees who are exposed to asbestos, laboratory test and x-rays;
- (b) that record, or a copy of that record is kept available in a suitable form for at least 40 years from the date of the last entry made in it; and
- (c) each employee who is exposed to asbestos is under adequate medical surveillance by a relevant doctor and
 - (1) a medical examination must take place on or before 30 April 2015;
 - (2) on or after 1 May 2015, a medical examination must take place not more than 3 years before the beginning of such exposure; and
 - (3) a periodic medical examination must take place at intervals of at least once every 3 years, or such shorter time as the relevant doctor may require while such exposure continues.

Where an employee has been examined, the relevant doctor must issue a certificate to

the employer and employee stating:-

- (a) that the employee has been so examined; and
- (b) the date of the examination,

and the employer must keep that certificate, or a copy of that certificate for at least 4 years from the date on which it was issued.

Medical Surveillance - exclusions



Notification and health surveillance do not apply where:-

- (a) the exposure to asbestos of employees is sporadic and of low intensity; and
- (b) it is clear from the risk assessment that the exposure to asbestos of any employee will not exceed the control limit; and
- (c) the work involves:
 - (i) short, non-continuous maintenance activities in which only non-friable materials are handled or
 - (ii) removal without deterioration of non-degraded materials in which the asbestos fibres are firmly linked in a matrix, or
 - (iii) encapsulation or sealing of asbestos-containing materials which are in good condition, or
 - (iv) air monitoring and control, and the collection and analysis of samples to ascertain whether a specific material contains asbestos

("medical examination" includes any laboratory tests and X-rays that a relevant doctor may want to undertake)

More Prosecutions and Claims going through



July 2005 – Woolworths, Tiverton & Bideford [Sunday Times]

Devon CC accused a contractor of “endangering their staff and the public by exposing them to poisonous asbestos panel fibres”. The contractor was allegedly tearing down AIB panels outside of an enclosure, causing fibres to be release and fall on shop products

May 2008 – 92-95 Livery Street, Birmingham [daily mail]

A building surveyor failed to meet his legal obligations by NOT carrying out a survey prior to refurbishment works

September 2011 – Marks and Spencer, Reading [national news]

Fined for failing to protect customers during refurbishment works, because they were more concerned with the works being seen to be “unsightly and interfering with the shopping experience of customers” than exposure

.....**Now you can bring a claim for exposure without waiting to die of mesothelioma provided exposure can be proved**

Public Liability Insurance – claims are focussing on the insurer that was in place 10 years before the date of diagnosis not the current insurer

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Q&A



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