

Norwich Union Risk Services

*Ref No 6039 (v4)*

*January 2007*

## **Asbestos in Buildings – A Guide for Duty Holders**

The Control of Asbestos at Work Regulations 2002 clarified the duties of certain classes of person. These Regulations were revised in 2006

They introduced a new duty to manage the risks arising from the presence of asbestos or asbestos containing materials (ACMs) in non-domestic premises.

The duty is placed upon those who have control over premises or control the access to and egress from the premises. The duty is also placed upon any person who has the responsibility for maintaining or repairing the premises. This responsibility could arise through a contract or a tenancy agreement e.g. a full repairing lease.

This guidance should be read in conjunction with other NURS Hardfacts on asbestos.

### **The New Duties**

The revised Regulations (effective 2006) require Duty Holders to:

- Investigate whether asbestos or ACMs are present
- Check their condition
- Carry out a risk assessment
- Prepare a written plan specifying the measures to be taken to manage the risk
- Inform anyone who might disturb the ACM or who might work on the material of its presence.

It should be noted that the duties do not specifically require that a survey be carried out. However, a survey may be necessary to identify some ACMs or to confirm the full extent of their presence.

Nor do the Regulations require any/all ACMs to be removed. Whilst ACMs in extremely poor condition might need replacing there may be alternative methods of controlling the risk e.g. encapsulation.

### **Hazards of Asbestos**

The hazards of asbestos are well known and its presence in a building makes good management essential. (See Hardfacts 6024).

### **Identifying Asbestos**

Even though types of asbestos are known by their colour, (eg blue, brown and white), they cannot be identified by colour alone. The first step is to identify the materials that may contain asbestos. (See Hardfacts 6024).

### **Condition of the ACM**

The chance of asbestos fibres being released into the air will be increased if the:

- It is located where it could be knocked or bumped
- It is located where it may be worked upon (e.g. where someone may drill holes in it for pipes or cables)
- The surface is breaking up or is damaged or cracked
- The material has become detached from the structure or item it is protecting (e.g. a steel girder or pipe)
- There are signs of dust or debris from the material in the immediate area.

If the ACM is in a poor condition, then it will need to be sealed, enclosed or removed. Some types of work with ACMs must be carried out only by licensed persons and/or be notified to the Health and Safety Executive or Environmental Health Authority.

### **Removal or Repair**

ACMs that are prone to damage or difficult to repair will need to be removed.

ACMs that are in good condition, or can be sealed or protected, should be clearly marked with the asbestos warning sign. Keep a note of their location and mark it on building plans.

Where ACMs are left in place they should be periodically inspected to check on their condition. It may be helpful if to record any materials that have been tested and found not to contain asbestos, in case they are called into question.

## Notifying Workers and Contractors

It is important that any employees and contractors who are involved with building maintenance are informed of the location of ACMs. They must be made aware of the risk to health and be told that they must not disturb ACMs.

In addition to informing them of the location of the known ACMs, they should know what sorts of materials that contain asbestos and the need to inform a responsible person if they inadvertently discover any materials that may contain asbestos.

## Disposal of Asbestos

Asbestos waste (that is any material containing more than 0.1% asbestos) is covered by the environmental legislation Special Waste Regulations 1996. It should be double wrapped in heavy-duty polythene bags and clearly labelled before it is transported to a disposal site. It can only be disposed of at a site that is licensed to take hazardous waste.

## Key Action Steps

- Identify materials that may contain asbestos on site
- Arrange for samples to be taken to identify if (and what type of) asbestos is present using a UKAS accredited laboratory
- Decide whether the ACM should be removed or sealed, taking into consideration its location and condition
- Arrange for the ACM to be removed or sealed using a licensed contractor
- Mark any ACMs remaining on site with the asbestos label and keep a register
- Inform employees and contractors of its location and ensure they do not disturb it
- Regularly check the condition of the ACM by inspection

## Note

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

## 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](http://www.hse.gov.uk/manageasbestos.pdf)

Priced Publications: from HSE Books on 01787 881165 or [www.hsebooks.co.uk](http://www.hsebooks.co.uk).

Free Publications: [www.hse.gov.uk](http://www.hse.gov.uk)

HSE Asbestos Home page

[www.hse.gov.uk/asbestos/index.htm](http://www.hse.gov.uk/asbestos/index.htm)

HSE Asbestos Essentials

[www.hse.gov.uk/asbestos/essentials/index.htm](http://www.hse.gov.uk/asbestos/essentials/index.htm)

## Hardfacts:

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

6024: Asbestos in Buildings

6028: Asbestos Management: Control of Asbestos Regulations

Available from HSE Books on 01787 881165 or The Stationery Office.

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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](http://www.nu-riskservices.co.uk)

Hardfacts information sheets are designed to give general information on risk management topics. Readers should take specific advice when dealing with particular situations.

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