

May 2004

Presentation on "Asbestos 2000 comes of Age" by Rick Brunt, Principal Inspector, HSE Midlands Region.

Rick introduced himself by telling the audience that he had been with HSE, working in the Solihull, Coventry and Warwickshire areas. He then said that he wanted to give us an overview of the changes in the law on asbestos that were to introduce an explicit duty to manage asbestos in non-residential premises. It would have most impact in schools, hospitals and demolition projects, where it was a sensitive issue for the public.

He went on to describe the main types of asbestos, Amosite (Brown), Crocidolite (Blue) and Chrysotile (White), which were the colours in their natural state. He added that after processing the colours changed to a grey/white shade. He commented that asbestos had been used in a vast range of applications from fireproofing to thermal insulation, over very many years. Despite its many benefits, however, it had also been found to possess very deadly characteristics. Although it poses no risk if it is in good condition, when disturbed, airborne fibres can be inhaled and its 'feathery' surface, which makes it bind strongly with itself, also makes it difficult to dislodge from the lungs where it does not dissolve.

The three main asbestos-related diseases are: -

- Asbestosis
- Lung Cancer
- Mesothelioma

More than 3,000 people die each year from these diseases and the annual figure is expected to rise until 2011. Although working conditions in general are much better nowadays, no one can be sure how quickly the numbers are going to diminish. The reason it remains such a problem is that, between the 1950's and 1980's, asbestos was used so extensively as a building material. As a result, thousands of tonnes of asbestos remain in place to poses a potential risk to anyone carrying out maintenance or construction work in about half a million non-domestic premises. This applies to any type of building erected up to the year 2000 – Shops, Factories, Offices, Farms, Hospitals and Domestic premises.

Rick went on to describe the following locations where it could be found: -

- Boiler vessels and pipework
- Interior walls and panels
- Ceilings
- Lining to lift doors
- Cladding to Columns
- Roof and exterior walls
- Domestic appliances
- Service Risers
- Flooring Materials

And Many Others

Rick also described examples of Asbestos containing Materials (ACM's), which were in use until 2000: -

- Sprayed Coatings
- Lagging Material
- Insulating Board
- Ceiling tiles
- Textiles and Ropes
- Paper, Felts and Cardboard
- Asbestos Cement
- Decorative textural coatings (Artex!)
- Vinyl Floor coverings and plastic products

Rick displayed photographs of some of these materials, as well as some examples of damaged surfaces, which may lead to exposure. He commented that at one workshop there was damaged lagging lying on the floor and the manager had placed a caution tape around it – but made no attempt to remove it, in order to prevent exposure from airborne particles!

Experience has shown us, Rick went on, that 25% of work-related deaths in the building and maintenance trades were due to asbestos. Exposure to this risk maybe from cutting, drilling or sawing into ACMs by these types of operative: -

- Heating and Ventilation engineers
- Roofing Contractors
- Fire and Burglar Alarm Installers
- General Maintenance Staff
- Electricians
- Plumbers
- Carpenters and Joiners
- Plasterers
- Gas Fitters
- Cable Layers
- Demolition Workers
- Painters and Decorators

Although a large problem remains, much has already been done to control the asbestos risk, namely: -

- 1998 Amendment of the Control of Asbestos at Work Regulations (CAWR)
 - expanded to cover incidental exposures; and,
 - clarified that CAWR applied to all workers who may contact ACMs
- 1998 Amendment to the Asbestos Licensing Regulations
- 1999 Asbestos Prohibitions Regulations

But, Rick added, there was a piece of the jigsaw missing, a gap in the provisions for:

- Contractors who were not aware they were working on ACM
- The unmanaged risk from asbestos in buildings.

The new regulations aimed to fill in the missing piece of the jigsaw by: -

- Assessing whether premises contain ACM
- Assessing the risk from ACM
- Taking action to manage the risk

This duty aims to reduce deaths by 4,700 this century.

The regulations also identify these dutyholders: -

- Those with an obligation in relation to maintenance and/or repair of premises
e.g. – owners, occupiers, managing agents, others
- Person(s) in control where no contract or tenancy agreement exists
- Persons with a duty to co-operate with dutyholders.

The Regulations apply to all non-domestic premises, and the common parts of domestic premises. Although they do not apply to the domestic premises themselves, any employer sending an employee into premise containing asbestos would have to make him aware of the risk and work accordingly.

In making assessments about the presence of asbestos, Rick urged caution against doing extensive surveys and, instead, advised members to stick to the basics. As an example, he looked around the room and said the ceiling looked undamaged and a survey would only be undertaken if work was to be carried out. Looking at the radiators, he said it was reasonable to assume the backing panels *might* be asbestos but they looked sound and, again, would not need a survey if work were not planned:

- Take reasonable steps to identify ACMs in premises by: -
 - looking at building plans
 - consulting others, e.g. architects, employees; and
 - carrying out a thorough inspection of the premises
- Assess the condition of these materials
- Record the findings. Here Rick said that there was a need to record details systematically by identifying buildings and parts of buildings accurately and, even, recording where asbestos was definitely NOT found.
- This can be done in-house, or by a specialist surveyor.

The protocol for carrying out surveys is contained in MDHS 100, Surveying, sampling and assessment of ACMs and requires the following approach: -

- Presume that a material is asbestos
- Establish the identity by sampling
OR
- Conclude it is not asbestos (requires strong evidence)
OR
- A combination of all of the above

In order to control the risk, the following are needed: -

- If the material is in good condition – leave it in place and introduce a management system to monitor its condition and take remedial action to repair, if necessary.
- If the asbestos is in poor condition, seal it or enclose it, OR, remove it
- Prepare an action plan to manage the asbestos left in situ. Inform others of its location/condition
- Review/revise the plan, update the records.

The extent of the dutyholder's responsibilities may be: -

- Determined by the degree of control needed
- A shared responsibility between 2 or more parties
- A need to
 - collaborate in planning
 - carry out joint assessments
 - provide information on condition/location of ACMs
 - contribute to costs

As far as the HSE's expectations were concerned, these were for dutyholders to: -

- Adopt a cautionary approach to maintenance
- Carry out a condition check on all buildings where access is likely (vital for large organisations)
- Plan a compliance strategy to include: -
 - Management of the process
 - Identify the type of assessment
 - Record the information
 - Manage the risk

Rick display the various printed HSE guidance and said that it had been supported by a national awareness campaign (hence his presence today) and the next stages were

- Targeted visits/stimulation
- Enforcement (Rick related a quotation from a former colleague who said **“Help them if they try – but God Help Them if they ‘Try it on’!”**)

Rick summarised the key messages as follows: -

- Flexible and common sense approach
- A bad survey is worse than none at all
- Actions reflect current good practice
- Take a proportionate approach
- If asbestos is in good condition – leave it where it is and manage it
- Act now – don't wait until an Inspector calls

Rick concluded by saying that the risks to successful asbestos management were: -

- Too much removal
- Inappropriate precautions
- Poor quality/ unnecessary surveys done
- Panic (To do surveys) vs. Apathy (To manage)

Members' Questions

Catherine Davidge from Manchester University asked what control measurer should be taken with asbestos samples in Geology Laboratories. Rick replied that

the measures depended on the condition of the samples and how they were to be handled. The duties were the same and the basic question to be asked is, “do the samples need to be handled?” Otherwise, they could be encapsulated. He added that, in its natural rock state, it was safe to handle.

Mark Hoare of Birmingham University stated that, although they had a comprehensive register of Asbestos, it was not practicable to mark all the locations throughout the campus. He was concerned about the notification of asbestos risks to contractors on such a widely dispersed programme of work. Rick answered that the solution might be to carry out extensive Induction Training, combined with a sharing of the register and prior agreement on how to control the risks.

Liz Prohett of Sandwell MBC said that they had about 500 premises to manage and she was concerned about the Emergency Work where it was difficult to do Induction Training outside normal working hours. Rick said that he understood the difficulties and suggested that it might be possible to give the register information to the “keyholders” at each site and ask them to pass it on to the contractors when they arrived to do the work. This measure could be supported by generic induction training to agree a balanced approach to risk control.

Richard Brown of Birmingham City Council Housing Department asked how the “Dutyholder” should be defined; was it relevant to a specific building or an individual in a central office? Rick replied it was the person ‘responsible in law’. In practical terms, this would be the person designated to organise and control the work programme in all the premises.

Steve Walker of Birmingham City Council Housing Department asked what frequency of inspection should be specified to monitor the condition of identified ACMs? Rick said that inspection of insulating board could start at once every month, or even three months, if it were reasonable to assume that it would not be disturbed. The interval could then be raised in the light of experience.

The Chairman, Warwick Adams of Interserve Project Services asked how to judge the quality of a survey report. Rick said that it depended initially on Qualifications and Professional Affiliations and said that he referred enquiries to BHSEA. The Secretary replied that was most interesting, because he always referred enquiries to the “Name and Shame” page on the HSE website and, “if the surveyors didn’t appear there, they must be OK! (Well the audience thought it was funny!) **(Secretary’s Note: A fuller answer is that the surveyor should be accredited by UKAS to BSEN 45004, should have appropriate experience and a demonstrable quality system and should work in accordance with CAWR. Any analysis done as part of the survey should be carried out by organisations accredited to ISO17025. Above all, it is vital that the surveyor carries current Professional Indemnity Insurance!!!). And YES – I do know a man who can do it!!**

Mark Hoare commented on the significant variations that could occur when receiving tenders for this sort of work, so it is important to be aware of quality standards. **Shabir Hussain of Robinson Low Francis** stated that there was a

BIOH course available and commented that it was important to get separate verification of clearance certificates.

Keith Jones of Haden Drysis asked for guidance on how to assess the competence of Contractors. Rick suggested that it was important to ask how they would work in accordance with the Codes of Practice and make sure to check positively on how they actually disposed of waste.

As there were no more questions, Warwick Adams closed the meeting and asked the members to thank Rick in the normal manner.