

# Asbestos Policy for Corporate Property and Commercial Assets including Housing Stock

## ***Version Control***

Title: Asbestos Management Policy

Purpose: Compliance with health and safety legislation

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Date: March 2020

Version Number: 5.1

Status: Draft

Review Frequency: at least every 3 years

Next review date: March 2023

Consultation:

This document has obtained the necessary approvals:

<b>Who</b>	<b>Date</b>	<b>Version Approved</b>
Leadership Team		5.1
Health and Safety Committee		5.1
Cabinet	260320	5.1

# Asbestos Policy

## 1. Introduction

This policy document refers to the Council's arrangements for managing the risks of exposure to asbestos by employees and non-employees within its activities.

**Staff involved with maintenance and survey of buildings, supervising such work, or issuing contracts should fully familiarise themselves with the contents of this document.**

Asbestos was widely used as a building material for many years, particularly between the periods 1950–1980 and can be found in a wide variety of forms, being used in all aspects of the construction process. The use of asbestos products for construction materials is severely restricted today, due to the long-term legacy of illness associated with exposure to the product.

There are six types of asbestos, the main types being:

- white asbestos (chrysotile);
- brown asbestos (amosite);
- blue asbestos (crocidolite).

All types of asbestos are considered dangerous and stringent control limits are set for personal exposure (0.1 fibres per cubic centimetre averaged over a continuous period of 4 hours).

There are a number of problems associated with exposure to asbestos namely:

- asbestos fibres are not detectable to the naked eye;
- the health effects of exposure can be fatal;
- the onset of symptoms is often delayed for decades after exposure;
- there is widespread public concern over exposure;
- asbestos was widely used in the construction industry and will be found in many pre-2000 buildings;
- it is not possible to determine that a material contains asbestos by visual examination;
- by law - exposure has to be rigorously controlled and monitored.

It is not possible to identify asbestos by its colour as the age of the product and its combination with other products can alter the appearance.

Approximately 5,000 people die each year from asbestos-related diseases and this number is increasing year on year. Many of these deaths are from working in high risk industries many years ago with the emphasis now being on the maintenance trade. There are now much more stringent controls over the management of asbestos in the workplace to ensure that its presence is identified and an appropriate management plan put into place to prevent exposure.

The legislation relating to the control of asbestos in the workplace is extensive and is supported by Approved Codes of Practice and HSE Guidance Notes. This policy provides a general overview of how to manage asbestos in the workplace but does not provide guidance as to the safe treatment or removal of asbestos due to the specialist nature of the work and its applicability to a minority of employers, who by

the very nature of their business have to be fully aware of the legislative requirements. There are two types of contractor, licenced and unlicensed. We have operatives who are task trained to carry out unlicensed works and often ask external contractors to do the same, even if they are unlicensed. We would not ask an unlicensed contractor to carry out licenced work. These employers must be licensed by the Health and Safety Executive to work with asbestos. Mid Devon District Council is not licensed and must therefore employ external properly licensed contractors where required by law (see section 7).

Asbestos only cause's problems when fibres are released into the atmosphere, such as when it is being worked on, disturbed by nearby maintenance work, or where the material is friable and may suffer abrasion or there are strong air currents. If the asbestos is in a good condition and protected against damage, the danger will be negligible unless the material is being worked on. It should be noted that potentially more problems can be caused by removing sound and protected asbestos than by leaving it in place so, if depending on risk assessment the risk is considered to be low, it is best left undisturbed.

The supply and use of asbestos and asbestos-containing products is prohibited (except for a limited number of specified uses). Asbestos-containing products in use before 1 January 1986 (blue and brown asbestos), 1 January 1993 (other forms of asbestos except white asbestos) and 24 November 1999 (white asbestos) were permitted to be used, but their replacement must be of an asbestos-free material. Once an asbestos material has been removed arrangements must be made for its safe disposal.

## **2. Responsibilities**

Mid Devon District Council's policy on asbestos must ensure that type, condition and identified locations of asbestos are recorded and that this information is given to those persons who require it to protect not only themselves but others around them. The 'duty to manage non-domestic premises' requirement under Regulation 4 of the Control of Asbestos Regulations 2012 will apply.

The structure for delivering the "Duty to Manage" requirement is as follows;

### **The Council and the Chief Executive**

The Council is the employer with legal responsibility for health and safety and is the duty holder. Through delegation the Chief Executive has overall responsibility for health and safety including the duty to manage Asbestos. Both must support this policy to manage Asbestos by ensuring the allocation of resources including an adequate budget, suitable and sufficient equipment, personnel, time and training. Ultimately it is the Council fixed with legal responsibility.

### **Director of Finances, Assets and Resources – Strategic Lead**

The Strategic Lead has a responsibility to support this policy by ensuring the allocation of resources including an adequate budget, suitable and sufficient equipment, personnel, time and training.

The safe management and operation of Sites and Properties activities, including consideration of asbestos issues and compliance with the Asbestos Management Plan within the operational and investment estate.

Devolving the principal functions of Asbestos management to the Responsible Person for maintenance, projects and estates management.

### **Group Manager for Corporate Property and Commercial – Responsible Person**

Maintain an Asbestos Register identifying the locations and types of asbestos that are within the Council's control.

Make a point of checking the relevant Asbestos Register at the point where works are planned.

Ensure that adequate resources are made available to enable the arrangements to be implemented. Arrangements include management surveys by competent persons, analysis and removal by a specialist licensed contractors.

Carry out a risk assessment for all non-license work to confirm if the work is notifiable to the HSE using form ASBNNLW1 form Prepare and revise as necessary the arrangements for managing work involving non licenced asbestos and appoint competent contractors to carry out said work. (see section 5)

Ensure licensed works involving asbestos are carried out by competent contractors who are licensed with the HSE Asbestos Licencing Unit and that the work is notified to the HSE using the FODASB5 notification form (see [www.hse.gov.uk](http://www.hse.gov.uk)).

Ensure that where specialist technical expertise in relation to asbestos is not available within the Service, suitable arrangements are made to obtain this information as required.

Ensure that employees or relevant contractors are provided with all the appropriate information, instruction and training on work being undertaken in areas containing anything suspected of containing asbestos.

### **3. Health Effects of Asbestos**

There are three main types of serious health risks associated with exposure to asbestos fibres:

***Asbestosis*** – chronic obstructive lung disease.

***Lung cancer*** – a fatal lung disease.

***Mesothelioma*** – a fatal cancer of the outer lining of the lung and the peritoneum specific to asbestos exposure.

It is recognised that the largest group of workers at risk from asbestos exposure are workers involved in the repair and maintenance, refurbishment and demolition of buildings, including electricians, plumbers, joiners, and computer and telecommunication engineers – people who may encounter asbestos during their normal day to day work activities.

## 4. Legislation

The legislation relating to the management of asbestos in the workplace can primarily be found in:

- Health and Safety at Work etc. Act 1974 (general duties on employers and management of premises);  
The general provisions of the 1974 Act are applicable to the management of asbestos in the workplace, particularly s 2 (duty towards employees), s 3 (duty to non-employees) and s 4 (duty of person having control of premises).
- Management of Health and Safety at Work Regulations 1999;  
The Management Regulations require employers to undertake risk assessments of the risks to health and safety arising out of, or in connection with, their business.  
Duties are also placed in respect of co-operation and co-ordination where persons are sharing a workplace.
- Workplace (Health, Safety and Welfare) Regulations 1992;  
These Regulations place requirements on employers to maintain their buildings so as not to cause a risk to health and safety.
- Construction (Design and Management) Regulations 2015;  
These Regulations require clients to provide pre-construction information to persons carrying out construction work. Such information would include the results of any asbestos surveys undertaken in the premises. There is also a requirement to ensure that the 'health and safety file' is prepared and maintained for future reference.
- Defective Premises Act 1972;  
The Act places a duty on landlords to ensure that tenants and other persons are safe (so far as is reasonable) from personal injury or disease that results from the defective state of the premises.
- Control of Asbestos Regulations 2012.  
The Regulations set out the duties relating to exposure to asbestos and its correct management. The Regulations include:
  - management in non-domestic premises (Reg 4);
  - identification of the presence of asbestos (Reg 5);
  - assessment of work that exposes employees to asbestos (Reg 6);
  - plans of work (Reg 7);
  - licensing of work with asbestos (Reg 8);
  - notification of work with asbestos (Reg 9);
  - information, instruction and training (Reg 10);
  - prevention or reduction of exposure to asbestos (Reg 11);
  - use of control measures (Reg 12);
  - maintenance of control measures (Reg 13);
  - provision and cleaning of protective clothing (Reg 14);
  - arrangements to deal with accidents, incidents and emergencies (Reg 15);
  - duty to prevent or reduce the spread of asbestos

- (Reg 16);
- cleanliness of premises and plant (Reg 17);
- designated area (Reg 18);
- air monitoring (Reg 19);
- standards for air testing and site clearance certification (Reg 20);
- standards for analysis (Reg 21);
- health records and medical surveillance (Reg 22);
- washing and changing facilities (Reg 23);
- storage, distribution and labelling of raw asbestos and asbestos waste (Reg 24);
- labelling of products containing asbestos (Reg 27);

There are no specific laws or regulations regarding asbestos in domestic properties other than in respect of the common parts which are covered under the same legislation as commercial properties. The Council has a responsibility as Landlord in respect of the state of repair of its housing stock although the presence of asbestos in a property does not in itself constitute disrepair. There may be a need for repair or removal if the asbestos containing material is damaged or deteriorates. A Landlord's obligations in respect of asbestos in residential properties arise under the following legislation:-

- Housing Act 2004
- Environmental Protection Act 1990
- Landlord and Tenant Act `1985
- Defective Premises act 1972

## **5. Asbestos Licensing**

The 2012 regulations prohibit anyone from carrying out work with high risk asbestos e.g. insulation, asbestos coating or asbestos insulating board unless they hold a licence granted by the HSE (Health & Safety Executive). Therefore the Council's own services can only carry out work on non-licensed asbestos.

To be exempt from needing a licence the work must be:

- Sporadic and low intensity - to be considered sporadic and low intensity the concentration of asbestos in the air should not exceed 0.6f/cm<sup>3</sup> measured over 10 minutes; and
- Carried out in such a way that the exposure of workers to asbestos will not exceed the legal control limit of 0.1 asbestos fibres per cubic centimetre of air (0.1 f/cm<sup>3</sup>); and
- Meet at least one of four other conditions:
  - It is a short non-continuous maintenance task, with only non-friable materials (friability describes how likely asbestos containing material is to release asbestos fibres when worked on, so non-friable materials will only release a small number of fibres during work); or if it is a removal

task, where the asbestos containing material is in reasonable condition and are not being deliberately broken up, and the asbestos fibres are firmly contained within a matrix, e.g. the asbestos is coated, covered or contained within another material, such as cement, paint or plastic; or

- It is a task where the asbestos containing material(s) are in good condition and are being sealed or encapsulated to ensure they are not easily damaged in the future; or
- It is an air monitoring and control task to check fibre concentrations in the air, or it's the collection and analysis of asbestos samples to confirm the presence of asbestos in a material.

## **6. Notification of Non-licensed asbestos work (NNLW)**

The Control of Asbestos Regulations 2012 introduced the following requirements:

- Notification of certain types of relatively low-risk work on that does asbestos containing material not require the use of a licensed contractor. This notification is on-line here <https://extranet.hse.gov.uk/lfserver/external/asbnnlw1>
- Medical examination of those persons carrying out the work every 3 years (or shorter if advised by a doctor) while the employee continues to do NNLW
- Maintaining registers of work (health records)

Whether a type of asbestos work is either licensable, NNLW or non-licensed work has to be determined in each case and will depend on the type of work that is going to be carried out, the type of material being worked on, and its condition. The identification of the type of asbestos-containing material to be worked on and an assessment of its condition are important parts of the risk assessment that must be carried out before the work commences.

Work which does not usually require a licence includes:

- Small, short duration maintenance tasks where the control limits will not be exceeded
- Removing textured decorative coatings by any suitable dust-reducing method
- Cleaning up small quantities of loose/fine debris containing asbestos containing material dust (where the work is sporadic and of low intensity, the control limit will not be exceeded and it is short duration work)
- Work on asbestos cement products or other materials containing asbestos (such as paints, bitumen, resins, rubber, etc.) where the fibres are bound in a matrix which prevents most of them being released (this includes, typically, aged/weathered AC)
- Work associated with collecting and analysing samples to identify the presence of asbestos

See decision flow chart below.

## **7. Policy Application**

The following arrangements consist of a series of procedures which are intended to safeguard persons who may encounter the possibility of discovering asbestos in the course of their work and to ensure the safety of any premises occupants who may be

affected by any associated works which may involve the disturbance of asbestos containing materials.

The Council will follow the same arrangements in respect of its housing stock as its commercial properties in order to protect its tenants and will ensure that it complies with its legal responsibilities as a Landlord of all Council assets including leisure centres and residential properties.

All reasonable practicable steps will be taken to ensure that Council employees, tenants, customers/visitors (e.g. leisure centre users) and contractors working on behalf of the Council will not be exposed to hazards associated with materials containing asbestos.

## **8. Asbestos Surveys**

The Health and Safety Executive (HSE) publication HSG264 Asbestos: The Survey Guide sets out how to survey workplace premises for asbestos containing materials and how to record the results in a usable form. A decision needs to be taken at an early stage as to whether to carry out a management or refurbishment/demolition survey – or a mixture of the two.

### **Management Survey:**

Seen as a standard survey (previously known as Type 1 and 2 asbestos surveys, type 3 was the demolition survey) – these are concerned with the risk management of asbestos in normal occupation and will be less expensive, intrusive and disruptive than the alternative. The emphasis is on identifying asbestos containing material as far as is reasonably practicable and assessing the potential for fibre release during normal occupancy of the building and the activities carried out there – including during routine maintenance and repair e.g. redecoration.

### **Refurbishment and Demolition Survey:**

Where major refurbishment or demolition is planned, this is an intrusive examination of the building including sampling to identify and control the risks of asbestos release. Refurbishment can include projects where plant is removed from a building.

A systematic programme of surveying all Council owned domestic and corporate properties has been undertaken and as these are reviewed they will be brought into line with the current guidance HSG264.

## **9. Asbestos Register**

Data collected on site has been inputted onto the corporate Asbestos Register. The register will be updated as and when required

The information includes:

- Property information;
- Inspection method;
- Surveyor's detail;
- Site plans;
- Material detail;
- Sample analysis results;



- Material assessment;
- Priority assessment;
- Risk rating;
- Management recommendations

## 10. Material Assessment

The condition of each asbestos element identified on site is assessed using the material assessment algorithm as defined in the HSE publication HSG264.

The assessment will depend on four different parameters:

- Product type
- Extent of damage
- Surface treatment
- Asbestos type

## 11. Assessment Score and Register

The total score of material assessment and priority assessment gives the risk rating which is high, medium, low, or very low.

This is used to determine the management actions necessary for ensuring safety.

- High - urgent action required
- Medium - remedial works required
- Low/very low - manage/maintain

All the information collected during the asbestos surveys will be recorded in the Asbestos Register.

The Asbestos Register of Council owned by the Group Manager Corporate Properties and Commercial and will be maintained in the Integrator software system.

Access to the Register will also be made available to property managers, Building Maintenance staff and contractors working on the property.

The public utility services, the fire brigade and others whose presence may expose them to possible risk from asbestos will have access to the council asbestos register as appropriate.

## 12. Information for Contractors

All officers with the responsibility for issuing works orders will ensure that prior to the works commencing the asbestos register is consulted and the existence of asbestos is brought to the attention of the contractors in writing, clearly identifying areas which are known/presumed to have asbestos containing materials. In addition a **“Permit to Work”** will be issued to all contractors prior to commencement of both licensed and non-licensed work activities.

Where contractors arrive on site, they must be under instruction to report their presence and identify the tasks that they are to carry out to the responsible property officer. At this point the Asbestos Register located at the Old Road or Phoenix House

must be accessed and the premises must be checked to confirm either way the information previously issued by the ordering officer.

Should the contractors discover any variances to the information contained in the asbestos register, this must be reported to the Manager responsible for Asbestos management to enable him to update the Register.

### **13. Asbestos Licensed Contractors**

A system of vetting and appointing suitable applicants for inclusion on the Council's standing list of asbestos contractors is operated. Contractors carrying out work on behalf of the Council are subject to performance monitoring and recording.

Only contractors who have been vetted and approved by the Group Manager Corporate Properties and Commercial shall be eligible to tender for asbestos work. These contractors will be reviewed every five years.

The Group Manager Corporate Properties and Commercial shall ensure that prior to any asbestos removal works being undertaken, the appointed contractors provide all relevant documentation required for works with asbestos.

This shall include:

- ASB5 notification form and plan of work
- Copy of their Asbestos Licence
- Company insurance document
- Company Health and Safety policy
- CDM Health and Safety plan as notified to the HSE
- Training records
- Medical Certificates
- RPE face fit test certificates
- Plant examination and test certificates
- Permit to work
- COSHH data
- Waste disposal arrangements

Documentation required on completion of the removal works shall include:

- Site diary
- Site induction records
- Daily enclosure and air lock inspection records
- Daily negative pressure units and vacuum inspection records
- Respirator inspection records
- Daily decontamination unit inspection records
- Operative showering records
- Working platform inspections
- Air monitoring and clearance certificates
- Personal air monitoring records
- Asbestos exposure records
- Waste consignment notes

### **14. Disposal of Asbestos Waste**

The contractor used for the disposal of asbestos must be licensed for this by the Environment Agency.

All asbestos containing material shall be disposed of by double wrapping in labelled 1000 gauge polythene sheeting or bags, and transported by a licensed carrier to a landfill site correctly licensed to receive asbestos waste.

The disposal of asbestos material shall be the responsibility of the appointed contractor. As such, evidence of appropriate documentation for the consignment and disposal of asbestos waste shall be required prior to payment.

### **15. Disposal of Fly-Tipped waste containing Asbestos**

The Council (Group Manager Open Spaces and Waste Services) will be responsible for arranging for the removal of fly-tipped waste, which is suspected of containing asbestos. Where large amounts of fly-tipped waste (which is suspected of containing asbestos) are reported, the Environment Agency should be consulted on the collection and disposal methods to be used. A contractor appropriately licensed for the collection of this waste will be used and the costs of this re-claimed from the offender where possible.

### **16. Training**

All staff who may encounter asbestos during the course of their work shall be given the necessary training to be able to identify the situations in which asbestos may be present, to be able to recognise asbestos or similar suspect materials and to set out safe working practice to minimise risks to health and safety.

Persons in charge of buildings will be provided with appropriate training and information regarding accessing information from the Asbestos Register.

Surveyors will hold the BOHS Proficiency Module P402: 'Building surveys and bulk sampling for asbestos' qualification.

Induction training will be provided to all new staff falling into these groups.

### **17. Advice**

The Group Manager for Corporate Property and Commercial is responsible for Asbestos management, Group Manager for Public Health and Regulatory Services can be contacted for advice relating to management of materials suspected of containing Asbestos. If in doubt the rule is to leave it alone until risk assessed by a competent person.

If during the course of normal work practices suspected asbestos-containing material is encountered, the following procedures should be followed:

### **18. Contractors / Employees**

## Action to take on the disturbance of asbestos containing materials:

1. **STOP ANY WORK**, remove and keep all persons out of the area. Where practicable close or seal or lock off the area. Do not remove any equipment or material.
2. Stop other people entering the area e.g. prepare and display a 'potential Asbestos hazard keep out' sign.
3. In the event of possible contamination with asbestos –do not panic; move to a safe area; wet affected clothing/footwear if possible; put on disposable RPE, coveralls and overshoes if available Seek advice from the Corporate H&S Officer.
4. Inform the line manager who will report the discovery to the Group Manager for Corporate Properties and Commercial who will inform the Corporate Health and Safety Officer.
5. The Group Manager for Corporate Properties and Commercial will arrange for the property to be inspected and for any samples or air tests to be taken if required and will keep the premises management and the Corporate Health and Safety Officer informed. Depending on the type and extent of the asbestos contamination - a specialist licensed asbestos contractor will be required to carry out the clean-up.
6. Following laboratory analysis the responsible Group Manager for Corporate Property and Commercial will advise the premises management and the Corporate Health and Safety Officer of the outcome and the proposed action.
7. On completion of any repair or removal work the Group Manager for Corporate Property and Commercial will advise the premises management and the Corporate Health and Safety Officer when the area has been made safe.
8. The Group Manager for Corporate Property and Commercial will ensure that all actions including areas where asbestos has been removed and analytical reports are included in the Asbestos register and advise the premises management and the Corporate Health and Safety Officer. In relation to the accidental exposure to asbestos, the employees' health records health records should be kept by Human Resources for 40 years after the date of any exposure or until the employee reaches the age of 80

For more information on asbestos go to [www.hse.gov.uk/asbestos](http://www.hse.gov.uk/asbestos)

## Decision flow chart

Use this simple flow chart to help you decide who needs to do the work:

