



Hardfacts

Norwich Union Risk Services

Ref No 6028 (v4)

January 2007

Asbestos Management – Control of Asbestos Regulations

Introduction

In the UK over 3000 people die each year as a result of past exposure to asbestos and asbestos containing materials (ACMs). Working with ACMs can be a high risk activity but can be done safely if the correct precautions are in place. It is when asbestos fibres are released into the air that the real problems arise.

The HSC and HSE have carried out a detailed review of asbestos legislation which has resulted in a brand new piece of legislation – the Control of Asbestos Regulations 2006 (CAR) which took effect on 13th November 2006.

The main aim of the latest revision was to implement the EU Asbestos Worker Protection Directive to strengthen worker protection. This will be achieved by reducing exposures through measures such as lower Control Limits and a requirement for mandatory training.

The main changes are:

- Single Control Limit of 0.1 fibres/ml for all/any work with asbestos or ACMs
- Mandatory training requirement for anyone liable to be exposed to asbestos or ACMs
- Use of WHO method for air sampling
- Replacement of 3 pieces of legislation
- Practical guidelines for determination of “sporadic and low intensity exposure”
NB This drives the decision as to whether work is licensable

Overview of Regulations

The most significant requirements of the new Regulations are as follows.

Application of Regulations (reg3)

The majority of the Regulations apply to work where asbestos exposure is expected, however there are exceptions. Where the work to be undertaken is unlikely to result in exposures above the control limit or is “sporadic and of low intensity” many of the specific requirements are not required. These exemptions also apply for certain types of work, for example the collection of samples and work on ACMs where the asbestos is firmly linked in a matrix.

This means that many small, simple jobs, especially on ACMs that are in good condition, can be carried out with simple precautions. NB: The exemptions do NOT mean that precautions are not required

and do NOT relieve employers of their duty to prevent or reduce exposure.

Duty to Manage (reg 4)

The existing duty placed on those who own or control property – to identify ACMs and manage the associated risks - has not been amended. Dutyholders remain responsible for identifying the presence of ACMs and preparing a plan to manage any risk that such materials present.

Identification of Asbestos (reg 5)

Work that is likely to give rise to significant exposures such as demolition or maintenance must not commence before the presence of asbestos has been confirmed and its condition assessed. Alternatively it may be assumed that asbestos is present.

Assessment of Work (reg 6)

Before work liable to give rise to exposure to asbestos takes place the employer must make an assessment of the risks to health and record the steps necessary to manage the risks. There is a list of specific aspects that need to be included in the risk assessments such as identification of the type of asbestos, the nature and degree of exposure, the control measures required etc. This is simply a detailed restatement of the general duty to carry out a risk assessment as set out in the Management Regulations.

Licensing and Notification of Work (regs 8/9)

Where work is not capable of being defined as “sporadic and of low intensity” it can only be undertaken by licensed contractors and must be notified to the HSE.

This requirement is simply the incorporation of the requirements set out in other legislation.

Note: Generally any work involving asbestos insulation, asbestos coatings and asbestos insulating board requires a licence.

Information, Instruction and Training (reg 10)

This is a new requirement that introduces a requirement for employers to provide employees who are or who might be exposed to asbestos with information and instruction about matters such as:

- the properties of asbestos
- the types likely to be present
- safe working practices and control measures
- waste handling procedures
- medical aspects such as examinations

The training must be given at regular intervals and reflect the nature of the work being undertaken.

Use and Maintenance of Control Measures (regs 12/13)

Work with ACMs will generally require the use of control measures such as air movers, filters and personal protective equipment.

Where such equipment is used employers must take all reasonable steps to ensure it is properly used. Employees must make "full and proper" use of such equipment and report defects.

Employers must ensure that such equipment is maintained in good working order and subject to regular examination and testing. Records of such examinations must be kept for at least 5 years.

Duty to Prevent Spread of Asbestos (reg 16)

Every employer who is undertaking work with ACMs is required to prevent the spread of asbestos or if that is not possible to reduce it to the lowest level reasonably practicable.

This is a new requirement that is of special interest to those who might be affected if work on ACMs were to "go wrong" with the release of fibres into the environment. It provides a sound foundation from which those that employ contractors can argue for best practice when working with ACMs

Health Records/Medical Surveillance (reg 22)

Where employees undertake work that is not "sporadic and of low intensity" their employer is required to ensure that a health record is maintained. The HSE have defined what information needs to be included in the record which must be retained for at least 40 years from the date of the last entry.

Similarly the employer is required to arrange for the employee to undergo a medical examination within 2 years of the first exposure and every two years thereafter.

Storage, Distribution and Labelling (reg 24)

Any asbestos that is stored or transported must be in a suitable, sealed container and be clearly marked with a label of approved design.

Prohibitions (regs 25 – 29)

Over a number of years there has been a gradual prohibition on the sale, supply and importation of asbestos and ACMs. These restrictions have been imported into the new Regulations.

Revocations

In the UK the legislation relating to asbestos had become very involved. The new Regulations have provided an opportunity to rationalise the situation by combining legislation relating to the licensing of firms that work with asbestos and the need to provide the HSE with advance notification of such work.

In addition, the Regulations controlling sale, supply and importation have been revoked and the requirements incorporated in the new Regulations.

Textured Coatings

Work on textured decorative coatings (often known as Artex) is one aspect of the new Regulations that has attracted much media interest.

Work on such materials has been removed from the list of work that must be notified to the HSE before commencement. This is a result of research that has indicated fibre levels are lower than previously thought.

Whilst this may seem to be a slackening of standards the change does not relieve the employer from the requirement to reduce exposure to the lowest level reasonably practicable and prevent the spread of asbestos fibres. (reg 16)

Key Action Points

For many employers the new regulations will not introduce any new requirements or lead to any change in approach. The main responsibilities remain:

- Produce an Asbestos Management Policy
- Identify the presence of ACMs
- Produce asbestos registers and maps
- Provide training for managers and maintenance staff
- Introduce procedures to ensure own staff are not exposed to asbestos
- Establish a robust procedure for selecting a contractor to work on ACMs
- Ensure that the competence and training of contractors is established before work commences
- Check on licensing and notification requirements
- Carry out risk assessments, produce plans and method statements
- Monitor the activity of contractors

References

The Control of Asbestos Regulations 2006
SI 2006/2739

Approved Codes of Practice "Work with materials containing asbestos" (L43) ISBN 0 7176 62063.

"The management of asbestos in non-domestic premises" (L127) ISBN 0 7176 62098

Managing Asbestos, your new legal duties

www.hse.gov.uk/manageasbestos.pdf

Priced Publications: from HSE Books on

01787 881165 or www.hsebooks.co.uk.

Free Publications: www.hse.gov.uk

HSE Asbestos Home page

www.hse.gov.uk/asbestos/index.htm

HSE Asbestos Essentials

www.hse.gov.uk/asbestos/essentials/index.htm

Hardfacts:

1024: Asbestos in Buildings – A guide for Residential Property Owners

6039: Asbestos in Buildings – A guide for Dutyholders

6024: Asbestos in Buildings

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Norwich Union Risk Services operates a Risk Helpline during normal business hours for the cost of a local telephone call. The telephone number is:

0845 366 66 66

www.nu-riskservices.co.uk

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