

Asbestos

Health & Safety Briefing No. 40

February 2015



Did you know that....

A set of regulations “The Control of Asbestos Regulations 2012 (Statutory Instrument 2012 No. 632)” came into force on 6th April 2012. The Regulations bring together the four previous sets of Regulations covering the prohibition of asbestos, the control of asbestos at work, and asbestos licensing. The regulations:

- Continue to prohibit the importation, supply and use of all forms of asbestos.
- Continue the ban the second-hand use of asbestos products such as asbestos cement sheets and asbestos boards and tiles.
- Include the ‘duty to manage asbestos’ in non-domestic premises.

The ban on asbestos only applies to new use of asbestos. Existing asbestos containing materials that are in good condition may be left in place. However under the duty to manage asbestos their condition must be monitored and managed to ensure that the materials are not disturbed. Further advice on managing asbestos can be found in “Managing and Working with Asbestos - Approved Code of Practice and Guidance (Control of Asbestos Regulations 2012)” HSE Books L143, ISBN 978 0 7176 6618 8: <http://www.hse.gov.uk/pubns/priced/L143.pdf>.

The Regulations require mandatory training for anyone liable to be exposed to asbestos fibres at work. This includes maintenance workers and others who may come into contact with or who may disturb asbestos (e.g. cable installers) as well as those involved in asbestos removal work.

What is Asbestos?

Asbestos is a naturally occurring mineral, which because of its various useful properties - typically thermal insulation, fire resistance, electrical insulation and high tensile strength - has been in large scale use for about 150 years.

It is a fibrous silicate, of which there are three common types,

- Crocidolite - “blue” asbestos.
- Amosite - “brown” asbestos.
- Chrysotile - “white” asbestos.

However, these colours relate to the material in its raw state and will not normally show up once it is mixed with other materials.

Why is it dangerous?

Undamaged and left undisturbed, asbestos poses no risk to health. However when it is disturbed / damaged, it can release very small respirable fibres which are not visible to the naked eye, and if inhaled these fibres can reach the innermost parts of the lungs, where they lodge. After a “latent period” of many years they can cause fatal diseases.

The most well known are:

- Asbestosis - a progressive scarring of the lungs which results in loss of lung function and is usually fatal eventually.
- Lung Cancer.
- Mesothelioma - a cancer of the lining around the lungs, which is always fatal and generally associated with the so-called blue and brown varieties.

Where is it found?

The short answer is almost anywhere!

Asbestos Containing Materials - ACM's for short - can be found in sprayed coatings used for the fire protection of structural steelwork, fire resisting boarding, thermal insulation (lagging of steam boilers and pipes), asbestos cement rainwater goods, asbestos cement roofing sheets, thermoplastic floor tiles and “artex” ceiling finishes - to quote a few of the more common examples. It is also found in old electrical equipment, for example Sindanyo panels on which some switchgear is mounted - arc chutes in switchgear, asbestos cloth in the base of some fuse carriers etc.

Why is Asbestos still a problem?

There are many thousands of tonnes of the material still distributed throughout many thousands of buildings. Although previous legislation has sought to deal with asbestos in controlled operations e.g. manufacturing locations, stripping etc, there has been little protection for people who might come across the material accidentally and unknowingly in the course of their normal work.

Such people can include:

- Maintenance staff
- Heating and Ventilating Engineers
- Building trades workers
- Telecommunications and IT installers
- Plumbers and Electricians
- Carpenters and Joiners
- Fire and Burglar Alarm installers

Their exposure arises, for example, from drilling through ACM's to make access holes for cables, removing panels of ACM's, replacing damaged asbestos cement products, working on heating installations with asbestos lagging, etc.

All these people are faced with the common problem that when working on someone else's premises, they are not aware of the presence of ACM's.

The Legal Duty

All of the Regulations regarding the use and management of asbestos are contained within the "Control of Asbestos at Work Regulations 2012".

The duty to manage asbestos is still imposed on the person in control of the premises and includes requirements to:

1. Identify whether or not their building contains any asbestos (with the presumption that any material which might be asbestos is, unless it is proved otherwise).
2. Undertake a risk assessment.
3. Produce, implement and regularly review a written action plan with appropriate control measures.
4. Communicate the plan etc to those who need to know e.g. visiting contractors, staff, etc.

The Regulations require mandatory training for anyone liable to be exposed to asbestos fibres at work (Regulation 10). This includes maintenance workers and others who may come into contact with or who may disturb asbestos (e.g. cable installers) as well as those involved in asbestos removal work.

Most asbestos removal work must be undertaken by a licensed contractor but any decision on whether particular work is licensable is based on risk.

Although you may not need a licence to carry out a particular job, you still need to comply with the rest of the requirements of the Asbestos Regulations.

Under the "Control of Asbestos Regulations 2012", there are three categories of work with asbestos:

- Licensable work
- Notifiable non-licensed work
- Non-notifiable work

You must refer to the Regulations for details of the exemptions to undertaking non-licensed work with asbestos, and the legal requirements for carrying out such work.

When work with asbestos or work which may damage or disturb asbestos is being carried out, the Asbestos Regulations require employers and the self-employed to prevent exposure to asbestos fibres. Where this is not reasonably practicable, they must make sure that exposure is kept as low as reasonably practicable by measures other than the use of respiratory protective equipment. The spread of asbestos must be prevented. The Regulations specify the work methods and controls that should be used to prevent exposure and spread.

Under the Asbestos Regulations, anyone carrying out work on asbestos insulation, asbestos coating or asbestos insulating board (AIB) must hold a licence issued by HSE unless they meet one of the exemptions specified in the Regulations.

NB the above is a very brief paraphrased synopsis only. It is recommended that you visit the HSE's web site for more detailed guidance:

- <http://www.hse.gov.uk/asbestos/regulations.htm>

What to do now

The Health and Safety Executive has gone to great lengths to promulgate the regulations and the duties imposed by them, by producing a collection of excellent guidance materials.

Persons in control of premises and others with an interest in this subject should visit the HSE's Asbestos Website:

- <http://www.hse.gov.uk/asbestos/index.htm>

This website provides a vast amount of up to date information on the subject as well as useful links and details of all the official guidance literature. The HSE has produced a useful Task Manual entitled Asbestos Essentials (HSG210), which is targeted at the building maintenance and allied trades. It gives advice on where asbestos may be found and how to protect yourself when working.

Asbestos actions

1. If you suspect the presence of asbestos materials in the workplace, you or others must take action. If in doubt assume that the material contains asbestos.
2. The regulations state that you must have a licence to work with asbestos materials in a work environment. This includes removal.
3. Exemption from this rule is given for infrequent short periods of work on asbestos materials (e.g. drilling a hole in an insulating board) but special precautions must be taken. The frequency and length of such activities is set out in the legislation.
4. All asbestos work (except exempted work) must be formally notified to the HSE before work commences.
5. Asbestos materials must be disposed of to an asbestos licensed waste site. You can find your nearest site from your Local Authority.
6. It is not normally worthwhile for a company to obtain an asbestos licence. It is often more cost effective to employ a licensed asbestos contractor, who should be able to set up the correct methods and monitoring, notify the HSE, carry out the work safely and dispose of the material correctly.
7. Asbestos materials do not necessarily have to be removed from the work environment. They can be left in place and if necessary painted, dependent upon condition, location and asbestos type. Such material must be managed (logged, monitored, identified etc.). Expert advice should be sought.

This list is not exhaustive. It is recommended that expert advice be sought regarding any activity involving suspected/proved asbestos materials. Information and assistance is available from the Health and Safety Executive, talk to your local HSE office or contact the HSE:

- <http://www.hse.gov.uk/contact/index.htm>

These Briefings contain a summary of recent Health & Safety issues, provided for general information purposes only, and should not be relied upon as legal advice. The IET has tried to make the Briefings accurate and informative, but they have not been prepared by a lawyer and may not constitute an up-to-date summary of the law. The IET accepts no liability for your use of these Briefings. Further details and information on broader Health & Safety issues can be obtained from the Government's Health and Safety Executive. Legal advice should be obtained on any specific issues.



For further information about the IET's Health and Safety Policy Advisory Group only, please contact:

Health and Safety Policy Advisory Group Secretary
Policy Department
IET,
Michael Faraday House,
Six Hills Way,
Stevenage.
SG1 2AY
01438 765690
email: policy@theiet.org
www.theiet.org/policy
www.theiet.org/factfiles/

© The IET 2015

The Institution of Engineering and Technology is registered as a Charity in England & Wales (no 211014) and Scotland (no SC038698).



This content can contribute towards your Continuing Professional Development (CPD) as part of the IET's CPD Monitoring Scheme.
<http://www.theiet.org/cpd>