

Relevant Legislation

Health and Safety at Work Act 1974

Control of Asbestos Regulations 2012

Construction (Design and Management) Regulations 2015

Hazardous Waste Regulations 2005

Introduction

The Control of Asbestos Regulations 2012 (CAR) impose strict requirements on all persons involved in the planning, design and delivery of construction projects. A key requirement is to assume that materials within existing buildings contain asbestos unless there is confirmation from a competent person that asbestos is not present.

There are three main types of asbestos still found in premises. These are commonly called 'blue asbestos' (crocidolite), 'brown asbestos' (amosite) and 'white asbestos' (chrysotile). All of them are dangerous, but blue and brown asbestos are more hazardous than white. It is not possible to identify them just by their colour. CAR prohibits the importation, supply and use of all forms of asbestos. They continue the ban introduced for blue and brown asbestos in 1985 and for white asbestos in 1999. They also continue to ban the second-hand use of asbestos products, such as asbestos cement sheets and asbestos boards and tiles; including panels that have been covered with paint or textured plaster containing asbestos.

Breathing in air containing asbestos fibres can lead to asbestos-related diseases, mainly cancers of the lungs and chest lining. Generally, there is no cure for asbestos-related diseases. However, asbestos is only a risk to health if the fibres are released into the air and breathed in. The rate of fatalities arising from historic exposure to asbestos in Great Britain is expected to go on rising for the next ten years. There is usually a long delay between first exposure to asbestos and the onset of disease. This can vary from 15 to 60 years. Only by preventing or minimising exposures will asbestos-related disease be wiped out eventually.

Although it is now illegal to use asbestos in the construction or refurbishment of any premises, many thousands of tonnes of it were used in the past and much of it is still in place. As long as it is in good condition and is not being or going to be disturbed or damaged there is no risk. However, if it is disturbed or damaged, it can become a danger to health, because asbestos fibres are released into the air and people can breathe them in.

Working with Asbestos

When work with asbestos or which may disturb asbestos is being carried out, CAR requires 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. CAR specifies the work methods and controls that should be used to prevent exposure and spread.

Asbestos Removal

Most asbestos removal work must be undertaken by a licensed contractor. Any decision as to whether particular work is licensable is based on the risk and will require the judgement of a competent person. For County Council activities, this decision must be made in consultation with the Asbestos Team in the Property Services Division.

Training

CAR requires 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 it or who may disturb asbestos, as well as those involved in asbestos removal work.

The Duty to Manage Asbestos

CAR imposes a 'duty to manage asbestos' in all non-domestic premises. The duty requires that the County Council ensures that arrangements are in place to manage the risk from asbestos by:

- finding out if there is asbestos in the premises, the amount present and its condition.
- presuming materials contain asbestos, unless there is strong evidence that they do not.
- making and keeping an up-to-date record of the location and condition of the Asbestos Containing Materials (ACMs) or presumed ACMs in the premises.

- assessing the risk from the material, preparing a plan that sets out in detail how the risks from this material will be managed and taking the necessary steps to put such plans into action.
- reviewing and monitoring such plans and the arrangements made to put them in place; and
- providing information on the location and condition of the material to anyone who is liable to work on or disturb it.

The following information is intended to clarify responsibilities and procedures for the management of asbestos material in County Council Buildings.

The procedures described are designed to ensure that:

- building users and contractors are not exposed to respirable asbestos fibre
- the requirements of all relevant legislation are fully complied with
- the County Council or its employees are not subject to criminal prosecution
- asbestos removal is properly planned in order to avoid unnecessary delay or expense.

Asbestos survey reports, together with location plans, are now available for all school buildings, Social Services establishments and most public libraries. These surveys conform to the standards laid down in the 'Methods for the Determination of Hazardous Substances (MDHS) 100' (replaced by HSG 264 in 2010). That standard and its successor give guidance on how to survey workplace premises for asbestos-containing materials and how to record the results. Copies of the surveys have been sent to Headteachers and Officers in Charge. The reports can be viewed on site or reports can be inspected and copies obtained by contacting the Asbestos Manager within the Property Division.

Where a building has not been surveyed, a report must be obtained which satisfies the requirements for the identification of asbestos material present prior to commissioning any work.

Roles and Responsibilities

Responsibility for dealing with asbestos is shared. It is accepted that some flexibility is essential to ensure that each situation is dealt with effectively and speedily. The following guidance is intended as a general guide.

Establishment Managers

These Officers are responsible for:

- ensuring that all staff members are aware of the content of the asbestos report, especially caretakers and other staff involved in building maintenance
- ensuring that a copy of the report is kept in an accessible place within the establishment for reference
- reporting to the Asbestos Team within Property Services any damage to, or deterioration of, asbestos material or material suspected of containing asbestos
- when necessary, warning other users of the building and contractors of the presence of asbestos material
- preventing any unlicensed contractor from carrying out work which may disturb asbestos in buildings
- ensuring that all construction work is planned and managed in line with current County Council policy and procedure, namely 'J1- 'Construction (CDM)' and J2 'Control of Contractors'
- ensuring that access to any area in the building which presents an unacceptable risk due to the presence of asbestos is prevented
- ensuring that they themselves do not organise construction or demolition work unless the Asbestos Manager has provided a suitable Refurbishment/Demolition Survey.

Property Division – Asbestos Management Team (Vega)

Officers within this Team are responsible for:

- maintaining an up-to-date record of asbestos material present in County Council property
- managing the County Council's ongoing programme of asbestos survey and removal by using the principles of risk assessment
- providing advice to others in respect of appropriate methods of dealing with asbestos material in buildings

- Where appropriate, arrange for contractors that are licensed for asbestos removal to be appointed to carry out works which may disturb asbestos materials in accordance with an agreed plan of work which has been assessed by the Asbestos Team
- Upon appointment, arranging for the monitoring of works in connection with sealing, repairing and removing asbestos material, as required by current legislation
- maintaining an on-going programme for monitoring the condition of the asbestos materials within County Council buildings
- arranging, where requested, for appropriate emergency action to be taken when required to remove or encapsulate asbestos material found to be in a hazardous condition
- arranging for all plans of work provided by contractors to be approved by a consultant hygienist before work begins
- arranging all necessary sampling and air testing required during asbestos removal or encapsulation work. Ensuring certificates of reoccupation are kept on file for every removal operation
- following the responsibilities agreed in the Property Services Asbestos Procedure for Construction Activities

Asbestos Manager

This Officer is responsible for:

- providing the *supervising officer with a copy of the asbestos survey report and advising on any necessary removal or encapsulation of asbestos material
- advising the supervising officer of the suitability of the asbestos survey report for the work to be undertaken. This may mean requesting that an additional invasive survey is carried out before work commences on behalf of the client
- arranging for the safe removal or encapsulation by licensed contractors of any asbestos material that may be disturbed or damaged by scheduled or non-scheduled works
- recording this exchange of information on the asbestos correspondence file (Scan File)

- appointing an independent consultant hygienist to monitor works and carry out air tests.
- ensuring that any release of fibres in excess of control limits is properly dealt with and, when necessary, reported to the Health and Safety Executive
- ensuring that four stage clearance test results are satisfactory before the area of works is reoccupied
- recording all orders placed and test results obtained and updating survey records as required to maintain an accurate record.

Professional and Technical Officers within Property Services

These Officers are responsible for:

- reporting to the Asbestos Manager any asbestos material found to be in potentially hazardous condition
- taking adequate steps to examine thoroughly, the relevant asbestos files which currently exist on County Council Buildings
- complying with the requirements of the Construction (Design and Management) Regulations 2015
- ensuring that all strategic partner organisations which manage construction projects on behalf of the County Council:
 - carry out risk assessments on work which may disturb asbestos.
 - notify the Asbestos Manager, well in advance, of any proposed scheduled or non-scheduled works which may disturb or damage asbestos material so that all appropriate control measures can be properly planned
 - use the services of Vega in all cases without exception where asbestos monitoring is required during the works
- Following the responsibilities agreed in the Property Services Asbestos Procedure for Construction Activities

Licensed Contractor

The licensed contractor is responsible for:

- notifying the Health and Safety Executive, when required, of proposed work involving asbestos material
- providing documentation to the appointed consultant hygienist well before the date that the work is due to start so that the method statement can be assessed and monitoring and air testing can be properly planned and carried out.
- preparing written job-specific risk assessments and method statements for approval by the consultant hygienist before the work begins
- carrying out work with or involving the removal of asbestos material and ensuring at all times that the relevant Regulations and Codes of Practice are strictly complied with
- transporting asbestos waste and other contaminated material to a licensed site and ensuring at all times that relevant Regulations (such as the Hazardous Waste Regulations 2005) and Codes of Practice are strictly complied with
- providing evidence of a valid waste carrier licence and/or waste management licence, and submitting copies of waste consignment (transfer) notes to Property Services
- notifying the Property Services Asbestos Team should any situation arise which may result in contamination of County Council Property or adjacent areas
- adopting a method of removal which minimises any release of fibres.

Consultant Hygienist (appointed by Property Services)

This Officer is responsible for:

- giving approval of the plan of work and method statement submitted by the licensed contractor for general safety purposes
- determining a scheme of monitoring, by examining the plan of work submitted by the licensed contractor, and by site visit if necessary

- submitting a scheme of monitoring to Property Services prior to work commencing
- periodically, or if necessary, carrying out monitoring of the exposure levels within the enclosure to determine if appropriate techniques of removal are being implemented in practice
- carrying out visual inspection, air testing, and analysis, during and following the works
- Reporting results directly to Property Services in the form of written reports and certificates of re-occupation
- monitoring that work is carried out in the manner specified in the method statement
- reporting any deviations that give cause for concern to Property Services.

Asset Management

Officers within this Unit are responsible for:

- ensuring that any properties purchased or leased by the County Council have been appropriately surveyed for asbestos prior to occupation
- ensuring that any properties owned by the County Council and leased to other organisations have been appropriately surveyed for asbestos and that this information is passed to the client for their use. Alternatively, ensuring that contracts clearly state if the tenant is responsible for repair and maintenance, and any surveys.

Emergency Works

- Unforeseen incidents or situations involving asbestos material will generally be dealt with directly by the Asbestos Manager.
- The Asbestos Manager must be notified immediately of any suspect material which is disturbed, damaged or in a friable condition. He/she will respond immediately and under these circumstances will issue instructions directly to licensed contractors in addition to taking sole responsibility for all procedures where appropriate.

- In certain circumstances, other members of Property Division may be appointed to manage certain aspects of the work, in which case written instructions will be issued by the Asbestos Manager clearly setting out the division of responsibility.
- In some cases it will be appropriate to involve the Corporate Health and Safety Team who will notify the Health and Safety Executive of any dangerous occurrence under the requirements of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) and liaise with all interested parties.

*Supervising Officer - Architect, Architectural Assistant, Services Engineer, Building Officer, Land Agent, Building Surveyor, or other suitably qualified person.

Further Information

Copies of Asbestos Survey Reports and further advice or clarification can be obtained from the Asbestos Management Team:

Telephone No: 01670 622305 or 01670 622304

Email: julie.young04@northumberland.gov.uk

Correspondence address:

The Asbestos Manager
Property Services
Commercial and Property Services Group
Northumberland County Council
County Hall
Morpeth
NE61 2EF

Arrangements within Each Directorate

Action	Responsibility
Officers must not commission any work which is likely to disturb asbestos. Any such work will be project managed (on request) by Property Services	All
If, when visiting sites, concerns regarding asbestos are raised then Property Services should be contacted immediately	All
Managers of all premises must ensure that the asbestos survey report is available to contractors before any authorised work proceeds	Manager

Appendix

Asbestos Management Policy Statement - Revised October 2012

1. It must always be assumed that materials within existing buildings contain asbestos unless there is confirmation from a competent person that asbestos is not present. No construction activities must be carried out unless there is an up-to-date management survey of the building in question. Furthermore, in the case of any construction activities which are invasive in nature a relevant refurbishment/demolition survey must be used to determine the nature of the materials being worked on. In all cases the survey must be used to ensure that asbestos material is not disturbed during the work.

In short:

- Where any building refurbishment, demolition or structural alterations is to be undertaken a Refurbishment/Demolition Survey covering that specific part of the building will be required
 - It is possible to undertake minor building works using the management survey providing that the it confirms that the materials being worked on are not asbestos. Almost invariably, the need for invasive work will require a Refurbishment Survey
2. In January 2010 the HSE published HSG 264 - Asbestos: The Survey Guide. This expands on and replaces MDHS 100. The council will continue to prioritise an on-going rolling programme of surveys of those buildings that do not have an MDHS 100 Standard survey. This will be supplemented by a programme of inspections designed to monitor the condition of asbestos remaining in situ, based on a risk evaluation of the asbestos present. As part of the above process, warning labels will be attached to asbestos materials, where appropriate.

The primary method for dealing with asbestos shall be removal. When this is not possible for reasons of practicability then other methods of treatment, detailed below, will be considered:

- Short and long-term repair.
- Encapsulation.
- Isolation of the area.

All work shall be undertaken in strict accordance with the Health and Safety at Work Act, the Control of Asbestos Regulations 2012 and the Health and Safety Executive's Guidance Notes and their amendments.

All surveys for the identification of asbestos in buildings and all testing to determine that a building or area has been satisfactorily cleared of asbestos and is fit for re-occupation shall be carried out by UKAS approved consultants.

3. A licensed asbestos removal contractor shall carry out all removal and disposal of asbestos material. Copies of documentation relating to the safe transfer of the hazardous material to a licensed disposal site shall be kept on the asbestos file for each property (consignment note).
4. When the presence of asbestos is determined in an establishment the Officer in Charge shall be advised in writing of the location and extent of the asbestos material in the building and the hazards.
5. Any officer of the County Council involved in dealing with asbestos will be appropriately trained in the risks associated with this material. They shall also be issued with appropriate personal protective equipment should it be required. Information on the use of personal protective equipment will be provided to all staff members. New members of staff should be given instruction relating to the use of such equipment during their induction.
6. All asbestos removal contractors on the approved list shall be given a copy of this policy document and the associated procedures.