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IOSH WEBINAR
AUGUST 2018

Managing Asbestos

Introduction

Presented by Graham O'Mahony BSc (HONS)

Started as a plumbing and heating engineer

Moved to a Building Surveyor for a LA

Progressed to Asbestos Surveyor in the late 1990's

Responsible for Managing Asbestos

Started in the private sector as Consultant

Over 20 years working in the asbestos industry

Current Chair of the Association

Managing Asbestos

This webinar will be presented in two parts

Part one – Managing Asbestos in Buildings (DH)

Legislation relating to asbestos

Identify the Duty Holder (DH)

What does the DH have to do

How this can be achieved

Delegating Responsibilities (AP)

Part two – Managing Asbestos on site (PM)

How is asbestos removed

Selection of the correct contractor

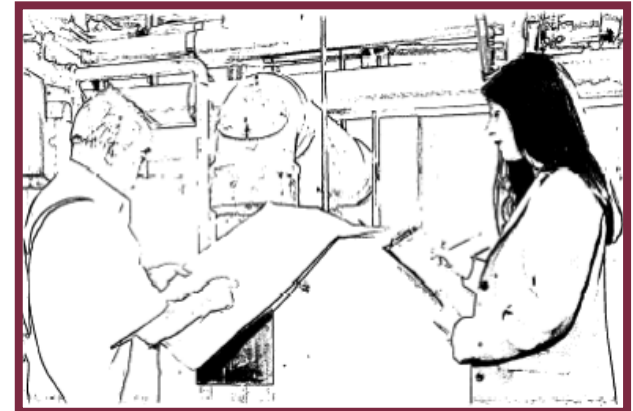
Site inspections

Site documentation

Managing Asbestos – Part one

Legislation relating to Asbestos Management

- Since 1995, it has been recognised that asbestos exposure to the construction and maintenance worker poses serious issues for their future.
- In 1998 the HSE started the move to implement the Duty to Manage
- In 2000, this was consulted on and then written into CAWR 2002.
- 18 month lead in before being enforced from May 2004
- Been in place for over 14 years



Managing Asbestos – Part one

Identifying the Duty Holder

As documented in the latest CAR 2012, ACoP, L143, Second Edition, Regulation 4, states the Duty Holder is:

“.... the person or organisation that has the main responsibility for maintenance or repair of non-domestic premises.....”

Please note this does not extend to Domestic Premises.....but does cover common parts....

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The dutyholder may be the owner....

where there is an explicit agreement, such as a tenancy agreement or contract,

the dutyholder may be the occupier or the landlord, sub-lessor or managing agent.

It may also be the tenant.

In some circumstances, it may be shared.

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For example,

the owner may rent out or lease workplace premises under agreements where the tenants are responsible for all alterations, maintenance and repairs in the premises.

In such situations, the tenants will be the dutyholder.

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Owner and Occupier

Who is the Duty Holder?

In this case the DH is the Owner as they are responsible for the maintenance of the building

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**Tenant responsible for
the internal fabric**

**Landlord responsible
for the external and
structure**

**Who is the Duty
Holder?**

**In this case the DH is
the Tenant for the
internal, and the
landlord will
responsible for the
external**

**Shared
Responsibilities**

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1		4
2		5
3		6

**Landlord responsible
for the external and
structure**

**Who is the Duty
Holder?**

**In this case the DH is
the Tenant (1-6) for the
internal, and the
landlord will
responsible for the
external**

**Shared
Responsibilities**

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Duty to co-operate

Anyone who is not a dutyholder, but has information on or control of the premises, must help the dutyholder, as far as necessary, to comply with the duty.

But this does not extend to paying for or sharing the costs of any actions the dutyholder takes to manage these risks.

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Delegating tasks

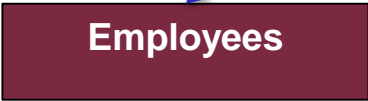
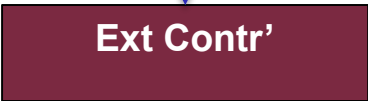
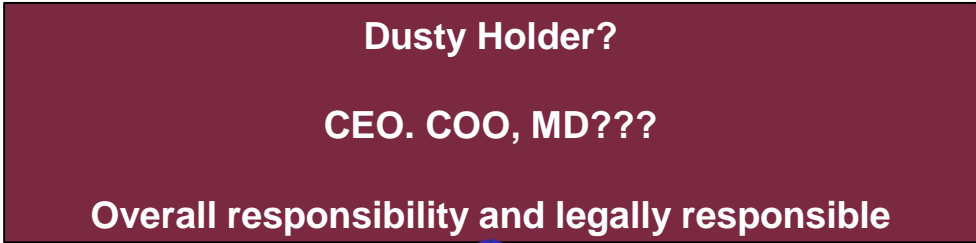
The dutyholder's legal responsibilities cannot be delegated,

but dutyholders can nominate others to do all or part of the work to assist in complying with the duties.

They should be competent to do this work.

The Appointed Person.....

Possible organogram to determine responsibility for managing asbestos and for employees assisting the DH to ensure compliance



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What the dutyholders must do to comply with the law....

Dutyholders are required to ensure that:

- reasonable steps are taken to find materials in premises likely to contain asbestos and to check their condition;**
- materials are presumed to contain asbestos unless there is strong evidence that they do not;**
- a written record of the location and condition of asbestos and/or presumed ACMs is made and that the record is kept up to date;**

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- **the risk of anyone being exposed to these materials is assessed;**
- **a written plan to manage that risk is prepared and that the plan is put into effect to make sure that:**
 - any material known or presumed to contain asbestos is kept in a good state of repair;
 - any material that contains or is presumed to contain asbestos is, because of the risks associated with its location or condition, repaired and adequately protected or, if it is in a vulnerable position and cannot be adequately repaired or protected, it is removed;
 - information on the location and condition of the material is given to anyone who is liable to disturb it or is otherwise potentially at risk.

Managing Asbestos – Part one

Domestic rented premises

The duty to manage asbestos does not place any direct duties on landlords in respect of individual houses or flats.

But it does for other areas such as common parts

Examples of common parts would include foyers, corridors, lifts and lift shafts, staircases, boilerhouses, vertical risers, gardens, yards and outhouses.

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Domestic rented premises

However it would not apply to rooms within a private residence that are shared by more than one household such as bathrooms, kitchens etc in shared houses and communal dining rooms and lounges in sheltered accommodation.

not forgetting that employers also have legal duties under HASAWA 1974, sections 2 and 3 as well as CAR 2012 Regulations 5, 11 and 16

Managing Asbestos – Part one

Domestic rented premises

The HSE have put together a substantial amount of information relating the Duty to Manage to ensure correct guidance is issued, this can be accessed on their website.

This following chart show the premises which are defined as domestic and therefore the Duty to Manage DOES NOT apply,

but don't forget CAR 2012...???

Type of Residence	Mode of Occupation	Rooms/Parts	Domestic Premises	
			YES	NO
Private House/Single dwelling including bed-sits	owner/occupier	All	*	
	let to single family	All	*	
	Occupied by more than one family	Private rooms (e.g. bedrooms; living rooms)	*	
	Occupied by more than one family	Shared rooms (e.g. kitchens, bathrooms, toilets)	*	
	Rooms let to lodgers	Common parts used for access and circulation (e.g. entrance lobby and staircase)	*	
		Private rooms	*	
		Private rooms	*	
House converted into flats	Occupied by more than one family	Private rooms	*	
	Occupied by more than one family	Common parts - for access, circulation and storage (e.g. entrance lobby and staircase, roof space)		*
Garages/parking spaces	Integral/linked with residence	Private	*	
	Not allocated to a specific person	Common parts		*

Block of flats	Occupied by more than one family	Individual dwellings	*	
		Common parts (e.g. foyers, lifts, stairs, lobbies; boiler and plant rooms, roof spaces, communal yards, gardens, store rooms, external outbuildings, bike shelters)		*
Flats over shop or office with or without separate entrance	Occupied by owner of shop or office	Private rooms	*	
	Leased separately	Private rooms	*	
		Access/egree & circulation area		*
Sheltered Accommodation		Private rooms	*	
		Communal rooms (dining/ lounge)	*	
		Work areas (e.g.central kitchen, staff rooms & laundries), lifts, staircases and circulation areas, boiler room, stores & roof spaces		*
Hotel or Guest House including Bed & Breakfast accommodation when prime purpose. Halls of Residence. Hostels owned privately or by Local Authority. Care Homes.		Private rooms occupied by owner	*	
		Guest accommodation & common parts		*
Tied cottage/accommodation	Leased or rent-free	All	*	
Farm house	Leased or rent-free	All	*	

Managing Asbestos – Part one

The Management Plan.....

To manage asbestos.....what does this mean..?

“.....all I need is a survey...”

“.....just tell the contractors where it is....”

“.....I have an asbestos policy....”

”.....I have a management plan....”

This is what we hear.....but that is not enough!!!!

Managing Asbestos – Part one

Asbestos Survey Report

- What there is
- Where it is
- How much
- Condition
- Fibre release

Asbestos Management Plan

- What are we doing
- Who is doing it
- When are they going to do it
- When they did it

- Asbestos Register
- Action Plan....
- Communication Plan

Asbestos Policy

- What is asbestos
- Why asbestos is a problem
- How many deaths there are each year
- What the law says
- What are we going to do

Managing Asbestos – Part one

A written (electronic or paper) management plan should be prepared.

The management plan should set out how the risks identified from asbestos will be managed.

Details should include:

- ***identifying the person(s) responsible for managing the asbestos risk;***
- ***a copy of the asbestos record or register and how to access it if it is kept electronically;***

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- *instructions that any work on the fabric of the building cannot start without the relevant parts of the record/register being checked.*

The plan should include details for how this will be achieved.

In particular, the plan should identify the procedures and arrangements to make sure the record/register is checked in good time before the work starts;

Managing Asbestos – Part one

- *checks will be made that the information on the presence of asbestos has been understood and will be taken into account;*
- **checks will be made that the correct controls will be used and that competent asbestos-trained contractors will carry out the work;**
- **plans for any necessary work identified from the risk assessment, eg repair, protect or remove ACMs;**

Managing Asbestos – Part one

- *plans for any necessary work identified from the risk assessment, eg repair, protect or remove ACMs;*
- *the schedule for monitoring the condition of any ACMs;*
- *how to communicate the content of the management plan;*
- *contingency arrangements if the main contact person for asbestos risk management is not available.*

Managing Asbestos – Part one

Actioning the management plan

The dutyholder should ensure that the plan is implemented to manage the risks. The action plan should:

- *prioritise the actions identified;*
- *give high priority to damaged material and materials likely to be disturbed; these will need to be repaired, sealed, enclosed protectively or removed using trained and competent personnel.*

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Actioning the management plan

If Duty Holders are unsure how to implement the management plan themselves, they should seek competent specialist advice from:

- an asbestos surveyor
- a UKAS laboratory
- a licensed contractor...?????
- or other competent person as appropriate.

Managing Asbestos – Part one

- *The plan should include procedures and responsibilities to ensure that the asbestos register is shared with any worker/contractor carrying out maintenance or other work.*
- *The asbestos register, including drawings, should be available on site for the entire life of the premises and should be kept up to date.*

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- *Work should only start once the dutyholder is satisfied that the information in the asbestos record/register is known and understood by the workers who are doing the work on site and easily accessible for anyone who needs to inspect it.*

This is very important, don't just assume that they have understood it if they have looked at it!!!!!!

Managing Asbestos – Part one

Reviewing and updating the management plan

As a minimum, the management plan, including records and drawings, should be reviewed every 12 months.

It should also be reviewed if there is reason to believe that circumstances have changed (eg there is a change of use of building, work being undertaken, ACMs removed or repaired etc).

The plan, including records and drawings, should then be updated accordingly.

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Reviewing and updating the management plan

Any identified or suspected ACM must be inspected and its condition assessed periodically, to check that it has not deteriorated or been damaged.

The frequency of inspection will depend on the location of the ACMs and other factors which could affect their condition, eg the activities in the building, non-occupancy etc.

Managing Asbestos – Part one

Communicating and sharing the management plan

Dutyholders should ensure that the management plan is made available to all the individual premises.

If there are separate site managers/building managers responsible for different premises on the same site, they must make the information available to those in their respective premises.

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Communicating and sharing the management plan

Dutyholders should:

- *tell employees what the management plan arrangements are;*
- *provide the emergency services with information on the location and condition of any known ACMs;*
- *provide copies of the management plan for employee representatives and trade union safety representatives.*

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UKATA Training Available

Duty to Manage Appointed Person

For the Appointed Person

For the Duty Holder

To provide the delegate with the theoretical and practical skills to undertake the management of asbestos containing materials within the buildings that they are responsible for as defines in CAR 2012.

3 day duration

Duty to Manage One Day Overview

For those assisting DH/ AP

Landlords and Managing Agents

To provide the delegate with a basic understanding of the legislative requirements of CAR 2012 with particular reference to the Duty holder and who that could be, the surveys available, what to expect in a survey and the asbestos management plan and its use and requirement.

1 day duration

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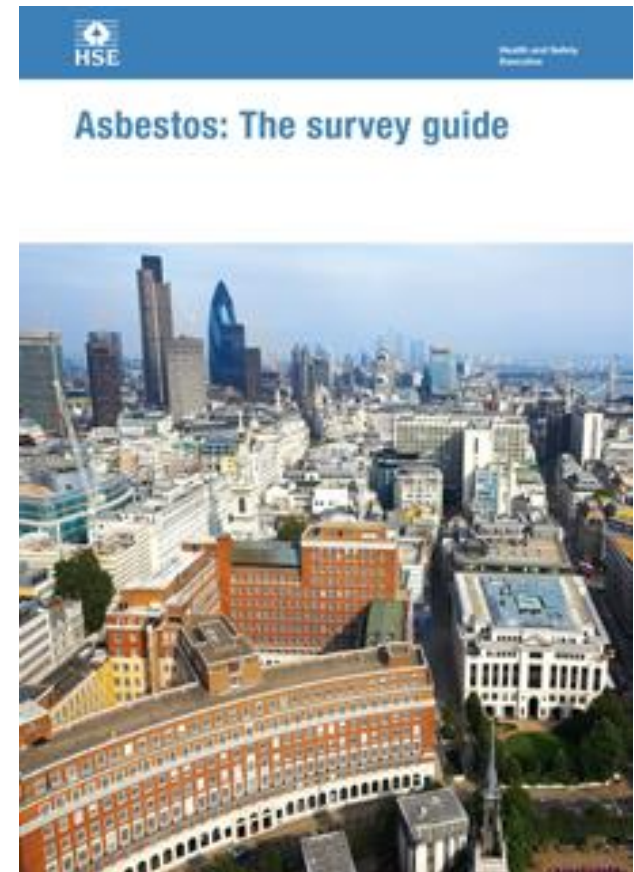
ASBESTOS SURVEYS

Managing Asbestos – Part one

HSG 264 – Asbestos: The Survey Guide

Is intended to give guidance to the asbestos surveyors and building owners who need to comply with their legal duties when identifying ACM's within or on their property.

It replaced the old MDHS 100.



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Things to consider when appointing an asbestos Surveyor:

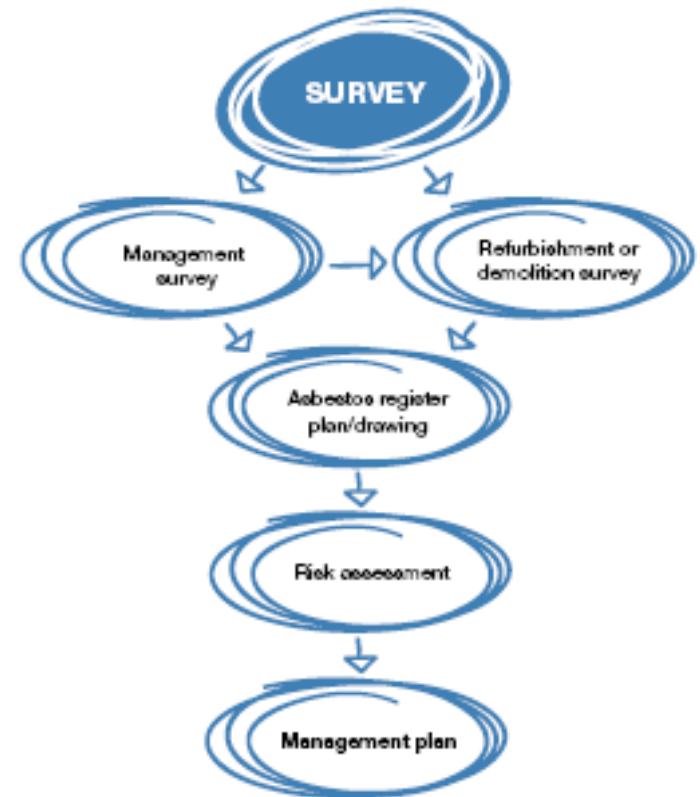
- *The competency of the Surveyor (not the company!!)*
- *Are they accredited..? Do they need to be..?*
- *What caveats (exclusions) will there be..?*
- *Eliminate the “No Access” of areas!!*
- *What type of survey do you want and why..?*

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HSG 264 describes two different types of survey:

Management surveys – *Standard survey, locate, sampling (some presumptions), assessment. Intrusive...???*

Refurbishment and Demolition surveys. *Full access, fully intrusive, disturbance, no exclusions....!!*



Managing Asbestos – Part one

So to conclude you should be more familiar with:

- *Who the Dutyholder should be*
- *What they have to do*
- *How they can do this*
- *And some useful advise when appointing a surveyor*

What's next...Removal...????...Repair....????

If so we need to understand licensed v non-licensed

WHAT WORKS ARE LICENSABLE AND NON-LICENSABLE WORKS....?

Licensable Works

1. Sprayed Coating
2. Insulation / Lagging
3. A.I.B.
 - a) 1 hr / 7 days
 - b) 2 phr / 7 days

Notify the works (HSE or LA)

14 days Statutory Period

2 year EMAS Medical (Certificate)

40yr or up to the age of 80 exposure records

0.1 f/cm³ = Control Limit
>0.1 f/cm³ = Licensable works

Non-Licensable Works

Asbestos Cement
Textured Coating
Gaskets
W/C Cistern

Floor Tiles
Bitumens
Resins
Textiles

Non-Licensable Works

No Notification

No Medical

No Record Keeping

No HSE

Non-Licensable Works

Degraded or Degrading.....????

NNLW
Notification to the HSE (ASBNNLW1)

Before work starts

40 yr + record keeping

3 year GP Medical (1st May 15)

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Thank you for your time.

Any EASY questions.....

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